

EQUALITY COMMISSION FOR NORTHERN IRELAND
Equality Commission Response to ‘A Strategy to Improve the Lives of People with Disabilities 2012-2015’ Annual Indicators Public Consultation Document issued by the Office of the First Minister and Deputy First Minister (OFMdfM)

Introduction

1. The Equality Commission for Northern Ireland welcomes the opportunity to respond to ‘A Strategy to Improve the Lives of People with Disabilities 2012-2015’ (‘the Strategy’) Annual Indicators Public Consultation Document¹ issued by the Office of the First Minister and Deputy First Minister (OFMdfM).
2. Our response sets out a series of recommendations for the indicators linked to the UN Convention on the Rights of Persons with Disabilities² (CRPD) articles associated with the strategic priorities set out under each theme within the strategy³.
3. A full analysis of the adequacy and appropriateness of the proposed indicators is included in Appendix 1. This paper, however, focuses on the overarching issues related to the Annual Indicators for the Disability Strategy and our recommendations for improving these.

¹ Office of the First Minister and Deputy First Minister (November 2014): *A Strategy to Improve the Lives of People with Disabilities 2012-2015 Annual Indicators Public Consultation Document* (OFMDFM: Belfast). Available at: <http://www.ofmdfmi.gov.uk/disability-strategy-2012-2015-consultation-on-annual-indicators-2014.pdf>

² Text of the UN Convention on the Rights of Persons with Disabilities including Optional Protocol available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/UNCRPDOptionalProtocol.pdf>

³ Office of the First Minister and Deputy First Minister (January 2013): *A Strategy to Improve the Lives of People with Disabilities 2012-2015* (OFMDFM: Belfast). Available at: <http://www.ofmdfmi.gov.uk/disability-strategy-2012-2015-revised-010313.pdf>

4. Although, it is recognised that the arrangements to capture the data required to measure progress against the Strategic Priorities are not fully in place, the Commission recommends that addressing this issue should be a key priority within the revised disability strategy from 2016 onwards.

Overarching concerns and recommendations

5. The key overarching issue with the draft annual indicators is the lack of connection between the aims and actions associated with the Strategic Priorities. While, the indicators have been broadly drawn up to measure outcomes in relation to the aim of each Strategic Priority, actions linked to the strategic priorities, however, are not always relevant to the stated objectives. This is a critical flaw in that actions should produce change in areas associated with each Strategic Priority and the impact of these actions should then be measured by the use of indicators.
6. We are concerned that the Strategic Priorities have been allocated to actions which largely reflect pre-existing Programme for Government⁴ commitments or planned programmes produced by the Northern Ireland Executive. Rather than seek to fit the pre-existing Programme for Government priorities against the CRPD articles we would advise that the Strategic Priorities outlined in the Disability Strategy are aligned correctly with appropriate articles and relevant indicators, which measure the extent to which these articles are realised, are put in place.
7. The preamble for the Strategy indicates that the “Strategy is developed on a rights based approach to fulfill the obligations provided for in the United Nations Convention on the Rights of Persons with Disabilities (CRPD)”⁵. However, recent research commissioned by the Equality Commission⁶ has identified a similar disconnect in the Disability Strategy between actions outlined in

⁴ OFMdfM (January 2013) Op. Cit. Appendix 1 of the document, which is entitled ‘Programme for Government Commitments, CRPD articles, Strategic Priorities and Key Performance Measures’ and seeks to relate the articles of the CRPD to the priorities of the Disability Strategy and Programme for Government 2011-2015 (PfG). The table includes a column which seeks to explain how each PfG commitment ‘will address the needs of people with disabilities’. See pages 33-53 op.cit.

⁵ OFMdfM (January 2013): Op.Cit., paragraph 1 page 6.

⁶ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): *CRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the CRPD*, final paragraph, page 20 (ECNI: Belfast). Available at: http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/RES1314-05_UNCRPD_Final-Report-v1_-130614.pdf

the 2011 – 2015 Programme for Government (PfG)⁷ and the articles of the CRPD. The research concluded that the articles of the CRPD have been assigned to existing or planned commitments and programmes “without any consideration of the actual obligations and rights contained in those articles”⁸ and that the connection between them was “weak, unclear or, in some cases, not actual”⁹.

8. The Commission wishes to draw the attention of the Department to a comparative study on the successful implementation of the CRPD through disability strategies¹⁰, which recommends that outcomes should be evaluated and measured at two levels:
 - in terms of implementation outcomes (that is, did it do what it said it was going to do); and
 - life outcomes for disabled people (what impact did it have on the lives of people with disabilities).
9. We are of the view that many of the indicators do not identify the extent to which data will be disaggregated and therefore the degree with which the relevant indicators meet the requirements of Article 31 on *Statistics and Data Collection*¹¹.
10. This is of particular concern given that some indicators will be based on survey methodology with a limited sample of people with disabilities which may impact on the robustness of disaggregated data.
11. For example, recent research has noted the omission of priorities and commitments in the PfG 2011-2015 relating to Article 6 of the CRPD on *women with disabilities* and only a brief mention of Article 7 on *children with disabilities*¹².

⁷ OFMdfM (January 2013). Op. Cit., Appendix 1 of the document, which is entitled ‘Programme for Government Commitments, CRPD articles, Strategic Priorities and Key Performance Measures’ and seeks to relate the articles of the CRPD to the priorities of the Disability Strategy and Programme for Government 2011-2015 (PfG). The table includes a column which seeks to explain how each PfG commitment ‘will address the needs of people with disabilities’. See pages 33-53.

⁸ Byrne, B. et al (2014): Op. cit., first paragraph, page 21.

⁹ Ibid. See also paragraphs 2 and 3, page 21.

¹⁰ Flynn, E., (2011): *From Rhetoric to Action – Implementing the UN Convention on Human Rights for Persons with Disabilities* - Chapter 4 ‘Critical Success Factors in Delivering A National Disability Strategy Lessons from International and Comparative Experience’, pages 197-286, (Centre for Disability Law, National University of Galway). Available at: <http://inspirasi.co/books/1410765858.pdf>

¹¹ Under Article 31, information should be “disaggregated, as appropriate, and used to help assess the implementation of States Parties’ obligations”.

¹² See CRPD text.

Themes and Indicators:

Theme: Participation and Active Citizenship

12. Strategic priority 1 and 2 are aligned to the theme of participation and active citizenship within the Disability Strategy. While indicators have been defined for strategic priority 1, no indicators have been defined for strategic priority 2.

Strategic priority 1

13. The aim of Strategic priority 1 is to “Increase people with disabilities’ opportunity to influence policies and programmes in Government including the delivery of this Strategy and the subsequent Action Plan”.
14. To better ensure that the strategy meets the aims of Strategic Priority 1 and can adequately assess the implementation of the CRPD it is recommended that the following additional indicators are included¹³:

Indicators of Political participation, for example:

- percentage of / uptake of accessible voting facilities, voting procedures and voting materials;
- percentage of people with disabilities in political life;
- number of support provisions developed to assist people with disabilities into public life;
- indicators of participation in decision-making on policies/ programmes, for example:
- number of forums / groups / meetings by States Parties’ with disabled people on policies / programmes;
- number of support / advocacy facilities provided;
- percentage uptake of support / advocacy facilities by people with disabilities;
- number of capacity building programmes aimed at people with disabilities.

¹³ Much of this information could possibly be obtained through S75 Disability duties Annual Progress Reports; through the Electoral Commission; Councils; NI Assembly; Westminster; Party Political Offices and OFMdfM.

Strategic Priority 2

15. The aim of Strategic priority 2 is to “Improve interaction between all sectors to achieve the social inclusion of people with disabilities”. No draft Annual Indicators have been identified for this priority.
16. It is recommended that the aim of this Strategic Priority is fully clarified and aligned to the relevant CRPD article¹⁴. Actions to implement this Priority should also be further clarified which will allow the development of appropriate and relevant indicators.

Theme: Awareness-raising

17. Strategic Priority 3 and 4 are aligned to the theme of Awareness-raising in the Disability Strategy. A set of indicators have been developed for both priorities.

Strategic priority 3

18. The aim of Strategic Priority 3 is to “Increase awareness among people with disabilities of their rights and opportunities through a range of communication activities”.
19. To better ensure that the strategy meets the aims of Strategic Priority 3 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are amended:
 - percentage of people with disabilities, including children, reporting awareness of their rights under the Disability Discrimination Act;
 - percentage of people with disabilities, including children, reporting awareness of CRPD; and,
 - further recommend additional indicator be included:
 - number of effective communication activities undertaken with people with disabilities, including children, to inform them of their rights¹⁵.

¹⁴ For example, Article 4(3) may also be relevant.

¹⁵ Some of this information could possibly be obtained through S75 / Disability duties Annual Progress Reports.

Strategic Priority 4

20. The aim of Strategic Priority 4 is “to develop, in partnership with people with disabilities, a range of awareness raising activities, including those aimed at the general public, to challenge the negative perceptions surrounding disability and to gain a better understanding of the range of diversity of disabilities particularly mental health”.
21. To better ensure that the strategy meets the aims of Strategic Priority 4 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are amended:
- percentage of the general population, including children, reporting awareness of their rights under the Disability Discrimination Act;
 - percentage of general population, including children, reporting awareness of CRPD;
 - percentage of individuals, including children, correctly estimating the prevalence of disability among the general population.

Additional indicators are recommended¹⁶, for example:

Indicators for awareness-raising activities

- involvement of people with disabilities in awareness-raising activities, including through disabled persons’ organisations;
- number of awareness-raising activities undertaken with the general population (via campaigns, media, training etc) to challenge stereotypes, promote the capabilities and positive contributions of persons with disabilities;
- number of communication activities undertaken with the general population to raise awareness of the rights of people with disabilities including understanding of the social model of disability;
- effectiveness of awareness-raising activities undertaken with the general population.

¹⁶ Much of the information for these indicators could be obtained from S75 / disability duties annual progress reports.

Indicators for awareness-raising activities with children

- number of awareness-raising activities undertaken with children in the education system to challenge stereotypes and promote the capabilities and positive contributions of persons with disabilities; number of communication activities to raise awareness of the rights of people with disabilities;
- number of communication activities undertaken with children in the education system to raise awareness of the rights of people with disabilities including understanding of the social model of disability;
- effectiveness of awareness-raising activities undertaken with children in the education system.

Indicators for attitudes towards people with disabilities

- percentage of the general population, including children displaying negative attitudes towards people with physical, sensory, mental ill health and learning disabilities¹⁷;
- percentage visibility and positive portrayal of people with disabilities in media;
- percentage of people, including children, displaying understanding of the social model of disability¹⁸;
- percentage of people with disabilities, including children, experiencing bullying, harassment and/or discrimination on the grounds of their disability¹⁹.

Theme: Accessibility – Physical environment, Goods and Services

22. Strategic Priority 5 is aligned to the theme of Accessibility – Physical environment, Goods and Services in the Disability Strategy.

Strategic Priority 5

23. The aim of Strategic Priority 5 is to “eliminate the barriers people with disabilities face in accessing the physical environment, goods and services so that disabled people can participate fully in all areas of life”.

¹⁷ This is currently reported in both the EQAS and NILT surveys although not on an annual basis.

¹⁸ This information could be obtained from the YLT and Children’s Life and Times survey.

¹⁹ This information is partially provided by the EQAS although not on an annual basis.

24. The majority of the indicators are focused on physical accessibility. However, research²⁰ has indicated many of the issues people with disabilities had with accessibility were attitudinal. Indicators should, therefore, address staff attitudes in the public and private sector as a barrier to accessibility.
25. To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are discarded:
- percentage of buses, trains, planes, taxis and coaches etc that are accessible, for urban and rural people with disabilities, including women and children;
 - percentage of individuals, including women and children who had used the internet in the last three months by disability status;
 - percentage of individuals including women and children with bank accounts by disability status;
 - percentage participating in cultural, leisure and sporting activities, including women and children, in the last 12 months by disability status in rural and urban areas.
26. The following indicators are recommended, for example:
- Indicators for access to transport
- percentage of transport facilities in urban and rural areas (bus, train, plane and taxi firms, as appropriate) which meet required standards for physical access, staff attitudes and information provision for people with disabilities²¹;
 - percentage of private and public car parking facilities that are accessible to people with disabilities;
 - percentage of people with disabilities holding a Blue Badge;
 - awareness of persons of disabilities of access to concessionary fares for bus and rail transport.
- Indicators for access to the physical environment and facilities
- percentage of commercial and retail facilities in rural and urban areas which meet required standards for physical

²⁰ Ibid.

²¹ An audit system, which rates physical access, customer service and information provision may provide suitable indicators to assist in monitoring public and private facilities for accessibility. See for example: AdaptNI (2013): *ABC Audit Benchmark Change Report* (ECNI: Belfast).

access, staff attitudes and information provision for people with disabilities;

- percentage of public sector facilities (including schools, medical facilities etc) in rural and urban areas which meet required standards for physical access, staff attitudes and information provision for people with disabilities;
- percentage of housing in rural and urban areas that meet Lifetime Homes Standards²² of accessibility;
- percentage of housing in rural and urban areas that have adaptations to improve accessibility;
- percentage of the pedestrian environment in rural and urban areas that meets required standards of physical accessibility.

Indicators for access to financial services

- percentage of people with disabilities who have been turned down for mortgages and/or life insurance.

Indicators for participation

- number of effective consultations with people with disabilities, including children, on the accessibility of transport, facilities, services, housing and the pedestrian environment²³.

Theme: Accessibility – Transport; Personal Mobility

Strategic Priority 6

27. The aim of Strategic Priority 6 is to “eliminate the barriers people with disabilities face in accessing transport ensuring necessary measures are in place to allow personal mobility for people with disabilities”.
28. To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are amended:
- percentage of buses, trains, planes, taxis and coaches etc that are accessible, for urban and rural people with disabilities, including women and children;

²² See: http://www.dsdni.gov.uk/index/hsdiv-housing/ha_guide/hag-index/hagds-design-standards-contents/hagds-lifetime-homes.htm

²³ Much of the information for these indicators could be obtained from S75 / disability duties annual progress reports.

29. And the following indicators are discarded:
- percentage of individuals who had used the internet in the last three months by disability status;
 - percentage of households with bank accounts by disability status.
30. And the following indicators are recommended, for example:

Indicators for access to the physical environment and facilities

- percentage of transport facilities in urban and rural areas (bus, train, plane and taxi firms, as appropriate) which meet required standards for physical access, staff attitudes and information provision for disabled people²⁴;
- percentage of private and public car parking facilities that are accessible to disabled people;
- percentage of people with disabilities holding a Blue Badge;
- awareness of persons of disabilities of access to concessionary fares for bus and rail transport.

Indicators for access to mobility aids and assistive technologies

- median length of waiting list(s)²⁵ for appropriate mobility aids, devices and assistive technologies, for people with disabilities, including children;
- median length of time for repairs or replacements²⁶ of mobility aids, devices and assistive technologies, for people with disabilities, including children;
- number of effective training sessions²⁷ provided for people with disabilities, including children, on the use of mobility aids, devices, and assistive technologies.

²⁴An audit system, which rates physical access, customer service and information provision may provide suitable indicators to assist in monitoring public and private facilities for accessibility, see for example: Adapt NI (2013): *ABC Audit Benchmark Change Report* (ECNI: Belfast). Available at: <http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Audit-Benchmark-Final-Reportssubmit20June13.pdf>.

²⁵ Perceived timeliness of receipt of aid would also be an acceptable measure.

²⁶ Perceived timeliness of repair or replacement would also be an acceptable measure.

²⁷ Perceived effectiveness of training sessions would also be an acceptable measure.

Indicators for access to live assistance

- median length of waiting list(s) for appropriate live assistance (e.g. human, animal etc) for people with disabilities, including children;
- median length of time for replacement of live assistance for people with disabilities, including children.

Indicators for training

- number of effective training sessions provided for people with disabilities, including children, on the use of live assistance;
- number of effective training sessions provided for specialist staff in the use mobility aids, devices and assistive technologies;
- number of effective training sessions provided for people with disabilities, including children, on the use housing adaptations.

Indicators for housing adaptations

- median length of waiting list(s) for housing adaptations for people with disabilities, including children;
- median length of time for repair or replacement of adaptations for people with disabilities, including children.

Indicators for research and development

- number of effective research and development programmes on low-cost mobility devices with Northern Ireland funded or part-funded by government at the regional, national or European level;
- number of programmes involving the active participation of people with disabilities, including children, in the design and implementation of mobility aids, devices and assistive technologies.

Strategic Priority 7

31. The aim of Strategic Priority 7 is to “increase the level of accessible / inclusive communications so that people with disabilities can access information as independently as possible and make informed choices.

32. To comply with the requirements of Article 21 indicators should also measure the percentage of public websites that comply with Web Accessibility Initiative (WAI) standards²⁸.
33. In order to comply with general obligations under Article 4(3), indicators should reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in the production of accessible information. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.
34. To better ensure that the strategy meets the aims of Strategic Priority 7 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are amended:
- percentage of individuals, including children who own a mobile phone by disability status;
 - percentage of individuals, including children, with internet access by disability status.
35. And the following indicators are recommended:
- Indicators for accessibility of websites
- percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards²⁹;
 - percentage of mass media websites that comply with the Web Accessibility Initiative (WAI) standards.
- Indicators for accessibility of public information
- percentage of public information that is available in accessible formats appropriate to different kinds of disabilities³⁰.

²⁸ Article 21 in the Guidelines on treaty specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD as cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): *Disability Programmes and Policies: How does Northern Ireland measure up?* (ECNI: Belfast). Office of the Commissioner for Human Rights (October 2009): UN Committee on the Convention on the Rights of Persons with Disabilities Second Session October 19-23, Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities is available at: <http://www.ohchr.org/Documents/HRBodies/CRPD/CRPD-C-2-3.pdf>

²⁹ This information may be available from S75 / Disability duties Annual progress reports.

³⁰ This information may be available from S75 / Disability duties Annual progress reports.

Indicators for interpreters and sign language

- number of available interpreters for different communication methods (including sign language, Braille and other alternative communication methods);
- number of government funded programmes to promote and encourage sign language usage.

Indicators for training

- number of training sessions / programs aimed at encouraging the private sector to provide accessible information and services to persons with disabilities, including through the Internet;
- number of training sessions / programs aimed at encouraging the local mass media (newspapers, television, radio etc.) to make their services accessible, including through the Internet to persons with disabilities, including children.

Theme: Independent Living – Choice and Control

36. Strategic Priority 8 is aligned to the theme of Independent Living – Choice and Control in the Disability Strategy.
37. The aim of Strategic Priority 8 is to “increase the level of choice, control and freedom that people with disabilities have in their daily lives”.
38. To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are discarded:
- percentage of individuals who had used the internet in the last three months by disability status;
 - percentage of households with bank accounts by disability status.
39. And the following, more relevant indicators are recommended, for example:

Indicators for residence

- percentage of people of disabilities in residential institutions (capable of living in the community with support) who have

been successfully resettled in the community in the last 12 months;

- median waiting time for resettlement of people of disabilities in residential institutions into the community;
- median waiting time for people with disabilities for sheltered housing schemes.

Indicators for support for independent living and community living

- percentage of people with disabilities, including children, receiving community support services (community care, meals on wheels or equivalent, home helps, warden services) in their own homes or sheltered housing;
- number of community daycare and other facilities available to reduce social isolation among people with disabilities and/or promote inclusion in the community;
- percentage of people with disabilities using community daycare and other community facilities;
- percentage of people with disabilities living in accommodation that is fully accessible.

Indicators for support for choice and control

- percentage of people with disabilities, including children, in households and institutions, who feel they have a good / very good level of choice, control and freedom in their daily life in respect of:
 - where they live;
 - whom they live with;
 - financial independence;
 - medical care, transport;
 - participation in community life;
 - participation in decision making;
 - participation in social life;
 - choice of school / educational subjects etc.

Theme – Children, Young People and Family

40. Strategic Priority 9 and 10 is aligned to the theme of Children and Young People in the Disability Strategy. No indicators have been identified for Strategic Priority 9 or 10.

Strategic Priority 9

41. The aim of Strategic Priority 9 is to “ensure that families and carers with children or a family member with a disability have access to appropriate support to enable the child or family member with a disability to fulfill their full potential and that other children within the family have the same opportunities as children in families without a child or family member with a disability. Ensure that women with disabilities are able to fully enjoy the rights and freedoms set out in the CRPD”. No draft Annual indicators have been identified for this priority.
42. It is of concern, that the preamble for Strategic Priority 9 and associated actions has not identified any issues for Women with disabilities which would aid in the development of indicators.
43. The Commission is aware that OFMdFM held a series of workshops in Belfast and Derry/Londonderry in 2011 to ascertain the key issues facing disabled women in Northern Ireland, and would suggest that the information collected at these events should inform the development of future indicators.
44. To ensure that the indicators meets the aims of Strategic Priority 9 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are included, for example:

Indicators for support for families

- percentage of new carers of children and young people with disabilities who are offered a carer’s assessment;
- percentage of new carers of children and young people with disabilities who are take up a carer’s assessment;
- percentage of siblings of children and young people with disabilities who are offered an assessment of their needs;
- percentage of siblings of children and young people with disabilities who take up an assessment of their needs;
- number of effective information and advice services available to children and young people with disabilities and their families;
- number of effective information and advice services available to parents with disabilities and their families;

- percentage of parents with disabilities and their families receiving information, assistance and support services to assist with child-rearing;
- percentage of children with disabilities and their families able to access appropriate respite care and short breaks;
- percentage of parents with disabilities and their families able to access appropriate respite care and short breaks.

Indicators for poverty

- median additional cost of disability for households with one or more individuals with a disability;
- percentage of children living in households with incomes below 60% of median equivalised household income (after housing costs, AHC³¹) by disability status.

Indicators for participation

- percentage of children and young people with all types of disabilities who are able to express their views on matters that affect them (to include medical care, education, career etc);
- number of effective advocacy programmes which provide support for children and young people with disabilities to express their views on matters that affect them (to include medical care, education, career etc).

Indicators for attitudes and abuse

- percentage of children and young people with disabilities who have experienced prejudice, stigma and/or discrimination in school / college on the grounds of their disability;
- percentage of schools / colleges with a robust anti-bullying / harassment policy in place;

³¹ "After housing costs is a better measure of relative poverty for two reasons (1) Housing costs can vary considerably for people in otherwise identical circumstances (e.g. pensioners who have paid off their mortgage versus pensioners who are renting) without the people having any realistic ability to change these costs. It is the money left over after that that is therefore the measure of a household's standard of living. (2) Unlike a 'before deducting housing costs' basis, the 'after deducting housing costs' calculations are not affected by such matters as whether Housing Benefit - which provides for the housing costs of many of the poorest - is considered to be income or not". See: <http://www.poverty.org.uk/summary/income%20intro.shtml>.

- percentage of children and young people with disabilities, boys and girls, on the Child Protection Register;
- percentage of women with disabilities experiencing abuse or violence within the home or institution in which they live.

Indicators for inclusion

- number of effective programmes that promote the inclusion of children with disabilities in play and social activities;
- percentage of public play facilities that are accessible to children with disabilities.

Indicators for mainstreaming

- evidence of disability mainstreaming into gender-based policies and programmes and gender mainstreaming into disability-based policies and programmes;
- evidence of mainstreaming disability issues into policies and programmes for children and young people and mainstreaming children's issues into disability-based policies and programmes.

Indicators for research

- number of publicly funded research programmes on the experiences of women with disabilities;
- number of publicly funded research programmes on the experiences of children and young people with disabilities.

Strategic Priority 10

45. The aim of Strategic Priority 10 is to “ensure parents and carers with a disability have access to effective and appropriate support, where required, to access their right to a family life”. No indicators have been identified for this indicator.
46. To ensure that the indicators meets the aims of Strategic Priority 10 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are included, for example:

Indicators for access to reproductive services

- percentage of family planning facilities and information which are accessible to people with different types of disabilities;

- number of effective programmes to raise awareness of family planning specifically with people with disabilities, including children and young people;
- percentage of children and young people with disabilities in special schools or special educational units within mainstream schools, who have received education on sexuality and sexual health;
- percentage of people with disabilities, including women, children and young people, who have accessed contraceptive services;
- percentage of people who have accessed sexual health services by disability status.

Indicators for access to maternity and IVF services

- percentage of people who have accessed IVF services by disability status;
- percentage of people who turned down for IVF services by disability status.

Indicators for staff attitudes and training

- number of effective disability awareness training sessions for staff in maternity and reproductive services;
- percentage of maternity and reproductive service staff holding negative attitudes towards the rights of people with disabilities to their sexuality and family life;
- number of effective disability awareness training sessions covering sexuality and family life for staff in residential homes, institutions and sheltered housing schemes;
- percentage of staff in residential homes, institutions, sheltered housing schemes holding negative attitudes towards the rights of people with disabilities to their sexuality and family life.

Indicators for support to maintain sexuality and family life

- number of residential homes, institutions, sheltered housing schemes providing support for people with disabilities to maintain their sexuality and family life.

Indicators for access to fostering and adoption services

- number of programs to encourage adoption and fostering by people with disabilities;
- percentage of people applying for fostering and/or adoption by disability status;

- percentage of people turned down for fostering and/or adoption by disability status (including those with chronic health conditions).

Indicators for access to support for child-rearing

- percentage of parents with disabilities and their families receiving information, assistance and support services to assist with child-rearing;
- percentage of children with disabilities and their families able to access appropriate respite care and short breaks;
- percentage of parents with disabilities and their families able to access appropriate respite care and short breaks;
- percentage of people with disabilities and/or carers (including older carers) aware of the personal assistance and financial support (benefits) available for them to maintain home and family life;
- percentage take-up of personal assistance and financial support to maintain home and family life, among people with disabilities and carers (including older carers) eligible for support.

Theme – Transition from Childhood to Adulthood

47. Strategic Priority 11 is aligned to the theme of “*Transition from childhood to adulthood*” in the Disability Strategy. No indicators have been identified for this theme.

Strategic Priority 11

48. The aim of Strategic Priority 11 is to “transform the process of transition to adulthood for young people with disabilities”. No indicators have been identified for this priority.
49. Given that both the Convention on the Rights of the Child and CRPD articles referenced in the Strategy have been aligned to the issues identified within this Strategic Priority, any resulting actions and indicators developed should be aligned to these issues and the requirements of the relevant highlighted articles.
50. To ensure that the indicators meets the aims of Strategic Priority 11 and can adequately assess the implementation of the CRPD it is recommended that the following indicators (many of

which are from Children and Young Persons Strategic Partnership draft Action Plan) are included, for example:

Indicators for planning and supporting transition to adulthood

- percentage of young people with disabilities who receive an integrated plan³²;
- numbers of Transition Officers available for young people and their families;
- percentage of young people with disabilities and their families reporting access to a Transition Officer / support worker;
- percentage of young people with disabilities and their families who perceive they have been given sufficient holistic and personalised support for the transition process;
- number of transition programmes involving cross-departmental working;
- effectiveness of transition programmes involving cross-departmental working;
- percentage of young people with disabilities reporting negative experiences with the transition process.

Indicators for achievement

- percentage of young people achieving 5 or more GCSE's A*-C (including Maths and English) by disability and SEN status³³;
- percentage of young achieving 2 or more A-levels A*-E on leaving school by disability and SEN status³⁴;
- percentage of young people with disabilities achieving no qualifications on leaving school by disability and SEN status³⁵.

Indicators for transition from school to FE/HE, training or employment

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into further and higher education;³⁶

³² Children and Young People Strategic Partnership (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: Northern Ireland). Available at: <http://www.cypsp.org/>

³³ Data available from Department of Education NI – School Leavers Survey.

³⁴ Ibid.

³⁵ Data available from Department of Education NI – School Leavers Survey.

³⁶ Children and Young People Strategic Partnership (2011): Op. Cit.

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into training;³⁷
- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into employment – under 16 hours a week / over 16 hours a week;³⁸
- percentage of young people with disabilities leaving further education / higher education into paid work – under 16 hours a week / over 16 hours a week;³⁹
- percentage of young people with special educational needs and disability moving who transfer from mainstream education to special schools at aged 16 years;⁴⁰
- number and percentage of young people identified as SLDD in mainstream and discreet provision in Further Education (FE) colleges;⁴¹
- percentage of young people with disabilities who perceive they have been given sufficient choice in subject and career choice at school and FE;
- percentage of young people with disabilities who perceive they have been given sufficient choice in work placements and employment opportunities.

Indicators for employment

- percentage of young people with disabilities in full-time paid employment (16+ hrs a week);⁴²
- percentage of young people with disabilities in part-time paid employment;⁴³
- percentage of young people with disabilities who are not in education, employment or training⁴⁴.

Indicators for transition to adult health services

- Percentage of young people with disabilities who experience mental health difficulties who transition into adult mental

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Children and Young People Strategic Partnership (2011) Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: Northern Ireland).

⁴⁴ Ibid.

health services (i.e. are assessed by / access adult mental health services⁴⁵;

- percentage of young people with disabilities who experience mental health difficulties who report negative experiences with transition into adult mental health services;
- percentage of young people with disabilities who using residential services who transition into adult residential services;
- percentage of young people with disabilities and their families using residential services who report negative experiences with transition into adult residential services.

Indicators for transition to independent living

- percentage of young people with disabilities living in accessible out-of-home placements⁴⁶;
- percentage of young people with disabilities living in inappropriate accommodation⁴⁷;
- percentage of young people with disabilities living in homes not adapted for independent living⁴⁸.

