

## Future Guernsey – Priority Policy Area update (June 2019):

<b>Future Guernsey Theme:</b>	Our Community
<b>Future Guernsey Outcome:</b>	Inclusive and equal
<b>Policy Priority Area:</b>	<b>Disability &amp; Inclusion Strategy/Equality</b>
<b>Political Governance:</b>	Committee <i>for</i> Employment & Social Security

### Overview

The Policy Priority Area (PPA) ‘Disability & Inclusion Strategy/Equality’ is very broad in its potential scope. The Disability and Inclusion Strategy (DIS) has been prioritised under this PPA for implementation during this term of government.

The aim of the DIS is to improve the quality of life of disabled islanders and their carers through changing attitudes towards disabled people and carers so that they can be active and engaged socially, economically and culturally. The DIS Framework (see Appendix 1) sets out the purpose, vision, desired outcomes, strategic commitments and priority areas of the Strategy. This update focuses on the 12 work packages identified in the Strategy.

### Work stream 1 - Discrimination Legislation

#### Brief overview:

- As part of the [Disability and Inclusion Strategy](#), the States agreed that detailed policy proposals should be developed for the introduction of disability discrimination legislation.
- In March 2018, following a comparative evaluation of discrimination/equality legislation from six countries carried out by academics from the Centre for Disability Law and Policy at the National University of Ireland, Galway, ESS agreed that this legislation should be based, where appropriate, on relevant provisions of the Irish Employment Equality Acts 1998-2015, the Irish Equal Status Acts 2000-2015, and the Australian Disability Discrimination Act 1992 (see [media release](#) for further information).
- In June 2018, the States of Guernsey unanimously agreed that this programme of work should be expanded to develop policy proposals for legislation to protect people from discrimination on multiple grounds, including disability (see [Amendment to The Policy & Resources Plan](#)).
- Following this agreement, the ESS re-engaged the same academic advisers to produce a ‘straw man’ model piece of legislation outlining which provisions would likely be needed and drawing on what they considered to be best practice in the aforementioned Irish and Australian legislation. The straw man was presented to engaged stakeholders in November 2018.
- The straw man is a tool that the Committee is using to identify all relevant aspects that should be covered in its policy proposals and those aspects that require tailoring for Guernsey, either because the

	<p>matter is controversial or because the proposed provision does not meet the needs of, or translate well to, the Guernsey context.</p> <ul style="list-style-type: none"> <li>• During early 2019 all States service areas reviewed statutory provisions, policies, procedures, rules and criterion used to determine the provision of goods and services to the public in order to identify any necessary exceptions to the proposed discrimination legislation. This exercise is expected to lead to the identification of various issues which will require legislative or operational changes to be made in order to comply with the forthcoming legislation. These matters will be raised with relevant Committees and the Policy &amp; Resources Committee (P&amp;RC) as appropriate.</li> <li>• ESS is currently in the process of finalising its draft policy proposals and is intending to publish these proposals for consultation in mid-2019. The Committee is directed to report back to the States with detailed policy proposals by April 2020.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• Two policy staff (1.6 FTE) from ESS and one staff member (1 FTE) from P&amp;RC's Strategy &amp; Policy Team are working on the development of policy proposals for the new legislation and also on the business case and accompanying policy letter in respect of the Equality and Rights Organisation (see work package 2 for further information on the latter).</li> <li>• Modest consultancy costs are being funded from the DIS budget.</li> </ul>
<b>Barriers to progress:</b>	<ul style="list-style-type: none"> <li>• Competing demands on the limited staff resources in this area.</li> <li>• Scale and legal complexity of the project.</li> <li>• Potential for opposition to the proposals.</li> </ul>
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Finalise draft policy proposals for multi-ground discrimination legislation.</li> <li>2. Consult widely regarding the draft policy proposals, analyse consultation responses and publish summary.</li> <li>3. Prepare policy letter for consideration by the States no later than April 2020.</li> </ol>
<b>Needs/requirements that have not been supplied/resolved:</b>	Currently considering the recruitment of one additional Policy Officer on a temporary basis, subject to budget being available.
<b>Any other comments:</b>	<p>If the Committee's policy proposals are approved by the States, the project will move into its second phase, 'preparing for implementation', which will involve:</p> <ul style="list-style-type: none"> <li>• Drafting the legislation (subject to the normal prioritisation process co-ordinated by P&amp;RC);</li> <li>• Establishing a system for providing impartial advice and conciliation/mediation services;</li> <li>• Establishing a legal framework for bringing and hearing complaints under the new legislation;</li> <li>• Providing training and information on the new legislation.</li> </ul> <p>The above work packages will need to be resourced and plans for this will be included in the Committee's policy letter.</p>

