

# Disability Law Service

## Strategic Plan 2008 - 2011

(Main Text Only)

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# Disability Law Service Strategic Plan 2008-2011

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# Disability Law Service Strategic Plan 2008-2011

## 1. Key Features of this Plan

The mission of the Disability Law Service (DLS) is to challenge the extensive inequality and poverty experienced by disabled people, by securing them free and equal access to their legal rights and entitlements.

Our key objectives to 2011 are:

- **To ensure disabled people have access to high quality, specialist legal services.**
- **To improve awareness and understanding of the legal rights of disabled people and of the range of legal and advice services available to them.**
- **To challenge discrimination, exclusion and poverty by enforcing and strengthening laws that affect the opportunities, choices and legal rights of disabled people.**
- **To ensure DLS is high performing, well run and well regarded.**

In addition we believe that DLS can play a part, working with others and directly, in remedying current and emerging gaps elsewhere in the provision of legal advice and related support to disabled people.

To deliver, we must ensure sustainability of income. Alongside the highly valued income we receive from external funding organisations, we shall also progressively seek to generate increased income from our own, in effect social enterprise activities.

The early sections of this Plan address:

- DLS's demonstrated particular strengths and capabilities.
- The continuing need for DLS's role and services in tackling the major inequalities faced by disabled people.
- Likely changes in our "environment".
- Our values and ways of working.

The Plan then sets out our targets and priorities under each of our four objectives. The appendices provide background and fuller detail.

## 2. DLS' Strengths and Capabilities

DLS continues to hold a unique position among charities that provide services for disabled people: steered by disabled people, it is the only charity to focus on offering a full range of legal services across the country.

We do so through:

- Our national legal access service giving diagnostic advice, legal information and signposting/referral to DLS legal team and other relevant organizations; legal information fact sheets.
- Specialist legal advice from our legal team who individually specialize in the law as it applies to community care, welfare benefits, consumer issues and disability discrimination in employment, higher and further education and access to goods, facilities and services.
- Legal casework up to and including representation in courts and tribunals as appropriate, directly or by reference to an expert third party.
- Specialist support and provision of training in the law to advisers and advocates.

There is a very considerable demand for DLS services, a significant portion of which (for example requests for casework support) cannot be met given the resources available to us. Over the last 3 years we lacked capacity to meet the needs of 59% of our callers. On rising trends, key indicators of met demand over the period of the last Strategic Plan 2005 to 2008 include:

- 11,000 enquiries handled by the advice line.
- 30,000 visits and over 425,000 hits to the website and 5000 downloads of legal factsheets during the last year.
- 6,600 individuals receiving specialist legal advice and casework.
- 277 legal cases that were directly supported.

DLS's finances are currently in good shape. Despite the tight, and tightening, fund-raising position faced by ourselves and charities as a whole, our expected income from all sources in 2008-09 is £713,350 compared with an income of £536,000 in 2007-08 and some £450,000 in each of the two preceding years.

Our reserve in 2007-08 was £100,000 and this is expected to rise to £130,000 in 2008-09. DLS has maintained a healthy mix of income streams incorporating project grants, contract income, donations from individuals and corporate sponsors together

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with earned income through training and other activities. Total income for specific projects over the period of this Plan and beyond which funders have already committed stands at £1.876M.

At June 2008 there were 15 DLS staff, together with 10 volunteers of whom a majority were law students. Over 25% of staff and 55% of our Trustees are disabled people, and we aim to increase these proportions by 2010 when we are planning for 20 staff and 20 volunteers.

We benefit greatly too from major pro bono support from leading law firms Linklaters and Ashursts. We hold the Law Services Commission's Specialist Quality Mark in all areas of law covered and will continue to be externally audited for compliance.

### 3. Disabled People

There are estimated to be as many as 12 million disabled people in Britain, with adults comprising two-thirds of the total. Despite some improvements in recent years following progressive implementation of the Disability Discrimination Acts, disabled people continue to face major and very extensive inequalities and disadvantage compared with non-disabled people.

Evidence from recent major studies includes:

- Individual instances of discrimination and poor administration of benefits affecting disabled people in Britain remain high. One indicator is that, in 2006-07, 3650 claims of disability discrimination in employment entered the Employment Tribunal system and over 5000 claims came before the Benefits Appeals Service in respect of just the main disability-related benefits.
- Awareness of their rights and how to secure them is lower among disabled people than non-disabled people.
- Disabled adults are twice as likely to be in poverty; there are more disabled adults in poverty than ten years ago; and of all children living in poverty, one in three has at least one disabled parent.
- Still only 50% of working age disabled people are in employment (far fewer in the case of those with mental health problems or learning difficulties); and, even when working, disabled people on average earn 10% less than non-disabled people.
- Disabled 16 year olds are twice as likely not to be in any form of employment, education or training; this represents a huge disadvantage to them as well as a

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major loss to the economy and society more generally. Literacy and numeracy levels are significantly lower than among non-disabled people.