Indicators for transition to community living

- percentage of young people with disabilities attending a range of activities and mainstream leisure and youth services⁴⁹;
- percentage of children with disabilities and their families able to access age appropriate short breaks, if required;
- percentage of children with disabilities and their families able to access age appropriate day care services, if required;
- number and percentage of young people with disabilities who have received transport training and independent travel initiatives (if required).
- percentage of young people with disabilities who have received support in accessing benefits;
- percentage of young people who access personalised individual budgets;⁵⁰
- percentage of young people who access direct payments⁵¹.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Children and Young People Strategic Partnership (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: Northern Ireland).

⁵¹ Ibid.

Strategic Priority 12

51. The aim of Strategic Priority 5 is to “transform the process of transition from adulthood to later life for people with a disability”. No indicators have been identified for this priority.
52. In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), Article 6, Article 7, and the specific requirements of Article 28 (b) indicators should also reflect the degree to which persons with disabilities, including women, children, and older people are consulted with and actively involved in decision-making on social protection and poverty reduction programmes. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.
53. To better ensure that the strategy meets the aims of Strategic Priority 13 and can adequately assess the implementation of the CRPD it is recommended that the following indicators are amended:
- percentage of children living in households below 60 percent median equivalised household income (before housing costs, BHC and after housing costs, AHC), excluding benefits to cover the additional costs of disability, by disability status;
 - percentage of children living in households with incomes below 50 percent of median equivalised household income (BHC and AHC), excluding benefits to cover the additional costs of disability, by disability status;
 - percentage of working-age adults, men and women, living in households with incomes below 60 percent of median equivalised household income, (BHC and AHC), excluding benefits to cover the additional costs of disability, by disability status.
54. And the following indicators are recommended, for example:
- Indicators of income deprivation
- percentage of older people living in households below 60 percent median equivalised household income (before housing costs, BHC and after housing costs, AHC), excluding benefits to cover the additional costs of disability, by disability status.

Indicators of expenditure deprivation / disability related costs

- percentage of people with disabilities living in households below 60 percent median equivalised household income (before housing costs, BHC and after housing costs, AHC), disaggregated by gender and age and adjusted to incorporate estimates of additional disability-related costs of living and disability-related expenditure⁵².

Indicators of material deprivation

- percentage of people with disabilities who⁵³:
 - could not afford to pay a utility bill on time;
 - regularly went without meals;
 - sought financial help from family and friends;
 - could not afford to pay credit cards, store cards or other debts on time;
- percentage of people with disabilities who have no savings;⁵⁴
- median amount held in savings by people with disabilities;
- median amount of debt owed by households by disability status;
- percentage of individuals including women and children with bank accounts by disability status.

Indicators of employment deprivation

- percentage of the working age population by disability status, who are⁵⁵:
 - in full-time paid employment (16+ hrs a week)
 - in part-time paid employment by disability status;
 - who are not in education, employment or training;
 - who lack work but are actively seeking work;
 - who lack work but want to work (economically inactive);
 - who are not in work and not looking for work (economically inactive);
- employment rate of people with disabilities, by disability type⁵⁶;
- median and average gross hourly basic pay by disability status⁵⁷;

⁵² Heslop, P. (2013): Disabled people and their relationship with poverty. Poverty and social exclusion in the UK Working paper – Methods Series No. 23. (PSEUK: Bristol).

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Information available from the Labour Force Survey.

⁵⁶ LFS data.

⁵⁷ ASHE data.

- percentage of the working age population in social occupational classification (SOC) category 1-3⁵⁸, by disability status⁵⁹;
- percentage of the working age population in social occupational classification (SOC) category 8-9⁶⁰, by disability status⁶¹.

Indicators of income from benefits

- estimates of take-up for disability-related benefits;⁶²
- percentage of the population in receipt of disability benefits;
- percentage of people with disabilities aware of their entitlement to disability benefits;
- percentage of people with disabilities who express:
 - overall satisfaction with the benefits system;
 - some degree of decision-making over how their benefits are managed;
 - a discrepancy between benefit income and outgoings;
 - satisfaction with the effectiveness of return to work support.

Strategic Priority 14

55. The aim of Strategic priority 14 is to “ensure that people with disabilities and their families have appropriate accommodation and adequate support to live independently”.

56. To better ensure that the strategy meets the aims of Strategic Priority 14 and can adequately assess the implementation of the CRPD following additional indicators are recommended, for example:

Indicators for residence⁶³

- percentage of people in social rented, private rented, supported housing and privately owned accommodation, by disability status;
- median waiting time for applicants with disabilities for social housing;

⁵⁸ Based on SOC 2010.

⁵⁹ LFS data.

⁶⁰ Based on SOC 2010.

⁶¹ LFS data.

⁶² DSD data.

⁶³ DSD, NIHE, DHSSPS.

- percentage of people of disabilities in residential institutions (capable of living in the community with support) who have been successfully resettled in the community in the last 12 months;
- median waiting time for resettlement of people of disabilities in residential institutions into the community;
- median waiting time for people with disabilities for supported housing schemes.

Indicators for adequacy of housing

- percentage of people with disabilities, including children and older people, in social rented, private rented, supported housing and privately owned accommodation⁶⁴:
 - who have adaptations to their home;
 - who are waiting for adaptations to be made to their home;
 - who do not have but require adaptations to their home;
- median waiting time for adaptations to social rented, private rented, supported housing and privately owned accommodation,⁶⁵
- number of housing-related occupational therapists per person with disability in Northern Ireland;⁶⁶
- percentage of people with disabilities living in households in fuel poverty;⁶⁷
- percentage of thermally efficient homes in Northern Ireland by disability status;⁶⁸
- percentage of people with disabilities living in households who cannot afford home repairs.

Indicators of support for independent living and community living

- percentage of people with disabilities, including children and older people, receiving community support services (community care, meals on wheels or equivalent, home helps, warden services) in their own homes or supported housing⁶⁹;

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ DHSSPS.

⁶⁷ Family Resources Survey.

⁶⁸ Ibid.

⁶⁹ DHSSPS.

- number of community daycare and other facilities available to reduce social isolation among people with disabilities and/or promote inclusion in the community;⁷⁰
- percentage of people with disabilities using community daycare and other community facilities;⁷¹
- percentage of people with disabilities who experience difficulties in accessing community facilities due to a lack of accessible public and private transport.

Indicators for adequacy of accommodation for those in residential / care institutions

- percentage of people with disabilities, by impairment in:⁷²
 - residential accommodation;
 - nursing homes;
 - long-term hospital care;
 - prisons;
 - refugee and asylum seeker accommodation;
- percentage of people with disabilities in residential / care institutions who report negative experiences regarding:
- number of complaints made by people with disabilities and their representatives against residential / care institutions regarding⁷³:
 - access decision-making;
 - harassment and abuse;
- number of complaints investigated and upheld against residential / care institutions regarding⁷⁴:
 - access to facilities;
 - access to educational / social activities and stimulation;
 - personal care (e.g. eating, drinking, clothing, bathing and toileting);
 - medication and health care;
 - use of restraint;
 - privacy and decision-making;
 - harassment and abuse.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² DHSSPS.

⁷³ RQIA, DHSSPS, COPNI.

⁷⁴ RQIA, DHSSPS, COPNI.

Indicators for staff attitudes in residential / care institutions⁷⁵

- number of training sessions for staff in residential / care institutions on disability awareness and their obligations under CRPD;
- effectiveness of training sessions for staff in residential / care institutions on disability awareness and their obligations under CRPD.

Theme – Employment and Employability

57. Strategic priority 15 and 16 are aligned to the theme of “*Employment and Employability*” in the Disability Strategy. Eight indicators are associated with Strategic priority 15 and six indicators are associated with Strategic priority 16.

Strategic Priority 15

58. The aim of Strategic Priority 15 is to “work towards increasing the number of people with disabilities entering all levels of employment and safeguard the rights of those disabled people already in work”;

59. To better ensure that the strategy meets the aims of Strategic Priority 15 and can adequately assess the implementation of the CRPD following additional indicators are recommended, for example:

- employment rate for men and women by disability status;
- employment rate for men and women by main impairment;
- economic inactivity rate for men and women by disability status;
- percentage of the working age population, men and women, in social occupational classification (SOC) category 1-3⁷⁶, by disability status;
- percentage of individuals who have never worked by disability status;
- median and average gross hourly basic pay by disability status;

⁷⁵ DHSSPS S75 annual progress reports.

⁷⁶ Based on SOC 2010.

- educational qualifications (proportion with no qualifications and proportion with degree level qualifications) by disability status;
- percentage of individuals not in work who want to work by disability status.

60. And the following additional recommendations are recommended, for example:

Indicators of employment in the formal economy

- percentage of the working age population by disability status, who are:⁷⁷
 - in full-time paid employment (16+ hrs a week);
 - in part-time paid employment by disability status;
 - who are not in education, employment or training;
 - who lack work but are actively seeking work;
 - who are not in work and not looking for work (economically inactive);
- percentage of the working age population in social occupational classification (SOC) category 8-9⁷⁸, by disability status;
- percentage of the working age population by disability status, equivalised by level of qualification:
 - who are in full-time paid employment ⁷⁹ (16+ hrs a week);
 - are in part-time paid employment by disability status;
 - are not in education, employment or training;
 - lack work but are actively seeking work;
 - are not in work but would like to work (economically inactive);
 - are not in work and not looking for work (economically inactive);
 - in social occupational classification (SOC) category 1-3;⁸⁰
 - in social occupational classification (SOC) category 8-9⁸¹;
- percentage of people in employment who are members of a labour or trade union by disability status and gender.

⁷⁷ LFS data.

⁷⁸ Based on SOC 2010.

⁷⁹ May be available through LFS.

⁸⁰ Based on SOC 2010.

⁸¹ Based on SOC 2010.

Indicators of employment in the informal economy

- percentage of the working age population working in the informal economy (e.g. volunteering, caring etc) by disability status;
- percentage of people with disabilities in the formal economy who are not in work but would like to work in the formal economy.

Indicators of the provision of support programmes for employment

- percentage of the working age population, by gender and disability status in:⁸²
 - further education;
 - employment programmes;
 - training/job introduction schemes;
 - apprenticeships;
- percentage of people of disabilities who are satisfied with the effectiveness of their education / training in gaining employment;
- percentage of people with disabilities who felt they had a good level of choice in selecting their education / training course and career;
- percentage of people with disabilities who have accessed a work placement to assist in moving into employment, by impairment;
- estimates of the number of public and private sector organizations offering work placements for people with disabilities;
- percentage of people with disabilities who have not been able to access a work placement to assist in moving into employment, by impairment type;
- percentage of people with disabilities who have accessed disability-specific employment or employment rehabilitation programmes;⁸³
- effectiveness of support programmes in assisting people with disabilities to obtain, maintain and retain employment;
- effectiveness of support programmes in assisting people with disabilities who have been made redundant to retrain and obtain employment;

⁸² DEL data.

⁸³ DEL / DHSSPS.

- effectiveness of support programmes in assisting students with disabilities in further education and higher education to obtain, maintain and retain employment;
- percentage of people who report satisfaction with the outcomes of disability-specific employment programmes;
- number of consultations carried out with people with disabilities and their representatives on the effectiveness and development of employment support programmes⁸⁴.

Indicators for the provision of reasonable adjustments and affirmative action

- percentage of people with disabilities who have accessed reasonable adjustments in the workplace;
- percentage of people with disabilities who access flexible working arrangements;
- percentage of people with disabilities aware of their entitlement to employment support and reasonable adjustments;
- percentage of employers aware of support programmes and resourcing for reasonable adjustments available for employees with disabilities, by sector and size of organisation;
- percentage of employers who have implemented affirmative action programmes for people with disabilities by sector and size of organisation.

Indicators for attitudes and awareness-raising

- percentage of public and private sector employers expressing negative attitudes towards the productivity and capability of people with disabilities, by impairment;
- number of training sessions provided to public and private employers on disability awareness to challenge negative stereotypes;⁸⁵
- effectiveness of training provided to public and private employers on disability awareness to challenge negative stereotypes;⁸⁶
- number of training sessions provided to public and private employers on the employment rights of people with disabilities covering equality and human rights legislation⁸⁷;

⁸⁴ DEL S75 annual progress reports may provide a source of information.

⁸⁵ ECNI may provide a source of information.

⁸⁶ Ibid.

⁸⁷ ECNI may provide a source of information.

- effectiveness of training provided to public and private employers on the employment rights of people with disabilities covering equality and human rights legislation⁸⁸;
- take-up of training on disability awareness / rights by private and public sector employers⁸⁹;
- percentage of people of disabilities aware of their rights in employment;
- percentage of the working age population working in the public and private sector who have received training on disability awareness and disability rights;
- number of complaints of discrimination made by people with disabilities in the area of employment;
- percentage of people with disabilities reporting discrimination in employment in the last 12 months.

Indicators for Strengthening Disability Legislation

- effectiveness of disability equality legislation in Northern Ireland in protecting people with disabilities from discrimination;
- number of Commission recommendations that have been implemented in the last 12 months to improve effectiveness of disability equality legislation in Northern Ireland in protecting people with disabilities from discrimination⁹⁰;
- number of measures taken to strengthen disability equality legislation in Northern Ireland⁹¹;
- number of consultations with people with disabilities on the effectiveness of disability equality legislation in Northern Ireland in protecting people with disabilities from discrimination⁹².

Strategic Priority 16

61. The aim of Strategic Priority 16 is to “increase the opportunities for people with disabilities to attain skills and qualifications through access to appropriate training and lifelong learning opportunities”.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ ECNI/OFMdfm may provide a source of information.

⁹¹ Ibid.

⁹² OFMdfm may provide a source of information.

62. To better ensure that the strategy meets the aims of Strategic Priority 16 and can adequately assess the implementation of the CRPD, the following additional indicators are recommended, for example:

Indicators of Access

- percentage of children, male and female, attending nursery or pre-school by disability / SEN status;⁹³
- percentage of children, male and female, attending primary sector mainstream schools, special schools or special units by disability status;⁹⁴
- percentage of children, male and female, attending post-primary sector mainstream schools, special schools or special units by disability status;⁹⁵
- percentage of school leavers, male and female by disability / SEN status who go onto:⁹⁶
 - higher education;
 - further education;
 - training;
 - employment;
 - unemployment;
 - work placement / volunteering;
- percentage of people, male and female, by disability status in⁹⁷:
 - higher education;
 - further education;
 - training;
 - employment;
 - unemployment;
 - work placement / volunteering;
- percentage of graduates from higher education who progress to employment and/or further study by disability status⁹⁸;
- percentage of graduates from further education who; progress to employment and/or further study by disability status⁹⁹;
- percentage of schools that are accessible to people with disabilities;

⁹³ School census, DENI.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ School leavers survey, DENI.

⁹⁷ DEL.

⁹⁸ Ibid.

⁹⁹ Ibid.

- percentage of further and higher education colleges that are accessible to people with disabilities;
- percentage of educational materials that are accessible to people with disabilities.

Indicators of Attendance

- percentage of full and half days missed by males and females in mainstream, special schools and special units due to sickness absence from school by Special Educational Needs (SEN) and disability status¹⁰⁰;
- percentage of full and half days missed by males and females in mainstream, special schools and special units due to medical appointments by Special Educational Needs (SEN) and disability status¹⁰¹.

Indicators of Attainment

- percentage of school leavers, males and females, with no qualifications by SEN and disability status in mainstream, special schools and special units¹⁰²;
- percentage of school leavers, males and females, who achieve 2 or more A-levels A*-E by SEN and disability status¹⁰³;
- percentage of males and females who complete an accredited further education course by disability status¹⁰⁴;
- percentage of males and females who complete training or an apprenticeship by disability status¹⁰⁵;

Indicators for Provision of Support

- percentage of people with disabilities who have a Coordinated Support Plan (CSP), in mainstream or special education;
- percentage of people with disabilities who have a Personalised Learning Plan (PLP), in mainstream or special education;
- percentage of children with disabilities who have accessed reasonable adjustments in mainstream or special education;
- percentage of people with disabilities who have accessed reasonable adjustments in tertiary or adult education;

¹⁰⁰ DENI.

¹⁰¹ Ibid.

¹⁰² School leavers survey, DENI.

¹⁰³ Ibid.

¹⁰⁴ DEL.

¹⁰⁵ Ibid.

- percentage of people with disabilities, including children, who perceive they have been provided with sufficient individualised support to assist them in fulfilling their educational potential;

Indicators for transition from school to FE/HE, training or employment

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into further and higher education¹⁰⁶;
- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into training¹⁰⁷;
- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into employment – under 16 hours a week / over 16 hours a week¹⁰⁸;
- percentage of young people with disabilities leaving further education / higher education into paid work – under 16 hours a week / over 16 hours a week¹⁰⁹;
- percentage of young people with special educational needs and disability moving who transfer from mainstream education to special schools at aged 16 years¹¹⁰;
- number and percentage of young people identified as SLDD in mainstream and discreet provision in Further Education (FE) colleges¹¹¹.

Indicators for choice and control

- percentage of people with disabilities, including children, who perceive they have been given sufficient choice in subject and career choice at school and further / higher education
- percentage of people with disabilities, including children, who perceive they have been given sufficient choice in work placements and employment opportunities.
- Number of consultations with people with disabilities and their representatives, including children on educational policies and practices¹¹².

¹⁰⁶ Children and Young Peoples Strategic Partnership (2011): Op cit.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² DENI S75 annual progress reports.

Indicators for training

- percentage of teachers and staff within mainstream schools, special units and special schools who have received disability awareness training¹¹³
- percentage of teachers and staff within mainstream schools, special units and special schools who have received disability rights-based training¹¹⁴
- percentage of teachers and staff within further and higher education colleges who have received disability awareness training¹¹⁵
- percentage of teachers and staff within further and higher education colleges who have received disability rights-based training¹¹⁶
- percentage of children within mainstream schools, special units and special schools who have received disability awareness training
- percentage of children within mainstream schools, special units and special schools who have received disability rights-based training
- percentage of teachers with disabilities and teachers with sign language skills who have received quality teacher training

Indicators for support for different modes of communication

- percentage of children within mainstream schools, special units and special schools by disability status who use:
 - sign languages;
 - Braille;
 - other augmentative and alternative forms of communication;
- percentage of children within mainstream schools, special units and special schools by disability status who have received training in:
 - Braille;
 - sign languages;
 - other augmentative and alternative forms of communication;
- Percentage of adults with disabilities who have undertaken training in:

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ S75 annual progress reports of higher and further education colleges.

¹¹⁶ Ibid.

- Braille;
- sign languages;
- other augmentative and alternative forms of communication;
- number of sign language teachers per person who requires sign language provision;
- number of Braille teachers per person who requires Braille provision;

Indicators for attitudes

- percentage of children, male and female, who have experienced bullying or harassment at school by disability status;
- percentage of young people / adults, male and female, who have experienced bullying or harassment in further education / higher education by disability status.

Theme – Justice and Community Safety

63. Strategic priority 17 is aligned to the theme of “*Justice and Community Safety*” in the Disability Strategy. Three indicators are associated with Strategic priority 17.

Strategic Priority 17

64. The aim of Strategic Priority 17 is to “ensure that people with disabilities are treated equally by the law, have access to justice and can live safely in their own community”.

65. To better ensure that the strategy meets the aims of Strategic Priority 17 and can adequately assess the implementation of the CRPD the following additional indicators should be amended, for example:

- percentage of people with disabilities, including women and children, who were victims of violent crime;
- percentage of people with disabilities, including women and children, who state that “fear of crime” has a minimal effect on their quality of life;
- number of hate crimes, disaggregated by gender and age, with a disability motivation.

66. And the following indicators are recommended:

Equal treatment by the law

Indicators for awareness of legislation

- number of consultations with people with disabilities on the Mental Capacity Bill¹¹⁷;
- effectiveness of participation of people with disabilities in the development and implementation of the Mental Capacity Bill¹¹⁸;
- awareness of people with disabilities and their caregivers of their rights under the Mental Capacity Bill;
- awareness of staff involved in the care and treatment of people with disabilities of the implications of the Mental Capacity Bill;
- number of training sessions for staff involved in the care and treatment of people with disabilities (including intermediaries and independent Advocates) of the implications of the Mental Capacity Bill;
- effectiveness of training sessions for staff involved in the care, treatment and support of people with disabilities (including intermediaries and independent Advocates) of the implications of the Mental Capacity Bill;
- awareness of people with disabilities and their caregivers of the support provided to exercise legal capacity including the availability of intermediaries and independent Advocates.

Indicators for provision of support

- number of Independent Advocates provided (future measure)¹¹⁹;
- percentage of people with disabilities, including women, supported by an intermediary and/or Independent Advocate (future measure);
- percentage of people with disabilities and their caregivers who perceive they have been given adequate support to exercise their capacity.

Indicators relating to lack of capacity

- percentage of people with disabilities, including women and children, with an EPA (future LPA);

¹¹⁷ DHSSPS.

¹¹⁸ Ibid.

¹¹⁹ As the Mental Capacity legislation has not yet been finalised this should be treated as a future measure relevant to the enactment of the legislation.

- percentage of people with disabilities, including women and children, detained under the Mental Health (NI) Order 1986 / Mental capacity legislation;
- number of complaints made, including those involving women and children, regarding breaches of the mental capacity legislation.

Access to Justice

Indicators relating to training, awareness-raising and attitudes

- number of training sessions for people working in the criminal justice system on disability-awareness, challenging stereotypes and working with people with disabilities;
- effectiveness of training sessions for people working in the criminal justice system on disability-awareness, challenging stereotypes and working with people with disabilities;
- percentage of people with disabilities aware of their rights under equality and human rights legislation;
- percentage of people with disabilities aware of the support available to them to pursue complaints under equality and human rights legislation;
- percentage of people with disabilities aware of the support available to them to pursue complaints under the criminal justice system.

Indicators relating to provision of support

- percentage of people who have sought advice from the Equality Commission, with regards to a complaint on the grounds of disability;
- percentage of people that have accessed legal aid support for pursuing a case, by disability status;
- percentage of people with disabilities who have applied to the Equality Commission / LRA for support to bring a case under equality or employment law;
- percentage of people with disabilities who have accessed an intermediary or other forms of support under the Criminal Evidence (NI) Order 1999 or Justice Act (NI) 2011;
- percentage of people with disabilities satisfied with the support provided to them when pursuing a complaint under equality or employment law; and

- percentage of people with disabilities satisfied with the support provided to them in the criminal justice system.

Indicators relating to access to justice

- number of crimes / incidents pursued by the police / public prosecution service by disability status of the victim;
- number of complaints pursued on the grounds of disability that have been brought to tribunal and/or county court;
- outcome rate of violent crimes by disability status of the victim.

Living safely in the community

Indicators relating to prevention of exploitation, violence and abuse

- number of disability-specific training sessions provided to professionals who investigate exploitation, violence and abuse within the criminal justice and social care regulatory systems;
- number of effective crime prevention sessions delivered to people with disabilities;
- percentage of people with disabilities and their caregivers who have access to a social worker;
- percentage of people with disabilities and their caregivers who have accessed respite care.

Indicators relating to experiences of exploitation, violence and abuse

- percentage of people with disabilities who have experienced harassment and bullying on the street;
- percentage of children with disabilities who have experienced harassment and bullying in schools;
- percentage of incidents of domestic violence that have involved people with disabilities, including women and children;
- percentage of institutions that care for people with disabilities that have failed regulatory inspections¹²⁰;
- percentage of complaints made by people with disabilities and their families regarding exploitation, violence and abuse within a care setting; and
- percentage of trafficked victims by disability status.

¹²⁰ RQIA.

Indicators relating to support regarding exploitation, violence and abuse

- percentage of people with disabilities and their caregivers who are satisfied with the support provided to them by their social worker;
- number of effective recovery and rehabilitation programmes that are accessible to people with disabilities; and
- percentage of shelter's / safe houses accessible to people with disabilities, including women and children.

Theme – Being Part of the Community

67. Strategic priority 18 is aligned to the theme of *“Being Part of the Community”* in the Disability Strategy.

Strategic Priority 18

68. The aim of Strategic Priority 18 is to “Improve access to sports, arts, leisure and other cultural activities so that people with a disability have equal access to community life”.

69. To better ensure that the strategy meets the aims of Strategic Priority 18 and can adequately assess the implementation of the CRPD the indicator should be amended, as follows, for example:

- percentage participating in cultural, leisure and sporting activities in the last 12 months by disability status, including women and children.

70. And the following indicators are recommended:

Indicators relating to accessibility

- percentage of arts, leisure, tourism and sporting venues in rural and urban areas which meet required standards for physical access and information provision for people with disabilities, including women and children;
- percentage of school sporting and leisure facilities in rural and urban areas which meet required standards for physical access for children with disabilities; and,
- percentage of media providers and venues including television, films, theatre and other cultural providers that provide formats accessible to people with disabilities.

Indicators relating to attitudes and awareness

- percentage of staff in the arts, leisure, tourism and sporting industry that report negative attitudes towards people with disabilities; and,
- number of effective training sessions on disability awareness and working with people with disabilities provided for staff in the arts, leisure, tourism and sporting industry.

Indicators relating to experiences

- percentage of people with disabilities that have experienced barriers to participating in the arts, leisure, tourism and sporting industry; and,
- percentage of children with disabilities that have been unable to participate in play, leisure and sporting activities at school.

Indicators relating to the provision of support

- number of effective programmes and initiatives provided to encourage people with disabilities, including women and children, to participate in sports, leisure and recreational activities;
- funding provided to disability-specific sports and arts compared to general sporting activities and arts in the last 12 months;
- number of major disability-specific sporting and cultural events in the last 12 months; and,
- media coverage of disability-specific sports and arts events compared to general sporting activities and arts events in the last 12 months.

Concluding Observations

71. Article 31 of the CRPD on “Statistics and data collection” highlights the crucial importance of data and information in assessing the implementation of the CRPD¹²¹ and formulating and implementing policies to give effect to the CRPD¹²². It is, therefore, of concern that the consultation on draft annual indicators should occur at end of the period covered by the Disability Strategy 2012-2015, particularly given that the Disability

¹²¹ Article 31(2).
¹²² Article 31 (1).

Strategy is provided as the framework for delivering the Northern Ireland Executive's Commitment under the CRPD¹²³.

72. In addition, given that the Disability Strategy is the framework for delivery of the Convention, it is of concern that the present Strategy does not address all of the Commitments of the CRPD, including key commitments such as those relating to Article 10 on the "*Right to Life*", Article 11 on "*Situations of risk and humanitarian emergencies*", Article 25 on "*Health*" and Article 26 on "*Habilitation and rehabilitation*"¹²⁴. Further, even among those articles specified in the Strategy, there is an overall misalignment between the aims of the strategy, associated actions and indicators and the requirements of the CRPD.
73. Actions and indicators within the Strategy have been developed to fit round planned commitments and data availability rather than consideration being given to actions and indicators required to meet the requirements of the CRPD. There is also an absence of indicators to measure the implementation of actions, which along with outcomes, are required to measure effectiveness.
74. While the current document highlights the fundamental flaws in the proposed draft indicators, the timing of the consultation, at the end of the time period for the current Disability Strategy, also represents an opportunity.
75. It is our hope that the current feedback on the current Strategy and associated indicators will provide a framework that will assist the Northern Ireland Executive in developing a revised Disability Strategy that will fully address their commitments under the CRPD.
76. In that regard please note, the text of the CRPD and associated comments both past and present of the UN Committee on the CRPD, should also provide a clearly articulated framework for the development of the revised Disability Strategy. It is hoped that the current feedback will encourage OFMdFM to consider actions and future indicators in light of the requirements of the CRPD, rather than on the basis of best fit. This may require

¹²³ OFMdFM (2012): *A Strategy to improve the lives of people with disabilities 2012-2015* (OFMdFM: Stormont).

¹²⁴ This list is not exhaustive – all missing articles are specified in the overall comments at the beginning of this document.

changes to be made to what data is collected, the way in which is collected and subsequently disaggregated and presented.

77. Finally we stress the importance that the Northern Ireland Executive reconsider the requirements of the CRPD along with the recommendations within the current document to assist in the development of the revised Disability Strategy whose aims, actions and indicators can effectively implement and monitor the implementation of the UNCPD.

ECNI
February 2015



Appendix 2

EQUALITY COMMISSION FOR NORTHERN IRELAND

Commentary on the draft Annual Indicators for the disability strategy OFMdFM

February 2015

1 Overarching comments

- 1.1 The draft Annual Indicators for the Disability Strategy¹ sets out OFMdFM's proposals for Annual indicators for monitoring progress against the 16 Strategic Priorities set out in the disability strategy.
- 1.2 The key overarching issue with the draft annual indicators is the lack of connection between the aims² and actions of the Strategic Priorities³. While, the indicators have been broadly drawn up to measure outcomes in relation to the aim of each Priority, actions⁴ are not always relevant to the aims or are not clearly articulated as such. This is a critical flaw in that actions should produce change in areas identified by each Strategic Priority and the impact of these actions should then be measurable by the use of indicators.

¹ OFMdFM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdFM: Stormont).

² Ibid.

³ OFMdFM (2014): Draft Annual Indicators for the Disability Strategy (OFMdFM: Stormont).

⁴ OFMdFM (2012): A Strategy to improve the lives of people with disabilities 2012-2015. (OFMdFM: Stormont) – see Appendix 1.