<b>Work stream 2 - Equality and Rights Organisation (ERO)</b>	
<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>In November 2013, following consideration of the DIS the States agreed: <i>“To approve, in principle, the establishment of an equality and rights organisation, based on the Paris Principles, but defer the implementation of such an organisation dependent on:</i> <ol style="list-style-type: none"> <li><i>a business plan being developed stating in detail the functions, staffing resources, costs and charges for such an organisation; and</i></li> <li><i>any additional funding required being available and the States having given priority to the establishment of an organisation through any prioritisation process in effect at that time.”</i></li> </ol> </li> <li>An ERO is a statutory body which promotes equality and human rights and helps to protect individuals from discrimination and human rights violations.</li> <li>ESS is developing proposals for an ERO that is proportionate for Guernsey and meets the needs of the public and businesses.</li> <li>During 2019, the Committee will present its proposals to the States for the staged development of an ERO.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>See comment on resourcing in work package 1.</li> <li>The Committee’s policy letter will include estimated costs for the establishment and operation of the proposed ERO.</li> </ul>
<b>Barriers to progress:</b>	<ul style="list-style-type: none"> <li>Competing demands on the limited staff resources in this area.</li> <li>Complexity of governance arrangements.</li> <li>Need to manage competing expectations about what the ERO will do.</li> <li>Lack of representative data to demonstrate scale of existing discrimination.</li> </ul>
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>Draft business case.</li> <li>Discuss business case with key stakeholders including P&amp;RC.</li> <li>Finalise business case and policy letter.</li> <li>Submit policy letter and business case to the States in 2019.</li> </ol>
<b>Any other comments:</b>	Since the ERO may form part of the structure to support and enforce discrimination claims, this work package is closely linked to the discrimination legislation project (work package 1).

<b>Work stream 3 - information &amp; awareness raising</b>	
<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>The aim of the DIS is to improve the quality of life of disabled islanders and their carers through changing attitudes towards disabled people and carers so that they can be active and engaged socially, economically and culturally.</li> <li>The DIS identified that providing information was key to changing attitudes and empowering disabled people and carers.</li> </ul> <p><b>Information for disabled persons and carers</b></p> <ul style="list-style-type: none"> <li>In November 2013, the States approved expenditure of up to £70,000 for the development of information for disabled persons and carers.</li> <li>The <a href="http://signpost.gg">signpost.gg</a> website was developed to create a central source of information for people with disabilities and for those caring for someone with a disability. This was launched in January 2017 and is updated regularly.</li> </ul>

	<ul style="list-style-type: none"> <li>• Accessibility information about premises/facilities in Guernsey is provided by <a href="#">AccessAble</a> under a contract. This contract is due to expire at the end of 2020.</li> </ul> <p><b>Information for businesses</b></p> <ul style="list-style-type: none"> <li>• In November 2013, the States approved expenditure of up to £50,000 for the development of information for businesses and other organisations.</li> <li>• In 2016 an SLA was entered into between the States of Guernsey and the Guernsey Employment Trust (GET) to assist employers to become prepared for the introduction of forthcoming disability discrimination legislation. The agreed outcomes of the SLA were: <ul style="list-style-type: none"> <li>- Production of a Good Practice Guide for Employers.</li> <li>- Production of a Charter for Employers.</li> <li>- Securing a minimum of 20 employers signed up to the Charter.</li> <li>- Organising and delivering at least four presentations open to all businesses regarding best practice in terms of reasonable adjustment in relation to the recruitment and retention of staff in preparation for future disability discrimination legislation.</li> </ul> </li> <li>• The Good Practice Guide and the Charter for Employers were published in May 2017. To date, 30 employers have signed up to the Charter, including the States of Guernsey. GET has delivered a number of presentations regarding good employment practice and reasonable adjustments, including two for States HR staff in January 2019.</li> </ul> <p><b>Awareness raising initiatives</b></p> <ul style="list-style-type: none"> <li>• In November 2018, in accordance with the aim of the Strategy, ESS invited charities, businesses and other organisations to apply for grants to run awareness-raising initiatives on disability specifically and human rights/equality generally.</li> <li>• In December 2018, grants were awarded to three organisations. These initiatives will largely be delivered during Q2 2019 and align with the requirements of Article 8 of the UN Convention on the Rights of Persons with Disabilities (which the States has agreed should be extended to Guernsey at the earliest appropriate opportunity) to undertake to adopt immediate, effective and appropriate measures to, amongst other things, raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities.</li> </ul>
<b>Resourcing:</b>	The aforementioned information and awareness raising activities have been funded through the DIS budget.
<b>Barriers to progress:</b>	Lack of annual General Revenue budget to funding ongoing information provision and awareness raising activities (see 'needs/requirements that have not been supplied/resolved' for further information).
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Deliver agreed awareness raising initiatives from March - July 2019.</li> <li>2. Consider next steps in relation to information provision and awareness raising.</li> </ol>
<b>Needs/requirements that have not been supplied/resolved:</b>	<ul style="list-style-type: none"> <li>• There is an ongoing funding requirement in order to deliver the aims of the DIS.</li> <li>• Of the original Strategy budget of £250,000 made available from the Budget Reserve in 2013, approximately £20,000 remains unspent or uncommitted. This is expected to be exhausted sometime during 2019.</li> </ul>

