

Access for All

Proposals to Promote Equal Opportunities for Disabled People

Policy Paper 13



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Summary

The proposals in this paper are founded upon the fundamental Liberal Democrat belief in the importance of the individual and their rights. Our proposals are not about giving special rights to disabled people but according to them the rights we all expect to enjoy.

To bolster these rights we propose specific anti-discrimination legislation to tackle the myriad forms of discrimination disabled people encounter in their daily lives. For Liberal Democrats disability is not simply a medical state but also a condition imposed upon an individual by society. The exclusion of over 10% of the population by prejudice and lack of awareness is quite unacceptable.

Liberal Democrats, therefore, propose a range of measures to make society more “accessible” to disabled people, which recognises the importance of educating the rest of the population and supports positive action to improve the position of disabled people in society. We propose:

- To establish a Human Rights Commission with responsibilities to include upholding the rights of disabled people.
- An integrated, supportive and accessible educational environment for all children wherever possible and practical in which differences are relished and what we have in common is recognised.
- To ensure that children with special needs are assessed effectively and at the earliest stage possible and that funding for meeting those needs is identified as part of the statementing process. Statements should be regularly reviewed and parents and carers should be involved throughout.
- Measures to tackle the debilitating effect poverty has on disabled people’s access to society as a whole. This includes a rigorously enforced quota-levy system and effective anti-discrimination legislation enable and encourage disabled people into work. Second we would simplify the benefits system for disabled people so that they are not penalised because of their circumstances. This would include abandoning the Government’s plans for Incapacity Benefit.
- Ensure the ‘seamless’ provision of care by encouraging a closer working relationship between health authorities and social services departments. The involvement of disabled people in determining the type and nature of services. We would encourage independent living wherever practical.
- Action to make buildings accessible and to support the proposed extension of the Building Regulations (1991) to ensure that new housing meets people’s needs throughout their lives.
- Measures to make transport accessible, such as the provision of low floor buses and more audible and visual information and the establishment of a binding code of practice drawing on best practice in Britain and other countries.
- Proper recognition of the right of disabled people to participate in public life, in particular, the fundamental right to be able to vote by having all polling stations in accessible buildings.

The Liberal Democrat Approach

The Liberal Democrats exist to build and safeguard a fair, free and open society, in which we seek to balance the fundamental values of liberty, equality and community, and in which no one shall be enslaved by poverty, ignorance or conformity. ... Upholding these values of individual and social justice, we reject all discrimination based upon race, colour, religion, age, disability, sex or sexual orientation and all forms of entrenched privilege and inequality.

(Preamble to the Party Constitution 1988)

It is a sad fact that debate on disability issues is often assumed to be simply about health, social security or community care. It is also very surprising that this should be so, because the disability debate is fundamentally about human rights, an agenda on which Liberal Democrats excel.

(Open Forum Booklet, Second Class Citizens 1993)

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 it is different has manifested itself in the legal and social marginalisation of disabled people from mainstream society. This exclusion occurs, by default or design, through such factors as access to buildings, information and employment. For Liberal Democrats this exclusion of, what even the Government admitted six years ago, over 10% of the population, is quite unacceptable. And through demographic change the percentage and number of disabled people is rising all the time. We are not calling for special rights or favours

for disabled people but for the basic civil rights we all expect to enjoy. Liberal Democrats believe that all people must have the right to participate fully in society. However, we must not ignore the central reality of many disabled people's lives, that their medical condition prevents them from doing what they want to do.

1.0.2 Investing in people is not only about recognising the rights of each individual but also about liberating the full economic potential of the country. It is essential for economic success that we begin to invest in people, including disabled people, helping them to liberate their talents and realise their potential, by equipping them with skills and experience. Part of this process must be recognising that a disability does not prevent someone from being the best person for the job.

1.0.3 We believe that disabled people are, in fact, largely disabled by the prejudice and ignorance of others and by the consequent reluctance to make the institutions and structures of society accessible and adaptable. It is for this reason that we have used the term 'disabled people' throughout this paper: a societal rather than a medical expression. It is the term used by the British Council of Disabled People and other organisations of disabled people.

Freedom from Discrimination

2.0.1 For 15 years the Government resisted calls for anti-discrimination legislation to be introduced, arguing instead for education and persuasion as tools to prevent disabled people being treated as second class citizens. As a result unlike those that face discrimination on the grounds of race or gender, the six million disabled people in the UK remain unable to claim legal redress or protection from direct or indirect discrimination. As a result of continuing discrimination, society has failed to reap the benefits of allowing people to realise their full potential and thus to contribute to society through their work, their creative efforts, their income and their ideas. Our proposals are based on outlawing discrimination and establishing equal (not preferential) rights for disabled people.

