Submission
Equal Opportunities Committee inquiry

REMOVING BARRIERS AND CREATING OPPORTUNITIES

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Summary

The inquiry represents an exciting opportunity to make a difference to the lives of disabled people. It needs to go beyond defining problems to identify solutions and beyond *what* is needed to *how* realistically it can be achieved.

Linking the inquiry to the wider policy environment might add value to current and future initiatives. Those emanating from Westminster (as well as from the Scottish Executive) will be relevant, including the Strategy Unit’s report on ‘Improving the Life-Chances of Disabled People’, Pathways to Work pilots and New Deals reform strategy. The interface between Westminster and Scottish Executive Departments could also usefully be clarified.

Consideration could be given to outputs e.g. how they could feed in to the wider policy environment. Recommendations for change might be made to a range of stakeholders, and ownership built via consultation documents, seminars, etc. Mechanisms for the exchange of good practice could be established. Learning on how to run accessible events could be disseminated.

It is important to understand disability and who disabled people are. People who have impairments may not be disabled, if environments are accessible and attitudes non-discriminatory. There is a difference between sickness and disability. Like everyone, disabled people have multiple aspects to their identity. They may experience other sorts of barriers, like lack of child-care.

Themes

Clarity about what each theme could potentially cover and how they interconnect would be a required as a precursor to focusing the inquiry.

Priority issues on ‘access to work’ might include:

- how economic regeneration measures, community development initiatives, Social Inclusion Partnerships, etc, can make a contribution
- funding to voluntary organisations supporting disabled people into work
- barriers perceived by different sizes and types of employers
- geographical barriers to work
- the potential impact of the ‘public sector duty’, and the potential role of Corporate Social Responsibility reporting.

Priority issues on further and higher education might include:

- identifying how far Scottish educational institutions have to go, a realistic time-scale would be and whether disability is ‘mainstreamed’
- the type, availability and adequacy of support for disabled students
- educational institutions as employers, their careers services and disabled students’ access to social activities
• the perspective of different stakeholders, e.g. academic staff, administrators, estates and buildings officials, Student Unions, education funding bodies
• the relationship between adjustments and academic credibility
• potential to include a disability awareness component to a variety of courses

Priority issues on leisure and the arts might include:
• support for the development of ‘disability culture’ as well as opening up access to participation in the mainstream
• disabled people as performers and directors, as well as spectators
• access to outdoor leisure activities, not just the build environment

Cross-cutting issues might also include the role of community care services, problems caused by poor inter-agency working, the appropriate balance between mainstream and specialist provision, the nature, role and efficacy of the ‘disability sector’, and what could be done to strengthen it.

The Process

The inquiry’s process, as well as its outputs, could help develop the awareness of disability among key players and help them mainstream disability equality. It needs to build their commitment to and ownership of proposed change. Their perspectives are needed if barriers are to be fully understood and removed.

Organisations outwith Scotland, e.g. with UK-wide or European remits, may have a role to play. Organisations for women, black and minority ethnic communities, LGBT, etc should be engaged. They may have fresh perspectives and should be encouraged to consider their own accessibility to disabled people. Disability organisations could be asked about their accessibility to people with other characteristics because disabled people have multiple aspects to their identity.

Some questions will need to be tailored, but it would be relevant to ask all participants about their objectives, constraints and needs.

As geographical factors can play a major part in creating barriers, and these may vary, it will be important to travel to different locations around Scotland.

Practical issues include the venue and communication needs of people with different impairments, timing of meetings, etc. Many disabled people have low incomes. Expenses and, where appropriate, loss of earnings should be met.

Consistency might be promoted by employing the same person/company to check out access/facilitate. Local organisations will have information and contacts, and should also be engaged.

The process will not necessarily end with the inquiry. Some form of structure will be required to promote and monitor implementation of recommendations.
1. **Introduction**

1.1 I am making this submission as an independent consultant working in the equality field. In that capacity, I provide management support, carry out policy work, research, evaluation and training. My clients have included the Scottish Executive Equality Unit, whom I worked with on the European Year of Disabled People, the Disability Rights Commission and a range of (mostly) voluntary sector organisations in Scotland.