- The rights, independence and life chances of those requiring social care are often further restricted by the poor availability or design of those services. In the case of adults with learning disabilities in care, the Joint Parliamentary Committee on Human Rights found an often harrowing picture of neglect, abuse and denial of fundamental rights.
- Suitable housing for disabled people remains in short supply, and the consequences include their retention for too long in too many cases in inappropriate settings such as care homes and hospital.
- Some groups of disabled people die young of potentially preventable illness, and yet are more poorly served than others by healthcare services.
- Significant numbers of disabled people feel the sharp end of discrimination in the form of abuse or harassment, whether in the community, institutional settings or work. And parts of the justice system still have much to learn about disability awareness.

Our direct contact with disabled people strongly confirms this challenging picture, as do a wide range of studies and official data (see Appendix i).

### 4. DLS' Environment

DLS enters the period of this Plan in good financial shape. But ongoing fundraising will remain a major task in a demanding climate, and inflation will have an ongoing impact. The charitable sector as a whole is increasingly finding it difficult to attract funds; public expenditure constraints, at national and local levels, are likely to be tighter than over the previous three year planning period; inflation is likely to be higher, in at least the early part of the period; and the finance and banking sector is facing an especially testing time, with implications for economic growth more generally.

The legal aid regime has been tightened, and a recent further particular issue for legal advice providers in the voluntary sector such as DLS has been the more restricted financial arrangements that apply under the Unified Contract now operated by the Law Services Commission.

Until October 2007 NfP providers were contracted to provide legal help on an hourly basis and paid in advance with reconciliation against work done. The new contract pays all providers a set fee per closed case. For many of the cases taken on by

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DLS, the fixed fee equates to fewer hours than are actually spent. We are often contacted by those who have been unable to engage local providers and for whom we are the “last resort.” We do not “select” cases on the basis of simplicity. We are also mindful that all our clients are disabled people and it is often necessary to spend longer with them to obtain their instructions and provide advice and support. This is particularly so where their cases are complex.

As case law develops in such areas as disability discrimination and with respect to changes in benefits law, the importance grows of ensuring clear and helpful legal precedents including in the higher tribunals and courts. When secured, such precedents of course can simplify DLS’s task and we can play a role in securing them. But precedent-setting cases tend to be more difficult and more expensive to conduct than the generality.

Income from external funders through grants and contracts will remain essential to the success of third sector bodies such as DLS. In addition, to ensure sustainability and as appropriate expansion, a growing number of charities are looking to generate a greater proportion of their budgets through their own “social enterprise” activities, offering expertise, training and services to other organisations (in the private, public and voluntary sectors) and charging for that.

DLS is fortunate in the quality and dedication of its staff and volunteers. In general we have been able to recruit good people when we need to expand or maintain our numbers. However, despite any downturn in the City or the economy more generally, the labour market in London is likely to remain tight, fluid and marked by significant competition. This is especially so in respect of legally trained staff.

From a position of long standing disadvantage, disabled people are likely to face a series of further challenges arising from other shifts in the environment within which DLS operates:

- The drive at Government level in favour of welfare to work is set to continue, including through the administration of Incapacity Benefit and Disability Living Allowance. Despite the accompanying support measures for disabled people, this policy poses special problems for many disabled people in terms of benefit entitlement and potential pressure to take inappropriate job offers.
- Social care presents both problems and opportunities. The quality of care for disabled people remains patchy and, given in particular the ageing overall population, financial constraints on the sector are likely to increase. The Government’s commitment to enhance support for carers and more especially its longer term

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policies for greater independent living, individualised budgets and direct payments for disabled people are welcome. But a regime of direct payments etc. will not be appropriate to or preferred by all disabled people (especially among those with the most severe impairments); local and other authorities must continue to fully meet their duties of care; and all disabled people must have access to the information, advice and support they need to make the right choices.