- 1.3 In broad terms, it appears as if the Strategic Priorities have been allocated to actions that reflect pre-existing commitments or planned programmes. This has been undertaken without any consideration of what actions may be required to meet the aims and what indicators may be required to monitor and evaluate implementation and outcomes.
- 1.4 Previous research⁵ has indicated that outcomes arising from a disability strategy should be evaluated and measured at two levels; in terms of implementation outcomes (that is, did it do what it said it was going to) and life outcomes for disabled people (what impact did it have on people with disabilities). The draft Annual Indicators currently do not evaluate implementation outcomes in relation to actions associated with the Strategy. In addition, many of the indicators do not cover life outcomes, with respect to every areas covered by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Given the disconnect between the aims, actions and indicators associated with the Strategic Priorities it is difficult to see how this could be undertaken in the present format.
- 1.5 In addition, for many of the indicators there is no indication of the extent to which data can or will be disaggregated and therefore the degree with which the relevant indicators meet this particular requirement of Article 31. This is of particular concern given that some indicators will be based on survey methodology with a limited sample of people with disabilities which may impact on the robustness of disaggregated data.
- 1.6 The preamble for the Disability Strategy indicates that the “Strategy is developed on a rights based approach to fulfil obligations provided for in the United Nations Convention on the

⁵ Flynn, E. (2013): Summary of Critical Success factors for Implementing and Monitoring National Disability Strategies (NUI: Galway)

Rights of Persons with Disabilities (UNCRPD)”⁶. However, recent research commissioned by the Equality Commission⁷ has identified a similar disconnect between actions outlined in Appendix 1 and the articles of the UNCRPD. It was the conclusion of the authors that articles of the UNCRPD has been assigned to existing or planned commitments and programmes “without any consideration of the actual obligations and rights contained in those articles”⁸.

- 1.7 Given the misalignment of the aims, actions and indicators of the Strategy and that the connection between actions and particular articles of the UNCRPD has been described as “weak, unclear or, in some cases, not actual”⁹; it is difficult to see how the draft Annual indicators will effectively evaluate implementation and life outcomes in relation to UNCRPD.
- 1.8 In addition, the Strategy and, therefore, subsequent actions and indicators do not cover all articles of the UNCRPD. Recent research has noted the omission of actions in Appendix 1 relating to Article 6 of the UNCRPD on *Women with disabilities* and only a brief mention of Article 7 on *Children with disabilities*¹⁰. In addition there is a lack of reference to key human rights within the document such as Article 5 on *Equality and non-discrimination*, Article 10 on the *Right to life*, Article 11 on *Situations of risk and humanitarian emergencies*, Article 14 on *Liberty and security of the person*, Article 15 on *Freedom from torture, or cruel, inhuman or degrading treatment and punishment*, Article 17 on *Protecting the integrity of the person*, Article 18 on *Liberty of movement and*

⁶ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

⁷ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

nationality, Article 22 on Respect for privacy, Article 25 on Health and Article 26 on Habilitation and rehabilitation.

- 1.9 Another key area for consideration is the ability of the defined indicators to meet the requirements of Article 31 of the UNCRPD on *Statistics and Data Collection*. Under Article 31, information should be “disaggregated, as appropriate, and used to help assess the implementation of States Parties’ obligations”¹¹. The overall lack of alignment between the aims, actions and indicators and the Articles of the UNCRPD is a key concern in that it renders the indicators ineffective in assessing the implementation of the UNCRPD. In addition, there is no indication that the indicators will or can be disaggregated, as appropriate, particularly with respect to age and sex which are required to monitor commitments in relation to cross-cutting Article 6 on *women with disabilities* and Article 7 on *children with disabilities*.

Themes and Indicators:

2 Theme: Participation and Active Citizenship

- 2.1 Strategic priority 1 and 2 are aligned to the theme of *Participation and Active Citizenship* within the Disability Strategy. While indicators have been defined for strategic priority 1 no indicators have been defined for strategic priority 2.

Strategic priority 1

- 2.2 The aim of Strategic priority 1 is to “Increase people with disabilities’ opportunity to influence policies and programmes in Government including the delivery of this Strategy and the subsequent Action Plan”. Two indicators have been identified for this Strategic priority

- percentage of NI public appointments held by people with disabilities;

¹¹ Article 31 (2), United Nations Convention on the Rights of Persons with Disabilities.

- percentage of applications for NI public appointments made by people with disabilities.
- 2.3 These indicators are currently inadequate to measure the breadth of issues covered by the Participation and Active Citizenship theme which include decision-making in policies and programmes, active participation and the provision of support and advocacy to assist in decision making. Moreover, the indicators do not reflect the key aim of Strategic Priority 1 which is for people with disabilities to influence policies and programmes including the Disability Strategy.
- 2.4 In addition, and as mentioned above, the one planned programme identified as an action to address Strategic Priority 1 – to invest in social enterprise growth to increase sustainability in the broad community sector - does not align with the indicators identified to measure the effectiveness of the Strategy and it is unclear how it meets the overall aim of Strategic Priority 1, given that the focus is on employment rather than participation in decision-making.
- 2.5 The Theme of *Participation and Active Citizenship* highlights the Preamble of the UNCRPD as its key influence, however, this theme and associated Strategic Priority 1 has also been commented upon in recent research in relation to Article 29 of the UNCRPD on *Participation in political and public life*¹² and is also a key aspect of Article 4 (3) wherein State Parties “should consult with and actively involve persons with disabilities”¹³, including children, on all matters that relate to them.
- 2.6 The indicators in Strategic Priority 1 partially meet UNCRPD requirements but are too narrow and not broadly enough defined to fully meet the requirements of the UNCRPD, particularly given the emphasis in the preamble and Article 4(3) on decision-making

¹² Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

¹³ The United Nations Convention on the Rights of Persons with Disabilities.

and the broad scope of Article 29 on political rights and public affairs. Previous research¹⁴ has identified Article 29 as a priority area for people with disabilities in Northern Ireland. Therefore, it is disappointing that the indicators to measure effectiveness of implementation and outcomes do not meet the requirements of the UNCRPD or the aim of Strategic Priority 1.

2.7 To better ensure that the strategy meets the aims of Strategic Priority 1 and can adequately assess the implementation of the UNCRPD it is recommended that the following additional indicators are included¹⁵:

Indicators of Political participation, for example

- percentage of / uptake of accessible voting facilities, voting procedures and voting materials;
- percentage of people with disabilities in political life;
- number of support provisions developed to assist people with disabilities into public life;
- indicators of participation in decision-making on policies/ programmes, for example;
- number of forums / groups / meetings by States Parties' with disabled people on policies / programmes;
- number of support / advocacy facilities provided;
- percentage uptake of support / advocacy facilities by people with disabilities;
- number of capacity building programmes aimed at people with disabilities.

¹⁴ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

¹⁵ Much of this information could potentially be obtained through S75 Disability duties Annual Progress Reports; through the Electoral Commission; Councils; NI Assembly; Westminster; Party Political Offices and OFMdFM.

Indicators of participation in Disability Strategy and Action Plan, for example

- number of forums / groups / meetings by States Parties' with people with disabilities on the Disability Strategy;
- number of support / advocacy facilities provided to assist people with disabilities in influencing the Strategy;
- to comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

Strategic Priority 2

2.8 The aim of Strategic priority 2 is to “Improve interaction between all sectors to achieve the social inclusion of people with disabilities”. No draft Annual Indicators have allocated to this priority.

2.9 A key issue with the aim of this priority is that it is not sufficiently well-defined to allow for the allocation of indicators. Actions that may require cross-departmental working or working between public authorities have been allocated to this Priority¹⁶, however, this has not been specifically articulated within the action. In addition, there is no mention of whether “interaction between all sectors” includes interaction with the disability sector and/or private sector. The lack of definition surrounding this priority makes the allocation of indicators to this aim, difficult if not impossible.

2.10 It is difficult to assess what UNCRPD article this priority is aligned to due to a lack of clarity in the aim of this article. Given the emphasis within the associated theme on participation and active citizenship it is presumed that this article may be associated with Article 4 (3) which indicates that persons with disabilities should

¹⁶ Appendix 1 – under PfG 2, a commitment to tackle poverty and social exclusion identifies co-ordinating actions between Departments as a significant aspect.

be involved in decision making in all issues relating to them, including legislation and policies to implement the UNCRPD and that State Parties should consult with and actively involve people with disabilities, including children, through their representative organizations¹⁷.

- 2.11 It is recommended that the aim of this Strategic Priority is fully clarified and aligned to the relevant UNCRPD article. Actions to implement this Priority should also be further clarified which will allow the development of appropriate and relevant indicators.

3 Theme: Awareness-raising

- 3.1 Strategic Priority 3 and 4 are aligned to the theme of *Awareness-raising* in the Disability Strategy. A set of indicators have been developed for both priorities.

Strategic priority 3

- 3.2 The aim of Strategic Priority 3 is to “Increase awareness among people with disabilities of their rights and opportunities through a range of communication activities”. Two indicators have been identified for this priority:

- percentage of people with disabilities reporting awareness of the Disability Discrimination Act;
- percentage of people with disabilities reporting awareness of the United Nations Convention on the Rights of Persons with Disabilities.

- 3.3 These indicators partially cover the requirements of Strategic Priority 3, however, measuring awareness of legislation does not fully indicate awareness of rights. People with disabilities may be aware of their rights but not aware of the legislative instrument which provides those rights, or vice versa. Moreover, according to

¹⁷ Article 4 (3), United Nations Convention on the Rights of People with Disabilities.

Strategic Priority 3, awareness-raising should occur through a range of communication activities: Therefore, indicators should contain a measure of the implementation of these activities as well as their impact on disabled people.

- 3.4 In addition, planned programmes¹⁸ to address these requirements do not align to the indicators or the aim of Strategic Priority 3. It is unclear how planned actions meet the aims of Strategic Priority 3 and fit with the proposed indicators, such as, for example:
- increase the overall proportion of young people who achieve at least 5 GCSE's at A*-C or equivalent including GCSEs in Maths and English by the time they leave school, and;
 - the improvement of community safety by tackling anti-social behavior.
- 3.5 The indicators partially meet the requirements of Article 8 on Awareness-Raising with regards to raising awareness of the rights of disabled people. However, as mentioned above, awareness of the Convention may not be equivalent to awareness of the rights therein. In addition, the Committee on the Rights of Persons with Disabilities has stated in relation to Article 8 that States Parties should report on actions undertaken to raise awareness and inform persons with disabilities and other parts of society on the Convention and the rights it includes¹⁹. This indicates that indicators must provide a measure of actions undertaken to inform people with disabilities of their rights in order to address the rights-based awareness-raising requirements of Article 8.
- 3.6 There is also concern regarding the survey instrument used for measurement of these indicators in relation to compliance with Article 31 (*Statistics and Data Collection*) and cross-cutting

¹⁸ OFMdfM (2014): Draft Annual Indicators for the Disability Strategy (OFMdfM: Stormont).

¹⁹ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities – cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? ECNI: Belfast.

Articles 6 (*Women with disabilities*) and 7 (*Children with disabilities*) of the UNCRPD. The Northern Ireland Omnibus Survey is a survey of approximately 2200 individuals in households in the general population²⁰ rather than a survey specific to people with disabilities. In addition, as it is a household based survey, people with disabilities in institutions or residential homes will not be included in the sample.

- 3.7 Given that only a small subsample of disabled people within the general population will be obtained, this survey may be inadequate to provide a robust and representative sample size that can be disaggregated, as required by Article 31 of the Convention, particularly with regard to sex (Article 6) and age (Article 7). The current document has not indicated how it will address the issue of small sample size²¹ or whether quota sampling will be used to ensure a representative sample of disabled people is obtained.
- 3.8 Another concern is the ability of the Northern Ireland Omnibus Survey to capture awareness of rights amongst children with disabilities in compliance with cross-cutting Article 7. This is of particular concern given that the Northern Ireland Omnibus Survey is a survey of the general population over 16 years²² and, therefore does not survey children under 16 years. Developmentally appropriate qualitative methodology may be a better vehicle for assessing awareness of rights amongst children with disabilities.
- 3.9 To better ensure that the strategy meets the aims of Strategic Priority 1 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are amended:

²⁰ See: <http://www.csu.nisra.gov.uk/survey.asp77.htm>

²¹ E.g. by use of a booster sample

²² See: <http://www.csu.nisra.gov.uk/survey.asp77.htm>

- Percentage of people with disabilities, including children, reporting awareness of their rights under the Disability Discrimination Act;
- Percentage of people with disabilities, including children, reporting awareness of the United Nations Convention on the Rights of Persons with Disabilities.

3.10 and, additional indicators are included:

- Number of effective communication activities undertaken with people with disabilities, including children, to inform them of their rights²³.

Strategic Priority 4

3.11 The aim of Strategic Priority 4 is “to develop, in partnership with people with disabilities, a range of awareness raising activities, including those aimed at the general public, to challenge the negative perceptions surrounding disability and to gain a better understanding of the range of diversity of disabilities particularly mental health”. Three indicators have been identified for this priority:

- Percentage of the general population reporting awareness of the Disability Discrimination Act;
- Percentage of the general population reporting awareness of the United Nations Convention on the Rights of Persons with Disabilities;
- Percentage of individuals correctly estimating the prevalence of disability among the general population.

3.12 These indicators do not adequately measure the breadth of issues covered by the awareness-raising theme which includes

²³ Some of this information could possibly be obtained through S75 / Disability duties Annual Progress Reports.

awareness-raising on the rights, capabilities and positive contributions of people with disabilities and challenging negative perceptions and prejudices relating to disabled people. The current indicators seek to measure only one aspect of the awareness-raising theme, that is, awareness of the rights of people with disabilities among the general population. Moreover, the indicators do not reflect the key aim of Strategic Priority 4 which is to challenge negative perceptions regarding disability and improve understanding of the range of diversity of disabilities.

3.13 In addition, planned programmes²⁴ to address these requirements do not align to the indicators or the aim of Strategic Priority 4. It is unclear how planned actions meet the aims of Strategic Priority 4 and fit with the proposed indicators, such as, for example:

- increase the overall proportion of young people who achieve at least 5 GCSE's at A*-C or equivalent including GCSEs in Maths and English by the time they leave school; and
- the improvement of community safety by tackling anti-social behavior.

3.14 Strategic Priority 4 and the Awareness-raising theme in the Disability Strategy aims to broadly align itself with Article 8 of the UNCRPD on *Awareness-raising*. However, the indicators in Strategic Priority 4 are narrowly focused on measuring awareness of legislation and knowledge of disability prevalence. Therefore, they do not adequately meet UNCRPD requirements given the emphasis in Article 8 on raising disability awareness, fostering respect for the rights and dignity of disabled people, combating stereotypes, prejudices and harmful practices, promoting positive perceptions of people with disabilities and recognising the positive contribution of people with disabilities via public awareness campaigns, education, media and training.

²⁴ OFMdfM (2014): Draft Annual Indicators for the Disability Strategy, Appendix 1 (OFMdfM: Stormont).

- 3.15 Previous research²⁵ has identified Article 8 as a priority area for people with disabilities in Northern Ireland. Therefore, it is disappointing that the actions and indicators aligned to Strategic Priority 4 do not meet the requirements of the UNCRPD or the aim of Strategic Priority 4.
- 3.16 Another issue is that the chosen survey instrument may not be able to capture the views of children under 16 years, as mentioned above in Strategic Priority 3. This is of particular concern considering that a requirement of Article 8 (2b) is to foster respect for the rights of persons with disabilities within the education section “in all children from an early age”²⁶. Developmentally appropriate qualitative methodology or a school based survey may be a better vehicle for assessing attitudes towards people with disabilities and awareness of the rights of people with disabilities amongst all children.
- 3.17 Article 8(1) of the Convention is explicit in that any awareness-raising measures undertaken must be effective, immediate; and appropriate. Previous research undertaken on behalf of the Commission has indicated that “the requirement for ‘effectiveness’ means in practice that there must be evaluation of the impact of any measures taken and that these measures be adjusted in the light of such evaluation of their effectiveness. General programmes and policies which are not of confirmed impact in raising awareness would not meet the obligations of this article”²⁷. Given that the current indicators do not measure the implementation and impact of measures it can be concluded that this Priority does not meet the obligations of Article 8.
- 3.18 To better ensure that the strategy meets the aims of Strategic Priority 4 and can adequately assess the implementation of the

²⁵ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

²⁶ Article 8 (2b), United Nations Convention on the Rights of People with Disabilities

²⁷ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

UNCRPD it is recommended that the following indicators are amended:

- percentage of the general population, including children, reporting awareness of their rights under the Disability Discrimination Act
- percentage of general population, including children, reporting awareness of the United Nations Convention on the Rights of Persons with Disabilities.
- percentage of individuals, including children, correctly estimating the prevalence of disability among the general population

3.19 And additional indicators are recommended²⁸, for example:

Indicators for awareness–raising activities

- involvement of people with disabilities in awareness-raising activities
- number of awareness-raising activities undertaken with the general population (via campaigns, media, training) to challenge stereotypes, promote the capabilities and positive contributions of persons with disabilities
- number of communication activities undertaken with the general population to raise awareness of the rights of people with disabilities including understanding of the social model of disability
- effectiveness of awareness-raising activities undertaken with the general population

²⁸ Much of the information for these indicators could be obtained from S75 / disability duties annual progress reports.

Indicators for awareness-raising activities with children

- number of awareness-raising activities undertaken with children in the education system to challenge stereotypes and promote the capabilities and positive contributions of persons with disabilities²⁹;
- number of communication activities undertaken with children in the education system³⁰ to raise awareness of the rights of people with disabilities including understanding of the social model of disability;
- effectiveness of awareness-raising activities undertaken with children in the education system³¹.

Indicators for attitudes towards people with disabilities

- percentage of the general population, including children displaying negative attitudes towards people with physical, sensory, mental ill health and learning disabilities³²;
- percentage visibility and positive portrayal of people with disabilities in media;
- percentage of people, including children, displaying understanding of the social model of disability³³;
- percentage of people with disabilities, including children, experiencing bullying, harassment and/or discrimination on the grounds of their disability³⁴.

²⁹ DENI or CCEA may be a potential source of information and data in relation to this area.

³⁰ Ibid.

³¹ Ibid.

³² This is currently reported in both the EQAS and NILT surveys although not on an annual basis.

³³ This information could be obtained from the YLT and Children's Life and Times survey.

³⁴ This information is partially provided by the EQAS although not on an annual basis.

4 Theme: Accessibility – Physical environment, Goods and Services

4.1 Strategic Priority 5 is aligned to the theme of *Accessibility – Physical environment, Goods and Services* in the Disability Strategy.

Strategic Priority 5

4.2 The aim of Strategic Priority 5 is to “eliminate the barriers people with disabilities face in accessing the physical environment, goods and services so that disabled people can participate fully in all areas of life”. Four indicators are aligned to this priority:

- percentage of Ulsterbus / Metro fleet that is accessible;
- percentage of individuals who have used the internet in the last three months by disability status;
- percentage of households with bank accounts by disability status;
- percentage participating in cultural, leisure and sporting activities in the last 12 months by disability status

4.3 The indicators do not adequately measure the range of issues covered by the theme of *Accessibility – Physical environment, Goods and Services*, or the aim of Strategic Priority 5. It is clear from the aim that this priority covers “all areas of life³⁵” including “the physical environment, transportation, information and communications, and other facilities provide to the public³⁶”. However, the indicators to measure the aim, while relevant, are too narrowly defined to cover the broad scope of issues covered by this priority.

³⁵ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

³⁶ Ibid.

- 4.4 For example, the indicators cover transport by bus but do not cover the range of private and public transportation available to people with disabilities including rail travel, air travel, taxis, coaches, private car transport (including the needs of Blue Badge holders and disabled parking provision) etc. In addition, the indicators do not cover measures to tackle the prohibitive cost of public transport to people with disabilities who are more likely to live in poverty than the general population in Northern Ireland³⁷.
- 4.5 The indicators cover access to the internet but do not cover the range of information and communications needs of people with disabilities, for example, previous research has indicated issues with access to interpreters and accessible printed materials (Braille, Audio, large print, Easy Read etc)³⁸.
- 4.6 Moreover, while the indicators address access to bank accounts and cultural, leisure and sporting activities the indicators do not address access to the full range of goods and services including commercial and retail services. For example, previous research³⁹ has indicated issues for people with disabilities in relation to manufactured goods and other financial services, such as mortgages, insurance etc. Furthermore, the current indicator of access to financial independence, whether a household with a disabled person in it has a bank account, is not adequate given that it is measured at the household level in the Family Resources Survey. In order to measure access financial independence this indicator must measure access to bank accounts for people with disabilities at the individual level.
- 4.7 An additional and crucial omission is that there are no indicators that capture access to the physical environment such as housing, the pedestrian environment, and buildings.

³⁷ MacInnes, T., Aldridge, H., Bushe, S., Tinson, A. and Barry Born, T. B. (2014): Monitoring Poverty and Social Exclusion 2014 (JRF: England).

³⁸ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³⁹ Ibid.

- 4.8 The majority of the indicators are focused on physical accessibility, however, previous research⁴⁰ has indicated many of the issues people with disabilities have with accessibility were attitudinal. Indicators should, therefore, address staff attitudes in the public and private sector as a barrier to accessibility.
- 4.9 In addition, indicators for a disability strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, planned actions and programmes⁴¹ are misaligned with the aims and indicators of Strategic Priority 5. Recent research⁴² has indicated that for this priority “no further specific actions or targets are established and it is not clear how these priorities are to be achieved”. Planned actions from the Programme for Government have been proposed⁴³, for example:
- introduce and support a range of initiatives aimed at reducing fuel poverty
 - publish and Implement a Childcare Strategy
 - improve access to justice
 - develop sports stadium as agreed with the IFA, GAA and Ulster Rugby.
 - improve online access to government services
- 4.10 Given that the alignment between these actions and the aims and indicators of Strategic Priority 5 are weak or absent, it is unclear how these indicators will measure the implementation of actions.

⁴⁰ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴¹ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

⁴² Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁴³ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

- 4.11 Strategic Priority 5 and the theme of *Accessibility – Physical Environment, Goods and Services* aims to align itself with UNCRPD Article 9 on *Accessibility*. However, the indicators are too narrowly defined to address the broad scope of issues covered by Article 9. The focus of Article 9 is enabling people with disabilities “to live independently and participate fully in all aspects of life” by ensuring accessibility to the physical environment, transportation, information and communications and to other facilities and services provided to the public, in urban and rural areas. As discussed above, the indicators for this priority currently do not cover the breadth the issues required to measure accessibility “in all aspects of life”. In addition the indicators do not identify how data will be disaggregated to explore barriers in urban and rural areas as required by Article 9(1).
- 4.12 The indicators also do not provide for measures of the effectiveness of actions to identify and eliminate obstacles and barriers to accessibility which is a requirement of Article 9 (1) or to “monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services” as required by Article 9 2(a).
- 4.13 In addition, the indicators do not provide any measure of the effectiveness of implementation of actions related to training and support which is a requirement of Article 9 (2c and f) and is necessary to monitor the attitudinal barriers to accessibility, discussed above.
- 4.14 Moreover, there is no indication over how indicator data will be disaggregated to meet the requirements of Article 9, Article 31 and Article 6 and 7. To meet the requirements of Article 9 (1) data should be disaggregated by urban/rural status. However, to meet the requirements of Article 6 *Women with disabilities* and Article 7 *Children with disabilities*, data should also be disaggregated by sex and age.

4.15 Previous research⁴⁴ has identified Article 9 as a priority area for people with disabilities in Northern Ireland. Therefore, it is disappointing that the actions and indicators aligned to Strategic Priority 5 do not meet the requirements of the UNCRPD or the aim of Strategic Priority 5.

4.16 To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are amended:

- percentage of buses, trains, planes, taxis and coaches etc that are accessible, for urban and rural people with disabilities, including women and children;
- percentage of individuals, including women and children who had used the internet in the last three months by disability status;
- percentage of individuals including women and children with bank accounts by disability status;
- percentage participating in cultural, leisure and sporting activities, including women and children, in the last 12 months by disability status in rural and urban areas.

4.17 and the following indicators are recommended, for example:

Indicators for access to transport

- percentage of transport facilities in urban and rural areas (bus, train, plane and taxi firms, as appropriate) which meet required standards for physical access, staff attitudes and information provision for people with disabilities⁴⁵

⁴⁴ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴⁵An audit system, which rates physical access, customer service and information provision may provide suitable indicators to assist in monitoring public and private facilities for accessibility. See for example: AdaptNI (2013): ABC Audit Benchmark Change Report (ECNI: Belfast).

- percentage of private and public car parking facilities that are accessible to people with disabilities⁴⁶
- percentage of people with disabilities holding a Blue Badge⁴⁷
- awareness of persons of disabilities of access to concessionary fares for bus and rail transport⁴⁸.

Indicators for access to the physical environment and facilities

- percentage of commercial and retail facilities in rural and urban areas which meet required standards for physical access, staff attitudes and information provision for people with disabilities⁴⁹;
- percentage of public sector facilities (including schools, medical facilities etc) in rural and urban areas which meet required standards for physical access, staff attitudes and information provision for people with disabilities⁵⁰;
- percentage of housing in rural and urban areas that meet Lifetime Standards⁵¹ of accessibility⁵²;
- percentage of housing in rural and urban areas that have adaptations to improve accessibility⁵³;
- percentage of the pedestrian environment in rural and urban areas that meets required standards of physical accessibility⁵⁴.

⁴⁶ DOE / DRD may be a potential source of information and/or data in this area.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ An audit system, which rates physical access, customer service and information provision may provide suitable indicators to assist in monitoring public and private facilities for accessibility, see for example: AdaptNI (2013) ABC Audit Benchmark Change Report. ECNI: Belfast.

⁵⁰ Ibid.

⁵¹ See: http://www.dsdni.gov.uk/index/hsdiv-housing/ha_guide/hag-index/hagds-design-standards-contents/hagds-lifetime-homes.htm

⁵² NIHE may be a potential source of information and/or data in this area.

⁵³ DSD/ NIHE may be a potential source of information and/or data in this area.

⁵⁴ DOE / DRD may be a potential source of information and/or data in this area.

Indicators for access to financial services

- percentage of people with disabilities who have been turned down for mortgages and/or life insurance⁵⁵.

Indicators for participation

- number of effective consultations with people with disabilities, including children, on the accessibility of transport, facilities, services, housing and the pedestrian environment⁵⁶.

4.18 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

5 Theme: Accessibility – Transport; Personal Mobility

5.1 Strategic Priority 6 and 7 is aligned to the theme of Accessibility – Transport; Personal Mobility in the Disability Strategy. Three indicators are aligned to Strategic Priority 6 and two indicators are aligned to Strategic priority 7.

Strategic Priority 6

5.2 The aim of Strategic Priority 6 is to “eliminate the barriers people with disabilities face in accessing transport ensuring necessary measures are in place to allow personal mobility for people with disabilities”. Three indicators are aligned to this priority:

- percentage of Ulsterbus / Metro fleet that is accessible
- percentage of individuals who had used the internet in the last three months by disability status
- percentage of households with bank accounts by disability status

⁵⁵ This may require additional survey and/or qualitative information and/or data.

⁵⁶ Much of the information for these indicators could be obtained from S75 / disability duties annual progress reports.

- 5.3 The indicators for Strategic Priority 6 do not measure the breadth of issues covered by the aim of the priority. For example, as identified for Strategic Priority 5, the indicators cover transport by bus but do not cover the range of private and public transportation available to disabled people including rail travel, air travel, taxis, coaches, private car transport, parking provision etc. In addition, the indicators do not cover measures to tackle the prohibitive cost of public transport to people with disabilities who are more likely to live in poverty than the general population in Northern Ireland⁵⁷.
- 5.4 The inclusion of transport in this priority is of concern given the degree of overlap between Strategic 5 and 6 and their associated indicators. Further consideration should be given to which Priority transport belongs in and the strategy and indicators should be amended to reflect this decision.
- 5.5 In addition, the indicators include measures that are not relevant to the aim of the priority. Indicators 2 and 3 are not relevant to personal mobility and overlap with the indicators and aims of Strategic Priority 5. It is recommended that indicators which reflect the Strategic aim to ensure “necessary measures are in place to allow personal mobility for people with disabilities” should be developed.
- 5.6 Moreover, indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, planned actions and programmes⁵⁸ are misaligned with the aims and indicators of Strategic Priority 6. Planned actions from the Programme for Government have been proposed, for example:
- reduce fuel poverty;

⁵⁷ MacInnes, T., Aldridge, H., Bushe, S., Tinson, A. and Barry Born, T. B. (2014): Monitoring Poverty and Social Exclusion 2014 (JRF: York).

⁵⁸ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

- establish an advisory group to assist Ministers in alleviating hardship including any implications of the Welfare Reform;
- invest in sustainable modes of transport and implement the Accessible Transport Strategy;
- ensure all children have the opportunity to participate in shared education programmes by 2015 and substantially increase the number of schools sharing facilities by 2015, etc.

5.7 However, few of the planned programmes / commitments are directly relevant to the aim of this priority or its indicators, i.e. personal mobility. Given that the alignment between these actions and the aims and indicators of Strategic Priority 6 are weak or absent, it is unclear how these indicators will measure the implementation of actions.

5.8 Strategic priority 6 aims to align itself to Article 20 of the UNCRPD on “*Personal mobility*”. Given that the focus of Article 20 is on personal mobility in relation to mobility aids, devices, assistance technologies, live assistance and intermediaries only one of the indicators (i.e. transport) is tentatively relevant, albeit indirectly, to Article 20.

5.9 The current indicators do not provide a measure of how State Parties are “facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries...at affordable cost” as specified by Article 20(b)⁵⁹. In addition no indicators have been specified in relation to “providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities” in compliance with Article 20(c)⁶⁰ or in relation to “encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities” as required by Article

⁵⁹ Article 20 (b), United Nations Convention on the Rights of People with Disabilities.

