

# POLICY COUNCIL

## DISABILITY AND INCLUSION STRATEGY

### EXECUTIVE SUMMARY

1. The Disability and Inclusion Strategy aims to improve the quality of life of disabled Islanders and their carers through changing attitudes towards disabled people and carers so that they can be active and engaged socially, economically and culturally. It intends to do this by:
  - **Improving** opportunities for disabled people and carers to participate across society.
  - **Promoting** more positive and inclusive attitudes towards disability in the community.
  - **Challenging** instances of disadvantage facing disabled Islanders and/or carers.
2. During the development of the Strategy the Policy Council has worked closely with different organisations representing disabled Islanders in Guernsey as well as States Departments and a representative from primary care.
3. The Disability and Inclusion Strategy offers a pragmatic approach to improving the lives and opportunities of disabled Islanders. It focuses on the issues identified to ensure that people are treated fairly, to enable disabled Islanders and carers to take more control of their own lives by improving choice, opportunities and information. It also recognises that the States plays an important role in providing services, including health, housing, education and benefits, for disabled people and their carers as well as providing opportunities as the largest employer in the Islands.
4. The proposed Strategy allows the States to take a planned and prioritised approach to meeting the needs of disabled Islanders, focusing on the actions that will have the biggest impact on people's lives. The key recommendations for immediate action are:
  - To improve information provision for disabled people, carers, employers, providers of goods and services and to the general public;
  - To develop legislation for the prevention of discrimination against disabled people and their carers; and
  - To extend the UN Convention on the Rights of People with Disabilities to Guernsey.
5. The Strategy starts with these fundamental developments which will benefit all disabled people and carers. It also builds on these foundations including:
  - developing an independent equality and rights organisation;

- developing and start implementing an action plan of work required following a survey of the States as an employer and provider of goods and services; and
  - supporting the development of employment opportunities for disabled Islanders.
6. It is suggested that in principle funding for some of this work is provided from the Budget Reserve. The full implementation of the Strategy will be dependent on resources being available and the timing of the commencement of any legislation may be affected by the ability to support its effective introduction.
  7. In addition the Strategy will influence the work of all States Departments and be used in other States' policy developments to ensure provision is made for disabled people and carers. In particular this will include looking at the provision for services for disabled children under the Children and Young People's Plan when it is revised and improving the range of independent living opportunities, and care and support services, available to disabled people – through the Supported Living & Ageing Well Strategy and the Corporate Housing Programme. The Supported Living & Ageing Well Strategy will also work to improve the practical support available to carers. Any issues relating to capacity will also be considered under a separate piece of work. All States Departments will also need to work, together and individually, to become more inclusive as employers and providers of goods and services.
  8. To enable work to be undertaken it is proposed that the funding for the 1 full time equivalent post of the Disability and Equalities Officer, which had previously been agreed as a new service development bid to develop the Strategy, be continued.
  9. It should be noted that although this Strategy refers to Guernsey, including Herm and Jethou, the Policy Council would be pleased to assist Alderney and / or Sark in adopting similar strategies if desired by those Islands' governments.
  10. By taking an equality and rights legislation-led approach to the implementation of the Disability and Inclusion Strategy the States intends to make changes that will benefit everyone with a disability and their carers.
  11. It will also help prepare our society for an ageing population when potentially more Islanders will have impairments. It is therefore important to improve awareness and understanding among the community as a whole, as well as increasing the provision of information to disabled people and carers. This should challenge attitudes and increase opportunities for social and economic participation, allowing disabled Islanders and their carers greater control over their own lives, and enhancing opportunities for them to participate in Island life.

## INTRODUCTION

12. This report sets out a Disability and Inclusion Strategy for Guernsey and provides an implementation plan over the next three years. It allows the States to take a principled and strategically aligned approach to meeting the needs of disabled Islanders and their carers. It will also enable the States to plan and prioritise work within future Government Service Plans, focusing on the actions that will have the biggest impact on people's lives.
13. This Strategy provides a number of practical steps which should give persons who have a disability or care for disabled people more of the same opportunities available to other Islanders. It should be beneficial to the whole community, by increasing the social and economic participation of disabled people and carers in Island life.
14. Early consultation with disabled people, carers and organisations representing them, as well as other States Departments and organisations led to a number of issues being identified as being important to be tackled. Therefore, after a short history and a description of the Strategy, the implementation is split into the three sections of the Strategy under which these issues are discussed.
15. In developing this Strategy, many different sources of evidence have been drawn on, from best practice in other jurisdictions to the first-hand experiences of local disabled people. In order to support its development, the Policy Council's Social Policy Group, commissioned two research surveys, a general "Health, Wellbeing and Social Inclusion Survey" and an in-depth survey of disabled Islanders' and carers' experiences, which together form the "Guernsey Disability Needs Survey". Both reports are available in full on line at [www.gov.gg/disabilitystrategy](http://www.gov.gg/disabilitystrategy).

## HISTORY AND CONTEXT

16. In November 2003 the States considered the then States Advisory and Finance Committee's report on an Anti-Poverty Strategy (Billet d'État No XXV, 2003, pp. 2346 to 2386). One of the objectives of the Anti-Poverty Strategy was

*"To provide support, including necessary financial assistance, to those most in need in conditions of dependency, such as childhood, old age, **disability** and special need, but with due regard to the sustainability of the Island's resources."*
17. This was repeated under action area A: Benefit and Tax measures of the Corporate Anti-Poverty Plan (CAPP). Under area B: Education and Employment Services of that Plan one of the work plan areas was *"To improve provision of employment and training opportunities for people with a disability or who have a medical condition which restricts their ability to work"*. Action area C: Services for Older People and People with a Disability of the CAPP identified the need for improvements for buildings, transport, special equipment and information, community care services, and a forum for people with a disability.

18. The introduction of the Government Business Plan (Billet d'État No XVIII, July 2007) took on the work areas under the CAPP and included education, housing, supported living and employment. It also established a Disability Forum which was originally proposed to consider the use of community facilities by disabled adults.
19. In 2009 the Government Business Plan was succeeded by the States' Strategic Plan. Following consideration of the Policy Council's report on strategic plans for fiscal and economic policy, social policy and environmental policy (Billet d'État No XVIII, July 2009) the States resolved to approve that research into Disability Discrimination legislation and a Disability Strategy should be progressed ahead of research into Civil Partnerships, but behind the research on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Later that year the States Strategic Plan 2009-2013 (Billet d'État No XXVI, October 2009) was amended to provide for the post of a Disability Officer as a new service development bid.
20. The current Social Policy Plan in the States Strategic Plan 2013-2017 (Billet d'État No VI 2013, March 2013) gives the general objective of "*equality of opportunity, social inclusion and social justice*". The Disability and Inclusion Strategy will help to enable that objective to be met in respect of disabled people and carers.
21. The Disability Forum, established in 2008 following the 2007 Government Business Plan, was converted into the Steering Group for the Strategy, in 2011. This was set up to report to the Policy Council's Social Policy Group with a recommended Disability and Inclusion Strategy. The membership of the Steering Group was made up of staff representatives from Policy Council, Health and Social Services Department, Education Department, Social Security Department, Housing Department, as well as representatives from primary care, and organisations representing disabled people and carers, being the Guernsey Disability Alliance, Mind Guernsey, Health Information Guernsey as well as the States' Champion for Disabled People. This Group and a smaller sub-group have provided advice, information and support in developing the Strategy, for which Policy Council is grateful.

## **STRATEGY**

22. In this section the Policy Council has provided underlying principles on which it has based its vision. It starts by describing the high level strategy, it then sets out some of the principles on which the Strategy is based, and describes who the Strategy is aimed at.

## High Level Strategy

23. The Disability and Inclusion Strategy aims to improve the quality of life of disabled Islanders and their carers through changing attitudes. Its general objective is to sustainably transform society so that disabled people and carers can be active and engaged socially, economically and culturally.
24. The Policy Council is recommending these aims and general objectives are achieved by:
  - **Improving** opportunities for disabled people and carers to participate across society.
  - **Promoting** more positive and inclusive attitudes towards disability in the community.
  - **Challenging** instances of disadvantage facing disabled Islanders and/or carers.
25. These are based on the social model of disability (see appendix 2) which proposes that disability is not just about the physical effects of an impairment, it explains that policies, laws and attitudes directly influence how socially included, independent, and economically active disabled people are. It considers that attitudinal barriers are often more debilitating than a person's physical or mental impairment.
26. The Strategy is also based on the following key principles:
  - **Respect.** Every person deserves to be treated with dignity and respect. A disabled person and carer have the right to choose how to live their own life and the freedom to make their own choices.
  - **Non-discrimination.** A disabled person and carer must never be treated worse than others, excluded from or denied access to goods, services, education, work or social life on the basis of their disability or because they provide care for a disabled person.
  - **Participation and inclusion.** A disabled person and carer should have full and effective participation and inclusion in society.
  - **Acceptance.** Respect for difference and acceptance of disabled people and carers as part of human diversity and humanity.
  - **Equality of opportunity.** Taking positive action to ensure barriers are removed.
  - **Accessibility.** To enable disabled people and their carers to live independently and participate fully in all aspects of life, on an equal basis to others. This will include access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems.
  - **Gender equality.** Disabled people and carers, particularly women and girls, may face multiple discrimination and any changes should also take this into account.

- **Respect for Children.** Children and young people with disabilities have the same rights as non-disabled children. Decisions about children and young people must be in the child's best interest. Disabled children should be supported to express their views and should be listened to and taken seriously.
27. These key principles for Guernsey are based on the General Principles under Article 3 of the United Nations Convention on the Rights of Persons with Disabilities.
  28. There are strong links to other States Strategies (see appendix 3) which this one will influence as well as alignment to the Social Policy Plan of the States Strategic Plan (Billet d'État No VI, March 2013 p.396).
  29. The Disability and Inclusion Strategy is also part of the Policy Council's equalities and rights programme (see appendix 4) where work is undertaken to meet the second general objective on the Social Policy Plan to provide equality of opportunity, social inclusion and social justice.
  30. The ageing population is a key challenge in the Social Policy Plan and the prevalence of disability is known to increase with age. The Disability Needs Survey of Guernsey and Alderney showed rates for people with long-term conditions range from 10% for those aged under-16 years to 38% for those aged 67 and over.
  31. The projected increased numbers of people over 67 factored by the increased prevalence of long term conditions with age means that we need to plan for larger numbers of disabled Islanders.

### **Disabled People and Carers**

32. By using the social model of disability (appendix 2) the following definition can be used:
 

*“People with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which, **in interaction with various barriers**, may hinder their full and effective participation in society on an equal basis.”*  
(From the UN Convention on the Rights of People with Disabilities.)
33. The Disability Needs Survey (BMG Research, 2013 a) estimated nearly 14,000 people have long-term conditions in Guernsey and Alderney. Most of these Islanders are not significantly disadvantaged on a day-to-day basis, but this figure also includes an estimated 4,000 who experience significant difficulties in their daily lives (see Appendix 5). The Policy Council believes these estimated 4,000 disabled Islanders will have the most to benefit from the implementation of the Disability and Inclusion Strategy and should be the main focus of this Strategy. As such it is designed to ensure that they are able to access services, and support mechanisms, which will allow them greater opportunities to live their lives with more independence and be more socially and economically active.

34. However, the Policy Council’s proposals for disability discrimination legislation will protect both carers and all people with a long term condition from discrimination. All of these Islanders are likely to benefit from the implementation of the Strategy as changing attitudes, reducing barriers to participation, providing disability discrimination legislation and providing greater inclusion will enable wide reaching improvements to be felt.
35. Whilst this is a Disability and Inclusion Strategy, the rights of carers are also important and without a specific carers strategy their needs have also been covered in this strategic vision. Carers in this Strategy mean family, friends and relations who care for people. They might not consider themselves carers but play an important role in the life of a disabled Islander. In this Strategy carers are not paid professional carers or nurses.

