

Evidence paper for presentation to the Petitions Committee by the Minister for Finance and Leader of the House - Tuesday 11 October 2011

Independent Living

1. I agree with the definition as it is set out in Disability Wales' Manifesto for Independent Living where it means:
 - removing the barriers that prevent full social and economic participation in mainstream society, and
 - ensuring that disabled people have the same freedom, choice, dignity, control and opportunities as any other citizen – at home, at work and in the community.

The detail of what this means in terms of policy responsibility for the Welsh Government will need to be worked through in the development of a **Framework for Action on Independent Living**.

Equality Act 2010

2. The Equality Act 2010 contains a general public sector equality duty, which came into force on 5 April 2011. The general duty says that public bodies are required to have 'due regard' to the need to:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Act;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - Foster good relations between people who share a relevant protected characteristic and those who do not
3. 'Due regard' means to consider these three aims consciously when making decisions about policy or practice which would affect people. For example, the duty covers:
 - how a public authority acts as an employer;
 - how it develops policies;
 - how it designs and delivers services; and
 - how it procures services.
4. Consideration of the three aims of the Equality Duty must form an integral part of the decision-making process. The Equality Duty is not a matter of box-ticking; it must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
5. This means that we have to consider actively the impact of all our policies, programmes and practices to ensure that disabled people, and

those who share the other protected characteristics, receive fair and equal treatment. It also means that we must encourage people with protected characteristics to participate in public life or in other activities where their participation is low; and tackle prejudice and promote understanding between people who share a protected characteristic and others.

Welsh Specific Equality Duties

6. To support performance of the general public sector equality duty, the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 specify what public bodies (including the Welsh Government) in Wales must undertake to fulfill their legal obligations and perform better on equality and good relations. The focus of these Welsh specific duties is on outcome focused equality objectives, which will be published by April 2012.
7. A project has been set up to enable the Welsh Government to comply with the Specific Duties. It is called the “Strategic Equality Plan Project” and a Project Board has been convened with external organisations and senior Welsh Government representatives. The Welsh Government will be engaging with stakeholders throughout the process of developing the Plan, which includes its equality objectives.
8. We are therefore developing our approach to Independent Living under the specific equality duties. The duties will help us to mainstream actions that will support Independent Living across all Welsh Government departments. The Strategic Equality Plan, which will set out our equality objectives, will be a high-level document and will be underpinned by a framework for action, as mentioned above.
9. The framework will contain the detail of what will be undertaken across Welsh Government departments and with our external partners to support independent living. The framework will be based on the Social Model of Disability, which the Welsh Government adopted in 2002, and which advocates that it is society which creates attitudinal and physically disabling barriers. It is a positive approach, focused on removing barriers to equality.
10. I discussed this approach with representatives from Disability Wales in July when they agreed that this focus on delivery would have a positive impact on the priority areas which are identified in their manifesto.

Current Activities

11. Disability Wales has also recognised that the Welsh Government is already engaged in work that supports Independent Living. The Petitions Committee has seen the evidence that we supplied to the Joint Commission on Human Rights, which highlights existing activities in education, employment, housing, transport, health and social services,

and culture, sport and leisure, which will support disabled people to live independent lives.

12. Social services play a crucial role in supporting many disabled adults to live more independent lives. They also assist many older people to retain their independence, and help prepare disabled and vulnerable children and young people for living independently in the community. The Welsh Government set out its vision for social services in 'Sustainable Social Services for Wales: A Framework for Action' in February 2011, and has embarked upon a five year programme of implementation, including using its new legislative powers to bring forward a Social Services Bill in 2012. The principles underpinning this programme, as set out in 'Sustainable Social Services', include giving people a strong voice and real control over decisions that affect them, building supportive communities, treating people with respect and dignity and enabling them to make balanced decisions about how they wish to live their lives. They also include promoting recovery and restoration so that people can return to living in the way they choose and supporting people to adjust to new circumstances where that is not possible.
13. Central to 'Sustainable Social Services' is a commitment to citizen-centred services. It sets out a clear expectation that service users and carers, including children and young people, will have a stronger voice in the design, running and evaluation of social services. We expect a much greater range of services to be run by citizens themselves. Direct payments are one means of achieving this, as is also the development of social enterprises.
14. New guidance on direct payments was issued in April 2011, to take account of new legislation extending direct payments to people without capacity or who are subject to mental health legislation, where a 'suitable person' may be appointed to receive the payments on the person's behalf. The Welsh Government hopes that extending direct payments to formerly excluded groups of people will allow more disabled people and their carers to make their own decisions and control their own lives.
15. 'Sustainable Social Services' contained a commitment to developing a model of Self-Directed Support in Wales that is consistent with our principles for social services. Direct Payments and other funding mechanisms will be considered as part of the development of this model. Consultation on models of self-directed support will be included as part of the wider consultation on the Social Service Bill later in the year.
16. The Welsh Government is also committed to supporting carers, through implementation of the Carers Strategies (Wales) Measure 2010 and through refreshing the Carers Strategy for Wales. The Measure enabled the National Assembly to legislate to introduce a new requirement on the NHS and local authorities to prepare, publish and implement local Information Strategies for Carers. As well as providing better information for carers, these strategies should ensure better identification of carers

(including young carers), and better signposting and referral pathways. Consultation on draft Regulations and Guidance was completed in June 2011, and the Regulations will come into force early in 2012. Local Health Boards and local authorities will be expected to consult carers and draw up their local strategies by the autumn 2012, and then to implement them. The Welsh Government is making £5.8 million available to support implementation, with additional funding in the first year to help consultation with young carers in particular.

