

UN Committee on the Rights of Persons with Disabilities 2016 inquiry

UK 2021 follow-up report

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1. This is the United Kingdom of Great Britain and Northern Ireland's (the UK) 2021 follow-up report to the 2016 Inquiry by the UN Committee on the Rights of Persons with Disabilities ('the Committee'). This report covers the years 2020 and 2021 and is responding to the recommendations issued by the Committee in its report¹ on its inquiry concerning the UK, carried out under article 6 of the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities (UNCRPD).
2. The UK government and the devolved administrations of Scotland, Wales and Northern Ireland, share a commitment to supporting and improving the lives of disabled people. This report provides an update on policies and services that are delivered nationally by the UK government, and on policies that have been devolved which enable the devolved administrations to reflect the particular needs of their populations.

1 The Report of the Committee (UN ref. CRPD/C/15/4) https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2f4&Lang=en

Recommendation 114a

Conduct a cumulative impact assessment of the measures adopted since 2010 referred to in this report, related to the rights to independent living and being included in the community, social protection and employment of persons with disabilities. The State party should ensure that this assessment is rights-based, and meaningfully involves persons with disabilities and their representative organizations.

3. Since 2010, the government has published cumulative analysis of the impacts of its tax, welfare and public spending policies on households. The most recent assessment was published at Budget 2021. It showed that in 2021 to 2022, the poorest 60% of households will receive more in public spending than they contribute in tax. Households in the lowest income decile will receive more than £4 in public spending for every £1 they pay in tax on average.
4. This cumulative distributional analysis is the most comprehensive available, covering the effects of direct cash transfers between households and government, but also the effects of frontline public service provision. Welfare spending is not the only way to help disabled people. Further support, including health spending, employment support, and investment in infrastructure are important enablers to the removal of barriers to participation.

5. In addition to qualitative impact assessment of budget decisions against all protected characteristics within the Equality Act 2010², the Scottish Government also undertakes impact assessments when developing employability support, which includes ensuring the rights of disabled people are upheld. In addition, disabled people's lived experience is actively sought in shaping employability support, for example, to inform development of support for disabled unemployed parents through the Parental Employability Support Fund (PESF) and PESF Boost, and through the Lived Experience Panels for No One Left Behind, which is a new strategic and integrated approach to local employability provision in Scotland.³
6. The Department for Communities (DfC) in Northern Ireland has in place a Welfare Reform Composite Evaluation Framework to measure the impact of welfare reform implementation in that jurisdiction and any mitigations that have been introduced.

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

3 <https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan-year-2-progress-report/>

Recommendation 114b

Ensure that any intended measure of welfare reform is rights-based, upholds the human rights model of disability, and does not disproportionately and/or adversely affect the rights of persons with disabilities to independent living, adequate standard of living and employment. To prevent such adverse impacts, the States party should carry out human rights-based cumulative impact assessments of the whole range of intended measures which would impact the rights of persons with disabilities.

7. The UK has a longstanding tradition of ensuring rights and liberties are protected domestically and of fulfilling our international human rights obligations. The UK's domestic framework for protecting and promoting human rights and for combating discrimination is largely based on the Human Rights Act 1998⁴ and the Equality Act 2010, and other protections in criminal and civil law.
8. The Equality Act 2010 in Great Britain (England, Wales and Scotland) and the Disability Discrimination Act 1995 in Northern Ireland⁵ are instrumental in protecting people with all protected characteristics, including disability. The Public

4 <https://www.legislation.gov.uk/ukpga/1998/42/contents>

5 https://www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/Public%20Authorities/Public_Sector_Equality_and_Disability_Duties-Short_Guide.pdf

Sector Equality Duty (PSED) in the Equality Act 2010⁶ places a legal duty on public bodies to consider the impact of policies on people with protected characteristics. It ensures that equality issues, including disabled people's rights, are mainstreamed into the policies and programmes of government departments and other public bodies to prevent discrimination of all people, including disabled people.

9. Public bodies must be able to demonstrate how they have considered equality issues when they develop, implement and review policies, services and processes. They are encouraged to gather data on service users in order to conduct equality analysis that will inform decisions on policy and service delivery, including consulting with disabled groups where relevant. Where the equality analysis identifies disproportionate impacts on disabled people, organisations should consider options for removing or reducing the likelihood of negative consequences.

6 <https://www.legislation.gov.uk/ukpga/2010/15/part/11/chapter/1>

10. In July 2021, the UK government published a green paper⁷ on health and disability support. It focuses on the welfare system and how it can better meet the needs of disabled people by:
 - improving claimant experience of our services
 - enabling independent living
 - improving employment outcomes
11. The green paper has been shaped by views of disabled people, either through Disabled People's Organisations (DPOs) or directly, including their lived experiences with the benefits system. As part of this, we sought views on how to improve assessments both in the short and longer term. This covers the Work Capability Assessment for Employment Support Allowance (ESA) and Universal Credit, as well as the Personal Independence Payment (PIP) assessment.
12. In response to the COVID-19 pandemic, the UK government made a number of changes to the disability benefit PIP to safeguard the health of claimants and staff and to prioritise new claims and the continuity of existing awards to ensure claimants receive the support they need.
13. The UK government is committed to ensuring that the Work Capability Assessment assesses people

7 <https://www.gov.uk/government/consultations/shaping-future-support-the-health-and-disability-green-paper>

fairly and accurately. Over the course of 5 independent reviews more than 100 recommendations were made, the majority of which we accepted. The green paper focuses on how we can make further improvements to assessments, and seeks views on future changes.

14. During the COVID-19 pandemic the UK government made changes to benefit assessments by suspending all face-to-face assessments for sickness and disability benefits in 2020 and resumed them from April 2021, in line with the latest public health guidance. Throughout the pandemic we have continued to assess people on paper evidence, and introduced telephone and video assessments.
15. Through the Social Security (Scotland) Act 2018⁸, the Scottish Government has responsibility for a range of social security payments. In winter 2020, the Scottish Government began delivery of a new benefit, Child Winter Heating Assistance, to help families of severely disabled children heat their homes. Child Disability Payment began in Summer 2021 and Adult Disability Payment will start in 2022.
16. An Integrated Impact Assessment is completed when developing any policies within the Welsh

8 <https://www.legislation.gov.uk/asp/2018/9/contents/enacted>

Government. The Integrated Impact Assessment includes a Human Rights Impact Assessment.

Recommendation 114c

Ensure that any intended legislation and or policy measure respect the core elements of the rights analysed in this report: that persons with disabilities retain their autonomy, choice and control over their place of residence and with whom they live; they receive appropriate and individualized support, including through personal assistance, and they have access to community-based services on an equal basis with others; they have access to security social schemes which ensure an income-protection, including in relation to the extra cost of disability, that is compatible with an adequate standard of living, and ensure their full inclusion and participation in society; and that they have access and are supported to employment in the open labour market on an equal basis with others.

17. In the UK, the rights of disabled people under the UNCRPD are largely reflected and given effect in existing domestic policies and legislation. In addition, the Equality Act 2010 in Great Britain and the Disability Discrimination Act 1995 in Northern Ireland also protect people with all protected characteristics, including disability, and place a legal duty on public bodies to consider the impact of policies on people with protected characteristics.