### IMPLEMENTING THE STRATEGY

36. Whilst the strategic vision gives the direction of travel, the implementation of the Strategy over the next five years should be through work on the issues identified by the Steering Group. These are provided under the three strategic headings as follows:

<b>Improving</b>	<b>Promoting</b>	<b>Challenging</b>
Information for disabled people and carers	Information for employers and providers of goods and services	Access to long-term care and respite care at home and elsewhere (to be tackled under the Supported Living and Ageing Well Strategy)
Disability equality legislation including the consideration of a fund for reasonable adjustment	Information and publicity for the general public	Access to care and support services (to be tackled under the Supported Living and Ageing Well Strategy)
Employment opportunities	States as an employer and provider of goods and services	Support for carers (to be tackled under the Supported Living and Ageing Well Strategy and Children and Young People’s Plan)
Project to look at services for disabled children (to be undertaken as part of the Children and Young People’s Plan)	Extension of the UN Convention on the Rights of People with Disabilities	Capacity Legislation (to be addressed under a separate work stream)
Transition between services, particularly from children’s to adult		

<b>Improving</b>	<b>Promoting</b>	<b>Challenging</b>
services		
Consideration of the Disability and Inclusion Strategy in other States work including policy development		
Equality and rights organisation		

**Table 1. Strategy**

## **Improving**

### *Information for and from disabled people, carers and parents of disabled children*

37. There are four aspects of information provision for this group which need to be developed. The voluntary sector has been especially effective in this area and this provision could be developed as extensions of existing services or as a new, stand-alone service. The four developments required are:
- A wide range of relevant, easy-to-access online information;
  - Outreach to disabled Islanders and carers through media;
  - Information and training relating to the new disability equality legislation; and
  - A service to provide / convert resources into accessible formats.
38. The introduction of increased disability information services should also help to improve coordination between service providers and increase the accessibility of information, which should reduce the number of occasions when disabled Islanders feel that they have been “passed from pillar to post” between different States Departments or services. The need for this was highlighted by the considerable and very diverse response to the Disability Champion’s monthly “open forums” during 2012.
39. These changes cannot be made without a certain degree of investment; and the Strategy recommends that the States should provide the initial changes required at a one off cost not exceeding £70,000 to be provided from Budget Reserve as part of the implementation of the Strategy, the Law and the UN convention.
40. Once provided it is estimated that £20,000 per annum will be needed to update this information to be funded from the Policy Council’s existing General Revenue budget for Social Policy.
41. The most significant impact of improved information services should be enabling disabled Islanders, carers and parents of disabled children to access the right support at the right time. In some cases, this will reduce overall costs to the States, by ensuring, for example, that people receive support before their physical or mental health, or living situation, deteriorates to crisis point and needs a significant intervention. In other cases, it may increase costs to the States by



leading to a small increase in the demand for some services, where people were otherwise unaware they existed, or were able to access them earlier.

42. It is recommended that the Policy Council seeks tenders for the development of the information and its ongoing maintenance.
43. In developing all strategies, policies, legislation or when changing services affecting disabled people or their carers, the States needs to listen to the views of disabled people, including children, parents and carers. The Children and Young People's Plan will establish ways of seeking the views of children on matters affecting them which will include disabled children. Other consultations on matters directly affecting disabled people are an important part of good governance, but some assistance may need to be provided on how best to communicate with different groups of people so that their informed views can be obtained.

#### Disability equality legislation

44. Promoting positive and inclusive attitudes through providing information and promoting equality of opportunity will, it is hoped, positively change the majority of people's attitudes to enable disabled people and carers to become more active and engaged socially, economically and culturally. There are people, businesses and organisations who have already embraced these attitudes and who have been early adopters in changing the way they work, behave, employ staff or design their customer or working environments. With improved help and information it is hoped that a great many more will join this group, however, there will be a small number who will require the prompt of legislation to galvanise them into action.
45. It should be noted that whilst legislation is important it cannot be used in isolation to tackle disability discrimination. The Guernsey Disability Alliance has undertaken its own research, which it is understood will be available shortly, in which it suggested:  
*“No country in the world has been able to tackle disability discrimination, and the social inequality it brings, without introducing legislation, and no country has successfully tackled discrimination with legislation alone.”* (Platts, 2013)
46. The Guernsey Disability Alliance has also suggested (Platts, 2013) that all contemporary models used by governments contain three elements to tackle discrimination, being:
  - Legislation against discrimination;
  - Enforcement of inclusive practices; and
  - Promotion of equality.
47. The Human Rights (Bailiwick of Guernsey) Law, 2000 prohibits discrimination in Article 14 in respect of other Articles under that Law. However, it does not specifically mention disability which would be provided for under the term “other status” under that Article.

48. Equality legislation has the purpose of achieving greater equality of opportunity for a group of people by protecting them against discrimination. In Guernsey, any such legislation could be made as an Ordinance under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004, which is an umbrella for all anti-discrimination measures. It would provide clarity and additional protection for an Ordinance to be made specifically preventing discrimination against disabled people and their carers.
49. Unlike other areas of discrimination legislation, relating, for example to gender, religion, race etc, legislation in relation to disability discrimination does not require people to be treated the same as everyone else but requires them to be treated differently so they can have the same opportunities. This requires barriers to be removed that prevent disabled people accessing goods, services, education, employment, transport etc. This removal of barriers is known as reasonable adjustment.
50. Disability equality legislation in other jurisdictions normally focuses on three or four main areas: employment (which affects financial security, social mobility, and personal wellbeing); accessible environments (which affect what a person can do); accessible goods, services and transport; and education (which affect personal wellbeing and general life chances).
51. It has been estimated about 75% (from the BMG Disability Needs Survey 2013 a) of Guernsey's working age non-disabled population, and 70% of its working age disabled population, are in employment. Compared to other countries, the correlation between the working population of disabled and non-disabled people is close; and is partly a consequence of Guernsey's nearly full employment. The purpose of introducing disability equality legislation is not, therefore, to close an employment gap for disabled people. Whilst overall employment levels of disabled people are high relative to other jurisdictions, research suggests that underemployment and job retention are issues which legislation will help to tackle. The legislation is also expected to make a difference in terms of access to goods and services. It might also provide greater opportunities for disabled people to progress to higher graded work where they may have been employed at a sub-optimum level.
52. Disability equality legislation would apply to the States as it would for other employers and providers of goods and services. The implications for the States of the Strategy are contained in appendix 8 to this report.

### **How would it work?**

53. The Policy Council would recommend that a light touch, non adversarial approach be taken to legislation. It would not wish any legislation to be too prescriptive, either in terms of definitions and qualification. It is likely that the question of what is "reasonable" would be answered by common sense in most scenarios; with only a few cases actually coming to court or to a tribunal possibly. In those cases, the kind of factors discussed below would need to be taken into account and balanced against each other in order for a decision to be made.

54. Again it is the intention that any tribunal for employment or goods and services would be simple and proportionate. From the UK experience it is likely that only a few cases per year would be referred to tribunal as a last resort.
55. At the moment, the tribunals for the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 under the same piece of enabling legislation, are run by the Commerce & Employment Department's Employment Relations Service. While that might be a natural home for disability equality legislation, too, this would have an impact on the team's workload and on staff training requirements, on an ongoing basis. It would also not be independent from the States and therefore not meet the recommended standard under the Paris Principles (see appendix 9). It might not be a natural home for the tribunal for goods and services.
56. The States Review Committee has been set up to examine the structure and the functions of the legislature and the government in Guernsey with a view to any reforms being agreed by the States by the end of 2014. It is likely that any changes will affect where the tribunal and other functions relating to the Strategy will sit. Until that time the Policy Council recommends that it continues to lead work on all equality and rights issues, including the development and implementation of this Strategy.
57. The relationship between employer and employee, or between business and customer, is meant to be a mutually beneficial one. In the same way, the needs and resources of both parties are taken into account when deciding whether or not any given adjustment is "reasonable".
58. Any disability equality legislation would include some form of test for whether or not an adjustment was reasonable, probably not dissimilar to the tests in UK or Canadian anti-discrimination law. This means that local courts, tribunal, arbitration and advice would need to take into account factors such as the organisation's financial resources, the practicality of the change and, most importantly, whether the change would actually resolve the problem. Factors that might be taken into account under any new legislation in determining whether an adjustment is reasonable might include:
  - whether taking any particular steps would be effective in preventing the substantial disadvantage;
  - the practicability of the step including inter-changeability of workforce and of facilities;
  - the financial and other costs of making the adjustment;
  - the extent of any disruption caused including disruption of a collective agreement or disruption of services to the public;
  - the extent of the employer's financial or other resources;
  - the availability to the employer of financial or other assistance to help make an adjustment;
  - the type and size of the employer;
  - morale of other employees;
  - safety;

- interference in the operation of the employer’s business; and
  - overall economic climate.
59. In other words, the question of what is “reasonable” is highly dependent on the circumstances of the individual case. In fact, it is mostly dependent on the circumstances of the employer or business concerned – can this employer, or that business, make or afford the adjustment? If not, it is unlikely to be deemed reasonable.
60. It is recommended by the Policy Council that both representatives of disabled people and representatives from business advise and provide their views on policy decisions as the legislation is developed. This will ensure it is kept simple and proportionate and that unintended consequences are not inadvertently brought in.
61. Estimates of the likely costs of providing reasonable adjustments for businesses are provided in appendix 6. However, it is recommended that provision is made for a reasonable adjustment fund to be established. This would help small businesses and organisations to make adjustments that would not otherwise be considered reasonable. The size and use of such a fund would need to be determined by the States dependent on the availability of States resources prior to the commencement of any legislation. It is recommended that an annual fund of no greater than £20,000 be established. It is recommended that if an equality and rights organisation is set up that it should administer this fund, if agreed.
62. A decision on reasonableness, which fails solely on the grounds of cost to a small employer, and that might be wholly reasonable for a large employer, has the effect of skewing the labour market for disabled people towards larger employers. The fund will help balance this and increase opportunities for disabled people to gain and remain in work with smaller employers. This is vital in an Island where many businesses are small.
63. Reasonable adjustments, which are the concept at the heart of disability equality legislation, are a way of making adaptations to working practices, workplaces, business premises, public venues and policies and procedures, etc, in order to make them more accessible to disabled people, while balancing the needs of the organisation or employer in question. These changes enable disabled people to be more economically active for longer and to live more independently, with a greater degree of choice and control over their own lives.
64. Disability equality legislation increases opportunities for disabled people to participate in society and reduce the number of barriers they have to overcome in day to day life; with benefits for individual disabled people (especially in terms of personal wellbeing and health) and for the wider community.

### Employment Opportunities

65. Supported employment services and social enterprises benefit disabled Islanders who would otherwise struggle with mainstream employment. These services

present more opportunities for people to gain skills and move into sustainable employment.

66. While every service has a positive impact, there is undeniably a need for better integration and reduced duplication between current employment support services (which are provided, to varying degrees, by Social Security, Interwork Services at HSSD, the Careers Service at Education, and a diverse range of voluntary groups) – not least because being contacted by multiple organisations confuses and irritates employers who would otherwise be supportive.
67. The original work of the Strategy, which was looking at improving employment opportunities for disabled people, has been superseded by and incorporated into investigations by the Guernsey Community Foundation into an integrated approach to employment services for disabled people. This approach of suggesting the integration of voluntary and public sector supported employment services has led to the development of the concept for a Guernsey Employment Trust for discussion by relevant States departments, voluntary organisations and businesses.
68. The Policy Council therefore suggests that the Guernsey Employment Trust develop its concept of an Employment Trust into a fully fledged business plan and for this to be considered further by the relevant States' Departments. It is envisaged there will be broad agreement on the plan. The aim is to give disabled people a more consistent service, and improve engagement with employers.
69. Information provision for disabled people, carers and employers will also help support people into employment, support businesses to recruit and retain disabled staff and staff who are carers and help with reasonable adjustment for staff. Existing and new staff will require specialist training in this area as the Strategy is implemented. This will be part of the initial information implementation cost.
70. As retirement age changes to 67 and the population ages, more people in employment will have disabilities. Help for employers to plan for these changes might be given in future by an equality and rights organisation if this is developed.
71. As with any legislation, once drafted, there should be a period during which businesses, employers and other providers of goods and services can prepare for its full introduction prior to commencement. This should allow them time to understand more about its implications, and to make the necessary changes for their own organisations.

#### *Services for Disabled Children and Young People and Transitions*

72. Consultation on the Strategy indicated that some families with a disabled child felt that they were not receiving enough support at the right time. In the second detailed report of the Disability Needs Survey (BMG, 2013b) 33 responses were received on behalf of children and young people with disabilities in full time education. Of these, 29 people (88%) indicated that they benefit from additional

support of some kind. 19 people (63%) said they would benefit from one or more of the education-related services which they have not already used with 10 of these saying they would benefit from Occupational Therapy.

73. This may, in part, be due to a misunderstanding of services and what they are there to provide. However, the States has made a commitment to preventive services and early interventions – and it is clear that receiving the right support as a young child helps to give all children the best possible start in life, and maximises their chances of benefiting from available opportunities.
74. It is recommended that work under the Children and Young People’s Plan looks at the future provision of services, policies and procedures for disabled children. This will ensure that services for all disabled children and their families are provided in the best way to meet current and future needs sustainably. It should also look at transitions as children grow up with particular attention to the transition from children’s services to adult services.
75. This work will help improve support for children and families, should look at whether the right services are available to meet young people’s needs at the right time, and whether those services have the right capacity. It will ensure the children and family centred approach is built on in future by all agencies working together and will highlight areas for improvement. Any changes required will be implemented through the ongoing development of the Children and Young People’s Plan – which is a forum for providing that States Departments accept joint responsibility for ensuring the best outcomes for children and young people.

#### Other States Work

76. The Policy Council recommends that the States directs all Departments to take account of the Strategy when developing strategies, policies, plans, procedures and when making changes to services or capital works.
77. As this is an Island wide Strategy it is suggested that the involvement of a number of States Departments, third/ voluntary and community sector organisations and businesses continue to work towards the implementation of the Strategy. The Policy Council also therefore recommends these States Departments contribute to a multi-agency approach to implementing the Strategy where their assistance is required and consideration is also given to the implementation of the Strategy when setting budgets.
78. An implementation steering group will be led by Policy Council to ensure that the work on the Strategy is co-ordinated.

