

Breaking Down Barriers

Policies on Disability

Policy Paper 34



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Summary

Liberal Democrats believe above all in the importance of the individual and their rights. This paper sets out a series of proposals which will help those with disabilities enjoy the same rights that other citizens expect.

Civil Rights

Ideally we seek a society where rights are guaranteed without the need for recourse to the courts. We therefore propose:

- Strengthening the Disability Discrimination Act by reducing exemptions for small employers and further covering transport and education.
- Increasing access to the legal and political system, including jury service.
- Widening the remit of the Social Exclusion Unit to address disability issues.

Education

We emphasise the importance of giving parents greater say in their children's education and in providing a needs based rather than a costs based system. We therefore propose:

- Emphasising the importance of early identification of needs, integrating support and service providers, and giving extra support during transitional periods.
- Giving parents greater say in which type of school their child should attend, and in particular the right to attend mainstream schools.
- Introducing personal 'advocates' to tailor the system to individual needs.
- Supporting disabled pupils in progressing to Higher and Further Education, for example by extending the Disabled Students Allowance to all students.

Employment and Training

We wish to address the issue of availability of jobs for disabled people in a competitive market, and the need to increase awareness of employers of the benefits of employing disabled people, and of the support available in doing so. We therefore propose:

- Introducing job retention measures.
- Introducing an information campaign about the Access to Work scheme, and extending the coverage of the scheme to include public sector and voluntary work.

- Raising therapeutic earnings limits and limits on voluntary work, to promote contact with the labour market.

Social Security

We oppose the cuts driven approach to welfare reform undertaken by successive Governments, and wish to see a system where there is a balance between contributory and means tested benefits. We therefore propose:

- Reversing recent Incapacity Benefit changes.
- Restoring Severe Disablement Allowance as the non contributory equivalent of Incapacity Benefit, paid at a level which will avoid the needs for means tested (Income Support) top up.
- Inclusion of communication costs within Disability Living Allowance.
- Removal of age anomalies within system where appropriate e.g. extending mobility components of Disability Living Allowance to children from birth.

Enabling Independence

As far as possible, people with disabilities want to lead independent lives. There are many policy initiatives which could help attain this objective. We therefore propose:

- Co-ordinating health and social services departments to provide a more integrated service.
- Co-ordinating take up campaigns for elderly people to include disability benefits.
- Reforming Invalid Care Allowance to make it more flexible and increase take up.
- Introducing Information Technology schemes along the lines of 'Motability' to enable greater flexibility in working from home and facilitating communication.

Priorities

Many of our proposals have very limited costs attached to them or should be self-financing (for example our 'Netability' and 'Technability' schemes). However, some of the proposals would have significant expenditure implications and it is therefore necessary to set out priorities.

Our first priority would be to:

- Reverse recent Incapacity Benefit changes.
- Restore Severe Disablement Allowance.
- Extend the scope of the Disability Discrimination Act.

Our next priorities would be to :

- Include communications costs in Disability Living Allowance, and extend the mobility component of Disability Living Allowance to cover children from birth.
- Reform Invalid Care Allowance.
- Remove other age anomalies in the benefit system.

Introduction

1.0.1 Disability is less about medical diagnosis or health condition than it is about issues of justice, equality and rights. Society's suspicion of what is different has meant disabled people have often felt left out of society. This exclusion occurs, by default or design, through such factors as access to buildings, information and employment. For Liberal Democrats this exclusion of over 10% of the population is quite unacceptable.

1.0.2 Liberal Democrats believe that human rights must be upheld: yet disabled people still face frequent and continuous infringement of their civil rights. It is the responsibility of Government and of society to ensure that disabled people are guaranteed their full rights. Wasting of talent and lives is a waste of both human and financial resources. To tackle this we must all (Government and individuals) change our attitudes. This will mean positive action in the fields of anti-discrimination, education, employment and reform of the social security system.

1.0.3 For a society where all talents, needs and opportunities are realised, it is of the utmost importance that disability issues be addressed in a cross departmental manner.

1.0.4 We recognise that in the current climate, it is unrealistic to expect unlimited resources. However, we believe that change is necessary, and that it can be achieved without demanding

excessive resources. Without a radical rights driven society it is not only disabled people who lose out but society as a whole, as disabled people have the capacity to contribute enormously if given a fair opportunity to do so.

1.0.5 Society still fails disabled people. As Liberal Democrats we seek a society where civil rights are ensured as a matter of course. We seek a society where civil rights are realised in everyday life. We seek a society where rights are delivered without recourse to the courts.

1.0.6 In writing this document, we have avoided the temptation to discuss different types of disabilities in order to prevent categorisation. We believe that the issues must be interpreted as widely as possible and to cover all disabled people. We have decided to concentrate on practical issues of ensuring full participation in society for all disabled people. We also recognise the double discrimination which can affect disabled people from groups which experience other forms of discrimination - for example on the basis of gender, sexual orientation, or race.

1.0.7 We believe that the issue of discrimination is part of the debate about social exclusion. We would therefore extend the remit of the Social Exclusion Unit to specifically address the factors causing social exclusion among disabled people.

1.0.8 This paper seeks to build upon, rather than replace, the Party's 1993 Policy Paper 'Access for All'.

Ensuring Civil Rights

2.0.1 A fair and just society must guarantee its citizens freedom from discrimination. For disabled people to truly have the same civil rights as others, there must be effective, enforceable and comprehensive anti-discrimination legislation in place. What we seek is a society where guaranteeing civil rights does not require recourse to the courts.

