

Laidlaw Report

The ‘Disability Tax’

A critical examination of physical accessibility and its potential to exacerbate social exclusion in and around Bloomsbury campus considering personal experience, policy and geographical scholarship.

Matthew Brook
Summer 2024

Introduction

The term 'Disability¹ tax' is a colloquial term that has had been used to mean a variety of differing concepts in different situations, it is useful however precisely for that reason. The term 'Disability tax' as used here, is the additional cost paid or additional effort made by the disabled individual to achieve a goal as compared to an able-bodied person. For the physically impaired, this is often a combination of short delays that result in either a larger effect or a longer-term fatigue.

Here I explore the effect of this 'Disability tax' from my own experience on social and educational exclusion in the context of disabled students at University College London ("UCL") and their ability to access education. I include a review of the relevant legislation, guidance, policy, and theory to explore how a reframing of the viewpoint adopted to a task-based or journey-based perspective could improve implementation for UCL and the local government (Camden Borough Council) benefiting less able bodied interactees.

Why.

During My first year at university college London I stayed at Garden Halls, one of the more expensive halls of residence that according to google maps was a mere 14 minute walk east to UCL main Campus. In between the two and throughout Bloomsbury. The pavement are relatively flat and well kept, and there are a number of green spaces with benches in this case namely Tavistock square Gardens and Gordon Square open dawn to dusk, by even the strictest of national comparison the Bloomsbury Area is one of the most well kept and accessible areas in the country. Camden Council which is the local administrator of the Bloomsbury area is 'committed to ensuring that the built environment in the borough can be enjoyed by all' (Camden, 2017 p.160-161) And UCL lists one of its 'key principles' as being 'accessible to all' (UCL, 2023 p.1.) both have pages of document detailing accessability and disability help strategy with London being ranked one of the most accessible cities in the world.

Why then do I choose to talk about Bloomsbury as compared to a rural village in Scotland for example where the extent of accessibility is free travel on a rarely scheduled bus or better yet perhaps an even larger city in a less 'developed' country where disabled access isn't even an afterthought. Well in a such a 'developed' area with an ostensibly progressive attitude to access, policy like this should reliably translate into practice, less 'progressive' places have more baseline problems that need to be addressed such as 'access' as a whole for even abled communities but well-funded institutions with good policy should be held to the standard they proclaim.

As a disabled person when you visit underfunded or more rural areas there is an expectation of inaccessibility and an understanding of the need for 3rd party help to enjoy these places the problems of inaccess are also problems that would affect an abled population i.e frequency of public transport or distance to amenities such as shops and hospitals. However, in areas such as Bloomsbury you are expectant of a more accessible built environment

¹ Disability here refers purely to physical disability and later 'geographies of disability' refer to physical disadvantageous interaction with the built environment and society rather than disability within the discipline or disabled demographics

which you can access independently after all it is clearly stated as a priority. So, when despite musings you are let down, take for example recently during a UCL graduation ceremony a disabled student was forced to be awarded his degree on the floor as the graduation venue was not made accessible a slap in his face given policy and according to the source not the least of his problems going so far to say UCL ‘treats ‘disabled people [as] second class citizen(s)’. (Delaney 2024) The expectation reality divide is saddening to say the least.

This is not to diminish those disabled living in rural and underfunded areas of course the daily struggle and overall life limitations down to general life expectancy. () Is far worse and I am thankful beyond belief to study in such an area that begins platitudes towards access. But policy often doesn’t make it to reality and when it does it often serves more as a highlight toward how much further there is to go toward access equity. The tax a built environment designed so heavily around an abled fast past world even when policy postures to allow disabled people into it takes a far greater toll on the life, pursuits and education than most realise, and that is what I intend to illuminate here.

Policy

On the policy side I will cover policy ranging from government legislation down to university guidelines. Due to both the sheer amount and the limitations of this report it will be impossible to cover all in a comprehensive manner and instead intend to provide a general overview of policy direction and language.

Below is a select overview of Government Legislation from Westminster to Camden level.

