

**THE BRITISH COUNCIL OF ORGANISATIONS  
OF DISABLED PEOPLE**



***INSTITUTIONAL  
DISCRIMINATION  
AGAINST  
DISABLED  
PEOPLE***

**A CASE FOR LEGISLATION**

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Throughout the 1980's there has been a growing campaign by disabled people and their organisations to persuade successive governments to introduce anti-discrimination legislation to enable disabled people to participate fully in the economic and social life of the community.

This is because disabled people encounter discrimination daily and do not have the same basic human rights as non-disabled people. Parents of disabled children do not have the right to send their child to local schools. Employers can discriminate openly against disabled workers. Some disabled people don't even have the right to choose when they want to get up in the morning.

The type of discrimination encountered by disabled people is not just a question of individual prejudice, it is institutionalised in the very fabric of our society. Institutional discrimination is a complex form of discrimination which operates throughout society and is supported by history and culture. Historically, disabled people have been viewed with a variety of emotions including suspicion, ridicule and pity. Until fairly recently they have been excluded almost completely from all aspects of community life. Our culture is full of disablist language and imagery which keeps the traditional fears and prejudices which surround impairment alive.

Institutional discrimination is evident when the policies and activities of all types of modern organisations result in irregularity between disabled people and non-disabled people. It is embedded in the excessive paternalism of contemporary welfare systems and is apparent when they are ignoring or meeting inadequately the needs of disabled people. It is also present when these agencies are regularly interfering unnecessarily in the lives of disabled people in ways and or to an extent not experienced by non-disabled people.

The only way to eliminate institutional discrimination is with anti-discrimination legislation; as a number of other countries as politically diverse as Sweden and the USA have realised.

## INSTITUTIONAL DISCRIMINATION AND DISABLED PEOPLE

Research by the British Council of Organisations of Disabled People (BCODP) reveals the full extent of 'institutional discrimination against disabled people in the United Kingdom. It shows that the negative attitudes and discriminatory practices which effectively deny basic human rights to disabled people are ingrained in the core institutions of our society.

### Education

After more than a century of state sponsored education disabled children and young people are still not legally entitled to the same type of schooling as their non-

disabled counterparts. The overwhelming majority of British schools, colleges and universities remain unprepared to accommodate them in a mainstream setting. As a result, over a third of disabled children under 16 and more than four fifths of disabled students are forced to accept segregated 'special' facilities which fail to provide them with the necessary skills to either get a job or live independently as adults.

The segregation of disabled children is not due to overcrowding in ordinary schools. Since the 1970s the number of children in the school population as a whole has dropped by almost a fifth, yet while 2,962 ordinary schools have closed the figure for 'special' schools is only 177. It is not a lack of resources which is the problem it is an unwillingness to change. In 1989 Local Education Authorities (LEAs) spent £820 million on special education; most of it went on segregated schooling rather than integration. Since 1981, fifteen LEAs have increased the numbers of children they send to special schools and some have done so by more than 25%. Also, fewer than 1 in 5 colleges of further and higher education have a policy on the admission of disabled students; those which have specialise in 'special' and low level courses.

There is evidence that academically the learning experience for disabled children in separate school environments compares badly with that of non-disabled children in ordinary classes. Much of the further education provided for disabled students concentrates on 'social training', 'general life skills' , and specialist disability skills such as lip reading and Braille. Moreover, although all non-disabled young people aged 16 or 17 are eligible for a place on a Youth Training course, disabled young people can be refused on the grounds that they are unlikely to get a job.

Hence, the lack of qualifications, unemployment, social isolation and dependence on services are especially high among disabled young people. By producing educationally and socially disabled young adults, 'special' schools and colleges perpetuate the misguided belief that disabled people are inadequate and so legitimate discrimination in all other areas of social life.

### Employment

It is well known that work is crucial for an individual's economic and social well being yet, (along with environmental factors) attitudes and practices which discriminate against disabled people's employment are entrenched in the British labour market. They are conspicuous:

- a) in the policies of employers against disabled workers, and;
- b) in employment agencies, both public and private, when they direct disabled workers into low status occupations

Official figures show that disabled people are three times more likely to be out of

work than non-disabled people. At every age disabled workers are unemployed longer than non-disabled workers. During the 1980s three times as many disabled people as non-disabled people were out of work for 2 years or more. When disabled people do find employment it is usually low skilled, poorly paid work with few opportunities for promotion. Only 12% of the disabled workforce hold professional or managerial posts compared with 21% for non-disabled workers. Most of the management positions in organisations specialising in the employment of disabled people such as 'Remploy' and 'Outset' are held by non-disabled people.

On average, disabled workers earn much less than non-disabled workers. Disabled men in full time work earn almost a quarter less than non-disabled men. Those in government sponsored workshops are some of the poorest paid workers in the country averaging around £90 a week. In 1989/90 the average male wage was between £200 and £290 a week. This level of inequality accelerates the discriminatory spiral into which the majority of disabled people find themselves.