⁶⁰ Article 20 (c), United Nations Convention on the Rights of People with Disabilities.

20(d)⁶¹. Moreover, there is no indication over how indicator data will be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.

- 5.10 In addition, indicators are unable to measure the implementation of actions to meet the requirements of the UNCRPD, given that the alignment of indicators to actions and the requirements of Article 20 are weak or absent.
- 5.11 Recent research⁶² has indicated a focus by the UN Committee with respect to Article 20 on access to assistive devices and research and development on low-cost mobility devices. It also raised issues for people with disabilities in relation to accessing suitable assistive equipment and accessing timely repairs or replacements⁶³. Indicators should, therefore also be aligned to these aspects of personal mobility addressed by Article 20.
- 5.12 Moreover, in order to comply with general obligations under Article 4(3), indicators should reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in the production of mobility aids, assistive technologies and live assistance to ensure the “greatest possible independence” as outlined in Article 20.
- 5.13 To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are amended:

⁶¹ Article 20 (d), United Nations Convention on the Rights of People with Disabilities.

⁶² Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁶³ Ibid.

- percentage of buses, trains, planes, taxis and coaches etc that are accessible, for urban and rural people with disabilities, including women and children.

5.14 The following indicators are discarded:

- percentage of individuals who had used the internet in the last three months by disability status;
- percentage of households with bank accounts by disability status.

5.15 And the following indicators are recommended, for example:

Indicators for access to the physical environment and facilities

- percentage of transport facilities in urban and rural areas (bus, train, plane and taxi firms, as appropriate) which meet required standards for physical access, staff attitudes and information provision for people with disabilities⁶⁴;
- percentage of private and public car parking facilities that are accessible to people with disabilities⁶⁵;
- percentage of people with disabilities holding a Blue Badge⁶⁶;
- awareness of persons of disabilities of access to concessionary fares for bus and rail transport⁶⁷.

Indicators for access to mobility aids and assistive technologies

- median length of waiting list(s)⁶⁸ for appropriate mobility aids, devices and assistive technologies, for people with disabilities, including children⁶⁹;

⁶⁴An audit system, which rates physical access, customer service and information provision may provide suitable indicators to assist in monitoring public and private facilities for accessibility. See for example: AdaptNI (2013) ABC Audit Benchmark Change Report (ECNI: Belfast).

⁶⁵ DRD / DOE may be a potential source of information / data in this area

⁶⁶ DRD / DOE may be a potential source of information / data in this area

⁶⁷ DRD / Translink may be a potential source of information and/or data in this area

⁶⁸ Perceived timeliness of receipt of aid would also be an acceptable measure

⁶⁹ DHSSPS may be a potential source of information and/or data in this area

- median length of time for repairs or replacements⁷⁰ of mobility aids, devices and assistive technologies, for people with disabilities, including children⁷¹;
- number of effective training sessions⁷² provided for people with disabilities, including children, on the use of mobility aids, devices, and assistive technologies.

Indicators for access to live assistance

- median length of waiting list(s) for appropriate live assistance (e.g. human, animal etc) for people with disabilities, including children⁷³;
- median length of time for replacement of live assistance for people with disabilities, including children⁷⁴.

Indicators for training

- number of effective training sessions provided for people with disabilities, including children, on the use of live assistance⁷⁵;
- number of effective training sessions provided for specialist staff in the use mobility aids, devices and assistive technologies⁷⁶;
- number of effective training sessions provided for people with disabilities, including children, on the use housing adaptations⁷⁷.

Indicators for housing adaptations

- median length of waiting list(s) for housing adaptations for people with disabilities, including children⁷⁸;

⁷⁰ Perceived timeliness of repair or replacement would also be an acceptable measure.

⁷¹ DHSSPS may be a potential source of information and/or data in this area.

⁷² Perceived effectiveness of training sessions would also be an acceptable measure.

⁷³ DHSSPS may be a potential source of information and/or data in this area.

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ DHSSPS may be a potential source of information and/or data in this area.

⁷⁷ DHSSPS / DSD / NIHE may be a potential source of information and/or data in this area.

- Median length of time for repair or replacement of adaptations for people with disabilities, including children⁷⁹.

Indicators for research and development

- Number of effective research and development programmes on low-cost mobility devices with Northern Ireland funded or part-funded by government at the regional, national or European level;
- Number of programmes involving the active participation of people with disabilities, including children, in the design and implementation of mobility aids, devices and assistive technologies.

5.16 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

6 Strategic Priority 7

6.1 The aim of Strategic Priority 7 is to “increase the level of accessible / inclusive communications so that people with disabilities can access information as independently as possible and make informed choices. Two indicators are aligned to this priority:

- percentage of individuals who own a mobile phone by disability status
- percentage of individuals with internet access by disability status

6.2 The alignment between the indicators for and aim of Strategic Priority 7 is weak and not well-defined. It is linked to the Programme for Government commitment “to improve online

⁷⁸ Ibid.

⁷⁹ Ibid.

access to government services” with actions to promote digital inclusion for people with disabilities. However, the scope of accessible / inclusive communications is much broader than access to the internet / mobile phones, as it covers a range of communications including the use of sign language and Braille, and other communications and the provision of information in accessible formats⁸⁰.

- 6.3 Strategic Priority 7 aims to align itself with Article 21 on “*Freedom of expression and opinion, and access to information*” in the UNCRPD. The focus of Article 21 is on “freedom of expression and opinion including the freedom to seek, receive and impart information on an equal basis with others and through all forms of communication of their choice”⁸¹. Given the strong emphasis in Article 21 on a broad range of accessible / inclusive communications, the focus of the current indicators -on internet / mobile phone access - is not broad enough to fulfil the requirements of Article 21.
- 6.4 The current indicators do not provide a measure of the degree to and timeliness by which public information “is provided in accessible formats and technologies” as required by Article 21(a). In addition, there is no indicator to measure the degree to which a range of communications (including sign language, Braille etc.) is accepted and facilitated ‘in official interactions’ as required by Article 21 (b) and the degree of recognition and/or promotion of sign language.
- 6.5 Moreover, there are no indicators to measure the degree to which the private sector (Article 21(c)) and mass media (Article 21(d)) provide information and services in accessible formats. To comply with the requirements of Article 21 indicators should also

⁸⁰ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁸¹ Article 21 United Nations Convention on the Rights of People with Disabilities.

measure the percentage of public websites that comply with Web Accessibility Initiative (WAI) standards⁸².

6.6 In order to comply with general obligations under Article 4(3), indicators should reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in the production of accessible information. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.

6.7 To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are amended:

- percentage of individuals, including children who own a mobile phone by disability status;
- percentage of individuals, including children, with internet access by disability status.

6.8 And the following indicators are recommended, for example:

Indicators for accessibility of websites

- percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards⁸³;
- percentage of mass media websites that comply with the Web Accessibility Initiative (WAI) standards.

⁸² Article 21 in the Guidelines on treaty specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD as cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁸³ This information may be available from S75 / Disability duties Annual progress reports.

Indicators for accessibility of public information

- percentage of public information that is available in accessible formats appropriate to different kinds of disabilities⁸⁴.

Indicators for interpreters and sign language

- number of available interpreters for different communication methods (including sign language, Braille and other alternative communication methods);
- number of government funded programmes to promote and encourage sign language usage

Indicators for training

- number of training sessions / programs aimed at encouraging the private sector to provide accessible information and services to persons with disabilities, including through the Internet;
- number of training sessions / programs aimed at encouraging the local mass media (newspapers, television, radio etc.) to make their services accessible, including through the Internet to persons with disabilities, including children.

6.9 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

7 Theme: Independent Living – Choice and Control

7.1 Strategic Priority 8 is aligned to the theme of *Independent Living – Choice and Control* in the Disability Strategy. Three indicators are aligned to Strategic Priority 8.

⁸⁴ Ibid.

Strategic Priority 8

- 7.2 The aim of Strategic Priority 8 is to “increase the level of choice, control and freedom that people with disabilities have in their daily lives”. Three indicators are aligned to this priority:
- Percentage of Ulsterbus / Metro fleet that is accessible
 - Percentage of individuals who had used the internet in the last three months by disability status
 - Percentage of households with bank accounts by disability status
- 7.3 The indicators, while relevant, do not adequately address the broad range of issues covered by the aim of this priority. Choice, control and freedom covers a wide range of issues that impact on the ability of people with disabilities to lead independent and fulfilling lives. As stated in the preamble to the priority 8 in the Disability Strategy “independent living is about the ability to make choices about a wide range of issues such as housing, care, social activities and transport”⁸⁵. It also concerns choices in education, career, leisure activities and involvement in community and decision making. At present the current indicators do not measure any aspect of choice, control and freedom.
- 7.4 Recent research⁸⁶ has identified “silo working” within Departments as a barrier to choice, control and independent living. This issue is acknowledged in the preamble to Strategic priority 8 in that a stated aim of this priority is “to get Executive departments to work together more effectively⁸⁷” to support independent living. However none of the indicators identified provide a measure of

⁸⁵ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

⁸⁶ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁸⁷ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

“working together” amongst Departments to develop more independent programmes for disabled people.

7.5 Indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. While, many of the actions may impact on the aim of Priority 8, they are not clearly articulated and not directly aligned to the proposed indicators. Therefore, it is unclear how planned actions and programmes⁸⁸ will increase choice, freedom and control for people with disabilities. Planned actions from the Programme for Government are:

- deliver 8,000 social and affordable homes;
- publish and implement a Childcare strategy;
- delay domestic water charges;
- establish an advisory group to assist Ministers in alleviating hardship;
- invest over £500m in sustainable modes of transport; and
- introduce programmes to address chronic condition management, etc.

7.6 Given that the alignment between these actions and the indicators of Strategic Priority 8 are weak or absent, it is unclear how the proposed indicators will measure the implementation of actions.

7.7 Strategic priority 8 and the theme –“*Independent living / choice and control*” aims to align itself to Article 19 in the UNCRPD on “*living independently and being included in the community*”. The focus of Article 19 is on the right of people with disabilities to live in the community with choices equal to others, measures to facilitate this right and to support participation and inclusion in the

⁸⁸ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

community. While the specific focus of Strategic priority 8 is on Article 19 the Disability Strategy acknowledges that fulfillment of this priority and Article 19 “will also include reference to a wide range of articles in the UNCRPD⁸⁹”.

- 7.8 Given this wide scope, the proposed indicators, while partially relevant, do not cover the breadth of issues required to fully comply with Article 19 of the UNCRPD. For example, the indicators do not address choice of residence, provision of community support and availability of community services as required by Article 19 (a), (b) and (c) respectively. This is of concern, given that the preamble to Strategic Priority 8⁹⁰ identifies residence and housing support services as relevant areas. In addition, the indicators do not provide any measure of progress towards resettlement of those individuals in residential institutions who are capable of living within the community with appropriate support. This has been raised as a particular concern by the Commission⁹¹ and in the UN Committee’s Concluding Observations to date in relation to Article 19⁹².
- 7.9 The current indicators focus on accessibility to other community services and facilities (e.g. transport, internet, bank accounts) that may promote choice, control and freedom of people with disabilities. While these indicators are relevant they should already be addressed by other Strategic Priorities and other articles of the UNCRPD (e.g. Article 9). It may, therefore, be more expedient for this priority to focus on issues emerging from the UN Committee’s Concluding Observations that are not addressed by

⁸⁹ OFMdFM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdFM: Stormont).

⁹⁰ Ibid.

⁹¹ Joint submission from the Equality and Human Rights Commission, the Equality Commission for Northern Ireland, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission to the Joint Committee on Human Rights Inquiry into the implementation of the right of disabled people to independent living, October 2011.

⁹² Cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

other Articles - that is residence, provision of community support and choice / control.

- 7.10 For example, a crucial omission is that currently none of the indicators provide a measure of the degree of choice or control a person with disabilities has over the everyday decisions in their life or the community services provided for them (e.g. financial independence, medical care, career, participation in social life and decision-making) as required by Article 19 and Article 4(3).
- 7.11 Recent research⁹³ has indicated that many people with disabilities lack the choice, control and freedom to determine where and with whom they live, yet this is a fundamental requirement of Article 19 (a)⁹⁴. In addition, indicators do not identify whether any data will be collected from those in institutions, residential homes etc. who may be particularly vulnerable to lack of choice, control and freedom⁹⁵.
- 7.12 The lack of alignment between indicators and Article 19 of the UNCRPD is disappointing, considering that recent research⁹⁶ has identified this as priority area with substantive shortfalls in policies and programmes in Northern Ireland against the CRPD.
- 7.13 In order to comply with general obligations under Article 4(3) and Preamble CRPD (n) and (o), indicators also should reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in decision-making on matters which affect them. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on

⁹³ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁹⁴ Ibid.

⁹⁵ OFMdFM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdFM: Stormont).

⁹⁶ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

Statistics and data collection and Article 6 on Women with disabilities and 7 on Children with disabilities.

7.14 To better ensure that the strategy meets the aims of Strategic Priority 5 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are discarded:

- percentage of Ulsterbus / Metro fleet that is accessible;
- percentage of individuals who had used the internet in the last three months by disability status;
- percentage of households with bank accounts by disability status.

7.15 And the following, more relevant indicators are recommended, for example:

Indicators for residence

- percentage of people of disabilities in residential institutions (capable of living in the community with support) who have been successfully resettled in the community in the last 12 months⁹⁷;
- median waiting time for resettlement of people of disabilities in residential institutions into the community⁹⁸;
- median waiting time for people with disabilities for sheltered housing schemes⁹⁹.

Indicators for support for independent living and community living

- percentage of people with disabilities, including children, receiving community support services (community care, meals

⁹⁷ DHSSPS / Health Trusts may be a potential source of information and/or data in this area.

⁹⁸ Ibid.

⁹⁹ DHSSPS / DSD / NIHE may be a potential source of information and/or data in this area.

on wheels or equivalent, home helps, warden services) in their own homes or sheltered housing¹⁰⁰;

- number of community daycare and other facilities available to reduce social isolation among people with disabilities and/or promote inclusion in the community¹⁰¹.
- percentage of people with disabilities using community daycare and other community facilities¹⁰².

Indicators for support for choice and control

- percentage of people with disabilities, including children, in households and institutions, who feel they have a good / very good level of choice, control and freedom in their daily life in respect of: where they live, whom they live with, financial independence, medical care, transport, participation in community life, participation in decision making, participation in social life, choice of school / educational subjects and career.

7.16 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

8 Theme – Children, Young People and Family

8.1 Strategic Priority 9 and 10 is aligned to the theme of *Children and Young People* in the Disability Strategy. No indicators have been identified for Strategic Priority 9 or 10.

Strategic Priority 9

8.2 The aim of Strategic Priority 9 is to “ensure that families and carers with children or a family member with a disability have access to appropriate support to enable the child or family member with a disability to fulfil their full potential and that other

¹⁰⁰ DHSSPS / Health Trusts may be a potential source of information and/or data in this area.

¹⁰¹ Ibid.

¹⁰² Ibid.

children within the family have the same opportunities as children in families without a child or family member with a disability. Ensure that women with disabilities are able to fully enjoy the rights and freedoms set out in the UNCRPD". No draft Annual indicators have been identified for this priority.

- 8.3 The failure to identify indicators for Strategic Priority 9, is perhaps an indication that the aim of this priority is too broad and not sufficiently well-defined to allow for the allocation of indicators. However, reading of the preamble for Strategic Priority 9 provides the context for the development of indicators. The preamble raises issues arising from the UN Committee's general comment No 9 on the rights of children with disabilities in the CRC¹⁰³, including inclusion in play, advocacy and inclusion of the whole family, which could be developed into actions and indicators for Strategic priority 9. In addition, issues raised in the preamble¹⁰⁴ regarding provision of support for parents and guardians and protection of children with disabilities from abuse could be used to develop appropriate actions and indicators to meet the aims.
- 8.4 It is of concern, that the preamble for Strategic Priority 9 and associated actions have not identified any issues for Women with disabilities which would aid in the development of indicators.
- 8.5 Moreover, indicators should measure the effectiveness of implementation of actions as well as the outcomes. Therefore, identification of actions may assist in the development of indicators. Planned actions from the Programme for Government¹⁰⁵ include, for example:

¹⁰³ Cited in OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

¹⁰⁴ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

¹⁰⁵ Ibid.

- increase the overall proportion of young people who achieve at least 5 GCSEs at A*-C or equivalent including GCSE's in Maths and English by the time they leave school;
- upskill the working population by delivering over 200,00 qualifications;
- develop and implement a Strategy to reduce economic inactivity;
- publish and implement a Childcare Strategy; and
- deliver a range of measures to tackle poverty and social exclusion through the Delivering Social Change framework, etc.

8.6 Many of these actions relate to improving life opportunities and reducing poverty. However, it is not clear how planned actions will improve life opportunities and reduce poverty for people with disabilities or how the actions align to the aim of Strategic priority 9. Therefore, it would be difficult to provide indicators in for implementation on the basis of the proposed actions.

8.7 Strategic Priority 9 aims to align itself with an amalgamation of UNCRPD articles including aspects of Article 23 on "*Respect for home and family life*", Article 6 on "*Women with disabilities*" and Article 7 on "*Children with disabilities*". While there are no indicators aligned to this priority or the associated Articles of the UNCRPD, the respective UNCRPD Articles may provide further direction to assist in the development of indicators.

8.8 Recent research¹⁰⁶ has commented on the lack of assignment of action points against Article 6 on "*Women with disabilities*" in relation to Strategic Priority 9. The research indicated that "it was difficult to see how the rights of women with disabilities can be

¹⁰⁶ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

effectively protected through implementation of the Strategy”¹⁰⁷. Current observations have identified a lack of focus on women throughout this Strategy, a general lack of mainstreaming of gender issues in indicators, and women treated as an add-on to Strategic Priority 9. Indicators both for this document and all relevant disability-related documents should focus on the measurement of mainstreaming women with disabilities in all policies, programmes and services and gender disaggregation of disability data in compliance with Article 6.

- 8.9 In addition, in relation to Article 6 on “Women with disabilities”, the UN Committee in its Concluding Observations to-date¹⁰⁸ have identified a need for strategies to protect the rights of women and girls with disabilities; a requirement to mainstream disability in gender-equality policies including gender-based violence, and a need for more information on women and girls with disabilities. Indicators could, therefore, focus on developing and measuring progress in these areas.
- 8.10 Strategic Priority 9 also aims to align itself with Article 7 “Children with disabilities”. Article 7 like Article 6 is cross-cutting and is focused on ensuring that children with disabilities have full enjoyment of their rights, that the best interest of the child is paramount and that children have the right to express their views on all matters affecting them. The Concluding Observations to date from the UN Committee¹⁰⁹ give direction on recommended actions and associated indicators. These include measures to ensure the mainstreaming of disability considerations into all policies, programmes and practices that apply to children and young people; programmes to guarantee children’s rights and to allow them to express their views; measures to challenge stigma

¹⁰⁷ Ibid.

¹⁰⁸ Cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

¹⁰⁹ Ibid.

and protect children from violence and abuse; measures to replace institutional care with community-based care; measures to provide resources and professional and financial support services; the need for co-ordination of public policies and accurate data. Indicators could be developed to measure the implementation of these obligations under Article 7.

- 8.11 In addition, recent research¹¹⁰ has identified a number of actions that should be addressed to assist in meeting the requirements of Article 7 including the need for more research on disabled children and young people, the accessibility of disability-specific and mainstream services to children, active participation in decision-making and greater participation in social activities. Indicators could also be developed to measure how the Northern Ireland Executive is addressing these issues.
- 8.12 The aim of Strategic Priority 9 is also aligned to Article 23 on “*Respect for home and family*”. Reflecting the aim of this priority, Article 23 (2 and 3) emphasize that State Parties should provide assistance to parents in their child-rearing responsibilities and “undertake to provide early and comprehensive information, services and support to children with disabilities and their families¹¹¹”. Indicators should, therefore, focus on the number of support programmes and effectiveness of support provided to children with disabilities and/or parents with disabilities and their families.
- 8.13 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), and Article 7, indicators should also reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in decision-making on matters which affect them. Furthermore, indicator data

¹¹⁰ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

¹¹¹ Article 23 (2 and 3) United Nations Convention on the Rights of People with Disabilities.

should be able to be disaggregated to meet the requirements of Article 31 on “*Statistics and data collection*” and Article 6 on “*Women with disabilities*” and 7 on “*Children with disabilities*”.

8.14 To ensure that the indicators meets the aims of Strategic Priority 9 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are included, for example:

Indicators for support for families

- percentage of new carers of children and young people with disabilities who are offered a carer’s assessment¹¹²;
- percentage of new carers of children and young people with disabilities who are take up a carer’s assessment¹¹³;
- percentage of siblings of children and young people with disabilities who are offered an assessment of their needs¹¹⁴
- percentage of siblings of children and young people with disabilities who take up an assessment of their needs¹¹⁵;
- number of effective information and advice services available to children and young people with disabilities and their families;
- number of effective information and advice services available to parents with disabilities and their families;
- percentage of parents with disabilities and their families receiving information, assistance and support services to assist with child-rearing¹¹⁶;
- percentage of children with disabilities and their families able to access appropriate respite care and short breaks¹¹⁷;

¹¹² DHSSPS / Health Trusts may be a potential source of information and/or data in this area.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ DHSSPS / Health Trusts may be a potential source of information and/or data in this area.

¹¹⁶ Ibid.

- percentage of parents with disabilities and their families able to access appropriate respite care and short breaks¹¹⁸.

Indicators for poverty

- median additional cost of disability for households with one or more individuals with a disability¹¹⁹;
- percentage of children living in households with incomes below 60% of median equivalised household income (after housing costs, AHC¹²⁰) by disability status.

Indicators for participation

- percentage of children and young people with all types of disabilities who are able to express their views on matters that affect them (to include medical care, education, career etc);
- number of effective advocacy programmes which provide support for children and young people with disabilities to express their views on matters that affect them (to include medical care, education, career etc).

Indicators for attitudes and abuse

- percentage of children and young people with disabilities who have experienced prejudice, stigma and/or discrimination in school / college on the grounds of their disability¹²¹;
- percentage of schools / colleges with a robust anti-bullying / harassment policy in place¹²².

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Family resources Survey may be a potential source of information and/or data in this area.

¹²⁰ "After housing costs is a better measure of relative poverty for two reasons (1) Housing costs can vary considerably for people in otherwise identical circumstances (e.g. pensioners who have paid off their mortgage versus pensioners who are renting) without the people having any realistic ability to change these costs. It is the money left over after that is therefore the measure of a household's standard of living. (2) Unlike a 'before deducting housing costs' basis, the 'after deducting housing costs' calculations are not affected by such matters as whether Housing Benefit - which provides for the housing costs of many of the poorest - is considered to be income or not". See:

<http://www.poverty.org.uk/summary/income%20intro.shtml>.

¹²¹ DE may be a potential source of information and/or data in this area

- percentage of children and young people with disabilities, boys and girls, on the Child Protection Register¹²³.
- percentage of women with disabilities experiencing abuse or violence within the home or institution in which they live¹²⁴

Indicators for inclusion

- number of effective programmes that promote the inclusion of children with disabilities in play and social activities;
- percentage of public play facilities that are accessible to children with disabilities¹²⁵.

Indicators for mainstreaming

- evidence of disability mainstreaming into gender-based policies and programmes and gender mainstreaming into disability-based policies and programmes;
- evidence of mainstreaming of disability issues into policies and programmes for children and young people and mainstreaming of children's issues into disability-based policies and programmes.

Indicators for research

- number of publicly funded research programmes on the experiences of women with disabilities;
- number of publicly funded research programmes on the experiences of children and young people with disabilities.

8.15 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

¹²² Ibid.

¹²³ DHSSPS may be a potential source of information and/or data in this area.

¹²⁴ PSNI / DOJ may be a potential source of information and/or data in this area.

¹²⁵ DOE may be a potential source of information and/or data in this area.

9 Strategic Priority 10

- 9.1 The aim of Strategic Priority 10 is to “ensure parents and carers with a disability have access to effective and appropriate support, where required, to access their right to a family life”. No indicators have been identified for this indicator.
- 9.2 Previous research has stated that indicators should measure the effectiveness of implementation of actions as well as the outcomes. Therefore examination of actions aligned to Strategic Priority 10 may assist in the development of indicators. Planned actions from the Programme for Government include, for example:
- deliver 8,000 social and affordable homes (DSD);
 - introduce initiatives to reduce fuel poverty;
 - publish and implement a Childcare Strategy;
 - deferment of additional water charges;
 - establish an advisory group to assist Ministers in alleviating hardship including any implications of the UK Government’s Welfare Reform Programme;
 - tackle rural poverty and social and economic isolation.
- 9.3 While some actions may have a role in supporting family life for people with disabilities through the prevention of poverty, the alignment between many of the planned actions and Strategic Priority 10 is weak, absent or not clear. Therefore, it would be difficult to provide indicators for implementation on the basis of the proposed actions.
- 9.4 The failure to identify indicators for Strategic Priority 10, is perhaps an indication that the aim of this priority is too broad and not sufficiently well-defined to allow for the allocation of indicators. However, when considered within the context of Article 23 with which the aim of this priority is aligned, indicators can be readily

defined and developed based on measures required to comply with the CRPD.

- 9.5 The focus of Article 23 on “*Respect for home and family life*” is on *effective* and appropriate measures to eliminate discrimination and support the rights of persons with disabilities to marry and found a family (Article 23 (1a)); measures to support access to reproductive and family planning information, education and services (Article 23 (1b)), and measures to prevent forced sterilization, particularly for women and girls (Article 23 (1c)). It also includes measures to ensure access to fertility services, adoption (etc) and fostering programmes (Article 23(2)); measures to provide support and assistance to persons with disabilities in their child-rearing responsibilities (Article 23(2)); measures to support parents to prevent concealment, abandonment or neglect of children with disabilities (Article 23(3)). It also states that there should be measures to ensure that no child be separated from their parents except where it is in the best interest of the child (Article 23(4)) and that children should be placed within the wider family or a family setting where immediate family care is not available (Article 23(5)). Indicators could, therefore, focus on developing and measuring progress in relation to support measures these areas.
- 9.6 In addition, the Concluding Observations of the UN Committee on the CRPD to-date¹²⁶ has indicated that State parties should provide support services to enable families that include at least one person with a disability to live together, adopt measures to encourage foster families, prohibit forced sterilization and abortion on women with disabilities and adopt measures that enable people with disabilities to marry and have a family. Many of these rights are currently addressed by legislation and/or policy in the

¹²⁶ Cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B, (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

United Kingdom. However, indicators could, focus on measuring the implementation of these rights in practice.

- 9.7 Previous research¹²⁷ has identified issues relevant to Article 23 and Strategic Priority 10 concerning the access of women with disabilities to maternity services and the attitudes of health and social care staff towards the sexuality of disabled people, particularly those with learning disabilities. However, there is little information about the sexual health of people with disabilities in Northern Ireland¹²⁸. In addition, recent research¹²⁹ has raised issues regarding the quality of provision of “family-friendly” and age-appropriate short-break respite care for children and young people and a lack of support services for ageing carers. Moreover, a need for sexuality and relationships education for children and young people with learning disabilities has been identified¹³⁰, particularly for those in the transition to adulthood. Indicators could also be developed to measure how the Northern Ireland Executive is providing support to address these issues.
- 9.8 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), and Article 7, indicators should also reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in decision-making on matters which affect their home and family life. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.

¹²⁷ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

¹²⁸ Ibid.

¹²⁹ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

¹³⁰ Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

9.9 To ensure that the indicators meets the aims of Strategic Priority 9 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are included, for example:

Indicators for access to reproductive services

- percentage of family planning facilities and information which are accessible to people with different types of disabilities¹³¹
- number of effective programmes to raise awareness of family planning specifically with people with disabilities, including children and young people¹³²
- percentage of children and young people with disabilities in special schools or special educational units within mainstream schools, who have received education on sexuality and sexual health¹³³
- percentage of people with disabilities, including women, children and young people, who have accessed contraceptive services¹³⁴
- percentage of people who have accessed sexual health services by disability status¹³⁵

Indicators for access to maternity and IVF services

- percentage of people who have accessed IVF services by disability status¹³⁶
- percentage of people who turned down for IVF services by disability status¹³⁷

¹³¹ DHSSPS may be a potential source of information and/or data in this area.

¹³² DHSSPS / DE may be a potential source of information and/or data in this area.

¹³³ DE may be a potential source of information and/or data in this area.

¹³⁴ DHSSPS may be a potential source of information and/or data in this area.

¹³⁵ DHSSPS may be a potential source of information and/or data in this area.

¹³⁶ Ibid.

¹³⁷ Ibid.

Indicators for staff attitudes and training

- number of effective disability awareness training sessions for staff in maternity and reproductive services¹³⁸;
- percentage of maternity and reproductive service staff holding negative attitudes towards the rights of people with disabilities to their sexuality and family life¹³⁹;
- number of effective disability awareness training sessions covering sexuality and family life for staff in residential homes, institutions and sheltered housing schemes¹⁴⁰;
- percentage of staff in residential homes, institutions, sheltered housing schemes holding negative attitudes towards the rights of people with disabilities to their sexuality and family life¹⁴¹.

Indicators for sexuality in housing

- number of residential homes, institutions, sheltered housing schemes providing support for people with disabilities to maintain their sexuality and family life¹⁴².

Indicators for access to fostering and adoption services

- number of programs to encourage adoption and fostering by people with disabilities¹⁴³;
- percentage of people applying for fostering and/or adoption by disability status¹⁴⁴;
- percentage of people turned down for fostering and/or adoption by disability status (including those with chronic health conditions)¹⁴⁵.

