



**Comments from Imtac on the consultation on A  
Strategy to improve the lives of disabled people  
2012-2015**

**August 2012**

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## **About Imtac**

Imtac is a committee of disabled people and older people as well as others including key transport professionals. Our role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

Our aim is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Regional Development.

## **General Comments**

Imtac welcomes the publication of the draft Strategy for consultation. We see its publication as an important step forward by Government here both in terms of responding to the Report of the Promoting Social Inclusion Group on Disability (PSI) and meeting obligations under the UN Convention on the Rights of People with Disabilities (UNCRPD). The Committee commends OFMDFM for the inclusive approach to the consultation process. The Committee would also like to record our thanks to Joe Reynolds from OFMDFM who attended the June Imtac meeting.

The role and remit of Imtac is to advise Government and others on issues that affect the mobility of disabled people and older people. The existence of a Committee such as Imtac is recognition of how important travel and mobility is in modern society. How easy or how difficult people find it to get around has a huge impact of their lives of people – it shapes choice and has influence over every aspect of everyday life including personal relationships, choices around education and training, how easy it is for someone to enter or stay in employment, where you can live, what social and leisure activities people take part in and how easy people find it to access key services such as health and social services.

The members of Imtac are well placed to comment on every aspect of the draft Strategy as the outcomes will directly affect their lives and ability to continue to contribute. They have a vast range of individual and group experience which they have brought to bear on this response and which they very much hope will inform the debate about the

Strategy with the goal of ensuring the best possible outcome for disabled people.

Improving access to transport and mobility is essential to each and every element of the Strategy and removing barriers in each of the areas of the Strategy will involve solutions that affect travel and mobility. Our comments on the draft Strategy reflect the key role travel and mobility has in ensuring the full inclusion of disabled people in our society.

In our comments around the draft Strategy we have made specific reference to transport and mobility where this may be barrier to participation by disabled people. It is also worth noting that the design and delivery of services can in themselves be a barrier in that it often requires disabled people to make difficult and often expensive journeys. In some cases it may be preferable to look at solutions that reduce the need for disabled people to travel to access these services rather than attempting to provide a transport based solution.

The Committee recognises that the draft Strategy does address many issues that are important to disabled people. However Imtac believes that there are significant improvements that should be made before the Strategy is finalised if it is to create an environment and society that is truly inclusive to disabled people. In our response we will make specific comments on the content of the draft Strategy. The Committee does however have some general comments which we hope will inform the development of the final version.

Any strategic approach concerning disabled people should be centred on ensuring disabled people have the same rights as everyone else. Such a rights based approach requires a significant shift in culture, policy and practice from Government and others as it transcends the concept of simply meeting needs. The Strategy as currently drafted has too much emphasis on meeting need at the expense of delivering rights and equality for all.

**It is a key recommendation of Imtac that the final Strategy be amended to reflect a rights rather than needs based approach. The Vision, Goals and Strategic Priorities of the final Strategy should be underpinned by the vision of rights for all and be supported by an Action Plan that seeks to remove the barriers that prevent the full realisation of these rights.**

The United Nations Convention on the Rights of People with Disabilities (UNCRPD) provides governments with a complete framework for delivering a rights based strategy. Whilst the current draft of the Strategy takes account of some of the Articles of UNCRPD through the draft Strategic Priorities, other important Articles are not included or are only partially included.

**Imtac recommends that the Vision, Goals and Strategic Priorities in the final Strategy fully reflect the Articles of UNCRPD. In our detailed response we have made a number of suggestions about how this can be achieved.**

Any Strategy which is inclusive for disabled people should reflect a strong commitment from Government to reduce and remove the barriers that prevent full participation by disabled people in society including barriers relating to access, transport, personal mobility and communication. The Committee believes that the final Strategy should demonstrate a stronger commitment from Government to the inclusion of disabled people.