Housing

18. The UK government is committed to further improving the diversity of housing options available to disabled people and older people, and is engaging closely with the sector and a range of other stakeholders, including disabled people on this issue. Responsibility for the management of individual supported housing schemes, and agreement over placements or referrals of individuals into specific schemes, is shared between local authorities and the providers themselves.
19. Additionally, the UK government consulted from 8 September to 1 December 2020 on various options to raise the accessibility of new homes in England, recognising the importance of suitable homes for older people and disabled people. We received many responses to the consultation from individual disabled people and from DPOs. Responses to this consultation are currently being considered and the next steps to strengthen the accessibility of new homes will be set out by the end of the year.
20. The UK government is supporting disabled people to enjoy inclusion and participation in society through the provision of updated statutory guidance and £30 million of investment for existing buildings to increase the provision of Changing

Places toilets⁹, to allow thousands of people with complex needs greater access to public places. This builds upon the government's previous £4 million investment targeted at increasing the provision of Changing Places toilets in NHS hospitals and motorway services.

Support for people with a learning disability and autistic people

21. On 27 March 2021, the UK government published a mental health wellbeing and recovery plan¹⁰ which includes an additional £31 million allocated in the financial year 2021 to 2022 in light of the COVID-19 pandemic to improve support in the community for autistic adults and children and for people with a learning disability. This includes funding for respite care and short breaks aimed at helping families during the pandemic.
22. The UK government recognises that timely diagnosis of autism and the right support is crucial to living independently. The additional £31 million allocated in the financial year 2021 to 2022 will also be used for investing extra funding to address long waiting times for autism diagnoses for children and young people and to proactively identify those

9 <https://www.gov.uk/government/news/30-million-investment-to-provide-changing-places-toilets>

10 <https://www.gov.uk/government/publications/covid-19-mental-health-and-wellbeing-recovery-action-plan>

at risk of crisis, as well as reducing diagnostic waiting times for adults and improving post-diagnostic support.

23. As part of the Oliver McGowan Mandatory Training in Learning Disability and Autism programme¹¹, we are developing and testing a standardised training package for all 2.7 million health and social care staff, backed by a £1.4 million investment. Trial providers and evaluation partners were appointed in summer 2020, and people with lived experience are meaningfully involved in the development and delivery of the content.
24. The Building the Right Support national plan¹² in England sets out the support that people with a learning disability and autistic people should receive if they need it, in order for them to live a full and rewarding life. To oversee and accelerate progress, we have established a cross-government Building the Right Support Delivery Board. It brings together government departments, arms-length bodies and other partners, recognising the need to take a system-wide approach to resolve some of the historical blockers to make further progress in ensuring that people with a learning disability and autistic people have the right support in the community. The board has agreed on 6 priority

11 <https://www.hee.nhs.uk/our-work/learning-disability/oliver-mcgowan-mandatory-training-learning-disability-autism>

12 <https://www.england.nhs.uk/learning-disabilities/natplan/>

work streams that tackle these recurring and complex blockers.

25. The government is committed to improving how people with a learning disability and autistic people are treated in law and to make it easier for them to be discharged from hospital. Proposed changes in the Mental Health Act white paper¹³ published on the 13 January 2021 reflect this.
26. The Scottish Government has continuously committed to ensure that autistic people and people with learning/intellectual disabilities live healthier lives, enjoy choice and control over the services they use. This is further supported through the publication of the Scottish Strategy for Autism 2011 to 2021¹⁴ priorities, and the Keys to Life priorities for 2013 to 2023. This commitment has been reaffirmed through the publication of the Learning/Intellectual Disability and Autism Towards Transformation Plan¹⁵, published in March 2021.
27. The Welsh Government will shortly be publishing a Statutory Code of Practice on the Delivery of Autism Services under the Social Services and Well-being (Wales) Act 2014 and the NHS (Wales) Act 2006¹⁶. The goal of the code is to provide

13 <https://www.gov.uk/government/consultations/reforming-the-mental-health-act>

14 <https://education.gov.scot/improvement/research/the-scottish-strategy-for-autism-2011/>

15 <https://www.gov.scot/publications/learning-intellectual-disability-autism-towards-transformation/>

16 <https://www.legislation.gov.uk/ukpga/2006/42/contents>

clarity about existing legislation to increase the accountability of health boards, local authorities and NHS trusts and Regional Partnership Boards so that autistic people can be supported more effectively.

Adult Social Care reform and personalised care

28. The UK government announced its plan for health and social care¹⁷ in September 2021. We have committed to investing an additional £5.4 billion over 3 years, which allows us to begin a comprehensive programme of reform for adult social care. This includes protecting individuals including disabled people from unpredictable costs and major improvements to the wider social care system in England. We will work with care users, providers, and other partners to co-develop more detail on these plans and publish further detail in a white paper for reform later this year.
29. As part of the NHS Long Term Plan¹⁸ in England, the UK government aims to expand personalised care through measures including personal health budgets and social prescribing, where people are referred by their GPs to local community or voluntary activities. The aim is to increase the

17 <https://www.gov.uk/government/publications/build-back-better-our-plan-for-health-and-social-care>

18 <https://www.longtermplan.nhs.uk/publication/nhs-long-term-plan/>

number of people choosing to take up personal health budgets across the health and care system and help more people benefit from personalised care.

30. In 2018, the UK government and NHS England consulted on extending the legal right to a personal health budget¹⁹. The consultation revealed strong support, with nearly 9 out of 10 respondents supporting the proposals. Following the consultation, the law was changed in December 2019 giving the legal right to personal health budgets to wheelchair users and those people receiving aftercare services under Section 117 of the Mental Health Act 1983²⁰. This will give people greater meaningful choice and control over their own health and care and improve wellbeing outcomes.
31. The creation of statutory Integrated Care systems for all parts of England – through the creation of Integrated Care Boards and Integrated Care Partnerships in the Health and Care Bill introduced in July 2021²¹ – will have a positive impact on disabled people particularly with respect to access of services through ensuring integrated and co-

19 <https://www.gov.uk/government/consultations/personal-health-budgets-and-integrated-personal-budgets-extending-legal-rights>

20 <https://www.legislation.gov.uk/ukpga/1983/20/contents>

21 https://www.gov.uk/government/news/health-and-care-bill-introduced-to-parliament?utm_medium=email&utm_campaign=govuk-notifications&utm_source=27045589-baa2-4f45-87fb-06a2229a5b45&utm_content=immediately

produced health and care support to enable people to have better lives.

32. The Prime Minister announced on 7 September 2021²² that we will work further with key stakeholders to co-produce a comprehensive national plan for supporting integration between health and social care so that all elderly and disabled people are looked after with dignity.
33. Personalised care and seamless integrated care remain key principles for social care in Wales instilled under the Social Services and Well-being (Wales) Act 2014²³ and the Regulation and Inspection of Social Care (Wales) Act 2016²⁴. The Welsh Government is currently considering responses to its recent white paper consultation ‘Rebalancing care and support’²⁵. To support voice and control and seamless, person-centred care, it has also committed to making improvements to the interface between NHS continuing healthcare and direct payments.