¹³⁸ DHSSPS / Health Trusts S75 and disability duties annual progress reports may be a potential source of information in this area.

¹³⁹ DHSSPS/ Health Trusts may be a potential source of information and/or data in this area.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ DHSSPS/ Health Trusts may be a potential source of information and/or data in this area.

¹⁴⁴ Ibid.

Indicators for access to support for child-rearing

- percentage of parents with disabilities and their families receiving information, assistance and support services to assist with child-rearing¹⁴⁶;
- percentage of children with disabilities and their families able to access appropriate respite care and short breaks¹⁴⁷;
- percentage of parents with disabilities and their families able to access appropriate respite care and short breaks¹⁴⁸;
- percentage of people with disabilities and/or carers (including older carers) aware of the personal assistance and financial support (benefits) available for them to maintain home and family life¹⁴⁹;
- percentage take-up of personal assistance and financial support to maintain home and family life, among people with disabilities and carers (including older carers) eligible for support¹⁵⁰.

9.10 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age¹⁵¹.

10 Theme – Transition from Childhood to Adulthood

10.1 Strategic Priority 11 is aligned to the theme of *Transition from childhood to adulthood* in the Disability Strategy. No indicators have been identified for this theme.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

¹⁴⁹ DSD may be a potential source of information and/or data in this area.

¹⁵⁰ Ibid.

¹⁵¹ DSD may be a potential source of information and/or data in this area.

Strategic Priority 11

- 10.2 The aim of Strategic Priority 11 is to “transform the process of transition to adulthood for young people with disabilities”. No indicators have been identified for this priority.
- 10.3 A key issue with the aim of this priority is that it is not sufficiently well-defined to allow for the allocation of indicators. The aim of the priority does not clarify how the process of transition to adulthood should be transformed – which would give rise to actions and indicators to measure the implementation of those actions. In addition, the aim does not specify the need for a holistic transition to adulthood (e.g. integrated transitions for education, health and social care etc) as recommended by recent research¹⁵² – which would provide a defined scope for the proposed indicators.
- 10.4 Previous research has stated that indicators should measure the effectiveness of implementation of actions as well as the outcomes. Therefore examination of actions aligned to Strategic Priority 10 may assist in the development of indicators. Planned actions from the Programme for Government include, for example:
- contribute to rising levels of employment by supporting the promotion of over 25,000 new jobs;
 - increase overall proportion of young people achieving GCSE’s A*-C;
 - upskill working age population;
 - strategy to reduce economic inactivity through skills, training, incentives and job creation;
 - improve pathways to employment;
 - deliver measures to tackle poverty and social exclusion;

¹⁵² Kelly, B. (2013): Don’t Box Me In! Disability, Identity and Transitions to Young Adult Life (Barnardos: Belfast).

- use Social Protection Fund to help individuals and families facing hardship due to the economic downturn;
- support people (emphasis on young people) in to employment by providing skills and training.

10.5 While some actions may have a role in assisting young people with disabilities transitioning into adult life, the alignment between many of the planned actions and Strategic Priority 11 is weak, absent or not clear. Therefore, it would be difficult to provide indicators for implementation on the basis of the proposed actions.

10.6 However, recent research has identified issues with the process of transition that may be used to develop indicators to assess outcomes. For example, previous research¹⁵³ has identified a lack of holistic, person-centered and timely transition planning for young people and parallel planning for transitions in different spheres of life (e.g. education, health and social care) which causes a lot of anxiety for young people and their families. This would require better cross-working between Government departments (e.g. DHSSPS, DENI, DSD).

10.7 In addition, previous research has highlighted issues in transitioning to adult health services, particularly in relation to mental health and adult residential services. Moreover, there are issues with the transitions from school to further education, training and/or employment¹⁵⁴. Young people with disabilities and their families felt that they weren't provided with sufficient information and support for the transition, and weren't afforded sufficient choice in terms of work placements, further education

¹⁵³ E.g. Kelly, B. (2013): Don't Box Me In! Disability, Identity and Transitions to Young Adult Life. (Barnardos: Belfast) and Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

¹⁵⁴ E.g. Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast) and Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities. (NICCY: Belfast).

college courses and employment opportunities¹⁵⁵. In addition, issues with the provision of age appropriate and flexible day services and short break services have been raised¹⁵⁶.

- 10.8 A major concern is a lack of access to Transition Officers and support workers during the Transition period¹⁵⁷. Young people with disabilities and their families also identified¹⁵⁸ the need for greater information and support in relation to claiming benefits and to connect to local community services including leisure opportunities. This may require opportunities for travel training and independent travel initiatives¹⁵⁹. Given that the Children and Young People's Strategic Partnership¹⁶⁰ has already identified indicators covering transition to adulthood, these indicators could be used to measure progress in addressing these issues.
- 10.9 No particular UNCRPD article has been aligned to the aims of Strategic Priority 11, however, previous research¹⁶¹ has aligned many UNCRPD Articles to the issues identified for the transition process to adulthood including: Article 7 on Children with disabilities; Article 9 on Accessibility; Article 19 on Independent living and being included in the community; Article 21 on Freedom of expression and opinion and access to information; Article 23 on Respect for home and family; Article 24 on Education; Article 25 on Health; Article 26 on Habilitation and rehabilitation; Article 27

¹⁵⁵ E.g. Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast)

¹⁵⁶ E.g. Kelly, B. (2013): Don't Box Me In! Disability, Identity and Transitions to Young Adult Life. (Barnardos: Belfast) and Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

¹⁵⁷ Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

¹⁵⁸ E.g. Kelly, B. (2013): Don't Box Me In! Disability, Identity and Transitions to Young Adult Life. (Barnardos: Belfast) and Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

¹⁵⁹ Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

¹⁶⁰ Children and Young People Strategic Partnership (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI)

¹⁶¹ Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

on Work and employment; Article 28 on Adequate standard of living and social protection and Article 30 on Participation in cultural life, recreation, leisure and sport.

- 10.10 In addition, many Convention on the Rights of the Child (CRC) articles have been aligned to the issues identified with the transition process including Article 3 on the “*Best interest of the child*” and Article 12 on the “*Right of the child to be heard*”¹⁶². Given that both CRC and CRPD articles have been aligned to the issues identified above, any resulting actions and indicators developed should be aligned to these issues and the requirements of these Articles.
- 10.11 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), and Article 7, indicators should also reflect the degree to which persons with disabilities, including children, are consulted with and actively involved in decision-making on matters which affect their home and family life. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.
- 10.12 To ensure that the indicators meets the aims of Strategic Priority 11 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators (many of which are from CYPSP draft Action Plan) are included, for example:

Indicators for planning and supporting transition to adulthood

- percentage of young people with disabilities who receive an integrated plan¹⁶³;

¹⁶² Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with Learning Disabilities (NICCY: Belfast).

¹⁶³ CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

- numbers of Transition Officers available for young people and their families¹⁶⁴;
- percentage of young people with disabilities and their families reporting access to a Transition Officer / support worker¹⁶⁵;
- percentage of young people with disabilities and their families who perceive they have been given sufficient holistic and personalised support for the transition process¹⁶⁶;
- number of transition programmes involving cross-departmental working;
- effectiveness of transition programmes involving cross-departmental working;
- percentage of young people with disabilities reporting negative experiences with the transition process.

Indicators for achievement

- percentage of young people achieving 5 or more GCSE's A*-C (including Maths and English) by disability and SEN status¹⁶⁷;
- percentage of young achieving 2 or more A-levels A*-E on leaving school by disability and SEN status¹⁶⁸;
- percentage of young people with disabilities achieving no qualifications on leaving school by disability and SEN status¹⁶⁹.

Indicators for transition from school to FE/HE, training or employment

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into further and higher education¹⁷⁰;

¹⁶⁴ DHSSPS / Health Trusts may be a potential source of information and/or data in this area.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Data available from DENI – School Leavers Survey.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into training¹⁷¹;
- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into employment – under 16 hours a week / over 16 hours a week¹⁷²;
- percentage of young people with disabilities leaving further education / higher education into paid work – under 16 hours a week / over 16 hours a week¹⁷³;
- percentage of young people with special educational needs and disability moving who transfer from mainstream education to special schools at aged 16 years¹⁷⁴;
- number and percentage of young people identified as SLDD in mainstream and discreet provision in Further Education (FE) colleges¹⁷⁵;
- percentage of young people with disabilities who perceive they have been given sufficient choice in subject and career choice at school and FE¹⁷⁶;
- percentage of young people with disabilities who perceive they have been given sufficient choice in work placements and employment opportunities¹⁷⁷.

¹⁷⁰ CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ CYPSP (2011) Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014. (CYPSP: NI).

¹⁷⁶ DE / DEL may be a potential source of information and/or data in this area

¹⁷⁷ Ibid.

Indicators for employment

- percentage of young people with disabilities in full-time paid employment (16+ hrs a week)¹⁷⁸
- percentage of young people with disabilities in part-time paid employment¹⁷⁹
- percentage of young people with disabilities who are not in education, employment or training¹⁸⁰

Indicators for transition to adult health services

- percentage of young people with disabilities who experience mental health difficulties who transition into adult mental health services (i.e. are assessed by / access adult mental health services)¹⁸¹
- percentage of young people with disabilities who experience mental health difficulties who report negative experiences with transition into adult mental health services
- percentage of young people with disabilities who using residential services who transition into adult residential services
- percentage of young people with disabilities and their families using residential services who report negative experiences with transition into adult residential services

Indicators for transition to independent living

- percentage of young people with disabilities living in accessible out-of-home placements¹⁸²
- percentage of young people with disabilities living in inappropriate accommodation¹⁸³

¹⁷⁸ CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

¹⁸¹ Ibid.

¹⁸² CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

- percentage of young people with disabilities living in homes not adapted for independent living¹⁸⁴

Indicators for transition to community living

- percentage of young people with disabilities attending a range of activities and mainstream leisure and youth services¹⁸⁵;
- percentage of children with disabilities and their families able to access age appropriate short breaks, if required¹⁸⁶;
- percentage of children with disabilities and their families able to access age appropriate day care services, if required¹⁸⁷;
- number and percentage of young people with disabilities who have received transport training and independent travel initiatives (if required).

Indicators for support in accessing benefits

- percentage of young people with disabilities who have received support in accessing benefits¹⁸⁸;
- percentage of young people who access personalised individual budgets¹⁸⁹;
- percentage of young people who access direct payments.¹⁹⁰

10.13 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ DHSSPS / Health Trusts may be a potential source of information and/or data in this area.

¹⁸⁷ Ibid.

¹⁸⁸ DSD may be a potential source of information and/or data in this area.

¹⁸⁹ (CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

¹⁹⁰ Ibid.

11 Strategic Priority 12

- 11.1 The aim of Strategic Priority 5 is to “transform the process of transition from adulthood to later life for people with a disability”. No indicators have been identified for this priority.
- 11.2 A key issue with the aim of this priority is that it is not sufficiently well-defined to allow for the allocation of indicators. It is difficult to assess how the process of transition into later life should be transformed, given a lack of definition in the aim regarding what transition to later life involves and a lack of specificity in the proposed actions aligned to this aim. Planned actions from the Programme for Government include¹⁹¹, for example:
- deliver 8,000 social and affordable homes;
 - reduce fuel poverty;
 - improve pathways to employment, tackle systemic issues linked to deprivation and increase community services;
 - tackle poverty and social exclusion;
 - tackle crime against older and vulnerable people;
 - improve access to justice.
- 11.3 While, many of these proposed actions include reducing poverty, providing homes, fuel poverty and tackling crime - all of which may be generically relevant to the concerns of older people with disabilities – they are irrelevant to the transition process and do not specify how they will transform it. The lack of definition surrounding this priority makes the allocation of indicators to this aim, difficult if not impossible.

¹⁹¹ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

- 11.4 However, one proposed action in the Programme to Government¹⁹², “*to extend age discrimination legislation to goods, facilities and services*”, is key to transforming the transition process for older people with disabilities. The preamble to this Strategic Priority reported a reduction in or removal of services, particularly health and social care services for older people with disabilities¹⁹³ and barriers to older people with disabilities accessing other goods and services including appropriate housing services and adaptations¹⁹⁴ and financial services¹⁹⁵ on the grounds of their age. The transformation process should, therefore, focus primarily on removing barriers for people with disabilities in later life through the introduction of appropriate legislation.
- 11.5 The aims of Strategic Priority 12 have not been aligned to any specific UNCRPD article. However, given the issues raised in the preamble and the key associated action “*to extend age discrimination legislation to goods, facilities and services*”, Article 5 on “*Equality and non-discrimination*” is particularly relevant to transforming the transition process for older people with disabilities. Article 5 (1) states that “all persons are equal before and under the law¹⁹⁶” and instructs State Parties in Article 5(2) to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds¹⁹⁷”.

¹⁹² OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

¹⁹³ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont). See also: ECNI (2012): Strengthening protection for all Ages - ending discrimination in the provision of goods, facilities and services, Proposals for Reform – Full Report (ECNI: Belfast).

¹⁹⁴ See ECNI (2012): ECNI (2012): Strengthening protection for all Ages - ending discrimination in the provision of goods, facilities and services, Proposals for Reform – Full Report (ECNI: Belfast). Belfast) and Wallace, A. (2015): Housing Inequalities in Northern Ireland. (not yet published – ECNI: Belfast).

¹⁹⁵ Fitzpatrick, B. and Kingston, I. (2008): Older People’s Access to Financial Services (ECNI: Belfast).

¹⁹⁶ Article 5 (1), United Nations Convention on the Rights of People with Disabilities.

¹⁹⁷ Article 5 (2), United Nations Convention on the Rights of People with Disabilities.

- 11.6 Article 5 prohibits discrimination against **all** persons with disabilities on **all** grounds and therefore emphasises that people with disabilities should not be discriminated against in accessing goods, facilities and services on the grounds of their age. In this respect, Article 5 is reinforced by the UN Principles for Older People which emphasises the requirement that “older people be treated fairly regardless of their **age**, gender, racial or ethnic backgrounds, **disability**, or other status”¹⁹⁸. In effect, Article 5 indicates that there should be no or very little negative transition process for people with disabilities to later life, that is, older people with disabilities should have access to the same quality and quantity of services as younger people with disabilities.
- 11.7 To ensure full compliance with Article 5 and the UN principles for older people, the indicators for this strategic priority should focus on the proposed actions to transform the transition process through the introduction of legislation to protect older people (including older people with disabilities) against discrimination in accessing goods, facilities and services. This will also ensure that Northern Ireland age equality legislation complies with the requirements of the European Convention on Human Rights¹⁹⁹, the anticipated requirements of the draft European Commission directive²⁰⁰ and other EU law²⁰¹ and will ensure parity with equality law in Great Britain²⁰².

¹⁹⁸ United Nations Principles for Older People (1991) Number 18, 74th Plenary meeting of the United Nations General Assembly. Available at: <http://www.un.org/documents/ga/res/46/a46r091.htm>

¹⁹⁹ Allen, R. and Master, D. (2013): Opinion in the matter of children and young people and the proposed legislation in Northern Ireland to protect against age discrimination in the provision of goods, facilities and services (ECNI and NICCY: Belfast). N.B. the relevant EU legislation applies to older people as well as children and young people.

²⁰⁰ ECNI (2012) Strengthening Protection for all Ages: Ending Discrimination in the provision of Goods and Services: Proposals for Reform – Full Report (ECNI: Belfast).

²⁰¹ Allen R and Master D (2013): Opinion in the matter of children and young people and the proposed legislation in Northern Ireland to protect against age discrimination in the provision of goods, facilities and services. ECNI and NICCY: Belfast. N.B. the relevant EU legislation applies to older people as well as children and young people.

²⁰² ECNI (2012): Strengthening protection for all Ages - ending discrimination in the provision of goods, facilities and services, Proposals for Reform – Full Report (ECNI: Belfast).

- 11.8 The actions and indicators of Strategic Priority 12 will also provide consistency, for the Northern Ireland Executive, with its statutory duty to promote equality of opportunity under Section 75 of the Northern Ireland Act 1998²⁰³. In addition it will ensure that an artificial and often negative²⁰⁴ transition process is eliminated by ensuring that older people with disabilities are not discriminated against with respect to access to goods and services on the grounds of their age²⁰⁵.
- 11.9 It is recommended that the aim of this Strategic Priority is fully clarified and aligned to the relevant UNCRPD article. Actions to implement this Priority should also be further clarified with appropriate emphasis on the key action for the transition process, that is “*to extend age discrimination to goods, facilities and services*”, which will allow the development of appropriate and relevant indicators.
- 11.10 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), and Article 6, indicators should also reflect the degree to which older persons with disabilities, including women, are consulted with and actively participate in the development of age legislation. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities*.
- 11.11 To ensure that the indicators meets the aims of Strategic Priority 12 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are included, for example:

²⁰³ Available at: <http://www.legislation.gov.uk/ukpga/1998/47/section/75>

²⁰⁴ I.e. associated with a reduction and/or removal of services.

²⁰⁵ ECNI (2012): Strengthening protection for all Ages - ending discrimination in the provision of goods, facilities and services, Proposals for Reform – Full Report (ECNI: Belfast).

Indicators on participation in the development of age legislation

- number of effective consultation events involving older people with disabilities on the development of age legislation²⁰⁶

Indicators on support for people with disabilities in later life

- percentage of older people with disabilities who have received support to access health and social care services accessible to older people²⁰⁷
- percentage of older people with disabilities who have received support to access financial services and benefits²⁰⁸
- percentage of older people with disabilities who have received support to access community and housing services, including adaptations²⁰⁹.

Indicators on perceived access to services

- percentage of older people with disabilities in transition who report decreased access to and/or removal of services²¹⁰;
- percentage of older people with disabilities, and their representatives reporting negative experiences with accessing health and social care services²¹¹;
- percentage of older people with disabilities, and their representatives reporting negative experiences with accessing housing services, including adaptations²¹²;

²⁰⁶ This information could be obtained from OFMdfM S75 / disability duties annual progress reports.

²⁰⁷ DHSSPS may be a potential source of information and/or data in this area.

²⁰⁸ DSD may be a potential source of information and/or data in this area.

²⁰⁹ DSD, NIHE may be a potential source of information and/or data in this area.

²¹⁰ Complaints may be another indicator. DHSSPS / COPNI may be a potential source of information and/or data in this area.

²¹¹ Ibid.

²¹² Complaints may be another indicator. DSD/ NIHE / COPNI may be a potential source of information and/or data in this area.

- percentage of older people with disabilities, and their representatives reporting negative experiences with accessing financial services and/or benefits²¹³.

12 Theme – Standard of Living

12.1 Strategic Priority 13 and 14 is aligned to the theme of *Standard of Living* in the Disability Strategy. Three indicators have been identified for Strategic Priority 13 and one indicator has been identified for Strategic priority 14.

Strategic Priority 13

12.2 The aim of Strategic priority 13 is to “reduce poverty among people with disabilities and their families and protect their right to an adequate standard of living”. Indicators developed for this priority are as follows:

- Percentage of children living in households below 60 percent median equivalised household income (before housing costs, BHC) by disability status
- Percentage of children living in households with incomes below 50 percent of median equivalised household income (BHC) by disability status
- Percentage of working-age adults living in households with incomes below 60 percent of median equivalised household income (BHC) by disability status.

12.3 The indicators, while relevant to the aim, are too narrow in scope to cover the breath of issues covered by Priority 13. The indicators provide a measure of household poverty but do not address issues of poverty and standard of living for individuals with disabilities, including measures of working poverty²¹⁴. For example

²¹³ Complaints may be another indicator. COPNI may be a potential source of information and/or data in this area.

²¹⁴ E.g. Heslop, P. (2013): Disabled people and their relationship with poverty, Poverty and social exclusion in the UK Working paper – Methods Series No. 23 (PSEUK: Bristol).

recent research has indicated a disability employment penalty, with people with disabilities more likely to be “lacking but wanting work” or low paid than those with similar qualifications but without disabilities²¹⁵. Further, disabled people are over-represented in entry-level jobs and under-represented in higher level occupations which may leave more at risk of poverty²¹⁶. Indicators should, therefore, reflect indices of working poverty such as employment rates, unemployment rates, hourly wage, and occupation.

- 12.4 In addition, the current indicators provide a measure of household income before housing costs (BHC), however this does not account for the impact of housing costs (AHC, which may be variable according to region and locality) on the amount of disposable income a person has to live²¹⁷ and does not offset an increase in housing benefits measured as income against a rise in rent that the housing benefit was meant to address²¹⁸.
- 12.5 Further, it is not clear if the current indicators will account for the additional cost of living with a disability. This could be achieved by not including disability benefits received in recognition of these additional costs (e.g. DLA, AA) as income into the HBAI analysis²¹⁹ and estimating extra costs as a percentage of income²²⁰. Moreover, it has been suggested that indicators of poverty among people with disabilities should provide measures of material deprivation²²¹ and expenditure²²². Previous research²²³

²¹⁵ MacInnes, T., Tinson, A., Gaffney, D., Horgan, G. and Baumberg, B. (2014): Disability, long term conditions and poverty (JRF: York).

²¹⁶ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

²¹⁷ DSD (2014): Households below Average Income 2012/13. Appendix 2: Methods (DSD: Belfast).

²¹⁸ See: <http://www.poverty.org.uk/summary/income%20intro.shtml>

²¹⁹ MacInnes, T., Aldridge, H., Bushe, S., Tinson, A. and Born, T.B. (2014): Monitoring poverty and social exclusion 2014 (JRF: York).

²²⁰ MacInnes, T. and Tinson, A. (2014): Disability and long-term conditions and poverty (JRF: York).

²²¹ e.g. MacInnes, T., Aldridge, H., Bushe, S., Tinson, A. and Born, T.B. (2014): Monitoring poverty and social exclusion 2014 (JRF: York) and Heslop, P. (2013): Disabled people and their relationship with poverty. Poverty and social exclusion in the UK Working paper – Methods Series No. 23. (PSEUK: Bristol).

²²² Berthoud, R. and Zantomio, F. (2008): Measuring poverty: seven key issues (ISER: Essex).

has indicated that people with disabilities face extra expenditure such as having to pay for private transport due to the inaccessibility of public transport, having to pay for adaptations, disability aids or assistive technologies and/or social care support.

12.6 The Family Resources Survey is capable of providing measures for indicators of both material deprivation and households below average income (BHC and AHC) excluding income from disability benefits²²⁴ while current Labour Market Statistics (e.g. Labour Force Survey) can provide measures of working poverty for disabled people²²⁵.

12.7 Indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, indicators for Strategic Priority 13 do not measure the implementation of planned actions and programmes²²⁶. Planned actions from the Programme for Government have been proposed, for example:

- deliver 8,000 social and affordable homes;
- improve thermal efficiency of housing stock;
- regeneration of deprived areas;
- publish and implement a Childcare Strategy;
- tackle poverty and social exclusion;
- help individuals and families facing hardship via the Social Protection Fund;
- reduce child poverty;

²²³ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? ECNI: Belfast

²²⁴ DSD (2014): Households below Average Income 2012/13 (DSD: Belfast).

²²⁵ MacInnes, T., Tinson, A., Gaffney, D., Horgan, G. and Baumberg, B. (2014): Disability, long term conditions and poverty (JRF: York).

²²⁶ OFMdfM (2014): Draft Annual Indicators for the Disability Strategy, Appendix 1 (OFMdfM: Stormont)

- tackle rural poverty and social and economic isolation.
- 12.8 While many of these planned actions are focused on reducing poverty generally, actions to reduce poverty among people with disabilities have not been specified. Therefore, it is unclear how these actions align to the indicators or the aims of Strategic Priority 13.
- 12.9 Strategic priority 13 and the theme –“*Standard of living*” aims to align itself to Article 28 of the UNCRPD on “*Adequate standard of living and social protection*”. The focus of Article 28 is on people with disabilities having a adequate standard of living for themselves and their families including adequate food, clothing and housing (Article 28 (1)) and the right to social protection without discrimination (Article 28 (2))²²⁷.
- 12.10 The indicators for Priority 13 do not adequately address the breadth of measures required to comply with the requirements of Article 28, given that the indicators do not measure the range of issues associated with disability poverty. Previous research has indicated that disability poverty is “not just about low income but relates to lack of opportunity and other barriers, and the additional costs associated with disability”²²⁸. As mentioned above, the current indicators do not account for the additional costs of disability²²⁹ as required by Article 29(c) and do not measure other indices of poverty such as housing costs²³⁰, material deprivation,²³¹ expenditure²³² and working poverty²³³.

²²⁷ Article 28, United Nations Convention on the Rights of Persons with Disabilities

²²⁸ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

²²⁹ MacInnes, T., Aldridge, H., Bushe, S., Tinson, A. and Born, T.B/ (2014): Monitoring poverty and social exclusion 2014 (JRF: York).

²³⁰ See: <http://www.poverty.org.uk/summary/income%20intro.shtml>

²³¹ Heslop, P. (2013): Disabled people and their relationship with poverty. Poverty and social exclusion in the UK Working paper – Methods Series No. 23 (PSEUK: Bristol)

²³² Berthoud, R. and Zantomio, F. (2008): Measuring poverty: seven key issues (ISER: Essex).

²³³ MacInnes, T., Tinson, A., Gaffney, D., Horgan, G. and Baumberg, B. (2014): Disability, long term conditions and poverty (JRF: York).

- 12.11 Previous research²³⁴ has indicated that in order to fully measure disability poverty in compliance with Article 28, indicators must cover a range of areas including savings, employment rates, types of work, benefit take-up, accommodation, educational attainment, quality of life and access to services. In addition, indicators should incorporate a range of measures of disability poverty including “those of opportunity, expectation and aspiration that can stem from public attitudes towards disabled people”²³⁵.
- 12.12 According to Article 28 (2) people with disabilities have the right to social protection without discrimination. However concern has been raised²³⁶ that proposed changes to the benefit system via welfare reform may have a retrogressive impact on people with disabilities in Northern Ireland in relation to Article 28(2). Research²³⁷ suggests that some reforms, for example the bedroom tax and the criteria and assessments for the new Personal Independence Payments, are particularly concerning for people with disabilities. Given the concerns raised²³⁸, the current indicators should measure the impact of welfare reform changes on poverty among people with disabilities, to monitor for retrogressive changes in social protection with respect to Article 28.
- 12.13 In addition, the Department of Social Development has acknowledged the importance of a lack of awareness of entitlement to social protection in the form of benefits as a

²³⁴ Parckar, G. (2008): Disability Poverty in the UK (Leonard Cheshire: London).

²³⁵ Ibid.

²³⁶ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B.(2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast) and ECNI (2011): Response to the Department for Social Development’s consultation on the Welfare Reform Bill (Northern Ireland) 2011 Equality Impact Assessment (ECNI: Belfast).

²³⁷ e.g. Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B.(2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

²³⁸ e.g. ECNI (2011): Response to the Department for Social Development’s consultation on the Welfare Reform Bill (Northern Ireland) 2011 Equality Impact Assessment (ECNI: Belfast).

contributing factor to poverty among people with disabilities²³⁹. Therefore, to comply with Article 28, indicators should also measure awareness of entitlement to the right to various forms of social protection.

- 12.14 Moreover, as stated in the preamble to Strategic Priority 13²⁴⁰, there is a particular focus in Article 28 (2b) on women and girls with disabilities and older persons with disabilities. While the current indicators provide measures of household child income poverty²⁴¹ it is not clear whether these measures of child poverty are measures of household income poverty in relation to children with disabilities. In addition, no similar indicator is provided for women and older people with disabilities.
- 12.15 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), Article 6, Article 7, and the specific requirements of Article 28 (b) indicators should also reflect the degree to which persons with disabilities, including women, children, and older people are consulted with and actively involved in decision-making on social protection and poverty reduction programmes. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.
- 12.16 To better ensure that the strategy meets the aims of Strategic Priority 13 and can adequately assess the implementation of the UNCRPD it is recommended that the following indicators are amended:

²³⁹ DSD (2012): Maximising Incomes and Outcomes: A plan for maximising the uptake of benefits (DSD: Belfast).

²⁴⁰ OFMdFM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdFM: Stormont).

²⁴¹ Heslop, P. (2013): Disabled people and their relationship with poverty. Poverty and social exclusion in the UK Working paper – Methods Series No. 23 (PSEUK: Bristol).

- percentage of children living in households below 60 percent median equivalised household income (before housing costs, BHC and after housing costs, AHC), excluding benefits to cover the additional costs of disability, by disability status;
- percentage of children living in households with incomes below 50 percent of median equivalised household income (BHC and AHC), excluding benefits to cover the additional costs of disability, by disability status;
- percentage of working-age adults, men and women, living in households with incomes below 60 percent of median equivalised household income, (BHC and AHC), excluding benefits to cover the additional costs of disability, by disability status.

12.17 And the following indicators are recommended for example,

Indicators of income deprivation

- percentage of older people living in households below 60 percent median equivalised household income (before housing costs, BHC and after housing costs, AHC), excluding benefits to cover the additional costs of disability, by disability status²⁴².

Indicators of expenditure deprivation / disability related costs

- percentage of people with disabilities living in households below 60 percent median equivalised household income (before housing costs, BHC and after housing costs, AHC), disaggregated by sex and age and adjusted to incorporate estimates of additional disability-related costs of living and disability-related expenditure²⁴³.

²⁴² Family Resources Survey (FRS) may be a potential source of information and/or data in this area.

²⁴³ Heslop, P. (2013): Disabled people and their relationship with poverty. Poverty and social exclusion in the UK Working paper – Methods Series No. 23 (PSEUK: Bristol).