### Disability Benefits

Over three quarters (78%) of Britain's 6.2 million disabled people (54% of whom are below retirement age) depend on social security benefits to survive. They are also poorer than their neighbours because their basic living costs are much higher. As disabled people live in a non-disabled environment they have to spend more on making their homes accessible, on personal and domestic assistance and on food, clothing and travel etc... Inevitably, these costs increase as impairment increases. Official sources say the extra costs of impairment average at £6.10 per week. Independent estimates show it is much higher. The Disablement Income Group, for example, puts the figure at £69.92. All agree that disabled people have a much lower standard of living than non-disabled people.

Worse still, the present disability benefits system is highly discriminatory and effectively discourages those who seek individual autonomy and financial independence. People with similar impairments receive vastly different amounts according to the cause of their impairment, their work record, their age, their marital status, and even their country of residence before claiming. All have to emphasise their limitations instead of their strengths to doctors, social workers and other professional 'experts' in order to claim. Disability benefits do not cover impairment related costs for those in work. Consequently, as most of the jobs available to disabled people are low paid many have little choice but to endure unemployment. The inevitable outcome is an existence characterised by excessive poverty and enforced dependence.

### Services

This dependence is compounded by the present system of health and social support services, most of which are dominated by the interests of the professionals

who run them and the traditional assumption that disabled people are unable to take charge of their own lives.

Independent living means disabled people having access to and control of a range of community based services which enable them to identify and pursue their own lifestyle. Due to the poverty which accompanies impairment disabled people have no choice but to use services provided by local authorities Social Services Departments (SSDs). Most of the money spent on these services goes on institutional type care and professionals salaries. Neither give disabled people the same level of autonomy and independence as non-disabled people.

Official estimates show that around 422,000 disabled people live in institutions. Of these, 20% are below retirement age and most of them are in old people's homes, psychiatric and geriatric hospitals or ordinary hospital wards. Before people living in the community can have access to personal and/or domestic assistance services they must have their individual and family circumstances assessed by 'professional experts; doctors, social workers and the like. 'Case' or care managers are then appointed to organise and co-ordinate services; control does not rest with the person receiving the service.

Disabled people's opportunities for economic and social integration are also severely restricted by the lack of information, appropriate technical aids, and a comprehensive personal assistant service. Hence, the majority are compelled to rely on informal unpaid helpers; this usually means women family members or friends. Current services therefore, not only fail to provide disabled people with opportunities to live independently in the community, but also deny them the dignity of independence in the context of personal relationships and the family home.

### The Physical Environment

The cycle of dependence is further intensified by a hostile physical environment. Although personal mobility has become increasingly important for all sections of society, particularly for work, disabled people are confronted with inaccessible homes, inaccessible transport, and inaccessible buildings.

Although there are now over four and a quarter million disabled people with 'mobility related impairments' there are only around 80,000 accessible homes. Many of these are set apart from 'normal' housing in 'special needs housing ghettos' where disabled people are cut off from their families, their friends and the non-disabled community as a whole.

Most of Britain's buses, taxis and trains are inaccessible to disabled people. Special transport such as 'Dial-a-Ride' for example, is generally segregated and provides an inferior service to that available to non-disabled people. In London, Dial-a-Ride services are so limited that users can only get one return journey every 10.5 weeks .

Research shows that a wide variety of public and private buildings are inaccessible and that disabled people's needs are still ignored by town planners and architects. Steps, heavy doors, inaccessible toilets and other barriers continue to prevent disabled people from doing even routine daily tasks like shopping without someone else's help.

### Leisure

Along with unemployment, a lack of money and a heightened and unnecessary dependence upon others, environmental factors are central to the exclusion of disabled people from the kind of leisure and social activities which non-disabled people take for granted. Many pubs, restaurants, art galleries, theatres, concert halls, cinemas and sports stadia are inaccessible to disabled people. There is also widespread ignorance and sometimes prejudice against disabled people among those who work in the entertainment industry. In several concert halls lone disabled people have to be accompanied by a non-disabled steward, some theatres and cinemas do not allow people who use wheelchairs in without a non-disabled companion, and others do not allow them in at all.

Enforced dependence and discrimination in the leisure industry means that many disabled people have few friends and experience extreme social isolation. This is not helped by the distorted view of disability presented through the media; newspapers, television and the advertising industry. On the whole, disabled people are ignored by the press and TV companies, so diminishing their role in society, but when they are depicted it is usually in a way which perpetuates the traditional prejudices surrounding impairment. Probably the best example is the way in which charity advertisers present disabled people as pitiable and pathetic in order to raise money.

### Political Influence

Successive governments have been able to avoid and even deny the extent of institutional discrimination against disabled people. Much of this is due to the fact that until fairly recently disabled people have not had a credible collective voice with which to articulate their views.

Research of the political participation of disabled people in the 1987 general election, for example, shows that many did not appear on the electoral register. Others, notably blind and deaf people, did not have access to the political information necessary to make an informed choice. And inaccessible transport and physical access to polling stations prevented still more from exercising their right to vote.