#### **Promoting**

##### Information for employers, providers of goods and services and the general public

79. Providing information is key to changing attitudes and empowering disabled people and carers. To change attitudes, information will need to be targeted at:
  - Employers;

- Providers of goods and services; and
  - The general public.
80. Businesses want to employ the best people for a job and want to ensure they are treating their customers well so that they will bring return business. However, staff may be unsure how to do this or, in seeking to maximise performance staff, may unwittingly adopt attitudes or business practices that prejudice or patronise disabled people or carers. This may mean businesses not employing the best person, because the best person has an impairment. Or it may mean inadvertently turning away or putting off customers or clients who have a disability or who are carers.
  81. Providing good information, guidance and training to businesses and organisations will help remove barriers and improve services and opportunities, whilst at the same time promoting equality of opportunity.
  82. Whilst it is hoped that businesses themselves will seek out information and be proactive in training staff, it is anticipated that a one off cost for preparing and initiating this information work stream will be required, of around £50,000.
  83. It is recommended that, as this will be required as part of the implementation of this Strategy and due to the introduction of proposed legislation, the States agree for Budget Reserve be used for this purpose.
  84. For businesses this will include helpful information on how to provide reasonable adjustment, further details of which are given in this report (paragraphs 49 to 64).
  85. Work has been initiated by the Health and Social Services Department in relation to local on-line disability equality training and disability awareness training. If successful for States staff this might be a basis for training for other organisations.
  86. Positive messages in the local press and on local radio and television will help inform the general public as well as businesses and other organisations. Some of the required public relations can be done in conjunction with third sector organisations such as the Guernsey Disability Alliance, Mind Guernsey, Health Information Guernsey, to name but a few. Promotion of disability equality to everyone will also be required. This general low level of promotion together with targeted higher level campaigns will be needed on an on-going basis to help embed change.
  87. As changes are made to implement the Strategy these will need to be publicised through different channels. This will include information provided and updated on-line and in hard copy and through other media as required as well as face to face through different events.

### States as an employer and provider of goods and services

88. The States needs to listen to disabled Islanders, parents and carers to ensure that policies affecting them take their views into account or consider their views and be able to explain why they cannot be acted on.
89. All States Departments will be affected by the Strategy as employers or providers of goods and services. Departments will have to comply with any legislation and should be early adopters of change. Further information on the Strategy's implications for the States, including examples, is provided in appendix 8. It is proposed that to demonstrate compliance and plan for future capital works that an audit is undertaken of the States' employment practices, premises and services to identify the areas where action needs to be taken and the associated costs. This would be used to develop and inform the States capital works programme.
90. To ensure the States can plan for future action and capital works it is recommended that an audit is undertaken either by:
  - Undertaking this work internally with additional seconded resources; or
  - Bringing in an external professional for a short time.
91. The Policy Council recommends that the cost of this work not exceeding £50,000 should be provided from the Budget Reserve.

### UN Convention on the Rights of People with Disabilities (UNCRPD)

92. The Policy Council recommends that once the information provision and equality legislation has commenced that Guernsey seek extension of the United Nations Convention on the Rights of People with Disabilities.
93. The Convention was developed in 2005 – 2006 by the international community in response to a growing realisation that most countries, with the best of intentions, did not know how to apply universally-recognised human rights to the situations in which many disabled people found themselves (such as institutional living in care homes). It is now the case that 95% of the world's population live in countries which are signatories to the Convention (Platts, 2013). The function of the Convention is to provide more detailed guidance on how existing rights should be interpreted in the context of disability. It does not create any new rights for disabled people. This holds equally true in Guernsey, which has had a Human Rights Law since 2000.
94. If a country wants to be compliant with the Convention, there are certain things which are considered fundamental. The main one, for Guernsey, is that some form of legal protection against discrimination needs to be in place for disabled people – disability equality legislation, as discussed above. Any country would also need to comply with the monitoring and reporting requirements.



95. The Convention makes clear what kind of practices and policies would either protect or damage disabled people's rights. A brief description of the Articles can be found in appendix 7.
96. By extending the Convention the States will be able to affirm its commitment to disabled Islanders on a global stage. It will provide guidance in how to achieve internationally agreed standards with regard to the protection, social integration and independence of disabled people. It will also provide regular external monitoring of progress against the Articles and help to ensure continual improvement for disabled Islanders.
97. Initial one off work to implement the Convention will be undertaken within existing staff resources, provided the current whole time equivalent is maintained. The extension of the Convention would only be requested once disability equality legislation had commenced and information services had been provided. A review of Articles will be undertaken to demonstrate compliance and preliminary discussions have already begun with the Ministry of Justice and the UK Department of Work and Pensions' Office of Disability Issues.
98. Once extended, the Convention would require Guernsey to monitor disability issues on an ongoing basis and to report on progress every four or five years. In effect, this would create a regular cycle for the States to review and update the Disability and Inclusion Strategy; which, in turn, would give assurance to the disabled community that the Strategy will be regularly reviewed and kept up-to-date.
99. The Social Security Department has provided a letter of comment (see Appendix 11) supporting the Strategy but raising concerns that significant revenue expenditure under the social security mandate is likely to be involved in adequately meeting the obligations under certain Articles of the Convention.
100. The States will have certain obligations if legislation is enacted and the UN Convention is extended to Guernsey. These are outlined in appendix 8.

### **Challenging**

#### *Access to Long-Term Care and Respite Care and Access to Care and Support Services*

101. There are a number of issues relating to access to long-term care and respite care at home and elsewhere, fair access to care and support services and support for carers as well as accommodation options for disabled people, access to equipment and adaptations, which were identified in the research leading up to the Disability and Inclusion Strategy.
102. Many of these issues fall within the remit of the Supported Living and Ageing Well Strategy, which is intended to ensure that people with care and support needs are able to live as independently as possible in the community, with choice and control over their own lives. It is intended that Supported Living and Ageing Well Strategy, which has yet to be brought to the States, will look at everything from

the way that long-term care options are financed, to the range of accommodation and care services provided on-Island.

103. Policy Council is well aware that there is an issue regarding limited resources to progress work on the Supported Living and Ageing Well Strategy. However, it is committed to ensuring the Supported Living and Ageing Well Strategy is considered by this Assembly as soon as possible.
104. These services and support are integral to many disabled Islanders' access to equal opportunities. If no other plan already existed to deal with them, they would fall unquestionably within the remit of the Disability and Inclusion Strategy. As such, by highlighting them here, it is hoped to re-emphasise the priority of the Supported Living and Ageing Well Strategy; not only in preparing Guernsey for future demographic changes, but also in delivering other key States' priorities, such as greater inclusion and equality of opportunity for disabled people and support for carers. However, the current economic climate will also have an effect on the implementation of any action plans under other strategies.
105. On a related note, the research leading up to the Strategy consistently identified four groups of disabled people who face multiple and significant disadvantages in our community: people with mental health conditions; people with learning disabilities; people with autism and other communication difficulties; and people with dementia. The States having recently approved a Mental Health and Wellbeing Strategy, it is recommended that frameworks are developed to improve support and challenge the stigma faced by people in these other three groups.
106. These frameworks, based on the principles in this Strategy, would not only consider the range of assessment and service delivery processes but would also outline policies, goals, standards, procedures and training in the wider community. In doing so the frameworks would promote the values and culture within this Strategy more specifically for those four groups.

#### Support for Carers

107. The Disability Needs Survey (BMG Research, 2013a) estimated that nearly 1 in 10 of all households (8%) have at least one person who provides informal or unpaid care for a family member, relative or friend. 1 in 5 of the estimated 14,000 people with a long-term condition (21%) live in a household with someone who provides unpaid care or support (although not necessarily to them).
108. It can be the case that a carer's needs are forgotten, or are assumed to be the same as the needs of the person they care for. In reality, carers have their own unique needs, including the need for emotional and practical support, enabling them to maintain their own physical and mental health and wellbeing. Some carers will be able to support a very disabled person who is dependent on them for many years, more or less alone. Others will struggle to support a much more independent person. A carer's strengths and weaknesses have very little to do with the condition of the person they are supporting, and it is important that there is support for carers, in turn, which recognises this.

109. Carers are at risk of becoming isolated from their own natural support network – family, friends, colleagues and so on – the more time they spend caring. This is as true for people with a family member in an off-Island placement, who spend large amounts of time travelling to and fro in order to be with them, as it is for people who are with the person they care for every day.
110. Caring for another person is one of the most valuable – and least valued – roles in society. If a carer is also working full or part time – as many carers are – he/she is making a significant contribution to the economy, but may require flexibility or a change in hours to accommodate both roles. It is important to ensure disability equality legislation, information and other provisions would include carers as a separate strategy has not been developed for them.
111. There are also a number of children who care for disabled family members. The local research identified a very small number of people aged 16-34 who say their primary source of care and support is their child – who, because of the age of the parent, is therefore likely to be a young carer. Not a lot is known about children who are carers, but this is something that Health Information Guernsey began to address through a child carers project, and which was identified as a priority through the first Children and Young People’s Plan.
112. Assessments for community care services and for respite care do take into account the needs of the carer, but these are not the primary focus, and there is no support put in place purely for the carer.
113. It is important to ensure, in future, that the needs of carers are taken into account when assessing a disabled person’s support needs. The Supported Living and Ageing Well Strategy therefore needs to include provisions for carers as well as disabled people.
114. The development of improved information services, both in general and at specific transition points, will also help carers to be more prepared for the future and to access the support that they, and the person they care for, need, when they need it.

#### Capacity Legislation

115. Disabled Islanders and carers should be treated with dignity and their views sought on decisions affecting their lives. This is commented on in the section on information above.
116. The Policy Council notes that work is ongoing in relation to adult safeguarding and links to the Domestic Abuse Strategy and Criminal Justice Strategy to ensure that disabled people and carers feel safe and secure. It is intended that this work will be continued during the implementation of this Strategy.
117. However, whilst most Islanders would take for granted the right to make their own decisions about how to spend their money, whether or not to undergo medical treatment, and how to deal with their own property – and many other things besides, for some people, this is simply not the case.

118. This issue relates to a concept called “capacity”, which is whether a person has the necessary skills and understanding to make fundamental decisions about their own life. Capacity is not something a person either totally has or totally lacks – one could, for example, have the capacity to make decisions about one’s health, but not about one’s finances. Capacity is specific to the issue at hand. There are provisions in the Mental Health (Bailiwick of Guernsey) Law, 2010 to provide some protection in this respect and work looking at issues and problems in this area should be considered as a separate work stream.

### **Equality and Rights Organisation**

119. The Policy Council proposes that to bring the three strands of the Strategy (improving, promoting and challenging) together that an independent organisation be developed with the following functions:

- **promote** – changing attitudes through awareness-raising campaigns and public education;
- **remove barriers** – by providing specialist information, education and advice to businesses, States’ Departments, and individuals on their rights and obligations particularly in relation to reasonable adjustment; administering a reasonable adjustment fund, if established; providing early solutions to disability-related issues, to avoid cases progressing to tribunal wherever possible by acting as an arbitrator and impartial advisor;
- **improve** - by examining individual complaints, and participating in litigation and reviews of services;
- **monitor** - by reviewing legislation and policies, and examining the state of implementation, collecting and disseminating relevant data and assisting with enforcement of legislation; and
- **empower** – by acting as a focal point for disability and equality matters, and acting as a first point of contact for disabled Islanders and carers who need additional information or support.

120. However rather than establish a separate organisation just for the equality and rights of disabled people and carers, it is proposed that this is developed into an equality and rights organisation. This would be an independent statutory institution for the protection and promotion of **all** equality and human rights issues including those under the Policy Council’s equality and rights programme described in appendix 4.

121. The United Nations encourages the creation of national human rights institutions to implement and monitor the UNCRPD and other human rights conventions. The United Nations set out principles, known as the Paris Principles (see appendix 9) (United Nations, 2007), relating to the status and functioning of national institutions that protect and promote human rights. It is proposed that the Paris Principles would be used to develop any framework.

122. As there is currently no mechanism for new service development bids available and any savings should be used to offset the structural financial deficit until balance is achieved, there is no funding available for the ongoing costs of providing an equalities and rights organisation. It should be noted that there is some concern that without the development of an equality and rights organisation the ability to fully recognising the rights of disabled people may be limited.
123. However, a framework will be developed using existing resources, with an initial business plan written to include an options appraisal. It is suggested that this should be undertaken with businesses, other organisations, and the third/voluntary and community sector. It will have the aim of progressively realising the goal of an equality and rights organisation as and when funding becomes available.
124. The Policy Council is therefore seeking in principle approval from the States to develop an equality and rights organisation with the caveat this will only proceed:
- if it can be provided without additional cost to the States; or
  - if funding becomes available; and
  - if that funding is prioritised under any process in place at that time for this purpose.

### **Alderney and Sark**

125. The States of Alderney Policy and Finance Committee would not wish to see the Strategy extended to Alderney at this time and the proposals do not therefore cover that Island. However, it should be noted that for transferred services under the Alderney (Application of Legislation) Law, 1948, as amended, where Guernsey has responsibility for a service, any decisions made relating to the Guernsey service will also apply to Alderney.
126. Sark has yet to consider this Strategy but the Policy Council would be pleased to offer any assistance should either Island wish to adopt a similar strategy in future.