1.2 Other experience potentially relevant to this inquiry includes:

- Chair of the Disability Employment Advisory Committee, which advises Ministers and officials in the Westminster Parliament on disability employment policy and delivery (see [www.deac.org.uk](http://www.deac.org.uk) for further information)
- Member of the advisory group for the Prime Minister’s Strategy Unit’s report “Improving the Life-chances of Disabled People” (publication expected soon)
- Expertise in wider poverty and social exclusion issues, as former Director of the Child Poverty Action Group and current member of the advisory committee to the Centre for Analysis of Social Exclusion at the London School of Economics
- Extensive experience of the Westminster Parliament
- Currently studying for a phd at Edinburgh University, developing a theory of discrimination and social exclusion
- Former art student and practising artist
- Disabled since childhood

1.3 I very much welcome the inquiry and the profile this will give to disability issues. However, it would be a missed opportunity if it were to become an exercise in defining problems and issues which are already well known about in the field. For example, well-known barriers include physically inaccessible environments and transport, inaccessible methods of communication and inflexible services. Poverty is provoked by the extra costs of disability alongside restricted access to earnings. Damaging attitudes, and consequent actions, include the under-estimation of capacity and/or failure to be aware of and accommodate needs appropriately, disempowerment in the guise of ‘care’ and protection, and the sentimentalising of disabled people, transforming them into tragic victims and/or heroic survivors. There is already a vast body of evidence about these and more barriers. To ensure the Committee is able to move forward, rather than just cover well-trodden ground, it might be helpful to employ someone to pull together existing research evidence early on.

1.4 The main aim of this submission is to assist the Committee to think through how to focus and structure its inquiry, and to flag possible areas for investigation, rather than to provide substantive information about the barriers confronting disabled people.
2. **Developing a strategic focus**

2.1 The Committee needs to be confident at the outset that the inquiry can lead to positive changes for disabled people. Too often disabled people (and others!) participate in consultation exercises which promise much but deliver little.

2.2 All concerned have an interest in ensuring that the inquiry’s outcomes lead to positive changes for disabled people, to promote their full inclusion as equal citizens. To that end, there needs to be a shared vision for the future. It needs to move beyond defining problems to focus on identifying solutions. Emerging recommendations for the changes to policy and practice needed to achieve it should be practical and specific, going beyond the level of ‘transport should be made accessible, poverty should be eradicated’, etc, spelling out who needs to do what and why. The likelihood of this inquiry making a practical and positive difference will be significantly increased if consideration is given, not just to what is needed but how strategically and realistically it can be achieved. To avoid being overwhelmed with information, without clarity about what is to be done with it, consideration needs to be given to how the inquiry can be used strategically to add value. The inquiry needs to be targeted yet inclusive; focused yet receptive.

2.3 There are a number of considerations which may help to focus the inquiry and maximise its strategic value. Once the focus is tighter, it becomes clearer who the Committee needs to speak to, where (geographically) it needs to go and how to make the most of information received. This is not to argue that a rigid focus should be imposed. However, clarity about such matters as how the inquiry links into the wider policy environment, how it might add value to current and future initiatives, and what sort of outputs are envisaged, is likely to provide helpful orientation both to the Committee and to participants.

**The wider policy environment:**

2.4 There will be a variety of Scottish Executive initiatives relevant to the themes of the inquiry with which the Committee is likely already to be familiar and which others will be better placed to discuss. However, initiatives emanating from the Westminster Parliament will also have a direct impact on Scotland, and it is important that Scottish interests are fully addressed.

