

Disability Rights Taskforce Meeting
Thursday 27 October 2022
13:00hrs – 14:30hrs
(Virtual via Zoom)
Minutes

Attendees

Jane Hutt MS, Minister for Social Justice (MSJ), Co-Chair
Professor Debbie Foster, Cardiff Business School, Co-Chair
Margaret Rooney, Welsh Government
Rebecca Gorman, Welsh Government
Scott Clifford, Welsh Government
Jon Luxton, Welsh Government
Julie Annetts, Welsh Government
Craig Williams, Welsh Government
Helen Shankster, Welsh Government
Stephen Thomas, Welsh Government
James Wilkinson, Welsh Government
Melanie James, Welsh Government
Daniel Jones, Welsh Government
Bethan Cowan, Welsh Government
Eleri Goldsmith, Welsh Government
David Clayton, Welsh Government
Samantha Huckle, Welsh Government
Kirsty Davies-Warner, Welsh Government
Joanne Snaith, Welsh Government
Rhiannon Ivens, Welsh Government
Catrin Awoyemi, Welsh Government
Damian Joseph Bridgeman, Executive Coaching 365
Daniel Hurford, WLGA
Owen Williams, Wales Council for the Blind
Dr Natasha Hirst, Independent
Alison Tarrant, Cardiff Law School
Willow Holloway, The Autistic Women's Empowerment Project
Chris Haines, National Autistic Society
Debbie Shaffer, Fair Treatment of Women of Wales
Nathan Owen, EHRC
Ruth Fabby, Disability Arts Cymru
Rhian Davies, Disability Wales
Nicola Evans, Older People's Commissioner
Joe Powell, All Wales People First
Gaye Hampton, Wales Council for the Deaf
Andrea Gordon, Guide Dogs Cymru
Lisa Evans
Your Voice Advocacy

Disability Rights Taskforce Team

Gill Huws-John, Welsh Government
Nina James, Welsh Government

David James, Welsh Government
Hannah Johnson, Welsh Government

Interpreters

Jo Gallagher, BSL Interpreter
Bethaney Mouzer, BSL Interpreter
Louise Pepper, Captioner

Apologies

Tracey Breheny, Welsh Government
Ellie Brodie, Welsh Government
Louise Brown, Welsh Government
Karen Cornish, Welsh Government
Amber Courtney, Welsh Government
Cerris Dearsley-Hopkins, Welsh Government
Nia Griffiths, Welsh Government
Lois Huelin, Welsh Government
Sian Jones, Welsh Government
Stephen Layne, Welsh Government
Geraldine Leckey, Welsh Government
Dr Steven Macey, Welsh Government
Semele Mylona, Welsh Government
Andrew O'Rourke, Welsh Government
Janet Owen-Jones, Welsh Government
Sian Parry Jones, Welsh Government
Alison Plant, Welsh Government
Suzanne Pomeroy, Welsh Government
Sian Pope, Welsh Government
Rebecca Sarasin, Welsh Government
Alexander Slade, Welsh Government
Emma Spear, Welsh Government
Andrew Stevenson, Welsh Government
Mitchell Theaker, Welsh Government
Alexandra Walters, Welsh Government
Jonathan Williams, Welsh Government
Pippa Britton, Sports Wales
Kelly Davies, Older People's Commissioner
Elin Edwards, RNIB
Lee Ellery, Independent
Helena Herklots, Older People's Commissioner
Sophie Howe, Future Generations Commissioner
Chris Llewelyn, WLGA
Nesta Lloyd-Jones, NHS Wales Confederation
Helen Nelson, Future Generations Commissioner
Andrea Nicholas-Jones, Independent
Heather Payne, Women and Children's Health
Geraint Rees, EHRC
Joshua Reeves, Leonard Cheshire

Sasha Robbins, Cardiff Council
Rhian Stangroom–Teel, Leonard Cheshire
Jan Thomas, The FDF
Rhianydd Williams, Wales TUC
Kate Young, All Wales Forum of Parents and Carers

1. Opening Remarks; Notes of the last meeting to be agreed; Actions from the last meeting; Ministerial Activities

Due to technical issues at the start of the meeting, Taskforce members were not able to hear the Minister's introduction:

Four months have passed since the last meeting in June and the Minister was pleased to see the amount of work that has been achieved in such a short space of time. The main objective of this work is that it is co-produced by bringing together partners, Welsh Government policy leads, and people with lived experience and expertise, to identify the barriers that affect disabled people. The work of the Prioritisation Working Group is testimony to this, as they have been able to highlight issues including those raised in the 'Locked Out'¹ report, that most affect the lives of disabled people in Wales.

