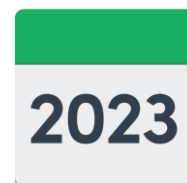


# Convention on the Rights of Persons with Disabilities (CRPD)

## UK Independent Mechanism Seven Years On – Part 2 of 2

### Disabled people's rights to independent living, work and standard of living in the UK



## 114(d): UN Committee recommended that the UK make sure that public budgets plan for disabled people's human rights



There has been some progress on this recommendation but it is still a problem across the UK, especially in Northern Ireland.

### UK and England



The UK Government has:

- given more money to employment support schemes and school places for children with additional support needs and disabilities (SEND) in England
- introduced Universal Support in England and Wales to spend up to £4,000 per person to support disabled people into work
- promised an extra £102 million over 2 years for housing adaptations in England



Many groups and projects no longer get money from EU funds and this affects how much some community services and charities can spend.

## Wales



The Welsh Government:

- has given extra money to services for children and young people with additional learning needs
- publishes Impact Assessments but they should include information about how budget decisions impact different groups
- has given more money for aids and home adaptations for disabled people

Wales used to get the largest share of the UK's regional development funding from the EU.

The UK Government's replacement funding will be £772 million less than EU funding would have been.

## Scotland



Scottish Parliament budget decisions:

- do not plan for human rights
- do not check if the money will cover the extra costs of living with a disability

More money has been spent on social care but the cost of delivering it has gone up.



Local councils have different rules for who can get social care support so there is not equal access across Scotland.

An Audit Scotland report found that Scottish social care is in crisis.

Many people are still waiting for support and people are not happy with the service they get.

## Northern Ireland

The right standards of living and social protection



Northern Ireland has a draft anti-poverty strategy but no work can be done on it because there is no Northern Ireland Executive.



The Northern Ireland budget for 2023-24 has meant money has been cut from many areas that affect disabled people.

Research has found that compared to non-disabled people, disabled people:

- have less money either from work or benefits
- are less able to afford to keep their homes warm
- have had to spend less on food





Many disabled people live in poverty but do not get disability benefits.

Research has shown a link between poverty and stress because of money, and a bigger risk of mental health problems.

## SHRC recommendations



**Public bodies** are organisations that work for the Government and provide public services.

The Scottish Government and **public bodies** should:

- plan for equality and human rights in the way they spend money
- make equality and human rights impact assessments better



## IMNI recommendations



- the Department for Communities should make sure the social security system protects human rights



- the UK Government should have a way to make sure benefits are paid at a level that covers the cost of living

## 14(e): UN Committee recommended that the UK make sure that all information about social security, independent living and employment is fully accessible



There has been some progress on this recommendation but not having enough accessible information is still a problem.

### UK and England



Many public body websites and mobile applications have been tested for accessibility and many problems have been fixed.



The UK Government have a **digital-by-default** programme which means that most information or application forms are only online unless somebody asks for a different format.

Putting the benefits system online makes it harder for people living in poverty, older people, women, people who do not speak English and disabled people.



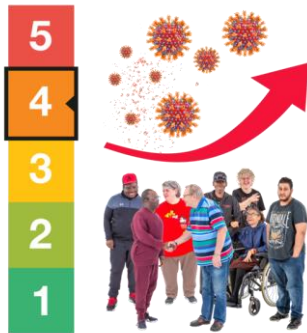
In 2020 the DWP made a legal agreement to make support better for deaf customers including providing British Sign Language interpreters and other reasonable adjustments.



The UK Government has plans to improve the design of application forms, make them accessible online and to have a 'tell us once' service for reasonable adjustment requests.



Accessible information about how to challenge social care decisions is not always publicly available and most people would need to ask for it.



Governments and public bodies did not include accessible communication and reasonable adjustments when sharing health and safety information in the COVID-19 pandemic.

## Wales



There is not much accessible public health information, including online.

A Disability Rights Taskforce was started and will make a Disability Rights Action plan in 2024.

## Scotland



Social Security Scotland plans to tell people about its services in accessible ways.

New accessibility rules began in 2018.



The Scottish Government has a digital-by-default programme for public services.

We do not know enough about the affect this has on disabled people.



Scottish DPOs are worried that accessibility is not good across many services and could stop disabled people getting the support they need.

## Northern Ireland



Organisations looking at poverty and welfare in Northern Ireland have recommended there is:

- more work with deaf and disabled people on how to get information about benefits and support
- accessible information about **self-directed support** – a way to give people more choice and control of their care and support services







- accessible information about **direct payments** – a way for people to choose and buy the services you need yourself, instead of getting them from your Health and Social Care Trust



The rules for Personal Independence Payment (PIP) awards do not protect the human rights of people with poor mental health.

There have been some improvements but many people do not trust the system.



Some people who got Disability Living Allowance and were assessed again for PIP had no disability benefits for over a year.

## IMNI recommendations



The Northern Ireland Executive should do more to tell disabled people about the benefits they are entitled to.

The UK Government and Northern Ireland Executive should make sure there are accessible ways to check if people can get benefits.