Indicators of material deprivation

- percentage of people with disabilities who²⁴⁴:
- could not afford to pay a utility bill on time;
- regularly went without meals;
- sought financial help from family and friends;
- could not afford to pay credit cards, store cards or other debts on time;
- percentage of people with disabilities who have no savings²⁴⁵;
- median amount held in savings by people with disabilities;
- median amount of debt owed by households by disability; status²⁴⁶;
- percentage of individuals including women and children with bank accounts by disability status.

Indicators of employment deprivation

- percentage of the working age population by disability status, who are²⁴⁷:
- in full-time paid employment (16+ hrs a week);
- in part-time paid employment by disability status;
- who are not in education, employment or training;
- who lack work but are actively seeking work;
- who lack work but want to work (economically inactive);
- who are not in work and not looking for work (economically inactive);

²⁴⁴ Ibid.

²⁴⁵ Ibid.

²⁴⁶ FRS may be a potential source of information and/or data in this area.

²⁴⁷ Information available from the Labour Force Survey.

- employment rate of people with disabilities, by disability type²⁴⁸
- median and average gross hourly basic pay by disability status²⁴⁹
- percentage of the working age population in social occupational classification (SOC) category 1-3²⁵⁰, by disability status²⁵¹
- percentage of the working age population in social occupational classification (SOC) category 8-9²⁵², by disability status²⁵³

Indicators of income from benefits

- estimates of take-up for disability-related benefits²⁵⁴
- percentage of the population in receipt of disability benefits²⁵⁵
- percentage of people with disabilities aware of their entitlement to disability benefits²⁵⁶
- percentage of people with disabilities who express:
 - overall satisfaction with the benefits system,
 - some degree of decision-making over how their benefits are managed
 - a discrepancy between benefit income and outgoings,
 - satisfaction with the effectiveness of return to work support

12.18 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

²⁴⁸ The Labour Force Survey (LFS) may be a potential source of information and/or data in this area.

²⁴⁹ The Annual Survey of Hours and Earnings may be a potential source of information and/or data in this area.

²⁵⁰ Based on SOC 2010.

²⁵¹ The Labour Force Survey (LFS) may be a potential source of information and/or data in this area.

²⁵² Based on SOC 2010.

²⁵³ The Labour Force Survey (LFS) may be a potential source of information and/or data in this area.

²⁵⁴ DSD may be a potential source of information and/or data in this area.

²⁵⁵ Ibid.

²⁵⁶ Ibid.

13 Strategic Priority 14

- 13.1 The aim of Strategic priority 14 is to “ensure that people with disabilities and their families have appropriate accommodation and adequate support to live independently”. One indicator has been developed for this priority as follows:
- percentage of households living in non-decent accommodation by disability status.
- 13.2 The indicator, while relevant to the aim, is too narrow in scope to cover the breadth of issues covered by Strategic Priority 14. The indicator provide a measure of how many people with disabilities and their families live in non-decent accommodation but it does not provide a measure of the appropriateness of accommodation in terms of availability of adaptation, fuel poverty, fuel efficiency and the adequacy of support to live independently. For example recent research²⁵⁷ has identified concerns regarding inadequate access to occupational therapists and affordable adaptations to homes to allow appropriate accommodation and independent living, particularly for people with disabilities in private housing. Further, NISALD data²⁵⁸ identified that among those individuals with disabilities who did not have adaptations 18% said that they needed them. Lack of access to appropriate and affordable adaptations results in some people with disabilities having to stay in the family home, unable to access independent living²⁵⁹ and is associated with a greatly increased risk of accidents and hospitalisation²⁶⁰.
- 13.3 Moreover, for many people with disabilities there is often a lack of support for independent living. Recent research²⁶¹ has identified that people with learning disabilities who have been resettled from long-term institutions often end up in similar types of institutional

²⁵⁷ Wallace, A. (2015): Housing Inequalities in Northern Ireland. (not yet published – ECNI: Belfast)

²⁵⁸ OFMdFM (2013)

²⁵⁹ Wallace, A. (2015): Housing Inequalities in Northern Ireland. (not yet published – ECNI: Belfast)

²⁶⁰ Ibid.

²⁶¹ Ibid.

residential care or live at home with elderly parents due to a lack of funding and structure to support independent living. Concerns have also been raised about the quality and standards of domiciliary care²⁶² necessary to support independent living in the community. There is a perception amongst older people with disabilities²⁶³ that only “high level” care needs are met, particularly within domiciliary care and other needs necessary for independent living (e.g. help with housework, cooking, shopping) are not met. In addition, previous research²⁶⁴ has indicated that insufficient support is provided to address other aspects of support necessary for independent living such as access to transport, access to community facilities and social inclusion.

13.4 The indicators focus on households and therefore do not measure the appropriateness of accommodation for people with disabilities living in residential, nursing or institutional care. For example, previous research²⁶⁵ has raised significant human rights concerns regarding the standard and quality of nursing home care in relation to quality of life, personal care, eating and drinking, medication and health care and the use of restraint. In addition, concerns have been raised about lack of access to rehabilitation programmes, inadequate resources, social exclusion and bullying among prisoners with learning disabilities²⁶⁶.

13.5 Indicators for a disability strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, indicators for Strategic Priority 14 do not measure the implementation of planned actions and

²⁶² Patient and Client Council (2012): Care at Home: Older people’s experience of domiciliary care (PCC: Belfast).

²⁶³ Commissioner for Older People NI (2013): Response submitted by the Commissioner for Older People in Northern Ireland to the DHSSPS Consultation on ‘Who Cares? – The Future of Adult Social Care and Support in Northern Ireland’ (COPNI: Belfast).

²⁶⁴ Wallace, A. (2015): Housing Inequalities in Northern Ireland (not yet published – ECNI: Belfast).

²⁶⁵ Northern Ireland Human Rights Commission (2012): In Defence of Dignity: The human rights of older people in nursing home (NIHRC: Belfast).

²⁶⁶ Talbot, J. (2008): No One Knows: The views of prison staff in Northern Ireland (Prison Reform Trust: Belfast).

programmes²⁶⁷. Planned actions from the Programme for Government have been proposed, for example:

- increase the overall proportion of young people who achieve at least 5 GCSE's at A*-C;
- ensure availability of pre-school education;
- deliver 8,000 social and affordable homes;
- reduce fuel poverty;
- improve thermal efficiency of housing stock;
- publish and implement a Childcare Strategy;
- tackle poverty and social exclusion;
- help individuals and families facing hardship via the Social Protection Fund;
- reduce child poverty;
- tackle rural poverty and social and economic isolation.

13.6 While many of these planned actions are focused on reducing poverty and raising standards of education generally, the relevance of these actions to ensuring appropriate accommodation has not been specified or is not clear. Therefore, the alignment between many of the planned actions and the aims of Strategic Priority 14 is weak, absent or not clear. It would, therefore, be difficult to propose indicators for implementation on the basis of these planned actions.

13.7 Strategic priority 14 and the theme –“*Standard of living*” aims to align itself to Article 28 of the UNCRPD on “*Adequate standard of living and social protection*”. The focus of Article 28 is on the right of people with disabilities to have an adequate standard of living

²⁶⁷OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

for themselves and their families including adequate food, clothing and housing (Article 28 (1)) and the right to social protection without discrimination (Article 28 (2))²⁶⁸ including the right to assistance with disability-related expenses (Article 28 (2c)) and the right to public housing programmes (Article 28 (2d)).

- 13.8 The indicators for Strategic Priority 14 do not adequately address the breadth of measures required to comply with the requirements of Article 28, given that the indicator does not measure the range of issues associated with the provision of social protection and public housing. The indicators do not address Article 28(1) and (2d) on access to housing without discrimination. However, available evidence indicates²⁶⁹ that between 2004-2009 waiting for housing among wheelchair users notably exceeded the median wait of seven months for all general housing.
- 13.9 Further, the lack of available data on NIHE waiting list and allocations data for applicants with disabilities²⁷⁰ does not comply with Article 28 as well as Article 31 on “*Statistics and Data Collection*” in that data is not available to “help assess the implementation of States Parties’ obligations under the present Convention²⁷¹”
- 13.10 Moreover, the indicators do not address the availability of affordable adaptations to meet the requirements of Article 28 (2d) which states that States Parties’ “ensure access to appropriate and affordable services, devices and other assistance for disability-related needs”.
- 13.11 In addition, indicators to address the availability of affordable adaptations are necessary to meet the requirements of Article 20(b) on “*Personal mobility*” which requires States parties’ to “facilitate access by persons with disabilities to quality mobility

²⁶⁸ Article 28, United Nations Convention on the Rights of Persons with Disabilities.

²⁶⁹ NI Housing Executive, 2011.

²⁷⁰ Wallace, A. (2015): Housing Inequalities in Northern Ireland. (not yet published – ECNI: Belfast).

²⁷¹ Article 31 (2), United Nations Convention on the Rights of Persons with Disabilities.

aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at an affordable cost²⁷²". Indicators should, therefore, be developed to measure the provision and affordability of adaptations.

- 13.12 The indicators also do not provide a measure of the provision of adequate support to live independently, which is a key aim of Strategic Priority 14 and is aligned with Article 19 on "*Living independently and being included in the community*" which indicates that "persons with disabilities should have access to a range of in-home, residential and other community support services" to support independent living and prevent social isolation²⁷³. Given the issues identified with domiciliary care and social isolation and the requirements of Article 19, indicators should address the quality, type and standard of community care and community infrastructure provided to people with disabilities.
- 13.13 To meet the requirements of Article 28(1) in relation to adequate food, clothing and housing indicators for adequate accommodation should provide a measure of the experiences of people with disabilities in residential, housing and other institutions. This is crucial given issues identified in relation to the provision of adequate resources, personal care and undignified treatment²⁷⁴.
- 13.14 Some of the issues raised²⁷⁵ regarding personal care have been serious enough to be considered a breach of fundamental human rights including Article 7 of the International Covenant on Civil and Political Rights²⁷⁶ on the right not to be subjected to cruel,

²⁷² Article 20(b), United Nations Convention on the Rights of People with Disabilities.

²⁷³ Article 19 (b), United Nations Convention on the Rights of People with Disabilities.

²⁷⁴ E.g. NI Human Rights Commission (2012): *In Defence of Dignity: The human rights of older people in nursing homes* (NIHRC: Belfast) and Talbot, J. (2008): *No One Knows: The views of prison staff in Northern Ireland* (Prison Reform Trust: Belfast).

²⁷⁵ E.g. incidences of malnutrition, dehydration, lack of privacy and dignity, lack of stimulation, inappropriate used of sedation among other matters. See NIHRC (2012): *In Defence of Dignity: The human rights of older people in nursing homes* (NIHRC: Belfast)

²⁷⁶ Article 7, International Covenant on Civil and Political Rights.

inhuman or degrading treatment and Article 15 of the UNCRPD on “*Freedom from torture or cruel, inhuman or degrading treatment or punishment*”²⁷⁷ and Article 16 “*Freedom from exploitation, violence and abuse*”²⁷⁸. Indicators should, therefore, be developed to enable the Northern Ireland Executive to monitor aspects of personal care and support provided by care homes and institutions in order to ensure compliance with fundamental international human rights obligations.

13.15 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), Article 6, Article 7, and the specific requirements of Article 28 (b) indicators should also reflect the degree to which persons with disabilities, including women, children, and older people are consulted with and actively involved in decision-making on access to adequate accommodation and independent living. Furthermore, indicator data should be able to be disaggregated to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities* and 7 on *Children with disabilities*.

13.16 To better ensure that the strategy meets the aims of Strategic Priority 14 and can adequately assess the implementation of the UNCRPD following additional indicators are recommended, for example:

Indicators for residence²⁷⁹

- percentage of people in social rented, private rented, supported housing and privately owned accommodation, by disability status.
- median waiting time for applicants with disabilities for social housing

²⁷⁷ Article 15, United Nations Convention on the Rights of People with Disabilities.

²⁷⁸ Article 16, United Nations Convention on the Rights of People with Disabilities.

²⁷⁹ DSD, NIHE, DHSSPS may be a potential source of information and /or data for this area.

- percentage of people of disabilities in residential institutions (capable of living in the community with support) who have been successfully resettled in the community in the last 12 months
- median waiting time for resettlement of people of disabilities in residential institutions into the community
- median waiting time for people with disabilities for supported housing schemes

Indicators for adequacy of housing²⁸⁰

- percentage of people with disabilities, including children and older people, in social rented, private rented, supported housing and privately owned accommodation:
 - who have adaptations to their home;
 - who are waiting for adaptations to be made to their home;
 - who do not have but require adaptations to their home;
 - median waiting time for adaptations to social rented, private rented, supported housing and privately owned accommodation²⁸¹;
 - number of housing-related occupational therapists per person with disability in Northern Ireland²⁸².
 - percentage of people with disabilities living in households in fuel poverty²⁸³
 - percentage of thermally efficient homes in Northern Ireland by disability status²⁸⁴

²⁸⁰ Ibid.

²⁸¹ DSD, NIHE, DHSSPS may be a potential source of information and /or data for this area.

²⁸² DHSSPS may be a potential source of information and /or data for this area.

²⁸³ Family Resources Survey may be a potential source of information and /or data for this area.

²⁸⁴ Ibid.

- percentage of people with disabilities living in households who cannot afford home repairs²⁸⁵.

Indicators of support for independent living and community living

- percentage of people with disabilities, including children and older people, receiving community support services (community care, meals on wheels or equivalent, home helps, warden services) in their own homes or supported housing²⁸⁶.
- number of community daycare and other facilities available to reduce social isolation among people with disabilities and/or promote inclusion in the community;²⁸⁷
- percentage of people with disabilities using community daycare and other community facilities²⁸⁸.
- percentage of people with disabilities who experience difficulties in accessing community facilities due to a lack of accessible public and private transport.

Indicators for adequacy of accommodation for those in residential / care institutions

- percentage of people with disabilities, by impairment in²⁸⁹:
 - residential accommodation;
 - nursing homes;
 - long-term hospital care;
 - prisons;
 - refugee and asylum seeker accommodation;

²⁸⁵ Ibid.

²⁸⁶ DHSSPS may be a potential source of information and /or data for this area.

²⁸⁷ DHSSPS may be a potential source of information and /or data for this area.

²⁸⁸ Ibid.

²⁸⁹ DHSSPS may be a potential source of information and /or data for this area.

- Percentage of people with disabilities in residential / care institutions who report negative experiences regarding:
 - access to facilities;
 - access to educational / social activities and stimulation;
 - personal care (e.g. eating, drinking, clothing, bathing and toileting);
 - medication and health care;
 - use of restraint;
 - privacy and decision-making;
 - harassment and abuse.
- number of complaints made by people with disabilities and their representatives against residential / care institutions regarding²⁹⁰:
 - access to facilities;
 - access to educational / social activities and stimulation;
 - personal care (e.g. eating, drinking, clothing, bathing and toileting);
 - medication and health care;
 - use of restraint;
 - privacy and decision-making
 - harassment and abuse;
- number of complaints investigated and upheld against residential / care institutions regarding²⁹¹:

²⁹⁰ RQIA, DHSSPS, COPNI may be a potential source of information and /or data for this area.

²⁹¹ RQIA, DHSSPS, COPNI may be a potential source of information and /or data for this area.

- access to facilities;
- access to educational / social activities and stimulation;
- personal care (e.g. eating, drinking, clothing, bathing and toileting);
- medication and health care;
- use of restraint;
- privacy and decision-making;
- harassment and abuse.

Indicators for staff attitudes in residential / care institutions²⁹²

- number of training sessions for staff in residential / care institutions on disability awareness and their obligations under UNCRPD;
- effectiveness of training sessions for staff in residential / care institutions on disability awareness and their obligations under UNCRPD;

13.17 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

14 Theme – Employment and Employability

14.1 Strategic priority 15 and 16 are aligned to the theme of “*Employment and Employability*” in the Disability Strategy. Eight indicators are associated with Strategic Priority 15 and six indicators are associated with Strategic Priority 16.

²⁹² DHSSPS S75 / disability duties annual progress reports may be a potential source of information for this area.

Strategic Priority 15

14.2 The aim of Strategic Priority 15 is to “work towards increasing the number of people with disabilities entering all levels of employment and safeguard the rights of those disabled people already in work”. Eight indicators have been developed for this priority as follows:

- employment rate by disability status
- employment rate by main impairment
- economic inactivity rate by disability status
- percentage of individuals in high-level employment by disability status
- percentage of individuals who have never worked by disability status
- hourly wage rate by disability status
- educational qualifications (proportion with no qualifications and proportion with degree level qualifications) by disability status
- percentage of individuals not in work who want to work by disability status

14.3 The indicators, while relevant to the aim, are too narrow in scope to cover the breath of issues covered by Priority 15. Given that recent research²⁹³ has identified an employment penalty for people with disabilities with equivalent qualifications to people without disabilities, indicators for employment and unemployment should contain a measure of equivalisation for qualifications to measure this penalty. Moreover, people with disabilities are more likely to be in low paid employment, therefore indicators should

²⁹³ MacInnes, T., Tinson, A., Gaffney, D., Horgan, G., Baumberg, B. (2013): Disability and Long-term Conditions and Poverty (JRF: York).

monitor the percentage of people in low-level as well as high-level employment.

- 14.4 In addition, given the many barriers to employment identified for people with disabilities²⁹⁴, including transport, lack of flexibility and lack of support, indicators should identify the effectiveness of measures of support provided and programmes undertaken to enable people with disabilities into employment.
- 14.5 People with disabilities are less likely to have qualifications than people without disabilities²⁹⁵. Therefore, indicators should also provide a measure of the effectiveness of actions undertaken to provide qualifications and training to people with disabilities both pre-employment and in the workplace.
- 14.6 Recent research²⁹⁶ has identified employer attitudes to people with disabilities in relation to productivity and capability as a key issue in improving employment outcomes of workers with disabilities. Therefore, indicators should provide a measure of the effectiveness of actions undertaken by the Northern Ireland Executive to challenge employer attitudes and the effectiveness of support provided to employers to remove any element of risk or cost²⁹⁷ in recruiting, retaining and / or making adjustments for a person with disabilities. This would assist in safeguarding the rights of people with disabilities as stated in the aim of the Priority²⁹⁸.
- 14.7 Another key issue in safeguarding the rights of people with disabilities in employment is protecting rights through legislative

²⁹⁴ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

²⁹⁵ Ibid.

²⁹⁶ MacInnes, T., Tinson, A., Gaffney, D., Horgan, G., Baumberg, B. (2013): Disability and Long-term Conditions and Poverty (JRF: York) and Employment Research Institute (2015): Employment Inequalities in Northern Ireland (ECNI - not yet published).

²⁹⁷ Employment Research Institute (2015): Employment Inequalities in Northern Ireland (ECNI - not yet published).

²⁹⁸ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015. OFMdfM: Stormont

means. The impact of the House of Lords' decision in June 2008 in the case of *Mayor and Burgesses of the London Borough of Lewisham v Malcolm (Malcolm)*²⁹⁹ was to weaken the protection of people with disabilities against indirect disability discrimination and discrimination arising from disability³⁰⁰ in Northern Ireland with respect to the Disability Discrimination Act 1995. While the introduction of the Equality Act 2010³⁰¹, removed the impact of *Malcolm* and strengthened disability equality legislation in Great Britain no such amendment has been undertaken in Northern Ireland. The Commission has outlined the necessary changes to equality legislation required to harmonise, simplify and strengthen the legislation and maintain parity with legislation in Great Britain³⁰². The indicators should, therefore, measure the effectiveness of actions undertaken to strengthen the protection equality legislation affords to people with disabilities in employment.

14.8 Indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, indicators for Strategic priority 15 do not measure the implementation of planned actions and programmes³⁰³. Planned actions from the Programme for Government have been proposed, for example:

- contribute to rising levels of employment by supporting the promotion of over 25,000 new jobs;
- upskill the working age population by delivering over 200,000 qualifications;

²⁹⁹ ECNI (2012): Strengthening Protection for Disabled People. Proposals for Reform – Full report (ECNI: Belfast).

³⁰⁰ In employment and good, facilities and services.

³⁰¹ Ibid.

³⁰² ECNI (2012): Strengthening Protection for Disabled People. Proposals for Reform – Full report. ECNI: Belfast.

³⁰³ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

- strategy to reduce economic inactivity through skills, training, incentives and job creation;
- deliver 8,000 social and affordable homes;
- improve pathways to employment, tackle systemic issues linked to deprivation and increase community services;
- tackle poverty and social exclusion;
- support people into employment;
- no increases in student fees beyond rate of inflation;
- improve community safety by tackling anti-social behavior;
- promote sustainable modes of transport including implementation of Accessible Transport Strategy.

14.9 Many of these planned actions are focused on increasing employment and improving transport generally, which, while relevant to people with disabilities, are often not specific to people with disabilities. The actions do not provide specific measures to support people with disabilities in employment or measures to strengthen equality legislation to better protect people with disabilities in employment. Therefore, the alignment between many of the planned actions and the aims and indicators of Strategic Priority 15 is not fully specified or weak.

14.10 Strategic Priority 15 and the theme *Employment and Employability* aims to align itself to Article 27 of the UNCRPD on “*Work and employment*”. The focus of Article 27 is on the right of people of disabilities to work³⁰⁴. Work should be freely chosen or accepted in a labour market and the work environment should be open,

³⁰⁴ Article 27, United Nations Convention on the Rights of Persons with Disabilities.

inclusive and accessible to people with disabilities³⁰⁵. In addition, this right to work should be safeguarded via legislative means³⁰⁶.

- 14.11 The indicators for Priority 15 do not adequately address the breadth of measures required to comply with the requirements of Article 27. Article 27 prohibits discrimination on the basis of disability in all forms of recruitment and employment (Article 27 (1a)), in relation to terms and conditions, health and safety, equal pay, protection from harassment and redress of grievances (Article 27 (1b)) and in the provision of reasonable accommodation (Article 27 (1i)). The indicators provide measures relevant to the employment of people with disabilities and equal pay. However, they do not provide a measure of experiences of people with disabilities in the workplace including an estimate of the extent of discrimination and harassment against people with disabilities in recruitment and employment.
- 14.12 The indicators do not provide a measure of the effectiveness of disability equality law. Neither do they provide a measure of the effectiveness of actions required to strengthen disability equality legislation in Northern Ireland to comply with Article 27 (1). Such indicators would also promote compliance with Article 5(2) which “prohibits all discrimination on the basis of disability³⁰⁷” and obligations to protect the right to work under the Convention on Economic and Social Rights (ICESR)³⁰⁸.
- 14.13 Further, the indicators do not provide measures of awareness of the rights of people of disabilities in employment or estimates of the provision of reasonable accommodation to comply with Article 27 (1i). Such indicators would also promote compliance with Article 5(3) which requires States Parties’ to “take all appropriate steps to ensure reasonable accommodation is provided” and

³⁰⁵ Article 27 (1), United Nations Convention on the Rights of Persons with Disabilities.

³⁰⁶ Ibid.

³⁰⁷ Article 5 (2) United Nations Convention on the Rights of Persons with Disabilities.

³⁰⁸ Committee on Economic, Social and Cultural Rights (2005) General Comment 18: ‘The right to work’ Paras 25-28.

Article 8 (1a) “to foster respect for the rights and dignity of persons with disabilities”.

14.14 The need for greater inclusion and awareness-raising and availability of reasonable adjustments has been raised in the UN Committee’s Concluding Observations to date³⁰⁹. The UN Committee on the CRPD recommends³¹⁰ that suitable measures for reasonable accommodation would include indicators of:

- the availability of technical and financial assistance for the provision of reasonable accommodation³¹¹.
- Flexibility including ensuring various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies

14.15 Article 27 (1d) requires States Parties’ to enable effective access for people with disabilities to general, technical and vocational guidance programmes, placement services and vocational and continuing training, to promote the acquisition of experiences in the labour market in Article 27(1j) and promote vocational and professional rehabilitation and return-to-work programmes in Article 27(1k). The need for general, technical and vocational guidance programmes has also been raised in the UN Committee’s Concluding Observations to date³¹². The indicators for Priority 15, therefore, do not comply with the requirements of Article 27 as they do not provide any measures on further education, training and placement services.

³⁰⁹ UN Committee’s Concluding Observation to date considered in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

³¹⁰ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³¹¹ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³¹² Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

14.16 The development of indicators to meet the requirements of Article 27 should also fulfil the obligations of Article 6 (2) of the ICESR in that technical and vocational guidance and training programmes should reflect the needs of all persons with disabilities, take place in integrated settings, and be planned and implemented with the full involvement of representatives of persons with disabilities³¹³. The UN Committee on the CRPD recommends³¹⁴ that appropriate measures would include:

- measures of the accessibility of open employment and vocational training services, including for self employment;
- measures taken for the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks;
- measures taken to ensure students with disabilities the same access to the general labour market.

14.17 In addition, research has identified issues with accessibility to work placements³¹⁵ and a lack of choice for many people with learning disabilities in further education, training, work placements and employment³¹⁶. Given that Article 27 emphasises the importance of choice and the role of work placements in accessing the labour market, relevant indicators should provide a measure of the number and accessibility of work placements and the level of choice that people of disabilities have regarding training and employment.

³¹³ Committee on Economic, Social and Cultural Rights (1995) Para 24 cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³¹⁴ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³¹⁵ Employment Research Institute (2015): Employment Inequalities in Northern Ireland (ECNI - not yet published).

³¹⁶ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

14.18 Article 27 requires States parties to support and provide assistance for people in “finding, obtaining, maintaining and returning to employment”³¹⁷, promote self-employment³¹⁸ and promote the use of policies and programmes including affirmative action, incentives and other measures to promote the employment of people with disabilities in the private sector³¹⁹. The indicators for Strategic Priority 15 do not contain measures relevant to the provision of support to people with disabilities in employment and therefore do not meet the requirements of Article 27. The UN Committee on the CRPD recommends³²⁰ that suitable measures for the provision of employment support would include:

- the impact of targeted employment programmes and policies in place to achieve full and productive employment among persons with disabilities;
- measures taken to ensure persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry and re-entry to the labour market;
- the impact of measures to facilitate re-employment of persons with disabilities, who are made redundant in public and private enterprises;
- effective affirmative action measures for the employment of persons with disabilities;
- the availability of technical and financial assistance for the provision of reasonable accommodation including the promotion of the establishment of cooperatives and start ups in order to encourage entrepreneurialism.

³¹⁷ Article 27 (1e), United Nations Convention on the Rights of Persons with Disabilities

³¹⁸ Article 27 (1f), United Nations Convention on the Rights of Persons with Disabilities

³¹⁹ Article 27 (1h), United Nations Convention on the Rights of Persons with Disabilities

³²⁰ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

- 14.19 The indicators and aims of Strategic Priority 15 do not measure the ability of people of disabilities to access their labour and trade union rights and therefore do not comply with the requirements of Article 27 (c) on labour and trade union rights. The UN Committee on the CRPD recommends³²¹ that suitable measures for the provision of employment support would include measures taken for the promotion of the trade union rights of persons with disabilities.
- 14.20 In addition, both the UN Committee in its Guidelines³²² and in its Concluding Observations to date³²³ has emphasised the need for greater data collection on employment to assess the employment status and outcomes for people with disabilities. Many of the indicators provided are relevant in that they provide information on the most vulnerable groups among people with disabilities in employment through disaggregation by impairment³²⁴. However, the indicators do not provide information on the implementation of policies and programmes to assist these groups as indicated by the guidelines³²⁵.
- 14.21 The UN Committee has also commented³²⁶ on the need for greater data collection with respect to the participation of people with disabilities in the informal economy, measures to enable them to move out of the informal economy and access to basic services and social protection with respect to Article 27. However, indicators for Priority 15 do not provide information on the informal economy or access to social protection. Previous research has

³²¹ Ibid.

³²² Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³²³ UN Committee's Concluding Observation to date cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

³²⁴ OFMdfM (2014): Draft Annual Indicators for the Disability Strategy (OFMdfM: Stormont).

³²⁵ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³²⁶ Ibid.

identified issues regarding the participation of people with disabilities as volunteers and carers³²⁷ and has raised concern regarding the impact of employment on access to benefits³²⁸. Given these concerns the current indicators should provide information on the role of people with disabilities in the informal economy and the impact of moving into employment on access to benefits.

- 14.22 In addition, the UN Committee on the CRPD has emphasised the need to collect data on the employment of women with disabilities and programmes to promote their advancement in employment³²⁹. The promotion of employment among women with disabilities has also been a key concern in Concluding Observations to date³³⁰. However, the current indicators do not seem to disaggregate employment data by sex.
- 14.23 The UN Committee on the CRPD recommends³³¹ that suitable measures would include the provision of information on existing differences in employment between men and women with disability and whether there are policies and legislation to cater for these differences in order to promote the advancement of women with disabilities. Indicators to meet these requirements would promote compliance with Article 31 “*Statistics and data collection*” and Article 6 “*Women with disabilities*” of the UNCRPD wherein data should be disaggregated as appropriate and with respect to women with disabilities. In addition given the emphasis in Article

³²⁷ MacInnes, T., Tinson, A., Gaffney, D., Horgan, G. and Baumberg, B. (2014): Disability, long term conditions and poverty (JRF: York).

³²⁸ Ibid.

³²⁹ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³³⁰ UN Committee’s Concluding Observation to date cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

³³¹ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

27 on the public and private sector³³², data should be disaggregated by sector where appropriate.

14.24 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), Article 6 and the requirements of Article 27 indicators should also reflect the degree to which persons with disabilities, including women, are consulted with and actively involved in the development of employment policies and programmes which assist people with disabilities in obtaining, maintaining and retaining employment.

