

DOTCOM: The Disability Online Tool of the Commission

United Kingdom

A. UN Convention status

A1. Ratification or conclusion of the UN Convention

The UK government signed the Convention on the Rights of Persons with Disabilities on 30 February 2007 and ratified it on 8 June 2009.

Links

Explanatory Memorandum on the United Nations Convention on the Rights of Persons with Disabilities Command Paper Number: CM 7564

<https://www.gov.uk/government/publications/convention-on-the-rights-of-persons-with-disabilities--2>

Convention on the Rights of Persons with Disabilities (State Parties ratifications)

https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&lang=en

A2. Ratification or accession to the Optional Protocol

The United Kingdom signed the Optional Protocol on 26 February 2009 and ratified it on the 7 August 2009.

Links

Optional Protocol to the Convention on the Rights of Persons with Disabilities CM 7644

<https://www.gov.uk/government/publications/optional-protocol-to-the-convention-on-the-rights-of-persons-with-disabilities>

A3. Declarations, Reservations and Objections

The UK entered Reservations against Article 27 (concerning equal treatment obligations for employment and occupation in the armed forces); Article 24(2) (reserving the right to educate disabled children 'outside their local community where more appropriate educational provision is available elsewhere' and recognising parental preference); and Article 18 (reserving the right to regulate the entry into, staying in and departure from the UK of people without a right to enter or remain in the country). It also entered a Declaration against Article 24(2) asserting that it understands Article 24 to permit 'the General Education System' to include 'mainstream and special schools'.

Links

United Nations Treaty Collection, Status of Treaties, Convention on the Rights of Persons with Disabilities

https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en#EndDec

A4. Comprehensive review

A Comprehensive Review of legislation was not published prior to submission of the initial report (which was assumed to set out how the rights are protected in legislation and policy).

A5. Focal point

The Office for Disability Issues (ODI) is the focal point in the UK government for implementation of the Convention. The ODI is a cross-government organisation based within the Department for Work and Pensions in England and the responsibility of the Minister for Work and Pensions. The ODI must, however, work with the devolved governments. The Equality Unit in Scotland, the Executive Office in Northern Ireland and the Equality, Diversity and Inclusion Division in Wales are the focal points for devolved matters.

Links

Office for Disability Issues: UN Convention on the Rights of Disabled People

<http://odi.dwp.gov.uk/disabled-people-and-legislation/un-convention-on-the-rights-of-disabled-people.php>

Scottish Government Local Government and Communities Directorate

<https://www.gov.scot/policies/disabled-people/uncrpd/>

Executive Office, Northern Ireland

<https://www.executiveoffice-ni.gov.uk/about-department-0>

Equality, Diversity and Inclusion Division, Wales

<http://gov.wales/topics/people-and-communities/equality-diversity/?lang=en>

A6. Coordination mechanism

The Office for Disability Issues (ODI), together with the focal points for devolved matters, is the UK co-ordinating body. The Equality Unit in Scotland, the Executive Office in Northern Ireland and the Equality, Diversity and Inclusion Division in Wales are the focal points for devolved matters.

Links

Office for Disability Issues: UN Convention on the Rights of Disabled People

<http://odi.dwp.gov.uk/disabled-people-and-legislation/un-convention-on-the-rights-of-disabled-people.php>

Scottish Government Local Government and Communities Directorate

<https://www.gov.scot/policies/disabled-people/uncrpd/>

Executive Office, Northern Ireland

<https://www.executiveoffice-ni.gov.uk/about-department-0>

Equality, Diversity and Inclusion Division, Wales

<http://gov.wales/topics/people-and-communities/equality-diversity/?lang=en>

A7. Independent mechanism

The four UK equality and human rights commissions have together been designated as the independent monitoring and reporting framework required by Article 33(2) of the Convention. This is known as the UK Independent Mechanism (UKIM). These bodies are the Equality and Human Rights Commission, the Northern Ireland Human Rights Commission, the Equality

Commission Northern Ireland and the Scottish Human Rights Commission.

Links

Equality and Human Rights Commission: Our Work to Promote the Convention

<https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

Northern Ireland Human Rights Commission - Disability

<http://www.nihrc.org/advice-for-you/disability>

Equality Commission for Northern Ireland - Using CRPD to effect change

<http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/UNCRPDguideUsingCRPDtoeffectchange2012.pdf?ext=.pdf>

Scottish Human Rights Commission - role as an NHRI

<http://www.scottishhumanrights.com/international/our-role-as-an-nhri/>

A8. Official reporting

The UK's initial report to the UN Committee on the Rights of Persons with Disabilities was first published in draft form by the Office for Disability Issues in 2011 for public consultation and then published in July 2013. A List of Issues was published in April 2017 and responded to in July 2017. Following its constructive dialogue with the UK at its 18th session (14 Aug 2017 - 01 Sep 2017), the Committee issued its Concluding Observations on the UK.

Links

State reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=185&DocTypeID=29

Office for Disability Issues, initial report on how the UK is implementing the CRPD (24 November 2011)

<https://www.gov.uk/government/publications/un-convention-on-the-rights-of-persons-with-disabilities-initial-report-on-how-the-uk-is-implementing-it>

Link to all UN reporting cycle documentation

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=185

Link to the Concluding Observations on the UK

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5

A9. Shadow reporting

Several shadow reports by disabled people's organisations were submitted to the UN Committee on the Rights of Persons with Disabilities prior to the Committee's first constructive dialogue with the UK. These include reports coordinated by Inclusion Scotland, Disability Rights UK and Disability Wales; and by the Reclaiming Our Futures Alliance. In addition, a series of shadow reports were submitted to the Committee by the UK Independent Mechanism.

Links

Civil society reports to the UN Committee

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&CountryID=185&DocTypeID=14

UK Independent Mechanism (interim) Shadow list of issues report on the UN CRPD

<http://www.equalityhumanrights.com/publication/monitoring-implementation-un-convention-rights-persons-disabilities>

Reclaiming Our Future Alliance, Evidence for Shadow Report

<http://www.rofa.org.uk/shadow-report/>

Northern Ireland Disability Action Shadow Report

<https://www.disabilityaction.org/monitoring-implementation-of-the-uncrpd>

Scottish Consortium for Learning Disability Shadow Report

<https://theindependentlivingdebate.wordpress.com/2014/05/21/an-inclusive-approach-to-shadow-reporting-on-uncrpd/>

Equality and Human Rights Commission: information on the UNCRPD implementation in the UK

<https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

Reports to the UN Committee 2017

<https://www.disabilityrightsuk.org/news/2017/january/disabled-people-tell-un-committee-uk-failing-international-rights-convention>

Disabled People's Shadow Report to the UN CRPD Committee

<https://www.inclusionlondon.org.uk/campaigns-and-policy/act-now/disabled-peoples-shadow-report-uk-governments-account-un/>

B. General legal framework

B1. Anti-discrimination legislation

The Equality Act 2010 came into force on 5 April 2011, covering England, Wales and Scotland. It prohibits discrimination against disabled people, as well as discrimination on the grounds of age, race, religion or belief, sex, sexual orientation and gender identity. Disabled people are accorded legal rights in relation to employment, education, access to goods and services, buying or renting land or property and with regard to the functions of public bodies. The Equality Duty, which came into force in 2011, requires that public sector organisations take account of the impact of their actions on disabled people and to take steps to eliminate inequality. Equality legislation is devolved in Northern Ireland. Section 75 of the Northern Ireland Act 1998 requires public authorities in Northern Ireland to have due regard to the need to promote equality of opportunity across nine protected grounds, including disability. The Disability Discrimination Act 1995 (amended by secondary legislation) prohibits discrimination against disabled people and the duty of public authorities to promote equality is reflected in the Disability Discrimination (Northern Ireland) Order 2006.