2.1 A Cross Departmental Approach

2.1.1 Opportunities to address the needs of disabled people are all too often missed when legislation is introduced. Policy ideas currently undergo a policy appraisal for equal treatment, by the civil service. We would:

- Specify that this should include disability issues.
- Make public the results of such appraisals
- Operate on a principle of evolving standards. Rather than applying standards to be met within a certain timeframe, we would seek to ensure that regulation keeps pace with technology. All new legislation must ensure that disability issues are covered, ensuring access to all new goods and services. This requires compliance with the most recent technological advances to ensure the fullest access to goods and services, and modification of existing goods and services where possible.

2.2 Strengthening Anti-Discrimination Legislation

2.2.1 There still remain loopholes in current anti-discrimination legislation which mean that disabled people still have no guarantee of

recourse when discrimination may have occurred.

- We welcome the creation of the Disability Rights Commission, but to be fully effective it must be properly resourced and have a strong regional presence.
- We believe that if the Disability Discrimination Act is to remain a relevant and useful guarantee against discrimination, then it requires greater breadth in its coverage, and greater enforcement of its provisions.
- We would also review separately the definitions of disability within the Act, as well as the category of ‘reasonable adjustment’ which limits obligations to those which are reasonable. Administrative features such as time limits would also be reviewed and revised as necessary.

2.2.2 There are still areas where a ‘licence to discriminate’ exists, for example by many small employers and in the field of education. We would:

- Reduce the exemptions allowed for small businesses within the Disability Discrimination Act, exempting only those businesses with two or less employees. The current threshold of fifteen employees means that 80% of businesses fall outside the DDA. We believe that the criteria of ‘reasonable adjustment’ provides adequate guarantee against excess costs or burdens on small employers. Ensuring discrimination does not happen should be seen as a necessity rather than as an option.
- Extend the Disability Discrimination Act to cover education more thoroughly.

- Review the effectiveness of the Act once the Disability Rights Commission is up and running.

2.3 Goods and Services

2.3.1 Access to goods and services is covered within Part 3 of the Disability Discrimination Act, though the full force of these provisions will not be felt until 2004. The Government is working on a code of practice which will be issued to service providers in advance.

- We would seek speedy implementation of Part 3 of the Disability Discrimination Act 1995 and would run a proper and widespread information campaign to ensure those affected know of the changes required.

2.4 Transport

2.4.1 Disabled people are still not accorded full access to transport. New transport services, for example tube stations, have been designed without taking account of accessibility for disabled people. It must be recognised that in facilitating travel for disabled people, many others also benefit. It is essential that access is considered as more than just physical access.

We would:

- Make it a precondition of all successful bids for new public transport facilities that the contractor set out their approach to making facilities fully accessible and usable by disabled people, and set targets for updating existing transport infrastructure.
- Address the problem of mobility, where there is concern about the effectiveness of the Orange Badge scheme. We would reform the operation of the scheme, including harmonising interpretation of the scheme to a best practice standard. We would use the forthcoming introduction of the pan-European system as an opportunity to enhance the current system, and make travelling abroad easier for disabled people.

Assistance dogs should be prioritised for the issue of 'Passports for Pets'.

- Seek to give disabled people the freedom to travel in line with all citizens. Public, as well as private transport systems must be accessible. All associated facilities and services must be made available. Comprehensive travel information must be made easily accessible to disabled people. As customers, disabled people should be treated with consideration and provided with at least the same level of customer services as other travellers.
- Extend the Disability Discrimination Act to include air and sea transport within its remit. In applying reforms in this area, it is essential that flexible deadlines are introduced to avoid penalising smaller and rural transport systems. We would also seek to incorporate other transport systems, such as minicabs, within the provisions of the Act.
- Address accessibility of the built environment. This includes facilities such as audio and visual information about transport services, clear pathways and pavements free of hazards and obstructions.

2.4.2 Assistance dogs provide much independence for disabled people, and the valuable work done by those who provide and train the dogs must be recognised. We would:

- Seek to address the anomalies which can restrict the freedom which assistance dogs provide. We would aim to provide an environment in which people with assistance dogs could access all facilities without penalty.

2.4.3 Liberal Democrats also believe that transport systems must be fully integrated if they are to be of most use.

2.5 Housing

2.5.1 It is essential that new housing is built to meet the needs of people throughout their lives. We welcome the closure of the loophole whereby developers could submit premature planning applications to avoid the force of forthcoming regulations.

We would:

- Ensure that regulations cover all forms of housing, including flats.
- Make every effort to ensure that buildings which have public usage are made fully accessible as a matter of urgency. This also includes cultural and leisure facilities, where access as well as training and awareness must be improved.

2.6 Communication

2.6.1 Communication is intrinsic to participation in society. The communication needs of all individuals must be met. It is essential that we make the best use of Information Technology to help meet the communication needs of disabled people.

- We believe that British Sign Language should be recognised as the first language of many deaf citizens. We would provide adequate awareness training to ensure that staff working in emergency services have some basic knowledge of sign language.
- We also believe that public organisations must lead by example. Public documents should be available to blind and deaf people on request.

2.6.2 We believe that in future, much greater emphasis should be placed on the role which technology, especially electronic forms of communication, could play in serving the educational, vocational, commercial and leisure needs of disabled people. We propose two schemes:

- ‘Technability’- a scheme to lease computing and Internet connections to disabled people-

should be established along similar lines to Motability. It should not only include low cost provision of hardware, maintenance and software, but also in-the-home training.

- ‘Netability’ - a network run by and for disabled people. It would provide information, discussion forums, training, education and commercial services for ‘technability’ clients. With appropriate forms of advertising and sponsorship, the scheme should aim to become self financing. We would place the schemes under the overall supervision of the Disability Rights Commission.

2.6.3 However, we also recognise that assistive technology, while enabling for some, is disabling for others. Differing needs among disabled people must be recognised, and catered for in the use of new technology.

