



KNOW YOUR RIGHTS!



2008



The Powerful Voices Network

Empowering Young Disabled
People To Campaign For Rights
And Equality

www.thepowerfulvoicesnetwork.com



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HUMAN RIGHTS

People who live in the UK have human rights which government and public authorities have to respect by Law. These became law as part of the Human Rights Act 1998.

Human Rights

Human Rights not only affect matters of life and death like freedom from torture and killing but also affect your rights in everyday life: what you can say and do, your beliefs, your right to a fair trial and many other similar basic entitlements.

You also have the responsibility to respect the rights of other people – and not exercise yours in a way which is likely to stop them from being able to exercise theirs.

Your human rights are:

- the right to life
- freedom from torture and degraded treatment
- the right to liberty
- the right to a fair trial
- the right not to be punished for something that wasn't a crime when you did it
- the right to respect for private and family life
- freedom of thought, conscience and religion
- freedom of expression
- freedom of assembly and association
- the right to marry or form a civil partnership and start a family
- the right not to be discriminated against in respect of these rights and freedoms
- the right to own property
- the right to an education
- the right to participate in free elections

If any of these rights and freedoms are abused you have a right to an effective solution in law, even if the abuse was by someone in authority, for example, a policeman.

For up to date information about Human Rights, you can go to the Government website: www.direct.gov.uk and enter 'human rights' into their site search box



CHILDREN'S HUMAN RIGHTS

The United Nation's Convention on the Rights of the Child (UNCRC) applies to all children and young people aged 17 and under.

What is the UNCRC?

All children and young people up to the age of 18 years have all the rights in the Convention. Some groups of children and young people - for example those living away from home, and young disabled people - have additional rights to make sure they are treated fairly and their needs are met.

The UK government now has to make sure that every child has all the rights outlined in the treaty except in those areas where the government has entered a specific reservation.

A convention is an agreement between countries to obey the same law. When the government of a country ratifies a convention, that means it agrees to obey the rules set out in that convention.

What the treaty means:

From 15 January 1992, when the treaty came into force, every child in the UK has been entitled to over 40 specific rights. These include:

- the right to life, survival and development
- the right to have their views respected, and to have their best interests considered at all times
- the right to a name and nationality, freedom of expression, and access to information concerning them
- the right to live in a family environment or alternative care, and to have contact with both parents wherever possible
- health and welfare rights, including rights for disabled children, the right to health and health care, and social security
- the right to education, leisure, culture and the arts
- special protection for refugee children, children in the juvenile justice system, children deprived of their liberty and children suffering economic, sexual or other forms of exploitation

The rights included in the convention apply to all children and young people, with no exceptions.

For up to date information about Children's Human Rights please go to the Government Website: www.direct.gov.uk and enter 'children's human right' in their site search box.



Disability Law: The Disability Discrimination Act (DDA).

Who the Law will help

The law will help people who are disabled. You may be disabled if you have problems:

- moving around;
- seeing or hearing;
- using your hands;
- learning things or understanding or remembering.

If you used to be disabled but are not disabled now, the law may also help you.



How the Law will help you

The law may help you if you are being treated worse than other people because of your disability.

It may help you when you:

- are at work;
- are trying to get a job;
- go to, or want something from service providers, places like banks, shops, cinemas and pubs;
- are trying to find a place to live;
- are at school, college or university.

These places should not treat you worse than other people because of your disability.



What is a service provider?

A service provider is anyone who provides a service directly to people, some services are free and others you have to pay for. **Here are some examples of services that are covered by the Disability Discrimination Act:**

- Youth & Community services
- Hotels
- Shops & banks
- Social Services
- Sports and arts centres
- Doctors
- Hospitals
- Information services
- Information about services



The disability law affects places like these and **in most cases**, they will not be able to treat you any worse than other people **just because of your disability**.

These places may have to make changes to help you.

For example, an employer may give you help filling in forms if you are applying for a job, or they may have to get computer equipment to help you do your job.

Places like Banks and shops may have to give you help to use their service, or change the rules about how you can use them.

Schools Colleges and Universities may let you have a support worker in class with you, or let you have longer in exams.

If changes like this are not made, these places may be breaking the Law.

For up to date information about the Disability Discrimination Act, you can go to the Government website: www.direct.gov.uk and enter 'DDA' in to their site search box.