### **PREPARATION OF LEGISLATION AND GOVERNANCE**

127. It is proposed an equality ordinance relating to disabled people and carers will be drafted by the Law Officers in 2014, depending on other legislative priorities. The business community, as well as representatives of disabled people and carers, will be consulted during drafting on policy and practice and will be kept informed of developments. The information work stream will promote good practice with education, training, guidance and media releases so that attitudes and practice are changed ahead of the legislation commencing wherever possible. It should be recognised that some businesses, organisations and States Departments have positive attitudes, good working practices and procedures and these can be used as examples to other organisations and can also be built on through continuous improvement.
128. The Policy Council has worked within the principles of good governance in developing this report and has used a steering group including representatives from other States Departments, primary care, the States' Champion for Disabled

People, and representatives of the third/voluntary and community sector including Mind Guernsey, Health Information Guernsey and the Guernsey Disability Alliance. Consultation has also taken place with political boards of States Departments and some representatives from the business community as well as with disabled people and carers (see appendix 10). The surveys undertaken by BMG Research (2013 a and b) have also provided opportunities for very wide engagement.

129. Appendix 11 provides letters of comment from the Social Security Department and the Commerce and Employment Department following presentations made to Departments on the Strategy.
130. It is proposed that the Policy Council will retain oversight of the implementation of the Strategy. This will be until the implementation phase of the Strategy is complete or such time as the Policy Council considers suitable to transfer to an operational Department or following any recommendation of the States Review Committee. It is the Policy Council's intention that the Steering Group set up to advise on the development of this Strategy will continue to assist in its effective implementation.

## **TIMETABLE**

131. The proposed Strategy allows the States to take a planned and prioritised approach to meeting the needs of disabled Islanders, focusing on the actions that will have the biggest impact on people's lives. The key recommendations for immediate action are:
  - To improve information provision for disabled people, carers and parents of disabled people;
  - To improve information provision for employers and providers of goods and services;
  - To approve in principle the enactment of legislation for the prevention of discrimination due to being disabled or the carer of a disabled person and bring back proposals following consultation;
  - To extend the UN Convention on the Rights of People with Disabilities; and
  - Set up a framework under the Paris Principles to ensure continued promotion and monitoring of the Strategy.
132. The Strategy starts here because these are fundamental developments which will benefit all disabled Islanders. It also looks ahead to what should be done once these foundation stones are in place; as well as what can be achieved for disabled people through other States' policy developments.
133. The following timetable provides a guide, rather than a definitive plan, as to how the recommendations of the Strategy could be developed and implemented in a phased way over the next three years:

	<b>Jul-Dec 2013</b>	<b>Jan-Jun 2014</b>	<b>Jul-Dec 2014</b>	<b>Jan-Jun 2015</b>	<b>Jul-Dec 2015</b>	<b>Jan 2016 onwards</b>
<b>Information</b>	Service specification and tender for services.  Ongoing information provision for disabled people, carers, businesses, other organisations and the general public.		Information service in place.  Develop information		Consider role of Organisation (see below) in ongoing provision of information service.  Ongoing information provision.	
<b>Disability equality legislation</b>	Undertake consultation with other States Departments and representatives of businesses, disabled people and carers on proposed legislation. Consider the requirements of tribunals and advice to be provided by Legal Aid, funding for reasonable adjustments and how the equality and rights organisation will be provided. Return to the States with detailed proposals for the legislation.					Implementation and commencement – allowing for information, education, guidance and public relations prior to commencement.
<b>Convention UNCRPD</b>	Preparatory work (incl. equality legislation drafting – see above)		Seek extension from the UK		Ongoing monitoring / review	
<b>Equality and rights organisation</b>	Work required on establishing a framework under the Paris Principles.  Business plan to be developed with business and third/voluntary and community sector leading to an options appraisal for an equalities and rights organisation.			If funding available and required for an equality and rights organisation take through funding allocation and prioritisation process. If additional funding is not required set up the organisation.		
<b>States' obligations</b>	Audit of potential changes required resulting from introducing legislation and the extension to the UN CRPD.  Ensure that all strategies and policies consider the needs of disabled people and carers when implementing them or changing them.			Implement changes.		
<b>Capacity legislation</b>	States agree for HSSD to research capacity legislation	Start work stream to explore how a capacity law can be introduced.				States report on options.
<b>Employment Opportunities</b>	Guernsey Employment Trust to set up working relationships and services.	Implement changes.		Monitor and review changes and take any action necessary.		
<b>Safeguarding Vulnerable Adults</b>	Develop a system for safeguarding vulnerable adults based on the current system for Children.		Implement changes.			

	Jul-Dec 2013	Jan-Jun 2014	Jul-Dec 2014	Jan-Jun 2015	Jul-Dec 2015	Jan 2016 onwards
<b>Frameworks for:</b> <ul style="list-style-type: none"> <li>• people with learning difficulties,</li> <li>• autism and other communication difficulties, and</li> <li>• people with dementia</li> </ul>			Develop frameworks.			

**Table 2. Timetable**

134. The Policy Council will lead on the majority of the work described above, except:
- a. Capacity legislation which it is proposed should be led by the Health and Social Services Department;
  - b. Safeguarding Vulnerable Adults, which it is suggested should be led by the Home Department, and
  - c. frameworks for people with learning difficulties, autism and other communication difficulties and people with dementia which it is also proposed should be led by the Health and Social Services Department.
135. It is the intention that the Policy Council staff will lead on the remainder of work and provide the administrative support so that work can be undertaken in consultation with States Departments, businesses, carers and disabled Islanders. The proposed work will require input from other Departments, particularly the expertise of the Commerce and Employment Department staff and the Law Officers, in helping develop the disability equality legislation.
136. Some concern has been raised by the Commerce and Employment Department on the resources, and therefore assistance that Department would be able to provide, within the confines of the above timetable for the development of the disability equality legislation, given its other commitments and priorities. The development of legislation will also depend on the legislative prioritisation.
137. Other work would be ongoing under the Supported Living and Ageing Well Strategy, the Children and Young People’s Plan.
138. As noted above, the extension of the UN Convention on the Rights of People with Disabilities would require the States to monitor disability-related issues on an ongoing basis, and to report back (via the UK) to the Committee on the Rights of People with Disabilities on a four-yearly cycle. It is recommended that, as part of this reporting cycle, an updated Disability and Inclusion Strategy is brought to the States every four years. This will inform the States on progress against the recommendations it has approved; on tangible changes for disabled Islanders and carers; and on any next steps that are needed to continue to improve equality of opportunity and inclusion of disabled Islanders.



## HUMAN RESOURCES AND FUNDING

### Staff

139. The Policy Council recommends retaining the post created through a successful new service development bid for a disability and equalities officer (Billet d'État No XXVI, October 2009). It is proposed that this post would be transferred from HSSD to the Policy Council to enable work to be undertaken on the implementation of this Strategy.
140. The initial funding for this post was for a four year period for the development of the Strategy. It is now recommended that this be made a permanent post.
141. Other staff at Policy Council and in other States Departments will be expected to continue to play active roles in the implementation of the Strategy as they have done, so far with its development.

### Funding

142. The following table gives an overview of potential costs, proposed funding and related comments:

	<b>Potential one off initial cost</b>	<b>Funding for one off cost</b>	<b>Proposed annual cost</b>	<b>Funding for on-going costs</b>	<b>Comments</b>
<b>Information for disabled people and carers</b>	Existing staffing costs for preparation and evaluation of tenders.  Initial preparation of information – one off cost of £70,000	Existing staffing budget  Budget Reserve over 2014 and 2015	£20,000	Policy Council's Social Policy Budget.	Existing Social Policy Budget will be prioritised for this work.  This will require the retention of the FTE of the Disability Officer to enable work to be undertaken.  It should be noted that continued funding by the Health and Social Services Department of the Disability Equality Training (current contract from 2013 to 2015 costing £2,500) and the online access guide (current contract to 2017 for £5,000) is assumed.
<b>Information for businesses and other organisations</b>	One off cost of £50,000	Budget Reserve over 2014 and 2015	On-going costs to be part of business plan for Equality and Rights	Only if prioritised when funds become available.	On-going funding may be offset through charges which will be part of the options that need to be investigated when considering the business plan for the

	Potential one off initial cost	Funding for one off cost	Proposed annual cost	Funding for on-going costs	Comments
			Commission		equality and rights Organisation.  This will require the retention of the FTE of the Disability Officer to enable work to be undertaken.
<b>Disability equality legislation</b>	Existing staff costs	Within Law Officers and other staff budgets.	Reason-able Adjustment Fund Maximum £20,000 per annum to be determined in subsequent States report.  For on-going costs to the States see under States' obligations below.	General revenue when funds available as determined by the States  Other costs for reasonable adjustment will be covered by businesses and other organisations	Tribunal costs and other costs of monitoring, policing and implementing the legislation are either through existing staff or as indicated in other items on this table.  This will require the retention of the FTE of the Disability Officer to enable work to be undertaken.
<b>Convention - UNCRPD</b>	None	Within staff time.	£2,000	Policy Council's Social Policy Budget.	Costs associated with raising awareness of the Convention are in the information items above. There will be ad hoc costs related to the reporting on the convention as well as potentially staff travel relating to discussions with the UK Ministry of Justice and the Department of Work and Pensions, Office for Disability Issues.  This will require the retention of the FTE of the Disability Officer to enable work to be undertaken.
<b>Equality and Rights Organisation</b>	None	Development of the business plan will be	Dependent on functions and staff.	The commission will only be developed if	Annual cost will be dependent on the functions undertaken and the number of staff

	Potential one off initial cost	Funding for one off cost	Proposed annual cost	Funding for on-going costs	Comments
		undertaken within staff time.		funding is available and has been prioritised.	to undertake those functions which will be determined as part of the business plan.  Any charges made will be considered in the business plan options and might off set the running costs of any equality and rights organisation.  This will require the retention of the FTE of the Disability Officer to enable work to be undertaken.
<b>States' obligations – reasonable adjustment</b>	£50,000 For one off assessment / audit	Budget Reserve in 2014	£10,000 For reasonable adjustments	From existing Departmental budgets and existing centralised funding through Policy Council's Human Resources Unit.	It is proposed to use the Budget Reserve for the initial assessment / audit of what work is required to implement reasonable adjustment in all States Departments and to set out a plan of prioritised work required. If capital work is required this will be planned in relation to the Strategic Asset Management Plan and would require prioritisation in the usual way.
<b>Tribunal</b>	None	Within staff time.	To be determined	The cost of tribunals will be dependent on the numbers but with no new service development bids funding would need to be from existing general revenue.	It is anticipated that with support, education and training that there will be very few tribunals.  Given the States current structural deficit obtaining funding for the general revenue cost of tribunals may require further research and options appraisal. This can be part of the business plan for the equality and rights organisation.

	Potential one off initial cost	Funding for one off cost	Proposed annual cost	Funding for on-going costs	Comments
<b>Capacity legislation</b>	None	Research to be undertaken within HSSD establishment	None	Replacement of previous system.	HSSD staff and the Law Officers would undertake the initial research before options were presented to the States. Further consideration of any proposed annual costs would be undertaken at that time.
<b>Employment Opportunities</b>	None	Through existing services and the Employment Trust.	None	Through existing services and the Employment Trust.	The position will be monitored and should the Employment Trust not be able to bring about the changes necessary further consideration may be needed on funding at that time.
<b>Safeguarding Vulnerable Adults</b>	None	Within existing staff resources.	None	Within existing staff resources.	This will require the retention of the FTE of the Disability Officer to enable work to be undertaken.
<b>Frameworks for:</b> <ul style="list-style-type: none"> <li>• people with learning difficulties,</li> <li>• autism and other communication difficulties, and</li> <li>• people with dementia</li> </ul>	None	None	None	Within existing staff resources.	This will require the retention of the FTE of the Disability Officer to enable work to be undertaken with HSSD staff.

**Table 3. Funding**

143. Within the Disability and Inclusion Strategy the use of the Budget Reserve has been recommended for:

- a. developing information for disabled people and carers for a one off cost not exceeding £70,000;
- b. developing information for businesses and other organisations for a one off cost not exceeding £50,000; and
- c. an assessment/ audit of the States obligations for reasonable adjustment and development of a plan of prioritised work at a one off cost of no more than £50,000.

144. The total £170,000 from the Budget Reserve is required as the Disability and Inclusion Strategy is not routine service delivery or an existing policy or strategy

but is a strategic development and the costs cannot therefore be met from routine funding. This new Strategy has its foundations in the Antipoverty Strategy as far back as 2003. It is part of the work under the Social Policy Plan of the States Strategic Plan (Billet d'État No VI, March 2013 p.396) and meets its general objective of equality of opportunity, social inclusion and social justice.

145. This Strategy will impact on all States Departments as well as the wider community, businesses and other organisations in delivering this social policy objective, which will lead to significant long-term transformation for disabled people and carers. Without being able to develop information and promote a change in attitudes as part of the Strategy's implementation the long term transformation sought is unlikely to occur.