2.7 Justice and the Legal System

2.7.1 In accessing justice, disabled people also face barriers. Limited physical access to court buildings and to information, communication barriers and attitudes within the legal system to people with disabilities all act to prevent disabled people exercising their constitutional right to justice. Many disabled people are also vulnerable to abuse by others, whether of a physical, psychological, sexual, financial or other nature. We would:

- Remove barriers preventing equal access to, and participation in the justice system. We would seek to ensure speedy implementation of part 3 of the Disability Discrimination Act in order to facilitate this.
- Introduce aggravation of an assault on the basis of disability into the sentencing guidelines.
- Promote the participation of disabled people on the bench and in juries, where

compatible with a fair trial for the defendant.

- Introduce legislation to ensure sign language interviews in police stations are video recorded.
- Increase disability awareness training among those involved in the legal system.

2.8 Democratic Rights

2.8.1 In politics itself, we are failing disabled people. The ‘Polls Apart’ research undertaken by SCOPE showed that 88% of polling stations were inaccessible to disabled people. This denies disabled people one of the most fundamental expressions of citizenship within a democracy. Many of the buildings which are used as polling stations ought to have disabled access anyway. Visually impaired voters are presumed to vote by proxy or postal ballot.

We would:

- Recommend that the Audit Commission should make disabled access to polling stations a Local Authority Performance Indicator.
- Consider the use of mobile ballot boxes which could be made available by appointment.
- Encourage local authorities to experiment with large print notices in polling stations and to give assistance to partially sighted voters.
- Seek to make sure that service providers ensure accessibility initially by providing literature and other communication forms in relevant non-English languages, providing translators and improving cultural awareness training among staff. Local authorities, health trusts, educational authorities and other relevant bodies would be charged with promoting disability awareness and individual rights among

ethnic minority communities as well as more generally.

2.8.3 It is also essential that those who support disabled people do not face discrimination. Carers and parents of disabled children should have access to similar support, advice and information should discrimination have occurred.

2.9 International Standards

2.9.1 We welcome the increasing involvement of the European Union in setting standards on disability issues. Human rights and access issues go beyond national boundaries, and if disabled people are to enjoy increased travel and work experiences throughout Europe, then common rights and standards are essential.

- Liberal Democrats welcome the part of the Amsterdam Treaty which will set out civil rights targets for member states. We would seek to implement these targets as quickly as possible.
- We also believe the EU has a role to play in ensuring better transport access particularly with cross national air links and rail travel.
- Structural funds generated from Europe are an important source of finance. Where these result in major redevelopments there should be conditions attached setting standards for disabled access and participation in the projects.

2.10 Full Participation in Society

2.10.1 Access to leisure and entertainment activities, as well as to the arts must also be improved, if we are to ensure disabled people can participate and enjoy society fully.

2.10.2 The media has an important role to play in changing attitudes, and in its portrayal of disabled people.

- Liberal Democrats would seek to improve accessibility of the media to disabled people. For example, satellite, cable and digital television currently have unacceptably low levels of subtitling. We would introduce legislation to ensure minimum levels of subtitling output.

2.10.3 The value of smaller or local initiatives must also be recognised, and promoted as good practice. Schemes such as shopmobility have been highly successful. Such schemes must be supported by Government.

- Liberal Democrats believe that it is unsatisfactory that there should be a

constant threat of withdrawal of funding and an end to the services such as shopmobility. Such financial insecurity serves only to create further uncertainty for disabled people in their everyday life.

2.10.4 Disabled people must be accorded full civil rights as a matter of the highest political priority. **Positive action** must be taken to guarantee these rights. The onus of responsibility for enforcement or rights must not be left to fall upon disabled people themselves. It is the responsibility of society.

Education

3.0.1 The essential objective of Liberal Democrat education policy is ‘Excellence for All’. Britain has a long way to go before this becomes a reality for all disabled children.

3.1 An Early Start

3.1.1 In making provision for disabled children, due weight must be given to the importance of early identification of problems. It is all too common for special educational needs to be diagnosed ‘in arrears’, when the child and the parents have already spent several years experiencing difficulties at school. Early diagnosis is a cheap and effective step towards a solution. We would:

- Emphasise the importance of access to high quality Early Years Education for all children. It is vital that disabled children are given access to nursery education from their earliest years.
- Ensure an integrated approach at appropriate points in development from the earliest years by child health professionals, social services and education providers to identify problems such as sight, hearing and fine and gross motor-co-ordination difficulties, all of which, if left unidentified, can lead to children spending several years being inappropriately treated as slow learners. This must include consultation with all of the relevant parties, including parents of the children with disabilities, and carers.
- Carry out multi-agency assessment for some pre-school age children such as those who use wheelchairs or have little or no speech.

3.2 Enabling Choice in Schooling

3.2.1 We believe that parents must be given a greater say in determining in what type of school, mainstream or special school, their children attend, in consultation with their children’s advocate (see section 3.3.1). It is unacceptable for local authorities to decide allocation on the basis of cost. We would:

- Seek to ensure that where parents of disabled children want their children to attend ‘mainstream’ schools, that must be made possible. However, there are clearly some children who will maximise their potential in special schools or who may need to attend a special school for part of their education. It is important that adequate provision is available for such pupils.
- Seek to invest in the physical environment of schools. This will be necessary if all pupils with disabilities are to be given access to ‘mainstream’ institutions. This may include the installation of new lifts and toilets as well as special equipment to compensate for sight and hearing loss.
- Consider the provision of free transport as a means of ensuring that disabled pupils can be educated in a suitably equipped ‘mainstream’ school, where schools cannot be converted/equipped within a reasonable time.
- Promote regional planning of special schools, which may yield more benefits in future than provision planned within individual Local Education Authorities (LEAs).
- Place a statutory responsibility upon LEAs to provide places in special schools either in

their own or within the relevant Special Educational Needs (SEN) planning region.

