

**Minutes**

**Date:** Friday 25 March 2002  
**Time:** 10.00am to 1.00pm  
**Venue:** Conwy Business Centre

**Attendance**

*Members*

Eleanor Burnham, Chair	North Wales
Peter Rogers	North Wales
Alun Pugh	Clwyd West
Gareth Jones	Conwy
Karen Sinclair	Clwyd South
Dafydd Wigley	Caernarfon
Ann Jones	Vale of Clwyd
Tom Middlehurst	Alyn & Deeside

*In attendance*

Gareth Foulkes	Disability Rights Commission
Rhian Davies	Disability Wales

*Secretariat*

Adrian Crompton	Committee Clerk
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**Item 1: Introduction and apologies**

1.1 Apologies had been received from Dafydd Elis Thomas, John Marek, Alison Halford, Ieuan Wyn Jones, Rod Richards and Janet Ryder.

**Item 2: Minutes and report back from previous meeting**

2.1 The Committee approved the minutes of the meeting of 25 January 2002.

2.2 The next meeting of the Committee would be held on 24 May at Gresford Memorial Hall when the theme for the day would be the Economic Development Committee's report on renewable energy.

### **Item 3: Disability Issues**

3.1 Gareth Foulkes, of the Disability Rights Commission, gave a brief introductory presentation. A copy is attached at Annex A.

3.2 Rhian Davies, of Disability Wales, said that there was a lack of understanding of disability as a civil rights issue. Despite a range of legislation, disabled people continued to face difficulties in many areas, such as education, transport, access and employment. The Disability Discrimination Act (DDA) was difficult to enforce and did not cover some important areas, such as transport. It operated on the basis of what could be called the 'medical' model of disability, which suggested that disabled people could not expect to take a full role in society. Disability Wales wished to see a 'social' model adopted, which viewed the barriers erected by society as the problem, rather than impairment itself. She called for a strategic approach to disability issues and investment in services and rights that promoted this social model. Improvements were also needed in the advice sources available to disabled people, the availability of access auditors, the funding available to disability groups and the services available to help disabled people assert their rights.

3.3 Members of the Committee made the following points:

- Although social security and other significant areas were not devolved, the Assembly had powers in important fields, such as housing, transport, education and planning;
- As the Assembly did not have tax-raising powers, it had to prioritise spending within a fixed budget. The INTERREG scheme was one potential source of additional funding;
- The Assembly should act as a driver for agencies and public bodies to mainstream disabled issues and change cultural attitudes to recognise that the issue was of importance to all. The Assembly's Equality of Opportunity Committee provided a high profile focus for this work.

The following points were made by members of the audience:

3.4 Geoff Dawson, Wrexham Disability Forum, said that, nationally, one in seven people were disabled in some way. In Wales, the equivalent figure was one in six. Disabled people were more likely to be unemployed and so society was failing to harness the skills they had to offer.

3.5 Tony Pritchard, Ynys Mon Access Group, called on the Assembly to put pressure on local authorities to adapt their buildings to be accessible and usable for disabled people.

3.6 George Johnson, governor of an education institution, said that the costs of meeting the requirements of the DDA were considerable. Resources were needed, particularly by the education sector, to meet these costs. Gareth Foulkes responded that, in his experience, the main barrier to implementation was attitude rather than cost.

3.7 Audrey Gledson, Osteoporosis support group in Wales, said that, despite being a significant issue in terms of incidence and cost, very limited facilities were available in North Wales for osteoporosis

sufferers. From the Committee, Gareth Jones agreed that the loss of the osteoporosis facility in Llandudno meant that sufferers now had to travel further for treatment. The Chair agreed to feed this concern back to the Minister for Health and Social Services.

3.8 Ms Griffiths Jones, Chwarae Teg, called for schemes funded under Objective One to address the needs of the disabled to access employment and training opportunities.

3.9 Bryn Williams, Age Concern, said that there was anecdotal evidence to suggest that some care homes for the elderly were increasing charges to cancel out the funding provided by the Welsh Assembly Government to cover the cost of nursing care.

3.10 WR Roberts, Conwy Community Health Council, asked Assembly Members to seek to ensure that any moves by central government to liberalise the activities of the Post Office did not threaten the concessions and services currently available to blind people. The Committee agreed to take up the matter.

3.11 A Member of the Committee asked Gareth Foulkes if the small number of cases being taken forward by the DRC reflected a lack of resources or successful conciliation. Gareth pointed out that the Act establishing the DRC had placed a staffing cap of 150 on the organisation so resources certainly limited what it could do. The DRC was not the only body, though, that supported disability rights cases and the Commission sought to increase the capacity to do so amongst trades unions and others in this field.

3.12 Gareth agreed to give consideration to a suggestion that recipients of Disability Living allowance should be targeted with information on the DRC in order to increase levels of awareness.