2.0.2 At the moment:

- An employer can refuse even to consider a job applicant who uses a wheelchair or who has controlled epilepsy no matter how well equipped the applicant is to do the job.
- A housing developer can refuse to sell a property to a health authority intending to use it as a home for former psychiatric hospital patients.
- A holiday camp can ban a group with cerebral palsy from booking a week's holiday in high summer.

2.0.3 A recent report by Scope titled 'An equal chance? Or no chance?' demonstrated the discrimination that disabled people face in gaining employment. It sent two CVs to a number of employers, which were identical except for the fact that one declared a disability. The non disabled applicant was twice as likely to obtain an interview than the disabled applicant.

2.0.4 Numerous attempts have been made to introduce anti-discrimination legislation for disabled people by back bench MPs. Despite the fact that these have been pursued with vocal and passionate support from disabled people and their organisations, with help from MPs, media and the public, the Government resisted what it termed 'overarching legislation'. This refusal to equip people with the basic rights of citizenship has been in stark contrast to the Government's rhetoric and its own Citizen's Charter initiative. The Government refusal to acknowledge the basic rights of over six million disabled citizens, contained in the Civil Rights (Disabled Persons) Bills of 1994 and 1995 led to their blocking by shabby and underhand tactics.

***Liberal Democrats would
make it illegal to discriminate
against a person on the
grounds of disability***

2.0.5 The Government's new proposals, contained in their Disability Discrimination Bill, do not go far enough. They are a hurried response to the embarrassing scenes of disabled people being refused their equal rights by a Government who could only see the costs and not the benefits of outlawing discrimination. The Government believe that it is too costly to outlaw all discrimination against disabled people.

2.0.6 In contrast, Liberal Democrat proposals are firmly anchored in our commitment to equal opportunities and the establishment of social justice. The Liberal Democrats 1992 General Election manifesto began with such a commitment:

"We aim to create a society in which all men and women can realise their full potential and shape their own successes"

2.0.7 Our policies emanate from this statement; the upholding of the rights of the individual, the encouragement and liberation of potential and the establishment of a fair and just society. We, therefore, support:

- Comprehensive anti-discrimination legislation.
- A Charter for Disabled People.
- A Human Rights Commission which includes disability within its brief.
- Improved access to the criminal justice system for disabled people.
- Phased-in programme of employment and access initiatives over time.

2.1 Anti-Discrimination Legislation

2.1.1 Liberal Democrats believe that it is wrong to discriminate against a person on the basis of their disability. We also believe that it should be unlawful. We would, therefore, introduce comprehensive anti-discrimination legislation which would make it illegal to discriminate against a person or persons on the grounds of disability. In defining disability we would ensure that 'hidden' disabilities, such as epilepsy, mental illness or HIV positive status, should also be included. Legislation should specifically cover the provision of goods and services, employment and leisure, financial services, transport and civic participation. We would seek to harmonise UK law with that of our partners in the European Union and work for improvements across the Union. We also believe that discrimination arises as a result of prejudice about, and lack of awareness of, disability and would implement an as comprehensive and workable definition as possible.

2.1.2 This country used to lead the world in laws to assist disabled people. Today we lag behind. The United States, Australia, Canada,

France and Sweden have all made it unlawful to discriminate against disabled people. The United States' example is one which the United Kingdom might do well to follow. The Americans with Disabilities Act 1990 was heralded by the New York Times as *"the most sweeping piece of anti-discrimination law to be approved since the Civil Rights Act of 1964"* and by its Democrat sponsors as an *"emancipation proclamation"*. President Bush, when signing the Bill, told US business people; *"You can now unlock a splendid resource of untapped potential that will enrich us all ... let the shameful walls of exclusion finally come tumbling down."*

2.1.3 Much of this Government's reluctance to introduce a British equivalent of the Americans with Disabilities Act stems from what it perceives to be immense public cost implications. Yet the American experience is that such legislation need not be costly and the American Act did not require substantial federal funding. The actual costs depend heavily on the regulations and legal penalties for violations. Companies in the United States, that have already begun to improve access, say the costs argument is exaggerated. This assertion is supported by Federal studies which found that access features, when designed into new construction, added less than 1% to the total cost.

