

Disability Wales' repose to the Commission on Justice in Wales'

Call for Evidence

1. Introduction

- 1.2 Disability Wales/Anabledd Cymru (DW) is the national association of disabled people's organisations in Wales striving for the rights and equality of all disabled people, including for independent living. Our core role is to reflect the views of our members to Government with the aim of informing and influencing policy.
- 1.3 Disability Wales subscribes to the Social Model of disability, by which we mean that "disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others" (*UN Convention on the Rights of Disabled People*).

2. Access to Justice for Disabled People

- 2.1 Disability Wales is concerned about the cuts to legal aid following the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which restricted the level of support available through legal aid. These cuts have had a significant impact on disabled people's access to legal advice and assistance with benefit cases. These cases are often complex and a lack of legal assistance is making the process distressing and can lead to a negative impact on people's impairments and mental health.

- 2.2 Latest statistics have shown a dramatic reduction in legal aid assistance on welfare cases¹. Without legal aid assistance, many disabled people are no longer able to seek legal assistance to challenge benefit awards, leading to reduced incomes and reductions in their standard of living. The cuts to legal aid have also affected disabled peoples entitlement to legal assistance in employment, divorce, child custody, clinical negligence.
- 2.3 Support for local and national not-for-profit advice agencies relied on by many disabled people when seeking advice about their rights or help to challenge decisions have also faced significant cuts². There is no accessible specialist advice on legal rights for disabled people in Wales and a lack of pro-bono lawyers with disability expertise³
- 2.4 Disabled people feel unable to report incidents of hate crime, due to authorities not understanding their needs as disabled people.
- 2.5 In 2017 the UK Government underwent its first formal examination by the Committee of the United Nations Convention on the Rights of Disabled People (UNCRPD). Within the Committees' concluding observations⁴ they noted concerns with:

¹ The Guardian, Disabled people lose legal aid in 99% of benefits disputes , <https://www.theguardian.com/society/2018/apr/14/disabled-people-lose-legal-aid-99-per-cent-benefits-disputes>

² The Low Commission (January 2014) found that: 'reductions in local authority funding of advice and legal support (are) estimated to be at least £40m by 2015'; Shelter has had to close nine of its advice centres as a result of a £3m cut in its legal aid funding ;ASA have had their grant from the (then) LSC cut, reducing their ability to perform a co-ordinating and representative role
www.lowcommission.org.uk/dyn/1389221772932/Low-Commission-Report-FINAL-VERSION.pdf

³ By comparison, in England, where there are 11 specialist disability law centres.

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http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fGBR%2fCO%2f1&Lang=en

- The lack of awareness with the judiciary and law enforcement regarding the human rights of disabled people.
- Access to justice and issues relating to legal capacity for people with learning difficulties and mental health conditions
- Access to legal assistance following the 2013 reform
- The exclusion of D/deaf people and people with a hearing impairment from participating in jury service and that personal assistants/interpreters are not considered to be procedural accommodation

3. Conclusion

3.1 Disability Wales believes that disabled people in Wales should have equal access to justice. We would like the lack of specialist advice services on legal rights for disabled people addressed in Wales.

3.2 Concrete measures to ensure that Disabled people can access the legal system on the same terms as non-Disabled people, particularly addressing the discriminatory impact of Legal Aid restrictions under the Legal Aid, Sentencing, and Punishment of Offenders Act 2012.