Links

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Equality Commission for Northern Ireland, Disability discrimination

http://www.equalityni.org/sections/default.asp?cms=Your+Rights+Disability+discrimination&msid=2_142&id=142&secid=2

Public Sector Equality Duty

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty>

B2. Recognition of legal capacity

In England and Wales, the Mental Capacity Act (England and Wales) 2005 sets out the process by which people who are deemed to lack mental capacity have decisions made on their behalf. A range of people may make decisions on another's behalf, including service professionals and family members. Those immediately involved in assisting persons judged to lack capacity are expected to help with most day to day decisions, as long as they follow certain procedures. Independent Mental Capacity Advocates (IMCAs) are appointed in particular instances and specific guidance is provided in the Code of Practice. A functional test of capacity is included in the Mental Capacity Act. The Adults with Incapacity (Scotland) Act 2000 (amended in 2007 and 2008) applies in Scotland. Its provisions allow for a substitute decision maker. The focus is on attributes (characteristics and relationship to the person being assisted) and the situations where guardians may and may not decide on matters. In Northern Ireland, the Mental Capacity Act (Northern Ireland) 2016 creates a single framework to govern mental capacity legislation and mental health legislation.

Links

Mental Capacity Act 2005

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

Adults with Incapacity (Scotland) Act 2005

<http://www.legislation.gov.uk/asp/2000/4/contents>

Mental Capacity Act (Northern Ireland) 2016

<http://www.legislation.gov.uk/nia/2016/18/contents/enacted>

B3. Accessibility of voting and elections

The Representation of the People Act 2000 gives all electors who are blind, who have physical impairments or who cannot read the right to vote with help from an assistant. The Electoral Administration Act 2006 requires local authorities to review access to voting stations for all people, including those who are disabled. This Act also abolished the common law rule that a person does not have legal capacity to vote due to mental impairment. Under the Equality Act 2010 and the Equality Duty, public authorities must make arrangements and accommodations to ensure that disabled people are able to vote. While arrangements are under review, people who are detained in secure facilities under criminal law are not entitled to vote.

Links

Representation of the People Act 2000

<http://www.legislation.gov.uk/ukpga/2000/2/contents>

Electoral Administration Act 2006

<http://www.legislation.gov.uk/ukpga/2006/22/contents>

Adults with Incapacity (Scotland) Act 2000

<http://www.hmso.gov.uk/legislation/scotland/acts2000/20000004.htm>

Electoral Commission: Accessibility of Elections

<https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/accessibility-of-elections>

B4. Official recognition of sign language

British Sign Language has been recognised by the British government as a language in its own right since March 2003, although as yet no Act to formally recognise, British Sign Language has been introduced in the Parliament. However, deaf people have been able to enforce equal opportunities and gain equal access in many fields since the Disability Discrimination Act 1995, now replaced by the Equality Act 2010.

In Scotland, the British Sign Language (Scotland) Act 2015 aims to promote and facilitate the use and understanding of British Sign Language in Scotland.

Links

British Sign Language (Scotland) Act 2015

<http://www.legislation.gov.uk/asp/2015/11/contents>

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

B5. National disability strategy and action plan

The UK Government currently has no national disability strategy. A strategy was published by previous government in 2013 under the title 'Fulfilling Potential', accompanied by an Action Plan and an annex of supporting data. This was updated in 2014, and a progress report published in 2015. Its emphasis was on raising awareness and understanding around the themes of 'early intervention, choice and control and inclusive communities'. There were links to the UN Convention, and its implementation was overseen by the Department for Work and Pensions. Documentation previously published on the website of the Office for Disability Issues has been withdrawn pending consultations on a new approach.

Separate disability strategies were developed for Northern Ireland (lapsed since 2017) and Scotland, including action plans on CRPD implementation.

Links

Fulfilling Potential web page (ODI, 2011-2015)

<https://www.gov.uk/government/collections/fulfilling-potential-working-together-to-improve-the-lives-of-disabled-people>

A Fairer Scotland for Disabled People: delivery plan

<https://www.gov.scot/publications/fairer-scotland-disabled-people-delivery-plan-2021-united-nations-convention/pages/3/>

C. Accessibility

C1. Transport accessibility

The Equality Act 2010 imposes anticipatory reasonable adjustment duties on providers of transport services in England, Scotland and Wales. This includes all elements of service (e.g. travel information, tickets, assistance, use of vehicles, etc.). Responsibility for the regulation of transport accessibility is outlined in Part 12 (including chapters on taxis, public service vehicles and rail vehicles). In 2012, the government's Department for Transport published 'Transport for Everyone: An Action Plan to Improve Accessibility for All'. In August 2017 it opened a period of consultation on a Draft Accessibility Action Plan. While this is now closed, no finalised plan has yet been adopted. Standards for accessibility are defined by the national (or EU) regulations, some of which pre-date changes introduced in the 2010 legislation. For example, the construction of new buses and coaches (and provision of scheduled services) is subject to the Public Service Vehicles Accessibility Regulations (detailed guidance and best practice were developed in 2000). A good practice guide on pedestrian access and transport infrastructure was produced in 2005. A 'Railways for All' Strategy was introduced (for Great Britain) in 2006 and the Office of Rail Regulation requires each licensed rail station to operate within a Disabled People's Protection Policy. An assessment of accessibility standards in land-based public transport vehicles and a code of practice on access to air travel were produced in 2008. In Northern Ireland, an Accessible Transport Strategy was introduced by the Department for Regional Development in 2005 and updated in 2016. Arrangements in Northern Ireland are governed by the Disability Discrimination Act 1995, as modified by the Disability Discrimination (NI) Order 2006. A new Code of Practice on the Provision and Use of Transport Vehicles was introduced by the Equality Commission for Northern Ireland in 2011 (supplementing the general code of practice relating to DDA, Part 3).

Links

Westminster Department for Transport, Accessibility Action Plan

<https://www.gov.uk/government/publications/accessibility-action-plan>

Transport Scotland - Accessible transport website

<http://www.transportscotland.gov.uk/accessible-transport>

Public Service Vehicles Accessibility Regulations 2000 - Guidance

<http://www.legislation.gov.uk/ukxi/2000/1970/contents/made>

Access to air travel for disabled people: Code of practice

http://www.accessibletourism.org/resources/3_access_air_travel_code_en.pdf

The Railways for All Strategy - the accessibility strategy for Great Britain's Railways

<http://webarchive.nationalarchives.gov.uk/20110504130522/http://www.dft.gov.uk/print/transportforyou/access/rail/rfa/railwaysforallstrategy3>

Accessible Train Station Design for Disabled people: A Code of Practice v2 (2009)

<http://webarchive.nationalarchives.gov.uk/20110131113552/http://www.dft.gov.uk/transportfo/you/access/rail/railstations/accessiblestationdesigns/>

Accessible Transport Strategy for Northern Ireland 2025

<https://www.infrastructure-ni.gov.uk/publications/accessible-transport-strategy-2025-updated-screening-form>

Equality and Human Rights Commission, Code of Practice on Services, Public Functions and Associations

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

Equality and Human Rights Commission, Guidance for Service Users

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

Equality and Human Rights Commission, Technical Guidance – Public Sector Equality Duty

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

Draft transport accessibility action plan

<https://www.gov.uk/government/consultations/draft-transport-accessibility-action-plan>

C2. Built environment accessibility

In England, Wales and Scotland, the Equality Act's reasonable adjustment duties extend to altering or removing physical features in buildings and the built environment where such features place a particular disabled person (in the contexts of employment and let premises) or can be anticipated to place disabled people generally (in contexts of services, post-16 education, private clubs and public functions) at a substantial disadvantage. In Northern Ireland, to which the Equality Act 2010 does not apply, similar duties are imposed by the Disability Discrimination Act 1995 and the Disability Discrimination (NI) Order 2006).