- The Health and Social Care Bill, expected to become law in summer 2008, provides for a new single Care Quality Commission to bring together and oversee quality assurance and inspection in the health, social care and mental health sectors. Concerns have been expressed that the Commission may prove underfunded for its task, its remit may be unwieldy and that social care inspection in particular may suffer, risking a decline in the standard of care for vulnerable disabled people.
- Employment prospects for disabled people across Britain may prove less good than over the previous three years, and they can be vulnerable when employers seek to cut back their workforce.
- The general financial squeeze on the charitable sector has caused major difficulties in particular for number of locally based organisations of disabled people as well as others whose advice-giving and other services are especially relevant to disabled people. Some have already gone to the wall and their resources have not been replaced.
- The Equality and Human Rights Commission, which took over the functions of the Disability Rights Commission in October 2007, has indicated an approach based largely on generic issues or multiple identities. Over time, this is likely to entail a lower level of EHRC funding and involvement than under the DRC in respect of legal cases and services concerned exclusively with disabled people.
- The changing equalities environment increases the need for DLS to work with other equality “strands” (gender, race, sexual orientation, age, religion and belief).
- The statutory Disability Equality Duty came into effect at the end of 2006 and covers the activities of all public bodies and their provision of services. The Duty will continue to provide a helpful stimulus to improved provision for disabled people. The requirement on Secretaries of State to publicly report at the end of 2008 on the impact of the Duty in their areas of responsibility will provide a further opportunity to keep up the pressure at all levels.
- The Government has established disability-related and other equality targets for

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Local Area Agreements, to help prioritise the actions of local authorities and others with a key role to play in partnership at local level.

- Various changes in the law governing charities are coming into effect in the first part of the period covered by this Plan.
- The current Labour Government is expected to publish in 2008-09 its intentions on composite equalities legislation, bringing together and possibly amending existing anti-discrimination legislation including the Disability Discrimination Acts (DDA). The Government's first, aborted, attempt at this in 2006-07 was not encouraging in terms of enhancing disabled people's rights.
- A General Election is due towards the end of the Plan period and is currently expected in 2010.

### 5. Values and Ways of Working

We believe our Values have stood the test of time, and they are welcomed by disabled people and other clients, staff, partner organisations and funders.

Our values remain:

**Accessibility** - sensitive and pro-actively responsive to the individual needs and preferences of our users, we will be flexible in the ways we make our services available.

**Inclusivity** - we will carry out our work, in partnership with service users, in a ways that truly enable disabled people. We will involve disabled people, and take their views directly into account to improve and develop our work.

**Integrity** - we will respect confidentiality, be empathetic to our service users' problems, and offer accurate realistic advice. We will make careful use of our resources, and put them to best use.

**Excellence** - we will constantly monitor our work to ensure it meets the highest standards as well as the changing needs of our service users.

**Partnership** - in pursuing our aims and objectives, we will actively seek to work with appropriate other organisations.

In addition we will seek to reflect the growing diversity of British society among our service users, partner organisations, employees and volunteers. We will pursue equal opportunities at all times, and give special attention to the most disadvantaged

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including among older people.

Where we are unable to provide users with the information or expertise they need, we shall ensure they are passed to an appropriate agency. We will deliver results and value for money for our funders, and constantly seek to generate further appropriate funding and support. We will remain sensitive and responsive to changes in our environment and other circumstances.

Overall, DLS will work to sustain and boost a merited reputation as an organisation on whom disabled people and our other stakeholders can rely to deliver tangible gains on disability rights and equality.

## 6. Objectives, Targets and Priorities for 2008-11

The preceding analysis of DLS's strength and performance as well as our environment in the coming years leads us to believe that the objectives that we have pursued in the previous period still very largely hold good for the three years ahead.

In addition we believe that DLS, within the constraints of the resources likely to be available to us, can play a part in remedying current and emerging gaps in the provision of legal advice and other support to disabled people in various parts of the country. Where appropriate we will seek to do so in partnership with other organisations in the area and after careful analysis of current provision, the views of disabled people and whether DLS can add value.

The targets and priorities set out below under each objective are in respect of the full Plan period unless otherwise stated.

### **Objective 1: To ensure that disabled people have access to high quality, specialist legal services**

Targets and priorities:

1. Secure a 20% increase over the period as a whole to May 2011 (to 7900) in the number of disabled individuals helped through legal advice and casework from our legal team.
2. To consistently achieve at least an 85% overall satisfaction rate among service users.
3. Increase the number of disabled people helped and represented from other disadvantaged communities.

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4. Draw on DLS's studies of current provision in England and Wales to enhance our capacity to refer, as needed, disabled people to the most appropriate organization in their area.
5. Respond to the extent possible to identified geographical gaps in provision throughout England and Wales, either by direct provision or working with partner organisations to secure delivery to DLS standards.
6. Actively explore additional means of accessible service delivery.
7. Within available resources, consider provision of legal advice and casework in areas of law beyond DLS's current expertise; for example Housing, Debt, Mental Health and Asylum Support. working in partnership with other providers to provide holistic coverage for clients.