17. Refreshing the Carers Strategy for Wales will begin in 2012. The Strategy aims to support carers effectively in their caring role, and help them maintain their own health and wellbeing. This includes enabling them to have a life beyond caring. A key focus of the refreshed Strategy will be on enabling and supporting local authorities, the NHS and the Third Sector to deliver services for carers. This will include the further development of respite care services, following on from the 'Review of Respite Care in Wales' (December 2010) – the first systematic and comprehensive quantitative research commissioned in Wales on the demand and supply of respite services. Consultation on the review earlier this year revealed widespread support for increased investment in a range of respite services that are outcome-focused and tailored to individual need.
18. Our Housing Strategy for Wales 'Improving Lives and Communities: Homes in Wales' recognises the housing needs of disabled people and enabling them to have a range of choices focusing on living independently for as long as possible in their own homes and, where necessary, providing quality care and support.
19. The Strategy for Older People in Wales has improving well being and independence as key objectives to ensure that older people - especially those who are disabled - have access to the help they need to remain in their own homes including timely access to heating, adaptations, repairs, 'telecare' as well as other assistive technologies and supported housing programmes.
20. Access to public transport is a key issue in supporting people to live independently. However, it should be remembered that matters relating to accessibility are not devolved and the Welsh Government does not have any powers from Westminster to carry out improvements to the national rail network or its stations.
21. All new railway stations that the Welsh Government has funded, including all stations on the Ebbw Valley Line, and Llanharan Station are fully accessible. We have also supported a range of projects and programmes to help improve accessibility to public transport, including funding to make train stations more accessible, more low-floor buses, and the availability of audio-visual information on trains and buses, and at stations and bus stops. We know there is more to do, especially in rural areas, and will continue to work to remove the barriers which

prevent disabled people accessing the transport network, as set out in our Transport strategy 'One Wales: Connecting the Nation'.

Welfare reform

22. A real concern for us is the UK Government's agenda on welfare reform, which will undoubtedly have a big impact on disabled people's incomes and therefore on their standard of living and ability to live independently. The pace of reform is worrying. In relation to disabled people there are changes to Incapacity Benefit, Employment Support Allowance, and Disability Living Allowance, where individuals are being re-assessed for eligibility, and the Independent Living Fund, which has been closed to new claimants.
23. The impact that changes to Disability Living Allowance and to the Independent Living Fund will have on the capacity of Social Services departments in particular, is also a major concern. It is clear that the UK Government expect local authorities to meet any shortfall in provision caused by the changes and we have received no indication that the UK Government will provide additional funding to Wales to assist in this regard.
24. The impact on the incomes of individual people and on local authority budgets, taken together, could prove to be a major constraint on our ability to deliver on our aims for supporting Independent Living.
25. Many disabled people rely on welfare benefits, either as their main source of income or to supplement their income to help them cover the increased costs of living with impairments. We are keen to ensure that everyone who is entitled to benefits should receive them and we are funding Citizens Advice Cymru to help increase benefit up-take for families with disabled children and to deliver the Better Advice Better Health initiative.
26. Since the launch of the benefit up-take pilot scheme, in July 2009, over 2500 families/children have been helped with over £2.5million confirmed gains to date. The real sum of benefits gained for these clients is yet to be confirmed as many of the applications for benefits are still awaiting decisions. 'Better Advice: Better Health' provides a range of advice across Wales for clients referred through health settings. The service is improving general health by tackling causes of non-medical problems such as debt, poor housing and relationship issues. Local authorities are also receiving funding to identify and help those who are eligible for council tax benefit to take up their entitlement.
27. I am also concerned about the Department for Work and Pensions' proposals arising from the Sayce review, particularly the suggestion that Remploy factories should become commercially viable enterprises or be closed.

28. Remploy currently delivers essential services for disabled people and a number of Welsh communities rely heavily on Remploy factories, as they are a major employer within their area. They are essential in the provision of opportunities for people who find it hardest to access employment in a harsh economic climate and a highly competitive labour market. Removing these opportunities without offering viable alternatives is a great concern.
29. Supporting Independent Living in the face of the changes that are taking place around welfare reform and in a time of severe financial constraint will be challenging. However, I believe that by using the specific duties regulations to establish a framework for action on independent living, we will be in a position to influence policies and programmes across the Welsh Government, so that we mainstream actions that will support people to live truly independent lives.