Standards of accessibility for construction of new buildings are defined in documents accompanying Building Regulations – primarily in Approved Document M (known as 'Part M') in England and Wales, the Technical Handbooks in Scotland (particularly Section 4.2.7 of the non-domestic handbook) and Technical Booklet R in Northern Ireland. A detailed code of practice is defined in British Standard 8300 (which may often be used in place of the above). This covers the accessibility of approach routes to a building, entrances into a building and facilities within a building (e.g. surfaces, signage, telephones, control switches, kitchens, bathrooms, ATMs, etc.). The standards cover all types of public buildings (e.g. transport hubs, industrial, commercial, administrative or entertainment buildings) and residential buildings (e.g. hotels, nursing homes, student residences, prisons, etc.) with the exception of dwellings (i.e. housing). New private dwellings must be designed to allow entry of disabled visitors and standards apply to alterations of an existing dwelling if work would result in a less accessible outcome (e.g. removal of a ground floor toilet). Part M of the Building Regulations require the 'visitability' accessibility standard, but set out two further levels of accessibility standards – which local authorities can opt to include as local requirements in accordance with the National Planning Framework. Specific guidance on the accessibility of large hotels in 2008 (PAS 88). Any new construction not in compliance with accessibility standards (e.g. to protect a historic building) would normally require justification in an Access Statement. An extensive

review of accessibility and the built environment was carried out by the House of Commons' Women and Equalities Committee in 2017. This highlighted various concerns and included significant recommendations for change.

Links

BS 8300 Design of buildings and their approaches to meet the needs of disabled people (Code of practice)

<http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030217421>

Approved Document M – Access to and Use of Buildings (England and Wales)

<http://www.planningportal.gov.uk/buildingregulations/approveddocuments/partm/approved>

Technical Handbooks 2011 Non-Domestic – Consolidated (Scotland)

<http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubtech/thb2011nondom>

Technical Booklet R: 2006 (Northern Ireland)

<http://www.buildingcontrol-ni.com/assets/pdf/R2006.pdf>

House of Commons Women and Equalities Committee inquiry into Disability and the Built Environment

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/disability-and-built-environment-report-published-16-17>

PAS 88: Guidance on accessibility of large hotel premises and hotel chains

<http://shop.bsigroup.com/ProductDetail/?pid=00000000030163227>

Equality and Human Rights Commissions Codes of Practice and Technical Guidance

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

C3. ICT and Web accessibility

In England, Scotland and Wales, the Equality Act 2010's reasonable adjustment duties require providers of services and public functions to make adjustments to practices (including website design) which place disabled people at a substantial disadvantage. The Equality Act does not refer to ICTs nor specify any standard for web accessibility. Legal action can be brought against the provider of an inaccessible service but there is an absence of case law to establish any standard in practice – several such cases have been settled before reaching court.

In line with the E-Commerce Directive (2000/31/EC), Schedule 25 of the Equality Act exempts the providers of technologies on which a service is hosted, transmitted or cached from responsibility for that service but does require them to remove unacceptable content when they become aware of it. Public Sector providers are further required to have 'due regard' to advancing equality of opportunity in all their functions under the Public Sector Equality Duty (e.g. which may lead to innovation of voluntary accessibility standards, such as the BBC's Future Media Standards and Guidelines).

In 2010, the UK government Department for Business Innovation and Skills launched an eAccessibility Action Plan (to be updated quarterly) and ten core principles of inclusive web design (adopted by the Department for Culture, Media and Sport, DCMS). In 2011 the DCMS

set up an eAccessibility Forum, made up of experts from government, industry and voluntary organisations. This aims to ensure that more inclusive services are developed. The Forum is responsible for implementing the 'eAccessibility Plan'.

In November 2010, BSI (the UK National Standards Body) published a new national standard for web accessibility (BS 8878), which offers a voluntary Code of Practice for all products and services delivered by Internet Protocol.

Links

BIS eAccessibility Action Plan - January 2011

<http://www.culture.gov.uk/publications/7798.aspx>

Ten principles of inclusive web design (DCMS)

<https://www.gov.uk/government/news/inclusive-web-design-principles-published>

Schedule 25 of the Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/schedule/25>

British Standard BS 8878: 2010

<http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030180388>

BBC Future Media Standards and Guidelines, v1.9

<http://www.bbc.co.uk/guidelines/futuremedia/accessibility/>

Equality and Human Rights Commissions Codes of Practice and Technical Guidance

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

D. Independent living

D1. Choice of living arrangements

There is no absolute right to live in the community in the UK, although a series of government policies have advanced the 'personalisation' of support - including commitments towards greater individual choice and control. Since the 1990s there have been important developments in the policy and legal framework that support independent living for disabled people. The provision of support is increasingly separated from specific types of service or particular buildings and mechanisms for this include flexible purchasing arrangements in a mixed economy of care, and the provision of direct payments to more disabled people. The basic provisions for the allocation of services in England, Wales and Scotland are set out in separate statutes. In England the Care Act 2014 (which came into force in April 2015) governs the assessment of needs and eligibility for access to social care services for adults. In Wales the Social Services and Well-Being (Wales) Act 2014 addresses the needs of disabled people of any age. In Scotland the overarching statute is the Social Work (Scotland) Act 1968 which has been much amended, most recently by the Social Care (Self-directed Support) (Scotland) Act 2013 and the Carers (Scotland) Act 2016. Under the terms of the Mental Health Act 1983 it is legally possible to place a person in an institution for varying amounts of time, depending on circumstances. The conditions for being released are also governed by the Mental Health Act 1983, as amended by the Mental Health Act 2007 and Mental Capacity Act 2005. The Deprivation of Liberty Safeguards were introduced as an amendment to the Mental Capacity Act 2005 and govern the authorisation of deprivations of liberty in care homes and hospitals for people who lack mental capacity. In other settings, the authorisation must be sought from the Court of Protection. The Law Commission is

currently reviewing the Deprivation of Liberty Safeguards and legislation underpinning them.