Traditional organisations and charities claiming to represent disabled people are prevented from being actively involved in politics because of their charitable status.

There is little opportunity within the present party system for politicians to get disability issues as perceived by disabled people on to the political agenda. In addition, successive governments have appeared- reluctant to support organisations of disabled people. For example, the BCODP which is the national umbrella organisation for organisations of disabled people receives only £30,000 from central government whereas the Royal Association for Disability and Rehabilitation (RADAR), the national equivalent for organisations for disabled people receives £233,000 (1990/91).

Organisations of disabled people are organisations controlled and run by disabled people. Organisations disabled people *are* controlled and run by non-disabled people.

### Government Policy and Disabled People

Much of the responsibility for this disturbing situation lies with a succession of British governments. Although there is growing agreement throughout the democratic world that disabled people have the same basic human rights as non-disabled people and that governments must ensure that they are able to achieve a standard of living equal to that of their fellow citizens. this has not occurred in the British Isles. This is surprising because Britain was one of the first western nations to establish the notion of rights for disabled people in law with the setting up of the welfare state in the 1940s. Although the British Government endorsed the United Nations Programme of Action Concerning Disabled Persons in 1982 it has consistently declined to implement policies which would enable disabled people attain a comparable lifestyle to that of non-disabled people.

The Education Act 1944 endorsed the principle that disabled children should be educated alongside non-disabled children. Yet, whilst reiterating the notion of integration the Enoch Report (1978) and the 1981 Education Act both emphasised the importance of the concept of Special Educational Needs (SEN) in relation to the education system as a whole thus leaving the door open for the continued separation of large numbers of disabled children with SEN from ordinary schools and colleges .

The introduction of the employment quota scheme with the Disabled Persons (Employment) Act 1944 secured employment rights of disabled people. However, successive governments failure to enforce the scheme and the obvious preference for voluntary policies of persuasion have not only failed to provide disabled people with jobs, but have also emphasised the traditional divisions between them and non-disabled people. The quota scheme specifies that all employers employing more than 20 workers just employ three per cent of their workforce from the disabled person's employment register. The maximum fine for employer-s who break the law

was set in 1944 at £100; it has never been updated. Although the overwhelming majority of employers ignore the quota scheme there have only ever been nine prosecutions and the last one was in 1975.

Negative assumptions about disabled people's work potential are inadvertently reinforced by the Department of Employment's attempts to persuade employers to employ disabled workers. Policies like 'Fit for Work' and the 'Code of Good Practice on the Employment of Disabled People' stick closely to the traditional medical view of disability. Research shows that the latest edition of the 'Code' has been seen by less than a fifth of all employers; only a third felt that it had heightened the 'employability' of disabled workers.

Although official sources have acknowledged that disabled people and their families receive significantly lower incomes than those of the rest of the population, recent changes to the disability benefits system will not change this situation. The long awaited disability benefits review of 1990 will only help a small number of disabled people in a very limited way. It offers no help whatsoever to the 4.2 million elderly disabled people.

Further, disabled people's right to an independent lifestyle will still be inhibited by inaccessible homes, inaccessible transport, and an inaccessible physical environment. Notwithstanding the obvious shortage of accessible homes there are no Government plans to remedy this situation in either the public or the private sectors and segregated 'special needs' housing remains central to the Government's community care plans. Even though the Department of Transport supports in principle fully accessible buses, taxis and trains, it will be well into the next century before they are the norm rather than the exception. There is no legislation which compels transport providers to make their vehicles accessible.

Although recent amendments to the building regulations clearly acknowledge disabled people's rights of access to public buildings, such measures have not and will not eradicate discrimination in the built environment. This is especially relevant in the leisure industry where inaccessible buildings play a significant role in the exclusion of disabled people from mainstream recreational activities like concerts, plays and sporting fixtures.

### Conclusion

Clearly, institutional discrimination against disabled people is widespread throughout British society. The only way to remove it is with the introduction of legislation which emphasises social rights rather than individual needs and focuses upon the disabling society in which we live. In other words, anti-discrimination legislation which:

- (a) establishes a firm basis for policies which ensure the integration of disabled

- people into the economic and social life of the community, and;
- (b) provides public confirmation that discrimination against disabled people for whatever reason and in whatever form is no longer acceptable;
- together with a suitable means of enforcing it.

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This booklet provides a summary of the main research document "Disabled People in Britain and Discrimination: A Case for Anti-Discrimination Legislation" .

This book is the most comprehensive investigation into discrimination and disabled people *in* Britain today and is due for publication *in* October 1991. The book is available from:

The British Council of Organisations of Disabled People  
St Mary's Church  
Greenlaw Street  
Woolwich  
London SE18 SAR

Please enclose a cheque for £11.25 (inc £1.25 p & p) made payable to BCODP

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" Let the Shameful Wall of Exclusion Finally Come Tumbling Down"

President George Bush. On the occasion of the signing of the Americans with Disabilities Act - 26th July 1990.