	<ul style="list-style-type: none"> <li>• During the 2019 budget cycle ESS submitted a bid to P&amp;RC for an annual General Revenue budget to be allocated to fund “business as usual” under the DIS and to fund other workstreams under the social inclusion aspect of the Committee’s mandate which is not limited only to disability. This bid included a provision of £50,000 for awareness-raising and training activities.</li> <li>• The bid was not approved by P&amp;RC. Instead, the Committee was invited to submit requests for funding for specific projects as they arose.</li> <li>• The Committee has no certainty that funding for phase 2 of the awareness raising activities will be made available.</li> </ul>
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**Work stream 4 - supported & mainstream employment**

<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• In 2015, the former Health &amp; Social Services Department’s (HSSD) Supported Employment Service was taken over by GET.</li> <li>• GET has an Agreement with the States of Guernsey to assist disabled people to secure and maintain work.</li> <li>• In addition to offering support to all jobseekers looking for work, including those recovering from long-term illness, the Job Centre works with Giving Opportunities (GO), Guernsey Rural Occupational Workshop (GROW), GET and the Guernsey Society for People w/Physical Disabilities to provide working placements. The Job Centre also provides support to jobseekers through a variety of training schemes and funded training courses through providers such as the College of Further Education.</li> <li>• This workstream supports an overall States objective to maximise the working population.</li> </ul>
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Continue engagement with stakeholder groups to identify current gaps in service provision.</li> <li>2. Discuss the gaps identified with stakeholders and agree an action plan for filling the gaps in priority areas.</li> <li>3. Further promote the ESS grant scheme which enables organisations to access funding to support work rehabilitation initiatives.</li> </ol>

**Work stream 5 - framework for people with autism**

<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• In November 2013, following consideration of the DIS, the States directed the former HSSD to lead the development of a framework for people with autism and communication difficulties. This work package has subsequently been split into two discrete work packages (5 and 6 in this document).</li> <li>• The Autism Framework was completed and approved by the Committee for Health &amp; Social (HSC) in October 2016 and is now in the implementation phase. There have been a number of key recent developments: <ul style="list-style-type: none"> <li>- An Adult Autism Lead began in post in September 2018;</li> <li>- The construction of the Autism Hub is progressing and is due to be completed in mid-2019. HSC is presently recruiting staff for this facility;</li> <li>- Work around an adult diagnostics pilot continues with a view to open this more widely later this year; and</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>- HSC, the National Autistic Society and Autism Guernsey continue to work in partnership through the Guernsey Autism Partnership.</li> <li>• There are ongoing resource challenges within the diagnostic pathway which are affecting diagnostic services. Every effort is being made to resolve these as urgently as possible. The challenges are multi-agency, multi-disciplinary and multi-faceted.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• Clinicians continue to work within current resources to enable progress.</li> <li>• HSC is currently in the process of exploring what additional resource, if any might be required to assist the diagnostic pathway to function more effectively and to meet identified need.</li> </ul>
<b>Barriers to progress:</b>	Availability of the key professional skills required to undertake reliable diagnostic processes.
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Continue with framework implementation.</li> <li>2. Business case for additional resources to be considered.</li> <li>3. Continue working relationships with Autism Guernsey and partner agencies.</li> </ol>

### Work stream 6 - framework for people with communication difficulties

<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• As part of the DIS, the States directed the former HSSD to lead the development of a framework for people with autism and communication difficulties. This work package has subsequently been split into two discrete work packages (5 and 6 in this document).</li> <li>• HSC is leading on the development of a framework for people with communication difficulties.</li> <li>• A bid for funding to develop the Communication Framework has been successful and the work associated with this work package began early in Q2 2019.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• A Senior Responsible Officer is required to lead the work stream and provide oversight of the production of the framework.</li> <li>• External body/bodies to act as authors and advisor(s) in the production of a framework for the Bailiwick.</li> <li>• Release time (as appropriate) for colleagues to support and input into the production of the framework.</li> </ul>
<b>Barriers to progress:</b>	Progress is subject to securing the necessary resources
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Identify/engage external support and secure the necessary resources set out above.</li> <li>2. Begin project as set out in Project Initiation Document.</li> <li>3. Deliver framework by end of Q4 2019.</li> </ol>

