

Disability Law Service

Strategic Plan 2008 - 2011

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Disability Law Service Strategic Plan 2008-2011

INDEX

1.	Key Features of this Plan	2
2.	DLS' Strengths and Capabilities	3
3.	Disabled People	4
4.	DLS' Environment	5
5.	Values and Ways of Working	8
6.	Objectives, Targets and Priorities for 2008-11	9
Appendix i	Disabled People in Britain: a survey of data, studies and reports	14
Appendix ii	Review of DLS strategic Plan 2005 to 2008	30
Appendix iii	How service users access DLS service	36
Appendix iv	Summary of projects for 2008 to 2011	38

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

Disability Law Service Strategic Plan 2008-2011

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

Disability Law Service Strategic Plan 2008-2011

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

Disability Law Service Strategic Plan 2008-2011

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

Disability Law Service Strategic Plan 2008-2011

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

Disability Law Service Strategic Plan 2008-2011

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

Disability Law Service Strategic Plan 2008-2011

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.

Disability Law Service Strategic Plan 2008-2011

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

Disability Law Service Strategic Plan 2008-2011

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

Appendix i

Disabled People in Britain

A survey of data, studies and reports

Progress can be and is being made in securing the statutory rights of disabled people as well as tackling prejudice and lack of awareness about disability. The task is to sustain and boost that progress.

However the gains are patchy and slow, and cannot be assumed to be irreversible. Major inequalities and injustices persist. This Annex provides detail on the continuing major discrimination and disadvantage faced by disabled people, drawing on studies and data produced by other expert organisations and on cases that have been addressed by the Disability Law Service in recent years.

Discrimination and non-observance of statutory rights

Actual and perceived discrimination on grounds of disability remains prevalent. In employment alone, over 3650 claims were lodged with the Tribunals in 2006-07 under the Disability Discrimination Acts (DDA), up from 2710 in 2004-05 (the comparable figure in 2006-07 under the Race Relations Act was significantly less, at 2380). DDA cases coming to the courts and tribunals claims with respect to access to goods, services, facilities and premises, as well as education and transport have similarly been on a rising trend.

The Disability Rights Commission (DRC), subsumed into the Equality and Human Rights Commission in October 2007, increasingly restricted itself to legal cases with strategic impact including at the higher levels of the courts and tribunals, but nonetheless consistently supported around 55 cases per year (a far higher total than either the EOC on gender or the CRE on race).

Disabled people can also face substantial difficulties in securing other statutory rights, including with respect to welfare benefits. For example in 2006-07, reflecting patterns in previous years, the Benefits Appeals Service received over 5000 formal appeals against individual decisions by the Benefits Service concerning simply the main benefits most closely related to disability (Disability Living Allowance and Attendance Allowance, Incapacity Benefit and Industrial Injury Disability Benefit, themselves only part of the overall benefits system). A large proportion of these appeals were upheld. And while the trend over the years is in the right direction, it was still the case that in 13% of all upheld appeals it was found the original decision had underestimated of the severity of the individual's disability (and in 10% the original medical assessments were awry).

Disability Law Service Strategic Plan 2008-2011

Sources

Annual Report 2006-07, Advisory Conciliation and Arbitration Service (ACAS)

Report to the Secretary of State by the President of Appeals Tribunals, 2006-07

Impact Report 2000-07, DRC

Prejudice, attitudes and awareness

The DRC's comprehensive 2007 study and set of recommendations on key areas of public policy found that "Negative attitudes towards disabled people are well-documented. They range in nature and vary according to factors such as impairment type, ethnicity, age and gender. They may give rise to abuse and harassment, a misplaced (and stifling) pity or admiration, or a perception that the disabled person is of low competence, is a drain on the economy, or a fear that someone may harm themselves or others."

The DRC also found that opportunities for interaction with the wider community are restricted for many disabled people who experience low expectations on the part of others, with no opportunity to demonstrate their potential. Those low expectations of disabled people are often based on: a view that looking, functioning or behaving differently means that the individual is inherently flawed and has less to contribute; fear of the unfamiliar; and, at worst, a belief that a disabled life is a life not worth living.

These negative assumptions can manifest themselves in the behaviour of non-disabled individuals or at an institutional level including the public services. When surveyed around 75% of the general population agreed that disabled people experienced some discrimination, and 25% that there was a lot of prejudice. A separate survey found that the corresponding figures reported by disabled people alone were 89% and 41%. The disability organisation SCOPE has argued and evidenced that what it terms "Disabilism" is widespread, ie. "discriminatory, oppressive or abusive behaviour arising from the belief that disabled people are inferior to others".

It is welcome that there has been an appreciable growth in general awareness of DDA rights among both non-disabled and disabled people. However it remains a major concern that there is a lower awareness of the DDA among disabled people (at 68% in 2006) than among the non-disabled (75%) and that the rate of increase in awareness among disabled people is also lower. As rightly emphasised by the Government's Office for Disability Issues (ODI), awareness of the DDA is key in alerting people to where rights exist and to enabling challenges and progress to be made.