3.13 Joyce Dudley, Clwyd Community health Council, stressed the importance of changing attitudes towards disabled people so that they were judged as individuals and on their own merit;

3.14 Andrew Malcolm, a former disability officer with the National Union of Students, pointed out that the DDA required colleges and universities to provide auxiliary aid to assist disabled people. There was a consequent need to address the shortage of skilled signers, palantypists and so on. In response, Karen Sinclair, as Chair of the cross-party group on deaf issues, agreed. She wished to see BSL training mainstreamed alongside other languages and to boost the profile of skills such as signing and palantyping so that they were seen as legitimate career options.

3.15 Jean Davies, Conwy Town Council, stressed the need to support elderly people with disabilities and to help them recognise that they could continue to make a contribution to society.

3.16 Christopher Sweetman drew attention to the needs of those suffering chronic pain and the particular problems they faced when travelling.

3.17 Meurig Lloyd Davies, Denbighshire County Council, called for grants to be made available to help upgrade access to, and facilities in, older buildings.

3.18 Diane Salisbury, Conwy Disability Action Group, drew attention to a recent example of a post advertised with Conwy County Council. When a disabled candidate arrived for interview they had been unable to access the council building. The Committee agreed to ask the Local Government Partnership Council to consider the issue of access and facilities for the disabled in local authority premises. Alison Child, of the equipment and adaptations monitoring group in Conwy, said that her group had been consulted by Conwy County Council on its equal opportunities policy. They had provided feedback to the Council on facilities for the disabled. A lack of funding meant that the group was not certain to be able to continue its work.

3.19 Les Sinfield, from Amlwch, drew attention to the low levels of pay available to support workers working with people with learning disability.

3.20 Karen Beattie, Denbighshire Access Group, felt that local authority access officer posts should be mandatory and should be situated within a central function.

3.21 Janice Lovell, Conwy and Denbighshire Health Trust, welcomed the trend in integrating children with special needs into mainstream schools. She called on the Assembly to support the provision of speech and language therapy in schools rather than separate clinics.

## **Item 4**

### **First Minister's Question and Answer Session**

4.1 The Chair read a written question received prior to the meeting from Arfon Access Group asking if the Welsh Assembly Government could assist educational establishments in improving access and facilities for the disabled. The First Minister replied that some £2 million had been made available to higher education institutions to this end.

4.2 Karen Beattie, Denbighshire Access Group, repeated that she felt that local authority access officer posts should be mandatory and situated in a central function. The First Minister felt that this was an issue better addressed through voluntary agreement than legislation. He said he would be willing to explore the matter with the WLGA. He did not feel it would be appropriate to specify how local authorities should structure their staffing structure.

4.3 Tony Pritchard, Ynys Mon Access Group, repeated his request for the Welsh Assembly Government to put pressure on local authorities to adapt their buildings to be accessible and usable for disabled people. The First Minister pointed out that local authorities were autonomous, elected bodies and the Assembly would only intervene as a matter of last resort.

4.4 Dorothy Williams called on the Welsh Assembly Government to develop a strategy to address the needs of the disabled. The First Minister was sympathetic to this idea.

4.5 Andrew Malcolm, a former disability officer with the National Union of Students, repeated his earlier point about the requirement of the DDA for colleges and universities to provide auxiliary aid to assist disabled people. The First Minister said that funding was available to higher education institutions to develop their strategies for the disabled.

4.6 Alice Robinson, Conwy CVS, emphasised the importance of carers. The First Minister said that the Welsh Assembly Government's carers' strategy was accepted as a good one and he hoped that, as it took effect, carers would see the benefit and their value recognised.

4.7 Les Sinfield, from Amlwch, drew attention to the low levels of pay available to support workers working with people with learning disability. The First Minister sympathised with the point but explained that he was unable to influence the pay rates set by bodies outside his direct control.

4.8 Mario Kreft, Independent Care Homes Association, called for greater co-operation between local authorities and independent care homes. The First Minister agreed that this was important to ensure flexible but coherent regulation of care for the elderly and successful handover when a new system was introduced in April.

4.9 Meurig Davies, Denbighshire County Council, suggested that the whole Assembly should meet in North Wales. The First Minister replied that this was not a matter for him, but his Cabinet would be holding an open meeting in North Wales in May. Mr Davies was concerned that best value requirements were leading some local authorities to sell off homes for the elderly. The First Minister said that it was not appropriate for him to interfere in the decisions taken by autonomous elected authorities.

4.10 Hilary Smith, Denbighshire Disability Forum, raised concern about the absence of community transport services and poor levels of service provision by private sector companies. The First Minister said that free local bus travel would be available to the disabled and elderly from April. He hoped that this would, in turn, help to boost the supply of bus services. The First Minister agreed to write to Hilary Smith about the funding provided to Denbighshire County Council to support bus provision.

4.11 Di Bushell, Ynys Mon CAB, said that problems had been encountered in identifying venues suitable for the disabled, for Benefit Agency tribunal meetings. The First Minister said that he would be happy to intercede with the Benefits Agency if required.

4.12 Cheryl Carlisle, a parent with disabled children, said that it was a privilege for her to care for her sons. The attitude of some staff in government agencies, though, was negative and added to the burden on carers such as herself.