### Work stream 7 - framework for people with learning disabilities

<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• As part of the DIS, the States directed the former HSSD to lead the development of a framework for people with learning disabilities.</li> <li>• A review of Adult Disability Services was undertaken between September 2018 - February 2019. This included consultation on many topics involving service users, parents, carers, health professionals and other stakeholders, which will inform the development of the framework.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Short break care provision for children with learning disabilities continues to be provided by short break carers, as well as provision at The Croft. The Croft provides both bed-based overnight breaks and shorter evening and daytime breaks for children and young people with disabilities. Additional funding was secured through the Carers Action Plan for additional resources in this area and decisions are currently being made about how best to utilise this.</li> <li>• There is an ongoing need for additional Playscheme holiday provision for children in the community with additional needs. Opportunities are being explored with both third sector providers and partner agencies about what a long term sustainable model might look like.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• There may be a requirement for additional policy support to bring together key documentation and to write the framework. This is estimated at 75 hours of project support.</li> </ul>
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. A number of consultation and engagement events are planned for Q2 2019.</li> <li>2. Report on the review of the Adult Disability Service to be presented to HSC in Q2 2019.</li> <li>3. Feedback findings of the review to stakeholders in Q3 2019.</li> <li>4. Write Learning Disability Framework by pulling together reviews from adult, children and educational services.</li> <li>5. Present Framework to the DIS Programme Board in Q3 2019.</li> </ol>

<b>Work stream 8 - framework for people with dementia</b>	
<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• In November 2013, following consideration of the DIS, the States directed the former HSSD to lead the development of a framework for people with dementia.</li> <li>• The framework was approved by HSC in February 2017 and the implementation phase is now underway.</li> <li>• In keeping with the Partnership of Purpose model, Dementia Friendly Guernsey continues to deliver interactive information sessions across the community for the public and local businesses. There are also plans to organise further train-the-trainer courses to increase the number of dementia-friendly trainers.</li> <li>• The Guernsey Alzheimer's Association has purchased approximately 10 respite half-day sessions in Green Acres dementia care home. These "vouchers" have been provided to HSC via the Older Adult Community Mental Health Team (CMHT) and can be offered to families to provide much-needed free respite from caring roles.</li> <li>• The Older Adult CMHT has also been expanded to include a post-diagnostic dementia support worker. This new role will sit within the Memory Clinic Team and will enable the team to provide closer and faster follow-up and signposting to those who have recently been diagnosed with dementia.</li> <li>• Recent presentations to the GP practices on the early diagnostic pathway were well received and generated a lot of interest on referral standards, financial guardianship, driving issues and Capacity Law.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• Ensuring adequate Community Services care packages is important to ensure that there are no barriers to people with dementia being</li> </ul>



	discharged from hospital in a timely way. This is currently being funded through the reablement pilot.
<b>Next steps:</b>	Roll-out of level 2 & 3 dementia awareness sessions for hospital staff by Practice Development Lead during 2019.