And there is evidence of a more general sense of powerlessness among disabled people. Compared with 20 per cent of the population at large and despite the con-

Disability Law Service Strategic Plan 2008-2011

siderable achievements of disabled people in developing voluntary organisations, disabled people constitute only 6 per cent of formal volunteers and in 2007 constituted only 6% of public appointments across Britain. It is perhaps little wonder therefore that by the age of 26 young disabled people have been more than three times as likely as other young people to agree with the statement “whatever I do has no real effect on what happens to me”.

Sources

The Disability Agenda, DRC 2007

British Social Attitudes Survey 2007

Disability Review 2007, Leonard Cheshire Disability

Disablist Britain: Barriers to Independent Living for Disabled People in 2006”, SCOPE

DDA report analysis of data from the ONS Omnibus Survey, ODI 2006

Poverty

There is a very substantial set of official statistics and studies demonstrating the marked and disproportionately large number of disabled people (adults including parents, and children) who continue to live in poverty and who are at a significantly higher risk of growing up in poverty than non-disabled people.

The most up to date key findings include:

- Over 30% of disabled people aged between 25 and retirement age live in a low income household (compared with 15% among non-disabled people in the same age range).
- There are more disabled adults in poverty than ten years ago.
- Using a reasonable and independent estimate of additional costs of living attributable to being disabled, the adjusted poverty rate among disabled people is over 60%.
- A far higher proportion of disabled people (perhaps 50%) have no savings compared with the non-disabled (around 12%).
- Some 33% of children living in poverty have a disabled parent.
- Over half of all families with disabled children live in or at the margins of poverty for some black and minority ethnic groups, the risk of poverty is far higher. Among families that include a disabled adult, the likelihood of poverty is 36 per cent in white families, 52 per cent in Indian, 63 per cent in Pakistani and 83 per cent in Bangladeshi families.
- Some 264,000 disabled lone parents live in poverty.

Disability Law Service Strategic Plan 2008-2011

- Of all disabled parents living below the poverty line, only a quarter are in work. And only 16 per cent of mothers of disabled children are in work, compared with 61 per cent of mothers of other children.

A number of the studies also confirm a strong correlation between poverty and reduced life chances, social exclusion and welfare dependency, as well as poorer health, educational achievement and quality of family and community life.

Sources

Disability Poverty in the UK, Leonard Cheshire Disability 2008 Disability Agenda, DRC 2007 Labour Force Survey

Households Below Average Income statistics Families with Children in Britain: Findings from the 2004 Families and Children Study, Department for Work and Pensions (DWP) 2006. Disabled children in Britain: A Reanalysis of the OPCS Disability Surveys, Gordon, D. et al 2000

Ethnicity and Child Poverty, Research for the Ethnic Minority Employment Task Force, Platt, L. 2006

Employment and income

It is welcome that employment rates among disabled people increased by some 7% between 1998 and 2006. However still only 50% of disabled adults are in paid work, compared with 80% of non-disabled adults. 45% of disabled people are economically inactive and 30.5% of those would like to work (whereas the corresponding proportions among the non-disabled are 15.5% and 24.5%).

Among specific groups of disabled people, only one in ten with severe learning disabilities and two in ten people with mental health problems had a job in 2006.

Recruitment stage disability discrimination continues to be common, with some employers applying prejudices towards and/or ignorance of some disabilities in their decision making process. Other employers remain confused about the duty they have to make reasonable adjustments both in relation to the recruitment arrangements and in deciding disabled applicants' suitability for vacancies.

For example, DLS recently settled a case prior to a tribunal hearing concerning a woman job applicant with bipolar mental health disorder. She had been stable for 2 years prior to her application and had good references about her capability from medical professionals. She was offered the job and had to complete health information form. Upon disclosing the facts of disability the offer had been withdrawn on the basis that the employer preferred 3 years stability as opposed to 2 years.

Finding a job is particularly difficult for people aged 50 or over, with lower qualifica-

Disability Law Service Strategic Plan 2008-2011

tions, of Pakistani/Bangladeshi origin, and living in regions and areas with relatively fewer available jobs.

When in work, disabled people are less likely to have a professional or managerial job and are twice as likely to experience unfair treatment.

Disabled workers are more likely to be lower paid than other similarly qualified workers, whether in a full or part-time job. The latest Labour Force Survey showed that the average gross hourly wage for long term disabled people was £10.28, and for non-disabled people £11.30. This 'disability pay gap' at almost 10 per cent was down from 14 per cent in 1998 but still represents a significant penalty.

Overall, disabled people have lower levels of qualification, which can limit the chances of having a job or getting on at work. It is important to note, however, that at every level of qualification, disabled people are up to three times more likely than other citizens to be without a job but want to work.

The DRC confirmed that, although there is evidence that employers are becoming more likely to make adjustments for their employees as required under the DDA, many are still unjustifiably not recruiting or retaining disabled workers. Around one in six workers lose their job after developing an impairment or long-term health condition (people with mental health problems and those in manual work at twice as much risk). Once out of work, many encounter negative attitudes from employers.

Some types of disabilities (e.g. Multiple Sclerosis) have symptoms and effects which are characteristically unpredictable and this has caused some employers to react on the basis of ignorance and impatience. In such cases disabled employees are given less incentive to disclose their disabilities or the full effects of their disabilities in order to avoid prejudice, based on ignorance.