It has taken Government some considerable time to bring forward these draft proposals for a Strategy for disabled people. Given this wait for a strategy the Committee is disappointed that the current timeframe envisaged for this Strategy is just over two years. Given the lead in time to the implementation of any policy it is unlikely that in this timeframe any significant progress will be made in ensuring greater inclusivity for disabled people to all aspects of life covered by the Strategy. There are many examples of other Government strategies which have much longer timescales for delivery such as the Regional Development Strategy and the Committee believes that increasing the delivery time for this Strategy would significantly increase its chances of successful implementation.

**Given the significant barriers faced by disabled people and the on-going obligations of the UK Government including Northern Ireland has around UNCRPD Imtac recommends that the final Strategy have a longer timescale for delivery. In our view the Strategy should reach until at least 2020.**

As currently drafted the wording of Strategy lacks dynamism and ambition which could be interpreted as signifying a lack of commitment from Government. Imtac believes changes are required to the presentation of the final Strategy to reflect a commitment to delivery on the part of Government to address the priorities identified.

An example of how this might be achieved would be to change the title to **“Delivering rights and equality – a strategy of disabled people”** This would demonstrate a more ambitious and dynamic approach from Government to the delivery of an inclusive Strategy. Other examples will be highlighted later in this response.

Positives attitudes, the inclusion of disabled people and the participation of disabled people in public life are a key aspect of the work and role of Imtac in advising Government and others. Whilst Imtac acknowledges that participation and awareness raising are included in draft Strategic Priorities other areas of the draft Strategy portray disabled people as passive (people who have things done to or for them) or refer to disabled people indirectly. **Imtac recommends that the final Strategy be amended to place disabled people at the centre of all aspects of the Strategy, that the Strategy portrays disabled people in a positive manner and that the all elements of the Strategy are underpinned by participation by disabled people.**

Resources will be key to the implementation of any Strategy. It can be surmised that the overall cautious approach of the draft Strategy reflects the significant challenges faced by Government in securing any additional resources to implement change. However if the Strategy is toned down to the currently available funding it is unlikely to be challenging or create change.

There have been significant positive changes to the accessibility of services over the past decade due to both legislation and investment by Government in Northern Ireland. Despite these positive changes the draft Strategy is an acknowledgement of the significant barriers to full inclusion of disabled people that remain. To be successful in addressing these barriers Imtac believes that it is likely that any Strategy will require additional resources. However a broader discussion must take place as to how all existing resources can be used more effectively. One area where this could be improved is a review of standards across Government to ensure that where money is being spent benefits for disabled people are maximised<sup>1</sup>. This approach could be replicated by

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<sup>1</sup> In the area of transport the Accessible Transport Strategy provides a framework for Government to maximise the benefits for disabled people when spending money of transport services. A key aspect of this is clear standards around issues such as vehicle design, information and staff training.

other Departments and agencies across Government. Another area is more efficient use of resources through cross Departmental working. Imtac has undertaken some work already to identify how cross-departmental work could improve access to travel for disabled people<sup>2</sup>.

Strengthening legislation is another way Government can deliver effective change to benefit disabled people. Imtac believes there is compelling evidence for strengthening legal protection for disabled people both in respect of the imbalance created by the Equality Act 2010 in Great Britain and the impact on the Disability Discrimination Act of the Malcolm case<sup>3</sup>. Imtac also believes there are other areas where Government could make changes to legislation which would directly benefit disabled people. One example specifically relevant to our work is a change to the Public Service Vehicle Accessibility Regulations to include provision for audio and visual information systems on all new buses and coaches.

Key to the delivery of the Strategy will be the Action Plans and how they are monitored. From the Committee's perspective it is difficult to comment on the overall impact of the draft Strategy without sight of the action plan or more information on how its implementation is to be monitored. The draft Strategy makes no reference as to how disabled people can contribute or influence the action plan. If Government is to meet its own commitments made in the draft Strategy around participation it is essential that mechanisms are included for ongoing engagement with disabled people to influence and shape the Action Plan.