Employment Support

34. To help employers manage some of the longer-term work consequences of the COVID-19

22 <https://www.gov.uk/government/publications/build-back-better-our-plan-for-health-and-social-care>

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

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

25 <https://gov.wales/improving-social-care-arrangements-and-partnership-working>

pandemic, the UK government has asked the Flexible Working Taskforce, co-chaired by the Chartered Institute of Personnel and Development, to look into how work is likely to change after the pandemic. The taskforce can take the experience of work during the pandemic to help support workers, including those with disabilities, and employers to adapt to new ways of working on a more permanent basis. Membership of the taskforce includes an organisation to represent disabled people.

35. The UK government has committed to further encouraging flexible working and is consulting on making it the default unless employers have good reasons not to. The Department for Business, Energy and Industrial Strategy will launch a consultation on this in due course.
36. The UK government's goal is to see a million more disabled people in employment between 2017 and 2027, as set out in *Improving Lives: The Future of Work, Health and Disability*²⁶ (published November 2017). In the first 3 years since this aspiration was announced, the number of disabled people in employment has increased by 800,000, making the total number of disabled people in employment 4.4 million. The government is pleased with this

26 <https://www.gov.uk/government/publications/improving-lives-the-future-of-work-health-and-disability>

progress but wants to do more to see further improvements.

37. The UK government coordinates programmes to provide more personalised and tailored employment and health support to increase employment for disabled people.
38. Tailored support through the Personal Support Package, introduced April 2017, which helps disabled people or people with a health condition prepare for, find and secure employment. The COVID-19 lockdowns necessitated significant changes to operational delivery in Jobcentres, such as switching from face-to-face to virtual interviews.
39. The Work and Health programme in England and Wales offers voluntary access to employment support to around 220,000 disabled people. Latest statistics (November 2020) shows that 130,000 people have started the programme with 41,000 starting work and 21,000 job outcomes, 74% of all people starting on the programme have a disability.
40. From the end of 2019, more than £40 million has been invested into a new Intensive Personalised Employment Support Programme. Over 4 years this will support 10,000 disabled people, who are at least a year away from moving into work.

41. As part of the Government's strategy to support people affected by the COVID-19 pandemic, temporary changes have been made to the eligibility criteria for ESA. The ESA Temporary Coronavirus Regulations 2020 came into force on 13 March 2020 and will expire on 12 November 2021.
42. Everyone who makes a new claim for ESA and has been affected by COVID-19 (whether they or a child they are caring for are infected or have been advised to stay at home and self-isolate) will be treated as having limited capability for work from day one of their award. They will not be required to provide medical evidence or have a work capability assessment. This includes clinically extremely vulnerable (CEV) people who are unable to work from home and have been advised to 'shield' in line with their relevant public health advice (public health advice is devolved in Great Britain).
43. In December 2018, the Scottish Government published A Fairer Scotland for Disabled People: employment action plan²⁷, developed with disabled people and other key stakeholders. It commits to at least halve Scotland's disability employment gap by 2038. Consequently, the Scottish Government continues to invest in its employability services, including more than £27 million in the financial year

27 <https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan/>

2021 to 2022 in the national employability support service Fair Start Scotland (FSS), and £12.35 million for Parental Employability Support Fund (PESF) and PESF Boost in the same period.

44. The Scottish Government's FSS national employability support service provides person-centred, holistic support for those furthest from the labour market. Over the 3 years since its launch in April 2018, FSS has supported over 32,500 participants, including more than 14,000 people with disabilities (43% of all participants). FSS delivery has been extended for a further 2 years to March 2023 and service providers will be working with local and national level DPOs to continuously improve the offer of support over that period.
45. No One Left Behind²⁸ is the Scottish Government's strategy together with local government. It places people at the centre of the design and delivery of employability services, promotes a strengthened partnership approach where the spheres of government work more collaboratively with the third and private sector to identify local needs and make informed and evidence-based decisions to support individuals and labour market needs. This will ensure we have the right support in place for people making their first steps, and for disabled

28 <https://www.gov.scot/publications/no-one-left-behind-delivery-plan/>

people and other equality groups experiencing disadvantage, in the labour market.

Access to Work

46. The Access to Work (AtW) scheme provides advice and practical support to employees and their employers for overcoming disability-related workplace barriers. AtW does not replace an employer's duty to offer reasonable adjustments, the scheme only funds support above and beyond reasonable adjustments.
47. AtW customers can now receive an award of up to £62,900 per year to support them to enter or retain employment and also have access to a specialist mental health support Service. In the financial year 2019 to 2020, 43,400 people were supported by AtW, the highest number yet, and an increase of 20% on the previous financial year. In the financial year 2019 to 2020, AtW expenditure increased to £141.7 million, an 8% increase in real terms compared with the previous tax year.
48. AtW has introduced a new more flexible offer to support disabled people to move into and retain employment during the COVID-19 pandemic. The new blended offer complements support provided by employers and contains a flexible mix of support that can be adapted to meet the needs of new

COVID-19 working arrangements. The offer includes:

- support to work from more than one location,
- a package of home working support which can be blended with workplace support,
- mental health wellbeing support for people returning to work after a period of furlough or shielding,
- travel-to-work support for those who may no longer be able to safely travel by public transport due to the nature of their disability
- prioritising AtW applications from disabled people in the CEV group

49. In 2019, the Scottish Government set up the Scottish Access to Work Stakeholder Forum (a commitment in A Fairer Scotland for Disabled People – Employment Action plan), working with the Department for Work and Pensions (DWP) and other partners including DPOs, to ensure that service users have a role in shaping the delivery of AtW in Scotland. The group will advise the DWP on how AtW can be better publicised in Scotland, and the barriers that disabled people are facing in accessing the programme.

Access to Public Life

50. In September 2019, a new framework for disabled people was launched by the Welsh Government; ‘Action on Disability: the right to independent living’²⁹. This was created following extensive engagement with disabled people and the organisations which represent them. It sets out the principles, legal context and commitments which will underpin all of the Government’s work with, and for, disabled people.
51. In June 2020, research was commissioned to establish the extent of the direct and indirect impact of COVID-19 on disabled people. The resulting report, which was co-produced with disabled people, set out 70 recommendations. It is proposed a disability rights taskforce is established to consider the actions which will be taken to inform a refresh of the framework and action plan.
52. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals’ active participation in local democracy through standing for elected office.
53. On 25 September 2020, the Welsh Government confirmed a pilot Access to Elected Office Fund³⁰

29 <https://gov.wales/action-disability-right-independent-living-framework-and-action-plan>

30 <https://www.gov.uk/access-to-elected-office-fund>

would be put in place for both the 2021 Senedd elections and the 2022 local government elections. This was followed on 11 November 2020 by the launch of a consultation which sought views on specific issues relating to the fund. The consultation ended on 20 January 2021 with the summary of responses published on 16 February. The fund supported candidates standing in the May 2021 Senedd elections.