2.5 Current Westminster initiatives include the new Disability Bill which will provide for a public sector duty to promote disability equality, the proposed Commission for Equality and Human Rights and the forthcoming Prime Minister’s Strategy Unit report on “Improving the Life Chances of Disabled People” (see [www.strategy.gov.uk](http://www.strategy.gov.uk)). In addition, there are various measures in the employment field. The 'Pathways' pilots (including one in Renfrewshire, Inverclyde Argyll and Bute) introduce work-focused interviews for incapacity
benefit claimants, and a new ‘condition management programme’. The latter represents an interesting example, both of interagency working between Jobcentre Plus and NHS, and the interface between reserved and devolved powers. The DWP strategy paper "Building on New Deal: Local Solutions meeting Individual Needs" (17/6/04) gives new emphasis to local discretion. In all cases there may be implications for the interface between reserved and devolved powers, and/or for policy and practice in Scotland. (For further information see www.dwp.gov.uk)

2.6 There are structural issues to consider about the interface between the two Parliaments. For example, how exactly does DWP ‘fit’ with the Scottish Executive’s department for Enterprise, Transport and Life-Long Learning, or the Equality Unit? It is important that the interface is clear because of the quantity of initiatives affecting disabled people which span both Parliaments. Although there are concordats setting out the basis for relationships, it is unclear how effective these are.

Outputs

2.7 It would be helpful to clarify what sorts of outputs are envisaged from the inquiry. Clearly, it would be unwise to be overly prescriptive at the outset, but some early thinking would be helpful with regard to the following:

- How could outcomes from the inquiry feed into the wider policy environment? Could the inquiry be a means of thinking through the implications for Scotland of wider policy initiatives as cited above? For example, it might contribute to the development of good practice on implementing the public sector duty to promote disability equality.

- To whom might recommendations be addressed and in what form? Presumably there would be some to the Scottish Executive, but there will be others too with the power to make a difference, including employers (large and small), local authorities, academic staff, etc. Recommendations might be made and debated through consultation papers, seminars, conferences, etc.

2.8 One output might be the development of mechanisms or networks for the exchange of good practice and peer support

2.9 The committee and its clerks will learn a great deal from the practicalities of conducting this review and consulting with disabled people, such as finding accessible venues, using accessible means of communication and running accessible events. Such valuable learning should not be lost – it may well be of benefit to others within the Parliament

3. Defining disability and disabled people
Disability

3.1 Although one way of focusing the inquiry might be around a clear definition of disability, because disability can be differently understood and some disabled people reject the label, there are dangers that too tight a definition would exclude people who have much to contribute.

3.2 The inquiry should be framed by a clear understanding of disability, rather than a definition as such. There are different models of disability, each with different implications for policy (e.g. see Barnes et al 1990, Llewelyn & Kogan 2000, Oliver 1990, Swain & French 2000). The medical model locates ‘the problem’, the cause of barriers, with disabled people and their medical condition. According to this model, the problem is addressed by ‘adjusting’ the person to fit with society. It focuses on curing and managing medical conditions, and emphasises the role of professionals. In contrast, the social model locates the problem/barriers with society – the physical environment, the ways in which goods and services are designed and delivered, and inappropriate attitudes towards disabled people. The problem is addressed by ‘adjusting’ society. This model supports the empowerment of disabled people rather than emphasising the power of professionals over disabled people. In effect, the social model means that a person may have a serious impairment but, if society is appropriately adjusted, they need not be disabled.

3.3 A further consideration is that disabled people may, or may not, be unwell, and it is important not to confuse sickness and disability. Of course, people’s experience e.g. of pain, fluctuating stamina-levels or mental health problems may be provoked by the external social environment but they may not be. Either way, the potentially disabling impact of them may be reduced by adjustments to the social environment, e.g. by flexible work or study options.

Disabled people

3.4 The inquiry and its eventual recommendations need to take account of the huge diversity within the disabled population. This is not just a matter of people having different types of impairment (physical, mental and/or sensory). In common with everyone else, disabled people have multiple aspects to their identity. They can be young or old, parents and/or carers. Each has an ethnic origin and a sexual orientation. They may experience multiple barriers to participation, or barriers associated with aspects of their identity other than impairment. For example, lack of affordable child-care may be the reason a disabled person is unable to take up an opportunity to study, rather than inadequate adjustments to accommodate their impairment.