2.1.4 The Government is also wrong to argue that the new legislation would be without fiscal benefits to business. In the USA, the legislation has opened previously untapped markets of disabled consumers and brought new skills into the workforce. Furthermore, it has improved access to buildings and services not only for disabled people but for all.

2.2 A Charter of Rights

2.2.1 Even with anti-discrimination legislation in place, we believe that a Bill of Rights will be necessary to underpin specific legislation. Liberal Democrats are committed to incorporating the European Convention on Human Rights into UK law and rapidly extending it to provide protection against discrimination on the grounds of disability. A Bill of Rights would provide a framework

within which the law would be able to grow and develop to match the changing structure of society, whilst at the same time guaranteeing equality of treatment and opportunity in all circumstances.

2.2.2 We believe that the rights afforded to people with disabilities under the Bill of Rights should be widely publicised and should reflect the needs and concerns of people directly affected. We are therefore committed to drawing up a Charter of Rights, to outline what the Bill of Rights means for disabled people. The Charter should be drawn up in cooperation with disabled people and their organisations.

2.3 Human Rights Commission

2.3.1 Any rights that are established will, however, be of little worth without effective monitoring and enforcement. For this reason, Liberal Democrats are committed to establishing a Commission of Human Rights empowered to bring proceedings under the Bill of Rights and to secure compliance with its provisions.

2.3.2 The Commission's role would be to review law and practice and to recommend changes it thinks are required to existing law and practice. The Commission would include within it committees on specific civil liberties issues, including one dealing with those issues affecting disabled people, and would also, thereby, subsume the Equal Opportunities Commission and the Commission for Racial Equality. The staff and membership of the Disability Rights Committee should be properly representative of disabled people as a whole, with positive action on employment as we propose for women in public life in Policy Paper 10, *Equal Citizens* (1995).

2.4 Participation in Civic Life

2.4.1 The principle of equality before the law is a cornerstone of British democracy. Yet that principle is often ignored in the case of disabled

people. The awareness amongst the police of disability issues and how to deal with people with behaviour affected by mental health problems or learning disabilities is woefully inadequate. Deaf people who use British Sign Language or who require communication support are often denied their right of reply and right to accessible information when brought before the police or courts. People receiving Invalidity Benefit (and, therefore, those receiving Incapacity Benefit from April 1995) are no longer automatically entitled to Legal Aid.

2.4.2 The recent Royal Commission's inquiry into improving court procedures identified that people with particular communication needs, such as a deaf person reliant upon signing or lip speaking or a blind person dependent upon audio tape, large print and braille for received literature, were badly served. It was found that, whilst it was the norm for interpreters to be present in the court, the cost of this service sometimes had to be borne by the individual requiring assistance.

Liberal Democrat proposals are firmly anchored in our commitment to equal opportunities and the establishment of social justice

2.4.3 Full physical access to police stations and law courts is still not yet possible for all people. Often the reason given for exempting a building from adaptation for wheelchair use is that it is listed. It is farcical that we give greater recognition to the preservation of buildings than we do to the preservation of individual liberty and civil rights. Listing should not be a bureaucratic obstacle to improving access.

2.4.4 Police officers, court officials and the judiciary must be made aware of their responsibility to communicate effectively with all those with whom they deal. Funds should be made available to allow the the provision of support services required by disabled people, such as interpreters and advocates. Our aim is to ensure that access to the legal system is unhindered by physical barriers or financial

barriers. We welcome the clause in the Criminal Justice Act that has enabled some disabled people to serve as jurors. However, Liberal Democrats believe that any disabled person should be able to gain access to police stations and law courts regardless of the capacity in which they attend; whether judge or defendant.

2.4.5 Disabled people have also been denied their full access to civic participation. Studies have shown that the majority of polling stations are not accessible and that Polling Station Officers have not been sufficiently flexible in interpreting regulations so as to allow disabled people to have assistance when voting. All polling stations should be situated in accessible premises and that advocates and carers allowed

to assist disabled people in expressing their own political preferences at the ballot box. Consideration should also be given to the provision of braille templates, in which to insert the ballot paper, to make it possible for blind and partially sighted electors to vote unaided.

2.4.6 Disabled people should also be able to exercise their democratic right to meet their MP and attend parliamentary debates and committee meetings at the House of Commons. Full access should also be given to all local authority meetings. All public inquiries should be held in buildings that are fully accessible and which do not prevent disabled people from participating.

Education for Life

3.0.1 Liberal Democrats want an education system which aims at achieving the highest standards and is centred on the needs of each individual. Our commitment to education is also founded on the belief that investment in the education of all people, disabled and non disabled, is an investment in the future economic and social wellbeing of the country. This is why we are committed to spending, if necessary, an extra penny in the pound of income tax on education in order to allow us to invest the additional resources required.