54. To enable this fund to operate, the Representation of the People (Election Expenses Exclusion) (Wales) (Amendment) Order 2020³¹ was made. The effect of the order is to exclude disability costs from the statutory ceilings for election spending to ensure a more level playing field for all election candidates.
55. The Mental Capacity Act (Northern Ireland) 2016³² was enacted in May 2016 and the first phase commenced on 1 October 2019. The main provision in the first phase was the introduction of a statutory framework for deprivation of liberty ensuring that a person's rights are protected. When fully commenced the act will provide a single statutory framework for mental capacity and mental health.

31 <https://www.legislation.gov.uk/wsi/2020/1320/contents/made>

32 <https://www.legislation.gov.uk/ni/2016/18/contents/enacted>

Recommendation 114d

Ensure that public budgets take into account the rights of persons with disabilities; that sufficient budget allocations are made available to cover extra-costs associated with living with a disability, and that appropriate mitigation measures, with appropriate budget allocations are in place for persons with disabilities affected by austerity measures.

56. Since our last response in 2019, the UK government exempted disabled people's benefits from the benefits freeze and uprated them in line with inflation. The government will spend over £57 billion in the financial year in 2021 to 2022 on benefits to support disabled people and those with health conditions, around 2.6% of GDP. In real terms, total disability benefits spending in the financial year 2025 to 2026 is forecast to be over £16 billion higher compared to 2010, despite disability spending in Scotland having been devolved in the financial year 2020 to 2021.

Motability

57. The UK Government continues to work closely with Motability, the independent charity which enables eligible disabled people to lease a new car, scooter or powered wheelchair by using a component of their disability benefits, to ensure the scheme

provides the best possible support to disabled people.

58. The government published its response to the National Audit Office report on the Motability Scheme in September 2020. A report on the Motability Scheme by the Social Security Advisory Committee was also published in November 2020 titled *The use of public funds in supporting the mobility needs of disabled people*³³. This report explores whether the current support through the Motability Scheme, coupled with the availability of the Disability Living Allowance and PIP mobility components, is the best way to support the mobility needs of disabled people. The government has accepted their recommendations and will respond in due course.

Mental Health Act white paper

59. The UK government has consulted, through the Mental Health Act white paper³⁴, on how to overcome any challenges around the use of pooled budgets (combined budgets from local authorities and NHS bodies) for services for people with a learning disability and autistic people.
60. Alongside the consultation process, which has now concluded, the government commissioned Skills

33 <https://www.gov.uk/government/publications/ssac-occasional-paper-23-the-use-of-public-funds-in-supporting-the-mobility-needs-of-disabled-people>

34 <https://www.gov.uk/government/consultations/reforming-the-mental-health-act>

for Care (an independent charity that helps create a well-led, skilled and valued adult social care workforce), to develop and issue guidance to remind commissioning bodies of the importance of working together and making sure the right services are in place for people with a learning disability. This guidance will also encourage them to report spending more transparently, ahead of changes to legislation. The guidance will be published soon.

Community Discharge Grant

61. In 2020, the government committed £74 million (£62 million in England) to give local authorities additional money to accelerate discharge of patients with learning disabilities or autism (or both) from mental health hospitals into the community. The funding provides local authorities with additional funding to address ‘double running costs’, where costs occur before a formal discharge when a person is still an in-patient requiring a bed, and a community care package is also in place.
62. The first year of funding (£20 million in England) has been paid to all nominated lead local authorities and financial year 2021 to 2022 allocations are due to be distributed shortly. The government has also carried out an evaluation to assess how the grant was spent in the first year.

Thalidomide health grant

63. The Thalidomide health grant began in 2012. £80 million was pledged over 10 years, in recognition of the complex and highly specialised needs of thalidomide affected individuals (thalidomidiers), particularly as they approach older age. This funding helps them to maintain control over their health.
64. On 3 March 2021 the Chancellor made a lifetime commitment to continue the thalidomide health grant beyond 2022 to 2023 (when existing funding ends), so that no-one supported by it has to worry about future health related costs. This commitment includes an initial down payment of around £39 million for the first 4 years after the current grant runs out. Future funding figures will be confirmed every four years after that, following an assessment of need.

Better Care Fund

65. The Better Care Fund (BCF) is the national policy driving forward the integration of health and social care in England. The BCF requires NHS Clinical Commissioning Groups and local authorities to make joint plans to support integration and personalisation of health and social care as partners, through pooled budgets. The Disabled

Facilities Grant (DFG) is disbursed to Local Authorities through the structure of the BCF.

66. Through the BCF, the UK government provides capital funding to local authorities in England to help meet the cost of home adaptations for people eligible for DFG. The government has invested over £4 billion into the grant (2010-2011 to 2021-2022), providing an estimated 450,000 adaptations.
67. The government is committed to integrated, person-centred health and social care and there is clear consensus for funding to continue to allow continuity of services, and for the health and care systems to continue to work effectively together at a local level. We have committed at least £6.9 billion to support this joint working in the financial year 2021 to 2022. The government published the BCF Policy Framework³⁵ in August 2021, which confirms funding conditions for the financial year 2021 to 2022.
68. In addition to a DFG, the Welsh Government also invests in home adaptations through a number of supplementary grant schemes. Together these support over 34,000 adaptations each year.

35 <https://www.gov.uk/government/publications/better-care-fund-policy-framework-2021-to-2022>

Social care funding

69. Throughout the pandemic, we have made available over £2 billion in specific funding for adult social care.
70. The government has provided councils in England with £1.7 billion grant funding for adults and children's social care this year. This includes £300 million additional grant funding and the continuation of the existing £1.4 billion social care grant.
71. Councils also have access to a further £790 million of new funding for adult social care through a 3% adult social care precept. This is on top of the continuation of £2.1 billion of adult social care funding from the Improved Better Care fund.
72. The government has also provided an additional £6 billion of funding directly to councils to support them with the immediate and long-term impacts of COVID-19 spending pressures, including social care services.
73. The Integrated Care Fund (ICF) is helping to support disabled people across Wales. In the financial year 2021 to 2022, £89 million is being made available to support delivery of the ICF through the provision of integrated health and social care services. Of this funding, £3 million is available to support implementation of the

Integrated Autism Service and £20 million is to support people with learning disabilities, children with complex needs and carers.

74. Within the Welsh Government, £200,000 additional funding has been made available to deliver COVID-19 emergency support to disabled people at local levels. This has supplemented an allocation of £100,000 made by the National Emergency Trust to Wales, ensuring that a higher impact can be achieved.
75. The Local Government Hardship Fund has been in place since the start of the pandemic helping support care providers to deliver vital care and support across the whole of the social care sector throughout very challenging circumstances. Over £140 million of funding support has been provided to local authorities through the Hardship Fund and local health boards during that time.
76. In addition to supporting 9 projects across Wales, a DPOs emergency fund coordinator has been appointed within Disability Wales, who is providing expertise in fundraising, communications, equalities and access to future funding as well as networking the projects together to achieve more successful outcomes.
77. In Northern Ireland, there are currently 414 recipients of Independent Living Fund (ILF) awards. On behalf of the Department of Health

(DoH), ILF awards are distributed using the ILF Scotland infrastructure to those recipients in Northern Ireland who have severe and/or complex disabilities with intensive care needs.