- Promote good practice initiatives and guidelines to help teachers to make a success of integration. Other initiatives are required in staff development and training to support students with disabilities.
- Include awareness training of the needs of disabled children in Initial Teacher Training, and would seek to ensure that properly trained Learning Assistants are available. Such training must also be extended to include classroom assistants, who provide an invaluable role in supporting disabled children in the classroom.
- Include disability awareness in the school curriculum from the earliest years, whether or not children with disabilities were present in the classroom. This will be key both to eventual achievement of civil rights for all and ensuring fuller integration of disabled children in mainstream education. In schools where integration is well established, most parents, teachers and pupils acknowledge that all children gain.
- Review the definition of special educational needs to provide greater clarity for all involved.

3.3 A Needs-Based System

3.3.1 Liberal Democrats also believe that the system must be flexible enough to be tailored to the individual needs of children and families. At present, many parents find the system complex and confusing. We would:

- Appoint a person independent of the Education Authority or Social Services Department as an ‘Advocate’ for each child. Advocates would work with parents and their children to help them make decisions about appropriate provision in each individual case. In appropriate cases, advocates could act as Trustees of disabled learners’ Individual Learning Accounts.

- Allow advocates to specialise in dealing with particular age ranges. They should be trained to aim for the most ambitious outcomes for each child and seek to break out of a cycle of low expectations.
- Promote regular contact between classroom assistants, advocates and teachers to increase learning outcomes in a tailored fashion.

3.4 Support During Transition

3.4.1 Disabled children and their families also face increased difficulties during transitional periods, when their children move between stages of education, between schools, or indeed at other stages of transition beyond education. It is a time when children can all too easily fall through the system. We would:

- Give extra support during transitional periods. We believe that close monitoring of the situation is required in order to make sure that no family is left without support.
- Give every young person a transition plan when they leave school. This could include an assessment of needs for reasonable adjustments in the workplace, for study aids, and strategies for entering further or higher education where required.

3.5 Education for Life

3.5.1 Education must be seen in its widest possible sense. After school clubs play a vital role in the development of children.

- We believe that disabled children must be able to attend these groups wherever possible. We want to see increased availability of ‘after school clubs’ for disabled children.

3.6 Integrating Information Technology

3.6.1 The Government has announced its intention to enhance information technology facilities in schools, but has failed to make sufficient impact so far. Pupils with disabilities would benefit particularly from successful integration of IT in education at all levels. Laptop computers can open a wide range of new possibilities for pupils with disabilities. Some may find a stylus, keyboard, mouse or joystick easier to use than pens and pencils. Small dictaphones for note taking have been invaluable for others. New technology may soon be able to help severely dyslexic pupils by automatically converting speech to correctly spelt text.

We would:

- Prioritise hardware, software and training for full integration of IT at all levels of education within education policy with a sustainable source of funding.
- Increase spending on books and equipment, including technology which has specific benefits for all groups.

3.7 Encouraging Higher and Further Education

3.7.1 Far too few disabled pupils progress to Higher Education. Work related learning and lifelong learning must become a higher priority in disability policy. We would:

- Promote cooperation between advocates of older pupils in secondary schools with teachers and outside agencies to develop ambitious career paths that allow pupils to realise their full potential. We would co-ordinate this with advice about social security benefits and training and placement programmes.

- Promote active steps at regional and local level to interest and recruit employers in companies of all sizes to help young people with disabilities prepare for working life. Sponsorship schemes should be considered linking young people with companies in the same way that students are sponsored by the armed services, big businesses and others.
- Introduce a central national funding information service for all disabled students.
- Introduce a single funding body to handle claims for disability related costs.

3.8 Statementing

3.8.1 The current process of statementing is confrontational, adversarial and unfair. We would:

- Seek to ensure that statementing should take place in an environment of consensus and support.

3.9 Removing Discrimination

3.9.1 The lack of coverage of education by the Disability Discrimination Act is an unfortunate anomaly. We would:

- Strengthen the Disability Discrimination Act by amending it to remove discrimination from education. This will allow disabled pupils to have the same access to activities as other pupils, both during and outside school hours.

3.9.2 Liberal Democrats believe that the Disabled Students Allowance is an effective tool in providing much needed extra financial help for disabled students. We would:

- Extend the allowance to all students, for Further as well as Higher Education, and for part time as well as full time students.

3.9.3 Lifelong learning for disabled people cannot become a reality until Individual Learning Accounts with meaningful sums invested in them are combined with fairer arrangements for student support and better physical access to all educational and training facilities. Part time education and training is especially important for those who cannot work a full day because of their disabilities. We would:

- Seek to provide adequate resources for both Individual Learning Accounts and for

educational facilities to ensure adequate support for disabled students.

3.9.4 In determining the success of initiatives and policies in education for disabled people, information and statistics must be made available for evaluation. We would:

- Monitor the progress of disabled children in education, and collect information and statistics to enable evaluation and improvements to be made as required.

Employment & Training

4.0.1 Almost half of the 8.6 million disabled people in Britain today are of working age. Opportunities and assistance must be provided for those who want to work. However, increasing the participation of disabled people in the workplace requires more than just another work scheme. For disabled people to participate fully in the labour market, comprehensive anti discrimination legislation, a fully accessible environment (including transport) and a supportive social security system is essential. It is also essential that Government plays a highly visible role both in employing disabled people itself, and in promoting the benefits of employing disabled people to employers.

4.1 Job Availability

4.1.1 The first problem encountered is availability of jobs. This is restricted both by discrimination, and a shortage of employment opportunities in general. Employers still need to be convinced of the benefits in employing disabled people. We would:

- Provide and ring-fence funding for the Disability Rights Commission to embark upon an extensive information, advertising and promotion campaign to promote the benefits to all concerned of employing disabled people.
- Reduce the current exemption in the Disability Discrimination Act to exempt only those employers with two or fewer employees, rather than the current level of 15 staff or fewer. As the principle of 'reasonable adjustment' in the Act allows the size and resources of a business to be taken into account when determining what changes it may have to make, this will not impose excessive burdens on small businesses.