## **CONCLUSION**

146. This report should not be read in isolation but should be read in conjunction with the two reports from BMG on local research providing prevalence data as well as more detailed information on the needs of disabled people and carers in the Guernsey and Alderney. The research and the Strategy together show the need for change.
147. The Strategy's pragmatic phased implementation is intended to improve the lives of disabled people and carers but will also have a wider positive effect for family members, friends, colleagues etc with potential benefits for everyone in the Island.
148. Much of the implementation will be reliant on other strategies or plans such as the Supported Living and Ageing Well Strategy and the Children and Young Peoples Plan. The steering group will continue to play a key role during the implementation phase of the plan in ensuring that co-ordination occurs in line with the Strategy.
149. Implementation is reliant on resources being available. The Policy Council has sought to minimise the financial impact of the recommendations at this time but it should be noted that without future funding becoming available the degree of implementation and consequential attitude change will be limited.

## **RECOMMENDATIONS**

150. The Policy Council recommends the States to:
  - 1) approve the Disability and Inclusion Strategy and affirm the States commitment to promoting positive and inclusive attitudes towards disabled people and carers;
  - 2) agree, in principle, to the actions outlined in the timetable in this report to be undertaken to implement the Strategy over the next three years, up to the end of 2016;

(paragraphs 131-138)

- 3) approve, in principle, the enactment of legislation under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004 to prevent discrimination against disabled people and carers and provide for equality of opportunity, and direct the Policy Council to revert to the States with detailed proposals for such legislation following consultation with other States Departments, and representatives of the business sector, disabled people and carers, before the end of 2015;

(paragraphs 44-64)

- 4) direct the Policy Council to seek the extension of the UN Convention on the Rights of People with Disabilities to Guernsey at the earliest appropriate opportunity;

(paragraphs 92-100)

- 5) to direct the Treasury and Resources Department to increase the 2014 and /or 2015 revenue expenditure budget of the Policy Council by up to a maximum of £170,000 in total, funded by a transfer from the Budget Reserve to be used for the following projects as part of the initial implementation of the Strategy:

- a. develop information for disabled people and carers for a one off cost not exceeding £70,000;
- b. develop information for businesses and other organisations for a one off cost not exceeding £50,000; and
- c. assess/ audit the States obligations for reasonable adjustment and develop a plan of prioritised work at a one off cost of no more than £50,000;

(paragraphs 142-145)

- 6) approve, in principle, the establishment of an equality and rights organisation, based on the Paris Principles, but defer the implementation of such an organisation dependent on:

- a. a business plan being developed stating in detail the functions, staffing resources, costs and charges for such an organisation; and
- b. any additional funding required being available and the States having given priority to the establishment of an organisation through any prioritisation process in effect at that time;

(paragraphs 119-124)

- 7) agree the continued funding of the Disability and Equality Officer post;

(paragraphs 139-140)

- 8) direct the Home Department to lead the development of policies and procedures for safeguarding vulnerable adults in conjunction with other States Departments, reflecting those already in place for children;  
(paragraphs 133-134)
- 9) direct the Health and Social Services Department to lead the development of frameworks for people with learning difficulties, people with autism and communication difficulties and people with dementia with other relevant States Departments;  
(paragraphs 105-106)
- 10) direct the Health and Social Services Department to research and develop options for capacity legislation;  
(paragraphs 115-118)
- 11) direct Departments to:
  - a. contribute to a multi-agency approach to implementing the Strategy where their assistance is required and, in particular, to implement the actions laid out in the timetable;
  - b. take account of the Strategy when developing strategies, policies, plans, procedures and when making changes to services or capital works;
  - c. note the requirement to provide for reasonable adjustments under existing budgets, when legislation is introduced; and
 (paragraphs 49-64, 76-77)
- 12) direct the Policy Council to report back to the States by no later than December 2016 with a progress report on the implementation of the Strategy.

P. A. Harwood  
Chief Minister

30<sup>th</sup> September 2013

J P Le Tocq, Deputy Chief Minister

G A St Pier  
R Domaille  
D B Jones

A H Langlois  
K A Stewart  
M H Dorey

R W Sillars  
P A Luxon  
M G O'Hara

## APPENDIX 1

### References

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## APPENDIX 2

### **The Social Model of Disability**

1. The Policy Council has based this Strategy on the social model of disability.

*“The social model of disability identifies systemic barriers, negative attitudes and exclusion by society (purposely or inadvertently) that mean society is the main contributory factor in disabling people i.e. it is the society as a whole that is responsible for creating barriers to full participation of persons with disabilities, and it is the society as a whole that has the responsibility to remove them.” (Delia Ferri, 2011)*

2. It is useful to move to a model where it is the society that prevents people from functioning and realising their potential rather than a medical model where the view is taken that it is the impairment that makes people incapable of functioning social or economically. This refocuses the solutions on changing society, inclusion and empowerment and not on “fixing” individuals, or on segregation and paternalism.
3. The social model provides insights into the disabling nature of society in Guernsey but this also needs to be seen in the context of the disabled person as an active citizen within our Island. Therefore the strategic vision incorporates not only the societal changes but also awareness of rights and responsibilities of disabled people.
4. Taking this perspective on disability leads to an approach which focuses on the things which we, as a society, can change: the fundamental barriers to fairness, which stop disabled people having the same chances and expectations as others, due to the way a community is built and run, or people’s attitudes towards each other.
5. It does not ignore the reality of people’s different physical and mental health conditions, but it seeks to create an environment in which it is possible for all people to enjoy their rights and to fulfil their responsibilities as citizens. This is the approach which is taken in the Disability and Inclusion Strategy.

## APPENDIX 3

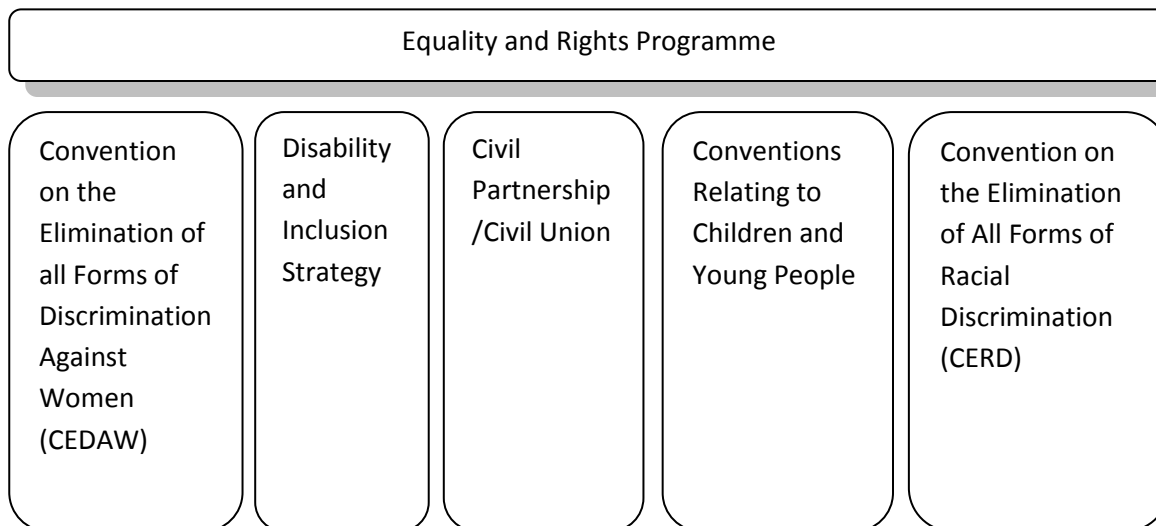
### **Example of other States Strategies that will be influenced by the Disability and Inclusion Strategy or have an influence on its implementation**

- a. Other areas of work under the Policy Council's equality and rights programme (see appendix 4);
- b. Tax and Benefits Review
- c. 2020 Vision - for Health and Wellbeing (Billet d'État No. I, January 2013);
- d. The Mental Health and Wellbeing Strategy (Billet d'État No. III, February 2013);
- e. Today's Learners Tomorrow's World – The Education Board's Vision (Billet d'État No. XV Vol.1, July 2013)
- f. Update of the Education (Guernsey) Law, 1970
- g. The Children and Young People's Plan;
- h. The Supported Living and Ageing Well Strategy – A report is expected to be considered by the States in 2014;
- i. The Corporate Housing Programme (Billet d'État No. II, 2003);
- j. Domestic Abuse Strategy (Billet d'État No. XXI, September, 2009);
- k. Transport Strategy;
- l. Review of the Island's Development Plans;
- m. Skills Strategy;
- n. Criminal Justice Strategy; and
- o. ICT / Digital Inclusion Strategy;

## APPENDIX 4

### Update on the States' Commitments to Equalities

1. Policy Council has reviewed the priority of work on equalities and rights. The structure of the equalities and rights programme is:



2. The priority is that set by the States, following the debate of the Government Business Plan in July 2007 and following debate on the States Strategic Plan in October 2009 and remains:

**First** - the research on the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

**Second** - the Disability and Inclusion Strategy

**Third** – Civil Partnership / Civil Union

3. The need to prioritise work on these projects is not a reflection of any Policy Council view about their relative merits. Rather, it is the fact that with the limited resources available to the Policy Council it cannot reasonably pursue such projects simultaneously and must therefore prioritise.

### CEDAW

4. The States considered the Policy Council's report on Maternity and Paternity Provisions and the United Nations Convention on the Elimination of Discrimination against Women (CEDAW) in February 2012 ([Billet d'État No IV 2012](#)). It resolved to undertake further work on statutory leave and Social Security benefits for expectant mothers and parents, thereby improving Guernsey's compliance with CEDAW.
5. The States resolved at that time:

1. *To agree the introduction of 2 weeks compulsory statutory maternity leave.*
2. *To agree the introduction of 12 weeks basic statutory maternity leave.*
3. *To agree the introduction of an enhanced period of 26 weeks statutory maternity leave for employees who have been continuously employed by their current employer, including an associate employer, for at least fifteen consecutive months prior to their due date.*
4. *To agree the introduction of statutory time off to attend ante-natal appointments.*
5. *To agree that an employee who elects to work for his or her employer for up to 10 days whilst on maternity leave, except during the period of compulsory maternity leave, should remain entitled to maternity leave and benefits.*
6. *To agree that women intending to take statutory maternity leave should give their employer at least 3 months written notice of their birth due date and when they would like their maternity leave to start, this notice period to be subject to the following conditions:*
  - a) *where possible, women should also say when they expect to return to work;*
  - b) *both the maternity leave start date and the return to work date could be changed as long as this was discussed and agreed between the woman and her employer and provided one month's notice of the return to work date was given. These dates could also be changed where either the mother or baby was ill or the baby was delivered prematurely and employers would be expected to be flexible in these circumstances;*
  - c) *an employer would be allowed to require an employee on pregnancy related sick leave to start their maternity leave 6 weeks prior to their due date (in line with current Social Security Department policy on sickness benefit and maternity allowance);*
  - d) *it would be the employer's responsibility to confirm the maternity leave and agreed return to work date. This should be done within two weeks of receiving the initial request and within two weeks after being notified of the birth or when a change to the return to work date was requested.*
7. *To agree the introduction of a 2 week period of statutory maternity support leave for the partner of an expectant woman provided the person taking the leave has worked for his or her current employer for at least fifteen consecutive months.*
8. *To agree the introduction of similar statutory leave provisions for parents who adopt children as would be available for parents of a new born, that is:*

- a) *statutory leave be available as provided to parents of newborn children, dependant on whether qualifying periods had been met; and*
  - b) *a period of two weeks mandatory leave in order to encourage bonding between the parent and the adopted child, immediately after adoption.*
9. *To direct that such legislation as may be necessary to give effect to the foregoing shall be prepared.*
10. *To direct the Social Security Department to report back to the States, at the same time it reports on the funding of other benefits, with proposals for funding and requesting the preparation of the necessary legislation to provide for:*
- a) *changes to the maternity grant to make it available to all new mothers.*
  - b) *changes to maternity allowance to split it into a maternal health allowance and a new born care allowance with the rate of both being £180 per week (2011 rate) and the conditions as set out in paragraphs 7.10 to 7.25.*
  - c) *a new adoption grant at same rate as a maternity grant in the case of adoption for a child under 18.*
  - d) *a new benefit of parental allowance of £180 per week (2011 rate) which can be claimed by either parent immediately following the adoption of a child under 18 years of age.*
11. *To direct the Treasury and Resources Department to report back to the States, at the same time as the Social Security Department reports back on proposition 10 above, with proposals to fund any consequential expenditure incurred by the States as an employer or in the grant from General Revenue.*

6. The work on these resolutions can be broken down as follows:

<b>Resolution</b>	<b>Lead Department</b>	<b>Action</b>
1, 2, 3, 4, 5, 6, 7, 8	Commerce and Employment	<p>This is work in the <u>2013 Business Plan</u> of the Employment Relations Service of the Commerce and Employment Department.</p> <p><b>Description:</b> Contribute to work on the implementation of CEDAW and in due course submit proposals to the CE Board for required legislative changes in respect of rights to maternity and paternity leave.</p> <p><b>Activity and updates:</b> Linked to the Social Policy Group / Policy</p>

		Council States Report was approved in February 2012 (Billet d'État No IV, 2012).
9	Law Officers	Will require further instruction when the work on resolutions 1-8 has been considered.
10	Social Security Department	<p>Social Security and Treasury and Resources Departments are currently working on a Personal Tax, Pensions and Benefits review which is a precursor to the work required on funding of other benefits. It is intended at this time that the Social Security Department will then use the outcome of this work in reviewing benefit levels including the required increase for benefits relating to maternity and parental allowance.</p> <p>It was always intended that maternity benefits and parental allowance would be financed by an increase in Social Security contributions rather than the use of savings from the FTP or any other method. This means that the amendment successfully placed by Deputy Storey at the time of the recent FTP debate will not have a direct impact on the timing of the introduction of these benefits.</p>
11	Treasury and Resources Department	Awaiting work on the other resolutions to be concluded.