### Work stream 9 - UN Convention on the Rights of Persons with Disabilities

<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• Following consideration of the DIS, the States directed the former Policy Council to seek the extension of the UN Convention on the Rights of Persons with Disabilities (CRPD) to Guernsey at the earliest appropriate opportunity.</li> <li>• The CRPD exists to protect and promote the human rights of disabled people. It covers a wide range of areas including: <ul style="list-style-type: none"> <li>- health</li> <li>- education</li> <li>- employment</li> <li>- access to justice</li> <li>- personal security</li> <li>- independent living</li> <li>- access to information</li> </ul> </li> <li>• The rights contained in UN human rights treaties, of which the CRPD is one, represent binding obligations in international law. By ratifying the CRPD Guernsey will be committing to achieve progressively the full realization of the rights set out in the treaty over time (a process the UN calls ‘progressive realisation’).</li> <li>• However, before the UK government will formally submit a request to the UN for their ratification of the CRPD to be extended to Guernsey, the States of Guernsey will need to satisfy the UK government that the island meets certain minimum requirements in terms of compliance.</li> <li>• One of these minimum requirements is that legislation exists that prohibits all discrimination on the basis of disability and guarantees to persons with disabilities equal and effective legal protection against discrimination on all grounds. Progress on this work package is, therefore, essentially on hold until such time as the proposed discrimination legislation (see work package 1) enters into force.</li> </ul>
<b>Resourcing:</b>	Not currently resourced.
<b>Barriers to progress:</b>	<ul style="list-style-type: none"> <li>• Discrimination legislation needs to be enacted before the States of Guernsey can seek extension of the CRPD to Guernsey.</li> <li>• Lack of capacity to complete a detailed compliance matrix setting out Guernsey’s position in respect of the obligations set out in the CRPD for consideration by the Office for Disability Issues (part of the Department for Work and Pensions), which is responsible for co-ordinating the implementation of the CRPD across government.</li> <li>• Other potential, as yet unknown, requirements of the UK government arising from consideration of the compliance matrix.</li> </ul>
<b>Next steps:</b>	<ol style="list-style-type: none"> <li>1. Develop detailed proposals for legislation that prohibits all discrimination on the basis of disability and guarantees to persons with disabilities equal and effective legal protection against discrimination on all grounds.</li> <li>2. If resourced, work could commence on the development of a compliance matrix in parallel with the development of the discrimination legislation proposals.</li> </ol>



<b>Needs/requirements that have not been supplied/resolved:</b>	Staff resources are likely to be required to complete the necessary compliance matrix to facilitate extension of the UK’s ratification on the CRPD to Guernsey and, following extension, to progress and champion necessary policy and legislative developments, and monitor the progressive realisation of the rights set out in the treaty over time.
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<b>Work stream 10 – States’ obligations</b>	
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<b>Brief overview:</b>	<ul style="list-style-type: none"> <li>• In July 2017, the Business Disability Forum (BDF) undertook an audit to assess the States of Guernsey’s readiness for the proposed disability discrimination legislation, as both an employer and a service provider - see <u><a href="#">BDF overarching report</a></u>.</li> <li>• The review covered: <ul style="list-style-type: none"> <li>- Commitment: To provide an excellent service to disabled customers.</li> <li>- Know how: To have a framework and supporting materials to ensure that customer-facing colleagues understand the needs of disabled customers and are able to respond to those needs.</li> <li>- Understanding the needs of disabled customers: To anticipate the needs of disabled customers and consult with disabled people to ensure their needs are understood and accommodated when designing new products, services and processes.</li> <li>- Suppliers and partners: To ensure when a third party supplier provides elements of customer service that they can demonstrate understanding and ability to meet the needs of disabled customers.</li> <li>- Communication: When communicating with disabled customers to ensure that the methods are as inclusive as possible and to make adjustments to accommodate the communication preference of individuals.</li> <li>- Premises: To ensure that premises are accessible to customers with disabilities and where possible make adjustments for individuals.</li> </ul> </li> <li>• The reports and recommendations were shared with all Committees in March 2018 and were endorsed by the Civil Service Senior Leadership Team.</li> <li>• The Heads of Operations of all Committees are responsible for overseeing the implementation of the BDF’s recommendations.</li> <li>• Quarterly update reports are presented to the Disability Review Project Board.</li> <li>• An updated “<u><a href="#">action plan</a></u>” is published on <u><a href="http://www.gov.gg">www.gov.gg</a></u> every 6 months.</li> </ul>
<b>Resourcing:</b>	<ul style="list-style-type: none"> <li>• Each Committee meets minor costs from its General Revenue budget.</li> <li>• More significant works require a capital portfolio bid.</li> <li>• P&amp;RC’s HR Team has an annual budget to fund “reasonable adjustments” required by States of Guernsey employees.</li> </ul>
<b>Barriers to progress:</b>	<ul style="list-style-type: none"> <li>• Limited Committee General Revenue funding.</li> <li>• The low prioritisation of any capital bids which may delay progress of recommendations/projects.</li> <li>• Some States properties are difficult to make fully accessible (e.g. Raymond Falla House).</li> </ul>
<b>Next steps:</b>	1. Disability Review Programme Board to carry out the next quarterly review of the action plan in April 2019.

	<p>2. Publish action plan update on <a href="http://www.gov.gg">www.gov.gg</a> following Disability Review Programme Board meeting in June 2019.</p> <p>3. To continue to deliver programme of accessibility audits (in-house) on main States public facing buildings as per the BDF recommendations.</p>
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<b>Work stream 11 - Capacity Legislation/ Work stream 12 – safeguarding vulnerable adults</b>	
<b>Brief overview:</b>	Please see the PPA update on 'Health and Social Care Regulation and Support'.