



One Stop Many Shops

What is the state of legal advice and information for disabled people in Wales? Christine Goodall, National Development Co-ordinator of the Disability Law Service summarises the findings of their recent research project.

What provision is there in Wales to meet the legal advice and information needs of disabled people? Are there particular topics or areas of law where provision is better or worse? What part do voluntary, public sector and private businesses play? What are the barriers for disabled people in Wales seeking legal advice to solve their problems?

Disability Law Service

These are some of the questions that Disability Law Service (DLS) sought to answer through their recent research project funded by the Community Legal Service. DLS is a small national charity controlled by disabled people, providing free, confidential and specialist legal advice for disabled people, their families and carers,

since 1975. DLS has an office in London from which it provides a telephone, letter and email advice and information service for disabled people from both England and Wales. Through its experience DLS became aware that there were particular difficulties for disabled people in Wales experiencing problems with health and social care,

independent living, welfare benefits and discrimination. They obtained funding from the Community Legal Service to carry out a research project to investigate these questions, which ran from January 2009 to March 2010, and culminated in the launch of the report 'One Stop – Many Shops' at the Welsh Assembly Government at the end of March 2010.

Research

The research was carried out by Carwyn Fowler, a Welsh speaker who worked from his home near Carmarthen, and who travelled to every part of Wales to conduct the research. During the research we spoke to more than 50 organisations working in some way in the field of disability or legal advice. We were very pleased that colleagues from Learning Disability Wales, together with Disability Wales, Mencap Cymru, MS Society Cymru, Scope Cymru and Citizens' Advice Cymru agreed to provide us with invaluable information and insight. We spoke to small user led organisations, community advice centres, private legal practices, impairment specific groups, as well as large public bodies such as the Legal Services Commission, Equality and Human Rights Commission, Children's Commissioner for Wales and Welsh Assembly Government. We also spoke to twenty five individual disabled people living in Wales who had previously sought the services of DLS, providing valuable insight into the real experience of disabled people in Wales needing legal advice to solve their problems.

What did the research tell us?

The report commences with a warning that advice services in Wales are faced with a 'double whammy' caused by the recession and subsequent difficult economic climate. First, that public spending cuts are likely to impact severely on advice providers. This is happening at a time when there is an increase in demand for advice due to the economic pressures of late. In the report DLS calls on all

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levels of government to consider the long-term benefits of advice services, and stresses that now is not the time to be cutting advice services, particularly for disabled people. DLS also makes a general call for unity and co-operation between different organisations in the advice sector at this difficult time.

The report highlights the particular social and economic environment in Wales that has an effect on the need for advice services. Wales is the poorest territory of the United Kingdom, and large parts of Wales are in receipt of European funding that is reserved for the poorest

areas in the EU. Parts of Wales, particularly the South Wales valleys, have extremely high numbers of people in receipt of Employment Support Allowance (formerly Incapacity Benefit).

Social model

Disability Law Service is a champion of the social model of disability, and the report looks at how the prevalence of the alternative medical model amongst institutions such as the National Health Service, local authorities and government departments, could be a cause of additional and often unnecessary demand for legal advice by disabled people. If public service providers focus on the impairment of service users, rather than what they could do to make their services accessible despite the impairment, this will prolong problems and create additional ones, leading to the need for more advice. An example of this given in the report is that of a person who could not access written communications about appointments from the NHS, but had all requests for an alternative method of communication ignored. Eventually a text messaging facility was provided but not before the service user had needed to seek legal advice on the matter.

Financial Barriers

The research found that there were a number of barriers in Wales for disabled people seeking advice. Firstly there was a general lack of knowledge and understanding of legal rights and entitlements. However, even if

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disabled people and carers are fully aware of their rights and entitlements, it does not necessarily follow that everyone can or will seek the various types of disability advice that may be available. One main factor is the financial situation of the individual involved. It is well-recognised that disabled people are likely to have fewer skills, fewer educational qualifications and employment opportunities than non-disabled people. They are far more likely to experience poverty and social exclusion as a result. Lack of income means that disabled people often cannot afford to pay for legal advice from private practice, where payments may be required in advance even for the most preliminary investigations of cases. Even if advice is free, such is the geography of Wales that disabled people may live a long distance from the service provided, and the cost of travel may be prohibitive. People in Wales often spend a disproportionate part of their low incomes on transport costs. Because public transport provision is often poor or inflexible, families on very low incomes may have no alternative but to spend large parts of their available finances on running a car simply to make essential journeys. So even if advice is free, getting there may be a difficulty.