78. The Family Fund (FF) offers a wide range of goods and services which may be focused on directly supporting the needs of the child with a disability but are equally aimed at improving the overall wellbeing of the family adversely affected by a disability. In the financial year 2020 to 2021, the Department for Education provided the FF with £40.8 million for applicants in England, and in Northern Ireland the DoH provided £1.57 million of funding for applicants.

Recommendation 114e

Introduce all necessary adjustments to make fully accessible all information, communications, administrative and legal procedures for all persons with disabilities in relation to social security entitlements, independent living schemes, and employment/unemployment-related support services.

79. Under section 20 of the Equality Act 2010, all organisations, including the UK government, have a duty to make reasonable adjustments when delivering online or offline services. This includes ensuring all information, communication and operations are accessible to disabled people.

80. The Government Communications Service has introduced a senior level accessibility champion to lead their ongoing commitment to driving up accessibility standards across all departments, including on their digital websites, apps and social media channels.
81. In response to the COVID-19 pandemic the UK government made a number of changes to health and disability benefits to safeguard the health of our customers and staff. These were:
- introduced telephone-based assessments, where suitable, in addition to pre-existing paper-based assessments
 - third parties were able to join telephone assessments where needed;
 - introduced audio recording of the telephone assessments where the customer wanted that
 - trialled video assessments.
82. Customers can now make an AtW application online 24/7 and choose a time that is convenient for them. In July 2019, the UK government launched the AtW communication support at interview service, where a disabled person can apply for funding for communication support at a job interview. This makes the application process simpler, more convenient and faster for customers who need support at short notice for an interview.

Her Majesty's Courts and Tribunals Service

83. Her Majesty's Courts and Tribunals Service (HMCTS) reform programme is leading to greater online provision and accessibility, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018³⁶. The reforms will make the courts more accessible to those who may have difficulty in travelling, as can be the case when disability benefit issues arise in the Social Security and Child Support Tribunal.
84. Online HMCTS services, including those for Social Security appeals, are designed and tested with a variety of users including those who may have limited or no digital skills. They are also developed to be accessible so people using assistive technology can self-serve, and simple language is used to reduce the cognitive load for users.
85. Audio and video capability has been scaled up in response to the COVID-19 pandemic. For hearings that can take place remotely, we ask participants to tell the tribunal if they need additional support or cannot participate effectively in an audio or video hearing. The judge can decide whether a remote hearing is appropriate or not, taking into account

36 <https://www.legislation.gov.uk/uksi/2018/852/contents/made>

the needs of the parties (including their ability to use digital services), or ensure reasonable adjustments are made, wherever possible, to ensure disabled users can participate.

86. HMCTS has published its Vulnerability Action Plan³⁷ setting out how they are making sure any unintended effects on vulnerable users are considered, and can engage with new ways of working. The plan recognises the importance of vulnerable people being able to access the justice system without being disadvantaged or discriminated against.

Accessibility of public sector websites and mobile applications

87. The aim of The Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 (“accessibility regulations”) is for public sector bodies to make their websites, and mobile apps accessible. This means making them perceivable, operable, understandable and robust to an internationally recognised accessibility standard. They also have to publish and maintain an accessibility statement which explains to users the level of accessibility of the website, or mobile app.

37 <https://www.gov.uk/government/publications/hmcts-vulnerability-action-plan>

88. The Central Digital and Data Office (CDDO) has established an accessibility monitoring team to monitor a sample of public sector websites and mobile apps for their accessibility, using a combination of automated and manual audits.
89. CDDO and the Equality and Human Rights Commission (EHRC), the Equality Commission for Northern Ireland and the Equality Advisory Support Service have established a user reporting process via the accessibility statements to make it easier for disabled users to report accessibility issues of public sector websites.
90. CDDO also leads on the government Service Standard and the Technology Code of Practice. The Service Standard, available on GOV.UK³⁸, is a 14 point guide that helps government teams create and run public services. Point 2 of the Practice (“make things accessible and inclusive”) requires government departments to make sure their technology is accessible to all users, including internal users, such as operational and administrative staff. It also provides guidance on procuring and supplying accessible technology.
91. The government’s Accessible Information Standard³⁹ requires health and social care providers to provide disabled people with

38 <https://www.gov.uk/service-manual/service-standard>

39 <https://www.england.nhs.uk/ourwork/accessibleinfo/>

information in a form they can understand and the communication support they need. Work has begun on a programme of accessibility improvement work on customer products hosted on GOV.UK to make them compliant with the web content accessibility guidelines WCAG 2.1 to 'AA' standard.

92. In Scotland, the Social Security (Scotland) Act 2018 requires Scottish Ministers to have regard to the importance of communicating in an inclusive way, ensuring people with difficulty communicating can receive information and express themselves in ways that meet their needs. The act also requires Scottish Ministers to ensure publicly available information is in an accessible format.
93. The Scottish Government funds and supports the contactSCOTLAND – BSL online interpreting Video Relay Service, which enables Deaf and Deafblind British Sign Language (BSL) users to phone, through video relay interpreters, private sector numbers as well as statutory and third sector numbers, 24 hours a day, 365 days a year.
94. The Welsh Government formally recognised BSL as a language in its own right in 2004. Since then the Welsh Government has supported training to increase the number of qualified interpreters in Wales, and ensured that legislation, policies and programmes across the Welsh Government

recognise the importance of accessible communications.

95. In June 2020, the Welsh Government set up an Accessible Communications Group to overcome barriers and improve access to information during the COVID-19 pandemic.
96. In February 2021 the Welsh Government provided funding for the British Deaf Association to undertake an audit of its BSL policies and provision. This work commenced in February 2021 and concluded in July 2021.
97. The Northern Ireland Housing Executive's Equality Unit offers the following communication support services to customers with disabilities:
 - face-to-face sign language interpreting
 - video relay service
 - Relay UK (formerly known as Text Relay) which service allows deaf customers to interact with Housing Executive staff via the phone – the customer texts a message to a relay operative who would then verbally pass the message on to the staff member
 - audio, braille and large print
 - DAISY – the Digital Accessible Information System

- dementia champions and friends – Northern Ireland Housing Executive have trained over 50 Dementia Champions who are in the process of making as many of our frontline staff as possible ‘dementia friends’- sensitive to the communication needs of people with dementia
- Browsealoud – software on the Northern Ireland Housing Executive website turns the website into an audio version by clicking a button on each page
- JAM friendly – the Northern Ireland Housing Executive is working towards becoming a JAM (Just a Minute) friendly organisation for people with learning difficulties, autism, or communication barriers

Recommendation 114f

Ensure access to justice, by providing appropriate legal advice and support, and including through reasonable and procedural accommodation to persons with disabilities seeking redress and reparation for the alleged violation of their rights covered by this report.

98. Under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)⁴⁰, cases related to community care, special

40 <https://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

educational needs, disability discrimination, mental health, and mental capacity are in scope of the civil legal aid scheme in England and Wales, subject to applicants meeting the relevant statutory means and merits tests.