7. Previous advice on work required to improve compliance with the UN CEDAW included work on:
  - maternity leave without the loss of former employment and maternity pay which is covered by the above work;
  - the right to equal pay for work of equal value (Article 11 of CEDAW); and
  - protection from discrimination in the field of education (Article 10) and goods, facilities and services (Articles 1 and 13).
8. Further work will be undertaken in 2013 to look at how different jurisdictions comply with Article 11. Concern has previously been raised at staff level in relation to the complexity and cost of the UK legislation and therefore different models will be reviewed.

9. Work on the long term strategy for education and changes to local education legislation are currently being undertaken by the Education Department. Compliance with Article 10 of the UN CEDAW will need to be considered in any changes proposed.
10. The UN CEDAW is a progressive convention and advice has been provided by the UN (i.e. Human Rights Council, including all treaty monitoring bodies) on its views on the issue of compliance:

*“There is a common misperception that full compliance with treaty provisions is a pre-requisite for ratification. This is not true. In fact, no country in the world manages full compliance. There is always room for improvement. Ratification should signal the beginning of a process to amend national legislation so that it conforms to international human rights standards. States should not regard their current domestic human rights situation as a barrier to treaty ratification. Instead, ratification should be seen as an opportunity to effect change. States are not required to ratify all of the core international human rights treaties at once. In fact, States Parties that have ratified all or most of the core treaties have usually done so over an extended period of time. Treaties may be gradually ratified and implemented, with the assistance of the United Nations and other partners, if necessary.”*

11. Guernsey also has to consider its relationship with the UK as the request for extension to the UN CEDAW will be through that jurisdiction. Equally consideration must be given to Alderney’s and Sark’s positions. Whilst there is still some considerable work to be undertaken the view of the UN is very encouraging.

### **Disability and Inclusion Strategy**

12. Work on the Disability and Inclusion Strategy is underway resulting in report to which this update is appended.

### **Civil Partnership/ Civil Union**

13. Planning of work relating to Civil Partnership / Civil Union has commenced but has to allow time for the work on the Disability and Inclusion Strategy and its implementation.
14. The Policy Council’s Social Policy Group has sought advice from the Law Officers on the option of introducing a non discriminatory form of civil union, to provide for a legal partnership between two people regardless of gender or sexual orientation.
15. This work is ahead of the proposed start date of 2014 given in the 2009 States Strategic Plan (p.2386 Billet d’État No XXVI, October 2009).

16. Other work relating to equality issues for the lesbian, gay, bisexual and transgender (LGBT) community may be considered at the same time or form another later work stream.

### **Conventions Relating to Children and Young People**

17. The law reform project that resulted in the drafting of the new children's legislation (which came into force in January 2010), also covered consideration to the main international conventions in respect of children.
18. In October 2004, the States resolved to direct the Policy Council to consider whether certain specified conventions should be extended to Guernsey. The following year the States agreed:

*“After consideration of the Report dated 19<sup>th</sup> September, 2005, of the Policy Council:-*

*That the Policy Council should request Her Majesty's Government to seek the extension, in respect of Guernsey, of the Government's ratification of the provisions of:-*

- (a) the United Nations Convention on the Rights of the Child, at the first most convenient opportunity;*
  - (b) the Hague Convention on the Civil Aspects of Child Abduction (1980), the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children (1980) and the Hague Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption (1993), once all necessary domestic legislation is in place; and*
  - (c) the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (1996) (known as the Hague Convention for the Protection of Children) and the Council of Europe Convention on Contact Concerning Children (2003), if and when Her Majesty's Government has ratified those Conventions in respect of the United Kingdom and the necessary domestic legislation is in place.”*
19. To date none of these international conventions have been extended to Guernsey, Alderney or Sark.
  20. Work is currently being undertaken at the same time as Jersey on the extension of the United Nations Convention on the Rights of the Child (UNCRC).
  21. The lack of local legislation relating to the Hague Convention on the Civil Aspects of Child Abduction has the potential to cause issues in certain cases



and there is some pressure to ensure that this convention is extended as soon as possible. This is now being pursued together with the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and on Restoration of Custody of Children.

#### **Convention on the Elimination of All Forms of Racial Discrimination (CERD)**

22. The International Convention on the Elimination of All Forms of Racial Discrimination was extended to the Bailiwick in 1969. Work is required to ensure better monitoring is undertaken and domestic legislation is enacted to outlaw all racial discrimination. This work has yet to be planned or prioritised.
23. Guernsey regularly reports to the UN with the UK Government on this convention.

#### **Other Equality and Rights Issues**

24. Other work on equality and rights may be identified by the Social Policy Group to be included in this programme of work. This may include some of the action plan resulting from the Disability and Inclusion Strategy if approved.

## APPENDIX 5

### Disability and Diversity of Long Term Conditions

1. It is most important to note that the definition of disability for the purposes of the Disability Needs Survey is much broader than the likely general perception of disability. The objective of the research was to capture what proportion of Islanders experience some difficulty due in several cases to what some members of the public may not have previously strictly considered as ‘disability issues’. Thus the extent and scale as reported in the research is not to be confused with reporting numbers of ‘disabled’ people as traditionally perceived.
2. From the Disability Needs Survey (BMG Research, 2013a) it was suggested that 4,013 people in Guernsey and Alderney had a long term condition that would cause significant difficulty and it is these Islanders that the Policy Council would like to focus on in implementing the Disability and Inclusion Strategy.
3. It is most important to register that the definition of disability for the purposes of the BMG research was much broader than the likely general perception of disability. The objective of the research was to capture what proportion of Islanders experience some difficulty due in several cases to what some members of the public may not have previously strictly considered as ‘disability issues’. Thus the extent and scale as reported in the research is not to be confused with reporting numbers of ‘disabled’ people as traditionally perceived.
4. This research gives a total estimate of 13,742 people with a disability on Guernsey and Alderney or around one in five people. Whilst around 4,000 of these people have a condition that has a major impact on their lives, there are many more Islanders with long-term conditions which have less of an impact on their day-to-day lives, who would not experience much or any of the social exclusion which this Strategy sets out to tackle, but who may at times be vulnerable to prejudiced, unkind or unthinking treatment from others or other conscious or unconscious discrimination as a result of their condition.
5. The following table from the research shows the estimated total number of people across Guernsey and Alderney by degree of disability.

<b>Degree of disability</b>	<b>Total number of people in the sample</b>	<b>Estimated total number of people across Guernsey and Alderney</b>
No difficulty	165	2,891
Some difficulty	193	3,382
Significant difficulty	229	4,013
Not provided	191	-
Unweighted base = 753		
Estimated total number of people with a disability on the Islands		13,742

6. “Disability” is a very diverse state. More information on the types and prevalence of impairments in Guernsey and Alderney can be found in the Disability Needs Survey reports at [www.gov.gg/disabilitystrategy](http://www.gov.gg/disabilitystrategy). The research found the four most common conditions (in order) are: those affecting the legs or feet, the neck or back, heart or blood pressure and mental well-being. The majority (62%) have a medical diagnosis for their condition.
7. The following gives examples of how varied these conditions can be.
8. As a disabled person, you may have a sensory impairment: you might be blind or partially sighted; deaf or hard of hearing.
9. You may have a learning disability, due to a condition like Down’s Syndrome, which affects how hard you find it to learn new skills or make sense of complex information.
10. You may have a physical impairment: a condition like arthritis which causes stiffness and pain; amputated, non-functioning or very short limbs; a neurological condition like motor neurone disease which causes you to lose control over your muscles; or a condition like muscular dystrophy which causes your muscle strength to waste away.
11. You may have a mental health condition: a condition like bi-polar disorder or schizophrenia; depression or anxiety; an eating disorder or a phobia.
12. You may have a condition which affects your body’s organs and tissues: you might have heart problems or diabetes; kidney problems or Crohn’s disease; breathing difficulties or severe allergies; skin conditions or cancer.

13. You may have a condition, like autism, Asperger's or ADHD, which affects how you communicate and how you respond to external stimuli.
14. You may have a "progressive" condition – one which gets worse over time – like multiple sclerosis, which affects your control over your body; Alzheimer's disease, which affects your understanding of the world; or AIDS, which damages your immunity and destroys your physical health.
15. You may have chronic fatigue or pain (M.E. or fibromyalgia). You may have epilepsy. You may have had a stroke or a brain injury or a visible disfigurement. You may have specific learning difficulties. You may be disabled, healthy and strong; or you may be disabled and very unwell.
16. You may have a condition which is variable or episodic, with good days and bad days. You may have had your condition since birth, or you may have gained it through illness, injury or age. You may have multiple conditions, which result in "complex needs" requiring constant attention and support.

## APPENDIX 6

### Estimates of the Cost of Reasonable Adjustments

1. A large number of reasonable adjustments involve changes to policies and practices which do not have any cost attached. The statistics vary from place to place, but according to Watson et al. (1998) at 1998 prices 44% of reasonable adjustments cost less than £50 and 95% cost less than £5,000.
2. One of the reasons for this, presumably, is that big structural improvements are normally caught by planning laws, rather than by discrimination laws. Even in Guernsey, Part M of the Building Regulations 1992, which have been in force since 1993, requires new builds and major changes of use to be accessible.
3. It is difficult to establish the number of disabled people in Guernsey who would need a reasonable adjustment of some kind in work. We know that there are just over 5,000 people of working age with a long-term condition that affects their day-to-day life.
4. However, in the UK only 30,000 people made use of the access to work scheme in 2011/ 12 (DWP figures). From this it would be unlikely that more than 60 cases per year would require reasonable adjustment in Guernsey for employees that would require a reasonable adjustment that has a cost attached.
5. There may also be people who are currently employed but who could perform their role more easily or move to a higher paid job if they were given a reasonable adjustment. This unmet need is unlikely to be as high a cost as for employees starting a new job as some adjustments may have already been made.
6. However, if employers fail to make reasonable adjustments, they may also face costs in terms of employment tribunals and compensation awards. According to the Employment Tribunals and EAT Statistics, 2011-12, published by the UK Ministry of Justice (MoJ) for the whole of the United Kingdom 7,700 disability discrimination cases were accepted for employment tribunal in 2011-12 (4% of all tribunal cases) – this would be equivalent to 8 people per annum in Guernsey. However, local experience in relation to cases of gender discrimination might indicate numbers would be much lower locally at around 3 in 5 years.
7. It is therefore likely that such cases will be very rare in Guernsey, although there may be a small peak shortly after any new legislation is introduced. This peak might be larger if the equality and rights organisation is not available to provide advice and arbitration.
8. Not all reasonable adjustments will be required for employees, some will be required as providers of goods and services. There are therefore likely to a very small number of tribunal cases in Guernsey in addition to the employment tribunals stated above.
9. There will, however, be resource requirements attached to the operation of such tribunals, and all the support and interventions which prevent most cases from going that far.

## **APPENDIX 7**

### **Articles in Brief of the UN Convention on the Rights of Persons with Disabilities (UNICEF, 2008)**

#### **Article 1: Purpose**

This article summarizes the Convention's main objective, which is to promote, protect and ensure the full and equal enjoyment of all human rights and freedoms by all people with disabilities, including children.

#### **Article 2: Definitions**

This article lists words that have a particular definition in this Convention. For example, "language" includes spoken words and also signed or other non-spoken languages. "Communication" includes languages, text displays, Braille (which uses raised dots for letters and numbers), communication through touch, large print and accessible multimedia (such as websites or audio).

#### **Article 3: General principles**

The principles (main beliefs) of this Convention are:

- (a) Respect for everyone's inherent dignity, freedom to make their own choices and independence.
- (b) Non-discrimination (treating everyone fairly).
- (c) Full participation and inclusion in society (being included in your community).
- (d) Respect for differences and accepting people with disabilities as part of human diversity.
- (e) Equal opportunity.
- (f) Accessibility (having access to transportation, places and information, and not being refused access because you have a disability).
- (g) Equality between men and women (having the same opportunities whether you are a girl or a boy).
- (h) Respect for the evolving capacity of children with disabilities and their right to preserve their identity (being respected for your abilities and proud of who you are).

#### **Article 4: General obligations**

There should be no laws that discriminate against people with disabilities. If necessary, governments should create new laws to protect the rights of persons with disabilities and put these laws into action. If old laws or traditions discriminate against people with disabilities, governments should find ways to change them.