3.1 Integrated and Inclusive Education

3.1.1 A full and comprehensive education is the right of all. We believe that part of the educational process is learning from others, sharing experiences and gaining an awareness and appreciation of the diversity of society. Liberal Democrats, therefore, believe that, wherever possible and to the fullest extent appropriate for each individual, all children should be educated in an integrated, supportive and accessible environment of their own peers. An inclusive educational environment benefits everyone; we are not born with prejudices but acquire them as we grow. Children and young people should be educated together, so that they can grow to appreciate each others differences and to recognise those things that we have in common. Hence schools should be accessible, not only to disabled students but also to disabled staff and parents.

3.1.2 However, whilst we recognise that an inclusive educational system is our overall aim, the needs of the individual are paramount. This means that we recognise that there are circumstances in which an educational environment in a specialist setting focused entirely around one particular disability is the most appropriate and effective way in which to meet an individual's needs. Children with multiple disabilities, for example, often require

a high degree of individualised support and care which would impractical to offer in an integrated setting. Deaf children and young people whose first language is sign language may benefit more from being educated within an environment which is supportive of deaf culture and identity rather than an educational setting in which sign language and deaf culture receive little attention. Parents should be involved in discussions about what would be the best form of education for their child.

3.2 Special Needs Statements

3.2.1 Liberal Democrats believe that each child with a special educational need, whether it be as a result of a learning, mobility, behavioural or communication difficulty, should be assessed individually and their needs met effectively and promptly and by a thorough identification of the disability by a multidisciplinary team.

Wherever possible and to the fullest extent appropriate, all children should be educated in an integrated and supportive environment of their peers

3.2.2 In order to meet the individual needs of children and young people correctly, assessment of needs must take place at the earliest and most appropriate stage possible and certainly as soon as the disability is recognised. The local authority Education Departments proposed by the Liberal Democrats in English White Paper 4, *Excellence for All*, (1994), should be given six months to produce special educational needs statements for each individual pupil. This should be done in consultation with the pupil's

parents, and, as importantly, should identify the funding to meet those needs. Too often statements are drawn up with more consideration being given to limiting the financial cost to the local authority than to the needs of the individual child or young person.

3.2.3 Statements should be reviewed regularly so as to minimise the possibility of an incomplete picture of a child's needs being given. It is also important that all relevant local authority departments work together in this process, so that a child can receive a complete and complementary package of service support. This may include part or all of the following:

- Domiciliary support and care, including loan equipment, so that children can have as much independence as possible.
- Educational, health, recreational and social services support in a form which is appropriate to the social and cultural background of the recipient.
- Support for parents, carers, and siblings who may feel isolated, be under stress or concerned for their child's future.

3.3 Higher, Further and Continuing Education

3.3.1 In order for disabled people to compete for jobs on the same basis as everyone else, they must have access to the same educational qualifications. Large parts of the education system are, however, inaccessible to disabled

people and the participation rate of disabled students in further and higher education is low.

3.3.2 The participation of disabled students in full and part time education must be increased and the working group therefore proposes that those disabled people over the age of 19 who wish to continue in education or training be provided with a specific grant. In addition colleges of further education and universities must improve their communication, information and physical environment to make them accessible to disabled people. We would also commend the increase in open and distance learning called for in English White Paper 4, *Excellence for All* (1992).

3.4 Disabled People as Educators

3.4.1 The working group believes that more disabled people should be encouraged to become teachers and lecturers. In addition to drawing upon their abilities and skills, we also believe that they could act as effective role models for their disabled pupils and students. One practical and important step to achieve this would be to formally recognise British Sign Language (BSL) as a language in its own right. This would enable deaf people who use BSL as their first or only language to become teachers in schools for deaf children.

Employment and Training

4.0.1 Anti-discrimination legislation would have the most impact in the area of employment. Until the end of 1994 the Government argued that education and persuasion were sufficient to counter discrimination. We are committed to outlawing discrimination and giving disabled people legal redress against inferior treatment on the basis of disability.

4.0.2 While, of course, education and persuasion are vital components in combating discrimination, we are convinced that, in the short term, more positive action is necessary to ensure that the skills and talents of disabled people are utilised to the full.

4.0.3 New changes to tackle the discrimination faced by disabled people will require time and money - but not as much as the Government once claimed. Phasing in proposals not only allow businesses and employers to plan their initiatives in creative and cost effective ways but they can also realise the considerable benefits from making their premises and work places more accessible.