You will find an Easy Read Guide to the DDA at www.efd.org.uk/publications/downloads

You can also find more information at the Equality & Human rights commission website:

www.equalityhumanrights.com

You can find information about Disability Hate Crime at <http://www.cps.gov.uk/publications/prosecution/disability.html>



THE MENTAL CAPACITY ACT

Mental capacity means being able to make your own decisions. The Mental Capacity Act 2005 will help people to make their own decisions.

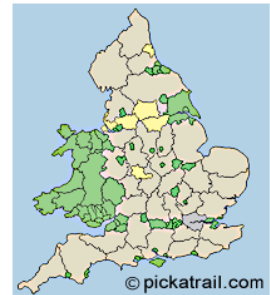
The Act affects people in England and Wales.

The Act affects people who are 16 years or older.

It also protects people who cannot make their own decisions about some things, for example people with learning disabilities or mental health problems. This is called lacking capacity.

The Act tells people:

- What to do to help someone make their own decision about something
- How to work out if someone can make their own decision about something
- What to do if someone cannot make decisions about something sometimes



What the Mental Capacity Act covers

The mental capacity act tells you about:

The big ideas behind the Act

The new things the Act introduced. These include things like:

- **New Lasting Powers of Attorney and deputies**
- **A new Court of Protection**
- **A new Office of the Public Guardian**
- **A new criminal offence**
- **A new Independent Mental Capacity Advocate service**
- **A Code of Practice that will tell people how to make sure they are following the Act**



Other things that the Mental Capacity Act introduced

The Act also set out the rules on:

- Doing things in connection with care and treatment
- Advance decisions to refuse treatment
- Research involving people who lack capacity



For an easy to read version of the Mental Capacity Act, please visit the Department for Constitutional Affairs (DCA) website

<http://www.dca.gov.uk/menincap/mca-act-easyread.pdf>

For up to date information about the Mental Capacity Act go to the Government website at www.direct.gov.uk and enter 'mental capacity act' in the site search box.

EVERY CHILD MATTERS (from 0-19years)

The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being

For up to date information about Every Child Matters, go to their website

www.everychildmatters.gov.uk

EVERY DISABLED CHILD MATTERS wants...

- Families with disabled children to have ordinary lives
- Disabled children to matter as much as all other children
- Disabled children and their families to be fully included in society
- All disabled children and their families to get the right services and support , no matter where they live
- Poverty amongst disabled children and their families to be cut by 50% by 2010 and eliminated by 2020
- An education system that meets the needs of each child and enables them to reach their full potential
- Disabled children and their families to shape the way that services are planned, commissioned and delivered

For up to date information please visit the Every Disabled Child Matters website at www.edcm.org.uk

If you feel that you may have been discriminated against, or that your human rights have been ignored, you can ask someone for help. You could ask:

- a member of your family or a friend
- your local disability group
- your local advice centre like Citizens Advice Bureau
- your trade union if you are in a job

Telephone numbers for the groups listed above can be found in the Telephone Book

If you think that **someone has treated you worse** than other people because you are disabled, **get help quickly**. If you do not act quickly a Tribunal or Court might not be able to listen to you.



Benefits and Financial Support that you could get

Financial support and benefits are amounts of money that you could get to help towards extra costs you may have to pay because you are disabled.

The information in this pack is a guide only, for up to date information please go to the Government Website: www.direct.gov.uk

These are some of the benefits you could get:

- Access to work
- Blue Badge scheme
- Council Tax Benefit
- Direct Payments
- Disability Living Allowance
- Disabled Facilities Grants
- Education Maintenance Allowance
- Employment & support Allowance
- Equipment for Independent Living
- Housing Benefit
- Independent Living Funds
- Motability
- National Health Service Benefits
- Value Added Tax (VAT) Exemptions
- Working Tax Credit

The main Disability Benefits are:

Disability Living Allowance (DLA)

This is a benefit you can get if you need help getting around and / or looking after yourself because you are ill, disabled or terminally ill.

Employment & Support Allowance

Employment & Support Allowance replaced Incapacity Benefit, and Income Support on the grounds of incapacity, for new claimants from 27th October 2008. If you were already receiving Incapacity Benefit, you will continue to get it as long as you are eligible. Employment & Support Allowance offers you personalised support and financial help, so that you can do appropriate work, if you are able to.