Over the past four months, MSJ has been involved with a number of areas that are pivotal to many disabled people:

- **Met with the Disability Equality Forum on 30 June 2022** to highlight existing initiatives and identify what more can be done by Welsh Government and our partners to help and support households across Wales who are struggling in the face of unprecedented cost of living increases. We are using all available policy levers across government to protect vulnerable households and increase household income. These initiatives are working and making a real difference to the lives of low-income households. But, as energy prices rise and inflation increases, we will need to do more.
- **Met the Disability Equality Forum on 13 October 2022** to update on the current progress of the Welsh Government's crosscutting disability policies. This included more detailed discussions about direct payments, the research related to the employment of personal assistants, and electoral reform, as well as an update on the progress of this Taskforce.
- **Attended and spoke at the Disability Wales 50th Anniversary Dinner on 18th October 2022**, the evening before their annual conference the next day. Was pleased to be able to provide assurance that the work of the Taskforce was moving ahead and to congratulate those at the dinner on 50 years of tireless work to advance the rights of disabled people in Wales.
- **Met with the All-Wales Deaf Mental Health Well-being Group** on 19 October 2022 following attendance at the launch of the Deaf People Wales

¹ [Locked out: liberating disabled people's lives and rights in Wales beyond COVID-19 | GOV.WALES](#)

inequality report on 11 May 2022. The meeting provided a key insight into the links to health policy and equality.

2. Progress to date on working groups: Embedding and Understanding the Social Model of Disability (Across Wales) working group; Independent Living: Social Care working group; Access to Services (including Communications and Technology) working group

Embedding and Understanding the Social Model of Disability (Across Wales) – Professor Debbie Foster

- 2.1. Professor Debbie Foster gave an update on the work of the working group following its conclusion and provided an update as to next steps.
- 2.2. Professor Foster explained that there had been four meetings for this working group and whilst there are no plans for further meetings of the group there is scope to revisit this working group later as the Social Model of Disability should be woven into the other workstreams under the Taskforce.
- 2.3. Members of this working group had used the time in these meetings to identify issues that need to be resolved, explore key themes, and discuss ideas for positive change.
- 2.4. Professor Foster suggested medium and long-term, tangible actions for the Taskforce to consider and agree to include in the action plan. Agreed actions will be implemented by appropriate policy leads going forward. It was encouraged for policy makers to feedback from these actions and recommendations (appendix A).

Independent Living: Social Care – Rhian Davies

- 2.5. Rhian Davies introduced herself to Taskforce and updated on the work of the Independent Living: Social Care working group to date. The inaugural meeting for this working group was held on 20 September 2022 where the group discussed the Terms of Reference and the relevant recommendations from the 'Locked-Out' report for this group.
- 2.6. Group members made suggestions on stakeholders and organisations that should be present at these meetings as well as highlighting recent research regarding Social Care that could help to avoid duplication and resolve key issues.
- 2.7. Rhian felt that there had been a positive start to the working group and that planning was underway for the second meeting on 8 November, which will be formatted as a workshop. Professor Foster thanked Rhian for her contribution and introduced Dr Natasha Hirst to update on the progress of the 'Access to Services (including communications and technology)' working group.