4. The Themes
**Identifying possible areas for exploration**

4.1 Clarity about the thinking behind the selection of the three main areas may help to focus the inquiry. There are many other themes that could, in theory, have been selected. Similarly, it is not clear whether the aim is to remove barriers and create opportunities with regard to these three areas, or whether through tackling these it is anticipated that barriers will be removed and opportunities created more widely. There may be connections between the three areas too, particularly between access to education and to employment.

4.2 Before identifying connections, and before prioritising, it would be helpful to clarify what areas each theme could potentially cover. Is access to work just to be about paid work? Voluntary work can be an important route into paid work. Self-employment may be a positive option, or the unchosen employment of last resort. Unpaid work may be an important part of participation in civic life. Work may be part-time, supported, at different levels of seniority and in different sectors. Furthermore, it is not just accessing work that is important, so too is sustaining it, and retaining it if a person acquires an impairment while already in work. Would ‘further and higher education’ extend to training (or would this fall under ‘access to work’?), life-long learning/ adult/ community education and issues around the transition from school and, ultimately, into paid work? It is also unclear whether ‘leisure and the arts’ extend to wider issues of civic participation. If so, it might also include access to public appointments, etc.

**Priority issues**

**Access to work**

4.3 Although employment is a reserved issue, there is much that the Scottish Executive can do to support disabled people’s access to work. It would be useful to explore how economic regeneration measures, community development initiatives, Social Inclusion Partnerships, etc, can make a contribution. The Executive could also provide funding to voluntary sector organisations supporting disabled people into work.

4.4 To open up access to work for disabled people it is important to consider, not just the barriers that disabled people confront, but also the barriers to employing them perceived by employers. The biggest barrier for disabled people can be the inaccurate perception of employers that insurmountable barriers exist to employing them. These might include fears about costs (e.g. to adapt premises or purchase equipment), high rates of sickness absence, or the negative impact on co-workers or customers. It may be a straightforward failure to recognise firstly disabled people’s abilities, secondly what is really required and not required to do the job and, thirdly, that the job could be done
in a variety of different ways to an equally high standard. ‘Barriers’ may be completely unfounded. They may have their roots in employers’ lack of experience of employing disabled people (or of disabled people in general), failure to appreciate the positive benefits a diverse work-force can bring (e.g. to increasing understanding of and expand the customer-base, better-designed more accessible goods and services), and lack of awareness of the practical ways in which supposed ‘barriers’ can be removed and of the support available.

4.5 However, as with disabled people, employers are not a homogenous group. What is reasonable to expect of a large company may not be reasonable for a small or medium sized enterprise (SMEs). There may also be different issues, or limits to the adjustments that can reasonably be made, for different sectors and types of work. Although employers may perceive barriers that do not exist, on occasion there may be real barriers which prevent them making certain adjustments. In this context, the role of intermediate labour markets or social firms could also be explored.

4.6 It is not just the type of organisation and work but also its location which may present barriers. The nature of labour markets, the types and quantities of jobs that are available may vary considerably by geographical area.

4.7 The proposed public sector duty to promote disability equality will have implications for public bodies in Scotland. In the private sector, similar progress may be achieved through the promotion of Corporate Social Responsibility reporting. This is where companies report on the ‘triple bottom line’ – their finances, environmental and social impact (nb this has been explored by the European and External Relations Committee, 2003).

**Further and Higher Education:**

4.8 There is much to do to make further and higher education fully accessible to disabled people. It would be useful to establish how far institutions have to go, and what a realistic time-scale would be. It might also be worth exploring the mechanisms for bringing about change in what can be large, slow-moving institutions, whether access issues are addressed strategically, ‘mainstreamed’ and anticipated (as they should be), or addressed reactively in response to the arrival of each disabled student.