Other barriers

Financial problems are not the only barriers to seeking advice. Our report found a number of other personal factors that make it more difficult to seek and obtain advice. People need advice when they have a problem

which may be extremely stressful, distressing, even exhausting both mentally and physically. In such circumstances it is easy for people to lose confidence and not have the physical or mental energy to go out and seek advice. This can be even more acute in a small community where most people know each other. There are many such small

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communities in Wales, and although living in a place such as this can be very mutually supportive, in some cases it can provide a barrier. People may not always wish it to be known that they have a problem, or that they are seeking advice and 'cannot sort it out themselves' and 'get on with it' and might be considered a 'failure' or 'weak'. DLS found examples where disabled people were deterred from seeking advice in a small community; for example someone who decided not to pursue a claim of employment discrimination because she felt that the local employer would make it difficult

for her to get another job locally. Embarrassment about experiencing mental health problems was also a factor in many communities. Organisations working with people from black and minority ethnic communities in Wales also told us that cultural attitudes to learning and other disabilities sometimes isolated families and made it harder for them to seek the advice and support needed. Disabled people from ethnic minority backgrounds can also experience multiple discrimination and be the victims of prejudicial assumptions by public authorities.

Additionally a lack of advocacy services is also a barrier for many people who experience additional barriers to benefiting from advice. Many people need additional support in order to access services. This includes the deaf community, and also is particularly relevant to many people with learning disabilities.

The research also identifies particular barriers to advice for younger disabled people, gypsy



and traveller communities, LGBT people, deaf people (particularly BSL users), prisoners and Welsh language speakers. For people whose first language is Welsh, it is important that they can obtain advice in Welsh. This is particularly important for people with learning disabilities, who need advice and information delivered in a way that is the most easy for them to understand. Creating an additional barrier by not presenting information in the person's first language is unfortunately not a rare problem.

Finally, another common barrier, not at all unique to Wales, is what has been called 'referral fatigue', where disabled people are directed from service to service, always being told that that particular service cannot help them but 'such and such' organisation can, only to find that they cannot, and that they have to tell their story over and over again.

What Does DLS Suggest?

In the report DLS suggests some points for action for stakeholders in Wales to take forward to try to address some of the issues identified:

- A campaign to increase awareness of the rights and entitlements of disabled people and carers
- A different approach that looks at the whole person and does not focus solely on impairment
- Improved referral and signposting arrangements between agencies
- A campaign to increase the threshold for eligibility for legal aid

- A campaign for increased funding for advice and advocacy services in Wales, and for second tier support organisations such as Disability Wales and Learning Disability Wales
- Promotion of and coordination of pro bono advice services
- Increased availability of disability law related education, particularly in Community Care, in university law schools

DLS also hopes that the report will be a useful tool for organisations wishing to seek funding for advice, advocacy and second tier services in Wales.

What Now?

DLS was extremely grateful to all the individuals and organisations that attended the launch of 'One Stop - Many Shops' at the Welsh Assembly Government in March. Following this very successful event we are hopeful that colleagues and stakeholders working in Wales will be encouraged to work together to take forward some of these suggested points for action. DLS also hopes that the report will be a useful tool for organisations wishing to seek funding for advice, advocacy and second tier services in Wales. Unfortunately DLS has not been able to secure funding at this time for further substantive development work in



Wales, although the service will continue to provide telephone and email advice for disabled people and their families in Community Care and Disability Discrimination law. However we will continue to communicate frequently with our colleagues in Wales, and support initiatives and events where we can, according to our resources. For an enquiries about the report or our work in Wales please do not hesitate to contact the National Development Coordinator Christine Goodall: 0207 791 9828 or Christine@dls.org.uk. For enquiries about legal advice please call the Advice Line on 0207 791 9800 or email advice@dls.org.uk.

A pdf version of the report can be downloaded from the Disability Law Service website (dual publication in Welsh and English). Please let us know if you require an alternative format.

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