**Access to Services (including Communications and Technology) –
Dr Natasha Hirst**

- 2.8. Dr Natasha Hirst introduced herself to the Taskforce and shared that there has been two meetings for this working group to date (15 June and 17 October). Dr Hirst was appointed over the summer so the meeting on 17 October was the first meeting she had chaired.
- 2.9. Officials are working to ensure that these groups have correct representation from teams and organisations going forward. It was noted that an invitation was sent to Robin Ash of British Deaf Association who undertook the BSL Audit.
- 2.10. The group are considering relevant recommendations from the 'Locked Out' report and are using them to inform an objective setting exercise.
- 2.11. Most of the discussion of the working group was around a national campaign on ableism as well as access to information (subtitles) on the news. The next meeting in December will cover the remaining recommendations from the 'Locked Out' report.
- 2.12. Professor Debbie Foster thanked Dr Natasha Hirst for her contribution, as well as Rhian Davies, and opened the discussion to taskforce members for questions/thoughts.
- 2.13. One Taskforce member shared concerns regarding the recommendation create a new Disabled Persons Commissioner role. They thought that, historically, Commissioners have not had any different outcomes to what has already been proposed. It was suggested that the Disability Equality Forum (DEF) could be more relevant and just as effective as a Commissioner role.
- 2.14. Concerns around disabled people being excluded from taking part in important discussions as the return of face-to-face meetings has, once again, shut them out of the decisions that impact them. During a cost of living and climate crisis, it should be the default to take a hybrid approach to these meetings. The MSJ agreed and requested to know what these events/meetings were and that we need to do what we can as to adopt hybrid approach as standard. MSJ would like to explore this further at the next DEF meeting.

Action: Item for next Disability Equality Forum 'Access to Welsh Government meetings'

- 2.15. One Taskforce member shared their thoughts on regulation - currently looking at reforming the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA)², which is the social services legislation that inspections are conducted under. They queried whether there was the opportunity to mandate

² [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(legislation.gov.uk\)](https://legislation.gov.uk)

that the reform is looked at with a Social Model of Disability point of view. Another Taskforce member responded that they were in the position to feed this back to colleagues in the Welsh Government Social Services team with responsibility for RISCA and to Care Inspectorate Wales (CIW).

2.16. Concerns shared as to how the cost-of-living crisis could impact the work of the Taskforce and that we must not let it lose momentum. Thoughts raised of the possibility of aligning this and future acts with the Well-being of Future Generations (Wales) Act 2015³. Members felt it would be great to see people really understanding the Social Model of Disability and wondered if there was potential to distribute some sort of “crib sheet” to public sector offices so that there is a standard code of conduct in the way language is used. Professor Foster agreed that some acts may need to be looked at again and that this was recently brought up as an issue at a recent working group meeting.

2.17. Some contributions from the chat:

- One Taskforce member commented that while embedding the Social Model of Disability seems to be a huge cultural challenge, it is one that should continue to be fought for. They shared concerns about a potential impact on a British Bill of Rights on attitudes/cultures that perpetuate the medical model attitudes and that it would be a shame if this impacted on positive Welsh Government legislation.
- Another Taskforce member shared that they were representing CIW and that they, too, had heard the conversation regarding RISCA regulations. These (as well as the statutory guidance that accompany them) are currently being looked at by Welsh Government.
- Revisiting the earlier point about the role of a Disabled Person’s Commissioner, one member stated that the real key to this work would be its remit and that if the remit has leverage, then the Commissioner will also have leverage and influence. If this is written into the remit, and is consistently applied, then this would be beneficial.
- In relation to in-person meetings often held in Cardiff, another Taskforce member shared that many Disabled People’s Organisations (DPOs) are operating on limited or no funds. Therefore, travel costs are not covered to attend these meetings, which limits the ability to send representation. It is important that the voices of smaller grass roots groups are included in discussions.

Comfort Break

3. Disability Rights Taskforce Team Update

3.1. MSJ explained that the First Minister affirmed Welsh Government's commitment to the Social Model of Disability and the role of the Taskforce at Disability Wales' Annual Conference. The live stream of the speech can be viewed here from 5:15 -<https://www.youtube.com/user/DisabilityWales>. Also shared was an article in Disability News Service: <https://www.disabilitynewsservice.com/first-minister-pays-tribute-to-50-years-of-disability-wales-and-makes-social-model-pledge/>

³ [Well-being of Future Generations \(Wales\) Act 2015: the essentials \[HTML\] | GOV.WALES](#)

