



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Twenty-third session**

17 August–11 September 2020

**Activities under the Optional Protocol to the Convention**

**Inquiry concerning the United Kingdom of Great Britain and  
Northern Ireland under article 6 of the Optional Protocol to  
the Convention**

**Follow-up report submitted by the United Kingdom of Great Britain  
and Northern Ireland\***

[Date received: 5 September 2018]

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\* The present document is being issued without formal editing.

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## **I. Introduction**

1. This is the recommendations made by the Committee in its 2016 inquiry report (UN ref. CRPD/C/15/4) carried out under article 6 the Optional Protocol to the Convention (OP-CRPD).

## **II. Follow up information on the recommendations made by the Committee in paragraph 114 of its inquiry report (CRPD/C/15/4)**

2. This section provides further information, following the UK response of 3 November 2016 (UN ref. CRPD/C/17/R.3) in relation to the recommendations made by the Committee in its inquiry carried out under article 6 of the Optional Protocol to the Convention. Where we have already provided relevant information earlier in this response we refer back to that.

### **Recommendation 114a**

3. The earlier response to 59b sets out UK Government's approach to cumulative analysis of the impacts of our tax, welfare and public spending policies on households.

### **Recommendation 114b**

4. The UK Government believes that the legal obligations placed on the public sector under the Public Sector Equality Duty<sup>1</sup> (PSED) 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 or certain groups of disabled people.

5. The PSED places a proactive equality duty on public bodies, and those exercising public functions, to consider the potential effects of key decisions on groups with protected characteristics. Public bodies must be able to show how they have considered equality issues when they develop, implement and review policies, services and processes. This approach also ensures that organisations that provide services or functions on behalf of public sector bodies have the same obligations to consider equality issues when making key decisions about public services.

6. Public sector bodies 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. This can include adaptations to the overall approach, and measures to mitigate against the possible disproportionate impacts or transitional arrangements.

7. The UK believes that the PSED is aligned with a rights-based approach. It places a legal duty on all public bodies to consider the impact of policies on disabled people. This means also considering how policies affect how people are able to live their lives. Additionally, the Human Rights Act 1998, which extends to the whole of the UK, gives further effect to the European Convention on Human Rights as set out in the Act (the Convention Rights). The Act requires all legislation to be interpreted and given effect as far as possible in a way that is compatible with the Convention Rights; the Minister introducing a Bill to Parliament to make a statement on the Bill's compatibility with the Convention Rights; and makes it unlawful for a public authority to act incompatibly with the Convention Rights.

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<sup>1</sup> <http://www.legislation.gov.uk/uksi/2011/2260/contents/made>.

8. The Social Security (Scotland) Act 2018 creates a new public service for Scotland, by underpinning the safe and secure transition of eleven welfare benefits, including disability benefits. This is the biggest transfer of powers since the creation of the Scottish Parliament in 1999. The Act was informed by stakeholders, including many disabled people's organisations. The Act creates a distinct rights-based system with dignity, fairness and respect at its heart. The Scottish Government are committed to improving the way benefits are delivered for disabled people by removing unnecessary barriers to claiming support, and reducing the number of face-to-face assessments. The Act includes the right to independent advocacy for those with a disability who need additional support to engage with the system including the right to have a supporter at all stages of the process, and the right to challenge decisions without financial support being cut.
9. The response to 59b sets out UK Government's approach to cumulative analysis of the impacts of our tax, welfare and public spending policies on households.