Links

NHS and Community Care Act 1990

<http://www.legislation.gov.uk/ukpga/1990/19/contents>

Community Care and Health (Scotland) Act 2002

<http://www.legislation.gov.uk/asp/2002/5/contents>

NI Direct: Government Services: Health and Social Care Assessments

<http://www.nidirect.gov.uk/index/information-and-services/people-with-disabilities/health-and-support/arranging-health-and-social-care/health-and-social-care-assessments.htm>

MIND: Mental Health Act 1983: An outline guide

http://www.mind.org.uk/help/rights_and_legislation/mental_health_act_1983_an_outline_guide

Mental Health Act 2007

<http://www.legislation.gov.uk/ukpga/2007/12/contents>

Mental Capacity Act 2005

<http://www.legislation.gov.uk/ukpga/2005/9/contents>

Care Act 2014

<http://www.legislation.gov.uk/ukpga/1990/19/contents>

Social Work (Scotland) Act 1968

<https://www.legislation.gov.uk/ukpga/1968/49/contents>

Social Care (Self-directed Support) (Scotland) Act 2013

<http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

Carers (Scotland) Act 2016

<http://www.legislation.gov.uk/asp/2016/9/contents/enacted>

Social Services and Well-being (Wales) Act 2014

http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

Law Commission Deprivation of Liberty and Mental Capacity

<http://www.lawcom.gov.uk/project/mental-capacity-and-deprivation-of-liberty/>

D2. De-institutionalisation

Legislation and policy has broadly supported de-institutionalisation for most disabled people since the National Health Service and Community Care Act 1990. Strategies and policies support a long-term shift of people and resources from residential provision in larger institutions towards support for community living and towards greater support for choice and control in independent living since the 1990s. The Community Care (Direct Payments) Act 1996 legalised cash payments to disabled people in lieu of services and policy measures have subsequently strengthened this provision. Since the Health and Social Care Act 2001 it is mandatory to offer the choice of direct payments instead of services in kind in England and Wales - these duties are now found in the Care Act 2014 and the Social Services and Well-being (Wales) Act 2014 respectively. Mandatory measures were introduced in Scotland, through the Community Care and Health (Scotland) Act 2002, and the Social Care (Self-directed Support) (Scotland) Act 2013), and in Northern Ireland through the Carers and Direct Payments Act (Northern Ireland) 2002. Since November 2009, local authorities may make direct payments to 'authorised persons' (such as 'carers') for people who are judged to lack mental capacity to consent to receiving and managing the payments.

Links

National Health Service and Community Care Act 1990

<http://www.legislation.gov.uk/ukpga/1990/19/contents>

Carers and Direct Payments Act (Northern Ireland) 2002

<http://www.legislation.gov.uk/nia/2002/6/contents>

Health and Social Care Act 2001

<http://www.legislation.gov.uk/ukpga/2001/15/contents>

Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/contents>

The Care and Support (Direct Payments) Regulations 2014

http://www.legislation.gov.uk/uksi/2014/2871/pdfs/uksi_20142871_en.pdf

Social Care (Self-directed Support) (Scotland) Act 2013

<http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

The Social Services and Well-being (Wales) Act 2014

<http://www.legislation.gov.uk/anaw/2014/4/contents>

The Care and Support (Direct Payments) (Wales) Regulations 2015

http://www.legislation.gov.uk/wsi/2015/1815/pdfs/wsi_20151815_mi.pdf

D3. Quality of social services

Established through the Health and Social Care Act 2008, the Care Quality Commission monitors all care services provided by the National Health Service (NHS), social service departments, private companies and voluntary sector organisations in England. This includes monitoring of the situation of people whose rights have been curtailed under the Mental Health Act 1983. The Health and Social Care Act 2008 also sets out how services are to be regulated and monitored, within the context of the Human Rights Act 1998.

In Wales these social care functions are fulfilled by the Care and Social Services Inspectorate Wales under The Health and Social Care (Community Health and Standards) Act 2003 and The Care Standards Act 2000 although in 2018 these were reformed when the Regulation and Inspection of Social Care (Wales) Act 2016 came into force.

The Department of Health, Social Services and Public Safety has responsibility for improving the safety and quality of health and social care services in Northern Ireland. Formal standards differ from those in England. Health and social service inspection are separate in Scotland and carried out by the Care Inspectorate. While the functions of each of these organisations are the same, the way that they are constituted and the regulations they use differ.

Links

Care Quality Commission

<http://www.cqc.org.uk/content/about-us>

Health and Social Care Act 2008

<http://www.legislation.gov.uk/ukpga/2008/14/contents>

Care and Social Services Inspectorate Wales (CSSIW)

<https://careinspectorate.wales/>

The Care Standards Act 2000

<http://www.legislation.gov.uk/ukpga/2000/14/contents>

The Health and Social Care (Community Health and Standards) Act 2003

<http://www.legislation.gov.uk/ukpga/2003/43/contents>

Regulation and Inspection of Social Care (Wales) Act 2016

<http://www.legislation.gov.uk/anaw/2016/2/contents>

Care Inspectorate Scotland

<http://www.careinspectorate.com/>

Department of Health, Social Services and Public Safety, Northern Ireland

<https://www.health-ni.gov.uk/>

D4. Provision of assistive devices at home

Under the Care Act 2014 / Social Services and Well-being (Wales) Act 2014, disabled people in England / Wales have a legal right to an assessment of their needs by the local authority where they live. Where judged eligible and funding permits, they may receive equipment or a direct payment to allow purchase of equipment to meet their assessed needs. More substantial alterations to housing are available (following assessment and determination of eligibility) through local authorities as a consequence of the Housing Grants, Construction and Regeneration Act 1996: disabled facilities grants are available in England, Wales and Northern Ireland. In Scotland the Housing (Scotland) Act 2006 allows local authorities to provide various forms of finance, assistance and information or advice to home owners for repairs, improvements, adaptations and for buying or selling a house. Smaller sums for minor alterations may be paid for through the Care and Support (Charging and Assessment of Resources) Regulations 2014 in England and via other grants that aim to improve housing more generally, for people needing assistance, in all parts of the UK.

Links

Disabled Facilities Grants

http://www.direct.gov.uk/en/DisabledPeople/HomeAndHousingOptions/YourHome/DG_4000642

Housing Grants, Construction and Regeneration Act 1996

<http://www.legislation.gov.uk/ukpga/1996/53/contents>

Care and Support (Charging and Assessment of Resources) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/2672/schedule/1/made>

Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/contents>

Housing (Scotland) Act 2006

<http://www.legislation.gov.uk/asp/2006/1/contents>

D5. Availability of personal assistance schemes

The Community Care (Direct Payments) Act 1996 removed a legal prohibition to provide disabled people with money to purchase personal assistance or other services. In England, direct payments are now governed by the Care Act 2014, Care and Support (Direct Payments) Regulations 2014, and Statutory Guidance. In Wales the position is the same, but the key provisions are the Social Services and Well-being (Wales) Act 2014, The Care and Support (Direct Payments) (Wales) Regulations 2015 and the Code of Practice (Part 4 Meeting Needs). Direct payments and personal budgets may be spent on meeting assessed

needs by people over 16 years of age, with or without support in managing them. In England and Wales people judged to lack capacity may also receive payments, with funding paid to an appropriate person on their behalf. Payments are allocated by local authorities following assessment; a process that encompasses an assessment of need, an eligibility assessment and a financial assessment. In the past, Direct Payments could not be made for residential care accommodation or be used to employ family members living in the same household. However, the Care Act 2014 changes this position and allows payments to be made to family members in the same household in certain circumstances. The Statutory Guidance (para 12.36) explains that: This allows people to pay a close family member living in the same household to provide management and/or administrative support to the direct payment holder in cases where the local authority determines this to be necessary. The Care Act 2014 states that direct payments will be available to purchase residential care placements. This provision was piloted in several Local Authorities in England but delayed until 2020. Direct payments may be used to purchase short-term residential care and people who live in care homes can receive direct payments for non-residential care services (e.g. to try out independent living options).

