

Mencap evidence for Women and Equalities Committee Inquiry on ‘How can we put equalities at the heart of Government?’

About Royal Mencap Society and learning disability

We support the 1.5 million people with a learning disability in the UK and their families. We fight to change laws and improve health and care services as well as access to education and employment.

A learning disability is caused by the way the brain develops before, during or shortly after birth. It is always lifelong and affects intellectual and social development.

We welcome this inquiry, however in order to address the full range of the Government’s equalities strategy we believe that the Committee should also consider the work of the other bodies which, with the Government Equalities Office (GEO), comprise the Equalities Hub. This is required as the GEO does not hold responsibility for the Government’s work on disability, which sits with the Disability Unit.

Mencap has deep concerns about the structure of the Equalities Hub in the Cabinet Office which includes the GEO. While we welcomed the upgrading of the Office for Disability Issues to the Disability Unit and the move to the Cabinet Office, allowing the centralisation of work which crosses so many departments, we have been disappointed with the coordination between the bodies which comprise the Equalities Hub.

For example, the GEO on Gov.uk is described as leading “work on policy relating to women, sexual orientation and transgender equality. We are responsible for a range of equalities legislation.” The GEO’s priorities do not mention disability even though they have responsibility for “taking the lead on the Equality Act 2010”¹.

There is also a disparity in the number and level of Ministers between the GEO and the Disability Unit. While the former has three Ministers, including a Secretary of State level Minister, the Disability Unit is headed up by one Minister who sits within a different Department.

Having the Disability Unit headed up by a Minister with a sole brief in the Department for Work and Pensions, rather than a joint Ministerial role as with the Ministers of the GEO, poses a series of challenges. This includes the responsible Minister facing institutional hurdles when seeking to work on an area of policy that does not fall within their Department’s responsibility and the risk that policy on disability will be viewed too heavily through the lens of welfare. Instead, we believe disability should be viewed through a rights-based lens, centered on the ambition for disabled people within the UK to be able to live independent, meaningful lives, with equal opportunities as the rest of the population.

¹ <https://www.gov.uk/government/organisations/government-equalities-office/about>

Recommendation

Mencap recommends that the Disability Unit is put on the same footing as the GEO by providing the current Minister for Disabled People, Health and Work with a joint position within the Cabinet Office. This would reinforce the importance of disabled people in the Government's work on Equalities and strengthen the hand of the Minister responsible for disability policy in cross-departmental work such as the National Strategy for Disabled People.

Data collection

Data on disability, especially learning disability, is comparably weak compared to other groupings, a fact that has inevitably impacted upon the creation of policy. The Disability Unit and the other bodies of the Equalities Hub must address this issue immediately and we welcome the commitment to improving data collection in the National Strategy for Disabled People.

Data on disability often focuses on disabled people as one homogenous group, rather than addressing how individual impairments interact with society, for example, looking at housing for all disabled people, rather than drilling down and considering the issue of housing for people with a learning disability.

Recommendation

Ensure data can be broken down into impairment groups across all areas of the National Strategy.

Enforcement of Equalities

The UK has several positive legislative measures regarding equalities, with the Equalities Act 2010 at its heart, however the current structure of the Equalities Hub and the powers of the bodies that comprise it have little enforcement ability.

This has been demonstrated throughout the coronavirus pandemic which has seen several policies implemented without adequate regard to the equality impact and there are several areas where we strongly believe that the Public Sector Equality Duty has not been met.

One example is the Coronavirus Act and in particular the inadequate consideration of the equalities impact that the Care Act 2014 easements would have. While local authorities that implemented Stage 4 of the easements were monitored by the Department of Health and Social Care, our survey from August 2020 suggested a wider use of 'informal' easements. Out of the 1,069 respondents:

- 7 in 10 people with a learning disability had their social care cut or reduced
- 4 in 5 family carers had taken on more unpaid care for their family member²

² <https://www.mencap.org.uk/get-involved/campaign-mencap/socialcarecrisis>

In addition, many people with a learning disability have felt let down by the late or sometimes absence of guidance throughout the pandemic. This is especially the case for guidance on supported living settings which was only published in May a full month after the beginning of lockdown. These delays caused confusion for social care providers and distress to many in supported living settings.

Whilst at the beginning of the pandemic many policies and services needed to be created quickly, we are now 1 year on and still seeing the same issues.

For example, guidance for supported living providers has been an issue throughout the pandemic. We were concerned at the lack of clarity in the supported living guidance which during the November lockdown sought to take a differentiated approach to visitation in these settings. However, this was only guidance and the ultimate decision on visitation remained with local Directors of Public Health. This ambiguity left providers in difficult situations trying to balance the rights of the various tenants.

Guidance for healthcare services has also been an issue throughout the pandemic, and at the time of writing we are concerned about the risk to disabled people due to the NHS England visitor policy, the guidance for ambulance trusts from DHSC, and the DHSC discharge guidance.

The Equalities Hub must play a role in ensuring all Government guidance meets the requirements of the Equalities Act and in particular the Public Sector Duty.

The lack of accessibility in communications during part of the pandemic have also demonstrated the increased need for equalities enforcement from the Equalities Hub bodies. While we welcome the work of some Departments, especially the Department for Health and Social Care to produce or fund charities (including Mencap) to produce accessible communications, more work needs to be done to ensure that equalities in communication are part of the development process rather than an afterthought. There is also much more work to be done across health and social care services to ensure that the Accessible Information Standard is met.

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The UN Committee on the Rights of Persons with Disabilities published their concluding observations on the UK's compliance with the UNCRPD in 2017. This report was damning in its findings that Government policies have in many areas directly undermined the rights and wellbeing of disabled people and their families. In its initial reaction to the 2016 findings the UK Government said it strongly disagreed with the conclusions reached in the report³.

³ <https://commonslibrary.parliament.uk/research-briefings/cbp-7367/>

In its most recent report on progress (October 2018) the UK Independent Mechanism (UKIM) said it remained disappointed that UK Governments had not developed a comprehensive UK-wide strategy demonstrating how the Committee's 2017 recommendations will be implemented.⁴

It is crucial that the National Strategy for Disabled People addresses the issues raised in the above reports and provides a clear direction of travel to improve the lives of people with a learning disability.

Involving disabled people

Historically, the development and implementation of policy has often failed to meaningfully include disabled people. Therefore, we welcomed the commitment by the Disability Unit to engage with disabled people in the creation and delivery of the National Strategy for Disabled People.

While some positive engagement has taken place, for example the setting up of the Disabled People's Organisations Forum (DPOF) and engagement with national disability charities, more must be done to ensure that the Government's commitment to meaningful engagement is met. The Disability Unit must work more closely with the DPOF and address the concerns the DPOF raised in a recent article in *Disability News Service*⁵.

We also want to see greater consideration given to the accessibility of engagement. For example, while there is an Easy Read version of the UK Disability Survey both the length (58 pages) and the inability to complete the form online reduce accessibility⁶. Additionally, the original timeframes placed another barrier to meaningful engagement as while the survey is open until 23 April, it was originally stated that only those responses received by 13 February (a period of 4 weeks) would influence the development of the National Strategy. While we welcome the extension of the deadline for submissions to influence the National Strategy, we hope that in future greater consideration will be given to accessibility before launching any future work.

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⁴ <https://commonslibrary.parliament.uk/research-briefings/cbp-7367/>

⁵ <https://www.disabilitynewsservice.com/dpos-shocked-and-dismayed-over-survey-as-government-faces-threat-of-legal-action/>

⁶ <https://www.gov.uk/government/publications/disability-in-the-uk-survey>