- 3.2. Gill Huws–John (GHJ) introduced herself as the new Head of the Disability Rights Taskforce Team, having worked for Care Inspectorate Wales for many years. She stated it is a privilege to be part of the Disability Rights Taskforce work. There is still a lot of hard work ahead if we are to make this a success. Hannah Johnson and David James continue to support the work of the Taskforce team, and we also have Nina James who has joined us from Education Policy. We are also recruiting two more posts.
- 3.3. Nina James (NJa) provided information regarding the Social Model of Disability training sessions facilitated by Disability Wales. NJa encouraged members who have yet to receive training to get in touch and sign up. She also outlines the Co-production training due to commence in December and would contact all members with dates when available

Action: Disability Rights Secretariat Team to share co-production training dates with Taskforce and Working Group members

4. Update on the ‘Publication of Equality, Race and Disability Evidence Units Strategy and Priorities – Scott Clifford

- 4.1. Scott Clifford (SCI) introduced himself as the Lead of the Disability Disparity Unit at Welsh Government, which was set up at the beginning of 2022. SCI informed Taskforce members that a strategy document that sets out the Equality, Race and Disability Evidence Units’ priorities was published on 17 October, alongside a [written statement by the MSJ](#).
- 4.2. The strategy has been developed with stakeholders and describes the units’ scope, remit, and ways of working. The priorities document sets out what the units will do to achieve their aims in the short, medium, and longer term. Both are intended to be live documents that will be reviewed and therefore will need to refresh the strategy as required.
- 4.3. SCI shared that the initial priorities, key to their work, is recruitment of a diverse and talented team that has lived experience at its core. There are currently seventeen staff across the three units and the team are starting to progress work on immediate challenges faced. They are also conducting a piece of work on what co-production means and want this to be co-produced.
- 4.4. Officials are exploring a new remuneration policy to ensure consistency and that the aim is to ask questions that help to capture meaningful data with Social Model of Disability language.
- 4.5. MSJ thanked SCI for his contribution today before stating how everyone here wants to help to get things right and that the evidence unit is at the heart of Welsh Government.

- 4.6. One Taskforce member queried whether the data unit will look at intersectionality and wanted to highlight the need to look at age as many disabled people will also be older people. SCI provided reassurance that intersectionality is very much on his team's radar and that they work closely across the three units to deliver cross-cutting priorities. Also, pushing forward intersectional analysis is high on the list of priorities.

5. Encourage Volunteers to Attend Future Working Group Meetings and Nominate Contacts with Lived Experience

- 5.1. Professor Foster encouraged volunteers to attend future working groups and requested that if anyone has any contacts with relevant experience, please get in touch as we need as much experience as possible. She also stated that we need more Policy Leads from Welsh Government present. NJa confirmed that the Disability Rights Taskforce team are engaging with different organisations and asking them to join working groups as the implementation gap needs to be addressed. The team are constantly looking at stakeholder lists and when an individual or organisation is mentioned in a working group, they investigate how to get those people around the table for next time.
- 5.2. Professor Foster felt that the team is working well to engage the right people and that the work of the Taskforce is starting to flow in a much better way. She summarised that we are all on a learning curve with co-production, that there are different inputs with different people and that we can have lots of outputs, but if not implemented, nothing can be done. Finally, we need to involve people who understand the practicalities and challenges of recommendations made at the developmental stages of meetings.
- 5.3. Relating to working group membership, one member suggested more representation and engagement from Local Government and other public sector bodies. A WLGA representative confirmed that there is work currently ongoing to ensure representation from Local Government policy (WLGA) and practitioner representatives (Local Authorities) in the working groups.
- 5.4. Another member requested representation from Health Boards on the working groups. Hannah Johnson (HJo) confirmed that Health Boards had been contacted.
- 5.5. One Taskforce member suggested that embedding key elements of the Social Model of Disability, co-production and lived experience be written to the organisations that receive funding through the Welsh Government.
- 5.6. Regarding an earlier point made by Professor Foster in relation to realistic objectives, it was requested that Taskforce hears from Welsh Government Policy Leads as its often more useful to know about the challenges than to talk in broad principles, and we need to understand the barriers in order to break them down. Other members of the group agreed with this.

- 5.7. One Taskforce member raised concerns that some staff in Government do not appear to know what co-production is but it is worth noting that, as members of working groups, they have already been doing it. It was positive to hear that if you currently sit on a working group, you already have experience of co-production. MSJ agreed with these statements and thanked for the member for their thoughts.
- 5.8. MSJ spoke of cases of discrimination in the community, particularly hate crimes against disabled people and suggested we invite these organisations to set up to combat this to the working groups.