Links

Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted/data.htm>

Care and Support (Direct Payments) Regulations 2014

http://www.legislation.gov.uk/uksi/2014/2871/pdfs/uksi_20142871_en.pdf

The Social Services and Well-being (Wales) Act 2014

<http://www.legislation.gov.uk/anaw/2014/4/contents>

The Care and Support (Direct Payments) (Wales) Regulations 2015

http://www.legislation.gov.uk/wsi/2015/1815/pdfs/wsi_20151815_mi.pdf

Scottish Government Health Directorates - A Guide to Receiving Direct Payments in Scotland

<http://www.sehd.scot.nhs.uk/publications/grdps/grdps-01.htm>

Welsh Government - Direct Payments

<http://wales.gov.uk/topics/health/socialcare/directpayments/?lang=en>

Care and support statutory guidance

<https://www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance>

D6. Income maintenance

The UK has a complex system of contributory, non-contributory and income-related benefits and entitlements administered directly by the state. Non-contributory and income-related disability cash benefits are funded from general taxation. The Department of Work and Pensions manages disability welfare benefits and contributions are collected by HM Revenue and Customs. Employment and Support Allowance (ESA) is a conditional benefit paid to people of working age on the basis of either National Insurance contributions or income. Applicants are assessed in relation to their capacity to work, are grouped according to this and receive varying amounts of money accompanied by conditional expectations about work related activity. There has been a period of major reforms with regard to all welfare benefit provision with commitment to 'overhaul the benefit system to promote work and personal responsibility'. The main vehicle for this has been the Welfare Reform Act 2012. Existing

means-tested benefits are being replaced with a roll-out of a combined Universal Credit system, topped up to higher amounts on the basis of disability, caring or childcare responsibilities, and housing costs. These provisions apply throughout the UK, although social security is largely devolved in Northern Ireland.

Links

Disabled People: Financial Support

<https://www.gov.uk/browse/benefits/disability>

Welfare Reform Act 2012

<http://www.legislation.gov.uk/ukpga/2012/5/contents>

Department of Work and Pensions: Legislation and key documents

<http://www.dwp.gov.uk/policy/welfare-reform/legislation-and-key-documents/>

Employment and Support Allowance

<https://www.gov.uk/employment-support-allowance/overview>

Universal Credit

<https://www.gov.uk/universal-credit>

D7. Additional costs

Personal Independence Payment (PIP) is a tax-free non-means-tested benefit for disabled persons aged 16-64. The Welfare Reform Act 2012 abolished Disability Living Allowance (DLA) for people in this age group, with progressive implementation since 2013. DLA remains for those aged under 16. Persons aged 65 and over may apply for Attendance Allowance (AA). PIP helps to meet additional costs of living with impairment and has two separate components: one for care costs and one for mobility costs. Eligibility is determined by a points-based system of individual functional assessment. DLA/PIP is explicitly intended to fund the additional costs of living with impairment, whether in or out of work. Some disabled people are also eligible for relevant discounts and tax reductions (such as a TV licence fee concession for blind people).

Links

Disabled People: Financial Support

<https://www.gov.uk/browse/benefits/disability>

Personal Independence Payment

<https://www.gov.uk/pip/overview>

D8. Retirement income

There is no specific retirement pension scheme for disabled people in the UK. Entitlement to the standard (non-earnings related) State Pension is accrued on the basis of the number of years' National Insurance contributions, which may be credited in or out of work. There is no concession to minimum state pension age. However, low income pensioners who qualify for means-tested Pension Credit may be entitled to a disability premium (e.g. if they also receive a qualifying disability benefit).

Attendance Allowance is a tax-free benefit that is paid to disabled people aged 65 or over to provide help with personal care. It is available across the whole of the UK and paid at a higher or lower rate, according to the degree of assistance needed. To be eligible the

applicant needs to require assistance with activities such as washing, getting in or out of the bath or shower, dressing, eating, getting to and using the toilet, or communicating their needs. It is also paid to people who need supervision to remain safe. For recipients of either Industrial Injuries Disablement Benefit or War Disablement Pension there is the possibility of a Constant Attendance Allowance, paid when the applicant needs daily assistance with things such as home nursing or meals at home and they are medically assessed as being 100% disabled.

Links

Disabled People: Financial Support

<http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/index.htm>

Attendance Allowance

<https://www.gov.uk/attendance-allowance/overview>

Pension Credit calculation

<https://www.gov.uk/pension-credit/what-youll-get>

E. Education

E1. Special schools

As acknowledged in the UK's Reservation and Declaration on Article 24 CRPD, the general education system includes both mainstream and special schools, including placements of disabled children outside their local community. There are over 1,000 special schools in England and about 1% of pupils attend a specially resourced school. In providing for pupils from the age of 11, special schools are permitted to specialise in one area (communication and interaction, cognition and learning, social, emotional and mental health, or sensory and physical needs). Parental preference is taken into account but is not the determining factor in local authority placements. The Tribunal for Special Educational Needs and Disability considers appeals by parents. Under the Education Act 1996 (amended in England by the Children and Families Act 2014, Part 3), all local authority special schools are required to deliver the National Curriculum. The 2001 Special Educational Needs and Disability Act strengthened the assumption that pupils will be educated in mainstream schools unless a more 'suitable' provision is available in a special school. There are National Minimum Standards for residential special schools.

Links

Education Act 1996

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

Special Educational Needs and Disability Act 2001

<http://www.legislation.gov.uk/ukpga/2001/10/contents>

The Children and Families Act 2014 (Part 3)

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

First Tier Tribunal for Special Educational Needs and Disability [archived]

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

National Minimum Standards for residential special schools

<https://www.gov.uk/government/publications/residential-special-schools-national-minimum-standards>

E2. Mainstream schools

The provision of education in schools became subject to non-discrimination on the grounds of disability by virtue of the Special Educational Needs and Disability Act 2001, which extended the Disability Discrimination Act 1995 to cover education. In England, Scotland and Wales the Disability Discrimination Act 1995 (as amended by the 2001 Act) has now been repealed and replaced by the Equality Act 2010 – but this does not significantly change the substance of the pre-existing education provisions. Education providers may not treat any student less favourably on grounds of disability and cannot refuse them admission on this ground alone. Since the Equality Act 2010, indirect discrimination and harassment have also been prohibited. Schools must make reasonable adjustments to provisions criteria and practices and also have a reasonable adjustment duty to provide auxiliary aids and services. They must also draw up 'accessibility plans'. The Equality Act's Public Sector Equality Duty applies to public bodies which provide educational services (pre and post 16) – requiring responsible bodies for schools to have 'due regard' to disability equality throughout their operation.

Resources and support are provided to children through the Special Educational Needs system, guidance on which is set out in the January 2015 Special Educational Needs and Disability Code of Practice. Children with more complex needs will have assessments resulting in the drawing up of an integrated education health and care plan (applicable to children and young people up to the age of 25).

National Standards are published by the Training and Development Agency for Schools (TDA).

Links

SEND Code of Practice

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Directgov: special educational needs

<https://www.gov.uk/children-with-special-educational-needs/overview>

Equality and Human Rights Commission, Schools Technical Guidance (England and Scotland)

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

Equality and Human Rights Commission, Reasonable Adjustments for Disabled Pupils – Auxiliary Aids, Technical Guidance

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

Equality and Human Rights Commission, Technical Guidance – Public Sector Equality Duty

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

E3. Sign language and Braille in school

There is no absolute right to the provision of communication in Braille or British Sign Language in the general education system. However, reasonable adjustment duties (imposed by the Equality Act 2010 in England, Scotland and Wales, and by the Disability Discrimination Act 1995 in Northern Ireland) may require them. Support may be funded and provided for such communication methods through the Special Educational Needs system. The Education (Teachers) Regulations 1993 require that all teachers of classes of hearing-impaired pupils

and visually-impaired pupils must obtain a relevant, additional, approved qualification within three years of appointment.