The inherent unpredictability of some disabilities also raises the risk of drastic, impulsive and ill thought out steps being taken by employers who might be impatient to await further medical information or employers who perceive, often wrongly, unreliability on the employee's part. Some employers are also reluctant to engage with disabled employees who often have a clear idea of what they need and how reasonable adjustments can be achieved. DLS has represented a number of clients who want to return to work but are unable to do so because of their employer's reluctance to listen to their suggestions.

Over the last decade there has been a gradual extension of support to people receiving incapacity-related benefits from longstanding Jobcentre Plus schemes, together with private, public and voluntary sector job brokers under the New Deal for

Disability Law Service Strategic Plan 2008-2011

Disabled People. Job brokers have helped many benefits claimants back to work. However, they appear to have been less successful in reaching people facing more complex barriers (including people with mental health problems who are less likely to get and keep a job than other disabled people), and in extending the range of employers recruiting disabled people. In contrast there is evidence that once employers have had a positive experience of employing a disabled person, they are more likely to do so again.

Disabled people out of work may encounter limited support from job-finding and other public services (often due to low expectations from staff working in those services). Investment - across health, social care and employment - has tended to emphasise 'special' support for 'vulnerable' people, rather than being based on the view of disabled people as citizens.

And it has been argued that contradictions persist in the approach taken by public policy to disability and employment. While the DDA assumes that impairments and long-term health conditions can be accommodated, income maintenance benefits have assumed that there is a group of people with conditions that make them incapable of work. Benefit rules also discourage recipients from engaging in voluntary work, public life or learning, which can act building blocks back into paid work. Impairments and health conditions can of course in a substantial number of circumstances make work an unviable option, and the individuals concerned must not be railroaded into unfair and inappropriate activity. Equally, what the DRC has termed "lazy fatalism" can lead to unjustified stereotyping of those able and wanting to work.

Sources

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Skills and qualifications

Skills and qualifications are increasingly important in determining individual life chances. Improving skill and hence employment for disabled people matters hugely for equality and social justice but also for national as well as individual prosperity.

Disability Law Service Strategic Plan 2008-2011

To drive home this fact, the Social Market Foundation has calculated that raising the skills of disabled people to leading levels by 2020 would boost economic growth in the UK by some £35 billion.

However disabled people, while representing one fifth of the working population, are far more likely to be out of work and to lack skills than the population as a whole. Disabled people are more than twice as likely as other citizens to have no recognised qualifications (the proportions are 25% and 11% respectively). They comprise over a third of all those without any formal qualifications.

Appropriate childcare and early years provision for disabled children remains problematic, and full accessibility in schools, further and higher education is still a significant way off.

Young disabled people aged 16 are twice as likely not to be in any form of employment, training or education (NEET) and this increases to three times as likely by the age of 19. Between 2000 and 2004 the numbers of young disabled people who were NEET grew from 11 to 15 per cent. Not being in employment, education or training for six months or more between 16 and 18 is the single most powerful predictor of economic inactivity at age 21. Research in Wales has found that learners who have physical impairments or health conditions are at a higher risk of dropping out than other learners.

When given the opportunity, disabled people can be as capable as non-disabled people in securing skills and qualifications. The proportion of disabled people whose highest qualification is GCSE grades A-C and equivalent is, at 21%, close to that for non-disabled people (23%). And the figures at GCE A level are 21% and 24% respectively.

However there appear to be substantial barriers to disabled people going on to secure higher level qualifications. Of those whose highest qualification is a degree or equivalent, 11% are disabled people compared with 21% of the non-disabled. And an inspection report on post-16 learning in 2006 found that “the current provision for adult learners with disabilities is costly and does not provide value for money”. It also found that in the post-16 education system “compassion is seen as not only sufficient, but as a justification for restricting ambition and growth”.

As with employers a principal barrier to achieving in higher and further education is educating bodies' reluctance to listen to the individual's assessment of their needs. DLS has recently represented in the tribunal a man with multiple sclerosis studying for a vocational post graduate degree whose qualifying body rejected his requests for reasonable adjustments,

Disability Law Service Strategic Plan 2008-2011

offering instead their own assessment of what was reasonable for his disability. This proved inadequate for his personal circumstances.

Figures for England show that the gap in employment rates between disabled and non-disabled adults without any qualifications is 38 per cent. It narrows, but only to 22 per cent, for those who have GCSE grades A-C. At least in part due to their lower levels of qualifications, disabled people are less likely to work in managerial and professional occupations. This too can have a substantial impact on income and prospects for many disabled people.

Volunteering and public appointments offer differing further routes to securing skills and experience. However, in addition to benefit requirements mentioned in the previous section, significant barriers apply here too. Only 6.1% of public appointments were held by disabled people in 2006-07. And a survey on volunteering in Scotland found that out of the 9,090 volunteering opportunities, only 40 per cent were accessible to disabled people.

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Social care and independent living

Disabled people are disproportionately represented among older people. A authoritative report for the King's Fund on the future of care for older people in England estimated that the proportion of the population aged 85 and over is set to increase by two-thirds in the next 20 years. In Scotland, it is estimated that by 2025 there will be a 39 per cent rise in those aged 60-74 and a 75 per cent rise in those over 75.

