

Key Note Presentation – Marie Tidball, University of Oxford

Title:

The impact of cuts to services on people with disabilities: cumulative and careless; making creative engaged solutions imperative.

Introduction

This keynote address will set out some of the evidence of the negative impact of Coalition government cuts to disabled people, including some specific examples that I have seen in my own work. Each headline topic will identify the national impact before considering the opportunities for creative, engaged solutions and interdependent working by people with disabilities to improve services themselves in this difficult context. These solutions aim to mitigate the impact of austerity, welfare reform and the economic recession on the health and well-being of disabled people and to empower this group to shape the policy agenda. The focus of the talk will be adults with disabilities.

Part 1- The impact of cuts to services on people with disabilities; cumulative and careless?

Cumulative Impact – the concept and Equality and Human Rights Commission analysis¹

- [Necessity for policymakers to consider the collective impact of the cuts
- [Necessity for disabled people to contribute to this analysis by their experiences

Part 2 – Headline topics

i) Economic: the impact of Welfare Reform and barriers to employment; including the move to Universal Credit, DLA Reform and Under Occupancy or 'Bedroom Tax' (Scope; MIND); ATOS assessments.

Creative Solution: people with disabilities need to be empowered and enabled to set the agenda around welfare reform and employment. **Table Discussion today:** What are the practical barriers to gaining and sustaining employment? What are the solutions? For example, later starting times; flexible working patterns.

¹ Making fair financial decisions An assessment of HM Treasury's 2010 Spending Review conducted under Section 31 of the 2006 Equality Act (EHRC, 2013)

ii) Cuts to Local Government: Health and Social Care budget reductions have led many local authorities to raise their FACs Eligibility thresholds, risking a systemic 'drift towards crisis'.

Creative Solution: consultation responses and making best use of the evidence. Use your status as experts by experience to respond to local government consultations. Explain how changes will affect you; are there alternatives?

- **Write your own consultation response; ask professionals to assist in capacity building; circulate amongst your local Councillors.** For example, I held Consultation skills sessions for parents and adults with autism to explain the meaning of consultations and how to structure their personal answers. This led parents, carer and adults with autism to respond to the local consultation process.
- **Judicial review**². The paper I wrote in response to Birmingham City Council's *Vision for Social Care* (2010), written on behalf of Autism West Midlands, was used by the claimant's legal counsel as evidence in the Administrative Court's Judicial Review of this policy. It was cited extensively by the presiding judge, who used it to reach the verdict that the Council's consultation was inadequate and the policy should be quashed³. Judicial Review will not always be the most feasible nor productive way of making best use of the evidence. Nevertheless, it is one way of seeking a definitive judicial response to a change of policy affecting disabled people. Other avenues should always be pursued first.

iii) Access to Legal Services: cuts to Civil and Criminal Legal Aid.

Thankfully, Community Care was 'one of the areas of civil legal aid least affected by the ...changes' to Legal Aid (The General Council of the Bar, 2013). However, the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which came into effect from the 1st of April 2013, is likely to have a disproportionate impact on people with disabilities (see Scope, 2012; *The Guardian* 2013) by, for example:

- ┌ Removing funding for legal advice and representation for routine housing claims

² In the context of cuts to legal aid, this tool will be more difficult for individual claimants to apply; as such it will become even more important for to work with charities and pressure groups to mount public law challenges.

³ (see *R(W)v Birmingham City Council*, [2011] EWHC 1147 (Admin))

- ┌ Excluding funding for civil legal services in relation to a welfare benefit claims ⁴unless in exceptional circumstances when it reaches the Court of Appeal or Supreme Court;
- ┌ Cuts to Criminal law Legal Aid mean the previously 11,000 cases brought by prisoners will no longer be eligible.

Creative Solution: Know your rights and help set the agenda about what those rights should be: an understanding of the law can appear to be a tightly guarded secret held by certain professionals but many charities and voluntary organisations are working hard to open access to the law for people with disabilities. You can work with them and other local agencies to build capacity in the community. There are a number of avenues for engagement:

- Contribute to your Local Authority's Equality Impact Assessment, for example, I recently often on their views but good ones are out involving.;
- Setting up capacity building forums;
- Respond to local and national consultations
- Scrutiny Boards;
- Freedom of Information Act requests;
- Responding National Consultations; a member of my Autism Consultation Work Group recently responded to The Barker Commission's ⁵request for evidence. They have now been asked to sit on the Panel of this Commission as an Expert by Experience
- Local representation on Public Involvement Networks eg. Autism Partnership Board
- Write to your Local Councillor or MP

iv) Attitudinal. An increase in stigma, social exclusion and discrimination in this economic climate has led to a negative attitudinal shift towards disabled people:

"Recent media articles labelling those who claim disability benefits as 'scroungers' have arguably contributed to increased resentment and abuse being directed at disabled people" (NAS 2012).

⁴ According to the Scope Report, '[d]isabled people make up a disproportionate proportion of 58 per cent of those who receive legal aid for welfare benefits cases (Legal Services Commission (2011)). This translates to over 78,000 disabled people who will be denied specialist legal help'.

⁵ Also known as the *Commission on the Future of Health and Social Care in England*.

