

## **GDA comment on delays to the implementation of the States' Disability and Inclusion Strategy**

### **Summary**

Four years after the Strategy was unanimously passed by the States of Guernsey there is little tangible progress on the core Strategy workstreams, including the establishment of disability discrimination legislation and the establishment of an Equality and Rights Organisation. In addition, little has been achieved with regard to raising awareness about disability and changing attitudes towards disabled people throughout society– a core aim of the Strategy and one of the few obligations, placed upon governments by the UN Convention on the Rights of Persons with Disabilities (the Convention), which requires immediate action.

It is the Guernsey Disability Alliance's (GDA) opinion that the delays in implementation of the States of Guernsey's Disability and Inclusion Strategy (the Strategy) can be principally ascribed to the previous States assembly and to the previous States' failure to properly plan and resource the Strategy and its implementation.

It is also clear that the lack of civil servant resource, publicly accepted by the previous States as the reason for delays, was then not addressed by that States assembly and that the Committee for Employment and Social Security (ESSC) has inherited a Strategy with insufficient planning and resources attached.

In the past few months GDA members have gained new confidence that the Strategy, and its workstreams, will progress in this political term. This confidence comes from:

- the evident and publicly announced commitment of the Committee for Employment and Social Security to progress the Strategy within this term,
- the inclusion of two core Strategy projects (ERO & Legislation) in the 23 policy priorities approved by the States in November 2017,
- the initiative to appoint a legislation expert to assist with legislation modelling,
- the generally improved approach to project planning and project ownership when compared with the arms-length approach of the previous Social Policy Group, and
- the recent momentum on developing a business plan for the ERO.

However, disabled islanders and members of the GDA remain cautious, and are looking for further tangible evidence and assurance of prioritisation and progress in recognising and respecting their rights.

## **Background**

The GDA was closely consulted and involved in the development of the Strategy (2011 to 2013). The pressure on resources was evident throughout this period. As an example, no funding was available to carry out research into disability legislation and policy. The GDA was asked if it could assist. The GDA, unable to find local expertise to carry out this work on a pro bono basis, carried out this research using its own resources (at no cost to the States).

As the development of the draft Strategy neared completion, the GDA questioned the projected costings of the various work streams. The costings were mostly rough estimates. The GDA was told that there wasn't the time or resource to carry out more precise costings and that the Policy Officers believed that the costings were "about right". The Policy Officers resisted the suggestion from the GDA that assistance be requested from the Treasury Department.

It wasn't just the accuracy of the costings of the identified work streams that was the issue which would bring delays; it was a failure in leadership and a failure to plan and cost the necessary civil service resource needed to implement not only the Disability and Inclusion Strategy but also all the other associated Strategies, for example, SLAWS, CYPP, Mental Health, etc.

When the GDA questioned the costings there was a feeling, gained through discussion with the Policy Officers, that if everything had been costed fully, then, in the current climate, the Strategy might not be supported by the States.

It is perhaps an unfortunate accident of timing that the explosion in social policy occurred at a time when the States was financially weaker than it had been for decades. The States was being criticised for being wasteful and the elimination of corporation tax had led to the need to transform the States' finances and tighten belts.

When this explosion in social policy occurred, it was not matched with a corresponding strengthening in civil service resource.

The initial euphoria of the Strategy receiving unanimous support in the States' meeting of November 2103 was soon dispelled by the reality, not of the inadequate costings, but at the inadequate political ownership and leadership of the Strategy and the inadequate civil service resources available to progress implementation.

Although a Disability and Inclusion Strategy Steering Group (DISSIG) was formed, this group was powerless and ineffective. The group, jointly chaired by Deputy Jane Stephens and Deputy Arrun Wilkie, was tasked by the Social Policy Group (SPG) with overseeing the Strategy work streams but wasn't granted any authority to make anything happen. So, a department would report in to the Steering Group on a project, admit that progress was slow, but, other than reporting this upwards, the group couldn't do anything about it. It is probably also significant that there wasn't a member of the SPG on the Steering Group.

There is an expectation that voluntary sector partners will be able to stay the course for years. It is fair to say that the volunteers from both the GDA and from business were left feeling that their time and their resources had been wasted, and that their goodwill had been abused and taken for granted.

Little progress was made on any of the work streams between November 2013 and the end of that political term.