The culture of social services has begun to change, placing more power in the hands of citizens and adapting services to ensure that people can participate. But

Disability Law Service Strategic Plan 2008-2011

the infrastructure lags far behind many disabled people's needs and expectations. As the population ages and more women enter and stay in the workforce, the increasingly typical pattern of services only for those with the highest need and that rely on family members, mostly women, to fill the gap is less and less satisfactory. Demand massively outstrips supply and the way in which services are provided frequently fails to meet people's aspirations for independence and choice. Resources available to local authorities and other responsible bodies for care services are under major pressure and this can lead to a diminution or even denial of the associated statutory rights for disabled people. Half the care assessments made in England do not result in services being provided.

There has been a rise in the number of people living in inappropriate or inadequate residential settings: 9,000 younger adults with physical impairments lived in care homes designed for different client groups in 2005, compared with 8,000 in 2002. A further 3,000 people with learning disabilities lived in NHS accommodation unnecessarily. On average, residential placements for people with learning disabilities are 74 miles from their family home.

It has been found that nearly half of care homes for older people and younger disabled adults in England do not meet the minimum standard for the provision of medication, and one in six care homes do not meet the minimum standards for meals. In Wales, the management of medication has been found to be problematic in 44 per cent of care homes and 27 per cent had inadequate fire safety arrangements.

People living in institutions are also made vulnerable to abuse and the denial of basic human rights to privacy, dignity, and self-expression; the right to choose if, when and with whom to share a bedroom; to converse in the individual's own language; to have their religion and culture respected; and to express their sexual orientation and sexuality.

In its 2008 Report, the Joint Parliamentary Committee on Human Rights described "an often harrowing picture of neglect, abuse and the denial of fundamental human rights to adults living with learning disabilities". The Committee found abusive and degrading treatment, neglect or carelessness by health and social care services, a lack of privacy in health and social care settings, and a lack of dignity.

Rising costs for residential care placements also provides an impetus for enabling more people to live in their own homes. Between 2002 and 2005 the cost of residential placements for younger adults with learning disabilities rose by 31 per cent in England. In Wales expenditure on residential care for all people with learning disabilities has risen by 35 per cent between 2002 and 2005.

Disability Law Service Strategic Plan 2008-2011

Close family, other relatives and friends frequently fill the gap left by services. It is estimated that there are six million unpaid carers in the UK (three times the size of the paid social care workforce). One and a quarter million provide at least 50 hours of support each week and many carers are also disabled people. Across Britain nearly 100,000 children under 16 provide support and 1,300 between 5 and 7 years of age provide more than 20 hours support per week.

People who provide substantial unpaid care and support, typically unpaid, often experience poor health. Many young people providing support do not fulfil their educational potential.

A lack of basic preventative services, such as home adaptations, technology, equipment and responsive mental health services, lead to avoidable costs to the NHS. Accidents in the home affect older people and those with visual impairments. Inadequate support or adaptations at home result in unnecessary hospital admissions or longer stays than needed.

Sometimes authorities' ignorance of the legality of their decisions results in unnecessary suffering. For example, DLS was contacted by a 70 year old man with diabetes who had recently had a leg amputated as a result of MRSA infection during a stay in hospital. His local authority had told him there was a two year waiting list for all applicants for disabled facilities grants. He contacted us at the end of the two year wait, because he had been told there was a further 18 months to wait. After representation by DLS to the authority pointing out the illegality of this policy, he told us he had secured his first bath in two years. In excess of 1000 local disabled residents - mostly poor, elderly and infirm - had been on this list. Flowing from this case we worked with the local MP (who had been conducting a campaign) and local authority to ensure the residents received grants and adaptations according to their entitlements.

Sources

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Disability Law Service Strategic Plan 2008-2011

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Health and Right to Life

Disabled people figure strongly among those missing out on good health. This results not just from their primary impairment or long-term health condition but because social deprivation, unequal access to health services and other factors put them at greater risk of illnesses that in many cases could be prevented.

A DRC Formal Investigation found that people with learning disabilities and/ or mental health problems were more likely than other citizens to experience most killer diseases and risk factors, including heart disease, stroke, respiratory illness, diabetes, some cancers, smoking and obesity. They became ill younger and died faster. Potentially avoidable ill health creates additional barriers to achieving independence and to participation. The challenges are set to grow as Britain's population ages.

The DRC Investigation found that early death could not be accounted for simply by social deprivation. Other factors included differential access to health promotion, checks and treatments; failure to make 'reasonable adjustments' to ensure access to services; and staff having low expectations or not seeing past the mental health problem or learning disability to the real physical problems needing attention.

In residential and nursing homes the costs of contracting with GPs are sometimes passed on to residents. This denies to some disabled (and often older) people a health service free to all at the point of need. In some settings, residents have no access to primary care for their physical health and have to rely on mental health practitioners with more limited physical health training. Some people living in supported living arrangements report difficulty in making and keeping GP appointments because their support workers are not always available or willing to assist them or to provide transport at the appropriate times.

People in residential settings are sometimes under-nourished and often do not have access to a good quality diet. As already noted, inspections have revealed that nearly half the care homes in England and Wales for older people and younger adults did not meet minimum standards for providing medication.

There is evidence too that particular groups of disabled people face special disadvantage and discrimination. For example, black people with mental health problems are eight times more likely (and in the North West 25 times more likely) than the overall population to be in high security psychiatric hospitals.

