

Disability Rights Commission

Parliamentary Bulletin

Equality Bill Summary of DRC Position

The DRC welcomes the Equality Bill which will establish a single Commission for Equality and Human Rights (CEHR), a new body that will take over the DRC remit and those of the CRE and EOC. The CEHR will also have responsibility for: promoting equality and combating unlawful discrimination on grounds of sexuality, religion or belief and age; the promotion of human rights; and promoting good relations between and within communities. It marks a new approach to equality and human rights which the DRC believes has the potential to transform the life chances of disabled people and other marginalised groups in society.

The DRC has played a positive role in the development of plans for the future Commission, alongside other stakeholders, to secure the best deal for Britain's 10 million disabled people and to ensure that it operates effectively for all the strands it is due to serve.

Disabled people have a right to expect continued strong advocacy and a real voice in an effective enforcement body which is able to deal with the specific

discrimination disabled people face as well as multiple-discrimination and with a mission to establish a culture of respect for human rights. Subject to further progress in specific areas this is the kind of Commission we believe the Bill will deliver.

The DRC particularly welcomes:

- The distinctive governance and organisational arrangements for the delivery of disability rights – at least one disabled Commissioner and a Disability Committee (for at least the first five years) with delegated powers and a sufficient share of CEHR resources to exercise these powers. **These provisions are vital to disabled people's confidence in the ability of the CEHR to work effectively to eradicate the widespread discrimination and exclusion they face.**
- The wide enforcement powers at the disposal of the CEHR.
- The remit to promote and investigate human rights.

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- The new provisions to counter discrimination on grounds of religion or belief in relation to goods, services and facilities and the new duty on the public sector to promote gender equality.
- The DRC is delighted to have received a commitment from the Government in Lords committee that our **Independent Living** work will definitely be taken forward by the CEHR.

To ensure the future CEHR maximises its potential for disabled people we will be seeking:

- Further clarification and strengthening of the vital 'Disability Guarantees' in the Bill including: changes to the provisions for review and dissolution of the Disability Committee, with a requirement to consult disabled people and their organisations on the face of the Bill and clarification to ensure a truly open-ended review which can look at a range of options for the future of the committee (not just dissolution).
- Activation of the power to bring stand-alone Human Rights Act cases on behalf of disabled people. As the Bill stands the CEHR will be able to discuss disabled people's human rights but will not be able to enforce them.
- A smooth and effective transition – we seek parity for the DRC Transition Commissioner with the EOC and CRE Transition Commissioners in terms of length of tenure. Also we will be working to ensure the CEHR is set up



as a best practice body in relation to the employment of disabled people and the accessibility of its premises and services in line with the DRC record in these areas.

- Inclusion of disability within the mainstream community relations provisions so as to ensure effective action against hate crime and to tackle social exclusion. The Government have agreed, in Lords committee, to consider this area again and the DRC looks forward to further discussion with the Government on this issue.

Finally the DRC has long argued that a **future CEHR must be accompanied by a Single Equality Act** or equivalent harmonising legislation to upgrade and simplify current

equality law, strengthen disability rights (preserving the distinctive aspects of disability rights such as the concept of reasonable adjustments) so that all enjoy comprehensive protection against discrimination. We therefore welcome the recent announcement of the Equalities Review (chaired by Trevor Phillips) and the DTI Discrimination Law Review. The former will investigate the root causes of discrimination while the latter will assess how anti-discrimination legislation can be modernised. **We need a clear timetable for the development and enactment of single equality legislation.**

For a full copy of DRC briefings on the Equality Bill please contact
 Caroline.Ellis@drc-gb.org
 020 7543 7038 or
 Neil.Coyle@drc-gb.org 020 7543 7039

Editorial

We would like to extend a warm welcome to returning and new MPs and peers in the new parliament. For those of you not aware of the DRC, we are ... and have a history of working strongly with parliamentarians of all parties – and Independents/Cross Benchers – to secure legislative advances for disabled people.

There will be many opportunities to further disability rights in this session. We very much look forward to working with you in the new parliament. The immediate effort will be on the Equality Bill – which will merge the DRC, EOC, CRE (eventually) and bring in the ‘new’ strands of age, sexuality, and faith and religion, that the DRC has worked positively on and welcomes warmly. Other legislative opportunities expected relatively soon will be: a Welfare Reform Bill and changes to Incapacity Benefit that, if progressed in the right way, could support many disabled people into employment; and a Mental Health Bill that is expected to lack the support of people with mental health conditions. We look forward to working with the Government, members and peers on these and other issues as they arise.

As ever, the DRC is happy to provide briefings and support the work of all parliamentarians in any way we can. Please don't hesitate to get in touch if we can support your work.

EDM sign-up call

Many thanks to all the members who have already signed EDM 243 on our employment campaign and the Access to Work scheme that supports disabled people to secure and retain work opportunities. The DRC hopes that, before significant changes to Incapacity Benefit, the Government will be promoting Access to Work further, as just 18% of small employers are aware of it despite over half a million disabled people contributing to Britain's smallest businesses. For members that have not yet signed to support the EDM tabled by Roger Berry MP please do so today.

Let the DRC help you and your constituents

The DRC Helpline has taken half a million calls from people and organisations seeking assistance in eliminating discrimination and improving policies and services. Our Helpline number is 08457 622 633 and our text-line is 08457 622 644. The DRC website contains lots of practical information and publications for disabled people, employers and others with duties under the DDA and can be found at: www.drc.org.uk. Please pass these details to your constituency/casework secretary for reference and remember that we're here to help!