4.1 Quota Levy System

4.1.1 Whilst incentives and increasing awareness of the opportunities afforded by new laws are important, the law must be enforced and obligations met. One of the ways to ensure that employers meet their obligations is by properly enforcing and amending existing employment law. We propose that as an interim measure, for the same duration as the phase in period on new employment obligations, the quota system is enforced.

4.1.2 The quota system, established in 1944, requires employers with more than 19 staff to ensure that at least 3% of their employees are registered as disabled. The quota threshold is a reflection of the number of disabled people

available for work. We believe that the quota system is necessary to ensure that disabled people have an equal opportunity to participate in the workforce. At present, however, the quota is widely flouted and the Government has taken no action to enforce it. Indeed, there have only been a handful of prosecutions for breaches of the 1944 Act, and these have resulted in just seven fines at an average value of only £62.00.

4.1.3 Liberal Democrats propose that the quota system should be backed by enforceable, punitive measures, that could be modelled on the German quota-levy scheme. In Germany, businesses which fail to meet their employment quota of disabled people are fined, with the resulting monies being pooled and dedicated to improving access for disabled people to the built environment. A quota-levy system in the UK would mean that employers will be at no market advantage in having an inaccessible working environment.

4.1.4 We also welcome the work done by many local authorities in promoting the employment of disabled people whose disability is not registered. We believe that the Government must take a lead in encouraging more councils to set targets for the employment of non-registered disabled people.

4.1.5 Initiatives such as those above which encourage the employment of more disabled people not only benefit the economy by releasing their economic potential, but also reduce the burden upon the social security and benefits system.

4.2 Training

4.2.1 We are committed to equipping all people with the skills they need to make a productive and effective contribution to society. Too often training programmes for disabled people focus on rehabilitation rather than

preparing a person for work. A responsibility should, therefore, be placed upon training agencies to provide appropriate work related training for disabled people that results in marketable skills and experiences. We would also encourage employers to invest in disability awareness training within their own companies, businesses and institutions as part of the induction and ongoing training of staff.

4.3 Benefits to the Economy

4.3.1 Some employers have concerns about the costs of complying with anti-discrimination legislation and that these fears are fuelled by inaccurate Government predictions. Recent Government figures, hurriedly thrown together, claimed that the cost of complying with such legislation would be in the region of £17 billion in the first year. Independent assessments, however, suggest that these estimates are wildly exaggerated. They include numerous examples of double counting and take no account of the phase in periods for new legal obligations. Furthermore, they include no calculation of the benefits that would accrue from increasing the financial independence of disabled people such as the massive reduction in the £5 billion annual expenditure on disability benefits by getting disabled people back in work.

4.3.2 In fact, Liberal Democrats believe that, over time, the fiscal benefits of anti-discrimination legislation would far outweigh the costs. In the United States, for example, 96% of employers spent less than \$5,000 in

complying with very similar legislation. Tremendous financial benefits have been realised by making goods and services more accessible to disabled people, tapping a market previously largely untouched. Nor have employers found employment obligations burdensome; there are many examples of adaptations to a working environment benefiting not only disabled workers but also their non-disabled colleagues. Furthermore, no one has advocated that disabled people should be employed if they are unable to undertake a particular task or fulfil a specific role: the emphasis is on equal, not preferential, treatment.

4.3.3 Liberal Democrats recognise the importance of ensuring that any additional short term costs to employers are kept to a minimum. This is possible through the concept of 'reasonable accommodation'; that is, changes to buildings, services and employment arrangements, which are reasonable, being carried out within a specified timescale. We, therefore, recommend:

- Assistance for companies and industry to help them meet the costs of additional facilities for disabled people, such as minicomms, sign language interpreters, guidehelps or additional technology.
- A timetable for requiring modifications to buildings, services and employment arrangements to be published well in advance, to give employers reasonable phase in periods during which to make necessary changes.

Financial Independence

5.0.1 An Anti-Discrimination Act would not be a panacea for the problems that affect disabled people, but the centrepiece of a wide ranging framework of legislation. To provide real equality of opportunity it is necessary to provide educational and employment opportunities and to ensure that disabled people are not held back by poverty.

5.0.2 Disability often carries with it additional costs: of interpretation, of taxis instead of inaccessible public transport; of housing adaptations or extra heating. Yet the earning capacity of disabled people is often reduced. Consequently, many people with disabilities are forced to live in poverty.

