



## **EQUALITY COMMISSION FOR NORTHERN IRELAND**

### **Response to “*Review of Urban Door 2 Door Service*” Public Consultation and Equality Impact Assessment**

**Department for Regional Development  
January 2013**

#### **Introduction**

1. The Equality Commission for Northern Ireland (the Commission)<sup>1</sup> welcomes the opportunity to respond to the “Review of Urban Door-2-Door Service” public consultation exercise and draft Equality Impact Assessment (EQIA) issued by the Department for Regional Development (the ‘Department’).
2. In making our response, which takes into account the consultation questionnaire, we have provided feedback on equality aspects associated with:
  - the purpose and scope of the Review;
  - the draft revised criteria for membership of the Door-2-Door Urban Schemes and
  - the equality impact assessment;
  - consideration of international human rights obligations such as the UN Convention on the Rights of Persons with Disabilities.
3. This response draws on our work across a range of equality grounds including that progressed in our role as the ‘independent mechanism’ in Northern Ireland under the United

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<sup>1</sup> See Annex 1.

Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to promote, protect and monitor its implementation<sup>2</sup>.

## **Executive Summary**

4. The Commission broadly welcomes both the purpose and scope of the review. We also welcome a number of the Department's proposals, in particular the mitigation measures intended to augment assistance to older and disabled people to use mainstream public transport, such as the extension of the travel buddy system and travel training for service users and transport providers.
5. However, we have also drawn attention to a number of issues which, we believe, merit further consideration by the Department and these are summarised below:
  - the further steps necessary to promote accessibility of mainstream public transport as set out in the Department's Accessible Transport Strategy Action Plan in particular further investment in audio and visual-aids to assist bus travel;
  - the qualification criteria for membership of the Door-2-Door service, so as to ensure that eligibility for the service addresses the needs of members who do not qualify under the higher qualification criteria for the forthcoming Personal Independence Payment 'enhanced mobility component' but may have qualified for 'high rate mobility component' under the existing Disability Living Allowance and still have a genuine need for Door-2-Door services;
  - the removal of GP referrals as alternative route to membership of the Door-2-Door service which has the potential to exclude members who do not qualify for membership under the revised criteria but nonetheless

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<sup>2</sup> See Annex 1

have may have a genuine need to access the service;

- the need to ensure that all members of the existing schemes are advised directly of these measures and that every effort is made to ensure ease of access to the relevant programmes;
- the need to adequately take into account the views of the existing membership and current users of the Door-2-Door service with respect to the proposed changes;
- the utility of undertaking an interim review of the impact of the proposals to ensure that any additional adverse impacts arising can be addressed in advance of the proposed review at the end of three years.

### **Specific Comments**

6. The Commission welcomes both the purpose and scope of the review to ensure that the Door-2-Door scheme targets those most in need of the service making best use of resources, whilst also promoting improved access to mainstream transport. We also welcome a number of the Department's proposals, in particular the mitigation measures intended to augment assistance to older and disabled people to use mainstream public transport, such as the extension of the travel buddy system and travel training for service users and transport providers.
7. The Commission recommends that the Department also considers the further steps necessary to promote improved accessibility of mainstream public transport as set out in the Accessible Transport Strategy Action Plan, in particular further investment in audio and visual-aids to assist bus travel.

### **Proposed Qualification Criteria for Membership**

8. The Commission notes that the proposed revised criteria for membership of the Urban Door-2-Door services has been set

against the changes to entitlement for disability benefits set out in the recent public consultations on welfare reform, specifically the replacement of the existing Disability Living Allowance (DLA) with the introduction of the Personal Independence Payment (PIP).

9. The setting of the new entitlement threshold for the new enhanced mobility component associated with PIP is likely to mean that some disabled people who previously had entitlement to the 'high rate mobility component' under the DLA may no longer qualify for similar entitlement under PIP
10. The enhanced mobility rate associated with PIP places a higher threshold standard on qualification entitlement to the benefit. The medical descriptors which will shape the new definition of meeting the mobility requirements associated with PIP no longer consider subjective considerations such as whether 'a person is virtually unable to walk', a criterion currently considered under the DLA entitlement assessment framework<sup>3</sup>.
11. Furthermore, the qualification criteria for entitlement to PIP do not, we believe, sufficiently take account of fluctuating medical conditions Multiple Sclerosis or Cerebral Palsy, or the impact of seasonal weather patterns in exacerbating or alleviating the adverse effect of these types of disabilities, thereby potentially excluding those who have a genuine need to use Door-2-Door services.
12. The Commission notes that there is no reference on the Department of Work and Pensions' website to considering those on DLA below the age of 16 or over the age of 64 years for eligibility for PIP i.e. a key gateway for access to Door-2-Door services<sup>4</sup>. The consultation document states that those over 64 years of age in receipt of the higher rate of Attendance

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<sup>3</sup> In response to the Department's consultation on Assessment Threshold for Personal Independence Payments (April 2012), the Commission expressed concern that many current claimants on the existing 'low' and 'middle' rate components of DLA would be excluded from receipt of PIP and relevant passported benefits.