### **Recommendation 114c**

10. The UK is committed to enabling disabled people to have greater autonomy, choice and control. In Section 1 we cited the Care Act 2014, which has the concept of independent living as a core part of the wellbeing principle, as an example of this. Other examples include Access to Work, which helps people who need additional support in order to work.
11. ESA provides support to people with a health condition or disability that face barriers to work and looks at what work a person can do, rather than focussing on what they cannot. ESA integrates a contributory and an income-related element into a single structure. Entitlement is based on an assessment of an individual's functionality and the benefit they receive is set accordingly.
12. People found to have limited capability for work and work-related activity are placed in the Support Group. Claimants entitled to income-related ESA will automatically be entitled to the Enhanced Disability Premium and if they receive a qualifying benefit such as middle or highest rate care DLA, daily living component of PIP, or Armed Forces Independent Payment (AFIP), and live alone or are treated as living alone, an additional Severe Disability Premium.
13. People with limited capability for work are given support to prepare for a return to work in the future. This support includes skills training, financial support and volunteering opportunities tailored to the individual. Section 2 provide more details on this support, including the new Personal Support Package launched in April 2017, for people with health conditions on ESA and UC.
14. The earlier responses to recommendations 45a-e set out a number of approaches to support independent living, through existing policy, legislation, significant funding committed, future reform, and listening to disabled people.
15. Additionally, the number of personal health budgets has risen by 200% in the last two years with 22,895 people having a personal health budget in England in the first nine months of 2017/18. In 2017/18 the Integrated Personal Care<sup>2</sup> programme expanded to cover 42 Clinical Commissioning Groups. It is designed to give people greater choice in their personal care, with sites reporting around 48,000 care plans since the programme began. Further expansion is planned for 2018/19.
16. In March 2018, the Secretary of State for Health and Social Care announced a consultation on increasing rights to personal health budgets, which would enable access by more disabled people. He also announced the launch of an Integrated Health and Social Care Pilot that will assess the impact of having a single health and social care assessment and holistic plan for each person currently eligible for a 'Needs Assessment' under the Care Act 2014.

<sup>2</sup> <https://www.england.nhs.uk/ipc/>.

### **Recommendation 114d**

17. The UK Government is absolutely committed to providing financial support for those who need it. We provide a wide-range of benefits including additional support elements to better reflect the financial needs of people with long term health conditions or disabilities, and the extra costs they may bear, as set out in our response to recommendation 59a.

18. As of April 2018 a greater proportion of people are receiving the highest value of award than previously, with 30% of current PIP recipients receiving the highest level of support compared to 15% for DLA, when PIP was first introduced. PIP also ensures closer parity between those with mental and physical health conditions which was not the case with DLA. Hence 32% of PIP recipients with a mental health condition receive the enhanced rate mobility component compared to 10% for the DLA equivalent, and 66% of PIP recipients with a mental health condition receive the enhanced rate daily living component compared to 22% for the DLA equivalent.

19. Both DLA and PIP are increased in line with inflation. For example, we have increased the rate of DLA paid to the most disabled children by more than £100 a month since 2010. We have also increased the enhanced rates of PIP by nearly £570 a year since it was introduced in 2013.

20. The Government recognises the importance of keeping people mobile enabling them to participate fully in society. The Motability Scheme<sup>3</sup> enables disabled people to exchange their higher rate mobility component of DLA, enhanced rate mobility component of PIP, War Pensions Mobility Supplement or AFIP award to lease a new car, scooter or powered wheelchair, there are more people on the Motability Scheme than there were in 2010. The UK Government worked with Motability to design an extensive transitional support package worth £175m for DLA claimants who lose entitlement to the Scheme following PIP reassessment to enable them to remain mobile. This support includes a lump sum of up to £2,000, the option to extend their lease for 6 months and the right to buy their car. The Scheme is popular with claimants, around a third of those eligible elect to join and there are high satisfaction levels (98%).

21. Our responses to 45c and 45e set out the significant investment being made to social care, with Councils given access to up to £9.4bn more dedicated funding for social care between 2017/18 and 2019/20. This will ensure that councils can increase the capacity of the social care system, including support to meet the social care needs of people with disabilities.

22. Spending review plans for social care continue to consider the needs of those using care, and we regularly monitor risks in the care system, including links to funding.

23. The Welsh Government established the Budget Advisory Group for Equality<sup>4</sup> to assist in embedding equality considerations into our spending plans. Membership includes representatives of organisations with equality expertise and experience, including Disability Wales.

24. The role of the group includes assisting in the analysis of equality evidence to improve the Welsh Government's future Equality Impact Assessment (EIA) of the Budget; and increasing the commitment and awareness of mainstreaming equality in future budgets across the Welsh Government and wider Welsh Public Sector.

### **Recommendation 114e**

25. Under the Equality Act 2010, all public bodies, employers and service providers are required to make reasonable adjustments to any element of a job or service which places a disabled person at a substantial disadvantage compared to a non-disabled person. This can

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<sup>3</sup> <https://www.motability.co.uk/>.

<sup>4</sup> <https://gov.wales/topics/people-and-communities/equality-diversity/budget-advisory-group-for-equality/?lang=en>.

include providing information in alternative formats, or where appropriate providing interpretation services.