99. The UK government published a Post-Implementation Review of Part 1 of LASPO in 2019⁴¹, which covers the changes made by LASPO to the legal aid scheme in England and Wales. This review made an objective assessment of the impact of the legal aid changes made by the act against its original objectives.
100. Alongside this review the government published a Legal Support Action Plan⁴², which sets out the future direction of travel following the review.
101. As part of this action plan, in May 2020 changes in legislation were made to remove the requirement for legal aid applicants with debt, discrimination and special educational needs cases to first seek advice through the Civil Legal Advice telephone services, reinstating immediate access to face-to-face legal advice in these cases.
102. The Equality Act 2010 provides access to justice in UK civil courts and employment tribunals for all groups covered under the act, including disabled people. In line with the principles of the act, only a

41 <https://www.gov.uk/government/publications/post-implementation-review-of-part-1-of-laspo>

42 <https://www.gov.uk/government/publications/legal-support-action-plan>

person who has been discriminated against or may have been potentially discriminated against, can personally seek redress by bringing a case to the relevant court or tribunal. Under the act, it is not possible to bring a claim on behalf of another person unless as a representative of a disabled person who does not have the capacity to personally make the claim.

103. As well as maintaining current protections in the Equality Act 2010, the government intends to increase protection for disabled people who rent their accommodation or who do not own the land that they live on, by commencing the remaining parts of Section 36 of the act. This will place a duty on landlords (landowners) to make reasonable adjustments to the common parts of properties, where a disabled resident has requested this.
104. For individuals who have been discriminated against, non-legal advice, support and alternative dispute resolution is available from a variety of sources to assist disabled people with concerns, giving them the opportunity to reach a satisfactory dispute resolution without recourse to a court and all the costs that might entail.
105. In 2021, the UK government delivered additional investment of £5.4 million for not-for-profit organisations who provide specialist legal advice, such as Law Centres and a number of other

charities. This emergency grant funding supported 72 organisations to meet increases in demand for guidance and advice, and to make the necessary changes to their ways of working in light of the COVID-19 pandemic.

Advice and support

106. The Equality Advisory and Support Service (EASS) provides free bespoke advice and in-depth support to individuals with discrimination concerns via telephone, text phone or their website. The EASS has the ability to intervene on an individual's behalf with a service provider to help resolve an issue.
107. The Advisory, Conciliation and Arbitration Service (Acas) provides authoritative and impartial advice free to employees or employers in relation to employment discrimination issues. Acas also provides employees and employers with early conciliation to help them resolve or settle their workplace dispute without going to court.
108. Law Centres are specialists working in their local communities to offer advice, casework and representation to individuals and/or groups to defend the legal rights of people who cannot afford a lawyer.
109. Education-related disability discrimination claims by school pupils arising under the Equality Act 2010 are heard by the First-tier Tribunal (Special

Educational Needs and Disability), which also hears special educational needs appeals by children or young people relating to local authority decisions.

110. In addition to this, the Office of the Independent Adjudicator for Higher Education (OIA) is a dispute resolution body for higher education complaints. The OIA accepts complaints from disabled students relating to anything their higher education provider has done or failed to do which amounts to discrimination, providing the student has already raised their concerns with their provider and are unsatisfied with the outcome. The process is free, although any decision of the OIA is not legally binding. Higher education providers who are members of the scheme are, however, expected to comply.
111. The Office for Students (OfS) is the independent regulator for higher education in England and is committed to ensuring equality of opportunity for all students. The OfS registers and regulates individual providers and puts in place conditions of registration designed to ensure that all students, including disabled students, are able to access, succeed in, and progress from higher education. The OfS is able to impose regulatory penalties on providers that breach these conditions.

112. SOLD (Supporting Offenders with Learning Difficulties) is a Scottish Government-funded organisation currently engaged with relevant stakeholders looking at an approach that will assist in identifying and helping people brought into police custody who have communication and additional support needs. Initial work has been completed with further work with other justice agencies now planned to ensure equal and fair access to justice.

Recommendation 114g

Actively consult and engage with persons with disabilities through their representative organizations and give due consideration of their views in the design, implementation, monitoring and evaluation of any legislation, policy or programmatic action related to the rights addressed in this report.

113. The UK government recognises the importance of putting the voices of disabled people at the heart of health and disability policy development. To inform the Health and Disability green paper, the UK government engaged with disabled people and their representatives in a series of events, to hear their experiences of navigating the benefits system and DWP employment support.

114. The UK government has continued its development of the Regional Stakeholder Network (RSN) in England⁴³. There are 9 regional networks made up of disabled people, their organisations, parents and carers. Each RSN has an independent chair who is well connected in their regions.
115. Several of the RSNs have submitted comprehensive policy submissions to help inform the National Disability Strategy⁴⁴ that was published in July 2021. These policy submissions reflect the collective insight and lived experience of their members. One of the regional groups has also undertaken a wider piece of insight gathering that sought views from 400 disabled people in the North West of England.
116. The UK government has continued to work closely with the Disability Charities Consortium (DCC). The DCC is a consortium of 9 of the UK's largest disability charities: Business Disability Forum, Leonard Cheshire, Mencap, Mind, National Autistic Society, RNIB, RNID, Scope and Sense. Officials have formally met the DCC numerous times and have had many one to one or smaller group meetings.

43 <https://www.gov.uk/government/news/regional-stakeholder-network-to-give-disabled-people-a-stronger-voice>

44 <https://www.gov.uk/government/collections/national-disability-strategy-and-related-publications>

See also <https://www.gov.uk/government/publications/national-disability-strategy>

117. The experience and insight from disabled people was central in the development of the National Disability Strategy. In early 2021, the UK Disability Survey⁴⁵ was launched for disabled people, carers and the wider public to share views and experiences of the important issues impacting disabled people. Over 16,660 people completed the survey which significantly helps to build the evidence base of key issues and the insight gained from this will be used during the strategy's implementation.
118. Alongside the UK Disability Survey, the UK government has also undertaken other engagement practices. Several roundtable discussions were facilitated by RSN chairs and other third sector representatives with disabled people about their experiences in daily life. This experience will be used to help implement the National Disability Strategy.

Engagement for clinically extremely vulnerable people

119. The UK government continues to engage with charities in delivering both CEV and non-shielded vulnerable (NSV) COVID-19 schemes. This engagement ensures that charities have input into

45 <https://www.gov.uk/government/news/citizen-space-survey-national-strategy-for-disabled-people>

policy formation, messaging formation and also that important issues can be raised, and in turn that these can be communicated to other government departments, and also to supermarkets.

120. During the first few months of the COVID-19 pandemic, a Disability Forum was held with stakeholders, bringing together voices from across the charity and voluntary sector.
121. More recently, the UK government has been involved in discussions with the Voluntary and Community Sector Emergencies Partnership (VCSEP), chaired by Independent Age and the Red Cross. In November 2020, the UK government continued to build on this early engagement activity by setting up its own informal Charities Forum with Independent Age (representing themselves and 14 other smaller charities involved with food access and affordability).
122. The Charities Forum continues to meet every month to discuss ways in which the government can continue to work together with the voluntary sector to ensure the food access needs of disabled individuals are met, especially as we progress through the steps of the Prime Minister's Roadmap.