### **Specific comments on draft Strategy**

As already noted the role and remit of Imtac is to advise Government and others on issues that affect the mobility of disabled people and older

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<sup>2</sup> Most recently Imtac has published a paper on Flexible Transport services examining how resources currently spent on a range of different transport services could be more effectively utilised. This is available from our website at <http://imtac.org.uk/publications.php?pid=219>.

<sup>3</sup> The Equality Commission for Northern Ireland has produced a report setting out proposals for strengthening legal protection for disabled people highlighting in detail the difference in protection in Northern Ireland and the rest of Great Britain as well as the restrictions on existing legislation caused by the judgement of the House of Lords in the Malcolm case – this report is available at <http://www.equalityni.org>.

people. The existence of a Committee such as Imtac is recognition of how important travel and mobility is in modern society. This response has noted how easy or how difficult people find it to get around has a huge impact on the whole spectrum of the lives of disabled people.

Improving access to transport and mobility is essential to each and every element of the Strategy and removing barriers in each of the areas of the Strategy will involve solutions that affect travel and mobility. Our comments on the draft Strategy reflect the key role travel and mobility has in ensuring the full inclusion of disabled people in our society.

In responding to the draft strategy we have tried to follow the format of the accompanying questionnaire as much as possible.

### **Q3 Do you agree with the scope of the strategy?**

Given our previous general comments around the importance of placing disabled people at the heart of the strategy both paragraphs around the scope of the draft strategy should specifically mention disabled people. For instance the first paragraph could be amended to read “This strategy is intended to cover all disabled people inclusive of children, young people and adults with any form of impairment (disability). The phrase “diversity of disability” in the 2<sup>nd</sup> paragraph should be replaced by “the diversity of disabled people”.

Further to our comments around a rights rather than needs based approach Imtac recommends that the phrase “also addresses the needs of” in relation to families and carers be removed. We do not believe removing this phrase will diminish the important recognition within the scope of the draft Strategy of families and carers

### **Q4 Are you familiar with the PSI Report on Disability?**

Yes – Imtac contributed to the section of the report that looked at access to transport and travel. Some of our members were members of the PSI Working Groups.

### **Q5 Legislative, Policy, Economic and social context**

The economic context of the draft Strategy rightly acknowledges the concerns of disabled people around the proposed replacement of DLA by PIP. In addition to this many disabled people have already or will be affected by the migration of Incapacity Benefit to Employment Support

Allowance, changes to Housing Benefit as well as other benefit changes. These issues should be explicitly recognised in the final Strategy.

### **Q6 Do you agree with the vision for the Strategy?**

Imtac is unclear about what the vision for the Strategy is as the draft Strategy contains two statements and the questionnaire one. Imtac recommends that the final strategy contain one statement, primarily based on the Article 1 of UNCRPD but which acknowledges the contribution of the PSI working group.

### **Q7 Do you agree with the purpose of the Strategy?**

In line with our general comments the first bullet point should be amended to make specific reference to disabled people rather than “disability related” ie “general and specific areas of policy relating to disabled people”

Also in line with our general comments Imtac recommends that two references to “needs” in the penultimate bullet point be replaced with “rights”. It is our belief that successful outcomes for disabled people will only be achieved through understanding the rights of disabled people and appropriate delivery to incorporate them.

### **Q8 Do you agree with the goals of the Strategy?**

Whilst the Committee recognises that the goals as listed do address important issues for many disabled people they do not provide a comprehensive and understandable framework for meeting all the Articles of UNCRPD. Imtac recommends that each goal should be further developed and expanded to assist Government meet the Articles with explicit reference to the Articles under each goal. For example no mention is made in the Goals of key issues such as access to education, health or transport.