There is considerable concern among many disabled people that their rights to life

Disability Law Service Strategic Plan 2008-2011

are insufficiently respected under the health system. There is concern that issuing Do Not Resuscitate notices, and denial of feeding and other life-supporting measures, are more prevalent in hospitals in respect of disabled patients than non-disabled with comparable very severe health conditions. SCOPE in particular has highlighted particular instances.

It is felt that the growing publicity about, and probable actual growth of, voluntary euthanasia may lead to unnecessary and unwanted deaths by disabled people who may be insufficiently informed and supported to enable them to make their own decisions. There is concern too that instances of voluntary euthanasia may in turn stimulate increases in “mercy killings” elsewhere.

The legislation on abortion makes late termination easier in cases where the born child is likely to be “severely handicapped”, and there is evidence of parents feeling pressurised into an abortion where the child is likely to be disabled. For example, parents are routinely expected to have terminations in the case of a positive test for Down’s syndrome.

Sources

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Housing, transport and other services

The housing sector in England and Wales faces many challenges, including meeting the demand for affordable housing, tackling homelessness, geographical disparities in supply and the need for a diversity of tenures.

Disabled people are twice as likely to be social housing tenants, less likely to own their own homes and more likely to live in ‘non-decent’ homes. Poor housing impacts in turn on the health and well-being of adults and children.

Between 1997 and 2004, the number of households accepted as being in priority need by local authorities due to ‘physical disabilities’ increased by 24 per cent, and due to mental health problems by 65 per cent.

In a poll for the DRC 90 per cent of the public said that they anticipated, in the event

Disability Law Service Strategic Plan 2008-2011

of needing support, that they would receive social care services to enable them to stay in their own home rather than be placed in (increasingly costly) residential care. Improving the supply of accessible housing, matched with support where needed, would also save NHS resources through allowing earlier release from hospital and care.

Yet in England there are already 300,000 people living in unsuitable housing who require accessible or adapted accommodation. This figure is almost evenly split between owner-occupiers and social housing tenants. The likelihood of disabled people living in non-decent homes is over 28%.

Systems of allocation within social housing are in many cases failing to ensure that accessible or adapted properties go to the people who need them most. Many local authorities have no mechanism for profiling the accessibility of housing stock or matching supply with demand. The choices available to people requiring accessible or adapted housing are therefore severely restricted. Denial of disabled people's housing rights can often be the consequence. It is reasonable to expect such difficulties to increase so long as the availability of mortgages for actual house purchase declines and tightening credit as well as other factors heighten the risk of debt and inability to pay rent.

Under Part III of the DDA 1995 the most common justifications used by controllers (e.g. landlords and management committees) when refusing to make an adaptation for a disabled tenant relate to some degree of inconvenience to other non-disabled tenants in the building (citing in particular health and safety and competing access to "common parts"). *Manchester City Council vs Romano & Samari* is for example believed to be the first legal instance where the mental health of non-disabled neighbours has been used to justify the eviction of a disabled tenant. The tenant suffered from a mental impairment displaying behaviour which over a period of several months put at risk the mental health of her non-disabled neighbour. Manchester City Council (the "controllers") was granted permission to evict her despite her pleading the Disability Discrimination Act in defence.

Transport and the physical environment, as well as access to goods and services more generally, are of course of huge importance to disabled people in terms both of opportunities and quality of life. The progressive introduction of the welcome DDA and related provisions in these areas has been accompanied by some improvements in access and use. However, as in many other sectors, that progress is far from complete and could falter. Cases brought under the DDA with respect to transport, goods, services and the physical environment are on the increase.

Disabled people travel some 30% less than other people. Although on an upward trend, in 2007 only 40% of trains were fully compliant with the governing regulations

Disability Law Service Strategic Plan 2008-2011

and around 50% of buses, with the required date for full compliance still several years off. Many disabled people decide they have to use costlier taxis because of the easier access they provide.

Many disabled people also report still having significant difficulties in accessing goods and services (24% in a 2007 survey) as well as shops and other buildings. Simple observation in the High Street shows that access both to enter and within premises of all sorts, while progressively more extensive, remains patchy and in some areas very deficient.

DLS thus far has had only limited involvement in these sectors, although it is clear that there is considerable potential scope for our and others taking action. For example, a disabled driver with severe mobility problems made several applications to her Local Council for a disabled bay near her front door. On each occasion her neighbours objected to the designated sites and applied for dropped kerbs outside their own properties which would render all her future specific applications unsuccessful. Because her Council had a policy of advertising sites for disabled bays but not for dropped kerbs, the Council as a service provider under the DDA was making it unreasonably difficult for a disabled driver to obtain a bay from them. After 26 months undergoing the Council's complaint procedure, an Ombudsman's investigation and County Court litigation, the driver contacted DLS who wrote to the Council alerting them to their duties under the DDA. A satisfactory site for a bay was designated within 6 weeks.

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Harassment, Crime and the Justice System

Disabled people of all ages find their opportunities to participate constrained by the fear and reality of harassment and the failure of criminal justice agencies to offer fair redress. This includes bullying of disabled children and abuse of disabled adults in the community and within services that are meant to support them. Prejudice against disabled people is widespread and more common than the experience of overt discrimination. And hate crime is just an extreme manifestation of a spectrum

Disability Law Service Strategic Plan 2008-2011

of prejudice and discrimination.