To develop new laws and policies, governments should seek advice from people with disabilities, including children.

### **Article 5: Equality and non-discrimination**

Governments recognize that all people have the right to be protected by the law, and that the laws of a country apply to everyone who lives there.

### **Article 6: Women with disabilities**

Governments know that women and girls with disabilities face many different types of discrimination. They agree to protect their human rights and freedoms.

### **Article 7: Children with disabilities**

Governments agree to take every possible action so that children with disabilities can enjoy all human rights and freedoms equally with other children. They also agree to make sure that children with disabilities can express their views freely on all things that affect them. What is best for each child should always be considered first.

### **Article 8: Awareness raising**

Governments should educate everyone about the rights and dignity of persons with disabilities and their achievements and skills. They agree to combat stereotypes, prejudice and activities that might harm people with disabilities. Your school, for example, should promote an attitude of respect towards people with disabilities, even among very young children.

### **Article 9: Accessibility**

Governments agree to make it possible for people with disabilities to live independently and participate in their communities. Any place that is open to the public, including buildings, roads, schools and hospitals, must be accessible by persons with disabilities, including children.

If you are in a public building and need help, a guide, reader or professional sign language interpreter should be there to assist you.

### **Article 10: Right to life**

Every human being is born with the right to life. Governments guarantee that this is equally true for people with and without disabilities.

### **Article 11: Situations of risk and emergencies**

People with disabilities have the same right as everyone else to be protected and safe during a war, an emergency or a natural disaster, such as a storm. You cannot legally be excluded from a shelter or left alone while others are rescued because you have a disability.

### **Article 12: Equal recognition before the law**

People with disabilities have the right to enjoy 'legal capacity' in the same way as other people. This means that, when you grow up, whether or not you have a disability, you

can do things like get a loan to study or sign a lease to rent your own apartment. And you can own or inherit property.

### **Article 13: Access to justice**

If you are harmed by a crime, have seen others harmed or are accused of doing something wrong, you have the right to be treated fairly when your case is being investigated and dealt with. You must be given help to express yourself in all legal processes.

### **Article 14: Liberty and security of the person**

Governments should make sure that people with disabilities have their freedom protected by law, the same as all other people.

### **Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment**

No one should be tortured or humiliated or treated cruelly. And everyone has the right to refuse medical or scientific experiments.

### **Article 16: Freedom from violence and abuse**

People with disabilities should be protected from violence and abuse. They should not be mistreated or harmed in their home or outside. If you have faced violence or maltreatment, you have the right to get help to stop the abuse and recover.

### **Article 17: Protecting the person**

No one can treat you as less of a person because of your physical and mental abilities. You have the right to be respected by others just as you are!

### **Article 18: Liberty of movement and nationality**

Every child has the right to a legally registered name, a nationality and, as far as possible, the right to know and be cared for by his or her parents. And people cannot be stopped from entering or leaving a country because they have disabilities.

### **Article 19: Living independently and being included in the community**

People have the right to make choices about where they live, whether or not they have a disability. You will have the right to live independently if you prefer and to be included in your community. You must also have access to support services if you need help to live in the community, such as care in your home and personal assistance.

### **Article 20: Personal mobility**

People with disabilities have the right to move about and be independent. Governments must help them do so.



### **Article 21: Freedom of expression and opinion, and access to information**

People have the right to express their opinions, to seek, receive and share information and to receive information in forms that they can understand and use.

### **Article 22: Respect for privacy**

Nobody can interfere in people's private affairs, whether they have disabilities or not. People who know information about others, such as their health status, should keep this information private.

### **Article 23: Respect for home and the family**

People have the right to live with their families. If you have a disability, your government should support your family with disability-related expenses, information and services. You should not be separated from your parents because you have a disability! If you cannot live with your immediate family, the government should help provide care within the wider family or community. Young people with disabilities have the same rights as other young people to reproductive health information and the same rights as others to marry and start a family.

### **Article 24: Education**

People have the right to go to school. If you have a disability, you cannot be excluded from education because of it. You should not be educated in segregated schools. You have the right to the same education and curriculum as other children, and your government must give you the help you need to make this happen. For example, it must provide suitable ways for you to communicate so that your teachers understand how to respond to your needs.

### **Articles 25 and 26: Health and rehabilitation**

People with disabilities have the right to the same range and quality of free or affordable health care as provided to other people. If you have a disability, you also have the right to health and rehabilitation services.

### **Article 27: Work and employment**

People with disabilities have an equal right to work at a freely chosen job without discrimination.

### **Article 28: Adequate standard of living and social protection**

People with disabilities have a right to food, clean water, clothing and access to housing, without discrimination. The government should help people with disabilities who live in poverty.

### **Article 29: Participation in political and public life**

People with disabilities have the right to take part in politics and public life. Once you reach the age set by the laws of your country, you have the right to form a group, serve

the public, access voting booths, vote and be elected to a government position, whether you have a disability or not.

### **Article 30: Participation in cultural life, recreation, leisure and sport**

People with disabilities have the same right as others to participate in and enjoy the arts, sports, games, films and other fun activities. So, theatres, museums, playgrounds and libraries should be accessible by everyone, including children with disabilities.

### **Article 31: Statistics and data collection**

Countries must collect data about disabilities to develop better programmes and services. Persons with disabilities who contribute to research on disability have the right to be treated in a respectful and humane way. Any private information they share must be kept confidential. The statistics collected must be made accessible to persons with disabilities and others.

### **Article 32: International cooperation**

Countries should help each other fulfil the articles of this convention. This includes countries with more resources (such as scientific information, useful technology) sharing with other countries, so that more people in the world can enjoy the rights of the convention.

### **Articles 33 to 50: Rules on cooperation, monitoring and implementation of the Convention**

The Convention on the Rights of Persons with Disabilities has 50 articles in all. Articles 33 to 50 are about how adults, especially people with disabilities and their organizations, and governments should work together to make sure all persons with disabilities get all their rights. See the text of these articles at [www.un.org/disabilities](http://www.un.org/disabilities).

## **APPENDIX 8**

### **Implications of the Strategy for the States of Guernsey**

#### **What does this mean for the States?**

##### **In the short term**

1. If the States approve the Disability and Inclusion Strategy as outlined above, the following steps would have to be taken to put it into practice in the short term:
  - The disability equality legislation and the Capacity Law would need to be added to the legislative drafting programme. Both pieces of legislation would require steering / consultation groups when they came to be drafted.
  - The States would need to carry out an assessment of its own practices as an employer and service provider, and seek to improve accessibility and increase opportunities for disabled people, where necessary.
  - Information and training on the proposed new legislation (as well as better all-round information for disabled people and carers) would need to be developed and made widely available.
2. Many of the challenges discovered in researching the Disability and Inclusion Strategy can be resolved through other policy developments, from the Transport Strategy (accessible infrastructure) to the Review of Tax and Benefits (availability of general revenue). Two significant issues identified so far are: parents' concern about access to appropriate services for their disabled children; and the general scope of provision and access to care-related services (from respite care to equipment) for disabled people. These issues are expected to be dealt with through the framework of the Children and Young People's Plan, and the Supported Living and Ageing Well Strategy; both of which should be progressed in 2014.

##### **In the long term**

3. The recommendations of the Disability and Inclusion Strategy mean that the barriers to inclusion for disabled people should come down gradually over time. There should be more positive attitudes towards disability across the community, opening up opportunities for disabled people to participate more fully.
4. By introducing disability equality legislation, supported by adequate information and training, disability discrimination will be challenged and equality promoted. The principle of "reasonable adjustments", which underpins disability equality legislation, will allow the States to ensure that the legislation is implemented fairly and does not place an undue burden on businesses or employers.
5. Public services should become more accessible to everyone, and disabled people and carers should be more economically active and/or independent because they are aware of the services and support available, and have the information they need to make informed decisions.

6. By replacing the current restrictive guardianship laws with a capacity law, severely disabled people who lack the capacity to control one particular aspect of their life will not automatically lose control over all aspects. Reviewing children's services will highlight many examples of existing good practice, and lead to a plan of action to fill any gaps in services, which will result in more joined-up services for children, ensuring they can achieve and fulfil their potential as they grow up; and families feeling more supported overall.
7. Introducing an Employment Trust should minimise the amount of duplication in employment services; provide a one-stop shop for employers; improve people's chances of finding employment and reduce the amount of time spent between jobs, helping to maximise the size and the productivity of the Island's workforce.

### **Risks of acting**

8. By introducing disability equality legislation, businesses and employers, including the States, will be expected to become more accessible over time. Only 50% of reasonable adjustments carry a price tag, and this is usually low, but it may add somewhat to the cost of doing business.
9. If the work undertaken as part of the Children and Young People's Plan recommends changes to children's services, this may require a additional funding for implementation.
10. Similarly, by improving the amount of information available about existing services, the States is likely to increase uptake of those services. This is likely to be a small and gradual increase over time, but would happen in tandem with a growing *need* for services, resulting from an ageing population.

### **Risks of not acting**

11. Without action to increase equality of opportunity for disabled people, they will be unable to maximise their contributions to the economy and to society. The States will find it difficult to deliver its objective of "equality of opportunity and social inclusion" within the Social Policy Plan, and attitudes towards disability will be slow to change in Guernsey. As people's awareness increases, the States may also be more at risk of action under existing laws (such as the Human Rights Law) if it does not take steps to improve accessibility and inclusion.
12. Without ensuring the right services are in place for disabled children, their achievement levels as adults will be compromised, and the cost of adult disability services may be higher than would otherwise be necessary. Without appropriate support, and opportunities to participate in the workforce, disabled people will be more dependent than need be; will receive more benefits, or for longer, than they otherwise would; and will be at risk of deteriorating mental wellbeing and/or physical ill-health. Carers will also be stretched, which can result in crises affecting their own wellbeing, and the home and health of the person they care for, who may end up in a formal care setting provided or funded by the States for many years of their life.

## Way forward

13. It is proposed that attitude change will be through promotion, information education, guidance and positive stories. It will be important to improve awareness and understanding among the community as a whole, as well as increasing the provision of information to disabled people and carers, businesses and other organisations. It is hoped that this will challenge attitudes and increase opportunities for social and economic participation, allowing disabled Islanders greater control over their own lives, and enhancing opportunities for all to participate in the community on the same basis.
14. To ensure that there is a level playing field, legislation will be needed to back up and support this change which will prevent discrimination and promote equality.
15. The States should be an early adopter of the changes and be able to demonstrate what the implications are as an employer and as a provider of goods and services, including public infrastructure.
16. The States, like all other employers and service providers, will need to comply with the new legislation and will have a responsibility to work towards greater equality of opportunity for disabled people, by taking reasonable and pragmatic steps to make employment more accessible, and to improve access to goods and services.
17. The States needs to adopt a consistent approach to disability and inclusion within and across Departments. Across different buildings, for example, each has different strengths and weaknesses in terms of physical accessibility, staff training, information and facilities.
18. Likewise, a lot of work has gone on across different areas of the States, focusing on different issues such as training, physical accessibility, and disability policies. This good work could be put to much greater effect if policies and practices were harmonised across the States, in line with best practice in individual Departments. Corporate policies and directives, and corporate disability equality training, would ensure a more consistent approach to disability, which would improve people's overall experience of working for and using the services of the States, without the States having to do anything new.
19. The States could make a significant positive impact for disabled employees and service users by making changes in five primary areas:
  - Disability-related training
  - Provision of accessible buildings and infrastructure
  - Provision of accessible information
  - Accessible recruitment processes
  - A consistent approach to disability, through corporate policies and procedures
20. With the possible exception of accessible toilets, none of these changes should carry a significant price tag.

21. As a next step, the States it is recommended that a more thorough audit of the States' employment practices, premises and services is undertaken, in order to identify the areas where action needs to be taken and the costs which will attach to making these changes. The States may want to consider standardising its practices and level of service across all Departments as a first stage. The States, like all businesses, will be required to comply with the provisions of any new legislation. However, like all businesses, it should be able to gradually improve the accessibility and inclusiveness of its services and practices during the drafting and pre-commencement period for the legislation.
22. The States' least accessible buildings may not, in any case, survive the Strategic Asset Management Plan, so this should be taken into account when calculating the cost and necessity of making adjustments to States' premises. It may useful for the States to draw up an accessibility action plan mapping out how it will improve accessibility as part of its rolling capital programme.

## APPENDIX 9

### Paris Principles (United Nations, 2007)

The Paris Principles are a set of core minimum recommendations adopted by the United Nations General Assembly relating to the status and functioning of national institutions for the protection and promotion of human rights. Article 33 (2) of the Convention on the Rights of Persons with Disabilities requires States parties to take these principles into account when designating or establishing mechanisms to promote, protect and monitor implementation of the Convention. According to the Paris Principles, such mechanisms must:

- Be independent of the Government, with such independence guaranteed either by statutory law or constitutional provisions;
- Be pluralistic in their roles and membership;
- Have as broad a mandate as possible, capable, in the context of the Convention, of collectively promoting, protecting and monitoring the implementation of all aspects of the Convention through various means, including the ability to make recommendations and proposals concerning existing and proposed laws and policies;
- Have adequate powers of investigation, with the capacity to hear complaints and transmit them to the competent authorities;
- Be characterized by regular and effective functioning;
- Be adequately funded and not subject to financial control, which might affect their independence; and
- Be accessible to the general public and, in the context of the Convention, particularly to persons with disabilities, including women with disabilities and children with disabilities, and their representative organizations.