<sup>4</sup> The proposed changes to the Door-2-Door Service are modeled against the DWP's criteria for the new Personal Independence payment.

Allowance will receive access to Door-2-Door whereas those in receipt of higher rate DLA Care Allowance will not receive access to the service. This will result in a situation where a person aged 66 years of age is entitled to avail of Door-2-Door services through the Attendance Allowance but not through the higher rate care component of DLA which is effectively the equivalent. The Commission wishes to seek clarification regarding the rationale for the anomalous difference in treatment between these two groups of claimants.

13. In light of the above mentioned issues, there is, therefore, a real possibility that a number of current or potential disabled service users who may still have a genuine need for the service, regardless of the level of their entitlement to PIP, will be excluded under the proposed new membership criteria for Door-2-Door services.

### **Removal of GP Referrals**

14. The removal of the GP referral system as an alternative process for qualification for membership of the urban Door-2-Door services, in our view, takes away flexibility to address particular needs of those who may fall outside the proposed criteria for membership e.g. people with fluctuating medical conditions.
15. The Commission recommends that the Department consider the use of independent medical assessment and evidence to assist in deciding eligibility for access to the service, in order to take account of a wider range of needs.

### **Public Consultation Exercise**

16. The Commission is concerned that beyond the minimum requirement to publically advertise the public consultation events associated with this consultation exercise, no additional efforts appear to have been made to secure the direct engagement and involvement of current users of the service. Although the Department has a membership database of users,

- it appears that they have not received notification of the proposed changes to the service with only sparse attendance at the Belfast and Londonderry public consultation events organized by the Department.
17. The Commission recommends that those persons directly affected by the policy to be assessed are included in the consultation<sup>5</sup>.
  18. The Commission considers that to ensure the most effective use of the Department's and the community/voluntary sector's resources, a targeted approach to the consultation exercise should have included notification of users by email or by post of the proposals being consulted on<sup>6</sup>.
  19. In our role as 'independent mechanism' in Northern Ireland under the UNCRPD<sup>7</sup> to promote, protect and monitor the Convention, we recommend that the Department take account of the requirement arising from the Convention to directly engage and involve disabled people in decision making process which inform the formulation of policies and practices which relate to them.<sup>8</sup>
  20. In addition, we recommend that specific consideration is given to effective communication of information on the proposed changes to service users with learning disabilities and those with multiple identities who may have particular communication needs e.g. service users from a minority ethnic background.

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<sup>5</sup> Equality Commission for Northern Ireland (2010): *Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities*, paragraph 3, page 37. Available at: <http://www.equalityni.org/archive/pdf/S75GuideforPublicAuthoritiesApril2010.pdf>

<sup>6</sup> Ibid. 'Particular policies may be more relevant than others to specific consultees, and we recommend public authorities take this into consideration when consulting to ensure that they consult directly with the most appropriate affected individuals or representative groups'.

<sup>7</sup> See Annex 1 below.

<sup>8</sup> 'In the development and implementation of legislation and policies to implement the present Convention and in other decision-making processes concerning issues relating to persons with disabilities, States Parties [UK] shall closely consult with and actively involve persons with disabilities, including children with disabilities, through representative organisations', United Nations Convention on the Rights of Persons with Disabilities, Article 4(3).

21. Consultation and engagement with older and disabled service users will enable their views to meaningfully inform the outcome of the Review and subsequent final EQIA. Such action by the Department should enable service users to:
- identify concerns they have in general with the proposals;
  - influenced the setting of priorities and identifying solutions as regards the taking of remedial action; and
  - inform the monitoring and review of the effectiveness of proposals being considered.

### **Review**

22. In light of the concerns expressed above regarding the potential exclusion, arising from changes to qualification criteria, of those with genuine need for the Door-2-Door services, the Commission recommends that the Department undertake an interim review of the impact of the proposals to ensure that any additional adverse impacts arising can be addressed in advance of the proposed review at the end of three years.

**Legal, Policy and Research Division, January 2013.**

## **Annex 1: The Equality Commission for Northern Ireland**

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
  - working towards the elimination of discrimination;
  - promoting equality of opportunity and encouraging good practice;
  - promoting positive / affirmative action
  - promoting good relations between people of different racial groups;
  - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
  - keeping the legislation under review;
  - promoting good relations between people of different religious belief and / or political opinion.

The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of UNCRPD in Northern Ireland.