It has been found that 90% of people with learning difficulties experienced harassment, and people with learning difficulties living in the community are particularly vulnerable. Two high profile tragic and extreme cases, reported extensively in the media in 2007-08, led to criminal convictions for the perpetrators.

In a further case DLS supported parents of a severely learning disabled child whose neighbours frequently complained to them and their landlords about the noise made by their son who had no speech but communicated via grunts and shouts. Neighbours found this upsetting when he was in the garden and complained persistently to the parents and the council landlord requesting the family be moved away.

Research on London found that 8% of disabled people had experienced violence or severe abuse compared with 4% of the non-disabled population. And investigations have also revealed disturbing degrees of abuse of disabled people within residential and healthcare settings.

The DRC in Scotland found that between a fifth and a quarter of disabled people had experienced harassment in public for a reason related to their disability. A subsequent survey found that around one-third of those subjected to abuse or harassment had to avoid specific places and change their usual routine. One in four moved home as a result of an attack. There are very high rates of anti-social behaviour of all forms towards disabled people in social housing, above all towards those with mental health difficulties.

Many disabled people have a heightened fear of crime and lack trust in the criminal justice system. A 2004 DRC survey found that 59% were not all confident or not very confident that they could get any help to stop hate crime against them. People with mental health problems, learning disabilities, sensory impairments, autistic and related neuro-diverse conditions report that their experience of crime, including hate crime, may frequently be dismissed as insignificant and their credibility as witnesses questioned. There are also indications that young people with mental health and learning difficulties may be disproportionately subject to ASBOs.

There is considerable consensus within the criminal justice system that equal access to justice for disabled people is still accorded insufficient priority and investment.

And overall, notwithstanding welcome recent legislative and other changes serving to enhance the rights of disabled people within the justice system, much remains to be done to secure equal access to justice, better reporting of crime against them, a

Disability Law Service Strategic Plan 2008-2011

lack of trust on their part in the criminal justice system and relatively little voice in the design or delivery of services and new developments.

Sources

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Investigation into the North Lakeland NHS Trust, CHI 2000

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July 2008

Appendix ii

Review of Disability Law Service Strategic Plan for 2005 to 2008

The DLS Strategic Plan, covering the last 3 years, set out 4 key objectives. Under each objective we set priorities linked to the outcomes we hoped to achieve. Over the period we met these outcomes as follows:

Key Objective 1

To ensure that disabled people have access to high quality, specialist legal services.

Our aims were:

- More disabled people gain access to independent, free legal advice, information and support with their legal problems.
- Offer a range of legal expertise covering legal problems remedied through civil law relevant to disabled people's lives.
- Give disabled people equal access to our service irrespective of where they live.
- Increase the numbers of service users from other disadvantaged communities.
- Improve user involvement in the delivery and development of our service.
- All callers get to speak to a real person within our office hours.
- Maintain the quality and equality of our service provision.

We responded to over **11,000** requests for advice. Our legal team provided specialist legal advice and support to over **6,800** disabled people in the areas of Community Care, Disability Discrimination, Consumer, Employment, Education and Welfare Benefits law. Most advice was given via phone, email, letter or other accessible means ensuring national coverage.

In partnership with Leigh Day and Co we offered users seeking to pursue personal injury claims access to their specialist lawyers for an assessment of their claim.

We were proactive in reaching disabled people from other disadvantaged communities. Our London Project successfully established regular contact with **789** organisations offering information, advice and support for disabled people, **156** representing BMER communities and other equality groups. We attended outreach events such as the annual Bengali disability awareness day and provided community care training for local and regional Age Concern organisations.

We successfully secured funding from the Big Lottery Fund and Community Legal

Disability Law Service Strategic Plan 2008-2011

Service to significantly improve our frontline service, offering legal information and a more personal signposting service for those whose problems fall outside the expertise of our legal team. Our frontline service is now staffed by 2 full time legal access workers backed up by a team of trained volunteers who provide a listening ear to all callers problems, give relevant information, refer to an appropriate DLS legal adviser or other organisation as needed.

We continued to retain the Legal Service Commission (LSC) Specialist Quality Mark (SQM) in all our areas of law. We passed our external audit in Autumn 2006 and Auditors noted “***we were impressed with the outcomes that are achieved for the clients.... The cost benefit involved is clear as the value of the services obtained... is often very substantial***”.

We continued to seek the views of our service users via a questionnaire sent to a random sample of users bi-monthly. Responses average 30% and these show over the last 3 years that after help from us:

- **84%** of users felt better able to solve their problems.
- **95%** understood their rights better.
- **87%** were satisfied with the service they received.

In August 2006 we conducted telephone interviews with a representative sample of 22 individual service users and nine referring organisations. We wanted to gain in depth information from both front line service users and referring organisations as to how we could improve our service, and the impact it has on the lives of disabled people and their families.

The consultation found that:

- Service users valued the **specialist knowledge** of DLS advisers.
- **Access to free advice** was crucial for disabled people, irrespective of their financial circumstances.
- The **independence of DLS** is highly valued; this engenders trust and encourages marginalised groups, who are more likely to be suspicious of advice agencies closely linked to statutory authorities or law firms in the private sector, to approach us for advice.
- Service users value being **empowered to work through problems for themselves and find their own solutions**.
- Even when there is no legal solution to a problem, disabled people and their families value being given **current, accurate information about their rights and entitlements**.

