

United Nations Convention on the Rights of Disabled People – 2021 shadow reporting process

Consultation report

On 16th November 2021, Disability Sheffield held a consultation event for disabled people from across South Yorkshire and Humberside. The purpose of the event was to discuss the United Nations (UN) Convention on the Rights of Disabled People and the UK government's progress in meeting the provisions of the Convention as well as the 2017 recommendations of the UN Committee on the Rights of Disabled People.

Key findings

- A diverse group of disabled participants overwhelmingly agreed that the government has failed to implement the provisions of the UN Convention on the Rights of Disabled People and that there has been further regression since the 2017 report by the UN Committee on the Rights of Disabled People
- Many participants felt that disabled people had been failed by the response to the coronavirus pandemic, with an expectation that the associated increases in government spending would be used to justify further cuts to disabled people's support
- Highlighted areas of concern include social care, housing, work and employment, access to justice, support for disabled survivors of domestic violence, the benefits system, access to public and political life, and the response to the climate emergency

Our consultation event covered three convention Articles in detail – Article 19, Article 23 and Article 27.

Article 19 – Living independently and being included in the community

Workshop participants were broadly in agreement that the government has failed to follow the Convention with respect to Article 19 and the associated 2017 recommendations, and that the situation has got worse. Participants noted:

- the ongoing and increasing involuntary detention of people with learning difficulties in Assessment and Treatment Units
- the increasing financial contributions required in order to access social care services, forcing disabled people into poverty
- the failure of central and local government to consistently implement the Care Act (2014), with a 'postcode lottery' of how needs are assessed and met
- the delayed response of central and local government to the coronavirus pandemic, particularly with respect to recipients of Direct Payments with provision of personal protective equipment and prioritised vaccination access
- the inability of the current social care framework to recognise the diversity of disabled people and how we wish to live our lives, instead seeing us as a homogenous group

- the increasingly limited funding of social care, particularly as a result of post-2010 austerity and following the closure of the Independent Living Fund
- the hostile attitudes of the government have led to an increase in hostility from the media and general public, with rhetoric around 'benefit scroungers' presenting challenges
- the unique barriers facing people with communication difficulties – including those who use communication devices – to be included in the community
- the unique barriers facing d/Deaf, deafened and hard of hearing people in living independently and included in the community, not limited to access to British Sign Language/English interpretation and other accessible communication methods

Article 23 – Respect for the home

Workshop participants were broadly in agreement that the government has failed to follow the Convention with respect to Article 23 and the associated 2017 recommendations, and that the situation has got worse. Participants noted:

- The increasing challenges for disabled people in the housing sector, whether through social housing, private renting or purchasing their own home
- The increasing numbers of disabled people, particularly people with learning difficulties, living in supported accommodation with others and not having choice over who they live with
- The particular challenges facing disabled survivors of domestic violence unable to find accessible housing after leaving their previous home

Article 27 – Work and employment

Workshop participants were broadly in agreement that the government has failed to follow the Convention with respect to Article 27 and the associated 2017 recommendations, and that the situation has got worse. Participants noted:

- The disability pay gap remains high at an average of 16.5% and higher for disabled women and disabled people of colour
- The difficulty in accessing up-to-date and accurate information about disabled worker's rights and entitlements
- The difficulty in accessing up-to-date and accurate information about disabled people's entitlement to out-of-work benefits
- That claimants of Employment and Support Allowance (ESA) are allowed to undertake 'permitted work' as long as this is for less than 16 hours per week and earnings are not more than £143 per week and claimants felt empowered by this. However, the same provision does not exist under Universal Credit and any money earned will lead to a reduction in payments
- The initial gains made by disabled people at the beginning of the coronavirus pandemic, including widespread homeworking, now being removed with the expectation to return to in-person working
- That disabled people who undertake voluntary work are unable to receive Access to Work to cover disability-related employment costs
- The difficulties in accessing paid work **on a part-time basis** when this is a disability-related requirement

- The difficulties in accessing paid work **through a job-sharing arrangement** when this is a disability-related requirement
- The use of redundancy processes or 'leavers' programmes' to target disabled workers who are seen as less productive and profitable

Further contributions were also received with reference to convention Articles 13, 16, 21, 28 and 29 as well as on both Article 11 and the United Nations Framework Convention on Climate Change collectively.

Article 13 – Access to Justice

Participants noted:

- The restrictions of the judicial review process make it harder for disabled people to assert our rights through the justice system
- The reductions in legal aid funding, particularly around early stage legal advice, make it harder for disabled people – who are much more likely to live in poverty – to assert our rights through the justice system

Article 16 – Freedom from exploitation, violence and abuse

Participants noted:

- The postcode lottery in support and provision for disabled survivors of domestic violence, with little specialist support available in South Yorkshire and Humberside

Article 21 – Freedom of expression and opinion, and access to information

Participants noted:

- the unique barriers facing d/Deaf, deafened and hard of hearing people in accessing information, not limited to access to British Sign Language/English interpretation and other accessible communication methods, with contemporary examples including access to government press conferences and parliamentary announcements

Article 28 – Adequate standard of living and social protection

Participants noted:

- Difficulty in accessing assistance for disability-related expenses, namely Personal Independence Payment and the Disability Living Allowance, with rejected applications leading to an increased need of social care

Article 29 – Participation in political and public life

Participants noted:

- The barriers facing disabled people wishing to enter political and public life given no provision for job-sharing arrangements amongst elected officials

- That fewer disabled people are standing for election in Sheffield as a result of the closure of the Access to Elected Office Fund and the Enable Fund, which previously covered the disability-related costs of standing for election

Article 11 (situations of risk and humanitarian emergencies) and the United Nations Framework Convention on Climate Change

Participants noted the challenges facing some disabled people as a result of measures responding to the climate crisis, including the closure of city centres to all but active travellers. Several participants emphasised the importance of mitigations that protect Blue Badge parking spaces and access for disabled motorists, as well as the ensuring that new instances of active travel appreciate the diversity of disabled people, with shorter routes, level routes, cycle routes suitable for a range of adapted cycles and accessible cycle parking amongst features noted.

Several participants also noted the concern caused by the introduction of Clean Air Zones. The limited availability of electric side-loading accessible hackney carriages is a significant issue that will impact disabled people's equality. Further, participants emphasised the importance of introducing a statutory requirement for electric vehicles to make a noise in order to protect many disabled people, including visually impaired people.