4.1.2 The initial funding involved in making the workplace accessible must be further recognised, and employers must be supported and given advice in making the requisite changes.

4.2 Prioritising Job Retention

4.2.1 Whereas attempts at establishing opportunities for employment are generally welcome, the New Deal for Sick and Disabled people is a temporary scheme funded by a temporary one-off windfall tax. The pilot schemes were only provided with £195 million, an inadequate amount, especially in light of the funding given to the other New Deal programmes. **We believe that such schemes are inadequate in that they place too much emphasis on getting people into jobs, and enough on keeping people in them.**

- We would give job retention measures higher priority and support. It is unsuitable to place disabled people in a situation where they are automatically at risk of redundancy should there be an economic downturn.

4.3 Shifting the Emphasis on Paid Work

4.3.1 There is too much emphasis on **paid** work. It is essential that the social security system encourages rather than hinders disabled people's access and contact with the labour market. Contact with the labour market is essential in promoting employment opportunities among disabled people and employers. We would:

- Seek to incorporate further provision within the social security system for claimants to take part in therapeutic or voluntary work.

- Develop a more active approach to help those leaving benefit. We want to see a system focused on the individual, and would introduce a system of personal caseworkers, specialising in the needs of disabled people.

4.3.2 We welcome the Government's relaxation of the therapeutic earnings rules.

- We believe that for disregards to be effective, they must be set at a realistic level, and that this level must be increased periodically to reflect growth in earnings. This must include relevant increase in the level of 'therapeutic earnings' allowed. Hours of work allowed could also be altered to encourage contact with the labour market. Further reform is required to ensure disabled people can maximise opportunities for contact with the labour market without the threat of benefit withdrawal.

4.4 Improving Opportunities

4.4.1 Projects such as the Access to Work scheme are invaluable, but are underused as there is a lack of information about them for potential beneficiaries. Research has shown that there is high need for such schemes, but that without improved information about them, take up will remain low. We would:

- Make sure that the successful Access to Work and Interwork scheme is widely and properly advertised. This could be achieved by using the Single Gateway to advertise the schemes. We would also seek to extend Access to Work to include voluntary work and non conventional paid work, e.g. as a local councillor. It is essential that such work is recognised, partly to shift the emphasis away from paid employment, and partly to act as a stepping stone for paid employment for those who seek it.

4.5 Making the System Work For, Not Against, Claimants

4.5.1 The Single Gateway risks adding merely another layer of bureaucracy to an already complex system. We recognise the value of the Gateway as a vehicle by which to advise people of entitlement to benefits, training and employment opportunities, and for co-ordination of the information supplied by all of the service providers involved. However, the Gateway risks being introduced without sufficient training, nor the required planning to ensure that it works for disabled people, rather than against them. We would:

- Exempt severely disabled people and carers from the interview
- Ensure that advisers were specially trained for claimant groups
- Use the Gateway as an opportunity for those who could not work to discuss benefit entitlement, and services available to them in the locality

4.6 Accessibility of Offices

4.6.1 There are also basic problems in that many benefit offices and job centres are not accessible to disabled people. Lack of physical access, communication difficulties such as lack of access to signers, palantype, Braille, textphones, and an overall lack of staff training and awareness make the system one which fails to provide properly for disabled people.

4.7 Setting the Example

4.7.1 We also want to see Governments and public bodies playing a lead role in employing disabled people, and illustrating the benefits of doing so. Some Government departments employ no disabled people at all. It is essential that we lead by example, if a change in attitudes is to be effected. We would:

Monitor the employment of disabled people in all public organisations. We would aim to introduce targets in order to ensure fairer representation.

4.7.2 Job retention is also an essential issue which must be placed higher on the political agenda. We would:

- Give more support to people who become disabled while in work, and who may wish to retrain or undertake alternative employment. We would seek to work with employers, social security advisers, health care workers, human resources managers and individuals to form flexible employment contracts.

Social Security

5.1 The Need for Reform

5.1.1 Debate on disability benefits is driven all too often by a perception that the disability benefits' budget is out of control. There is also a false and dangerous assumption that everyone is therefore fiddling the system to some extent.

5.1.2 We believe that the system of disability benefits is in need of reform not because of the associated costs, but because it is ineffective, inefficient and cumbersome, and it no longer helps those most in need. The disability benefits bill **has** increased: but that in itself should not be the motivation for reform.

5.2 Shifting the Balance

5.2.1 There have also been a number of changes introduced to benefits without the corresponding discussion on the merits or problems of means tested and contributory benefits. We would initiate a full debate on the reform of social security benefits, and the role of both contributory and means tested benefits within the system. We believe that there is a role for both mechanisms, but believe that the Government is precipitately shifting the balance towards means-testing without proper debate on this fundamental principle.

5.3 The Basis for Reform

5.3.1 There has been an steady and large increase in the number of disabled claimants over the last 18 years. We believe that there are valid reasons for this increase:

- a) People are staying on benefits for longer, leading to a cumulative effect on claimant numbers;
- b) Increased numbers of people have the required contribution entitlements,

- c) An ageing population means more disabled people as the incidence of disability increases with age;
- d) Fewer disabled people in work than expected. This may be due to the lack of available job opportunities, the high demand for jobs proving greater competition, and a lack of expectation for people to take employment where their impairments make it extremely difficult to do so.

5.3.2 The Government's response to this increase has been to propose changes to disability benefits which will save them up to £750m in the long run. Rather than seeking to make sure that only those who are entitled to the benefit get the benefit by looking at the adjudication standards at entry on to the benefit, the Government is seeking to penalise whole categories of people on benefits simply by increasing means testing, reducing the role of the contributory principle, and restricting entitlement.