14.25 To better ensure that the strategy meets the aims of Strategic Priority 14 and can adequately assess the implementation of the UNCRPD following additional indicators are amended, for example:

- employment rate for men and women by disability status
- employment rate for men and women by main impairment
- economic inactivity rate for men and women by disability status
- percentage of the working age population, men and women, in social occupational classification (SOC) category 1-3³³³, by disability status
- percentage of individuals who have never worked by disability status
- median and average gross hourly basic pay by disability status
- educational qualifications (proportion with no qualifications and proportion with degree level qualifications) by disability status
- percentage of individuals not in work who want to work by disability status

³³² Article 27 (1g and h).

³³³ Based on SOC 2010.

14.26 And the following additional recommendations are recommended, for example:

Indicators of employment in the formal economy

- percentage of the working age population by disability status, who are³³⁴:
- in full-time paid employment (16+ hrs a week);
- in part-time paid employment by disability status;
- who are not in education, employment or training;
- who lack work but are actively seeking work;
- who are not in work and not looking for work (economically inactive);
- percentage of the working age population in social occupational classification (SOC) category 8-9³³⁵, by disability status;
- percentage of the working age population by disability status, equivalised by level of qualification, who³³⁶:
- are in full-time paid employment (16+ hrs a week);
- are in part-time paid employment by disability status;
- are not in education, employment or training;
- lack work but are actively seeking work;
- are not in work but would like to work (economically inactive);
- are not in work and not looking for work (economically inactive);
- are in social occupational classification (SOC) category 1-3³³⁷;

³³⁴ The Labour Force Survey may be a potential source of information and/or data in this area.

³³⁵ Based on SOC 2010.

³³⁶ The Labour Force Survey may be a potential source of information and/or data in this area.

³³⁷ Based on SOC 2010.

- are in social occupational classification (SOC) category 8-9³³⁸;
- percentage of people in employment who are members of a labour or trade union by disability status and sex.

Indicators of employment in the informal economy

- percentage of the working age population working in the informal economy (e.g. volunteering, caring etc) by disability status
- percentage of people with disabilities in the informal economy who are not in work but would like to work in the formal economy

Indicators of the provision of support programmes for employment

- percentage of the working age population, by sex and disability status in³³⁹:
 - further education;
 - employment programmes;
 - training;
 - apprenticeships;
- percentage of people of disabilities who are satisfied with the effectiveness of their education / training in gaining employment;
- percentage of people with disabilities who felt they had a good level of choice in selecting their education / training course and career;

³³⁸ Based on SOC 2010.

³³⁹ DEL may be a potential source of information and/or data in this area.

- percentage of people with disabilities who have accessed a work placement to assist in moving into employment, by impairment³⁴⁰;
- estimates of the number of public and private sector organisations offering work placements for people with disabilities³⁴¹;
- percentage of people with disabilities who have not been able to access a work placement to assist in moving into employment, by impairment type;
- percentage of people with disabilities who have accessed disability-specific employment or employment rehabilitation programmes³⁴²;
- effectiveness of support programmes in assisting people with disabilities to obtain, maintain and retain employment³⁴³;
- effectiveness of support programmes in assisting people with disabilities who have been made redundant to retrain and obtain employment³⁴⁴;
- effectiveness of support programmes in assisting students with disabilities in further education and higher education to obtain, maintain and retain employment³⁴⁵;
- percentage of people who report satisfaction with the outcomes of disability-specific employment programmes³⁴⁶;
- number of consultations carried out with people with disabilities and their representatives on the effectiveness and development of employment support programmes³⁴⁷.

³⁴⁰ DEL / DE may be a potential source of information and/or data in this area.

³⁴¹ Ibid.

³⁴² DEL may be a potential source of information and/or data in this area.

³⁴³ Ibid.

³⁴⁴ DEL may be a potential source of information and/or data in this area.

³⁴⁵ Ibid.

³⁴⁶ Ibid.

Indicators for the provision of reasonable adjustments and affirmative action

- percentage of people with disabilities who have accessed reasonable adjustments in the workplace;
- percentage of people with disabilities who access flexible working arrangements;
- percentage of people with disabilities aware of their entitlement to employment support and reasonable adjustments;
- percentage of employers aware of support programmes and resourcing for reasonable adjustments available for employees with disabilities, by sector and size of organisation³⁴⁸;
- percentage of employers who have implemented affirmative action programmes for people with disabilities by sector and size of organisation³⁴⁹.

Indicators for attitudes and awareness-raising

- percentage of public and private sector employers expressing negative attitudes towards the productivity and capability of people with disabilities, by impairment;
- number of training sessions provided to public and private employers on disability awareness to challenge negative stereotypes³⁵⁰;
- effectiveness of training provided to public and private employers on disability awareness to challenge negative stereotypes³⁵¹;

³⁴⁷ DEL S75 annual progress reports may provide a potential source of information in this area.

³⁴⁸ DEL may be a potential source of information and/or data in this area.

³⁴⁹ ECNI may be a potential source of information and/or data in this area.

³⁵⁰ ECNI may be a potential source of information and/or data in this area.

³⁵¹ Ibid.

- number of training sessions provided to public and private employers on the employment rights of people with disabilities covering equality and human rights legislation³⁵²;
- effectiveness of training provided to public and private employers on the employment rights of people with disabilities covering equality and human rights legislation³⁵³;
- take-up of training on disability awareness / rights by private and public sector employers³⁵⁴;
- percentage of people of disabilities aware of their rights in employment;
- percentage of the working age population working in the public and private sector who have received training on disability awareness and disability rights;
- number of complaints of discrimination made by people with disabilities in the area of employment;
- percentage of people with disabilities who have experienced discrimination in employment in the last 12 months (whether reported or not reported)³⁵⁵.

Indicators for Strengthening Disability Legislation

- effectiveness of disability equality legislation in Northern Ireland in protecting people with disabilities from discrimination³⁵⁶;
- number of Commission recommendations that have been implemented in the last 12 months to improve effectiveness of

³⁵² Ibid.

³⁵³ Ibid.

³⁵⁴ Ibid.

³⁵⁵ ECNI (Equality Awareness Survey /Enquiries) and NILT may be potential sources of information and/or data in this area.

³⁵⁶ ECNI/OFMdFM may be a potential sources of information and/or data in this area.

disability equality legislation in Northern Ireland in protecting people with disabilities from discrimination³⁵⁷;

- number of measures taken to strengthen disability equality legislation in Northern Ireland³⁵⁸;
- number of consultations with people with disabilities on the effectiveness of disability equality legislation in Northern Ireland in protecting people with disabilities from discrimination³⁵⁹.

15 Strategic Priority 16

15.1 The aim of Strategic Priority 16 is to “increase the opportunities for people with disabilities to attain skills and qualifications through access to appropriate training and lifelong learning opportunities”. Six indicators have been developed for this priority as follows:

- percentage of half days missed due to unauthorised absence from school by Special Educational Needs (SEN) status
- percentage of school leavers achieving at least 5 GCSEs at grades A*-C by SEN status
- disability status of 16 year old post primary and special school pupils
- percentage of full-time first degree qualifiers attaining a first or upper-second degree by disability status
- percentage of students who do not continue in Higher Education after their first year by disability status.

15.2 The indicators are too narrow to measure the breadth of issues covered by the aim of Strategic priority 16. The indicators provide measures of attendance and attainment at school, however, they do not provide measures of access to pre-school provision, support provided by the school or the level of choice and control

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹ OFMdfM may be a potential source of information and/or data in this area.

each pupil has regarding the progression of their educational and career path.

- 15.3 For example, access to appropriate nursery or pre-school provision has been shown to be important for a child's intellectual and social development and subsequent attainment³⁶⁰.
- 15.4 Further, previous research has expressed concern at the support provided to children with Special Educational Needs (SEN) in mainstream settings³⁶¹. For example, research has highlighted delays between SEN diagnosis and subsequent access to equipment and services necessary for learning³⁶². The indicators, therefore, not provide a measure of waiting time in the assessment and statementing process for SEN which has been identified as an issue that can impact on a child's access to education³⁶³.
- 15.5 Moreover, concerns has been expressed³⁶⁴ regarding the level of subject choice for students with disabilities, the lack of availability of options after school and the lack of progression after further education.
- 15.6 In addition, while the indicators for priority 16 use SEN as a proxy for disability in schools it should be noted that not all children with disabilities have a SEN statement and not all children with a SEN statement have a disability³⁶⁵. Recent research³⁶⁶, has expressed

³⁶⁰ E.g. EPPNI (2006): Effective Pre-school Provision in Northern Ireland (EPPNI); EPPNI (2010): Effective Pre-school Provision in Northern Ireland (EPPNI) (DENI: Bangor); and Preschool experience and Key Stage 2 performance in English and Maths (DENI: Bangor).

³⁶¹ NICCY (2008): Children's Rights: rhetoric or Reality (Belfast: NICCY).

³⁶² Lundy, L., Emerson, L., Lloyd, K., Byrne, B. and Yohanis, J. (2013): Education Reform in Northern Ireland - A Human Rights Review (NIHRC / Centre for Children's Rights: Belfast).

³⁶³ See Burns, S., Leitch, R. and Hughes, J. (2015): Education Inequalities in Northern Ireland (not yet published – ECNI: Belfast); and Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

³⁶⁴ Lundy, L., Byrne, B. and McKeown, P. (2012): Review of Transitions to Adult Services for Young People with learning Disabilities (NICCY: Belfast).

³⁶⁵ See Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

concern that children with disabilities who do not have a SEN statement may be in need of additional support to fulfil their full human potential, however, children who do not have a statement have fewer legal protections, with the provision of support and resources largely at the discretion of the school. The indicators, therefore, do not provide a measure of attainment for all children with disabilities.

- 15.7 While the indicators provide a measure of GCSE attainment they do not provide a measure of no qualifications which has been linked to disability-related poverty³⁶⁷ and A-level attainment which is associated with entry into higher education. This is particularly concerning given that in 2012, people with a disability were over twice as likely to have no qualifications than people without a disability³⁶⁸, while people without a disability were more than three times more likely to have a higher qualifications than those without a disability³⁶⁹.
- 15.8 The indicators do not provide a measure of transitional planning which has been raised by previous research³⁷⁰ as a key issue in relation to primary to post-primary transition and post-school transition.
- 15.9 In addition, the indicators provide no measure of attainment and progression from further education or access to work placements, volunteering, mentoring or community learning which are

³⁶⁶ Burns S, Leitch R and Hughes J (2015) Education Inequalities in Northern Ireland. (not yet published – ECNI: Belfast)

³⁶⁷ See MacInnes T, Tinson A, Gaffney D, Horgan G and Baumberg B (2014). Disability, long term conditions and poverty (JRF: York).

³⁶⁸ Burns S, Leitch R and Hughes J (2015) Education Inequalities in Northern Ireland. (not yet published – ECNI: Belfast)

³⁶⁹ Ibid

³⁷⁰ See Lundy L, Byrne B and McKeown P (2012) Review of Transitions to Adult Services for Young People with learning Disabilities. NICCY: Belfast; Burns S, Leitch R and Hughes J (2015) Education Inequalities in Northern Ireland. (not yet published – ECNI: Belfast); Harper C, McClenahan S, Byrne B and Russell H (2012) Disability Programmes and Policies: How does Northern Ireland measure up? ECNI: Belfast; and Byrne B, Harper CM, Irvine RS, Russell H and Fitzpatrick B (2014). UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD. ECNI: Belfast .

recognized in the preamble to priority 16³⁷¹ as important in developing the skills and confidence of people with disabilities to enter the workplace. Indicators should, therefore, cover all levels of attainment, alternative forms of learning and development and progression from education

15.10 Indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, indicators for Strategic Priority 16 do not measure the implementation of planned actions and programmes³⁷². Planned actions from the Programme for Government have been proposed, for example:

- contribute to rising levels of employment by supporting the promotion of over 25,000 new jobs
- increase the proportion of young people achieving at least 5 GCSEs at A*-C (including Maths and English)
- upskill the working age population by delivering over 200,000 qualifications
- strategy to reduce economic inactivity through skills, training, incentives and job creation
- improve pathways to employment, tackle systemic issues linked to deprivation and increase community services
- publish and implement a Childcare Strategy
- tackle poverty and social exclusion
- support people into employment
- reduce child poverty

³⁷¹ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

³⁷² OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

- no increases in student fees beyond rate of inflation
 - establish an advisory group to alleviate hardship
 - tackle rural poverty and social and economic isolation in the next three years
- 15.11 Many of these planned actions are focused on broadly increasing attainment and tackling poverty, which, while relevant, are not specific to people with disabilities. However, the actions do not provide specific measures to support people with disabilities in education. Therefore, the alignment between many of the planned actions and the aims and indicators of Strategic Priority 16 is not fully specified or unclear.
- 15.12 Strategic priority 16 and the theme *Employment and Employability* aims to align itself to Article 24 of the UNCRPD on “*Education*”. The focus of Article 24 is on the right of people of disabilities to education. Education should be inclusive at all levels should ensure the full development of potential and dignity³⁷³ including talents, creativity, personality, mental and physical abilities³⁷⁴. It should strengthen respect for human rights³⁷⁵ and enable participation in society³⁷⁶.
- 15.13 Article 24 emphasises the right for persons with disabilities to an inclusive, quality and free primary and secondary education³⁷⁷ with the provision of support³⁷⁸ and reasonable accommodation³⁷⁹. It also states that persons with disabilities have the right to lifelong learning including the provision of alternative modes of

³⁷³ Article 24 (1a), United Nations Convention on the Rights of Persons with Disabilities.

³⁷⁴ Article 24 (1b), United Nations Convention on the Rights of Persons with Disabilities.

³⁷⁵ Article 24 (1a), United Nations Convention on the Rights of Persons with Disabilities.

³⁷⁶ Article 24 (1c), United Nations Convention on the Rights of Persons with Disabilities.

³⁷⁷ See Article 24 (2a and b). It should be noted that under the UK’s reservation under Article 24, the UK has submitted an interpretative declaration expressing a commitment to enable parents to access education for their children at mainstream and special schools. See <http://www.disabilityaction.org/centre-on-human-rights/human-rights-and-disability/reservations-to-the-convention/>

³⁷⁸ See Article (2d and e), United Nations Convention on the Rights of Persons with Disabilities.

³⁷⁹ Article 24 (2c), United Nations Convention on the Rights of Persons with Disabilities.

communication and languages³⁸⁰ and access to tertiary education, vocational training, adult education and lifelong learning without discrimination³⁸¹.

- 15.14 The indicators for Strategic Priority 16 do not cover the breadth of issues required to comply with the requirements of Article 24. Taking into consideration the UK interpretative declaration and reservation on Article 24³⁸² the indicators do not provide measures to ensure an inclusive education system. The UN Committee in its guidelines³⁸³ has identified that such indicators may include
- Measures to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education;
 - Percentage of eligible boys and girls in nursery / pre-school education by disability status;
 - Measures that ensure that schools and materials are accessible and that individualised reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion
- 15.15 Given that the indicators use SEN as a proxy for disability, they therefore do not provide a measure of the level of access that all children with disabilities have to an inclusive education as required by Article 24 (1) nor do they provide a measure of whether all children with disabilities are fulfilling their full human potential as required by Article 24 (1a and b). Moreover, while the indicators measure unauthorised absence from school they do not consider the impact of sickness absence or absence due to

³⁸⁰ Article 24 (3a-c) and (4), United Nations Convention on the Rights of Persons with Disabilities.

³⁸¹ Article 24 (5), United Nations Convention on the Rights of Persons with Disabilities.

³⁸² See: <http://www.disabilityaction.org/centre-on-human-rights/human-rights-and-disability/reservations-to-the-convention/>

³⁸³ Guidelines on the treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the UNCRPD cited in Harper, C., McClenahan, S., Byrne, B, and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

medical appointments on the ability of children with disabilities to fulfil their potential³⁸⁴.

- 15.16 To comply with the requirements of Article 24 on inclusivity, the indicators should provide a measure of performance at all levels of the education system including access to early education and between special schools, special units and mainstream schools. Further, indicators should provide measures that span the breadth of potential indicating those most vulnerable to poverty due to poor attainment and those who have high levels of attainment. Indicators should also provide measures of the general accessibility of schools and further/higher education as required by Article 24 (4).
- 15.17 The indicators do not provide measures of individualised support or reasonable adjustments provided to enable people with disabilities to access equality of opportunity in education as required by Article 24 (2c-e). The indicators also do not provide measures in relation to assessment of need which is required to provide support to people with disabilities in education.
- 15.18 The UN Committee in its Concluding Observations to-date emphasised the need for the allocation of sufficient financial and human resources, and provision of training to enable inclusive education for people with disabilities. Therefore, in compliance with Article 24 (1a and 4), measures of funding allocation should be provided as well as measures of disability awareness training, educational techniques and rights-based training required for staff and teachers to assist people with disabilities to effectively access education. The UN Committee in its guidelines³⁸⁵ has identified that indicators for support may include:

³⁸⁴ Burns, S., Leitch, R. and Hughes, J. (2015): Education Inequalities in Northern Ireland. (not yet published – ECNI: Belfast)

³⁸⁵ Guidelines on the treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the UNCPRD cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

- Measures that ensure that schools and materials are accessible and that individualised reasonable accommodation and support required by persons with disabilities is provided to ensure effective education and full inclusion;
- Reasonable accommodation provisions and other measures to ensure access to lifelong learning education;
- Measures taken by the State to ensure early identification of persons with disabilities and their education needs.
- Measures to ensure an adequate training on disability to professionals in the education system, as well as measures to incorporate persons with disabilities in the education team;

15.19 The indicators do not provide a measure of support for and learning of alternative languages, modes and means of communication used by people with disabilities including Braille, sign language and other augmentative and alternative modes as required by Article 24 (3a-c). It also does not provide a measure of other skills development or mentoring.

15.20 To support the realisation of this right, Article 24 (4) states that States parties must employ teachers, including those with disabilities, qualified in sign language and Braille³⁸⁶. Moreover, teacher-training should include the “use of appropriate augmentative and alternative modes, means and formats of communication”³⁸⁷.

15.21 Therefore, indicators should provide a measure of the number of sign language / Braille teachers, the number of teachers with disabilities and the number of teachers trained in augmentative and alternative means of communication.

³⁸⁶ Article 24 (3), United Nations Convention on the Rights of Persons with Disabilities.

³⁸⁷ Article 24 (4), United Nations Convention on the Rights of Persons with Disabilities.

15.22 The UN Committee in its guidelines³⁸⁸ and Concluding Observations-to-date³⁸⁹ has identified that indicators for language and mode of communication may include:

- availability of specific skills-training services for children, adults or teachers who so require in Braille, sign languages, augmentative and alternative communication, mobility and other areas;
- measures taken for the promotion of the linguistic identity of deaf persons;
- measures taken to ensure education is delivered in the most appropriate languages, modes, means of communication, and environments for the individual;
- training of teachers and all other educational staff to enable them to work in inclusive educational settings; and,
- the provision of quality teacher training to teachers with disabilities and teachers with sign language skills.

15.23 The indicators do not provide a broad enough measure of access to tertiary education and lifelong learning as required by Article 24 (5), in that access to further education and vocational training are not included as a measure. The UN Committee in its guidelines³⁹⁰ has identified that such indicators may include:

- number and percentage of students with disabilities in tertiary education;

³⁸⁸ Guidelines on the treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the UNCRPD cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

³⁸⁹ UN Concluding Observations to-date as cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

³⁹⁰ Guidelines on the treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the UNCRPD cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

- number and percentage of students with disabilities by gender and fields of study; and,
- reasonable accommodation provisions and other measures to ensure access to lifelong learning education;

15.24 Finally, to comply with Article 5 “*Equality and non-discrimination*” indicators should be provided to measure the degree and impact of bullying on children with disabilities. The ECNI³⁹¹ has recommended that the Department for Education should take steps to ensure that positive attitudes are promoted towards people with disabilities (including disabled pupils) and to tackle bullying of children with disabilities, given the detrimental impact bullying can have on a child’s access to education. Moreover, indicators to measure awareness of the rights of children with disabilities within schools would further meet the requirements of Article 27 (1a) and Article 8 on “*Awareness-raising*”

15.25 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), and Article 7, indicators should also reflect the degree to which persons with disabilities, including children, and their representatives are consulted with and actively involved in decision-making in educational policy and the day-to-day implementation of inclusive education models³⁹².

15.26 This will ensure that educational policies and practices comply with Article 3 of the Convention on the Rights of the Child (CRC) and Article 7 “*Children with Disabilities*” of the UNCRPD in that educational policies meet the best interests of the child. In addition and in compliance with Article 7 of the UNCRPD, children

³⁹¹ UN Concluding Observations to-date as discussed in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

³⁹² UN Concluding Observations to-date as discussed in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

with disabilities should be provided with the opportunity to express their views freely and that their views should be given due weight.

15.27 Indicator data should be able to be disaggregated by sex to meet the requirements of Article 31 on *Statistics and data collection* and Article 6 on *Women with disabilities*.

15.28 To better ensure that the strategy meets the aims of Strategic Priority 16 and can adequately assess the implementation of the UNCRPD the following indicators should be amended, for example:

- percentage of full and half days missed by males and females in mainstream, special schools and special units due to unauthorised absence from school by Special Educational Needs (SEN) and disability;
- percentage of school leavers, males and females, achieving at least 5 GCSES's at grades A*-C (including Maths and English) by SEN and disability status in mainstream, special schools and special units;
- disability status of 16 year old post primary and special school pupils;
- percentage of full-time first degree qualifiers, male and female, attaining a first or upper second degree by disability status; and
- percentage of students who do not continue in Higher Education after their first year by disability status.

15.29 And the following indicators are recommended:

Indicators of Access

- percentage of children, male and female, attending nursery or pre-school by disability / SEN status³⁹³;

³⁹³ DE may be a potential source of information and/or data in this area.

- percentage of children, male and female, attending primary sector mainstream schools, special schools or special units by disability status³⁹⁴;
- percentage of children, male and female, attending post-primary sector mainstream schools, special schools or special units by disability status³⁹⁵;
- percentage of school leavers, male and female by disability / SEN status who go onto: ³⁹⁶
 - higher education;
 - further education;
 - training;
 - employment;
 - unemployment;
 - work placement / volunteering.
- percentage of people, male and female, by disability status in.³⁹⁷
 - higher education;
 - further education;
 - training;
 - employment;
 - unemployment;
 - work placement / volunteering;

³⁹⁴ DE may be a potential source of information and/or data in this area.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

³⁹⁷ DEL may be a potential source of information and/or data in this area.

- percentage of graduates from higher education who progress to employment and/or further study by disability status³⁹⁸;
- percentage of graduates from further education who progress to employment and/or further study by disability status³⁹⁹;
- percentage of schools that are accessible to people with disabilities⁴⁰⁰;
- percentage of further and higher education colleges that are accessible to people with disabilities⁴⁰¹;
- percentage of educational materials that are accessible to people with disabilities⁴⁰².

Indicators of Attendance

- percentage of full and half days missed by males and females in mainstream, special schools and special units due to sickness absence from school by Special Educational Needs (SEN) and disability status⁴⁰³;
- percentage of full and half days missed by males and females in mainstream, special schools and special units due to medical appointments by Special Educational Needs (SEN) and disability status⁴⁰⁴;

Indicators of Attainment

- percentage of school leavers, males and females, with no qualifications by SEN and disability status in mainstream, special schools and special units⁴⁰⁵;

³⁹⁸ DEL may be a potential source of information and/or data in this area.

³⁹⁹ Ibid.

⁴⁰⁰ DE may be a potential source of information and/or data in this area.

⁴⁰¹ DEL may be a potential source of information and/or data in this area.

⁴⁰² DE / CCEA may be a potential source of information and/or data in this area.

⁴⁰³ DE may be a potential source of information and/or data in this area.

⁴⁰⁴ Ibid.

⁴⁰⁵ Ibid.

- percentage of school leavers, males and females, who achieve 2 or more A-levels A*-E by SEN and disability status⁴⁰⁶;
- percentage of males and females who complete an accredited further education course by disability status⁴⁰⁷;
- percentage of males and females who complete training or an apprenticeship by disability status⁴⁰⁸.

Indicators for Provision of Support

- percentage of people with disabilities who have a Coordinated Support Plan (CSP), in mainstream or special education⁴⁰⁹;
- percentage of people with disabilities who have a Personalised Learning Plan (PLP), in mainstream or special education⁴¹⁰;
- percentage of children with disabilities who have accessed reasonable adjustments in mainstream or special education⁴¹¹;
- percentage of people with disabilities who have accessed reasonable adjustments in tertiary or adult education;
- percentage of people with disabilities, including children, who perceive they have been provided with sufficient individualised support to assist them in fulfilling their educational potential.

Indicators for transition from school to FE/HE, training or employment

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into further and higher education⁴¹²;

Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁴⁰⁶ DE may be a potential source of information and/or data in this area.

⁴⁰⁷ DEL may be a potential source of information and/or data in this area.

⁴⁰⁸ Ibid.

⁴⁰⁹ DE may be a potential source of information and/or data in this area.

⁴¹⁰ Ibid.

⁴¹¹ Ibid.

- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into training⁴¹³;
- percentage of young people with disabilities moving from mainstream, mainstream special units and special schools into employment – under 16 hours a week / over 16 hours a week,⁴¹⁴
- percentage of young people with disabilities leaving further education / higher education into paid work – under 16 hours a week / over 16 hours a week⁴¹⁵;
- percentage of young people with special educational needs and disability moving who transfer from mainstream education to special schools at aged 16 years⁴¹⁶;
- number and percentage of young people identified as SLDD in mainstream and discreet provision in Further Education (FE) colleges⁴¹⁷.

Indicators for choice and control

- percentage of people with disabilities, including children, who perceive they have been given sufficient choice in subject and career choice at school and further / higher education
- percentage of people with disabilities, including children, who perceive they have been given sufficient choice in work placements and employment opportunities.

⁴¹² CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

⁴¹³ CYPSP (2011): Transition to Adulthood of Young People with Disabilities Draft Action Plan 2011-2014 (CYPSP: NI).

⁴¹⁴ Ibid.

⁴¹⁵ Ibid.

⁴¹⁶ Ibid.

⁴¹⁷ Ibid.

- number of consultations with people with disabilities and their representatives, including children on educational policies and practices⁴¹⁸.

Indicators for training

- percentage of teachers and staff within mainstream schools, special units and special schools who have received disability awareness training⁴¹⁹;
- percentage of teachers and staff within mainstream schools, special units and special schools who have received disability rights-based training⁴²⁰;
- percentage of teachers and staff within further and higher education colleges who have received disability awareness training⁴²¹;
- percentage of teachers and staff within further and higher education colleges who have received disability rights-based training⁴²²;
- percentage of children within mainstream schools, special units and special schools who have received disability awareness training⁴²³
- percentage of children within mainstream schools, special units and special schools who have received disability rights-based training⁴²⁴
- percentage of teachers with disabilities and teachers with sign language skills who have received quality teacher training⁴²⁵

⁴¹⁸ DE S75/ disability duties annual progress reports may be a potential of information and/or data in this area.

⁴¹⁹ DE S75/ disability duties annual progress reports may be a potential of information and/or data in this area.

⁴²⁰ Ibid.

⁴²¹ S75 annual progress reports of higher and further education colleges may be a source of information and/or data in this area.

⁴²² Ibid.

⁴²³ DE may be a potential source of information and/or data in this area.

⁴²⁴ Ibid.

Indicators for support for different modes of communication

- percentage of children within mainstream schools, special units and special schools by disability status who use:⁴²⁶
 - sign languages;
 - Braille;
 - other augmentative and alternative forms of communication;
- Percentage of children within mainstream schools, special units and special schools by disability status who have received training in⁴²⁷:
 - Braille;
 - sign languages;
 - other augmentative and alternative forms of communication;
- Percentage of adults with disabilities who have undertaken training in⁴²⁸:
 - Braille;
 - sign languages
 - other augmentative and alternative forms of communication
- number of sign language teachers per person who requires sign language provision⁴²⁹
- number of Braille teachers per person who requires Braille provision⁴³⁰

⁴²⁵ Ibid.

⁴²⁶ DE may be a potential source of information and/or data in this area.

⁴²⁷ Ibid.

⁴²⁸ DE/DEL may be a potential source of information and/or data in this area.

⁴²⁹ Ibid.

⁴³⁰ Ibid.

Indicators for attitudes

- percentage of children, male and female, who have experienced bullying or harassment at school by disability status⁴³¹
- percentage of young people / adults, male and female, who have experienced bullying or harassment in further education / higher education by disability status⁴³²

15.30 To comply with Article 31, Article 6 and Article 7 of the UNCRPD, data should be disaggregated, where appropriate, particularly with respect to sex and age.

16 Theme – Justice and Community Safety

16.1 Strategic Priority 17 is aligned to the theme of “*Justice and Community Safety*” in the Disability Strategy. Three indicators are associated with Strategic priority 17.

Strategic Priority 17

16.2 The aim of Strategic Priority 17 is to “ensure that people with disabilities are treated equally by the law, have access to justice and can live safely in their own community”. Three indicators have been developed for this priority as follows:

- percentage of adults who were victims of violent crime
- percentage of adults who state that “fear of crime” has a minimal effect on their quality of life
- number of hate crimes with a disability motivation

16.3 The indicators for Strategic Priority 17 are not sufficient to address the breadth of issues covered by the aim. The aim effectively covers three broad areas: legal capacity, ability to obtain justice and safety within the community. However the indicators partially

⁴³¹ DE may be a potential source of information and/or data in this area.