4.9 The type, availability and adequacy of support available to disabled students could be explored. There may be dedicated staff whose role it is to provide support, or to advise others in the institution on what needs to be done. The role and adequacy of the Disabled Students Allowance could also be reviewed.
4.10 It would be worth exploring the relationship between adjustments to open up access to disabled students and academic credibility. As with employment, in very many cases, adjustments will not compromise primary goals.

4.11 Educational institutions do more than provide education. They may have careers advisory services. They can also be major employers. For students they can also be the focus for social activities. Disabled people need to be included in all aspects of the institution.

4.12 As with employment it would be helpful to consider barriers from the perspectives of different stakeholders, including academic staff (at all levels), administrators and front-line staff, estates and buildings officials, Student Unions, education funding bodies or those charged with maintaining standards. Even where there is a dedicated Disability Office or staff, it is vital that all take responsibility for promoting disability access and all understand what is required. There needs to be a wide-ranging strategy drawn up by each institution, with training for all staff, including front-line administrators.

4.13 On a different tack, it is clear that a wide variety of professions would benefit (and would benefit disabled people) by increasing their disability awareness. This extends far beyond those seeking to become health or care professionals to include prospective architects, teachers, those undertaking business studies, etc, etc. It would, therefore, be useful to explore if disability awareness could be included as a component to associated courses.

Leisure and the arts:

4.14 Assuming for the moment a narrow definition which does not extend to cover civic life, there are various issues that could be considered. These include support the development of ‘disability culture’ as well as opening up access to full participation in the mainstream.

4.15 Disabled people need to be represented in different roles. They should not just be seen as spectators, when they could be performers or directors, any more than they should just be service users as opposed to service designers and deliverers, or prospective employees as opposed to employers. Access to training, including via further/ higher education, may be an issue.

4.16 Although the accessibility of the built environment will be a critical factor in promoting or preventing participation, some leisure activities will take place outdoors (e.g. the National Parks). Both the accessibility of the built environment and of the external environment is relevant.

Cross-cutting issues:
4.17 The Committee has identified a number of ‘cross-cutting issues’ which are expected to emerge. There may well be others, notably the role of community care services, problems caused by poor inter-agency working, the appropriate balance between mainstream and specialist provision, the nature, role and efficacy of the ‘disability sector’, and what could be done to strengthen it – particularly organisations of, rather than for, disabled people. Much will be learnt about attitudes, including those of disabled people themselves.

5. The Process

5.1 The process of carrying out the inquiry, as well as the outputs from it, could itself be used positively to help develop awareness of disability among key players and in turn help them to mainstream disability equality into their activities. Depending on how the process is structured, it could help build dialogue and understanding between different stakeholders, such as disabled people seeking work and employers.

5.2 The methods and styles of consultation should be driven by the nature, depth, etc of information required, and the access requirements of those to be consulted. Although discussions with mixed groups of stakeholders may well be appropriate at certain stages, in principle it might be best to start by consulting disabled people, to clarify the nature of barriers from their perspective and their thoughts on how to remove them. This could then be put to those with the power to remove barriers. It would be important to establish if there are good reasons (and there may be) why apparently obvious solutions are unworkable.

5.3 It may well be helpful for all involved in conducting the inquiry to undergo disability equality training, if they have not already done so.

Who to talk to

5.4 The process needs to build the commitment and ownership of the key stakeholders who will need to change their policy and practice. The inquiry provides an excellent vehicle, not just to engage disabled people, but others who may have been resistant to engaging with disability issues in the past. It is important that different perspectives are sought, if there is to be a full understanding of why barriers exist and to identify means of removing them that can work for all. Consideration, therefore, needs to be given at an early stage to who key stakeholders are for each issue (some suggested above).

5.5 Although the inquiry is concerned with disability in Scotland, it may be that organisations outwith Scotland have a role to play and could usefully be consulted. For example, some voluntary sector organisations have Great
Britain or UK-wide remits. There may also be European institutions which cover Scotland.