5.3.3 We oppose the cuts driven approach to reform adopted by both Conservative and Labour Governments. We believe that reform of social security benefits is required but that such reform must instead be based on creating a more effective system: one that focuses on the individual and not on their disability; a system that treats benefit recipients with dignity rather than stigmatising them as scroungers. An effective system must be less complex for all concerned. It must be fair, and must be seen to be fair, and it must provide and encourage independence and opportunity.

5.3.4 We oppose the use by previous Governments of disability benefits to manipulate employment figures or to create perceptions of widespread fraud and abuse. We believe that correct and detailed figures must be collected and published.

5.4 Principled Reform

5.4.1 We want to see reform of disability benefits based on the following principles:

- Reform must be based on creating a more effective system, not on cutting costs.
- All reform would be done in consultation with representatives from disability organisations and carers organisations.
- Staff involved in administration, assessment and delivery of benefits must be highly trained in disability issues.
- Benefit entitlement should be based on the individual- not on their disability.
- Assessment to benefit must look at capability, and must be flexible and fair.
- The system must be simple- the function of a benefit must be clearly defined. There should be no need for duplication of effort- each benefit should deliver a separate function without overlap.
- Benefits should contain no needless discrimination, e.g. arbitrary age limits.
- An effective system of regular assessment and ability to inform of change of circumstance must be established, and those on life long benefit awards must be free from the constant threat of reduction of benefit.

5.5 Earnings Replacement Benefits

5.5.1 There are a number of benefits designed to provide income for those incapable of work due to sickness or disability. Yet there are many anomalies in the differing levels of benefits awarded.

5.5.2 Incapacity Benefit is one of these, and it forms the biggest chunk of the disability benefit

budget. Two main changes have been introduced to Incapacity Benefit by the Government. The benefit would be withdrawn for those with occupational or personal pensions, expected to be at a 50% taper when claimants have £50 of such pension income.

- We oppose these changes to Incapacity Benefit. The Government have introduced means testing into what is a contributory benefit, thus bringing in the difficulties of penalising those who have saved, and further invasion of privacy and perceived stigma.

5.5.3 The Government are also tightening the National Insurance entitlement conditions for Incapacity Benefit. They will require contributions to have been paid within one of the last two years prior to claim.

- We oppose these changes to Incapacity Benefit. This again decreases the role of the contributory principle, by ignoring the many contributions that people may have made throughout their life, though they may be unable to meet recent contribution requirements. This measure penalises those who have had the misfortune to become unemployed before they become incapacitated. It also penalises those with progressive illnesses, and provides little incentive to seek different work once incapacitated. We would reverse these changes.
- We believe that the concessions that the Government have made in allowing those in receipt of Invalid Care Allowance to satisfy the contributions are not enough. Invalid Care Allowance is only received by a minority of carers. The concession also ignores those who may not have worked prior to their Invalid Claim Allowance receipt, who will not satisfy the contribution conditions. Those in receipt of Home Responsibilities Protection must also be protected.

- We would examine ways of counting the work done by those earning below the lower earnings limit who do not make National Insurance contributions towards gaining entitlement to Incapacity Benefit.
- Pension entitlement for young incapacitated people who have had no contact with the labour market must also be guaranteed.

5.5.4 The Government also wish to change the non-contributory equivalent of Incapacity Benefit, Severe Disablement Allowance. While younger claimants incapacitated before the age of 25 will be allowed to float onto a higher rate of Incapacity Benefit, Severe Disablement Allowance is to be abolished giving no protection to those incapacitated after that age and with insufficient contribution records.

- We oppose the abolition of Severe Disablement Allowance. We believe that this measure will unfairly penalise women and carers who may have insufficient contribution records to qualify Incapacity Benefit. We believe that this only perpetuates the lack of appreciation of the invaluable role played by carers in society, and places too much emphasis on paid work.
- We also believe that it is unacceptable that a large proportion of Severe Disablement Allowance claimants have to claim Income Support to top up the low level of their benefit. We would increase the level of Severe Disablement Allowance to ensure that no top up of Income Support was required. The level would be increased as resources would allow, eventually aiming to be the same as that of Incapacity Benefit.

5.6 Benefits to Help with Extra Costs

5.6.1 Benefits which are intended to help with the extra costs associated with disability, such as Disability Living Allowance, may also be inadequate. Simple definitions used may not contain the required flexibility to include all of

the many different costs which are inevitable. There are also anomalies related to age within the benefits which rather than focusing on the extra costs, instead focus on the age of the claimant and may restrict levels of benefit accordingly. Take-up of Disability Living Allowance is also appallingly low. We would:

- Include communication costs as well as mobility and care costs, in Disability Living Allowance.
- Seek to ensure that benefit is awarded on the basis of extra costs incurred by that individual. We would aim to remove anomalies relating to age within benefits, ensuring that those with similar care, mobility and communication needs were awarded similar levels of support.
- Undertake a campaign promoting take-up of disability benefits. We would offer advice on entitlement at relevant periods and seek to co-ordinate services to ensure that disabled people gain all financial and other support available to them.

5.7 Simplifying the Claim Process

5.7.1 Disabled people in particular face a complex, difficult and traumatic process in claiming benefits. We would:

- Simplify the application process. We believe that the current process of claiming and of assessment can cause inconvenience and indignity to sick and disabled people, who frequently face numerous interviews by different departments. It is essential that the social security system provides a simple, fair, trusted and transparent means of accessing support.
- Introduce a system of specialised caseworkers to simplify the claim process. These caseworkers would become familiar with the details of recipients' needs, and would be able to advise on a large number

of issues, from ensuring benefit take-up to advising on employment and training.

