

21 April 2011

Specific Duties – Policy review
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Dear Harshbir,

EDCM response to the Government Equalities Office consultation *Equality Act 2010: The public sector Equality Duty: Reducing bureaucracy, Policy Review Paper*

Every Disabled Child Matters (EDCM) is the campaign for rights and resources for disabled children and their families. EDCM is a consortium campaign run by four of the leading organisations working with disabled children and their families: Contact a Family, the Council for Disabled Children, Mencap and the Special Educational Consortium. The campaign has over 34,000 supporters, the campaign partners represent over 770,000 disabled children and young people in the UK, and our Campaign Network is made up of 75 organisations from across the disabled children's sector. EDCM welcomes the opportunity to respond to the *Equality Act 2010: The public sector Equality Duty: Reducing bureaucracy, Policy Review Paper*.

The purpose of this policy review paper is to seek views on new draft regulations imposing specific duties to support better performance of the public sector Equality Duty.

EDCM is concerned by the proposals of this policy review below:

'Remove the requirement to publish details of the engagement the public authority undertook with persons whom it considered to have an interest in furthering the aims set out in section 149(1) of the Act, and details of the engagement it undertook when developing its equality objectives.' *Equality Act 2010: The public sector Equality Duty: Reducing bureaucracy, Policy Review Paper pg 5*

Parents of disabled children have told EDCM that they have not been consulted by local authorities with regards to the closure of services for disabled children from April 2011.

Excerpt from EDCM's *Close to Crisis: Frontline services for disabled children* report 2010:

Decisions have been taken without consultation or explanation

"There was no warning that this service was going to stop with one months notice this August."

Parent of a disabled child

"[There was] no information or consultations, I believe the decisions were made by a consultancy firm on behalf of [the local authority]."

Professional working with disabled children

"There was little info other than the service would no longer be provided."

Parent of a disabled child

"The problem is I don't think the cuts, changes, system etc are understood or clearly informed to the users. They just suddenly are reduced or harder to get."

Parent of a disabled child

"I would like an explanation as to how and why these decisions are being made."

Parent of a disabled child

"As we know the organisation who manage this fund are hearing that the fund may not continue in its third year due to government cutbacks. We have grave concern that the position be clarified as soon as possible."

Professional working with disabled children

"Despite a good working relationship with the commissioning teams, and membership of three DCTP's no advanced warning of closures or cuts has been given to this time."

Professional working with disabled children

"Distinct lack of information given generally, we find out most things word of mouth until the activity impacts on us directly. We are always hearing stories about further cuts to children's services from the people who run them. And we are always made to feel that we have no right to questions or argue with these cuts. Whatever we do or say won't make a difference"

Parent of a disabled child

Local authorities determine policy and practice with regards to disabled children and their families based on statutory duties such as the public sector equality duty. These duties set out what they are legally obliged to provide, and give families and professionals a framework for negotiation.

The removal of the requirement to publish evidence of engagement with those who have an interest in furthering the aims set out in section 149(1) of the Act would increase the likelihood that families with disabled children will not be consulted with regards to the closure of services that affect them.

The *Close to Crisis* report demonstrates that local authorities do not engage with families about the closure of services as a matter of course. Financially driven decisions to make service cuts will mean that disabled children and their families need to rely more and more on statutory duties to ensure transparent engagement with the local authority on decisions regarding the services they use. Local authorities will also increasingly depend on these duties as guidelines to help them make decisions when determining who should receive services and what engagement is necessary.

In light of this, we believe that reducing the requirement to publish evidence of engagement with disabled children and their families as part of the public sector Equality Duty would be extremely damaging. In essence, it would leave families who need support with nowhere to turn when seeking engagement. EDCM is also concerned that any reduction of engagement would significantly reduce the capacity of local authorities to determine which services to provide to families with disabled children.

Supporters of the EDCM campaign made it clear to Government through the CLG 'Review of Statutory Duties Placed on Local Authorities' that duties, including the Public Sector Equality Duty are vital and should not be eroded.

To date, 1283 individuals have sent a statement to their MPs, and to this consultation, in support of the Every Disabled Child Matters campaign's position on statutory duties that reads:

'I believe that local authority duties that cover the provision of services and support for disabled children and children with special educational needs are vital and should be kept.

Rights for disabled children and those with special educational needs are not a 'barrier' to the delivery of services – they are vital tools that help families and local areas to make decisions about what support they can provide for families. Local authorities provide services based on their statutory duties. These duties set out what they are legally obliged to provide, and give families and professionals a framework to help decide the services that disabled children will receive.

Many disabled children and their families have to fight to get the services they need to lead ordinary lives. Now that overall funding for local services has been reduced, and local authorities are looking for ways to cut costs, there is an even greater pressure on families trying to get support.

In light of this, I believe that withdrawing the statutory rights of disabled children and children with special educational needs to receive services would be extremely damaging. It would leave families who need support with nowhere to turn, and local authorities with no guidance as to how to help them.'

If there are further questions on the information included in this submission please contact Laura Courtney, EDCM Campaign Manager on laura@edcm.org.uk or on 020 7843 6448.

Yours sincerely

A handwritten signature in black ink that reads "Laura Courtney". The signature is written in a cursive style with a large, prominent initial 'L'.

Laura Courtney
Every Disabled Child Matters Campaign Manager