Linked to documented rise on Hate Crime towards people with disabilities; this attitudinal shift risks widespread impact on the self confidence, social inclusion and wellbeing of people with disabilities.

Creative solution: become a News producer. Challenging the portrayal of people with disabilities in mainstream News is a powerful way to change News media's conversation about this subject. Self-advocacy and autobiographical journalism are ways to raise the profile of experiences of people with disabilities. You can become a 'content creator' by writing blogs, twitter posts and designing websites to tell your story and share evidence about the way changes to law and policy are affecting the everyday lives of people with disabilities. The digital divide has historically affected people with disabilities, particularly those learning difficulties, in the past. Nevertheless, there are ways to increase your access to the internet. For example, you can work with charitable and service user-led organisations to produce pieces of photo journalism and tell your story visually or through video diaries online.

Biography:

Marie Tidball was born in Barnsley and grew up in nearby Penistone, attending Penistone Grammar School and Sixth Form. After the introduction of the Human Rights Act in 1998, she became interested in how legislation could be used to protect vulnerable people and was inspired to pursue a law degree at Wadham College, University of Oxford. Marie subsequently worked at Channel 4 News. Here she produced, amongst other things, a piece on how the digital divide affects people with learning disabilities. Returning to Oxford to do an MSc in Criminology and Criminal Justice, she researched the treatment of offenders with learning disabilities and mental health problems. Her dissertation focussed on the problematic use of ASBO's for individuals with autism. This study led her to work as Policy and Legal Officer at Autism West Midlands where she produced responses to national and local government consultations including the Autism Statutory Guidance *Implementing fulfilling and rewarding lives* (see DH, 2010) and Birmingham City Council's *A Vision for Adult Social Care* (see, 2010). This gave her insight into the application of the Big Society in practice and knowledge of how the changes in Local Government, Health and Adult Social Care have impacted upon people with disabilities.

Marie is now studying for a doctorate at the Centre for Criminology, University of Oxford, on the governance of defendants with Autism in the English Criminal Justice System. She is passionate about improving access to services for people with disabilities and empowering them to better understand and contribute to law and policy. She also runs an Adult Consultation Work Group in Birmingham for people with Autism, providing engagement skills session, legal and policy briefings on changes to law and policy affecting people with autism.

Her interests include: criminal law; mental health law; Equalities legislation; criminal justice, health and social care and welfare reform.

References:

All-Party Parliamentary Disability Group (APPDG), 2013, Promoting Independence, Preventing Crisis - Making social care reform work for disabled adults, Available online:

<http://www.scope.org.uk/sites/default/files/Promoting%20Independence,%20Preventing%20Crisis%20APPG%20report.pdf>

C. Wood, Demos, on behalf of Scope, Destination Unknown: Summer 2012
Disability Rights UK, (2012), [report 1](#) - *Holes in the safety net: The impact of universal credit on families with disabled children*

Disability Rights UK, (2012), [report 2](#) - *Holes in the safety net: The impact on disabled people of the abolition of the severe disability premium within universal credit*

Disability Rights UK, (2012), Report 3 - *Holes in the safety net: The impact of the Universal*

Credit on working disabled people, Available online:

<http://disabilityrightsuk.org/sites/default/files/pdf/report3.pdf>

Disability Rights UK, (2012), [\(20\)](#), *Taking Control of Employment Support*. Available online:

<http://www.disabilityrightsuk.org/sites/default/files/pdf/takingcontrolofemploymentsupport.pdf>

Duffy, S. and the Campaign for a Fair Society, (2013), *A fair society? How the cuts target disabled people*. Available online:

<http://www.centreforwelfarereform.org/library/type/pdfs/a-fair-society1.html>

Equality and Human Rights Commission (EHRC), 2010, *Making Fair Financial Decisions*
Houses of Parliament, (July 2013), Hansard Debate on the Cumulative Impact motion:

www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130710/debtext/130710-0002.htm#13071070000001

Kaye, A. (Royal National Institute of Blind People), Jordan, A., (Multiple Sclerosis Society) and Baker,

M., (The Hardest Hit), (2012), *The Tipping Point: The human and economic costs of cutting disabled people's support*, Available online:

<http://thehardesthit.wordpress.com/our-message/the-tipping-point/>

Scope, Mencap, National Autistic Society, Sense, Leonard Cheshire Disability, 2013, *The other care crisis: Making social care funding work for disabled adults in England*.

Sarb, C. and Bush, M., (Scope), Fisher, C., (2011), *Legal aid in welfare: the tool we can't afford to lose*,

The Bar Council, (2013), *Changes to civil legal aid Practical Guidance for the Bar*. Available online:

http://www.barcouncil.org.uk/media/201552/changes_to_civil_legal_aid_practical_guidance_for_the_bar.pdf

United Response, (2012), 'Superhumans or Scroungers', Available online:

http://www.unitedresponse.org.uk/wp-content/uploads/2013/09/UR_CP_SuperhumansorScroungers.pdf

Wood and Grant (DEMOS), (2010), *Counting the Cost*. Available online:

Wood and Grant (DEMOS), (2013), "Tracking the lives of disabled families through the cuts..." Project, Resources available online:

<http://www.demos.co.uk/projects/disabilityausterity>