4.13 The Vice-Chair of Clwyd Community Health Council said that contracting out domiciliary care

services led to high staff turnover. She was concerned that the standard of care provided was lower and those in receipt of care were not able to get to know a regular carer. The First Minister agreed that the ability to build trust with a carer over a long period was vital and, perhaps, more important than which sector actually delivered the care.

4.14 Julie Hobbs, Stroke Association, called for the publication of a national service framework for older people or, at least, the stroke chapter within it. The First Minister agreed to write in response.

4.15 Mrs Perkins called for financial support for the disabled not to be means-tested. The First Minister said that not all benefits were means-tested and that it had long been a matter of debate where the line between universal and means-tested benefits should be drawn.

4.16 Lisa Bartlett Evans, representing the national youth advocacy service, drew attention to the importance of early intervention to help deal with disability in young people. The First Minister agreed that the early provision of services such as speech therapy was vital. Provision by health and education services needed to be streamlined and the output of trained speech therapists increased.

4.17 Audrey Gledstone, osteoporosis support group, drew the First Minister's attention to the lack of services for osteoporosis sufferers in North Wales. The First Minister pointed to the importance of simple preventative measures to avoid injury for osteoporosis sufferers, and measures such as the home energy efficiency scheme, to enable older people to heat their homes properly as this contributed to their vulnerability to injury.

4.18 Arthur Holland Williams, Blaenau Ffestiniog Town Council, welcomed the road improvements between Blaenau Ffestiniog and Betws y Coed. He asked the First Minister to support the Town Council's request to North Western Trains to increase the level of service provision during the road works to alleviate congestion. The First Minister agreed to take the matter up with the Minister for Environment.

**Secretariat**

**March 2002**

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**Annex A**

**Gareth Foulkes - Presentation on Disability Rights to the National Assembly Regional Committee for North Wales**

**15 March 2002, Conwy Business Centre**

Bore Da. Gareth Foulkes dw i. Dw i'n byw ym Mae Colwyn. Dw i'n gweithio efo Comisiwn Hawliau Anabledd.

The Disability Rights Commission is delighted to have the opportunity to make a presentation to this committee today.

The DRC was set up in the year 2000 to support the effective implementation of the Disability Discrimination Act 1995 or the DDA as it is often called. At that time the number of employment cases going to tribunal was significantly lower than the cases relating to race and sex discrimination. In addition there had only been a tiny number of cases dealing with discrimination in the provision of goods and services for disabled people.

In order to promote the effective implementation of the DDA the DRC has established a Helpline service to answer general enquiries about the DDA.

A Casework Service to help resolve cases of discrimination without going to Court.

A conciliation service to help achieve a satisfactory outcome if this cannot be reached by caseworking.

And finally, our Legal Directorate will support a limited number of cases in the County Court or Employment Tribunal where they will help strengthen the DDA.

In our first year the Helpline received over 65,000 enquiries, one striking feature was that only 3.9% came from Wales. This compares to a population of Wales representing 5.08% of the population of Great Britain served by the DRC. 4.6% case work from Wales = approximately 100 cases. Legal Directorate = 2 cases.

We are keen to debate widely what might be the reasons behind the lower proportion of calls to the Helpline from Wales and what action we might take to enable disabled people in the country to inform themselves better about their rights.

In August 2001 the DRC in Wales commissioned BRMB International to undertake a survey of public attitudes and awareness of disability issues.

821 people aged 15 plus were interviewed and this sample was large enough to reflect public opinion in Wales. 11% of those interviewed identified themselves as disabled people.

**Some of the questions explored the public's knowledge of the DDA and awareness of the DRC**

## **KNOWLEDGE OF THE DISABILITY DISCRIMINATION ACT 1995**

- Half of the Welsh population have heard of the DDA - no change from 2000
- Higher awareness than Scotland and England, but throughout GB lower awareness amongst disabled people.
- 4 out of 10 of those people who have heard of DDA have good idea of what it covers - slightly higher than 2000

## **WHAT DO THESE FIGURES REFLECT?**

- Half of the general public, including service providers, employers etc, are **not** aware of the legal duties under the DDA
- Over half of disabled people unaware of the statutory protection against discrimination

## **THE FINDINGS ARE OF GREAT CONCERN IN THE LIGHT OF:**

The new education duties under the DDA from 2002

The abolition of the small employers' threshold in 2004

The new duties for providers of goods, services and facilities from October 2004

**There is clearly much work to be done by the DRC and other organisations in raising awareness of the DDA.**

## **AWARENESS OF THE DRC**

- **Only 17% of people in Wales have heard of the DRC**
- Of these, only one-fifth feel they have a good idea of what the Commission is meant to achieve.
- **21% of disabled people have heard of the DRC**
- Of these, only one-in-ten say they know what the DRC is meant to achieve
- **Four-fifths of people in Wales have not heard of the DRC**

Clearly there is a great deal more work that needs to be done.

We would like to use this opportunity of attending this meeting here today to discuss with those attending and members of the committee what we can all do to promote greater awareness of the rights which disabled people have under the Disability Discrimination Act.

Greater awareness of the DDA is needed among disabled people but also there is a need for more knowledge of the duties which fall on employers and providers of goods and services.