123. The UK government's Charities Commission will also be used as a forum to inform policy discussions related to food access for vulnerable individuals, and to engage with supermarkets and other stakeholders on these issues.

Engagement on transport matters

124. The Department for Transport (DfT) continues to work closely with the Disabled Persons Transport Advisory Committee (DPTAC) and many other disabled organisations, including through its Inclusive Transport Strategy Group when formulating policies across all transport modes. This engagement is informing delivery of accessibility improvements through the Government's Inclusive Transport Strategy, National Disability Strategy, National Bus and Cycling and Walking Strategies.
125. Passenger service operators are required, under regulation, to engage with disability advisory groups throughout policy and design phases to ensure proposed plans meet the needs of these passengers.
126. DfT's accessibility minister meets regularly with disability groups to discuss accessibility, delivery of improvements and how we can support disabled people during the COVID-19 pandemic.

127. Transport Scotland has committed to a Hate Crime Charter on public transport. In March 2021, there was a soft launch of the charter on the bus and rail network.

Other engagement

128. During the creation of the autism and learning/intellectual disability transformation plan 'Towards Transformation', the Scottish Government actively engaged with representative organisations in co-designing the plan. Work is ongoing to ensure that strategy leadership and implementation is collaborative and has lived experience at the core of the leadership arrangements. The strategy intends to follow the principles of the Scottish Approach, with work being user-led and co-produced.

129. The Welsh Government has a strong network of Equality Fora with which to consult and engage on a regular basis about issues facing those with protected characteristics in Wales. The Ministerial-chaired Disability Equality Forum, provided an opportunity for stakeholders to advise the Welsh Government on the key issues that affect disabled people in Wales. It met frequently during the COVID-19 pandemic, ensuring the voices of disabled people were heard.

130. The Northern Ireland Executive has established a programme to develop options for the future delivery of employability programmes and services from 2020 onwards. The disability employment gap is a key driver for this work and the new approach will prioritise support for those with health conditions and/ or disabilities. Engagement with Disability Support organisations as well as with disabled people will be a core element of the programme of work that will inform the new approach and design going forward.
131. The Northern Ireland Executive is also leading the development of a new Disability Employment Strategy which will align to and deliver upon employment elements within the new Disability Strategy. Within this development, stages of evidence gathered with key partners and individuals will inform the co-design of a draft strategy and action plan, which will be subject to a public consultation.

Recommendation 114h

Take appropriate measures to combat any negative and discriminatory stereotypes and prejudices against persons with disabilities in public and media, including that dependency on benefits is in itself a disincentive of employment; implement broad mass media campaigns, in consultation with organizations representing persons with disabilities, particularly

those affected by the welfare reform, to promote them as full rights holders, in line with the Convention; and adopt measures to address complaints of harassment and hate crime by persons with disabilities, promptly investigate these allegations, hold perpetrators accountable and provide fair and appropriate compensation to victims.

Hate crime, online harassment and bullying

132. The UK government takes all forms of hate crime seriously, including that targeted at disabled people. The legislative framework to tackle hate crime includes provisions for the court to increase a sentence where the offence was motivated by hostility towards a person's disability. The Law Commission is undertaking a full review of hate crime legislation, including the coverage and approach of current hate crime legislative provisions to ensure it remains effective.
133. The full government response to the Online Harms white paper consultation was published in December 2020⁴⁶, which sets out the new expectations on companies to keep their users safe online, including that all companies in scope must tackle illegal content on their platforms, and

46 <https://www.gov.uk/government/consultations/online-harms-white-paper>

protect children from harmful content and activity online. Users and other affected persons will also have access to redress when they encounter harmful content. This will include complaints by those with characteristics, such as a disability, that have been targeted by the content and those giving assistance to those who need help to access the complaints process.

134. The Online Safety Bill,⁴⁷ which will give effect to the regulatory framework outlined in the Full Government Response to the Online Harms white paper, was published in draft in May 2021. Pre-legislative scrutiny of the draft Bill is underway.
135. The UK government provided over £2.8 million of funding from 2016 to 2020, for anti-bullying organisations to support schools to tackle bullying. This funding included projects targeting bullying of particular groups, such as those with Special Educational Needs and Disabilities (SEND), along with a project to report bullying online.
136. On 7 June 2020, we confirmed an additional £750,000 funding had been awarded to three of these organisations (The Diana Award, the Anti-Bullying-Alliance and The Anne Frank Trust) until March 2021, to provide continued support to schools. We are currently procuring a new programme of anti-bullying support for schools,

47 <https://www.gov.uk/government/publications/draft-online-safety-bill>

which has an adjusted focus towards protected characteristics including disability.

137. In Scotland, the Hate Crime and Public Order (Scotland) Act received Royal Assent in April 2021⁴⁸ and work is currently underway to develop an implementation plan, including commencement. The act was developed in response to recommendations made by Lord Bracadale's independent review of hate crime legislation in Scotland. Once in force, the act will consolidate, modernise and extend hate crime legislation – ensuring it is fit for 21st century Scotland.
138. The Scottish Government continues to engage with a number of DPOs under commitments in the Tackling Prejudice and Building Connected Communities action plan⁴⁹. It does this to:
- raise awareness of hate crime and encourage greater reporting of disability hate crimes
 - improve data and evidence and third party reporting during the development of the Hate Crime and Public Order (Scotland) Act 2021

48 <https://www.legislation.gov.uk/asp/2021/14/contents>

49 <https://www.gov.scot/publications/tackling-prejudice-building-connected-communities-scottish-government-response-report-independent/pages/5/>

Media Literacy

139. In July 2021 the government published the Online Media Literacy Strategy⁵⁰ setting out our ambition to improve user media literacy capabilities, by supporting organisations to empower users with the skills and knowledge they need to make informed and safe choices online.
140. The strategy is inclusive and has an amplified focus on disabled people, or those who may experience disproportionate amounts of online abuse.
141. We also published the first annual Online Media Literacy Action Plan which includes funding the roll-out of a train-the-trainer programme for teachers and carers of disabled children, to help them to support those they work with to manage their online lives.

Campaigns

142. In 2018 and 2019 the UK government ran two waves of a national public awareness campaign around hate crime, including scenarios of hate crime towards disabled people to make clear that these are crimes and will not be tolerated.

50 <https://www.gov.uk/government/publications/online-media-literacy-strategy>

143. Under the commitments of the Scottish Government's Strategy for Autism 2018-2021 priorities⁵¹, we launched our Different minds, One Scotland campaign⁵² in October 2020 to raise awareness and understanding of autism.
144. The campaign will challenge stigma and myths to give the general public a clearer understanding of autism. The campaign was co-developed with autistic people, and runs in conjunction with funded third sector projects across Scotland to embed understanding locally.
145. The Scottish Government launched hate crime campaigns in 2017, 2018 and 2020 to raise awareness of hate crime and encourage reporting. The 2020 'Letters from Scotland' campaign was launched in response to concerns raised, including from DPOs, that there had been an increase in hate incidents, both offline and online, throughout the COVID-19 pandemic.
146. In March 2021, the Welsh Government launched the campaign 'Hate Hurts Wales'⁵³ to raise awareness and understanding of the impact that hate crime has on individual victims, including disabled people. It encouraged victims and

51 <https://www.gov.scot/publications/scottish-strategy-autism-outcomes-priorities-2018-2021/>

52 <https://differentminds.scot/>

53 <https://gov.wales/hate-hurts-wales>

bystanders to report hate crime to help stop it, and create a safer Wales.