5.6 Although the inquiry is concerned with disabled people, organisations based on characteristics other than disability (women, black and minority ethnic communities, LGBT, etc) could usefully be engaged, both because they may have fresh perspectives to contribute and to encourage them to consider their own accessibility and relevance to disabled people, if they do not already. Similarly, disability organisations could be asked about their accessibility and relevance to people with other characteristics (and different forms of impairment), because disabled people have multiple aspects to their identity.

5.7 Following on from EYDP, the Scottish Executive Equality Unit is in the process of facilitating the establishment of a short-term disability working group, to consider a disability agenda for the Parliament. It might be helpful to consult the working group at some point.

What to ask

5.8 Although it will be important to tailor questions and meeting formats to fulfil the requirements of the inquiry and of the participants in it, there will be some questions that will be common to all, even if differently phrased or presented. To get a rounded view of barriers it would be important to ask all participants about their objectives (whether these take the form of business objectives or personal aspirations), their constraints and their needs. It might be helpful to consider the processes that each goes through and at what stages different types of barrier may intervene (e.g. Witcher and Bonnar, 2000). It would also be useful to establish to what extent understandings of barriers are shared.

5.9 It is not just a matter of what is asked, but how. As the Committee is no doubt aware, it can be very easy to make people defensive, particularly if they feel they are being challenged or accused about things they should have done. While this may be necessary sometimes, it is not conducive to promoting engagement. It is important to acknowledge that, although some barriers can be relatively easily overcome (and some are imagined), others are more difficult to address. This goes for the barriers experienced by employers, educationalists and others, as well as those experienced by disabled people. It is in everyone’s interests that they are overcome. All have a role to play.

Where to go

5.10 Geographical factors can play a major part in creating barriers, and these may vary from area to area, depending on the nature of local labour markets, transport links, etc. The barriers experienced by disabled people in rural or remote areas may be quite different to those in urban areas and different
action may be required to address them. It will therefore be important for the Committee to take the inquiry to different locations.

Practicalities

5.11 Identifying suitable venues is not straightforward. It is insufficient merely to ask those responsible for a given venue about its accessibility. People can have very strange ideas about what ‘accessible’ means! Venues and communication methods need to take account of the different access needs of people with different sorts of impairments. The structuring and timing of meetings need to be considered – e.g. avoiding early starts, build in breaks and ensure they are long enough, etc. There is plenty of advice available, from the DRC and others.

5.12 In the interests of consistency, it might be helpful to employ the same person or company to check out access and/or facilitate. However, local organisations should also be engaged because they will have useful information and contacts, and in order to promote inclusion.

5.13 Given the fact that many disabled people live on benefits or on low earnings, it will be important to ensure that participants are not left out-of-pocket. Expenses should be paid and, in some cases, it may be appropriate to pay a sum in recognition of lost earnings.

6 Conclusion

6.1 Only the Committee is aware of its own motivations for undertaking this inquiry, what its interests are and what it hopes to achieve. It is for the Committee to decide how best to focus the inquiry accordingly. However, given the vast amount of issues that could be explored within and across the three themes, from the arguments presented in this submission and more generally it would seem sensible to prioritise:

- Areas which can add value to initiatives in the wider policy environment
- Areas, including initiatives which originate in Westminster, which fall within, or impact upon, the Scottish Executive’s remit
- Making recommendations which are specific in terms of who needs to do what, and realistic in terms of the objectives, needs and constraints on those who need to implement them
- Ensuring a rounded understanding of barriers is obtained by consulting the different stakeholders involved
- Identification of innovative solutions and best practice, as opposed to problem definition
- Issues which disabled people say are important to them

6.2 With regard to the process it should aim to:
• Promote engagement with disability and build the ownership of those who will need to make changes
• Ensure the barriers confronting, and aspirations of, disabled people with different characteristics (impairment-type, gender, ethnicity, geographical location, etc) are considered
• Build dialogue between stakeholders
• Address the practicalities (financial, timing, etc) to participation

6.3 The process will not necessarily end with the inquiry. If the implementation of recommendations is to be promoted and monitored, some form of mechanism or structure will be required to take this forward.

References


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