- Ensure that the process of claiming benefits works for, rather than against the claimant. The system must be simple, fair and transparent. It must be a system based on the individual, rather than on the benefit.
- Introduce a modular claim form, approved by the Plain English Campaign, and made available in the required formats to be amenable to all disabled people. The specialised personal caseworker would be able to advise and help in filling in the form.
- Address the method of staff pay. We believe that staff involved in the administration of benefits should not receive performance related pay on the number of cases processed. Efficiency standards are valuable, but providing pay incentives or penalties for those who rate speed over accuracy is unacceptable.
- Ensure extra flexibility and support for those who have difficulty with complex form filling within short time frames.

5.8 Assessment Procedures

5.8.1 The tests currently used in establishing disabled people's entitlement to benefits are unsatisfactory. This is evident merely from the large numbers of people who fail the test only to have the result overturned on appeal. There are up to six different types of assessment for disability which disabled people may be subject to, creating complex, confusing and often unjust results. We are disappointed that the Government has not taken the opportunity to reform the All Work Test and have simply renamed it the Personal Capacity Test. We would:

- Review and reform the test, and believe that a fair and effective assessment test must be: simple and transparent; flexible and focused on the individual; positive in approach,

looking at capabilities rather than disabilities.

- Make the test more flexible in recognising intermittent conditions, e.g. assessing a spectrum of incapacity rather than determining an either/or approach to capacity.
- Streamline the many often repetitive interviews which claimants are required to go through. We would seek to co-ordinate those interviews which aim to provide support, whether through benefits or through local care services. Tests and interviews relating to capacity should be undertaken with a view to ensuring the dignity of the claimant, and should not be needlessly repeated with a view to reducing entitlement.
- Introduce a Home Visit Guarantee whereby sick and disabled people could be interviewed in their own home at a convenient time and by appointment. Third party representation should also be possible where required.
- Determine frequency of reassessment, where appropriate, at initial assessment, with a view to providing a mechanism for a two way flow of information between claimant and provider to ensure that the claimant at all times receives an adequate and correct level of support.

5.9 Ensuring Correct Entitlement

5.9.1 Entitlement to benefit must be addressed in two separate ways: making sure that those who are entitled to the benefit know of their entitlement and claim accordingly; and ensuring that fraud is kept out of the system.

5.9.2 The issue of benefit take-up is all too frequently approached from the viewpoint that there are huge numbers of people claiming disability benefits fraudulently. We would:

- Introduce an active approach to promoting benefit take-up. This would include identifying relevant periods at which entitlement may occur, making awareness of available benefits widespread and co-ordinating services to ensure that full and correct entitlement to benefits and services occurred.

5.10 Beating Fraud

5.10.1 We believe that while fraud must be rooted out, and that preventing fraud is paramount in reform of benefits, creating a climate where everyone is perceived as potentially ‘fiddling the system’ is wrong. The dangers of such a focus have been illustrated in the fiasco of the Benefit Integrity Project where a project designed to root out fraud has created fear and wrongly penalised benefit claimants. Yet the project has still found no major cases of fraud. It must be emphasised that much of the wrongly paid benefit, whether by underpayment or overpayment, is the result of error by the Agency and not the claimant. We would:

- Set up separate schemes relating to ensuring high take-up of benefit, and relating to rooting out and outlawing fraud. We would

seek to design fraud out of the system from the beginning. We would not penalise genuine claimants by simply reducing benefit entitlement as a method of reducing fraud, as successive Governments have done. We would examine the gateways to benefit and ensure that procedures rooted out fraud and protected genuine claimants.

5.11 Increasing Employer Awareness

5.11.1 Employers are currently unaware of many schemes which are there to help and provide advice and support. We would:

- Target awareness campaigns of schemes such as Access to Work on smaller companies who could benefit greatly from the assistance and support they provide. We would also seek to change the emphasis in many benefits and support schemes from paid work to **all** work. This could be done by, for example, extending the Access to Work scheme to cover unpaid work, e.g. by councillors.

Enabling Independence

6.1 Health and Social Services

6.1.1 Health and Social Services departments provide care for disabled people. It is essential that these departments take a co-ordinated approach to the provision of care.

Liberal Democrats believe that ideally there should be a seamless provision of services that was focused on the individual. The current provision of care by these two departments is riddled with inadequacies

6.1.2 Many of the problems which disabled people, their families and their carers face in gaining access to care are either due to the division of care in this manner, or are adversely affected by it. Problems faced range from communication breakdown to conflict over who should make which provision. This can result in implementation problems, such as long delays in receiving aids and equipment. This situation provides not only for gaps to occur, but can create confusion and result in duplication of resources and efforts. Additionally, there are the differences between the two departments in eligibility criteria, assessment procedures and charging policies. These can also vary on a regional basis, further exacerbating the problem. These problems are partly structural, but also refer to the difference in culture and priorities within the two departments. Liberal Democrats believe that is essential that departments take a co-ordinated approach to the delivery of care. Independent living must be encouraged wherever practical. We would:

- Remove the artificial barriers that divide health and social care.
- Encourage district health authorities and local authority social services departments to work more closely together with a view to their eventual merger under local councils.

- Provide guidelines for all providers of care in seeking best practice in dealing with disabled people.

6.1.3. Direct payments are a valuable route to independence, and have been proved to be cost effective, yet there is slow progress in facilitating direct payments. Additional funding was not made available when direct payment legislation was introduced. Without it, progress will continue to be slow.

- All people who prefer direct payments should be able to receive them, and would seek to ensure additional funding in order to guarantee this.

6.1.4 Budgetary constraints in different local authority areas mean that disabled people face a lottery in receiving support from social services departments. There is a risk that assessment will become increasingly based on costs rather than needs.

