

Ruth Coombs  
Head of Equality and Human Rights Commission  
Wales

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10 December 2020

Dear Ruth,

### Improving disability access

Please find attached correspondence from an individual highlighting some of the accessibility difficulties experienced by her daughter as a wheelchair user. The Committee noted this letter on 30 November and agreed that I should write to you and the Deputy Minister and Chief Whip to draw it to your attention.

Although the main focus of the letter is on access within the Cardiff area, the sender refers to this issue affecting people across Wales. This is an important issue which must be addressed to ensure that disabled people have safe access to amenities. The sender comments that a lack of access can lead to wider, devastating implications for disabled people with her daughter starting to lower her expectations of life.

Although new developments are required to comply with disability regulations, as outlined by the sender there remains a vast amount of existing infrastructure which prohibits easy access for wheelchair users and others with disabilities, and bringing about the necessary change is clearly very challenging. I would be grateful if you could provide an update on how the EHRC is monitoring local authorities' compliance with disability regulations to ensure that amenities are accessible to all. Further, it's crucial that disabled people are able to engage and challenge local authorities to get the changes they need to enable them to access amenities; how is the EHRC ensuring that the voices of disabled people are being heard, including routes to challenge local authorities decisions?

It's likely that the Committee will wish to highlight this in its legacy report at the end of the current Senedd term as an issue which warrants further work by its successor committee. Your response will therefore be helpful to us in shaping how this issue could be taken forward in our legacy work.



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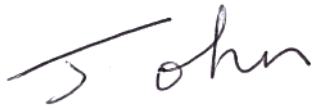
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I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink that reads "John". The letter 'J' is large and stylized, with a long horizontal stroke that extends to the left and then curves down to form the letter. The 'o' and 'h' are written in a cursive style.

John Griffiths MS

Chair

We welcome correspondence in Welsh or English.

Enclosure: Correspondence from an individual



To the Members of the Equality, Local Government and Communities Committee

Dear Members,

I recently wrote to members of the cross-party Disability Committee, and received a prompt reply from Mark Isherwood MS who explained that yours is the formal committee and that I may wish to also write to you.

I am writing because my 15-year-old daughter [REDACTED] has used a powered wheelchair since she was about six, and for all of that time we have struggled to get around safely within our community in Cardiff. Lack of dropped kerbs, tree roots and driveways cut into paths cause obstacles that force her into the road, sometimes very busy roads. Clearly this means she has to be accompanied, which puts family members in danger too. It also seriously restricts her freedom and has delayed the development of her personal independence and confidence.

After a 10-year wait for Cardiff Council to put pedestrian lights on a very dangerous junction between our house and our local shopping street I have reluctantly taken on a public campaign to highlight the issue. [REDACTED] is unable to go shopping and meet friends because there are no safe places to cross the busy road. I first raised the problem with Cardiff in 2008, and it assessed the junction and put it on its "to-do" list in 2011. It came to the top of the list last year and was just about to be sorted in the spring, but the expected funding fell through and there was no sign of a "plan B".

I started a [REDACTED] petition a few weeks ago, which has been signed over 800 times: [REDACTED]

We also made a video and posted it on social media, where [REDACTED] explains how this affects her. The video has already been watched over 7,000 times on Facebook and Twitter.

[REDACTED]

[REDACTED]

[REDACTED]

Soon after this the BBC covered the story on its website and it its evening Wales Today programme. [REDACTED]

[REDACTED]

[REDACTED]

As a result of our campaign I was contacted by Cardiff's cabinet member for transport, and we will be meeting him soon to discuss a solution to this particular problem, which sounds promising.

However, I am writing to you because I a know for certain that this issue causes problems all over Wales. I am sure you would all agree that equality law exists to **spare individuals the indignity of fighting for basic rights**, including being able to get around communities safely. The duty to make reasonable adjustments, which as you will all know has been in law for 25 years this year, is **anticipatory**, and yet in 2017, on one of several occasions when I asked for some dropped kerbs to be installed, I received a letter from an officer which stated:

*"Cardiff Council's mobility programme is to deal with adhoc requests and is on a reactive basis in keeping with available budgets"* [sic].

I would argue that this is an unlawful approach. It is not the letter-writer that is at fault here, but the system for dealing with long-standing access barriers in neighbourhoods built before dropped kerbs were required. There is no evidence of any systematic attempt to address kerbs and barriers in a way which provides linear access routes around older neighbourhoods.

As well as being unlawful it is also exhausting for those that have to do all the fighting. We've successfully secured a number of dropped kerbs at various places in our community over the years, which usually requires a long wait once the job is accepted – of up to two years – and several chasings-up along the way.

I read a newspaper article a few weeks ago about Breda, a Dutch city which won an accessibility award in

2019. <https://www.theguardian.com/cities/2019/may/28/people-arent-disabled-their-city-is-inside-europes-most-accessible-city> The changes in Breda were planned for the city as a whole and include ramps, levelling of cobblestones, accessible bus stops, portable ramps to shops and restaurants put out first thing in the morning, and more. A quick Google search reveals that other counties in the UK (Kent was one example I found) are taking a more proactive and systematic – i.e. lawful – approach to dealing with kerbs and community barriers. So it doesn't have to be like this.

It is not only the council's transport department that is failing to apply the anticipatory reasonable adjustments duty. A quick survey of our local shopping street in Cardiff recently revealed that around half of the properties (shops and restaurants etc) have a step up to the door, meaning that [REDACTED] often has to sit and wait outside on the pavement while we go inside. We've been slowly working our way round them asking them to purchase a cheap portable pavement ramp, which usually costs £40 at most. Around five places have done this so far, but I question why we are having to ask. Surely a small purchase like this represents a reasonable adjustment. Many of these premises are inspected for food hygiene or receive other council communications. Why are none of these asking about reasonable adjustments?

Back in 2012 I carried out around 40 hours of research and conducted a campaign to address the poor accessibility of Wales's schools to wheelchair users. At that time I was driven by my shock at discovering that half of Cardiff's high schools were inaccessible to wheelchair-users. At the heart of this problem was, again, a lack of proactive compliance with Schedule 10 of the Equality Act (laws which had, again, been lifted from the DDA). Councils were not installing lifts, disabled toilets and level access in school buildings until a wheelchair-user was considering applying to the school, by which stage it was generally too late to address the expensive problems and the child and family were encouraged to apply elsewhere. The campaign resulted in the two successive Children's Commissioners publishing reports in 2014 and 2018, both of which received media attention:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] school in Cardiff, which now enthusiastically includes several wheelchair-users, was inaccessible when I started my work in 2012.

I would be really pleased if you would tell me about any work your Committee is doing to improve public bodies' compliance with disability equality legislation, and in particular to ensure that older shops, schools, streets etc are systematically reviewed to address access barriers. The first step must surely be to assess the scale of the problems. I believe that one of the issues is that whilst equality impact assessments are important, and should be carried out more frequently and thoroughly, they focus all the attention on things that are being planned, and no attention on things that are not being done but should be. I also feel, in relation to the disability equality agenda in particular, that almost all of the attention is placed on employment rights and representation in public life instead of on problems faced by children and young people. This feels like it is the wrong way round to me – if we want to change attitudes in society it would be better to focus effort on children whilst their attitudes and expectations of life are being developed.

As a family we are getting tired of fighting these battles, whilst listening to people talking about the social model of disability. I also feel that [REDACTED] is starting to accept these situations and lower her expectations about what life has to offer her, and what she has to offer in return.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]