Links

Education (Teachers) Regulations 1993

<http://www.legislation.gov.uk/ukxi/1993/543/contents/made>

E4. Vocational training

There is no specific vocational training structure for disabled people in the UK, although various specialist providers exist. Neither is there a specific vocational education track in the schooling system, although the national qualifications framework includes vocational qualifications. Under the 2010 Equality Act, educational and training providers may not discriminate on grounds of disability and cannot refuse trainees on this ground alone. Indirect discrimination and harassment are also covered. Training providers (including employers) are required to make 'reasonable adjustments' and must not treat disabled learners 'less favourably'. There are wide variety of providers, including mainstream and special colleges, apprenticeships and other work-based schemes. Public providers (most educational institutions) also have a positive duty to monitor and promote disability equality. For trainees in workplace-based learning and in educational provision the provision of assistance and equipment differs, covered by the provisions for employers' workplace accessibility obligations and the public employment service or by the educational provider respectively. Colleges should maintain a Disability Equality Statement.

Links

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

E5. Higher education

Non-discrimination obligations are imposed on providers of post-16 education by the Equality Act 2010 in England Scotland and Wales, and by the Disability Discrimination Act 1995 in Northern Ireland. These include obligations to anticipate when disabled people would be subjected to a 'substantial disadvantage' and to make reasonable adjustments to ensure that the causes of such potential disadvantage are removed. Direct discrimination, and discrimination arising from disability, are also prohibited - with the result that admission cannot be refused on grounds of disability. In addition, the Equality Act 2010 (in England, Scotland and Wales) and the Disability Discrimination Act 1995 (in Northern Ireland) require public sector post-16 education providers to comply with positive duties to have 'due regard' to the need to promote disability equality in all aspects of their operation.

Additional financial support, which is not means-tested, is available via a Disabled Students Allowance to assist with the cost of assistive equipment and additional materials, non-medical assistance or extra travel costs. Significant funding cuts to the Disabled Students Allowance were introduced in 2016-2017 with the intention that Higher Education Institutions would increase and improve inclusive practice provisions in the delivery of their teaching and learning.

Links

Directgov: disability support in higher education

<https://www.gov.uk/disabled-students-allowances-dsas/overview>

Equality and Human Rights Commission, Technical Guidance on Further and Higher Education

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

Equality and Human Rights Commission, Technical Guidance – Public Sector Equality Duty

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

F. Employment

F1. Non-discrimination in employment

The Equality Act 2010 sets out the rights of disabled people in work, and places a legal duty on employers to make reasonable adjustments with regard to most aspects of the employment process and to working conditions. It is illegal for employers to discriminate, both directly and indirectly, against disabled people, for example, with reference to certain procedures for securing employment, terms of employment and promotion, as well as in grievance, dismissal and redundancy processes. Legal protection is also extended to contract work, partnerships and directorships. Reasonable adjustments cover both work arrangements such as times and duties, and also the physical setting. The Public Sector Equality Duty (Section 149 of the Equality Act) requires public bodies to have 'due regard' to the need to eliminate discrimination, further equality of opportunity, and foster good relations between different people. Secondary legislation, the Equality Act 2010 (Specific Duties) Regulations 2011, requires organisations with more than 150 employees to publish data on performance. Data must be published on employees and people who are likely to be affected by the organisation's performance.

Links

Equality Act 2010

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Equality Act 2010 Guidance

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Office for Disability Issues: Equality Act 2010 and the Disability Discrimination Act 1995

<http://odi.dwp.gov.uk/disabled-people-and-legislation/equality-act-2010-and-dda-1995.php>

The Equality Act 2010 (Specific Duties) Regulations 2011

<http://www.legislation.gov.uk/uksi/2011/2260/contents/made>

EHRC guide to the Public Sector Equality Duty

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

Labour Market Statistics

<http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/october-2015/table-a08.xls>

F2. Public employment services

Jobcentre Plus manages a national network of local Job Centres, which assist unemployed people, including disabled people, to find jobs. Job Centres also deal with welfare benefit applications. Disability Employment Advisers are responsible for assisting disabled people

and they may arrange assessments and referral to a number of work schemes. These schemes include Work Choice, which offers assistance to move into work and after becoming employed and work trials, which are periods of unpaid work designed to encourage applicants to try work. Typically, the schemes are run by private, third sector and social enterprises that contract with the Department of Work and Pensions via a larger organisation (Prime contractor).

Links

Gov.uk Looking for work if you are disabled

<https://www.gov.uk/looking-for-work-if-disabled/looking-for-a-job>

Gov.uk Procurement

<https://www.gov.uk/government/organisations/department-for-work-pensions/about/procurement>

Work Choice (formerly Specialist Disability Employment Programme)

<https://www.gov.uk/work-choice/overview>

F3. Workplace adaptations

Employers are obliged to make reasonable adjustments to workplaces, under the Equality Act 2010. Funding is also available to disabled people employed in the open labour market, or who are self-employed, through the Access to Work programme. Funds are provided by the Department of Work and Pensions via Jobcentre Plus. This finance may provide for: a support worker services (including a communicator for job interviews), special equipment at work, or transport to get to and from work if needed. Applicants apply for funds, which are granted on a sliding scale following assessment, depending on the size of the company and length of employment, among other factors. The employment may be full-time, part-time or temporary. Funding is granted for up to three years, on a renewable basis.

Links

Access to Work overview

<https://www.gov.uk/access-to-work/overview>

F4. Financial incentives

There are no direct financial wage subsidies or tax incentives for employers to hire disabled people, although some assistance is available with reasonable accommodations. Employers taking on a young disabled person as an apprentice may be eligible for a modest one-off premium to support additional access to training.

Links

Employing disabled people and people with health conditions

<https://www.gov.uk/government/publications/employing-disabled-people-and-people-with-health-conditions/employing-disabled-people-and-people-with-health-conditions>

G. Statistics and data collection

G1. Official research

Disability is not one of the designated 'policy areas' for cataloguing official statistics but the

Office for Disability Issues (ODI) is responsible for collecting and monitoring evidence relevant to government policies on disability equality (although its most recent publication was in 2015). This is achieved through secondary analyses of existing public data sources, by working with national statistical agencies, and by commissioning independent research studies (specific research studies have also been commissioned by the Scottish Executive and the Welsh Assembly). ODI staff produced 'key facts and figures' for general public use on 14 topic areas and sponsored the Life Opportunities Survey, which was managed by the Office for National Statistics (covering Great Britain, comparing the participation of disabled and non-disabled people in key areas in three waves). A Northern Ireland Survey of Activity Limitation and Disability was previously conducted by the Northern Ireland Statistics and Research Agency (including adults and children in both households and institutional living). Findings reports are published from these official surveys. In addition, in 2017 the Equality and Human Rights Commission published 'Being Disabled in Britain'. This supplemented the 'How Fair is Britain' review published in 2016. It draws upon data already publicly available and does not involve the collection of new data.

Links

ODI Disability statistics and research

https://www.gov.uk/government/statistics?departments%5B%5D=office-for-disability-issues&from_date=&keywords=&official_document_status=all&to_date=&topics%5B%5D=all&world_locations%5B%5D=all

The Life Opportunities Survey

<http://odi.dwp.gov.uk/disability-statistics-and-research/life-opportunities-survey.php>

Northern Ireland Survey of Activity Limitation and Disability, 2006-7

<https://beta.ukdataservice.ac.uk/datacatalogue/studies/study?id=7236>

ODI research reports

<http://odi.dwp.gov.uk/common/publications-index.php#research>

Being disabled in Britain: a journey less equal

<https://www.equalityhumanrights.com/en/publication-download/being-disabled-britain-journey-less-equal>

G2. Census data

A national Census is conducted every 10 years (most recently in 2011), managed by the Office for National Statistics (ONS, in England and Wales), National Records of Scotland (NRS), and the Northern Ireland Statistics and Research Agency (NISRA). Respondents are asked: 'Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?'. The Census also asks about 'health in general' and about any 'help or support' given to anyone else because of 'long-term physical or mental ill-health/disability' (and for how many hours per week). In Scotland and Northern Ireland, respondents also identify from a list of 'conditions' (types of impairment). Sign Language is offered as a choice for questions relating to first or main language. Data from the 2001 Census is publicly available and thematic summaries are available.