Action: Secretariat to share publication of hate crimes data with Access to Services working group members to get their support on this issue.

6. Closing Remarks

- 6.1. The next Taskforce meeting will be held on 26 January 2023. The MSJ hopes that members make every effort to attend and be fully involved in future discussions around this work. Officials will support the working group Chairs to progress their work and identify recommended actions for the Taskforce to consider.
- 6.2. MSJ wants members to feel supported, able to contribute and be fully involved in these meetings, therefore, the Taskforce team will request regular updates on communication needs.
- 6.3. MSJ reiterated that Co-production training will be offered to all Taskforce members soon. Members should contact the Disability Rights Taskforce mailbox to book their attendance.
- 6.4. MSJ thanked everyone for a very productive meeting. Officials will be in contact to confirm the details of the next working group meetings and the Taskforce meeting in January 2023.

Appendices

Appendix A –

Outcomes from the Social Model of Disability Working Group: Actions and Recommendations

Outcomes from the Social Model of Disability Working Group: Actions and Recommendations

One of the objectives of meeting 4 of the ESMD working group was to draw up a list of short- and medium-term actions and recommendations from discussions. The following themes were identified that need to be addressed:

1. **Disabled people's lived experiences highlighted:**
 - a. How the social model of disability is insufficiently **recognised, understood, valued, or practised** in the **formulation, provision, and delivery** of public services in Wales.
 - b. The extent to which **disabled people are subjected to negative attitudes, preconceptions, misunderstandings, and stereotypes**. We heard evidence of disabled people experiencing negative and outdated personal tragedy and medical stereotypes, with few opportunities to counter these by reference to, **rights, duties, and responsibilities**.
 - c. The widespread **anger, frustration and exhaustion that disabled people experience when trying to access everyday publicly provided services**. **Individuals** described the widespread expectation that they were responsible for repeatedly advocating on issues of **collective** relevance to large numbers of disabled people, that should be recognised as such by policymakers and providers. It was believed that if the social model of disability was better understood these so-called 'problems' would be understood as **located in society, not in the individual**.
 - d. The persistent use of **medical model language in public service provision**. This was viewed as a reflection of the extent to which the **social model has not been understood or incorporated into policymaking**.
2. **The Working Group identified the urgent need to bring about a change in attitudes, values and culture in Welsh Government, public services and among the public in Wales:**

- a. Through **education** from an early age and additions to the curriculum and a better public understanding of the social model of disability.
- b. Through the **widespread and mandatory social model training of public servants and organisations that are in recipient of public funds from Welsh Government.**
- c. Through **changes in policies, practices, and procedures** throughout Welsh public services.
- d. Through greater research and an **extension of the evidence base** of the need for change, as well as **monitoring of initiatives** aimed at bringing that change about.
- e. Through **legislation** to strengthen disabled people's **rights and access to justice.**
- f. Through **improved routes of advocacy.**
- g. Through the **better enforcement of existing mechanisms aimed at improving inclusion and through new mechanisms, where gaps** have been identified.

3. The following actions/ recommendations were proposed by the ESMD working group:

3.1 Education

- a) **Schools** – educating school age pupils about the social model of disability and the history of the disability rights movement was identified as potentially powerful (this was a recommendation of the 'Locked Out' report).

Disability Wales are currently working with Welsh Government and schools in Swansea, Powys, and Conwy to develop and pilot a teacher training pack to address this recommendation. (**Short term action**)

- b) **A public campaign** - a wider public campaign to raise awareness about the social model of disability in Welsh society is recommended and could be linked to an initiative to educate and train personnel in the media. Changing the way disabled people are portrayed and the language used

by journalists is essential if stereotypes are to be challenged and the social model is to be better understood. (**Short - medium term action**)

3.2. Training

While it was acknowledged that social model training is not a 'silver bullet' and changes in personnel can be problematic, on-going mandatory social model training for Welsh Government officials and representatives was recommended. Embedding the social model of disability requires personnel at all levels of the organisation to understand and enact it, but it is also important that the representation of disabled people among decision-makers, continues to improve. It was noted that there have been missed opportunities to incorporate the social model into legislation (e.g., the SSW(W)A 2014) and policymaking in the past because it was insufficiently understood and embedded in Welsh Government's work. (**Short/ medium-term action**).