- **We believe that community care should be assessed on need, and on need alone.** Our policies to reform the basis of local government finance as set out in Policy Paper 30 *Re-inventing Local Government*, for example by ending ‘capping’ of local authority budgets, will help councils meet these needs.

6.1.5 There may also be situations where disabled people simply miss out on certain health services, for example, screening programmes. It is essential that policy makers and the NHS recognise this.

- Disabled people must be accorded full healthcare. We would seek to make health services more accessible to disabled people.
- We would also seek to improve preventative healthcare. Unless healthcare, for example hearing tests, are made available, problems

will only be picked up when it is too late, or not at all.

6.1.6 Liberal Democrats also believe that the equipment required by disabled people should be provided in as full and cost effective a manner as possible.

6.1.7 Disabled people, their carers and their families must be informed of what care is available. We believe that a more proactive approach is required to providing care services. We would target this information towards people at 'transition' periods, for example, on discharge from hospital, or for children, on educational transitions.

6.2 Parents of Disabled Children

6.2.1 Sensitivity is required within the medical profession in the disclosure of a disability to parents of a diagnosed disabled child. Support is required throughout that child's life. The process of getting help for a disabled child can occur all too often in a hostile atmosphere. This is exacerbated for parents from ethnic backgrounds, or for those with disabilities themselves. We would:

- Introduce a system of advocacy to support parents of disabled children, and to help them receive the services they require.

6.2.2 Research has shown that bringing up a severely disabled child can cost at least three times more than the amount required to bring up a child without a disability. We would:

- Seek to ensure that benefits were made available to children from the earliest age at which need can be proven. As resources allowed, we would seek to improve benefit levels to more accurately reflect the costs involved in bringing up disabled children.
- Extend both rates of mobility allowance within Disability Living Allowance to children from birth, rather than retaining the

unfair age limits that the current Government has chosen to continue.

6.2.3 Hospice care of terminally ill children, and respite care for their families is also ignored, and funding is frequently left to charitable sources. We would:

- Investigate ways of ensuring that the essential care required by terminally ill children and their families was not left to patchy funding: relying on goodwill rather than Government policy.

6.3 Elderly Disabled People

6.3.1 The incidence of disability tends to increase as we get older. Indeed, comparatively few people are born with their disability. Government figures show that while the incidence of long-standing illness or disability is around 1 in 10 for those aged under 45, for those of working age over 45 this increases to around 1 in 4. Elderly disabled people face problems in the same areas as younger disabled people, and these problems are often exacerbated with age. Liberal Democrats believe that the anomalies which prevent some disability benefits being awarded to elderly disabled people should be removed. We want to see a benefit system based on need, rather than on age. We would:

- Advise elderly people of benefit entitlement at relevant periods. Support and advice should be given ensuring full financial, care and support services.

6.4 Carers

6.4.1 Carers currently provide a largely unrewarded and undervalued service to society. It is essential that the role they play is recognised, and that support is given to enable them to lead their own life fully, while caring for others. We are disappointed at the low value that successive Governments have placed on carers and their role in society. We would:

- Seek to shift the emphasis whereby only paid work is seen as valuable, and to seek ways in which unpaid caring work could be more fully rewarded.
- Exempt carers from the compulsory interview, the Single Gateway. We believe that the interview should have been introduced with increased specialised training, more emphasis on ensuring correct benefit entitlement, and less emphasis on paid work. By requiring those in receipt of Invalid Care Allowance to attend compulsory interview, the Government is giving the impression that caring is ‘not a real job’ and that paid employment should be taken up instead. We disagree with this assertion.
- Ensure that carers are fully involved in the process of needs assessment and have their own needs assessed separately.

6.4.2. Many carers have given up employment to care for a disabled relative or friend, and thus face life on a lower income. This includes their income in retirement, which will be adversely affected as contributions to pension schemes are no longer provided, or are no longer affordable. We would:

- Reform Invalid Care Allowance to introduce more flexibility for those who may care for more than one person, to include respite breaks, and would introduce measures to increase take-up.
- ‘Credit’ those who care for elderly, sick or disabled people, or who care for children, into our Owned Second Pension Account. This would provide those who have been unable to make contributions of their own with a guarantee of a decent income in retirement.
- Extend the credits given within the new Second State Pension to the equivalent of that provided within the basic state pension.

6.4.3 Many carers are not given the training they desire. It is essential that the training needs of carers are identified and are met. We would:

- Seek to provide further training opportunities for those carers who want them.

6.5 Housing

6.5.1 Current housing is often inadequate for the varied needs of disabled people. While we welcome the Government’s commitment to extending the Lifetime Home standards to all new housing, this will not solve the problem where many current homes fail to be adaptable to the changing needs of people throughout their lives.

- We would seek to ensure a wide range of suitably adapted properties for those who, with the required aids and adaptations, can continue to live in their own home. This would include options from minimally supported accommodation, through to fully supported accommodation, with an integrated provider approach from all relevant agencies.

This paper has been approved for debate by the Federal Conference by the Federal Policy Committee under the terms of Article 5.4 of the Federal Constitution. Within the policy-making procedure of the Liberal Democrats, the Federal Party determines the policy of the Party in those areas which might reasonably be expected to fall within the remit of the federal institutions in the context of a federal United Kingdom. The Party in England, the Scottish Liberal Democrats and the Welsh Liberal Democrats determine the policy of the Party on all other issues, except that any or all of them may confer this power upon the Federal Party in any specified area or areas. If approved by Conference, this paper will form the policy of the Federal Party, except in appropriate areas where any national party policy would take precedence.

Many of the policy papers published by the Liberal Democrats imply modifications to existing government public expenditure priorities. We recognise that it may not be possible to achieve all these proposals in the lifetime of one Parliament. We intend to publish a costings programme, setting out our priorities across all policy areas, closer to the next general election.

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