5.0.3 Poverty reduces the quality of life and excludes the individual from the mainstream of society. Liberal Democrats are committed to a complete overhaul of disability benefits, aimed at ensuring that disabled people are not penalised because of their circumstances either because they cannot work or because unchallenged prejudice and discrimination prevents them from earning.

5.0.4 Liberal Democrats have recently published proposals for reforming the tax and benefits system in Policy Paper 7, *Opportunity and Independence for All* (1994). The document includes proposals to improve benefits for disabled people, founded upon the above principles.

5.0.5 It argues that Incapacity Benefit is a retrograde step. Under the new benefit eligibility will be determined using tests which show no understanding of disability or chronic illness;

- The tests are not to be undertaken by medically qualified staff.
- They take no account of the nature of some disabilities which can vary in severity from day to day.

- They assess only whether an activity can be undertaken once, not repetitively as is the case in most jobs.

A person with ME, for example will have very different needs and be able to undertake quite different life activities from one day to the next. People with progressive illnesses, such as Muscular Sclerosis or AIDS, will similarly exhibit quite different symptoms and be capable of quite different activities which the highly artificial Incapacity Benefit test will inevitably ignore.

5.0.6 We would abandon plans for Incapacity Benefit and instead seek to introduce a comprehensive disability income scheme, funded initially from within the existing social security budget and provided with extra funds as resources allow.

Liberal Democrats are committed to a complete overhaul of disability benefits aimed at ensuring that disabled people are not held back by poverty

5.0.7 The objectives of our reforms are to simplify the benefits system for disabled people, to increase access to the system, to relate benefits more directly to the severity and cost of disability, and to ensure that everyone can afford to live with dignity and, where, practicable, independently. Much publicity is given to the people who abuse the social security system, and Liberal Democrats are committed to fighting such abuse. However, it is also the case that many people do not claim their full entitlement to benefits to which they are legally entitled. A major reason for this is the complexity of the system and the resulting confusion over applications. In reforming disability benefits our priorities will be to:

- Ensure that those who most require support receive it.
- Eliminate fraud and bureaucracy.
- Simplify and make more accessible our social security system.

5.0.8 Our specific proposals for benefits for disabled people are:

- Replacing Incapacity Benefit and Severe Disability Allowance with a more comprehensive Disablement Pension, to provide financial support for those of working age but unable to find work.
- A Partial Capacity Benefit to provide financial incentives to work for those capable of limited employment .
- Replace the Disability Living Allowance with a Disablement Costs Allowance, to help compensate people for the costs of their disability.

5.0.9 The assessment and appeals procedures for these benefits would be drawn up in consultation with organisations of and for disabled people. We would consult widely with disabled people and their organisations on the appropriate levels for these benefits and implement them as soon as resources allow.

5.0.10 Liberal Democrats would seek to review the arbitrary age limits set by this Government for many of the benefits available to disabled people.

5.1 Disablement Pension

5.1.1 The disablement pension would be payable to people of working age unable to work as a result of sickness or disability. This would be determined by the Benefits Agency in the light of the recommendation of the assigned occupational therapist.

5.1.2 The disablement pension would replace the Government's Incapacity Benefit and severe disablement allowance and would be set at a level which would make it unnecessary for

recipients to claim income support. We propose that a person should be able to claim the disablement pension immediately, if they are likely to be incapable of work for at least 28 weeks. The pension would be taxable on the same basis as the retirement pension.

5.2 Partial Capacity Benefit

5.2.1 The partial capacity benefit would provide financial support for those people able to work but without sufficient earning capacity to support themselves entirely. There are two ways in which this benefit could be provided:

- *Either* by a gradual taper on the withdrawal of the disablement pension.
- *Or* through a separately assessed partial capacity benefit.
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5.3 Disablement Costs Allowance

5.3.1 The disablement costs allowance would be payable on the basis of severity of disability, not according to means or cause. It would help provide compensation for the actual costs of disability rather than pain caused. It would provide help, for example, with the extra costs of public transport, health and social care and dietary requirements.

5.3.2 While the general aim would be to link payments directly to the needs of each individual, there will, inevitably, have to be some general categories to ensure administrative feasibility and efficiency. The level of benefit received would, therefore, be dependent upon the category in which an individual was placed.

5.4 Independent Living

We support the work of the Independent Living Fund and opposed the restrictions imposed on it by the Government in 1993. We would also enable local authorities to give "direct

payments” to an individual disabled person in lieu of services, thus enabling them to design the package of services they receive themselves.