Further discussions need to take place about how training could be extended to personnel delivering all public services across Wales.

- Could this be done through the development and funding of an on-line module?
- Could Welsh Government make social model training a requirement of future funding and procurement?
- How will disabled people be involved in the content and delivery of training?

4. Disability advocates/ Access Officer roles in public services.

It was recommended that trained and properly remunerated disability advocates be established in key public services. Advocates would provide a reference point for disabled service users, many of whom are exhausted by having to constantly explain their different requirements. These post holders would also provide education and representation as well as ongoing scrutiny to public service organisations. Consideration in the **short term** needs to be given to:

- What these job roles would look like?
- How would appointees be trained?
- How would these posts be funded?
- Who would these appointees be accountable to?

In the past, Access Officers have been employed directly by local authorities but the group is only aware of one remaining, in Pembrokeshire. Their role was to advise and critically appraise built environment proposals, internal and external, and local delivery of transport planning, including connectivity of transport modes. They were a conduit between local disabled people, and their organisations, enabling a constructive dialogue between officers, external consultants, and residents. They required a good working knowledge of building regulations particularly in relation to accessibility, but also a capacity to build networks gathering the views of disabled people and feeding

them into consultations and proposals. They also supported local Access Groups, (some of which still exist), and in England belonged to the national Access Association, bringing together professionals working in this field for professional development and networking. Since these roles have disappeared, the relationship between disabled people and local authorities has, in many areas, broken down. Access Groups are poorly supported, if they exist at all, and local authorities are not held to account for their failure to engage because challenging their decisions is simply too hard and required an understanding of technically complex plans.

This recommendation requires further discussion within Welsh Government and a report back to the group. (**Short term action**).

5. Strengthening the role and effectiveness of Equality Impact Assessments (EIAs).

The Audit Office of Welsh Government recently published a report entitled 'Equality Impact Assessments: More than just a Tick-Box Exercise?'

As an existing lever for change and accountability EIAs could be utilised more effectively to embed both the social model of disability and the principle of coproduction.

One suggestion is that there could be a requirement in EIAs that where potential impacts on disabled people are identified, DPOs with an appreciation of the social model must be consulted and be involved in the coproduction of potential solutions. This is particularly important in respect of changes to policy or legislation.

It was, however, also recognised that it is important that disabled people are actively involved in the identification of 'potential impacts' as key decision-makers, not just consulted retrospectively. Furthermore, it was thought essential that agencies tasked with assessing the implementation of impact assessments undertake regular social model training so that public officials are fully cognisant of the implications of the social model, embed those principles into their own work, and are, therefore, able to lead by example.

Where legislative duties already exist that specify that 'due regard' must be paid to the views of groups with protected characteristics, in for example EIAs and Public Sector Equality Duties, this was thought to be too weak. The introduction of a stronger duty to **consult and coproduce solutions** (the latter being an active responsibility beyond mere consultation), would help ensure that representatives from organisations with a thorough understanding of the social model and coproduction are better integrated into the process. This has the potential to strengthen existing provisions and increase representation and participation. (**short/medium term action**).

The Working Group and Taskforce need to understand better how the equalities team in Welsh Government will respond to the Audit Office's report on EIAs and how it plans to co-produce integrated EIAs (**short term action**).

6. Strengthening and Advancing Equality and Human Rights in Wales.

The ESMD working group identified the report '**Strengthening & Advancing Equality and Human Rights**' published in August 2021, and work currently being developed from this by Welsh Government, as relevant to the Disability Equality Taskforce. Prof Simon Hoffman was invited to speak about the report to the group. A central recommendation made by the report was the need for a stronger recognition of **rights** and **accountability** in the policy domain.

The commitment of Welsh Government to incorporating the UNCRPD into Welsh legislation potentially provides an opportunity, through **Article 1**, to embed international obligations and the social model of disability into human rights legislation and establish **clearer links between equality, human rights, and well-being, in public policy**. The group recommended that it was essential, therefore, that Welsh Government recognise this and establish a clear mechanism to incorporate the work of the Disability Equality Taskforce into its ongoing work on human rights. (**Short and medium-term goal**).