⁴³² DEL may be a potential source of information and/or data in this area.

cover only one aspect of the aim, that is, safety within the community.

- 16.4 The indicators should provide measures of capacity and equal treatment before the law. The Northern Ireland Executive plans to introduce legislation⁴³³ to address the absence of legal protection for mental capacity in Northern Ireland. This legislation will make an assumption of legal capacity which will provide increased protection for the dignity and autonomy of persons with disabilities than that available under the current Mental Health (NI) Order 1986 as well as providing broader powers relating to financial, health, welfare and criminal justice matters⁴³⁴.
- 16.5 The legislation proposes to provide support for exercising legal capacity⁴³⁵, however it will still have powers to appoint substitute decision-makers, that is, to provide Lasting Powers of Attorney (LPA – current equivalent Enduring Power of Attorney (EPA)) where a person is deemed to lack capacity despite support provided⁴³⁶. While this legislation has not yet been fully agreed or enacted, indicators could provide for both current and future means of assessing capacity, the provision of support to exercise capacity where this is required and measures undertaken to ensure the participation of people with disabilities in developing the legislation.
- 16.6 The indicators currently do not provide measures of the ability to obtain justice. Previous research has highlighted that the main barrier to people with disabilities bringing claims of discrimination or hate crime is high financial costs, the stress associated with bringing a claim and lack of awareness of rights⁴³⁷. Issues have also been raised regarding measures to support people with

⁴³³ DHSSPS (2014): Draft Mental Capacity Bill (DHSSPS: Belfast)

⁴³⁴ Ibid.

⁴³⁵ Ibid.

⁴³⁶ Ibid.

⁴³⁷ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

disabilities as witnesses and the stereotyping of people with disabilities as court witnesses⁴³⁸. The Criminal Evidence (Northern Ireland) Order 1999 and, more recently, the Justice Act (Northern Ireland) 2011 and Victims and Witnesses Strategy makes provision for the examination of a vulnerable witness through an intermediary, while the Registered Intermediaries Schemes pilot⁴³⁹ seeks to assist victims, witnesses, suspects and defendants with communication deficits to engage more effectively with the criminal justice system⁴⁴⁰. Indicators should, therefore, address the provision of support through these mechanisms, as well as any measures of training and disability awareness among staff in criminal justice agencies. In addition, the indicators should provide measures of awareness among people with disabilities of their rights and availability of support (financial and emotional) for taking a case.

- 16.7 While the indicators provide relevant measures of safety within the community, they do not provide measures of experiences of disability-related harassment, abuse and other hate-related incidents which can often go unreported⁴⁴¹. In addition, lack of progress or communication on outcomes can impact on fear of crime⁴⁴². Therefore, indicators should provide measures of outcomes and how these are communicated to people with disabilities within the local community. Indicators should also contain measures of awareness raising on crime-prevention with people with disabilities and measures to increase the reporting of hate crimes by people with disabilities.

⁴³⁸ Ibid.

⁴³⁹ Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁴⁴⁰ Ibid.

⁴⁴¹ Ibid.

⁴⁴² COPNI (2013: An analysis of clearance rates for crime against older people in Northern Ireland 2007/08 to 201/13.

16.8 Indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, indicators for Strategic priority 17 do not measure the implementation of planned actions and programmes⁴⁴³. Planned actions from the Programme for Government have been proposed, for example:

- Reduce the level of serious crime;
- Tackle crime against older and vulnerable people by more effective and appropriate sentences and other measures including through the Be Safe, Stay Safe project and Community Safety Strategy;
- Improve community safety by tackling anti-social behavior;
- Improve access to Justice through the Victims and Witnesses Strategy and Access to Justice Review; and,
- Safeguarding Outcomes for Children and Vulnerable Adults

16.9 Many of these planned actions are relevant to improving safety within the community and improving access to justice. However, actions related to equal treatment by the law are absent. In addition, where actions are relevant and aligned to the aims of the strategy, the associated indicators often do not provide a measure of the implementation of those measures. Therefore, the alignment between the indicators and many of the planned actions and aims of Strategic Priority 16 is absent, not fully specified or weak.

16.10 The aim of Strategic Priority 17 and the theme of “Justice and Community Safety” have been aligned to three Articles of the UNCRPD: Article 12 on “*Equal recognition before the law*”, Article

⁴⁴³ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015, Appendix 1 (OFMdfM: Stormont).

13 on “*Access to justice*” and Article 16 on “*Freedom from exploitation, violence and abuse*”.

- 16.11 Article 12 is aligned to the aim of Priority 17 to ensure “that people with disabilities are treated equally by the law”. Article 12 states that people with disabilities have the right to recognition as persons before the law⁴⁴⁴ and that people with disabilities should enjoy legal capacity on an equal basis with others⁴⁴⁵. It emphasises that States Parties’ should take all measures to support the exercise of legal capacity by people with disabilities⁴⁴⁶ and these measures should respect the rights, will and preferences of people with disabilities and should contain safeguards against abuse⁴⁴⁷. In addition, States parties’ should take measures to ensure that people with disabilities have the right to own property and control their own financial affairs⁴⁴⁸.
- 16.12 The indicators for Priority 17 do not provide measures on equal recognition before the law and legal capacity, despite reference to the development of Mental Capacity legislation in the preamble to the Priority⁴⁴⁹. Given the anticipated introduction of Mental Capacity legislation, indicators should provide measures of the participation of people with disabilities in the development and implementation of the legislation, awareness of the legislation, the provision of support to exercise legal capacity in compliance with Article 12 (3 and 4). Indicators should also measure the impact of safeguards as required by Article 12 (4).
- 16.13 In addition, the indicators should provide measures of access to property rights and access to finance as required by Article 12 (5). It is anticipated that the development of indicators for Article 12 (5)

⁴⁴⁴ Article 12 (1), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁴⁵ Article 12 (2), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁴⁶ Article 12 (3), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁴⁷ Article 12 (4), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁴⁸ Article 12 (5), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁴⁹ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

should reflect those recommended by the current document on access to finance in relation to Strategic Priority 5.

- 16.14 In addition, the UN Committee in its guidelines⁴⁵⁰ and the Concluding Observations of the UN Committee to date⁴⁵¹ have identified the need for measures of training and education campaigns to support the exercise of legal capacity and the supported decision-making model⁴⁵².
- 16.15 The proposed Mental Capacity legislation does not currently contain proposals to extend legal capacity to those under 16 years. However to ensure compliance with cross-cutting Article 7 on “*Children with disabilities*”, indicators should provide measures of “disability and age-appropriate⁴⁵³” support provided to children to exercise their evolving capacity and enable their views to be given “due weight in accordance with their age and maturity⁴⁵⁴”. In addition, in compliance with Article 12 the UN Committee in its Concluding Observations to date has suggested that indicators should provide data and information on persons with disabilities declared legally incapable; including those currently undocumented⁴⁵⁵.
- 16.16 UNCRPD Article 13 on “*Access to Justice*” is aligned with the aim of Strategic Priority 17 to ensure that people with disabilities “have access to justice⁴⁵⁶”. Article 13 states that persons with disabilities

⁴⁵⁰ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD, cited in Harper, C., McClenahan, S., Byrne, B., and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴⁵¹ See Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast); and see Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴⁵² Ibid.

⁴⁵³ Article 7 (3), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁵⁴ Ibid.

⁴⁵⁵ See Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁴⁵⁶ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015. OFMdfM: Stormont.

should have effective access to justice on an equal basis with others. States parties' must ensure the provision of support and adjustments to facilitate their effective role in all legal proceedings and all levels of the criminal justice system⁴⁵⁷. In addition, States Parties' should promote training for those working at all levels of the criminal justice system⁴⁵⁸.

16.17 The indicators do not provide measures on access to justice as required by Article 13. The indicators do not provide measures of the provision of support and resources to enable access to justice as required by Article 13 (1), despite legal provisions of support under the Criminal Evidence (NI) Order 1999 and Justice Act (NI) 2011. In addition, the indicators do not provide measures of disability awareness training and training in relation to the provision of disability-related support to staff working in the criminal justice system, including police and prison staff, as required by Article 13 (2). The UN Committee in its guidelines⁴⁵⁹ and the Concluding Observations of the UN Committee to date⁴⁶⁰ has recommended there should be measures of:

- training programmes for all people involved in the legal system including compulsory modules on working with people with disabilities;⁴⁶¹
- provision of legal aid services and other forms of support⁴⁶²;

⁴⁵⁷ Article 13 (1), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁵⁸ Article 13 (2), United Nations Convention on the Rights of Persons with Disabilities.

⁴⁵⁹ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD, cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴⁶⁰ See Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

and see Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴⁶¹ Ibid.

⁴⁶² Ibid.

- the availability of reasonable accommodations, including procedural accommodations to ensure effective participation of all persons with disabilities in the criminal justice system⁴⁶³; and,
- age-related accommodations to ensure effective participation of children and young persons with disabilities⁴⁶⁴.

- 16.18 The aim of Strategic Priority 17 to ensure people with disabilities “can live safely in their own community⁴⁶⁵” has been aligned to UNCRPD Article 16 on “*Freedom from exploitation, violence and abuse*”. Article 16 states that States Parties’ must take all measures to protect persons with disabilities from all forms of exploitation, violence and abuse, inside and outside the home. Article 16 places a particular emphasis on exploitation, violence and abuse against women and children.
- 16.19 The indicators for Strategic Priority 17, while relevant to Article 16 do not sufficiently measure the breadth of issues required to adequately comply with Article 16. While the indicators are relevant to experiences of violence and abuse outside the home, they do not provide a measure of abuse inside the home or other environments as required by Article 16 (1).
- 16.20 In addition, the indicators do not provide the capacity to measure education and support provided to people with disabilities, their families and caregivers (at home and in care settings) to prevent exploitation, violence and abuse as required by Article 16 (2). Further it does not provide measures for monitoring facilities and programmes involved in the care of people with disabilities to prevent exploitation, violence and abuse in compliance with Article 16 (3).

⁴⁶³ Ibid.

⁴⁶⁴ Ibid.

⁴⁶⁵ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

- 16.21 It also does not provide measures to promote the recovery and rehabilitation and social reintegration of persons with disabilities who are victims of exploitation, violence and abuse as required by Article 16 (5). In addition, it does not provide measures of outcomes, wherein, instances of exploitation, violence and abuse are identified, investigated and prosecuted to comply with Article 13 (5).
- 16.22 In addition, the UN Committee has made general comments in relation to Article 16 in its guidelines in which it emphasises the importance of measures to ensure the accessibility of all services and resources available to prevent and support victims of violence⁴⁶⁶. In consideration of the UN Committee's concluding observations to-date⁴⁶⁷ indicators should include:
- the effectiveness of measures to prevent the exploitation of children with disabilities, including for begging and trafficking and programmes to promote reintegration into society;
 - data on violence and abuse against persons with disabilities, particularly women, children and those in care settings; and
 - the effectiveness of training provided to investigate violence against people with disabilities.
- 16.23 In order to comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), Article 6, Article 7 and the specific requirements of Article 16, indicators should also reflect the degree to which persons with disabilities, including women and

⁴⁶⁶ Guidelines on treaty-specific document to be submitted by States Parties under Article 35, paragraph 1, of the CRPD, cited in Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): Disability Programmes and Policies: How does Northern Ireland measure up? (ECNI: Belfast).

⁴⁶⁷ UN Committee Concluding Observation to-date as discussed in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

children and people in institutions are consulted with and actively involved in relation to exploitation, violence and abuse⁴⁶⁸.

16.24 Furthermore, given the emphasis on the particular needs of women and children indicator data should be able to be disaggregated by age and sex to meet the specific requirements of Article 16 and the more general requirements of Article 31 on “*Statistics and data collection*”, Article 6 on “*Women with disabilities*” and Article 7 on “*Children with disabilities*”.

16.25 To better ensure that the strategy meets the aims of Strategic Priority 17 and can adequately assess the implementation of the UNCRPD the following indicators should be amended, for example:

- percentage of people with disabilities, including women and children, who were victims of violent crime;
- percentage of people with disabilities, including women and children, who state that “fear of crime” has a minimal effect on their quality of life;
- number of hate crimes, disaggregated by sex and age, with a disability motivation.

16.26 And the following indicators are recommended:

Equal treatment by the law

Indicators for awareness of legislation

- number of consultations with people with disabilities on the Mental Capacity Bill⁴⁶⁹;

⁴⁶⁸ UN Committee Concluding Observation to-date as discussed in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁴⁶⁹ DHSSPS may be a potential source of information and/or data in this area.

- effectiveness of participation of people with disabilities in the development and implementation of the Mental Capacity Bill⁴⁷⁰;
- awareness of people with disabilities and their caregivers of their rights under the Mental Capacity Bill (future measures)⁴⁷¹;
- awareness of staff involved in the care and treatment of people with disabilities of the implications of the Mental Capacity Bill⁴⁷²;
- number of training sessions for staff involved in the care and treatment of people with disabilities (including intermediaries and independent Advocates) of the implications of the Mental Capacity Bill⁴⁷³;
- effectiveness of training sessions for staff involved in the care, treatment and support of people with disabilities (including intermediaries and independent Advocates) of the implications of the Mental Capacity Bill⁴⁷⁴;
- awareness of people with disabilities and their caregivers of the support provided to exercise legal capacity including the availability of intermediaries and independent Advocates⁴⁷⁵.

Indicators for provision of support

- number of Independent Advocates provided (future measure)⁴⁷⁶;
- percentage of people with disabilities, including women, supported by an intermediary and/or Independent Advocate (future measure);

⁴⁷⁰ Ibid.

⁴⁷¹ Ibid.

⁴⁷² DHSSPS may be a potential source of information and/or data in this area.

⁴⁷³ Ibid.

⁴⁷⁴ Ibid.

⁴⁷⁵ Ibid.

⁴⁷⁶ As the Mental Capacity legislation has not yet been finalised this should be treated as a future measure relevant to the enactment of the legislation.

- percentage of people with disabilities and their caregivers who perceive they have been given adequate support to exercise their capacity.

Indicators relating to lack of capacity

- percentage of people with disabilities, including women and children, with an EPA (future LPA)⁴⁷⁷;
- percentage of people with disabilities, including women and children, detained under the Mental Health (NI) Order 1986 / Mental capacity legislation⁴⁷⁸;
- number of complaints made, including those involving women and children, regarding breaches of the mental capacity legislation⁴⁷⁹.

Access to Justice

Indicators relating to training, awareness-raising and attitudes

- number of training sessions for people working in the criminal justice system on disability-awareness, challenging stereotypes and working with people with disabilities⁴⁸⁰;
- effectiveness of training sessions for people working in the criminal justice system on disability-awareness, challenging stereotypes and working with people with disabilities⁴⁸¹;
- percentage of people with disabilities aware of their rights under equality and human rights legislation⁴⁸²;

⁴⁷⁷ DOJ may be a potential source of information and/or data in this area.

⁴⁷⁸ DHSSPS / DOJ may be a potential source of information and/or data in this area.

⁴⁷⁹ Ibid.

⁴⁸⁰ DOJ S75 / disability duties annual progress reports may be a potential source of information and/or data in this area.

⁴⁸¹ Ibid.

⁴⁸² ECNI (EQAS) / NIHRRC may be a potential source of information and/or data in this area.

- percentage of people with disabilities aware of the support available to them to pursue complaints under equality and human rights legislation⁴⁸³;
- percentage of people with disabilities aware of the support available to them to pursue complaints under the criminal justice system⁴⁸⁴.

Indicators relating to provision of support

- percentage of people who have sought advice from the Equality Commission, with regards to a complaint on the grounds of disability⁴⁸⁵;
- percentage of people that have accessed legal aid support for pursuing a case, by disability status⁴⁸⁶;
- percentage of people with disabilities who have applied to the Equality Commission for support to bring a case under equality or employment law⁴⁸⁷;
- percentage of people with disabilities who have accessed an intermediary or other forms of support under the Criminal Evidence (NI) Order 1999 or Justice Act (NI) 2011⁴⁸⁸;
- percentage of people with disabilities satisfied with the support provided to them when pursuing a complaint under equality or employment law⁴⁸⁹.
- percentage of people with disabilities satisfied with the support provided to them in the criminal justice system⁴⁹⁰.

⁴⁸³ Ibid.

⁴⁸⁴ PSNI / DOJ may be a potential source of information and/or data in this area.

⁴⁸⁵ ECNI may be a potential source of information and/or data in this area.

⁴⁸⁶ DOJ may be a potential source of information and/or data in this area.

⁴⁸⁷ ECNI may be a potential source of information and/or data in this area.

⁴⁸⁸ DOJ may be a potential source of information and/or data in this area.

⁴⁸⁹ ECNI may be a potential source of information and/or data in this area.

⁴⁹⁰ DOJ may be a potential source of information and/or data in this area.

Indicators relating to access to justice

- number of crimes / incidents pursued by the police / public prosecution service by disability status of the victim⁴⁹¹;
- number of complaints pursued on the grounds of disability that have been brought to tribunal and/or county court⁴⁹²;
- outcome rate of violent crimes by disability status of the victim⁴⁹³.

Living safely in the community

Indicators relating to prevention of exploitation, violence and abuse

- number of disability-specific training sessions provided to professionals who investigate exploitation, violence and abuse within the criminal justice and social care regulatory systems⁴⁹⁴
- number of effective crime prevention sessions delivered to people with disabilities⁴⁹⁵;
- percentage of people with disabilities and their caregivers who have access to a social worker⁴⁹⁶;
- percentage of people with disabilities and their caregivers who have accessed respite care⁴⁹⁷.

Indicators relating to experiences of exploitation, violence and abuse

- percentage of people with disabilities who have experienced harassment and bullying on the street;

⁴⁹¹ PSNI / PPS may be a potential source of information and/or data in this area.

⁴⁹² ECNI may be a potential source of information and/or data in this area.

⁴⁹³ PSNI / DOJ may be a potential source of information and/or data in this area.

⁴⁹⁴ DOJ / RQIA / DHSSPS / PSNI may be a potential source of information and/or data in this area.

⁴⁹⁵ PSNI / DOJ may be a potential source of information and/or data in this area.

⁴⁹⁶ DHSSPS may be a potential source of information and/or data in this area.

⁴⁹⁷ Ibid

- percentage of children with disabilities who have experienced harassment and bullying in schools⁴⁹⁸;
- percentage of incidents of domestic violence that have involved people with disabilities, including women and children⁴⁹⁹;
- percentage of institutions that care for people with disabilities that have failed regulatory inspections⁵⁰⁰;
- percentage of complaints made by people with disabilities and their families regarding exploitation, violence and abuse within a care setting⁵⁰¹.
- percentage of trafficked victims by disability status⁵⁰².

Indicators relating to support regarding exploitation, violence and abuse

- percentage of people with disabilities and their caregivers who are satisfied with the support provided to them by their social worker⁵⁰³;
- number of effective recovery and rehabilitation programmes that are accessible to people with disabilities⁵⁰⁴;
- percentage of shelter's / safe houses accessible to people with disabilities, including women and children.

16.27 To comply with Article 31, Article 6 and Article 7 of the UNCRPD and to meet the specific focus of Article 16, data should be disaggregated, where appropriate, particularly with respect to sex and age.

⁴⁹⁸ DE may be a potential source of information and/or data in this area.

⁴⁹⁹ PSNI / DOJ may be a potential source of information and/or data in this area

⁵⁰⁰ DHSSPS / RQIA may be a potential source of information and/or data in this area.

⁵⁰¹ DHSSPS / RQIA may be a potential source of information and/or data in this area.

⁵⁰² PSNI may be a potential source of information and/or data in this area.

⁵⁰³ DHSSPS may be a potential source of information and/or data in this area.

⁵⁰⁴ Ibid.

17 Theme – Being Part of the Community

17.1 Strategic priority 18 is aligned to the theme of “*Being Part of the Community*” in the Disability Strategy. One indicator is associated with Strategic priority 18.

Strategic Priority 17

17.2 The aim of Strategic Priority 18 is to “Improve access to sports, arts, leisure and other cultural activities so that people with a disability have equal access to community life”. One indicator has been developed for this priority as follows:

- percentage participating in cultural, leisure and sporting activities in the last 12 months by disability status.

17.3 The indicator for Strategic Priority 18, while relevant to the aim, is not sufficiently broad enough to cover the breadth of issues required. Recent research has highlighted that people with a disability are less likely to attend or participate in arts events than people without a disability⁵⁰⁵ and issues have been raised regarding the experience of people with disabilities accessing leisure services in Belfast⁵⁰⁶. The Disability Strategy comments⁵⁰⁷ that the PSI report had identified numerous barriers to participation in cultural life including costs, transport, physical accessibility, communication support and lack of staff training. Indicators should, therefore provide a measure of the success of initiatives to support people with disabilities to participate in cultural and leisure activities and in relation to physical

⁵⁰⁵ Department of Cultural, Arts and Leisure (2013): Sport Matters implementation Group progress Report (4) (October 2012- September 2013) (DCAL: Belfast) cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁵⁰⁶ Disability Action (2013): The experiences of people with disabilities socialising in Belfast (Disability Action: Belfast) cited in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁵⁰⁷ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

accessibility. In addition, indicators should provide measures of training of staff and staff attitudes towards people with disabilities.

17.4 Indicators for a Disability Strategy should measure the effectiveness of implementation of actions as well as the outcomes. However, indicators for Strategic priority 18 do not measure the implementation of planned actions and programmes⁵⁰⁸. Planned actions from the Programme for Government have been proposed, for example:

- deliver 8,000 social and affordable homes;
- publish and implement a Childcare Strategy;
- no additional water charges;
- establish an Advisory Group to alleviate hardship;
- enrol people with chronic conditions in a chronic condition management programme;
- tackle obesity;
- invest in sustainable modes of transport;
- develop sports stadiums as agreed with the IFA, GAA and Ulster Rugby;
- social clauses in public procurement contracts.

17.5 These planned actions are not sufficiently aligned to the aim of improving access to sports, arts, leisure and other cultural facilities and are not relevant to the key aims of Strategic Priority 18. Therefore, the alignment between the indicators and many of the planned actions and aims of Strategic Priority 18 are absent, or unclear. It is difficult to assess how indicators for implementation could be drawn up on the basis of these actions.

⁵⁰⁸ OFMdfM (2014) Draft Annual Indicators for the Disability Strategy, Appendix 1 (OFMdfM: Stormont).

- 17.6 The aim of Strategic Priority 18 has been aligned to Article 30 on “*Participation in cultural life, recreation, leisure and sport*”. Article 30 recognises the right of people with disabilities to take part in cultural life on an equal basis with others and highlights the requirement of States parties’ to ensure the availability of accessible formats and physical accessibility. In addition States parties should recognise and support the cultural and linguistic identity of people with disabilities, including deaf culture and should encourage and promote participation in leisure, tourism and sporting activities, including disability-specific sporting⁵⁰⁹.
- 17.7 The indicators currently do not address the breadth of issues required to comply with the requirements of Article 30. The indicators do not provide measures of the accessibility of formats or physical accessibility of sporting, recreational and sporting venues required by Article 30 (1a, b and c, and 5c) and Article 9 of the UNCRPD on “*Accessibility*”. In addition, the indicators do not provide measures of programmes to develop the creative, artistic and intellectual potential of people with disabilities as required by Article 30(2).
- 17.8 The indicators do not provide a measure of the effectiveness of support provided for deaf culture as required by Article 30(4). Moreover, the indicators do not provide for the effectiveness of measures to promote participation in sporting activities including disability-specific sports, and access for children with disabilities to play, leisure and sporting facilities as required by Article 30 (5). Indicators that meet the Article 30 (5) on access for children with disabilities will also meet the requirements of Article 31 of the CRC on the rights of the child to recreation and cultural activities appropriate to the age of the child.
- 17.9 To comply with general obligations under Article 4(3), Preamble CRPD (n) and (o), Article 6, Article 7 and the specific

⁵⁰⁹ Article 30, United Nations Convention on the Rights of Persons with Disabilities

requirements of Article 30, indicators should also reflect the degree to which persons with disabilities, including women and children are consulted with and actively involved in decision-making on the provision of sporting, leisure and cultural activities⁵¹⁰.

17.10 Moreover, given the emphasis on the needs children to access play and leisure activities in Article 30(5d), indicator data should be able to be disaggregated by age and sex to meet the specific requirements of Article 30 and the more general requirements of Article 31 on “*Statistics and data collection*”, Article 6 on “*Women with disabilities*” and Article 7 on “*Children with disabilities*”.

17.11 To better ensure that the strategy meets the aims of Strategic Priority 18 and can adequately assess the implementation of the UNCRPD the indicator should be amended, as follows, for example:

- percentage participating in cultural, leisure and sporting activities in the last 12 months by disability status, including women and children.

17.12 And the following indicators are recommended:

Indicators relating to accessibility

- percentage of arts, leisure, tourism and sporting venues in rural and urban areas which meet required standards for physical access and information provision for people with disabilities, including women and children⁵¹¹;

⁵¹⁰ UN Committee Concluding Observation to-date as discussed in Byrne, B., Harper, C., Shea Irvine, R., Russell, H. and Fitzpatrick, B. (2014): UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD (ECNI: Belfast).

⁵¹¹ DCAL / Councils / DOE may be a potential source of information and/or data in this area.

- percentage of school sporting and leisure facilities in rural and urban areas which meet required standards for physical access for children with disabilities⁵¹²;
- percentage of media providers and venues including television, films, theatre and other cultural providers that provide formats accessible to people with disabilities⁵¹³.

Indicators relating to attitudes and awareness

- percentage of staff in the arts, leisure, tourism and sporting industry that report negative attitudes towards people with disabilities⁵¹⁴;
- number of effective training sessions on disability awareness and working with people with disabilities provided for staff in the arts, leisure, tourism and sporting industry⁵¹⁵.

Indicators relating to experiences

- percentage of people with disabilities that have experienced barriers to participating in the arts, leisure, tourism and sporting industry; and,
- percentage of children with disabilities that have been unable to participate in play, leisure and sporting activities at school.

Indicators relating to the provision of support

- number of effective programmes and initiatives provided to encourage people with disabilities, including women and children, to participate in sports, leisure and recreational activities;
- funding provided to disability-specific sports and arts compared to general sporting activities and arts in the last 12 months;

⁵¹² DE may be a potential source of information and/or data in this area.

⁵¹³ DCAL may be a potential source of information and/or data in this area.

⁵¹⁴ Ibid.

⁵¹⁵ DCAL / Council / DOE may be a potential source of information and/or data in relation to publicly owned facilities.

- number of major disability-specific sporting and cultural events in the last 12 months; and
- media coverage of disability-specific sports and arts events compared to general sporting activities and arts events in the last 12 months.

17.13 To comply with Article 31, Article 6 and Article 7 of the UNCRPD and to meet the specific focus of Article 16, data should be disaggregated, where appropriate, particularly with respect to sex and age.

18 Concluding Observations

18.1 Article 31 of the UNCRPD on “Statistics and data collection” highlights the crucial importance of data and information in assessing the implementation of the UNCRPD⁵¹⁶ and formulating and implementing policies to give effect to the UNCRPD⁵¹⁷. It is, therefore, of concern that the consultation on draft annual indicators should occur at end of the period covered by the Disability Strategy 2012-2015, particularly given that the Disability Strategy is provided as the framework for delivering the Northern Ireland Executive’s Commitment under the UNCRPD⁵¹⁸.

18.2 In addition, given that the Disability Strategy is the framework for delivery of the Convention, it is of concern that the present Strategy does not address all of the Commitments of the UNCRPD, including key commitments such as those relating to Article 10 on the “*Right to Life*”, Article 11 on “*Situations of risk and humanitarian emergencies*”, Article 25 on “*Health*” and Article 26 on “*Habilitation and rehabilitation*”⁵¹⁹. Further, even among those articles specified in the Strategy, there is an overall

⁵¹⁶ Article 31(2), United Nations Convention on the Rights of Persons with Disabilities

⁵¹⁷ Article 31 (1), United Nations Convention on the Rights of Persons with Disabilities

⁵¹⁸ OFMdfM (2012): A Strategy to improve the lives of people with disabilities 2012-2015 (OFMdfM: Stormont).

⁵¹⁹ This list is not exhaustive – all missing articles are specified in the overall comments at the beginning of this document.

misalignment between the aims of the strategy, associated actions and indicators and the requirements of the UNCRPD.

- 18.3 Actions and indicators within the Strategy have been developed to fit round planned commitments and data availability rather than consideration being given to actions and indicators required to meet the requirements of the UNCRPD. There is also an absence of indicators to measure the implementation of actions, which along with outcomes, are required to measure effectiveness.
- 18.4 While the current document highlights the fundamental flaws in the proposed draft indicators, the timing of the consultation, at the end of the time period for the current Disability Strategy, also represents an opportunity. It is hoped that the current feedback on the current Strategy and associated indicators will provide a framework that will assist the Northern Ireland Executive in developing a new Disability Strategy that will fully address their commitments under the UNCRPD. In addition, the text of the UNCRPD and associated comments of the UN Committee on the CRPD, in itself, provides a clear articulated framework for the development of a Disability Strategy. It is hoped that the current feedback will encourage OFMdfM to consider actions and future indicators in light of the requirements of the UNCRPD, rather than on the basis of best fit. This may require changes to be made to what data is collected, the way in which is collected and subsequently disaggregated and presented.
- 18.5 It is hoped that the Northern Ireland Executive will consider the requirements of the UNCRPD along with the recommendations within the current document to assist them in the development of a new Disability Strategy whose aims, actions and indicators can effectively monitor the implementation of the UNCPD.