The wording around each goal is overly cautious and lacks ambition, perhaps because of the short time frame for the draft Strategy to be implemented and goals achieved. The wording also focuses on the needs rather than rights of disabled people and their insufficient emphasises on the involvement of disabled people at each level of the draft Strategy. Finally the goals of the Strategy should focus on the

inclusion of disabled people in our society – some of the current wording of the goals appears to suggest a continued “separate” approach.

By way of illustration of how the goals could be redrafted to be more dynamic, inclusive and centred around UNCRPD the Goal concerning Information and Communication could read:

“Our goal is to create a society where disabled people have freedom of expression, to say what they think through whatever type of communication they choose and the same right as other people to give and receive information.”

Our example sets the goal at a high level based around the right within UNCRPD to freedom of expression. The Strategic Priorities and any emerging Action Plan should establish how this high level goal is to be achieved including specific measures that Government will bring forward to ensure this is achieved. Key to achieving this goal is ensuring Government recognises disabled people’s right to receive information in formats most suitable to them, through establishing clear standards for the provision of inclusive information and introducing steps to ensure that these are met by Government and others in our society.

## **Q10 Strategic Priorities**

In broad terms Imtac recognises that the draft Strategic Priorities do address important issues for disabled people. However the Committee is concerned that many important issues covered by UNCRPD are not explicitly covered by the Priorities. These include education, health and transport. The Committee is also concerned about the wording of the draft Priorities. These concerns are the same as those we have raised above concerning the wording of the Goals of the Strategy.

Imtac believes that transport and mobility is an issue that cuts across all of the draft Strategic Priorities. As such it is debatable whether transport should be included as a separate specific priority or whether the issue should be dealt with in relation to actions around individual strategic priorities. Imtac believes it is important that transport and mobility be considered where important under each Strategic Priority, however we do believe there is a need for Government to make a broader commitment to ensure disabled people have the right to move around with the greatest possible independence. We would therefore recommend the inclusion of an additional Strategic Priority enshrining Article 20 of the UNCRPD relating to personal mobility ensuring that

disabled people can move around with the greatest possible independence.

### **SP1**

The participation of disabled people in public life is a critical issue as incorporated in UNCPRD that is supported by Imtac. As currently worded this draft Strategic Priority is limited to influencing policy, whereas the relevant article of UNCPRD is broader. Imtac recommends the Priority be broadened to include actions to promote (1) the direct involvement of disabled people in the work of Government, (2) the broader direct involvement of disabled people in wider public life and (3) recognition of the right for disabled people to be involved in political life.

In respect of this draft Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to increasing the participation by disabled people.

### **SP2**

Imtac does not understand this draft Priority and how it fits with the overall delivery of the Strategy and UNCPRD. If it is about joined up working would this not be better integrated through the whole document as achievement of each strategic priority will require interaction between a range of bodies and sectors.

### **SP3**

Imtac recognises that the lack of appropriate and accessible information can be a barrier to participation and inclusion for disabled people. The Committee is unsure whether the draft Strategic Priority as worded is about awareness raising or whether it is about a more general need by Government and others to improve and make information more inclusive. We would question whether this draft Strategic Priority would be better covered by a specific Priority which focused on rights around freedom of expression and information including a commitment by Government to bring forward actions that will ensure disabled people can give and receive information in formats that best suit them.

Imtac has undertaken significant work to demonstrate how information, or the lack of suitable information, can be a barrier to accessing transport services.<sup>4</sup>

#### **SP4**

Awareness raising by Government around issues facing disabled people is a key article in UNCRPD, so much so that action is required without delay. Imtac welcomes the inclusion of this draft Strategic Priority and the commitment to work with disabled people. One suggested amendment would be to replace “to challenge the negative perceptions regarding people with disabilities” with “to raise awareness of the positive contributions disabled people make in all areas of our society.”

Imtac has already undertaken significant work with some transport providers around awareness raising. For example we have worked closely with Translink to ensure that positive images of disabled people using their services are included in the organisations mainstream publications.