## 114(f): The CRPD recommended that the UK make sure there is legal advice and support for disabled people when their human rights are not protected



There has been no progress on this recommendation and it is still true.

### UK and England



**Legal aid** is the money given by the government to cover legal costs for people who cannot afford them.

Many people cannot get legal aid and this has made it more difficult for many reasons including for:

- people dealing with the benefits system
- people challenging decisions over school exclusion or social care



The EHRC has recommended that:

- it run a helpline
- there should be better ways for:
  - legal aid to improve decision-making
  - people to get legal aid



The EHRC is worried that many legal procedures are moving online and this will be difficult for many disabled people.



Many patients kept in hospital under the Mental Health Act:

- do not have their rights explained to them when they are first kept in hospital or at times throughout their treatment
- do not get information in the right way or at the right time throughout their treatment

## Wales



The Welsh Government has given extra money, materials and staff to advice services to try to make up for changes to legal aid made by the UK Government.

Organisations are working together to give general advice and have more specialist advice services.

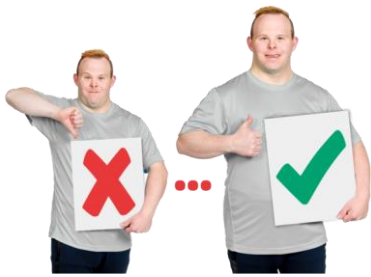
## Scotland



The **justice system** is the police and courts.

Things that stop people getting **justice** include:

- not enough accessible information
- buildings that are not accessible
- not getting legal aid or for it to cover costs for reasonable adjustments



In 2021 the EHRC and the Scottish Legal Aid Board (SLAB) made a legal agreement that SLAB would make their assessment process better.

## Northern Ireland



Deaf and disabled people have reported that it has been very difficult to get good advice about benefits.



ECNI has a duty to give advice to anyone who believes they have experienced **discrimination**, but they do not have enough money to support every case.

**Discrimination** means treating someone unfairly.

## SHRC recommendations



The Scottish Government should make sure people can get legal aid for reasonable adjustments needed to take part in the justice system.

## IMNI recommendations



The Northern Ireland Executive should check:

- the availability of good advice on eligibility for social security benefits to disabled people
- that there is legal advice and support for a disabled person to challenge a benefits assessment

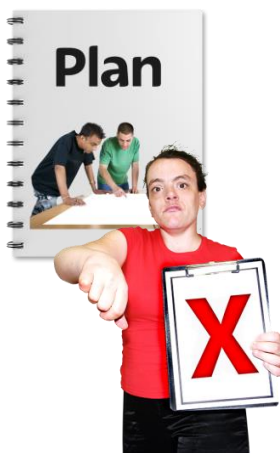


## 114(g): UN Committee recommended asking and listening to disabled people and their organisations



There has been some progress on this recommendation in parts of the UK, and it is still true.

## UK and England



The UK Government made a National Disability Strategy in 2021.

Some disabled people did not think the government properly talked to them about this strategy.



Groups of disability charities work with the UK Government in a forum for discussion.

A new forum for organisations run by disabled people in England has also been set up.

There are no similar ways for Northern Ireland, Scotland or Wales-based DPOs to talk with the UK Government on disability issues.

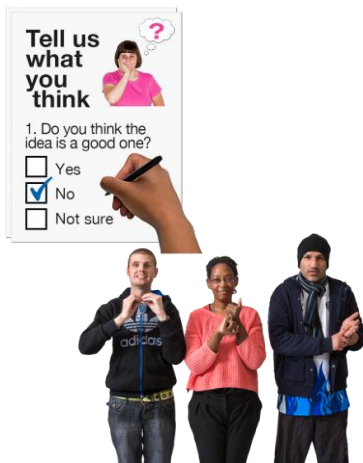
## Wales



The Welsh Government are working with disabled people to make a Disability Rights Action Plan.

Their way of working with disabled people is new and fits with what the CRPD tells government.

## Scotland



The Scottish Government has regular consultations using accessible formats like Easy Read and British Sign Language.

Disabled People's Organisations (DPOs for short) have said that not all consultations are accessible or meaningful.



Several DPOs are funded through national grants but there is no guarantee that this is how the money will be spent. Disabled people are not involved in the budget process.

## Northern Ireland



The Northern Ireland Executive said it will have a disability forum.

This has not happened and there is no disability strategy for Northern Ireland.

## SHRC recommendations



The Scottish Government should:

- make sure there is enough money to develop awareness, and to check human rights progress in devolved policy areas
- say how it will promote human rights as part of:
  - new human rights laws
  - anti-hate awareness campaigns to support the new Hate Crime Act
  - the COVID-19 inquiry



## IMNI recommendations



Disabled people and their organisations should be part of work on the Disability Strategy and it should have the money, materials and staff it needs for the long-term.

## 114(h): Reducing discrimination and negative stereotypes - set ideas about people, that are not true



Not much progress has been made on this recommendation and it is still true.