26. The Minister for Disabled People, Health and Work acknowledges the importance of access to information, and convenes a cross sector Taskforce on accessible communications. The purpose is to work alongside a range of external disability stakeholders to ensure that the DWP improves its communications with disabled people. Learning from this Taskforce is shared with the wider government communications network ensuring greater awareness of the communications needs of disabled people.

27. In relation to the services mentioned in the recommendation, the DWP ensures alternative copies of communications are produced and are easily accessible, including braille, large print and audio copies. DWP is continuing to improve methods of communication with disabled claimants including by using email, Next Generation Text which helps people use the telephone system, arranging home visits or private interview rooms as a reasonable adjustment, and the Video Relay Service which provides video interpretation. DWP is also committed to producing more products in accessible electronic format and Easy Read, and is leading on developing cross Government standards for Easy Read.

28. Scotland has legislation that recognises British Sign Language<sup>5</sup> (BSL). The BSL (Scotland) Act 2015 places a duty on Scottish Ministers to promote the use and understanding of BSL.

### **Recommendation 114f**

29. Disabled people's access to the courts in relation to disputed welfare benefit decisions as interpreted in the Committee's 2016 inquiry report<sup>6</sup> requires clarification. Legal aid was not available for representation in cases before the first-tier tribunal even prior to the introduction of the Legal Aid Sentencing and Punishment of Offenders Act 2012<sup>7</sup> in April 2013, though it was available for legal advice. This was because this tribunal is informal and non-adversarial, and as such there was no need for legal representation. Legal aid continues to provide access to justice, for those eligible, in the highest priority cases, including disputes with Local Authorities about community care services for disabled people, and for discrimination and welfare benefit claims relating to contravention of the Equality Act 2010.

30. Legal aid is also available for judicial reviews, including those relating to welfare benefit policies. Advice for discrimination matters is provided through the Civil Legal Advice service,<sup>8</sup> an accessible helpline and online tool, which offers a range of adaptations and reasonable adjustments. Changes to legal aid have not restricted access to the appeals process. Nor has mandatory reconsideration, introduced in 2013 to allow earlier correction of decisions, with the right of appeal still available if required.

31. Scotland's new rights based social security system will be co-designed with individuals' current experience that will be grounded on the principles of dignity, fairness, respect and which aims to get decisions right first time, whereby an individual will have a right to request a re-determination if they think the Scottish social security agency has not made the right decision. If the re-determination is not concluded in the prescribed time limit or the individual is dissatisfied with their re-determination they will have a right of appeal to the First-tier Tribunal in the Scottish Tribunals, which subject to certain conditions being met may attract legal aid for legal advice short of representation. Where a further appeal can be made to the Upper Tribunal, legal aid will incorporate representation.

<sup>5</sup> <http://www.legislation.gov.uk/asp/2015/11/contents/enacted>.

<sup>6</sup> UNCRPD inquiry report (UN ref. CRPD/C/17/R.3), paragraph 92  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2fR.2%2fRev.1&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f15%2fR.2%2fRev.1&Lang=en).

<sup>7</sup> <http://www.legislation.gov.uk/ukpga/2012/10/contents>.

<sup>8</sup> <https://www.gov.uk/civil-legal-advice>.

## Recommendation 114g

32. The UK has a strong record of engaging with disabled people to inform policy making across government. However we do continually seek to improve our practices and services are increasingly informed by disabled people, for example we are reinvigorating our Office for Disability Issues stakeholder engagement later this year to ensure we engage with more Disabled People's User Led Organisations, smaller local stakeholders and individuals.

33. During the consultation following the 'Improving Lives: the Work, Health and Disability Green Paper',<sup>9</sup> we received around 6,000 responses following close engagement with stakeholders and 166 accessible events. These views informed our strategy and vision to see one million more disabled people in employment by 2027, which we published in November 2017, 'Improving Lives: the future of Work, Health and Disability'.<sup>10</sup>

34. We are committed to working in partnership with stakeholders, including disabled people and people with long term health conditions, to achieve our vision and to inform the design of support that will be most useful. We have worked closely with charities, representative organisations and stakeholders, as well as with people with long term health conditions themselves. For example, we drew on the expertise of stakeholder representative groups when we developed the criteria for ending reassessments for customers with the most severe health conditions.