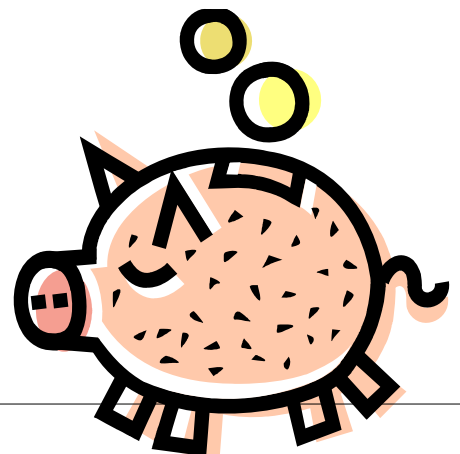
You may need help filling in benefits claim forms. You can get help from the Citizens Advice Bureaux. For more information please go to <http://www.citizensadvice.org.uk/index/getadvice.htm>

For up to date information about benefits go to the government website: www.direct.gov.uk and enter 'disability benefits' in to their site search box

You can also call the Benefit Enquiry Line for more information

Telephone: 0800 882200

Textphone: 0800 243355



Health and Independent Living

Equipment for Independent Living

You could get help towards the cost of equipment to enable you to live independently in your own home, or towards the cost of getting standard equipment adapted so you can use it.

National Health Service Benefits

You may be entitled to help towards health costs such as free NHS prescriptions, dental care, hospital travel costs, and equipment such as wheelchairs and hearing aids.

Value Added Tax (VAT) Exemptions

VAT is the amount of Tax that is added to the cost of equipment and services.

Some equipment can be exempt from VAT for example, if equipment has been designed or adapted solely for a disabled persons use, such as hoists, adjustable beds and some adapted cars.

Some services can be exempt from VAT for example, installation of equipment, adaptation of equipment and certain building alterations.

Direct Payments – arranging your own care and services

If you need care and support services, you may want to choose direct payments. They allow you to arrange your support yourself, instead of getting it directly from Social Services.

Independent Living Fund (ILF)

Payments from the Independent Living Fund help to support severely disabled people, to enable them to live independently rather than in a care home. The money is for payment towards personal and domestic care.

Individual Budgets

An individual budget brings together all the funding that a person requires to meet their social care needs. It means that people have more choice and control over the support and services they get. If you have an individual budget it still means that you can apply for or continue to receive ILF money providing you still meet the ILF's criteria.

For updated information about all these benefits go to the Government website: www.direct.gov.uk

You can call the Benefit Enquiry Line for more information

Telephone: 0800 882200

Textphone: 0800 243355



Education

Disabled Students Allowances

Disabled Students Allowances provide help for students in higher education who, because of their disability, have additional costs. These allowances help pay for things such as specialist equipment and non medical personal assistance.



Education Maintenance Allowance (EMA)

If you are starting a further education course, if you are aged 16 – 18 and your household Income is less than £30,810 per year, you may be able to claim Education Maintenance Allowance. This is a payment of either £10, £20 or £30 per week.

Employment

Access to work

Access to Work is a work scheme that can provide you with practical support at work. This includes paying towards special equipment, or a support worker, or help with additional costs of travel to work if you are unable to use public transport.

Job Grant

You can claim Job Grant if you take up full time work (at least 16 hours a week). You must also have been claiming certain benefits for at least 26 weeks (6 months) before starting your new job, these include Incapacity Benefit or Income Support.



WORKSTEP

WORKSTEP is an employment programme that provides support to disabled people facing complex barriers to finding and keeping a job.

Employment & Support Allowance

As mentioned on page 9 of this booklet, Employment & Support Allowance has replaced Incapacity Benefit, and Income Support on the grounds of incapacity, from 27th October 2008. If you were already receiving Incapacity Benefit before this date, you will continue to get it as long as you are eligible.

You can find updated information about all these benefits on the Government Website: www.direct.gov.uk

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Vehicles and Transport

Blue Badge Parking Scheme

The Blue Badge Scheme provides a range of parking benefits for disabled people with severe walking difficulties who travel either as drivers or passengers.

The Motability Scheme

The Motability Scheme can help you with leasing or buying a car, powered wheelchair or scooter if you are getting the higher rate of the mobility component of Disability Living Allowance.



Car Tax exemption

You can apply for exemption from paying car tax if you receive the higher rate of the mobility component of Disability Living Allowance.

Community and Public Transport

Your local council may operate dial-a-ride or taxi schemes, for example, using vouchers or tokens. You may also be eligible for a Disabled Persons Railcard.



Bus passes in England

You may be able to get concessionary bus travel in England, which would entitle you to free off-peak travel on all local buses anywhere in England. Local councils may offer further benefits to their residents, but these will only apply for travel in the local area, not everywhere.