Owing to my belief in the importance of highlighting the policy ‘diffusion chain’ and explicitly *showing* how legislative wording can allow for ‘loopholes’ in lower guidance and direct practice, critique of it and comparison with academic scholarship follows after the overview which is presented on its own without analysis² rather than being interweaved with my review so as to clearly evidence the ‘policy chain’. The scholarship mainly emphasizes the struggle of active disabled practice and allows for smooth transition into talk of real experience and possible implementation changes when combined with critique of the policy. Therefore policy evidence followed by a critique interwoven with academic theory is in my opinion a better style to illuminate my point than sprawling policy throughout. Because of my background in geography for theory here I take mostly from Geographies of disability and relevant overarching Geotheory on social space and the built environment.

The most relevant and important parts are highlighted in yellow for ease of viewing:

² ‘Without analysis’ is to be taken with a grain of salt as I have obviously analysed which pieces of policy to select out of mountains of legislation

Legislation

Disability Discrimination Act (DDA) 1995

The DDA came in to force in 1995 and makes it unlawful to discriminate against a person in certain circumstances including employment and education. It also defines discrimination as the failure to make reasonable adjustments. (*Disability Discrimination Act, 1995*)

The Act provides that “a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities”.

In relation to University education the Further and Higher Education Regulations 2006 amended the DDA to create a duty on providers of higher education to make reasonable adjustments:

“28T. Responsible bodies' duties to make adjustments

(1A) Where—

(d) the provision, criterion or practice places the disabled person at a substantial disadvantage in comparison with persons who are not disabled,”

The Act also confers duties on a public authority, in this case the London Borough of Camden (“LB Camden”)

“21B Discrimination by public authorities

(1) It is unlawful for a public authority to discriminate against a disabled person in carrying out its functions.”

and in terms of public realm it specifies,

“21E Duty for purposes of section 21D(2) to make adjustments

(4) It is the duty of the authority to take such steps as it is reasonable, in all the circumstances of the case, for the authority to have to take in order to—

(a) remove the feature;

(b) alter it so that it no longer has that effect;

(c) provide a reasonable means of avoiding the feature; or

(d) adopt a reasonable alternative method of carrying out the function.”

Local Government Policy and Guidance

The London Plan (2021) (Mayor of London, 2021)

The London Plan is an overarching built environment development plan for Greater London local London councils are required to take it into account when creating policies.³

Policy D5 Inclusive design – Includes:

³ The amount of relevant policy in the London plan is immense and guides a lot in the local policy to a large extent, the ‘selection’ of policy bit is emphasized here

[Developments Should]

3) *be convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment*

Including:

3.5.2 *Inclusive design is indivisible from good design. It is therefore essential to consider inclusive design and the development's contribution to the creation of inclusive neighbourhoods at the earliest possible stage in the development process*

3.5.7 *Links to the wider neighbourhood should be carefully considered*

3.5.11 *When dealing with historic buildings and heritage assets, careful consideration should be given to inclusive design at an early stage. This is essential to securing successful schemes that will enable as many people as possible to access and enjoy the historic environment now and in the future.*

4) *[buildings should] be able to be entered, used and exited safely, easily and with dignity for all*

LB Camden Local Plan (adopted 2017)

(Camden, 2017 p.160-161)

Local Plan Policy C6 – Access for all states:

"The Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities. We will:

a) expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all;

c) expect spaces, routes and facilities between buildings to be designed to be fully accessible;"

Camden Planning Guidance Access for all (March 2019)

<https://www.camden.gov.uk/planning-policy-documents>

LB Camden further has published the document Camden Planning Guidance (CPG) on Access for all to support Policy C6. The CPG states in relation to the public (and private) realm. big

"2. Access for all in Camden

2.1 Camden Council is committed to ensuring that the built environment in the borough can be enjoyed by all. Everyone should be able to get to and use buildings and the spaces between them.

7. Accessible streets and places

7.1 The Council's ambition of Access for all includes the Borough's streets and places. ... The Council will expect developers to ensure good quality access and circulation arrangements for all pedestrians, regardless of level of mobility, any sensory impairment,

learning difficulties or dementia, including improvements to existing routes, surfaces and footways.