35. We ran several accessible events with stakeholders including disabled peoples organisations for two recent consultations on the draft transport Accessibility Action Plan and on the Cycling and Walking Investment Strategy<sup>11</sup> Safety Review. Another consultation on widening eligibility for the Blue Badge<sup>12</sup> scheme which helps disabled people with severe mobility conditions to park closer to their destination received around 6,000 responses.

36. The Welsh Government's Disability Equality Forum is chaired by the Leader of the House and Chief Whip and is made up of disabled and non-disabled people with a range of expertise. The Forum provides an opportunity for stakeholders to advise the Welsh Government, and the wider public sector, on the key issues that affect disabled people in Wales. It is also a forum for sharing best practice.

37. Disability Wales has been awarded grant of £500,000 from 2017 to 2020, from our Equality and Inclusion Grant Programme, to be the representative body for disabled people and their organisations in Wales and work with the Welsh Government and other public bodies to ensure the views of disabled people are heard.

38. The Scottish Government is committed to involving people with direct experience of benefits. Over 2,400 volunteers from across Scotland have signed up to work with Scottish Government as part of the Experience Panels.<sup>13</sup> The Scottish Government is determined that the new Scottish social security system is built to support those people who need it most.

## Recommendation 114h

39. The UK recognises the rights of all disabled people, including those in care of the state, to live with dignity, respect and integrity. We combat stereotypes, discrimination, harassment and hate crime through a wide range of programmes in various settings.

40. We take our responsibility to tackle Disability Hate Crime and promote positive attitudes towards disabled people extremely seriously. We have a strong legislative

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<sup>9</sup> <https://www.gov.uk/government/consultations/work-health-and-disability-improving-lives>.

<sup>10</sup> <https://www.gov.uk/government/publications/improving-lives-the-future-of-work-health-and-disability>.

<sup>11</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/512895/cycling-and-walking-investment-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/512895/cycling-and-walking-investment-strategy.pdf).

<sup>12</sup> <https://www.gov.uk/browse/driving/disability-health-condition>.

<sup>13</sup> <https://beta.gov.scot/policies/social-security/engagement-on-social-security/>.

framework to tackle hate crime, including provisions for the court to increase a sentence where the offence was motivated by hostility towards a person's disability.

41. Work is under way to improve attitudes towards disabled people and raise awareness of Disability Hate Crime through the Hate Crime Action Plan<sup>14</sup> that was published in July 2016 by the Home Office. The four year, cross-Government action plan, focuses on five key areas. These are; preventing hate crime by challenging beliefs and attitudes, responding to hate crime within our communities, increasing the reporting of hate crime, improving support for victims of hate crime and building our understanding of hate crime.

42. The Home Office and Ministry of Housing, Communities and Local Government are refreshing the action plan later this year, and are working with stakeholders to ensure it remains fit for purpose. The plan has specific actions focused on disability hate crime, and includes work to identify and share best practice examples of tackling disability hate crime, guidance from the Crown Prosecution Service for hate crime victims/witnesses who have a learning disability, and community led projects focused on tackling disability hate crime. We continue to work alongside key stakeholders to understand what works well and to identify what more can be done to protect victims from disability hate crime.

43. All schools are legally required to have a behaviour policy with measures to prevent all forms of bullying among pupils. They have the freedom to develop their own anti-bullying strategies appropriate to their environment but are held to account via Ofsted.

44. We are providing £1.75m of funding, over 2 years for four anti-bullying organisations to support schools tackle bullying. This funding includes projects targeting bullying of particular groups, such as those with special educational needs and those who are victims of hate related bullying, along with a project to report bullying online. The project led by the Anti-Bullying Alliance is focused on tackling bullying related to special educational needs and disability. It includes face-to-face training for teachers along with helplines and online information for parents of children with special educational needs and disabilities.

45. Our Internet Safety Strategy aims to make the UK the safest place in the world to be online as part of wider work on the Digital Charter.<sup>15</sup> We expect all social media platforms to sign up to our code of practice and annual online safety transparency reporting to safeguard users and ensure consistent standards. The code requires platforms maintain a clear and transparent reporting process for users to report abuse targeting disability. We encourage companies to specify the number of reports of abuse targeting disability in their transparency reporting. We recently announced a forthcoming White Paper that will set out proposals for future legislation to cover the full range of legal and illegal online harms.

46. Disability Confident has signed up over 7,000 businesses. It gets employers to think differently about disability and to take action to improve how they attract, recruit and retain disabled workers.