5.5 Changes Over Time

5.5.1 It is important to remember that none of these proposals to improve the financial situation of disabled people, and those who support them, could be introduced overnight. These proposals would be phased in as the economy benefits from realising the economic advantages of more disabled people entering the job market and leaving social security. Experience in the United States and other countries demonstrates that a combination of social security and employment reforms which are brought in together over a period of time effectively transform the economic opportunities for disabled people.

5.5.2 Of course some disabled people are not in the position to enter or return to the employment market. We have a responsibility to support them in maintaining a dignified and good quality of life. Along with community care support, the social security system should meet the needs of each disabled person enabling them to have some form of supported independence.

5.6 Carer's Benefit

5.6.1 We restate the pledge to replace invalidity care allowance with a more generous Carer's Benefit, made in Policy Paper 1, *A Caring Society* (1994), taking into account the new responsibility of local authorities to meet carers' needs.

Health and Social Services

6.0.1 Liberal Democrats support the basic tenet of a community care: that social services should be based on a direct assessment of individual needs, rather than on the premise that people lumped into arbitrary groups will share similar problems. Categorising people into groups, whether they be people with learning disabilities, with multiple disabilities or with a mental illness, is an over simplistic and dubious response to the difficulty of addressing the diverse needs of a large community. All too often disabled people are robbed of their dignity and rights because society focuses on their disabilities rather than addressing them as people first. Liberal Democrats are determined to:

Focus on the needs of each individual and to meet those needs comprehensively and efficiently.

- Involve disabled people, people with care needs, advocates, carers and others, alongside local authorities, in determining the type and nature of services.
- Ensure that all social services are locally managed, locally focused and locally accountable.

These proposals are set out in more detail in Policy Paper 1, *A Caring Society* (1994).

6.1 Quality of Life

6.1.1 The large number of people who have health, communication or mobility needs share the same overall desire as anyone else: a good quality of life. We should remember that at some time in our lives we will all need some form of community care and that the quality of life which it provides is an issue for us all. Quality of life can simply be defined as receiving the services commensurate with ones

needs and being afforded the same dignity and respect as any other person. The reality is that whilst care and other services are often geared to meet the individuals needs as far as possible, the rhetoric of the individual being a health consumer or client is not borne out. The individual has little say in determining their own services and scant recourse to appeal as other 'consumers' have.

Liberal Democrats are determined to focus on the needs of each individual and to meet their needs comprehensively and efficiently

6.1.2 Specific needs require an individual approach, with services being tailored to meet those needs. Local authorities will not derive the most benefit from their resources if they are misdirected and are not fully meeting the needs for which they were intended. The failure by local authorities to survey adequately the incidence and needs of physically disabled people and thus provide the appropriate care provision for them has, and will, cost them dear. This has often meant the later provision of very expensive care rescue packages in an attempt to cope with, for example, challenging behaviour, regression or debilitation. The false economy which has resulted from lack of planning and inadequate assessment of need has led to an inefficient use of public funds at a time when public spending is under scrutiny and constraint.

6.1.3 Liberal Democrats would:

- Encourage independent living wherever practicable, supported by mobile services wherever necessary.

- Facilitate informed choice over services for both users and carers.
- Enhance the development of communities to give real substance to the slogan 'care in the community'.
- Seek to ensure that Local Authorities are given sufficient funding to meet their obligations.
- Ensure the 'seamless' provision of care by encouraging a closer working relationship between health authorities and social services departments leading to increased joint commissioning and the integration of services.
- Implement the outstanding sections of the 1986 Disabled Persons Act which would provide advocacy support to disabled people.
- Enable some disabled people to end their reliance on social services through the implementation of the economic and social policies detailed within this paper.

Access for All

7.0.1 'Access' is a word often used in the context of disability issues and has come to be associated with the physical environment and the physical barriers which disabled people face in their daily lives. We believe it means more than that: it is about enabling disabled people to participate fully in every aspect of life.

7.0.2 However, access to the built environment and to the countryside is a prerequisite for integration into the life of the community. Society discriminates against disabled people more often through thoughtlessness than by intention, and existing legislation is not always enforced. There are very few cases where access and other facilities cannot be provided. Consultation with, and the involvement of, disabled people in the assessment of and planning for buildings and facilities can enable their needs to be met more easily and at less expense. For example, a ramp to a building rather than steps improves life not just for disabled people but also for older people and parents with push chairs. Practical solutions, such as this, are to be found in 'Reducing Mobility Handicaps', published by the Institution of Highways and Transportation.