Incapacity Benefit and Welfare Reform

The DRC welcomes opportunities to extend employment chances to disabled people. The Government's plans to reform welfare and Incapacity Benefit (IB) could result in many more disabled people supported into work. The DRC warmly welcomes initiatives that provide disabled people with the same employment chances as non-disabled people. For example, we have long called for an expansion and better awareness of the excellent Access to Work scheme designed at supporting disabled people to secure and retain employment opportunities. EDM 243 is part of our campaign to encourage the Government to spread knowledge of the scheme particularly to small employers who may stand to benefit most from it, but are currently the least aware – with just 18% of small businesses knowing of it. Access to Work also remains a net contributor to the Treasury, providing £1.48 in tax and National Insurance contributions for every £1 spent – representing excellent value for money!

Employment can represent a vital component of social inclusion for many people but the DRC is aware that there are 1 million disabled people currently not in employment who would like to work. Unemployment amongst disabled people is also higher than amongst non-disabled people – in summer 2003 disabled people were still only about half as likely as non disabled people to be in work.

The DRC believes that employment could lead to heightened empowerment of disabled people and produce more likelihood of independent living. The DRC supports reform of IB in line with

the Prime Minister's Strategy Unit report 'Improving the Life Chances of Disabled People' (Jan 2005) and alongside a roll-out of the successful Pathways to Work scheme.

Key issues for the DRC will be:

- Distinguishing between those who are expected to undertake some work-related activity in order to receive additional benefit and those who are not; and how this distinction can best be made, and by whom;
- Ensuring that individuals are allowed to undertake work-related activity without putting their benefit at risk (as can sometimes be the case under the current system);
- Ensuring that those who are not expected to engage in work-related activity have the same opportunities as others to try out work and are not written off, or feel guilty if they cannot participate;
- Ensuring quality support is provided by personal advisers and providers; and
- Ensuring that any new system is 'owned' by and empowers disabled people.

The DRC is also concerned that the current tone of the debate is negative. We do not believe that anyone stands to gain from portraying IB claimants as somehow being 'work-shy' or 'scroungers'. It is unlikely to encourage employers to take on someone who had been an IB claimant and is likely to demoralise and produce a lack of motivation in claimants seeking work.

The Disability Debate

– Shaping the Future of Equality



The DRC has launched a major new initiative – the **Disability Debate**. The Disability Debate will be providing an opportunity for all interested parties to play an active part in shaping a new forward-looking agenda for action – aimed at producing a society in which disabled people can genuinely expect to participate and contribute as equal citizens. This is particularly important in light of the DRC closure and the establishment of the new single Commission for Equality and Human Rights in autumn 2007 under the Equality Bill.

Over summer this year the DRC will be inviting comment from interested parties on an ongoing series of 'debating points' covering issues as broad-ranging as: **risk; welfare and work; the role of professionals in disabled people's lives; and whether it**

is still right that some disabled people live, learn and work in places designed to separate them from the wider community. The DRC will be providing opportunities for people to discuss issues directly with those in positions to bring about change.

Our discussion paper 'Shaping the future of equality' sets out the major issues facing disabled people in 2005 and the potential challenges of the future. A copy of this paper is enclosed with this Bulletin. For further copies of the paper, to join the debate on the discussion forum, and/or to ensure you receive regular updates and alerts about the Debate, please register on the website at:

www.disabilitydebate.org

We will, of course, be keeping all parliamentarians up to date on the issues raised.

Disability Discrimination Act 2005

We would like to take this opportunity to pass on our thanks to the Government and all parliamentarians (of all parties, Independents and Cross Benchers) that were engaged in the passage of the Disability Discrimination Act just before the general election earlier this year. We were very pleased that the Act made it through in the final stages of the last session and were happy to observe the significant level of support for disability rights across parliament. The Act is a major civil rights piece of legislation and offers substantial progress for

Britain's 10 million disabled people and people with long-term health conditions. It includes new rights for disabled people using transport; better protection for people with mental health conditions and people with HIV/AIDS, MS and cancer; new rights for disabled people wanting to adapt rented property; and a duty on the public sector to promote disability equality. We believe the Act represents a considerable weapon to fight disability discrimination.

Thank you!

Party Conferences 2005

We are working to offer a range of interesting events at conferences this year as the DRC alone and with partner organisations. The DRC will be partnering the TCPA, Barclays, the CRE, EOC, Stonewall, Equal Rights on Age, ippr and others. Our events will be around welfare reform, independent living, disability rights in the future, inclusive communities and will range from the intellectually challenging to the Absolutely Equal disco.

Dates for your diaries:

Liberal Democrats

Mon 19 Sep, 12.30-14.30 Hilton, Windsor Room	Inclusive Communities fringe
Mon 19 Sep, 21.00-late Hilton, Buckingham Room	Absolutely Equal party
Wed 21 Sep, 12.30-14.30 Winter Gardens, Circle Bar	Welfare Reform: transforming opportunities for disabled people fringe

Labour

Mon 26 Sep, 19.30-21.30 Quality Hotel	Inclusive Communities fringe
Tues 27 Sep, 12.30-14.30 Hilton, Arundel 2 Room	Welfare Reform: extending the opportunity society fringe
Tues 27 Sep, 21.00-late Hilton, Regency Suite	Absolutely Equal party

Conservative

Mon 3 Oct, 21.00-late Hilton, Buckingham Room	Absolutely Equal party
Tues 4 Oct, 12.30-14.30 Hilton, Windsor Room	Inclusive Communities fringe
Wed 5 Oct, 12.30-14.30 Winter Garden, New Victoria Bar	Welfare Reform: transforming opportunities for disabled people fringe

For more information on events please contact Neil Coyle (details below).

Contact: Neil Coyle, Parliamentary Officer on 020 7543 7039 or 07971 655 903, email Neil.Coyle@drc-gb.org or fax 020 7543 7001. Disability Rights Commission, 3rd Floor, Fox Court, 14 Grays Inn Road, London WC1X 8HN