#### **SP5**

Imtac welcomes the inclusion of this draft Strategic Priority as it reflects Article 9 of UNCRPD. However the Committee is concerned that Government is using this draft priority to cover too many issues, including access to transport, which perhaps merit a priority by themselves. Imtac recommends that additional wording be added to the start of the priority along the lines of “Introduce and put into practice measures that eliminate the barriers ....” The Committee also recommends that the priority makes mention of information and communication as well as urban and rural areas.

#### **SP6**

Imtac welcomes acknowledgement of Article 21 of the UNCRPD and the importance of rights around freedom of expression and information. Unfortunately the draft Strategic Priority does not fully reflect this article as it focuses on increasing levels of accessible information within limitations – this priority should be redrafted to reflect freedom of

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<sup>4</sup> See the publications section of our website at <http://imtac.org.uk/publications.php>

expression as a right for disabled people not an accommodation. This right includes the right to receive information from Government and others in formats best suited to the individual disabled person concerned. We would like the Strategic Priority to reflect our comments made in relation to SP3 above.

## **SP7**

Independent living, together with freedom of choice and control are important issues for disabled people. They are also fundamental rights covered by a number of the Articles of the UNCPRD. Imtac believes that this draft Strategic Priority should be focused on delivering these rights – ie introduce actions to ensure disabled people have the same level of choice, control and freedom in their daily lives as everyone else.

In respect of this draft Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to increasing options for independent living and choice and control for disabled people.

## **SP8**

Imtac welcomes the inclusion of a draft Strategic Priority on disabled children. The UNCRPD requires that disabled children have the same rights as other children, that what is best for the child is a priority, that disabled children have a right to give their opinion and that this is taken into account. Imtac is concerned that the current wording does not have the disabled child as its primary focus nor does it reflect the rights disabled children should have under the UN Convention.

In respect of this draft Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to ensuring the inclusion of disabled children in society.

## **SP9**

Respect for home and the family are important rights and Imtac welcomes the acknowledgement of the importance of these rights in the draft Strategy. Unfortunately draft Strategic Priority 9 focuses on support by Government to one specific aspect of family life rather than a broader commitment to introduce actions designed to stop discrimination against disabled people when it comes to marriage and family life.

In respect of this draft Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to delivering rights for disabled people around respect for the home and family.

### **SP10**

Imtac recognises the importance of transition to adulthood for disabled people and the significant failings that exist in current arrangements. There are other transition points for disabled people for instance when people acquire their impairment or as people move from adult to older people services. It would be beneficial if this draft Strategic Priority recognised the broader issues of transitions for all disabled people and linked this to rights around access to habilitation and rehabilitation. This strategic priority would then link to Article 26 of UNCRPD.

By way of example on this draft Strategy, Imtac has undertaken some recent work looking at the role travel training can play in habilitation and rehabilitation. It is clear from our work that interventions such as travel training with disabled people at a young age or when someone acquires an impairment can have significant long term benefits for the individuals and make transitions much easier. The final report on this work will be published shortly.

### **SP11**

Imtac agrees with and supports this draft Strategic Priority. It should be noted that research shows that travel and mobility are linked to issues around poverty and standards of living in modern society.

### **SP12**

Imtac suggests that this draft Strategic Priority be amended to read “Introduce actions to ensure disabled people and their families have the right to appropriate housing, necessary services and equipment to live independently.”

In respect of this Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to delivering rights around housing and independent living.

### **SP13**

Article 27 of the UNCRPD says that disabled people should have the same right to work as other people, that they have the right to earn a living from work they choose and in an environment that is open and accessible. Imtac is disappointed that draft Strategic Priority 13 does not fully reflect these rights and contains only a weak commitment to “work towards increasing” the numbers of disabled people in employment. This priority must be amended to recognise disabled people’s right to work and contain an actual commitment to introduce actions that increase the number disabled people in employment.