Links

Census 2011

<http://www.ons.gov.uk/ons/guide-method/census/2011/census-data/index.html>

2011 census questions – England

<http://www.ons.gov.uk/census/2011-census/2011-census-questionnaire-content/2011-census-questions---england.pdf>

2011 census questions – Wales

<http://www.ons.gov.uk/census/2011-census/2011-census-questionnaire-content/2011-census-questions---wales.pdf>

2011 census questions – Scotland

<http://www.scotlandscensus.gov.uk/glossary/census-questionnaire-2011>

2011 census questions – Northern Ireland

<https://www.nisra.gov.uk/publications/2011-census-questionnaires>

G3. Labour Force Survey

The national Labour Force Survey (LFS) is carried out (including under EU Directive) on a quarterly basis with 60,000 private households throughout the UK by the Office for National Statistics (ONS) in Great Britain and in Northern Ireland by Central Survey Unit of the Department of Finance and Personnel. It is the largest household survey in the UK. Respondents are asked (amongst other things) if they have any ‘health problems or disabilities’ expected to ‘last for more than a year’, or in the past, to identify from a list of health/impairment conditions. They are asked whether disability affects the type and amount of work and daily activities they do, and whether they receive sickness, disability or carers’ benefits. Annual data is submitted to the Eurostat EULFS. Data and results are published by ONS for the whole of the UK and are available from public sources (results for Northern Ireland are also analysed separately). Specific data tables are routinely disaggregated and published by disability and economic status. Data from the LFS and booster samples are combined in an Annual Population Survey. Tables for specific variables are available on request. The Office for Disability Issues also publishes employment indicators for disabled people, based on LFS data (for Great Britain) as part of its disability equality indicator set.

Links

Labour Force Survey - user guide and questionnaires

<http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=1537>

Labour market status of disabled people (Table A08)

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/labourmarketstatusofdisabledpeoplea08>

Annual Population Survey - Working age population by disability

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/adhocs/006251thenumberofworkingageddisabledpeoplebydisabilitytypeeconomicactivityemployedunemployedandininactiveatalocalauthoritylevelforenglandandwales2015to2016basedontheannualpopulationsurvey>

G4. Disability equality indicators

The Office for Disability Issues (ODI) previously published a set of 48 Disability Equality Indicators on its website, linked to themes in Government disability strategy and the UN Convention (prior to ratification in 2009). These included, for example, items on childhood, youth, education, employment, poverty, participation, transport, support for independent

living, etc. The indicators were populated from a range of national surveys and datasets (e.g. the Family Resources Survey, Labour Force Survey, public opinion, crime and housing surveys). The presentation of each indicator includes baseline/trends, summary graphs, data definitions and data sources. These are no longer maintained but the revised disability strategy also included an outcome and indicator framework, presented as an Annex and last updated by the previous Government in 2014.

Links

ODI Disability Equality Indicators [archived]

<http://webarchive.nationalarchives.gov.uk/20111115132649/http://odi.dwp.gov.uk/roadmap-to-disability-equality/indicators.php>

Fulfilling Potential- Outcomes and Indicators

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/348867/Fulfilling_Potential_Outcomes_and_Indicators_Framework_Progress_Report_2014.pdf

H. Awareness and external action

H1. Awareness raising programs

The Office for Disability Issues (ODI) previously published statistics on public awareness of disability discrimination legislation in its disability equality indicator set (up to 2009). There is no specific national programme for disability equality awareness. However, the ODI, the Scottish Government, Northern Ireland Executive and Welsh Assembly have sponsored various projects and events (e.g. to publicise the Convention, to promote positive images of disabled people or to disseminate best practice in inclusive media communications). In some cases, funding has been made available to support disabled people's organisations to organise such activities. Awareness-raising also falls within the remit of the independent equality bodies (e.g. including publicity and guides for disabled people on their rights). As part of the Public Sector Equality Duty (Equality Act), all public sector organisations in Great Britain are required to have 'due regard' to the need to 'advance' equality and 'foster good relations' in their functions (this includes 'tackling prejudice and promoting understanding between people from different groups').

Links

Indicator of public awareness of the Disability Discrimination Act (2005-2009) [archived]

<https://webarchive.nationalarchives.gov.uk/20131101163230/http://odi.dwp.gov.uk/disability-statistics-and-research/disability-equality-indicators.php>

Equality and Human Rights Commission, Technical Guidance – Public Sector Equality Duty

<http://www.equalityhumanrights.com/legal-and-policy/legislation/equality-act-2010/equality-act-guidance-codes-practice-and-technical-guidance>

H2. Training for teachers

Specific training in disability is not mandatory for all teachers and learning support staff, although every school must employ a trained special educational needs coordinator (SENCO) who is also a qualified teacher. Initial teacher training courses require the demonstration of ability to vary teaching for students with different needs, including disabled students. The Education (Teachers) Regulations 1993 (Part IV) require that all teachers of classes of

hearing-impaired pupils and visually-impaired pupils obtain an additional qualification. The Training and Development Agency for Schools (TDA) publishes Professional Standards for Qualified Teacher Status and Requirements for Initial Teacher Training. These require teachers to be 'informed by an awareness' of relevant legislation, guidance and codes of practice concerning disability discrimination and special educational needs (and other dimensions of equality). The TDA also provides a national accreditation scheme for SENCOs and National Occupation Standards for supporting teaching and learning in schools (NOS STL, which include standards for working with disabled children). Responsibility for continuing staff training lies mainly with individual schools, local education authorities and universities.

Links

Professional Standards for Qualified Teacher Status and Requirements for Initial Teacher Training (Revised 2008)

<https://www.rbkc.gov.uk/pdf/qts-professional-standards-2008.pdf>

Support a child with disabilities or special educational needs (NOS STL 12)

https://www.rbkc.gov.uk/pdf/stl_nos_links_with_qcf_units.pdf

Education (Teachers) Regulations 1993 (Part IV)

<http://www.legislation.gov.uk/ukxi/1993/543/part/IV/made>

National Award for Special Educational Needs Coordinator: learning outcomes

<https://www.gov.uk/government/publications/national-award-for-sen-co-ordination-learning-outcomes>

National occupational standards for supporting teaching learning

<https://www.gov.uk/government/publications/national-occupational-standards-for-supporting-teaching-learning>

H3. Training for lawyers

For lawyers in England and Wales (solicitors or barristers) the standard training route involves an academic stage, a vocational education stage, and a period of practical training as a junior lawyer. In the academic stage the required modules are specified by the Bar Council (for barristers) and the Law Society (for solicitors). No element of equality or disability is included in these required modules. The vocational education stage for solicitors is known as the Legal Practice Course (LPC). Its essential requirements are specified by the Law Society, although the LPC itself is taught by a number of course providers (including the College of Law and a number of universities). The Law Society specifies 'outcomes' of the LPC to which course providers must have regard when designing their courses. These outcomes include, under the heading of 'professional conduct and regulation' requirements on 'avoiding discrimination and promoting equality and diversity'. The vocational education stage for barristers is known as the Bar Professional Training Course (BPTC).

