

P-03-288 National Strategy on Independent Living

Disability Wales (DW) welcomes this opportunity to respond to the Deputy Minister's letter of 23 April 2011 regarding our petition for a National Strategy on Independent Living.

Equality Act 2010 and Independent Living

The Deputy Minister states that "the Equality Act 2010 marks a change in the equality landscape and we believe that taking this work forward within the new legislative context will ensure that positive outcomes are effectively delivered in Wales across all Welsh Assembly Government portfolios."

In our previous submission to the Petitions Committee on 4 May 2011 we outlined our views on why a National Delivery Strategy on Independent Living is needed *in addition to* the special duties to be developed under the Equality Act 2010. We refer the Committee to that submission for a detailed statement of our position on why Equality Act 2010 legislation is, in itself, insufficient to achieve effective delivery of positive outcomes on Independent Living for disabled people.

To ensure that our understanding of the Equality Act 2010 is correct, we arranged a meeting with the Equality and Human Rights Commission on 19 May 2011.

During this meeting we had a thorough discussion of how the Equality Act 2010 legislative framework may be used to support disabled people's right to Independent Living, as set out in the UN Convention on the Rights of Persons with Disabilities (UNCPRD).

Following that meeting we are of the view that the legislation is limited in its ability to address both the fine detail and complexity of delivering Independent Living across all Welsh Government portfolios and the range of public bodies to which it applies, including twenty two local authorities. We are concerned that relying solely on the public sector duty could

result in a 'post code' approach to independent living, depending on what each public body chooses as its Equality Objectives.

After our discussion with the EHRC we are strengthened in our view that a National Delivery Strategy on Independent Living – which makes the Welsh Government's expectations clear to all concerned with delivering and receiving services that support disabled people to live independently in the community – is essential to achieve vastly improved outcomes in a consistent manner.

UNCRPD and Independent Living

The shortcomings in Independent Living policy in Wales are highlighted by the draft UK Initial Report on the UN Convention on the Rights of Persons with Disabilities.

Under Article 19 – Living independently and being included in the community, reference is made to developments in England, Scotland and Northern Ireland, but not to Wales.

JCHR and Independent Living

Paragraph 136 of the draft report on the UNCRPD states that:

Details of the approaches in England, Scotland and Wales are set out in the information provided to the Joint Committee on Human Rights in response to the Committee's call for evidence on 'Protecting the Rights of Disabled People to Independent Living'.

As advised in our previous submission, DW submitted written evidence to the Joint Committee on Human Rights (JCHR) inquiry into implementation of the right to Independent Living.

DW were also invited to give oral evidence to the JCHR and, alongside colleagues from Independent Living in Scotland, attended Panel 2 of the committee's evidence session in the Houses of Parliament on 24 May 2011.

An uncorrected transcript of the evidence provided by DW and Independent Living in Scotland is attached.

Having reviewed the Welsh Government's submission to the JCHR inquiry, we acknowledge the range of activity that has been introduced to support Independent Living. DW welcomes the Welsh Government's willingness to explore work that can build on this.

However, we note that the submission makes no reference to the Social Model of Disability, does not include a definition of Independent Living, and does not provide an over-arching vision of how Independent Living can be taken forward coherently and consistently across all portfolios.

DW also welcomes the Welsh Government's recognition in the conclusion to the document that "there is a lot more that we could be doing to enhance the services already provided."

Again, we maintain that this should be taken forward strategically across all departments, and that all Independent Living policy development and implementation should be firmly rooted in the Social Model of Disability.

Concluding Comments

It is clear that the Welsh Government has an obligation under the UNCRPD to ensure that the right to Independent Living is implemented effectively for disabled people in Wales.

DW maintain that reliance on Equality Act 2010 legislation to deliver this obligation is an inadequate response. We encourage the Petitions Committee to consider seeking confirmation of this from the EHRC.

Whilst a national engagement and involvement programme would be necessary to ensure that all stakeholders' views are effectively represented in a National Delivery Strategy on Independent Living, drafting the strategy does not need to be a long and costly exercise. Considerable work towards this has already been captured in DW's Manifesto on Independent Living. The strategies developed in England and Scotland can also be drawn upon to help shape a strategy that is appropriate to the Welsh context.

The strategy will enable the Welsh Government to achieve its stated intention of ensuring that positive Independent Living outcomes are effectively delivered across all Welsh Government portfolios – a welcome ambition which Equality Act 2010 legislation cannot, in itself, deliver in practice.

References

Draft UK Initial Report on the UN Convention on the Rights of Persons with Disabilities: <http://ow.ly/5aMQM>

Appendix

Transcript of the oral evidence given by Panel 2 to the Joint Committee of Human Rights inquiry into implementation of the right to Independent Living under the UNCRPD: <http://ow.ly/5j3Jk>