In respect of this draft Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to delivering rights for disabled people around employment.

### **SP14**

Imtac welcomes the inclusion of a draft Strategic Priority around education, training and lifelong learning. However the draft Priority should first and foremost recognise the right of disabled people to education, a commitment to ensure that disabled people are represented at all levels of the educational system and a further commitment to bring forward actions that will make these rights a reality.

In respect of this draft Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to delivering rights for disabled people around education.

### **SP15**

Imtac welcomes the inclusion of a draft strategic priority around equality under the law and access to justice. The Committee does recommend rewording the priority to read “Introduce actions to ensure that disabled people can exercise their rights to be treated equally under the law, can access the justice system just like other people and have freedom from exploitation, violence and abuse.” This of course applies to all walks of life including travel and mobility.

### **SP16**

Imtac welcomes the recognition in the draft Strategy of the importance of participation by disabled people in sports, arts, leisure and other cultural

activities. The wording of the priority could be improved by including a commitment to introduce actions that will promote disabled peoples right to participation in these activities.

In respect of this Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to increasing the participation of disabled people in sports,arts and leisure activities.

It is Imtacs view that two additional Strategic Priorities should be included in the final Strategy.

The first additional strategic priority Imtac would like to see included is around health. Health and access to health services is a key priority for everybody in society (including disabled people) and its absence from the Strategy Priorities of the Strategy is a major omission. It is also a key obligation under Article 25 of UNCRPD. Imtac recommends that the future Strategy include a Strategic Priority committing Government to actions that promote the right of disabled people to the same quality of health care, without discrimination because of disability. In respect of this additional Strategic Priority, Imtac wish to highlight that actions that improve access to transport and personal mobility are crucial to ensuring disabled people have the same access to health care and services as others in society.

The second additional Strategic Priority relates to Equality and Non-Discrimination under article 5 of the UNCRPD. Imtac recommends that the final Strategy contains a commitment to develop actions that ensure disabled people are equal before the law, are protected by the law and are protected from discrimination on the grounds of their disability. This would include protections around use of transport services.

#### **Q10 Do you agree with our approach on the collection of statistics and data?**

Yes – it is the responsibility of Government under the UNCRPD to collect data. The lack of data is too often used by Government as an excuse to do nothing. Imtac is prepared to advise on current data and gaps in data regarding transport and mobility.

### **Q11 Do you agree with our approach on the monitoring framework?**

Given the absence of an action plan and the limited information in the draft Strategy Imtac cannot make any assessment about how effective any monitoring arrangements will be. It is clear however that unless the Strategy is targeted to a longer time frame, a monitoring framework will have little to no impact on the delivery of an Action Plan. A monitoring framework shaped around disability social inclusion factors alone is unlikely to adequately reflect the range of issues that will contribute to “the building of a fair and inclusive society here for people with disabilities” (Draft Strategy paragraph 1.1).

### **Q11 Do you consider there to be any value in having additional legislation to support the delivery of the Strategy?**

Yes. Imtac has already indicated that strengthening legislation is one way Government can deliver rights to disabled people in Northern Ireland. Disabled people in Northern Ireland have already less legal protection than disabled people in Great Britain as a result of the Equality Act 2010. The DDA has been limited in Northern Ireland because of the Malcolm Case and case law between here and other parts of the United Kingdom is diverging. Imtac believes there are overwhelming arguments to strengthen legislation in Northern Ireland. We also believe there are specific issues around transport where changes to legislation would improve access for disabled people.

### **Conclusion**

Imtac would like to thank OFMDFM for the opportunity to respond to the consultation on the draft Strategy. The Committee would welcome the opportunity to discuss our response with officials at a later date and to contribute to and comment on issues in the proposed draft Action Plan and monitoring framework particularly in relation to those areas of the Strategy where we have identified transport and personal mobility as key to contributing to the inclusion of disabled people.