Requirements are specified by the Bar Standards Board, Course Specifications Requirements and Guidance, Handbook 2016-2017. Section 2.2.4 deals with professional ethics to 'instil' in students 'diversity awareness' and to ensure that they are familiar with the relevant provisions of professional codes including those relating to equality. Amongst the 'personal attributes and skills' to be developed is an 'approach to equality issues, including non-discrimination on grounds of gender, race, disability, age, sexual orientation or religious belief; awareness of equality issues; need for 'reasonable adjustment' where appropriate'.

Assessment and support for disabled students is also addressed. There is no separate judicial profession training available to lawyers at the beginning of their careers. Lay people also hold certain judicial offices (e.g. as magistrates or tribunal members). From 1 April 2011, the Judicial College has regulated training for judicial office holders in the courts and in most tribunals. Non-binding guidance on equality issues (including disability) for judicial office holders is contained in the Equal Treatment Bench Book, the latest edition of which is published in 2018. Chapter 6 of this book is titled 'Physical Disabilities Overview' and Chapter 7 is titled 'Mental Disabilities, Specific Learning Disabilities and Mental Capacity'. Other chapters deal with other equality-related issues (e.g. concerning race, religion, gender reassignment).

Links

Law Society, LPC Outcomes

<http://www.sra.org.uk/students/lpc.page>

LPC Course Providers

<http://www.sra.org.uk/students/courses/lpc-course-providers.page>

Bar Standards Board, BPTC Handbook 2016-2017

https://www.barstandardsboard.org.uk/media/1791359/bptc_handbook_2016-17.pdf

Judicial College

<http://www.judiciary.gov.uk/training-support/judicial-college>

Judicial Studies Board/Judicial College Equal Treatment Bench Book

<https://www.judiciary.uk/publications/new-edition-of-the-equal-treatment-bench-book-launched/>

H4. Training for doctors

The UK Foundation Programme Curriculum for medical students (General Medical Council) requires trainees to 'consider and respond to the needs of disabled patients and should make reasonable adjustments to your practice so they can receive care to meet their needs' (appendix C). Disability awareness is also part of the generic core curriculum for postgraduate medical specialist training. The Nursing and Midwifery Council (NMC) publishes statutory competences for pre-registration nursing education, which include promoting the 'rights and dignity' of people affected by disability (and specific competences for Learning Disabilities Nurses). The General Dental Council (GDC) publishes standards for initial education and continuing training, which include reference to promoting 'good practice in equality and diversity'. British Dental Association (BDA) provides guidance to practitioners on responsibilities and good practice under equality discrimination legislation. Additional disability training opportunities are available for health professionals, primarily through continuing education programmes and postgraduate specialisms. Some programmes have involved disabled people's organisations (e.g. Welsh Assembly funding to develop a training package based on disabled peoples' health service experiences).

Links

UK Foundation Programme Curriculum for medical students

<http://www.foundationprogramme.nhs.uk/content/curriculum-0>

Standards for Competence in pre-registration nursing education (NMC)

<http://standards.nmc-uk.org/PreRegNursing/statutory/competencies/Pages/Competencies.aspx>

Education and quality assurance for dental education (GDC)

<https://www.gdc-uk.org/professionals/education>

H5. Training for engineers

The Engineering Council is the UK regulatory body for engineering professions (including Engineering Technicians, ICT Technicians, Incorporated Engineers and Chartered Engineers). It publishes the UK Standard for Professional Engineering Competence (UK-SPEC) and code of conduct. The UK-SPEC Accreditation of Higher Education Programmes requires students to understand 'customer and user needs' and 'relevant legal requirements' (disability, accessibility and inclusive design are not mentioned). The Institute of Engineering Designers (iED) promotes continuing professional training and codes of conduct (as an association representing professionals in product design, architecture, mechanical and IT engineering). In relation to the built environment, the Architects Registration Board (ARB) prescribes Professional Criteria for qualifications, which include an understanding of 'accessibility and inclusion legislation' (3.10). The Royal Institute of British Architects (RIBA) publishes a good practice guide on Designing for Accessibility and an Access Audit Handbook (it also provides occasional training events on disability discrimination legislation). The Chartered Institution of Civil Engineering Surveyors (CICES) requires demonstration of professional competences, including legal knowledge (although accessibility is not identified specifically). The Institution of Civil Engineers (ICE) and the Institution of Structural Engineers (IStructE) maintain core training/development objectives that must be attained before progression to Professional Review (these are also written in general terms). The British Standards Institute (BSI) publishes a guide to managing inclusive design (BS 7000-6:2005, part 6).

Links

UK Standard for Professional Engineering Competence (UK-SPEC)

<http://www.engc.org.uk/UKSPEC>

Accreditation of Higher Education Programmes (UK-SPEC)

[http://www.engc.org.uk/engcdocuments/internet/website/Accreditation%20of%20Higher%20Education%20Programmes%20third%20edition%20\(1\).pdf](http://www.engc.org.uk/engcdocuments/internet/website/Accreditation%20of%20Higher%20Education%20Programmes%20third%20edition%20(1).pdf)

Prescription of qualifications for architects (ARB criteria)

<http://www.arb.org.uk/information-for-schools-of-architecture/arb-criteria/>

Institute of Engineering Designers (iED)

<http://www.institution-engineering-designers.org.uk/>

RIBA publication on accessible design

<https://www.ribabookshops.com/item/designing-for-accessibility-2012-edition/78039/>

Managing inclusive design: Guide (BS 7000-6:2005)

<http://shop.bsigroup.com/en/ProductDetail/?pid=00000000030142267>

H6. International development aid

Development aid is primarily the responsibility of the Department for International Development (DfID). Disability Inclusive Development is one of its priorities, following the launch of its Disability Inclusion Strategy 2018-2023. The UK hosted the Global Disability Summit in July 2018 to raise the profile of the issue. DfID launched its Disability Framework in 2014 and provided a revision in 2015, with an accompanying guide to disaggregating

programme data by disability. The Framework adopted the 2030 Agenda theme of 'leaving no one behind' and emphasised disability inclusive development as its approach, linking directly to the global Sustainable Development Goals (SDGs). DfID adopts a core script on disability equality principles and the social model of disability and specific guidance on targeting and mainstreaming disability issues in country programmes (a number of research reports have also been published). In addition to specific overseas programmes/projects, DfID provides part funding to the US-based Disability Rights Fund for advocacy and capacity building activities in developing and former-Soviet countries (in support of the UN Convention). The Disasters Emergency Committee (DEC) is a consortium of UK humanitarian aid agencies coordinating aid for specific global crises. DEC does not explicitly require its relief agencies to comply with accessibility standards but requests their commitment to the international Sphere charter, which includes disability equality principles.

Links

DfID Disability Framework 2015

<https://www.gov.uk/government/publications/dfid-disability-framework-2015>

DfID Disability core script

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185057/disability-core-script.pdf

Working on Disability in Country Programmes (DfID guidance, 2007) [archived]

<http://webarchive.nationalarchives.gov.uk/20130128103201/http://www.dfid.gov.uk/pubs/files/DisguideDFID.pdf>

Disability Rights Fund

<http://www.disabilityrightsfund.org/>

Minimum standards in humanitarian response (Sphere)

<https://www.spherestandards.org/handbook/>

Disability Inclusive Development

<https://www2.fundsforngos.org/disability/dfid-call-applications-disability-inclusive-development-programme/>