



## **Brexit Briefing Paper**

30 November 2017

### **Brexit and its impact on disabled people**

#### **Introduction**

Disabled people make up 1 in 5 of the population. Despite the likelihood of significant impact on disabled people, there has been very little information about the potential implications. This was true at the time of the referendum, and since.

Disability Equality Scotland is a member-led organisation. We have consulted with our 600 members on issues around Brexit and its likely impact, through surveys and road-show events. Concerns have been raised around particular issues and this paper will discuss these in turn.

#### **Preserving existing disability rights**

Firstly, there is a strong fear among our members that Brexit will result in a change in the rights and protections for disabled people. The UK has ratified the UNCRPD which guarantees equality of rights for disabled people on health, education, employment and independent living. Our members have real concerns that withdrawing from the EU will mean the UK no longer has to comply with the human rights obligations of EU treaties, and that the EU Court of Justice will no longer have any jurisdiction over the UK.

It is our role as a Disabled Person's Organisation to ensure that there is no regression in human rights protections. To this end, Disability Equality Scotland has signed the Scottish Declaration on Human Rights put together by the Human Rights Consortium Scotland, indicating our support of the protection of human rights.

#### **No watering down of those rights**

There is a specific concern among our members about rules and regulations currently adhered to in the EU being discarded once we leave.

Disability Equality Scotland understand that the human rights of people in countries that belong to the Council of Europe will remain when the UK leaves the EU, under the European Convention on Human Rights. However, there remains a general concern among our members, who perhaps need more clarification on this subject, about the possibility of a dilution in protections once the UK leaves the EU.

“There is a danger that human rights and equality legislation will be watered down if Brexit goes ahead.”

Disability Equality Scotland member

Disability Equality Scotland is looking for assurances that there will be no deterioration in current equality and human rights protections.

### **Continuing progress to maintain the UKs reputation as a leader in human rights.**

There is also a concern that the UK could fall behind other EU countries as they continue to develop. For e.g. The EU Accessibility Act is currently being negotiated – this will make a positive difference in that it will set accessibility standards, for manufactured goods, computers, mobile phones, etc. but due to Brexit it is unlikely to be adopted in the UK. There is concern that the rights of people in Scotland may lag behind those of disabled people in Europe.

“I think a lot of the human rights disabled people currently have will disappear when we leave the EU.”

Disability Equality Scotland member

## **Change in laws**

There are more specific laws and legal protections afforded to people with disabilities through EU membership that we wish to ensure are protected. For example;

- the European Union Employment Equality Directive which requires Member States to prohibit disability discrimination in employment;
- the European Union Air Passenger Rights Regulation (together with similar regulations on rail, ship and coach travel), which requires disabled people to be given assistance when travelling by plane in EU and European Economic Area (EEA) countries
- the European Union Medicinal Products for Human Use Directive which requires the packaging of medicinal products to include Braille labelling
- the European Union Public Procurement Directives which require public bodies to include accessibility in technical specifications
- the Public Sector Websites and Mobile Applications Directive which requires public sector bodies to ensure that their websites and mobile apps comply with accessibility standards

Of particular concern to our members is the European Union Air Passenger Rights Regulation, which also applies to rail, ship and coach travel. This law requires disabled people to be given assistance when travelling in EU countries. As Disability Equality Scotland is taking forward the work of Transport Scotland's Accessible Travel Framework, it is important that these laws are upheld.

At Disability Equality Scotland, we promote the adoption of the principles of inclusive communication, which includes ensuring materials produced by organisations comply with accessibility

standards, including websites. Therefore any withdrawal from these directives could also have an impact on our members.

## **Funding**

There was a concern among our members that leaving the EU will have a negative impact on the Scottish budget (85% of our members from a poll question agreed there would be a negative impact) which members felt would manifest itself in budget cuts, and further reductions to PIP and self directed support.

This is a concern for us, as a high proportion of disabled people rely on benefits, and they are far less likely to be working (40% of disabled people are in employment). Therefore, they have far less financial resilience to withstand any economic downturn.

“I believe that Brexit will have a negative impact on both access to budget for people with disabilities, as well as regulations to protect disabled people.”

“I worry about this. We are already having benefits cut, grants are getting less and less; we have to fight for [self directed support] where will this stop?”

Disability Equality Scotland members

## **Impact on the Health and Social Care Sector**

Disability Equality Scotland has recently joined over 50 other organisations in supporting an amendment to the European Union (Withdrawal) bill, which would require an independent evaluation of the impact of the European Union withdrawal legislation on the health and social care sector.

We believe this amendment is necessary to safeguard the interests of those many vulnerable people who rely on the contribution of EU citizens to the provision of health and social care across the UK.

Many people with disabilities rely on social care workers who originate from other parts of the EU. EU citizens make up an

increasing number of workers in the health and social care sector. There is concern among our members that immigration laws imposed as a result of Brexit could lead to a reduction of health and social care staff. This would negatively impact on disabled people being able to live in their own homes, and continue to lead an independent life.

Where that sort of support is reduced, disabled people could be forced to choose between residential care or living at home, but with inadequate support. We do not wish to see either outcome.

“Brexit will have an overwhelmingly negative impact on disabled people because disabled migrants and disabled UK citizens are likely to lose their carer if they are from the EU.”

Disability Equality Scotland member

### **Impact on accessible travel**

Disability Equality Scotland is partly funded by Transport Scotland to undertake work around accessible travel, and is taking forward many of the actions in the 10 year Accessible Travel Framework ‘Going Further’.

There are some areas of travel which are affected by European Law, and it is important to draw the Minister’s attention to some areas of concern for our members.

Firstly, the Blue Badge parking scheme is a reciprocal arrangement whereby disabled drivers can use their permit to park in any EU country. And it is important for our members that this continues to be recognised.

There are also EU passenger rights regulations on travel by air, ship, rail and coach. These include the requirements relating to assistance and non-discrimination, as well as inclusive design and accessibility. The extent to which these will continue to be recognised by the UK government is unclear. Disability Equality Scotland wish to ensure that disabled passengers continue to be able to travel safely and that there is no change to this regulation.

## **In summary:**

- Overall, it is important to make sure that benefits derived from being in the EU are maintained by the UK for disabled people.
- Our consultations have revealed very strong concerns and expectations that there will be a change in the equality laws and that these will be subject to dilution; making disabled people 'worse off'.
- Also a concern about a reduction in key benefits such as PIP, which may reduce disabled people's ability to live independent lives.
- Disability Equality Scotland feel there is a lot of misconceptions about what might happen after Brexit, and while we acknowledge that no one knows the true extent of what might happen, there needs to be clearer communication about the possible impact and potential solutions identified for disabled people.
- Communication and consultation with disabled people is vital and Disability Equality Scotland would be happy to work with the Minister to take this work forward, ensuring our members are included in discussions and debates on issues which affect them.

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