9. Public and 'Changing Places' toilets

9.1 Public toilets are particularly important for certain groups, such as the elderly, disabled, children and people suffering from bladder or bowel conditions. **The lack of public toilets can discourage people from going out into the community and can act as a barrier to healthy lifestyles, social inclusion, good health and wellbeing, and can increase health inequalities and social isolation.** “

Specific guidance includes:

“One entrance door that is accessible to all.”

Corridors free of obstructions”

Camden Streetscape Design Manual

(Camden, 2005)

“4.00 Street furniture

4.15 Seating

Seating helps create a 'sense of place' and is invaluable for increasing mobility among older people by providing places to rest. Seating is also highly desirable near office buildings for worker 'breaks'.

- Seats should be located where they contribute to the street scene or at the top of hills but must not cause obstruction to the footway.**
- When introducing new seating, try to match to existing seat styles or materials, otherwise choose a style that suits the architectural heritage of the area.”*

University College London Inclusive Environments Policy

(UCL 2023 p.2)

“Objectives of the Policy

- 1. To aim to create an inclusive campus, that is welcoming to all – a rolling five-year action plan will set out the focus for that period. Each action plan will be consulted on with the UCL community.*
- 2. Work inside and outside UCL to embed inclusive design principles across all our estate and operations.**
- 3. To ensure that UCL influences the inclusive design agenda at the local, national and international levels.”*

“Key Actions 2023-2028

Aspire for the highest level of inclusive design in all building works.

Provide the UCL community with easy to access information on inclusive design features at UCL.”

Initiate a rolling programme of toilet refurbishment and works to ensure a good spread of toilets across campus including changing places toilets, wheelchair accessible WCs, ambulant accessible toilet cubicles, gendered and non-gendered toilet cubicles.

Set up regular contact with the inclusion networks at UCL and a means of communicating the inclusive design work to the UCL Community.

Continue a rolling review of UCL design guidance to embed inclusive design into all design guides at UCL and identify where other guides might be needed.”

Policy, Facing Theory and Experience

As you can see even a select view of the policy is quite large, intuitively this is a good thing organisation at every level of government are working toward greater even the ‘highest level’ of inclusive design. But if you cannot already see it the loopholes and pitfalls shout loud and clear (pitfalls assuming *fully implemented policy* which doesn’t happen either!) it shall be made clear to start with personal experience, I mention in the introduction of the bench filled 14 minute walk to campus from my halls I neglected to mention that as I have an ambulatory⁴ disability and as such a walk this short is tiring enough that I could only complete it at max 3 times a day often needing rest in between the park benches are sometimes adequate and available however at peak times such as noon when an abled student may be able to return back and forth to the halls for lunch from they are usually taken due to lunch as well and if I was returning from an evening lecture at say 17.00 in the winter months which is a significant portion of the academic year the bench filled would be already closed as it is dark making my walk ‘benchless’ granted there are benches outside UCL and there were in my halls however when such a trip takes so much effort the 14 minutes of space in between matter.

Policy holes begin to show here, despite the Camden streetscape design manual suggesting benches are ‘invaluable for mobility’ (see above) 15 minutes between benches at night in most people’s eyes would be perfectly ‘reasonable’ as the legislation requires. Especially considering the historic nature and smaller pavements of Bloomsbury Camden Council would have done enough.

And maybe it is enough, from a number of perspectives out of 9000000+ Londoners the relative disposition to ~400k ambulatory people in the entire UK who would be inconvenienced but not totally shut out of such a small area is minor given existing bus routes around the walk and the possible economic and historical damage. And even focusing on access there would be more important items such as ensuring a full time wheelchair user could even successfully navigate the 14 minutes from halls to university.

I chose this example because while minor and relatively inconsequential it is a personal example of the wider trend and point this is ‘the disability tax’ it is the additional cost of the built environment on the disabled in geographical scholarship there is often talk of relational space (Creswell 2013 p.218-222) the space A-B is takes different travel times and is essentially wider, shorter safer or more dangerous etc depending on your relation and status compared to it e.g London to Paris is a

⁴ Ambulatory in this case referring to a part time wheelchair user who is capable of walking in some (often most) circumstances they account for around 1/3 of the UK’s 1000000+ wheelchair users (Tyler 2020)

shorter distance if you can afford a private jet to fly you back and forth in this particular example we can draw relational parallels to show the 'tax' most literally, a student at UCL from London may be able to save money on accommodation by commuting but as a consequence may only travel into and out of university once per day given the commute time for a disabled student the energy of travel to and from halls at a shorter distance means a similar relation to university life despite extra costs incurred for halls, an extra disability 'tax'.