### **Objective 2. To improve awareness and understanding of the legal rights of disabled people and of the range of legal and advice services available to them**

Targets and priorities:

1. An increase of 20% over the period as a whole, to May 2011 (to 13,200) in the number of requests for advice, information and support to which DLS responds.
2. An increase of 20% over the period as a whole, to May 2011, in visits to our website.
3. An increase of 20% per year, in the requests for our factsheets.
4. At least one new major legal factsheet per year, coupled with regular updating of existing ones.
5. To provide not less than 50 training sessions directly, for advisers, advocates and other relevant service deliverers.
6. Develop on-line sales of factsheets, training materials and other publications.
7. Progressively increase the profile and interactivity of our website, and actively explore the provision of distance learning and a virtual library service.
8. DLS's own services to be promoted at four significant conferences and other events each year.
9. Consider establishing a consultancy service for interested third parties, as well as direct provision of conferences and training through contracts with selected partners.

### **Objective 3. To challenge discrimination, exclusion and poverty by enforcing and strengthening laws that concern the opportunities, choices and legal rights of disabled people**

Targets and priorities:

1. Secure a 20% increase over the period to May 2010 ( to 350) in the number of new legal cases taken on up to and including full representation in the courts and tribunals.
2. Maintain at least a 95% success record on legal cases.
3. Where possible, selectively take forward test- and precedent-setting cases, those likely to have helpful knock-on effects elsewhere and those capable of attracting helpful publicity.
4. Boost the number of disabled people and their organisations who are well informed about developments on the relevant legislation and its application.
5. More generally, publicise the key outcomes of our own and other legal cases, particularly where these set precedents or clarify the law.
6. Share with other organisations and the legal profession DLS' experience of application of the law and public policy as well as other difficulties faced by disabled people, particularly with a view to influencing and lobbying on decision-and policy -making.
7. Consider the role DLS can play in promoting good practice among local and public authorities and others, including through standard-setting, toolkits and related training and advice.
8. Seek to influence implementation of the Health and Social Care Act, including the priorities and actions of the resulting new composite Care Quality Commission.
9. Influence the priorities of the Equality and Human Rights Commission to the benefit of disabled people, in particular through EHRC's 2008-09 consultation exercise leading to its first strategic plan.
10. Influence the process leading to Government decisions on single equalities legislation, to prevent any weakening in the statutory rights of disabled people.
11. Actively seek funding to carry out research relevant to its work and objectives, and investigate the possibility of working in partnership with an appropriate university department in order to maximize research capabilities and expertise.

### **Objective 4. To ensure DLS is high performing, well run and well regarded**

Targets and priorities:

1. Act at all times consistently with our mission and values.
2. Satisfy our funders that the projects they are supporting through grants and contracts are delivered as planned and to a high standard.
3. Attract and generate substantial further income, with the goal of a total annual income of at least £1 million by 2011.
4. Reserves of £100,000 or three months' operating costs, whichever is the greater.
5. To assist the sustainability of our activities, consider closely the scope for generating an increased proportion of our budget (to 10%) through DLS providing and charging for training, consultancy, legal aid and other social enterprise activity.
6. Establish a DLS subscription service for 2nd tier specialist support services.
7. Explore new technology with the aim of streamlining DLS operations to minimize our impact on the environment.
8. Staff numbers and skills to reflect developments in DLS's workload.
9. Trustees to comprise at least 50% of disabled people and to our best endeavours to achieve a high proportion of disabled people as staff and volunteers.
10. Ensure our staff reflect the diversity of the other communities we serve, and are well supported and equipped to carry out their roles including through appropriate training and development.
11. An informed, cohesive and constructive Board of Trustees.
12. A communications strategy which consistently and effectively promotes equalities priorities as well as the purpose and positioning of DLS.
13. Draw on casework examples and trends as well as related contacts with disabled people to inform DLS's policy positions and promotional activity.
14. Main premises in London which are fit for purpose, fully accessible, a good place in which to work and receive visitors, and show off DLS to best effect.
15. Full compliance with good practice and Charity and Company law.
16. Good working relations with other disability organisations with related objectives and values, including those that may also be able to play a part in remedying

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gaps in the provision of rights-based services throughout the country.

17. Annual business plans to take forward this Strategy, applying lessons from our own and others' legal and advice work.

Appendix i	Disabled People in Britain: a Survey of Data, Studies and Reports
Appendix ii	Review of DLS Strategic Plan 2005 to 2008
Appendix iii	How Service Users Access DLS Service
Appendix iv	Summary of Projects for 2008 to 2011

July 2008

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