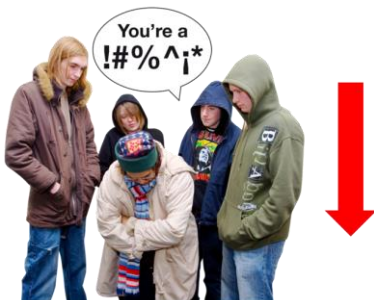
## UK and England



In 2021 the UK Government said it was giving money to schools in England to deal with bullying.

New teachers do not learn about people being bullied because of who they are.

Schools in England do not have to record or report incidents of bullying.



The Crime Survey for England and Wales shows that hate crimes motivated by disability have gone down between 2007 and 2020.



## Wales



Identity-based bullying is not part of teacher training.

Schools in Wales do not have to record or report incidents of bullying.

In 2021 the Hate Hurts Wales campaign raised awareness about hate crime.

## Scotland



The number of hate crimes against disabled people has gone up.

Scottish hate crime law was updated in 2021 and now includes an offence of stirring up hatred against disabled people.



National guidance for the recording and checking of bullying in schools is not yet being used well.



The Scottish Government will make guidance on the use of **restraint** and **seclusion** that protects human rights.

**Restraint** means stopping a person from moving, having freedom or being able to move on their own.

**Seclusion** means moving a person so they are in a space on their own.



Organisations think the Scottish Government's guidance for healthcare settings in the COVID-19 pandemic discriminated against disabled people.

This included how Do Not Attempt Resuscitation (DNR) orders were used.

## Northern Ireland



A research report has shown that disabled people still deal with a lot of prejudice, particularly if they are claiming benefits.

Although schools have to record bullying they do not have to report on this to the Department of Education.



The number of hate crimes against disabled people in Northern Ireland has gone up.

Northern Ireland is reviewing of its Hate Crime Law to see if it works well and has the victim at the centre of work.

## IMNI recommendations



The Northern Ireland Executive should have long term ways to:

- stop disability discrimination and people being judged in a negative way



- help to build acceptance and respect for difference including:

- awareness-raising campaigns and disability awareness in all levels of education



- raising awareness of disability hate crime and developing hate crime laws



- making sure the victim is at the centre when disability hate crime is investigated

**114(i): UN Committee recommended action to think about how disabled people at risk will be affected when policies and programmes begin**



There has been some progress on this recommendation and it is still true.

## UK and England



Disability rights organisations in England think that:

- the **Minimum Income Guarantee** is not enough money to live on

The **minimum income guarantee** is the amount given to cover daily expenses after care costs.

- the £150 disability cost-of-living payment from the UK Government is not enough

More than half of people who get disability benefits are some of the poorest in the UK.



## Wales



Disabled people in Wales face high poverty levels.

The Welsh Government committed to reviewing the Public Sector Equality Duty in Wales to make sure it works better.

## Scotland



The COVID-19 pandemic has pushed more disabled people into poverty.

Benefits do not cover higher living costs.

Scottish councils have a Welfare Fund that gives grants to households in crisis.

## Northern Ireland



Disabled people living on a low income or in poverty often have long waits to get benefits and are more likely to use food banks.

Better facts, figures and information on equality is needed so that better work can be done.



Equality must be at the centre of how progress on commitments made by the Northern Ireland Executive are measured.

## IMNI recommendations



- public bodies in Northern Ireland should check the impact of policies and programmes on disabled people



- all government policies and work should be checked to make sure they treat people equally and facts, figures and information should be collected about this

## 114(j): UN Committee recommended that the UK set up ways to check the impact of their policies on disabled people

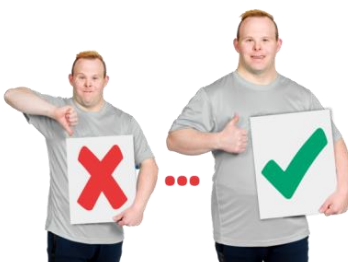


There has been no progress on this recommendation and it is still true.

## UK and England



The Disability Unit in the UK Government makes sure disabled people's rights are included in Government policy.



The EHRC wants the UK Government to have a better way to check human rights are being protected.

## Wales



The Welsh Government has a Disability Disparity Unit that supports them to understand the inequalities disabled people experience across Wales.

## Scotland



The Scottish Government's commitment to put human rights treaties into Scots law needs a way to check and report if this is working well.

Work on this has stopped because work on the pandemic and cost of living has been more important.

## Northern Ireland



There is no disability strategy in Northern Ireland so discussions on the use of human rights-based indicators in NI have not happened.

## IMNI recommendations



The Northern Ireland Executive should publish a Disability Strategy that protects disabled people's rights.

Progress on actions in the Strategy should be measured.

## 114(k): UN Committee asked the UK to respond to their inquiry



There has been some progress on this recommendation.

### UK Government



The UK Government has written back to the CRPD Committee about their recommendations but has not widely shared the inquiry findings.

### Scotland



No work has been done to share the findings of the 2016 inquiry.

The Scottish Government has said they will include the CRPD in Scots law.

This is supported by disabled people's organisations.

### Northern Ireland



The Northern Ireland Executive has not shared the findings of the 2016 inquiry.

Support is growing for the UNCRPD to be included in the law of Northern Ireland.