This is one of the smallest inconveniences of many disabled students and workers face (at least being ambulatory you could sit in the majority of your lectures) it is fixable by a few minor changes to the lowest levels of policy e.g. In the Camden Streetscape design policy 4.15 loosen or more accurately define footway obstruction. Or better yet fixed by better adherence to policy e.g. UCL can embed its inclusive design policy better by embedding more or the majority of its accessible accommodation in its on/ next to campus halls.

There are many pitfalls, for example not one mention of lecture halls in publicly available UCL access design policy however small policy changes and stricter adherence to them could make a large difference yet as one disabled Professor Titchkosky puts it:

"Our time is a space framed, occupied and controlled by Western bureaucratic practice and, as such, the inclusion and exclusion of disability is also framed, occupied and controlled by bureaucratic practice. "

(Titchkosky 2010)

The legislative policy from the highest levels of government is so lenient in its wide ranging 'reasonableness' of its adjustments' that despite all bureaucratic policy made to support or involve disabled people most theory still regard disabled inclusion as 'conditional' conditional on the tax in the most literally sense 'if this person inclusion in study and work they must pay to offset these costs of inclusion, it is perfectly *reasonable*' but also conditional on the on/off 'authentic' consideration of disability to begin to enjoy the reasonableness of any 'tax cut' (Hall and Wilton, 2016 n.p.) (authenticity in this sense then renders any tax cut useless as you must differentiate enough for ever the broadest attempt at *normalcy and reason* to be authentic).

Many pay a tax similar to this one and no matter the adherence to or progressiveness of policy, a *disability* is a *disability* and there will always be a 'tax' against the use of the ability in itself no matter how much you counteract for it. But given that this tax in such a 'developed' area could require so little to change even as a beginning is it not worth the inclusion?

Reference

- Camden (2005). *Streetscape Design Manual*. [online] Camden Council. Available at: <https://www.camden.gov.uk/streetscape-design-manual#jjol>
- Camden (2017). *Camden Local Plan*. [online] Development Plan documents. Available at: <https://www.camden.gov.uk/local-plan-documents>.
- Cresswell, T. (2012) *Geographic Thought: A Critical Introduction*. 1. Aufl. Chichester: Wiley-Blackwell. p. 218-222
- Delaney, R (2024). *Access denied: UCL fails disabled student on graduation day – The Cheese Grater Magazine*. [online] Available at: <https://cheesegratermagazine.org/2024/09/05/access-denied-ucl-fails-disabled-student-on-graduation-day/>
- Disability Discrimination Act 1995 (1995). *Disability Discrimination Act 1995*. [online] Legislation.gov.uk. Available at: <https://www.legislation.gov.uk/ukpga/1995/50/contents>.
- Hall, E. and Wilton, R. (2016). Towards a relational geography of disability. *Progress in Human Geography*, 41(6), pp.727–744. doi:<https://doi.org/10.1177/0309132516659705>.
- Mayor of London (2021). *The London Plan 2021 | LGOV*. [online] www.london.gov.uk. Available at: <https://www.london.gov.uk/programmes-strategies/planning/london-plan/new-london-plan/london-plan-2021>.
- Titchkosky, T. (2010). The Not-Yet-Time of Disability in the Bureaucratization of University Life. *Disability Studies Quarterly*, 30(3/4). doi:<https://doi.org/10.18061/dsq.v30i3/4.1295>.
- Tyler (2020). *Ambulatory Wheelchair Users*. [online] This Is Me Agency. Available at: <https://www.thisismeagency.co.uk/ambulatory-wheelchair-users/>.
- UCL (2023). *Inclusive Environments Policy*. [online] Estates. Available at: <https://www.ucl.ac.uk/estates/policies/2023/nov/inclusive-environments-policy>