

Discrimination Law Review – A Framework for Fairness: proposals for a Single Equality Bill for Great Britain

Thank you for giving Quarriers the opportunity to respond to this consultation. Quarriers is a Scottish-based charity providing practical care and support for children and adults with a disability, children and families, homeless young people, people with epilepsy, and carers. Through more than 120 projects in Scotland and south west England, we challenge inequality of opportunity and choice, to bring about positive change in people's lives.

The majority of our work involves the provision of support services for people with disabilities and therefore our response focuses mainly on the areas of the Discrimination Law Review which potentially impact on our operational practice and on the lives of the people we support.

Q2

Yes

We would agree that a single definition of disability discrimination would be helpful, to reduce the potential for confusion and enable a uniform interpretation. The challenge will be to develop a comprehensive definition, which takes account of different circumstances and different types of disability, particularly between learning disability and physical disability.

Q3

No

The proposals effectively exclude people with caring responsibilities, who could be discriminated against on the basis of an association with a disability, from protection under equality legislation. We would argue that, for a carer of a person with a disability, the right to flexible work would make a significant difference to their lives and would enable a great many people to remain in, or return to, the workplace and make a valuable contribution. This seems to be a missed opportunity to give carers additional support of strengthened legal protection.

Q4

No

It is not clear why the proposed approach, where every instance of indirect discrimination will be considered separately under the concept of "less favourable treatment", has been determined. This is not in keeping with the aim of harmonisation and may be perceived as excluding disability discrimination from a set of core principles relevant across all equality strands.

Q29

Yes, but this should be extended to cover all the equalities strands, supported by a single enforcement mechanism. Arrangements for monitoring and evaluation of equality duties should be strengthened, and public authorities should be required to give due consideration to all decisions and activities. The duty to develop and implement equality schemes should remain, as this is a tangible process of specifying equality goals and articulating how these will be achieved, by which the actions of a public authority can be measured and the outcomes of those actions evaluated.

Additional comments

Multiple discrimination

Many people experience instances of discrimination in more than one single area and greater emphasis should be put on enabling and supporting legal challenges on multiple grounds.

Transport

We also feel that all methods of transport should now be subject to disability discrimination legislation. The rights of people with disabilities to access all types of transport should be encompassed within the new Single Equality Act, and to continue the exemptions in the DDA makes a mockery of the stated aims of “putting in place a framework to ensure everyone gets a better deal”.

Education

The proposals contain very little in relation to equality in education for both adults and children, and there is potential for this to be much stronger, particularly in relation to provision of auxiliary aids and services, which can be the determining factor in whether or not a person with a disability can attend college or other educational establishment.

Addressing injustice

The proposals contain insufficient consideration of dispute resolution and access to justice, an area where there is currently room for significant improvements. Unless people are confident that there is a straightforward, clearly understood method for resolving difficulties, then the current difficulties around challenges to inequality and injustice will remain.

General

Overall, we support the concept of a Single Equality Act, believing that a simplified and cohesive framework will encourage and facilitate more equal treatment for all. However, we are disappointed in the limited extent of the proposals and the lost opportunities for taking forward a meaningful agenda for the transformation of equalities legislation. As it stands, this is more of a tidying up exercise than a driving force for delivering real and tangible differences for those who are disadvantaged.

I hope that the above is helpful. However, we would be happy to provide further information if that were useful and to discuss further the work of Quarriers and the people we support.

Kate Sanford
Policy Officer
4 September 2007
Email: kate.sanford@quarriers.org.uk