In addition to establishing the seven principles listed above the Paris Principles also list a number of responsibilities that these institutions should assume. While national human rights institutions should have as broad a mandate as possible, specified either in the constitution or in legislation, the Paris Principles stipulate that these institutions should:

- Monitor the implementation of human rights obligations of the State party and report annually (at least);
- Report and make recommendations to the Government, either at the Government's request or on its own volition, on human rights matters, including on legislation and administrative provisions, the violation of human rights, the overall human rights situation in the country and initiatives to improve the human rights situation;
- Promote harmonization of national law and practice with international human rights standards;
- Encourage ratification of human rights treaties;
- Contribute to reports that States parties are required to submit to the United Nations treaty bodies on the implementation of human rights treaties;
- Cooperate with regional and United Nations human rights bodies as well as with human rights bodies of other States;
- Assist in the formulation of human rights education programmes; and
- Raise public awareness about human rights and efforts to combat discrimination.

## **APPENDIX 10**

### **Consultations in March and April 2012**

The following individuals, groups, States Departments, third/voluntary and community sector and other organisations were involved in setting the scope of the strategy. In addition as the strategy and work on implementation has progressed the Steering Group has been involved at every stage.

#### **Individuals**

Spouse carers x1

#### **Individuals and representatives from voluntary organisations**

Autism spectrum disorders x3

Fibromyalgia x1

Mobility impairment x2

Parent carers x6

Alzheimers x2

Complex needs x2

Mental health conditions x2

Attention Deficit Hyperactive Disorder (ADHD) x4

Learning disability x6

#### **Representatives from voluntary organisations**

Multiple Sclerosis x2

Visual impairment x1

#### **Representatives from other non-states organisations**

Primary Care x1

#### **Third/voluntary and community sector and other organisations**

Guernsey Disability Alliance

Mind Guernsey

Health Information Guernsey

Mental Health Service Users Group

Carers Coming Together

Alzheimers Society

Guernsey Bereavement Society

Parent Carer Council

Multiple Sclerosis Society – Bailiwick of Guernsey

Guernsey Mencap

Guernsey Blind Association



Guernsey Jumbulance Holidays  
Guernsey Society for Physically Disabled People  
Guernsey Fibromyalgia Support Group  
Guernsey Voluntary Service  
Brock Road Rascals  
Attention Deficit Hyperactive Disorder (ADHD) Support Group

**Education Department run service**

Visual Impairment Support Service  
Le Murier School  
Careers Service  
Special Educational Needs Coordinator (SENCO), La Mare High  
Guernsey College of Further Education Access Scheme

**Health and Social Services Department run service**

Occupational Therapy (Children)  
Lighthouse Wards  
King Edward VII  
Child Development Centre  
Children's Services  
Interwork Services  
Speech and Language Therapy  
Community Learning Disability Team  
Community Services

**Social Security run service**

Pensions and Allowances  
Supplementary Benefit  
Visiting Officers

**Other States run service**

Guernsey Prison  
Commerce and Employment Department  
Guernsey Museums  
Environment Department  
Policy Council HR Unit  
Public Services Department

## **APPENDIX 11**

### **Letter of Comment from the Social Security Department dated 30<sup>th</sup> September 2013**

“Dear Deputy Harwood

#### **Disability and Inclusion Strategy**

The Social Security Department has contributed to the development of the Disability and Inclusion Strategy and will support the propositions.

The cost implications of the initial phases of the strategy, as outlined in the report, are very modest. The Department feels obliged to draw the attention of the States to the fact that future development and extension of the strategy will almost certainly involve substantially higher costs. Among other things, significant revenue expenditure under the social security mandate is likely to be involved in adequately meeting the obligations of certain Articles of the Convention on the Rights of Persons with Disabilities, including Articles 19, 20, 25, 26 and 28. These Articles are likely to require the enhancement and extension of existing benefits or the introduction of new benefits associated with disability and inclusion.

The foregoing comment is made in the interests of informed decision making and the Department would not wish this reservation for the future to delay the approval and progression of the current propositions.

Yours sincerely

A H Langlois  
Minister”

## **Letter of Comment from the Commerce and Employment Department dated 1<sup>st</sup> October 2013**

Dear Deputy Harwood,

### **States Report (Disability and Inclusion Strategy)**

My Department has been appreciative of the opportunity to consider the draft States Report and to discuss its contents at a recent Board meeting with the Deputy Chief Minister, staff of the Policy Council, and Emily Litten from Mind.

Members were fully supportive of the intentions of the strategy and the principles set out in the States Report, but did express concern over what we felt was a lack of clarity over the detail and the ramifications the proposals should the States accept them as they are currently presented.

Board members were also particularly worried that the impact on small businesses in the Island, of the strategy and the proposal for the introduction of legislation, had not been thought through sufficiently. Guernsey is an Island of small businesses, with more than 77% of local businesses having less than 10 employees and 61% having less than 5<sup>1</sup> employees. While the strategy proposes small funds to assist with adjustments, the potential impacts have not otherwise been explored in the report.

### **The Information Plan**

The Board notes that a high priority is given to the development and provision of information for disabled people, carers, and business. We understand that this will probably be researched, provided, and supported working with the “voluntary” (or “third”) sector. This is an approach we would endorse as this can enhance the value and resilience of such organisations, provide a valuable level of independence from government, and, as these organisations operate with lower overheads, can be cost effective.

However, there were strong views that, while the proposed budget may well be suitable to commission the vital research and database production in a developmental period, it will be sorely lacking if any sort of high profile campaign to raise awareness and understanding is needed.

If the disability and inclusion strategy intends to bring about positive and quick changes in public attitudes (which are probably changing in society, anyway, year on year, but at a modest pace) then a greater profile could well be needed including a pro-active media campaign and advertising. This will require greater funding than is proposed.

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<sup>1</sup> 2012 industry survey figures

My Board speculated that a double, or trebling, of the £120,000 suggested for the start up period costs would be needed. Similar points could be made over the £20,000 proposed for the annual future funding of this aspect of the strategy.

I should add that this Department is not proposing that a higher level of budget for the project should be set aside, and realises that hard choices need to be made. In this case, it may well be that the lower budget figure is more acceptable and achievable. However, it was felt that this could well bring with it the inevitable result that the attitude and awareness change may have a slower pace than the strategy's proposers would like to see occur.

### **Legislation**

This Department has, for some years, been aware of the impending task of bringing in legislation to make unlawful discrimination in employment on the grounds of disability. This was envisaged as being analogous to (but obviously differing greatly in detail from) the existing employment protection legislation regarding discrimination on the grounds of gender.

Associated with this we would also extend the remit of our Employment and Disability Tribunal (E&DT) to deal with claims under such legislation. This work is specified in our current Business Plan where we identify the link to the current work by the Policy Council on the overall disability strategy.

It is in this area that we have concerns over the detail given, as the Report is far from specific as to what legislation is envisaged and who is responsible. What the legislation intends to make unlawful is not really expressed, although the clear implication is that it is wider than the legislation we had been planning to bring to fruition to provide a further "employment protection".

This Department supports the approach proposed whereby the matter will be brought back with fuller and further detail should there be "in principle" agreement to legislate in this area. This will give time to consider not only the resource requirements from this Department but also some of the wider issues mentioned elsewhere regarding the impact on business.

### **Resolution of Disputes (under the proposed legislation)**

If the Island does adopt legislation in this area there is likely to be, in the final analysis, a need for a tribunal to produce a judgement process.

As mentioned above, we fully anticipate the extension of the remit of the E&DT to include new employment protections such as disability. The report suggests (paragraph 55) that this may be a "natural home for disability equality legislation" but would impact of resources and "would also not be independent from the States".

We agree that it would have an impact on workloads both of the ED&DT (and of the Employment Relations Section), but don't agree with the first comment as, the E&DT currently only deals with matters in the area of employment protection. We believe that the Report underestimates the independence of the E&DT, whose members are appointed by the States and which regularly provides judgements in respect of business, the public, and the States as an employer, on employment protection matters.

The E&DT is in our experience well regarded for its independence and might in fact be a "pragmatic" home, even if not a "natural" one, for this work in the future.

### **The Equality and Rights Organisation**

There is an emphasis throughout the report on value of the formation of an "equality and rights organisation" to be a focal point for everything from information sharing to first level arbitration of disputes.

This organisation seems to be a crucial aspect of the processes for which the legislation is the ultimate sanction, and also to carry forward and co-ordinate the strategy balancing the interests of the wide variety of agencies that will be involved.

The current report gives us no guidance as to the costs to the Island of running such an organisation and we support the caution shown to its formation in the light of the possible costs and impacts of running such an organisation with such a wide remit as suggested.

In view of its proposed pivotal role, this Department considers that it is difficult to see how the strategy will be taken forward without such an organisation, but is quite unclear as to the financial commitment that the Island will be asked to take on or whether it is truly proportional to the need when assessed in an objective manner.

The problem we are faced here is that the Island is being asked, through the States to approve undeniably worthy strategy at an apparently modest cost. At the same time it is asked to sign up to a programme of only generally described legislation, while postponing the consideration of the formation of what is probably going to be a costly organisation that is seen as central to its success.

In the light of this it would seem that future calls for this organisation to be created and funded may well be hard to resist if the implementation of the strategy as presented, is started this year.

I would like to stress again that this Department supports the formation of a strategy and fully accepts that funding needs to be put behind certain work streams to put it into action. We do however have real concerns over the way the strategy and its implementation have been structured and the degree of detail provided in this Report.

Yours sincerely  
Kevin A Stewart  
Minister

**(NB The Treasury and Resources Department supports the principles set out in the Policy Council's Disability and Inclusion Strategy and specifically the use of the budget reserve to fund the one off costs associated with implementation, the detailed bids for which the Department will need to consider. However, the Department also notes that there may be costs as yet unidentified arising from the implementation of the strategy and proposed law and advises that these will need to be fully costed and their overall impact assessed prior to their enactment. Further States approvals will then be required for resulting resource implications.)**

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 30<sup>th</sup> September, 2013, of the Policy Council they are of the opinion:-

- 1) To approve the Disability and Inclusion Strategy and affirm the States commitment to promoting positive and inclusive attitudes towards disabled people and carers.
- 2) To agree, in principle, to the actions outlined in the timetable in that report to be undertaken to implement the Strategy over the next three years, up to the end of 2016.

(paragraphs 131-138)

- 3) To approve, in principle, the enactment of legislation under the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004 to prevent discrimination against disabled people and carers and provide for equality of opportunity, and direct the Policy Council to revert to the States with detailed proposals for such legislation following consultation with other States Departments, and representatives of the business sector, disabled people and carers, before the end of 2015.

(paragraphs 44-64)

- 4) To direct the Policy Council to seek the extension of the UN Convention on the Rights of People with Disabilities to Guernsey at the earliest appropriate opportunity.

(paragraphs 92-100)

- 5) To direct the Treasury and Resources Department to increase the 2014 and /or 2015 revenue expenditure budget of the Policy Council by up to a maximum of £170,000 in total, funded by a transfer from the Budget Reserve to be used for the following projects as part of the initial implementation of the Strategy:
  - a. develop information for disabled people and carers for a one off cost not exceeding £70,000;
  - b. develop information for businesses and other organisations for a one off cost not exceeding £50,000; and
  - c. assess/ audit the States obligations for reasonable adjustment and develop a plan of prioritised work at a one off cost of no more than £50,000.

(paragraphs 142-145)

- 6) To approve, in principle, the establishment of an equality and rights organisation, based on the Paris Principles, but defer the implementation of such an organisation dependent on:
- a. a business plan being developed stating in detail the functions, staffing resources, costs and charges for such an organisation; and
  - b. any additional funding required being available and the States having given priority to the establishment of an organisation through any prioritisation process in effect at that time.

(paragraphs 119-124)

- 7) To agree the continued funding of the Disability and Equality Officer post.

(paragraphs 139-140)

- 8) To direct the Home Department to lead the development of policies and procedures for safeguarding vulnerable adults in conjunction with other States Departments, reflecting those already in place for children.

(paragraphs 133-134)

- 9) To direct the Health and Social Services Department to lead the development of frameworks for people with learning difficulties, people with autism and communication difficulties and people with dementia with other relevant States Departments.

(paragraphs 105-106)

- 10) To direct the Health and Social Services Department to research and develop options for capacity legislation.

(paragraphs 115-118)

- 11) To direct Departments to:

- a. contribute to a multi-agency approach to implementing the Strategy where their assistance is required and, in particular, to implement the actions laid out in the timetable;
- b. take account of the Strategy when developing strategies, policies, plans, procedures and when making changes to services or capital works;
- c. note the requirement to provide for reasonable adjustments under existing budgets, when legislation is introduced.

(paragraphs 49-64, 76-77)

- 12) To direct the Policy Council to report back to the States by no later than December 2016 with a progress report on the implementation of the Strategy.