47. The Welsh Government continues to tackle hate crime in partnership with members of the Hate Crime Criminal Justice Board Cymru (HCCJBC), including the four Police forces, Police and Crime Commissioners, Crown Prosecution Service, other Criminal Justice agencies, Victim Support and other third sector representatives. The HCCJBC is working with the Disability Equality Forum, convened by the Welsh Government, to examine how we can improve disability hate crime reporting, support for victims, and bringing perpetrators to justice.

48. In 2016/17 338 disability hate crime cases were reported to the police in Wales, up 39% on the previous year. This partly demonstrates increased rates of reporting, which reflects the work of work the Welsh Government, the Police, and the third sector to encourage victims to report and to improve case handling. Rates of satisfaction with how cases are handled once they are reported are high. For example, in 2016/17 Gwent Police figures show 90% of people were completely or very satisfied with the treatment they

<sup>14</sup> <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>.

<sup>15</sup> <https://www.gov.uk/government/publications/digital-charter>.

received from officers, and 74% completely or very satisfied with their overall experience following reporting.

49. In June 2017, the Scottish Government published an ambitious programme of work to tackle hate crime and build community cohesion. In October 2017, the Scottish Government ran a ‘Hate Has No Home in Scotland’ campaign to raise awareness of hate crime and how to report it. The campaign evaluation was positive and showed that it was particularly successful among those who have experienced hate crime. On 31 May 2018 Lord Bracadale published his review into hate crime legislation in Scotland.<sup>16</sup> The Scottish Government has accepted his recommendation to consolidate all Scottish hate crime legislation into one new hate crime statute and will use his report and recommendations as the basis for consulting on the detail of what should be included in a new hate crime bill.

### **Recommendation 114i**

50. As explained in our response to Recommendation 2, the UK Government believes that the PSED provides an adequate mechanism for identifying unintended or disproportionate impacts of policies on those with protected characteristics protected in the Equality Act 2010, including disabled people.

51. The UK Government regularly carries out equality analysis and gives due consideration to the potential effects of key decisions on groups with protected characteristics. All public bodies must be able to show how they have duly considered equality issues when they develop, implement and review policies, services, legislation and processes.

### **Recommendation 114j**

52. As already outlined in our response under Recommendations 2 and 9, the PSED provides a mechanism for identifying unintended or disproportionate impacts of policies and programmes on disabled people or certain groups of disabled people.

53. Equality policies, including disability policies, are already mainstreamed across all UK government departments and public sector bodies, and each organisation has a responsibility to monitor the impact of their individual policies on disabled people. This is the case for all policy, not just disability-related policies.

54. To meet their obligations under the PSED, public sector bodies are also 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. This can include adaptations to the overall approach, measures to mitigate against the possible disproportionate impacts or transitional arrangements.

55. The PSED and related activities provide a transparent and effective mechanism to monitor the impact of the different policies and programmes on disabled people and is in keeping with the human rights-based model of disability, which is focused on assessing unintended or disproportionate impacts on disabled people or certain groups of disabled people.

56. As indicated in paragraph 142 above, the Human Rights Act 1998<sup>17</sup> requires the Minister introducing a Bill to Parliament to make a statement on the Bill’s compatibility with the Convention Rights.

57. The EHRC is responsible for monitoring compliance of the PSED and can take enforcement action if a public body has not complied. The EHRC uses a range of levers to ensure public bodies comply with the requirements of the duty, from the provision of

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<sup>16</sup> <https://www.gov.scot/Publications/2018/05/8696>.

<sup>17</sup> <https://www.legislation.gov.uk/ukpga/1998/42/contents>.



guidance through to enforcement activity where it considers there to be a strategic benefit. The EHRC also has a statutory role in promoting awareness and encouraging compliance with the Human Rights Act 1998; it also has some powers relating to the courts, for example to intervene in human rights cases.

58. The Joint Committee on Human Rights of the UK Parliament also scrutinises UK Government Bills for their compatibility with human rights.

59. The Scottish First Minister has convened an Advisory Group on Human Rights Leadership, which is working independently of the Scottish Government to develop recommendations on how Scotland can continue to lead by example, including economic, social, cultural and environmental rights. The Advisory Group will lead a participatory process and it will report by the end of 2018. The Scottish Government embraces constructive challenge and is happy to support action which pushes public institutions to go further in embedding human rights at the heart of everything.

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