Disability Law Service Strategic Plan 2008-2011

- Service users considered that there was **little or no alternative specialist provision of advice for disabled people in their area.**
- Service users valued the **relationships between DLS and other organisations working with disabled people**, because this promoted a continuity of service.
- **Organisations working with disabled people value highly the capacity building and support that DLS provides**, and access to specialist knowledge, both for themselves and their service users.

Our monitoring statistics showed that over the last three years only 18% of our total service users were aged between 12 and 25 years. We separately contacted a sample of these users. From discussions it emerged that **young disabled people are less likely to use traditional ways of accessing advice** which often leads to referring on once or many more times creating barriers to achieving support. We developed and secured funding for the “Activate” pilot project which started in April 2007 to provide a fully accessible website designed by and specifically for young disabled adults offering: **Instant message advice lines** with fully qualified solicitors and caseworkers; a community forum for moderated peer to peer discussion and problem solving; a host of disability rights information in the accessible formats.

Key Objective 2

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

Our aims were:

- An increase in the number of people who know about our service.
- An increased profile of Disability Law Service as an organisation run by and for disabled people.
- Raised profile of DLS as an organisation run by and for disabled people.
- Callers to DLS will get help from another appropriate agency if we can't help them.
- An increase in the range of accessible information we provide on legal issues.
- An improvement in the dissemination of information we provide.
- An improvement in the knowledge of other advisers and service deliverers in disability discrimination and social welfare law and practice.

Our website, www.dls.org.uk, was launched in Spring 2006 and quickly achieved an average **20,000** visits a month. We explored ways of providing information and advice to reach the Deaf community via webcam, BSL interpreters and our website.

Disability Law Service Strategic Plan 2008-2011

We provided a presence at a range of outreach events including a stall at the annual Mayor's Disability Capital Event in Trafalgar Square. In May 2006 we celebrated our **30th Anniversary** with a reception in Lincolns Inn, guests came from both the disability and legal communities and our guest speaker was Bert Massie, then Chair of the Disability Rights Commission.

We reviewed, updated and added to our range of legal factsheets. These are now available for downloading on our website. Our range of 8 community care factsheets, commissioned by the MS Society, were re-written by the Plain English Society.

We established our half day training courses delivered by DLS legal caseworkers in our office training room. During the last 3 years **358** delegates from **147** organisations attended courses ranging from Disability Living Allowance to Mental Capacity Act. **98%** of all attendees reported an increase in their understanding of the law; **97%** thought it had helped them better advise their clients; **97%** agreed it had achieved its aim of providing practical relevant advice and information.

A Big Lottery Fund grant, secured in June 2007, provided funding to improve our reach into all England regions over the next 5 years.

Key Objective 3

To challenge discrimination and exclusion by enforcing and strengthening laws that protect the opportunities, choices and legal rights of disabled people.

Our aims were:

- 95% success rate in our casework.
- Improvement in the opportunities available to disabled people.
- In partnership with others to highlight the problems disabled people experience accessing employment, education, health and social care.
- Improvement in the laws protecting the rights of disabled people.
- Establishing, where necessary, precedents in the law which improve the opportunities, choices and independence of disabled people.

We opened **277** legal cases covering all our areas of law up to and including full representation in courts and tribunal. Cases included representation and submissions to social security tribunals and commissioners; judicial review of local authorities, representation in employment tribunals and county court. Many cases settled before court or tribunal. We achieved **100%** success and over **£200,000** in compensation for disabled people with discrimination claims in employment tribunals. We used Part III of the DDA to successfully challenge Peterborough Borough Council's ban

Disability Law Service Strategic Plan 2008-2011

on disabled parking bays, gaining £3000 compensation for our client and reversal of the ban.

Our community care solicitors achieved some notable successes challenging local authority policies through judicial review.

We submitted responses to several consultations including: the Single Equality Act; DRC consultation on definitions of disability, Mental Capacity Act.

Key Objective 4

To effectively manage Disability Law Service.

Our aims were:

- Our mission and values are widely understood by all those touched by our service and experienced by those who use it.
- A further 40% growth in income from diverse income streams.
- Total annual income to exceed £600,000.
- All staff, trustees and volunteers understand their roles and carry them out effectively.
- Suitable accessible premises in area of Greater London appropriate to a legal service.
- Flexible resources to respond to changing needs of disabled people.
- Reserves of £100,000 or 3 months operating costs, whichever is the higher.
- Ensure our core legal work is secured through sustainable funding.

We published our mission and values on our website, together with our Annual reports. We re-organised our internal reporting structures, creating more management posts and a management team working with the Director, facilitating future growth.

Our income grew by **31%** to year end 2008 (estimated awaiting 2008 audit for final figures), however income secured through grants during 2008 results in a confirmed income of nearly £700,000 by year end 2009, a **67%** increase from year end 2005.

Our office in Whitechapel continued to meet our requirements both in space and access. Our training room is fully accessible and the premises are on the ground floor. We made some adjustments to the internal layout of the office to accommodate new staff recruited to new projects starting in 2008.