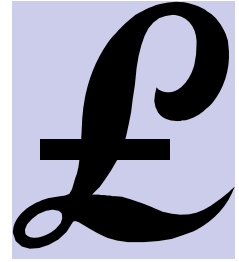


You can find updated information about all these benefits on the Government Website: www.direct.gov.uk

You can call the Benefit Enquiry Line for more information

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Your Income – in or out of work

Working Tax Credit

If you are in work but on low pay, you can apply for Working Tax Credit to top up your earnings. You may get extra if you, or someone in your household is disabled.

Employment & Support Allowance

As mentioned on page 9 & 11 of this booklet, Employment & Support Allowance has replaced Incapacity Benefit, and Income Support on the grounds of incapacity, from 27th October 2008. If you were already receiving Incapacity Benefit or before this date, you will continue to get it as long as you are eligible.

Blind Persons Tax Allowance

The Blind Persons Tax Allowance means you can receive an amount of income without having to pay tax. It is added to your personal tax allowance.

You can find updated information on the Government website: www.direct.gov.uk

Out and About

Visiting Places of Interest

Many places of interest, including museums, sports venues, National Trust properties and English Heritage sites, offer discounted or free admission to a companion accompanying a disabled person.

Cinema Exhibitors Association Card

The Cinema Exhibitors' Association Card is a national card for disabled people, which entitles the holder to one free ticket for a person accompanying them to the cinema. The card is valid for three years. For more information go to www.ceacard.co.uk

Disabled Supporters Associations

If you are a football fan, you can find information about facilities at football grounds at:

www.nads.org.uk OR www.awads.co.uk





Home and Housing

Council Tax

You may be able to pay less Council Tax if your home has been changed to help you live there.

Housing and Council Tax Benefit

Housing Benefit and Council Tax Benefit are paid by local councils.

If you are on a low income and paying rent, claim Housing Benefit.

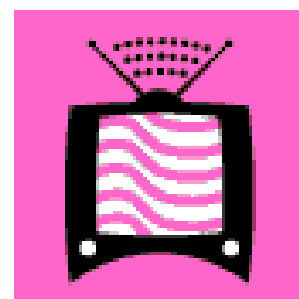
If you are on a low income and paying Council Tax, claim Council Tax Benefit.

Disabled Facilities Grant

A Disabled Facilities Grant is a local council grant to help towards the cost of essential adaptations to your home to enable you to continue to live there.

Television Licence Discount

If you are registered blind with your local council, you can get a 50% discount on the cost of your TV Licence.



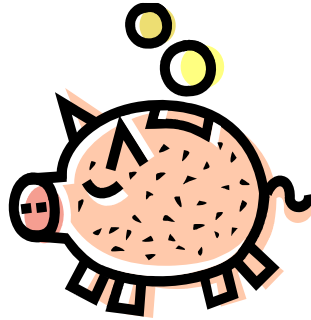
You can find updated information about all these benefits by entering the name of the benefit you want to know more about, into the site search box on the Government Website: www.direct.gov.uk

You can also call the Benefit Enquiry Line for more information

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Banking on good decisions - How can the Mental Capacity Act help you with your bank, building society or post office account?



There is a booklet made by the Foundation for People with Learning Disabilities which explains how the Mental Capacity Act 2005 can help people with learning disabilities deal with their money when they go into banks, building societies and post offices.



It is an Easier Read version of a booklet produced by the Mental Health Foundation.

The Mental Health Foundation and the Foundation for People with Learning Disabilities are part of the same charity.

The booklet has been written for **people with learning disabilities** who have a **bank account, building society account or post office account**. It is also for people who want to open an account.

You can find a copy of the “Banking on good decisions” booklet at

www.learningdisabilities.org.uk

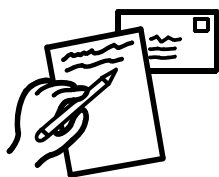
THE POWERFUL VOICES NETWORK

The Powerful Voices Network is a campaigning network, which aims to empower young people with a disability or additional needs to campaign for rights and equality.

The network is run by a steering group of 7 young disabled people, who all want to help make things better for young people with a disability or additional needs. We need more young people to join the Network & the Steering Group and help to make decisions about the network and what it needs to do.

If you feel that things are not equal for young people with a disability or additional needs, and you want to help to change things for the better, then we need you to get involved with the Powerful Voices Network and voice your issues and opinions to try to make equal rights a reality.

For more information about the Powerful Voices Network, or to sign up to become a member of the Network or the Steering group, please contact Catherine Yearron on the details below:



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Time to get equal

scepe

About cerebral palsy.
For disabled people achieving equality.



www.thepowerfulvoicesnetwork.com