The relevance of the concept of disability in Article 1 of the CRPD was explained by invited speaker Dr Emily Kakoullis, who referred to its stated purpose:

"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"

The CRDP represents a move away from a medical model of disability towards a rights-based approach in law that acknowledges disabled people as capable and active members of society able to participate and consent in decision-making.

The ESMD group, nonetheless, raised problems with the language used in the UNCRPD (henceforth referred to as the UNCRDP) and Article 1, specifically in relation to the term 'persons with disabilities.' This person first language implies that disability is primarily located in the individual, rather than society and is inconsistent with the terminology used by disability rights organisations in the UK. It would be imperative, therefore, that this language be amended to reflect this if Article 1 were to be incorporated into future Welsh Government legislation.

7. Missed opportunities and past social policy initiatives

The group identified missed opportunities in the past to embed the social model of disability into legislation. One example discussed was the Social Services and Well-Being (Wales) Act (SSW(W)A) 2014, which despite discussing the social model at the drafting stage, incorporated the medical definition of disability used in the Equality Act 2010 into legislation. Dr Alison Tarrant was invited to speak to us about this and identified reasons why this may have happened:

- A preference for consistency in legislation
- Dominant perceptions of social care as an end in itself, rather than a means of facilitating independent living/the social model.
- Complexity
- Austerity and fiscal constraints

The group noted that the UK Equality Act 2010 is a considerable source of confusion because of its reliance on a medical rather than a social model of disability. While recognising that consistency in law tends to be a good thing, if Article 1 of the UNCRDP were incorporated into Welsh law, legal inconsistencies might be created with existing legislation. One potential remedy to address this in the case of existing legislation would be to amend accompanying guidance. For example, the guidance that accompanies the SSW(W)A could be amended which would be easier to facilitate than changing legislation. Advice is sought from Welsh Government on how this recommendation might be advanced and how future inconsistencies in legislation might be addressed. (**Short- and medium-term actions**).

Additional recommendations include the development of a series of key questions/ requirements to ensure that the social model is embedded into policy-making considerations and during the legislative process. These might be incorporated into an EIA (**see earlier discussion about consultation and coproduction as part of EIAs**).

8. A Commissioner for Disabled People in Wales

The 'Locked out' report recommended creating this new role within Welsh Government and discussions undertaken by the ESMD working group reinforced the case for this recommendation. Embedding the social model of disability into the work of Welsh Government is a **complex and multi-faceted objective, requiring oversight of variety of its core activities**. To be achieved, significant cultural and organisational change would be necessary that can only be effective if scrutiny and accountability are conducted on an ongoing basis.

Evidence from this group suggests there is a poor understanding of the social model not only within Welsh Government but in public services and among the general population of Wales. It does not help that UK and Welsh legislation reinforces and legitimises the use of a medical model. The task of bringing about change and addressing current inconsistencies is a considerable one and disabled people remain under-represented in positions of decision-making (a situation that cannot be remedied quickly). The case for a dedicated Commissioner to represent the interests of Disabled people we believe is a strong one, and equally as strong as the basis on which Commissioners have been created in the past. We recommend discussions are initiated to address this suggestion as soon as possible (**short term action – with medium term implications**).

9. The potential role of regulation

The ESMD group are aware of the potential for using regulation as a tool to try to embed the social model of disability into the work of Welsh Government and wider public service providers. However, more discussion needs to take place about how this kind of regulation would be **applied and operationalised**.

Examples of using the role of Welsh Government as regulator might be for inspectorates to introduce requirements that they demonstrate what steps they are taking to embed the social model of disability in their organisations. This might apply to the Care sector (Care Inspectorate Wales); local authorities; the health service; Inspectorate for Schools etc.

The group recommends that a **scoping study is conducted by Welsh Government examining the role that might be played by regulation** in embedding the social model of disability into policy making and delivery. This could also examine the role of Welsh Government as procurer of goods and services. (**short-term action – with medium term implications**)

Summary created by Chair of the ESMD Working Group, Prof. Debbie Foster.