18 paid staff will be working from these premises by the end of the year and we have capacity for up to 6 volunteers working at any one time without converting our

Disability Law Service Strategic Plan 2008-2011

training room into office space. Our income continued to come from a diverse mix of grants, contracts, donations and earned income from training and consultancy, giving us a healthy proportion of unrestricted income allowing flexibility and independence in our development.

DLS reserves at 31st May 2008 were over £114,000. This represents a healthy growth though slightly short of the target of 3 months running costs.

Appendix iii

How Service Users Access our Service

Description of how the charity provides its service to clients/groups.

DLS attempts to offer flexibility and diversity in its service delivery. The following are ways that users can access our services:

Advice

- By contacting our legal access service for diagnostic advice, information, referral to appropriate legal advice providers and to DLS legal team who provide nationwide weekly sessions with timed appointments in each of our areas of specialist law. This service is available 5 days per week between 10 - 1 and 2 - 5 PM.
- By writing in to us detailing the problem.
- By email.
- By personal appointment if living in the Greater London Area.
- By Minicom and typetalk service for people with hearing impairments.
- By Language Line for people whose first language is not English.
- At legal surgeries at local community centres in London.
- Our advice line workers and volunteers will refer callers to other agencies who deal with areas of law we do not cover.

Casework

- Through contact through our Adviceline.
- Through referral from another organisation.
- Clients provided with this service access their caseworker by appointment or by telephone during office hours.
- Our caseworkers undertake all the work involved in preparing a case, negotiating settlements and representation at the highest level.
- Translators and sign language interpreters are engaged for those who need this assistance to access our service.

Information

- From a range of factsheets (available in large print, Braille, Electronic and audio tape formats). These are updated regularly and new ones written in response to frequently asked questions.

Disability Law Service Strategic Plan 2008-2011

- From our website.
- through entries in directories and websites, leaflet distribution to libraries, advice agencies and local government centres.

Training & information sharing

- Through the provision of specialist training, information dissemination and consultation.
- Through interviews and speaking at conferences and seminars.
- Through written articles and papers on relevant legal topics in journals and newsletters.

Appendix iv

Summary of Projects for 2008 to 2011

1. Project Title: Better Access - Englandwide Project

Funder: Big Lottery Fund

Timescale: 1st February 2008 to 31st January 2013

Brief details: The project covers all England regions with 3 distinct yet linked activities:

Legal Access: A first port of call for disabled people seeking advice. Offering triage, information, signposting to other agencies, and DLS legal team.

Specialist Legal Advice: Providing specialist legal advice for one day per week in each of employment, community care, welfare benefits, disability discrimination in education and consumer law.

Englandwide Development: Undertaking research and mapping exercise of local/regional organisations of disabled people and legal advice provision leading to a planned 4 year rolling programme of regional contact to build up resource database for cross referral for advice. Development of income generating activities such as training and subscription specialist support.

2. Project Title: Reach Out Project

Funder: Community Legal Service

Timescale: 1st April 2008 to 31st March 2011

Brief details: The project covers all England regions and Wales.

In England it adds capacity to BLF project through providing 1 FT triage worker and a part time development officer.

In Wales an 18 month pilot project undertaking research and mapping exercise of local/regional organisations of disabled people and legal advice provision including a consultation and survey of service users and Organisations leading to a published Report on findings.

3. Project Title: MS project

Funder: MS Society

Timescale: 1st January 2008 to 31st December 2010

Brief Details: The project covers the whole of England and provides for a new post of MS Legal Officer based at DLS.

The MS Legal Officer will provide a first port of call for people with MS seeking legal advice and staff and volunteers from the MS Society; specialist legal advice for people with MS in community care and employment law.

4. Service Title: Enabling Choice In London

Funder: London Councils - Commissioned Service

Timescale: 1st July 2008 to 31st June 2012

Brief Details: The service covers all London Boroughs providing specialist legal service to help disabled people and carers throughout Greater London to take up direct payments, benefit entitlements and community care services.

Capacity building via training and specialist information will be provided to advocates and advisers to organizations working with disabled people.

5. Service Title: Disability Discrimination Representation Service for London

Funder: London Councils - Commissioned Service

Timescale: 1st July 2008 to 31st June 2012

Brief Details: The service covers all London boroughs providing a specialist legal service to meet the needs of disabled people in Greater London.

The project provides service users with casework, and where appropriate represen-

Disability Law Service Strategic Plan 2008-2011

tation at court or tribunal; to challenge discrimination and assert their legal rights. Capacity building via training and specialist information will also be provided to advocates and advisers.

6. Project Title: Disability Rights Project

Funder: EHRC

Timescale: 1st April 2008 to 30th April 2009

Brief Details: The project covers the SE region of England and will provide legal advice, casework and representation in all parts of the DDA as well as Age Discrimination law.

7. Project Title: Activate

Funder: Lloyds TSB Foundation

Timescale: 1st April 2007 to 31st March 2009

Brief details: An innovative pilot project to provide a fully accessible website designed by and specifically for young disabled adults.

Activate will offer instant message advice lines with fully qualified solicitors and caseworkers; a community forum for moderated peer to peer discussion and problem solving; a host of disability rights information in the accessible formats.

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