7.0.3 We welcome the contribution made by the growing number of Access groups and we would require local authorities to liaise with the local access group and that training should be available to disabled people in the required skills.

7.1 Housing

7.1.1 Liberal Democrats believe that disabled people should have access to the same housing choices as other people. At present there is a distinct lack of suitable accommodation for disabled people. Nearly all housing requires alteration or conversion in order for it to meet the needs of disabled people, and whilst this is possible through

provisions under the Chronically Sick and Disabled Persons Act 1970, the means test upon which grants are made is such that it often leads to disabled people being unable to make the alterations they need.

7.1.2 The quantity of available accessible housing stock has diminished in recent years. As a result of the Government's policies, local authorities have been unable to build accessible homes and whilst housing associations have been active in ensuring that some of their 'new-build' is accessible, they are increasingly being restrained by the Government's reductions in grant. We would reverse the Government's restrictions on local authorities to build new housing and facilitate independent for disabled people.

7.1.3 New housing should meet the needs of people throughout their lives. We welcome the proposed extension of the requirements of the Building Regulations (1991) for disabled people to cover new dwellings and urge its speedy implementation in full. This will reduce the need to adapt homes in the future and will ensure that disabled people are as able to visit the homes of friends and relatives as the rest of the population. 'Lifebuild' homes in Scandinavia have demonstrated that building homes which require little, if any, modification to meet the needs of disabled and elderly people, is cost effective.

7.2 Transport and Mobility

7.2.1 Whilst improvements have occurred in public transport provision, most is inaccessible and, therefore, cannot be said to be truly public. There is little point in making changes to our education system and employment legislation if skilled and trained disabled people who have jobs are unable to get to work.

7.2.2 We welcome policies which have resulted in all new London black cab taxis being wheelchair accessible and recognise that

British Rail, London Underground Ltd and numerous transport operators throughout the country have introduced practical and helpful measures to improve accessibility. But these are piecemeal changes lacking coordination and dependent upon the goodwill of operators. We would wish to see these changes countrywide.

7.2.3 Anti-discrimination legislation should incorporate proposals to make transport services accessible to disabled people within a reasonable timescale. The measures to be taken should include:

- The deployment of physically accessible low floor buses
- More audible and visual information on public transport with colour contrasted fittings and tactile information
- Location announcements on board trains, tubes and buses.
- Clear, safe and unobstructed footways with adequate pedestrian crossings, audible signals and tactile paving to ensure access to and from transport systems thus giving disabled people door to door access.

7.2.4 The Liberal Democrats believe that existing models of good practice, both within the UK and internationally, should be drawn upon in establishing a binding code of practice on accessibility in the UK.

7.2.5 We recognise that disabled people sometimes require practical assistance from transport staff to enable them to undertake independent travel. It is for this reason that we oppose the destaffing of British Rail stations. Destaffing is a false cost-saving exercise which not only prevents disabled people travelling independently but also leaves others, particularly women and older people, afraid to use stations for fear of harassment or lack of safety. We believe that rail track operators should be contracted to provide adequate complements of staff at stations to provide assistance to travellers, disabled or non disabled.

7.3 Communication

7.3.1 Elsewhere in this paper we have stated our commitment to formal recognition of British Sign Language as a language in its own right. We believe that this is just one way to demonstrate our belief that everyone should be encouraged to learn how to communicate with people whose communication needs are different. Businesses and providers and goods and services should also provide information through various formats, wherever reasonable, to ensure that their services are as accessible as possible.

7.3.2 We would establish mandatory basic training in BSL, visual awareness and disability awareness for all emergency service personnel and provide national grants for the establishment of guidehelp schemes for deaf-blind people. We would require all local, regional and national government departments and public organisations to make their public literature available in a variety of media, such as braille and tape, as appropriate.

7.3.3 Liberal Democrats believe that disabled people should not be excluded from involvement in the performance arts and broadcasting on the grounds of disability. Disabled people should be encouraged to participate in the production, performance and presentation of mainstream arts and broadcasting. Performance and broadcasting spaces must be accessible to disabled people. Disabled people should also be as able to participate in sporting events, as competitor or spectator, as the rest of the population.

7.3.4 Television companies should improve their level of text supported and signed broadcasting. A national advisory committee on broadcasting and disability will be established so that the medium better represent disabled people's interests. Targets should be established for audio description for blind people.

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 Party in England and Wales.

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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Note: Membership of the Working Group should not be taken to indicate that every member necessarily agrees with every section or every proposal in this Paper.

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