Recommendation 114i

Ensure that in the implementation of legislation, policies and programmes, special attention is paid to persons with disabilities living in low income or poverty, persons with disabilities with higher risk of exclusion, such as persons with intellectual, psychosocial or multiple disabilities, women, children and older persons with disabilities; these measures should be put in place within contributive and non-contributive regimes.

147. The UK government believes the PSED, as set out in the Equality Act 2010, provides a mechanism for identifying unintended or disproportionate impacts of policies on those with protected characteristics, including disabled people.
148. The UK government is proposing to create new duties on commissioners in England (Clinical Commissioning Groups, NHS England and local authorities) to ensure that there are sufficient community-based services to support people with a learning disability and autistic people. This will further support them to live independently with the right support in their community.
149. The creation of a local ‘at risk’ or ‘support’ register will place a duty on commissioners that every local

area should understand and monitor the risk of a crisis at an individual level for people with a learning disability and autistic people.

150. The ‘Think Autism’ strategy⁵⁴ (published in 2014 under the Autism Act 2009⁵⁵) has been refreshed and we have extended its scope to cover children and young people, as well as adults, for the first time. It is now called the National strategy for autistic children, young people and adults: 2021 to 2026⁵⁶. This is in recognition of the importance of ensuring that autistic people receive the right support, including timely diagnosis, from early years and throughout their lives. In March 2019, the UK Government launched a national Call for Evidence⁵⁷ to inform the development of the strategy, which closed on 16 May 2019 and received approximately 2,700 responses.
151. The Ministerial Disability Champions were appointed in Summer 2020, at the request of the Prime Minister, to help drive the development and delivery of the National Disability Strategy. Meetings are held regularly and are chaired by the Minister for Disabled People. Their aims include:

54 <https://www.gov.uk/government/publications/think-autism-an-update-to-the-government-adult-autism-strategy>

55 <https://www.legislation.gov.uk/ukpga/2009/15/contents>

56 <https://www.gov.uk/government/publications/national-strategy-for-autistic-children-young-people-and-adults-2021-to-2026>

57 <https://www.gov.uk/government/consultations/review-of-the-national-autism-strategy-think-autism-call-for-evidence>

- contributing to the development and delivery of the strategy, with a personal lead and commitment to championing disabled people within their departments
- ensuring disability inclusivity is a priority in their department and that their officials work with the Disability Unit and across government to improve the lives of disabled people

152. In June 2020, Scottish Ministers created the Social Renewal Advisory Board, tasked with ensuring that reducing poverty and disadvantage, embedding a human-rights based approach and advancing equality is central to post-pandemic rebuilding. The board contained representatives from DPOs and worked to ensure their views were directly heard throughout the engagement process and represented in the final proposals. An initial response to the report was issued by Scottish ministers on 23 March 2021. The final, independent report will be considered fully by Scottish Government ministers.

153. In July 2020, Welsh Government Ministers announced a COVID-19 Commitment for Employability and Skills. This includes nearly a £40 million investment for over 16s in Wales to ensure they can access advice and support to find work, pursue self-employment or find a place in education or training.

154. It includes a 12-month pilot project with a network of Disabled People’s Employment Champions who are disabled people themselves, and who have lived experience of the barriers faced in gaining employment. They are working with employers and Business Wales promoting awareness of the support available.
155. In 2017, the Welsh Government issued its 2017 to2021 action plan: ‘Education in Wales: Our national mission’⁵⁸. The resultant Additional Learning Needs and Education Tribunal (Wales) Act (“ALNET Act 2018”)⁵⁹ takes a rights based approach and as required by the Rights of Children and Young Persons (Wales) Measure 2011⁶⁰, the accompanying Additional Learning Needs Code for Wales 2021⁶¹ has been developed by the Welsh ministers with due regard to the requirements of the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols and the requirements of the UNCRPD.

Recommendation 114j

Set up a mechanism and a system of human rights-based indicators to permanently monitor the impact of the different policies and programmes relating to

58 <https://gov.wales/our-national-mission-0>

59 <https://www.legislation.gov.uk/anaw/2018/2/contents/enacted>

60 <https://www.legislation.gov.uk/mwa/2011/2/contents>

61 <https://gov.wales/additional-learning-needs-code>

persons with disabilities’ access and enjoyment of the right to social protection and an adequate standard of living, the right to living independently and being included in the community, and the right to work, in close consultation with persons with disabilities and their representative organizations in all regions and countries that conform the State Party.

156. The EHRC is the UK’s independent monitoring and enforcement body of the Equality Act 2010. It has enforcement powers to compel compliance with the act, including the disability discrimination and accessibility provisions, and to challenge organisations where required. If the EHRC suspects a public body of committing a breach of the discrimination provisions, it can conduct an investigation and take action to ensure the organisation avoids a continuation or repetition of that breach.

157. The government’s goal to see a million more disabled people in employment between 2017 and 2027 is an ‘outcome measure’. It reflects the real-world improvements the UK government wants to see. It is affected by external factors such as the size of the underlying disabled population and overall labour market performance. The 2017 ‘Improving Lives: the Future of Work, Health and Disability’ Command Paper fully acknowledged these factors. It therefore committed to an annual

statistical publication which would monitor trends in disability and employment, including movements into and out of work. This was published for the first time in March 2020 and is due to be updated later in 2021.

158. The Office for National Statistics also independently publishes statistics on outcomes for disabled people across other areas of life, such as education, social participation, housing, well-being, loneliness and crime.
159. The Health and Care Bill published on 6 July 2021⁶² will introduce a new duty for the Care Quality Commission (CQC) to assess local authorities' delivery of their adult social care duties to support the government's drive to improve outcomes across England. Where CQC-assessment finds significant failure, the Secretary of State will act to secure improvement. Any action would be proportionate to the issues identified.
160. The National Taskforce for Human Rights Leadership published its recommendations in March 2021⁶³ for a new human rights framework for Scotland. The report makes 30 recommendations relating to the proposed framework including the incorporation of the UNCRPD. This will place greater impetus on public

62 <https://www.gov.uk/government/news/health-and-care-bill-introduced-to-parliament>

63 <https://www.gov.scot/publications/national-taskforce-human-rights-leadership-report/>

bodies to remove obstacles which frequently arise for disabled people in realising their human rights, such as accessing information and services.

161. In response to the COVID-19 pandemic, a steering group commissioned by the Welsh Government's Disability Equality Forum was established to consider and report on the impact of COVID-19 on disabled people in Wales. The steering group comprised a selection of disabled people with lived experience representing DPOs and charities from across Wales.
162. A report has been submitted to the Welsh Government with the intention that this will then inform a refresh of the "Action on Disability" framework and action plan, taking into consideration the impacts of COVID-19.

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