The Disability Legislation Group (DLG), chaired by Deputy Peter Harwood, was hampered by lack of political leadership, legal expertise and civil service support and by a failure to develop a project plan. Despite the Billet and the UN Convention on the Rights of Persons with Disabilities (UNCRPD) giving clear direction, this group spent a year arguing about matters such as whether a medical model or social model of disability should be applied and what the scope of the legislation should be (Employment, access to goods and services and education).

Progress on the Equality and Rights Organisation (ERO) was almost non-existent. The GDA tried to provide impetus by developing an outline proposal for this organisation. The GDA also produced service estimates for this body, based on its research of similar bodies in the UK, USA, Canada, Australia and New Zealand. This resulted in the GDA being invited to write the business plan required by the States Resolution. The GDA declined the invitation as it was felt that it had insufficient resources and that it would be inappropriate for the GDA to be responsible for developing this plan. Despite the project being handed to

various individuals in the civil service, no further progress was made on the ERO in that political term.

The pressure on the Policy Officers involved was evident. Emails from the Officers would often be received late in the evenings, early in the mornings and at weekends.

In the summer of 2015 a decision was made to disband the Disability Legislation Group and, shortly after, the civil servant who had been leading the Strategy left the States. That resource was not replaced and the project stalled for 18 months. By this time, a draft Legislation Policy Letter had been developed but this had not been agreed by the Legislation Group and had not been passed to P&R for approval.

## **2016 – A change of government and a change of system of government.**

In late May 2016, responsibility for the Disability and Inclusion Strategy passed to the newly badged Committee for Employment and Social Security (ESSC).

The change of government in 2016, together with a change in the system of government, meant that the Committee for Employment and Social Security (ESSC) faced a steep learning curve. This was aggravated by the fact that the previous Department responsible for the Strategy no longer existed, and the Policy Officers previously involved, no longer worked for the States.

The GDA realised that the handover of responsibility might be hampered by the previously responsible Department and officers not being available. It seemed likely to the GDA that ESSC was, in effect, simply handed the files and was expected to pick up where the previous administration left off.

The GDA immediately arranged to meet with the new ESSC committee to offer a briefing on their new responsibilities for both disability and equality. That briefing took place on 14th June 2016.

It was evident that ESSC was facing the same issues as Policy and Resources had previously faced, i.e. no funding for the necessary civil service resource to progress the Strategy. The GDA believes that the generally greater resources of ESSC have, however, meant it is perhaps marginally better placed to cover this work with existing resources.

ESSC took a different approach and it spent the first few months necessarily developing an overall project plan, identifying resources, and putting together new teams of people who would be directly responsible for delivery of the strategy work streams.

The significant difference from the previous administration is that ESSC is now responsible for the overall delivery of the Strategy and directly responsible for delivering many of the major workstreams.

However, other Committees, particularly the Committee for Health and Social Care (HSC) have responsibility for certain workstreams, such as developing Frameworks for people with certain conditions (e.g. dementia and autism).

All committees are responsible for ensuring that they operate in a manner which complies with the obligations to respect the rights of disabled people, as explained by the Convention. However, it is evident that not all Committees are fully aware of, or are respecting, these rights and obligations.

Whilst ESSC monitors progress of the workstreams being implemented by other Committees, it is powerless to do anything more than comment. ESSC is also responsible for monitoring that other Committees are complying with the Convention, but it has no power to require action to correct non-compliance. Until the UK's ratification is extended to Guernsey, the State's commitment to the Convention, given in November 2013, is little more than a promise and has no legal status.

It should be noted that ESSC has respected Article 4.3 of the UN Convention on the Rights of Persons with Disabilities and has closely consulted with the GDA from the start of its involvement.

By October 2016, although ESSC had made good progress in developing the overall plan and putting together the Strategy Project Team, progress on some of the Strategy's work streams was less evident. Work to develop legislation and the Equality & Rights Organisation, although evident, was obviously slow.

ESSC carried out an appraisal of the previous work of the Disability Legislation Group and shared this appraisal with the GDA. It was clear to the GDA from this appraisal that further, more experienced resource, was urgently required to progress the legislation workstream.

It was also clear to the GDA that while the overall Strategy project plan was mostly excellent, the overall objective of attitude change was in danger of being lost.

In November 2016, the GDA met with the main board of ESSC with the intention of clarifying objectives and explaining the level of resource which the GDA thought was necessary to progress the legislation workstream. The GDA also used this meeting to emphasise the need to establish the Equality and Rights Organisation in time for such a body to help train in the new legislation.

The Committee was receptive to the GDA's presentation and it was evident that ESSC was probably already forming the same conclusion - that stronger resources needed to be applied. In early 2017, Ellen Pragnell was appointed as lead officer for the legislation workstream. However, it took some weeks for Ellen, who works part-time, to be released from other duties. Despite this, Ellen assembled a new legislation project team and, for the first time, developed a detailed legislation project plan. The GDA believes this plan may have been crucial in ESSC deciding to further bolster civil service resource.

Late in 2016 the Equality Working Group was established by Karen Blanchford, the GDA Executive Director, to bring together wide-ranging equality groups and individuals to assist the States with input to establish the ERO.

In the summer of 2017, Siriol Evans was appointed by ESSC to head up the ERO workstream.

Work to address awareness raising and attitude change was not progressing.

In October 2017, at a meeting of the Project team, the GDA challenged ESSC on lack of progress on attitude change. During the discussions, it became evident that there was some confusion between the need to provide information for disabled people and the need to provide information about disabled people.

The research underpinning the Strategy identified the need to provide information for disabled people and, subsequently, funds were earmarked within the Strategy to improve this information. A new website was developed – Signpost.gg, and further work to improve the information about the accessibility of publicly accessible facilities was carried out with DisabledGo.

Work to raise awareness and change attitudes about disabled people has been less evident. Free, online awareness training has been developed, principally for States employees (not marketed locally) but this work does not amount to the “immediate,

effective and appropriate measures to raise awareness throughout society” required by Article 8 of the Convention.

ESSC reacted positively to the GDA’s clarification of the issue of awareness raising and attitude change and, indeed, to the GDA clarifying the principle that, whilst the Strategy identified the most pressing disability issues, the Convention must be the overall guide to respecting the rights of persons with disabilities.

Most of the Convention may be realised progressively; The only exceptions to this is the need to take immediate action to eliminate discrimination and to raise awareness.

Since this meeting, ESSC has involved Mary Putra, Corporate Communications Manager, and work has begun to develop plans to consult with stakeholders, raise awareness and change attitudes within all levels of society. No separate budget currently exists for this work (part of the overall D&I Strategy budget)

Initial meetings of the new legislation team were productive, and, in contrast to the previous legislation group, agreement was quickly reached on many basic principles. However, legal expertise, with knowledge of discrimination legislation, is lacking within the States. Whilst the GDA possessed knowledge and amateur expertise in this field, the representatives from the GDA are not legally trained and cannot be seen as impartial. ESSC has taken the decision to seek funding to appoint independent experts to assist with the project. The GDA fully supports this approach.

## Key recommendations

1. States of Guernsey to act to ensure all Committees are aware of their responsibilities to respect the rights of persons with disabilities, as explained by the Convention. Such action to include periodic refresher training.
2. States of Guernsey to require all employees and all States Members to undertake Disability training and for such training to be refreshed periodically.
3. States of Guernsey to act to improve ownership, leadership of, and powers to require compliance with, States' strategies, particularly where strategies place responsibilities on multiple committees and parties within government.
4. ESSC to urgently cost and complete its developing plan to comply with Article 8 (Awareness raising) of the Convention. States of Guernsey to identify and prioritise a source of funding so that ESSC's plan to comply with Article 8, may be urgently progressed.
5. States of Guernsey to devise policies and systems to ensure planned resources, including civil service resource, more realistically matches the workstreams of proposed Strategies. This might, for example, include a review of costings by a committee not otherwise directly responsible for development of such strategies.
6. States of Guernsey to consider introducing legislation imposing Public Sector Equality Duties on all States' Committees and agents.
7. States of Guernsey to consider how it might better meet and facilitate its obligations to closely consult with and actively involve, persons with disabilities, through their representative organisations, as required by Article 4.3 of the Convention. Such consideration to include recognition of the effect that such obligations, and delays in implementation, have upon the ability of the third sector to respond and continue to resource this vital involvement.

GDA Executive Committee: Input led by Rob Platts, Karen Blanchford, Arrun Wilkie, Rob Harnish and former Chair, Shelaine Green.

## Notes

The Guernsey Disability Alliance was formed in 2008 and is a collective voice for individual disabled islanders, their family members, carers and more than [40 member-charities](#).

Our mission is equality of opportunity for disabled islanders and carers in Guernsey. We want to change how Guernsey thinks about disability.

- We campaign for greater respect for the rights and dignity of disabled islanders and carers.
- We influence policy and practical change in a manner consistent with the UN Convention on the Rights of Persons with Disabilities.
- We engage and empower our members so that their individual voices are heard

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