

Use of Personal Assistants Guidance Note

What is a reasonable accommodation?

Definition of a reasonable accommodation:

‘Reasonable accommodation’ means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

Article 2 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The Convention on the Rights of Persons with Disabilities (CRPD) expressly provides for reasonable accommodation in relation to liberty and security of the person (article. 14), education (article. 24) and work and employment (article. 27). While accessibility relates to groups, reasonable accommodation relates to individuals.

The term ‘accommodation’ refers to the legal responsibility for providing accessibility to persons with disabilities, for example through the provision of a personal assistant (PA) or modifications to a physical work environment.

The term ‘reasonable’ means that those responsible for providing such accommodation are not subjected to ‘disproportionate or undue burden’. For example, in the context of employment it may be considered reasonable for a large corporation to make modifications to its building to ensure accessibility. However, the same changes could, in some cases, be deemed ‘an undue burden’ in the case of a small business. However, even if it is determined that one form of reasonable accommodation poses an undue burden, other forms should still be considered.

Provision of reasonable accommodation is a critical component of non-discrimination under the CRPD.¹

¹ Adapted from <https://www.un.org/esa/socdev/documents/disability/Toolkit/Accessibility.pdf>

In short reasonable accommodation means making changes or adjustments to an environment, process or equipment to enable a specific person with a disability or mental health condition to access school, work or other activities in line with their needs.

A reasonable accommodation relates specifically to an individual person's needs. Even if your materials, event or venue are generally accessible, which would be a matter of good practice, individual people with disabilities may benefit from a reasonable accommodation in line with their specific needs. This is important to note, because even if your activity is generally accessible, you may still find that some people with disabilities will benefit from additional support to be able to engage with it.

Definition of accessibility:

Accessibility means ensuring that people with disabilities, including people with mental health conditions, are able to have access to the physical environment around them, to transportation, to information such as reading material, to communication technology and systems on an equal basis with others (CBM 2017)

It is important to note that, a reasonable accommodation should not be considered as a group adjustment but an adjustment for an individual person's needs. Group adjustment relates to accessibility.

Accessibility is a precondition for the full realisation of the rights and inclusion of persons with disabilities in society and development. Accessibility is at the heart of the CRPD, which enshrines the rights of persons with disabilities to have full access and fully enjoy and participate in social, economic, cultural, civil and political life, on an equal basis with others.²

Use of PAs is one of many reasonable accommodations which a person with a disability, or a person with a mental health condition, may find useful. Below is a list of other types of possible accommodations. This is just an example list, as you may find that the person with a disability or mental health condition needs a reasonable accommodation which is not on this list of examples.

² UN DESA, Global Status Report on Disability and Development, p. 42 (2015), citing to UN DESA, Accessibility and Development: Mainstreaming disability in the post-2015 development agenda (2013), available at: http://www.un.org/disabilities/documents/accessibility_and_development.pdf

Table 1: Examples of reasonable accommodations

Example	Description
Assistive devices	Supporting equipment, for instance white cane, wheelchair, etc.
Digital aids	Software, online solutions, and apps, for instance, speech and screen readers
Materials	Making documents in an additional accessible format (beyond usual good practice formatting). For instance, braille documents, Easy Read version, audio version, large print.
PAs/support workers	This is someone who supports with tasks or activities to aid meaningful participation of an individual with disability
Sign language interpreters	This includes costs related to sign language interpreters' fees and captioning costs.
Translation support	As many people with disabilities may have been denied access to education, they may be more comfortable speaking in a local language. Having a translator so they understand everything going on may be useful.
Travel support	Support may be needed to travel to and from different locations for example if the person has a learning difficulty and has never been to that location before. The person might need an assistant to travel with them, or providing a taxi for the individual, instead of expecting them to use public transport, may be sufficient, depending on the individual's needs.
Workplace	Specific workplace adjustments may be needed such as a specialist chair or desk

What is reasonable?

Definition of discrimination:

‘Discrimination on the basis of disability’ means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

Article 2 UNCRPD

It can be important to note that denying a reasonable accommodation is a type of discrimination.

What is ‘reasonable’ will depend on each situation. You need to consider carefully if the adjustment:

- will remove or reduce the disadvantage for the person with the disability
- is practical to make
- is affordable by the organisation
- could harm the health and safety of others

Weighing up all the factors will help you decide whether something is reasonable. Keep in mind that if you are working with people with disabilities or people with mental health conditions, or on issues which affect them, then you should be making every effort to include them and also have them in the lead in addressing these issues.

Definition of inclusion:

Inclusion means a rights-based approach to programming, to ensure people with disabilities, including people with mental health conditions, have equal access to basic services and a voice in the development and implementation of those services. It requires that mainstream organisations make dedicated efforts to address and remove barriers (International Federation of Red Cross and Red Crescent Societies 2015)

Universal design is defined by the CRPD, as

‘the design of products, environments, programmes and services to be useable by all people, to the greatest extent possible, without the need for adaptation or specialised design’

(article 2). The goal of universal design is for all things to be accessible to everyone including, but not limited to, persons with diverse disabilities. Universal design is

based on the premise that design processes must be **inclusive**, produce equitable benefits and be appropriate for human functioning, gender, demographic groups and social, economic and cultural settings.

What is a PA?

In some countries such as the UK, a PA is someone who is employed by the person with a disability to support them with the tasks they are unable to do due to their disability. Use of a PA, employed by the individual, is often seen as the gold standard in supporting the independence and choice of people with disabilities. Sometimes the PA might also be employed by the person's organisation, to support them. A PA is usually seen as different to a carer. An unpaid carer is usually a family member who supports the individual, while a paid carer might be paid for by the government or family of a person with disability. In both cases, the person with the disability might feel that they have less control over the support they get from a carer, compared to a PA.

In Ghana, most of the people described as PAs or aides are unpaid caregivers who may be family, friends or neighbours of the person with the disability. It is not common for people with disabilities or mental health conditions in Ghana to be able to secure reasonable accommodations like a PA for work or leisure.

When working with people with disabilities and their PAs, it is important to remember that these are often personal, rather than professional or employment relationships.

When the PA is employed, the person with a disability can be clear about their needs and expectations, and can deal with underperformance through employment processes, including employing someone different if necessary. When the PA is through an informal arrangement, it can be harder for the person with a disability to have full choice and control.

What do PAs do?

There are lots of things a PA might be asked to do, this will depend on the needs of the person with a disability or mental health condition. When it is an informal relationship, it will also depend on what the PA is willing to support with. Examples include:

- Personal care and hygiene, such as washing, dressing or using the toilet
- Accessing services in the community such as leisure and social activities
- Driving to help get around or accompanying on public transport
- Correspondence and paperwork
- Attending doctor and hospital appointments
- Domestic household tasks, meal preparation, laundry and cleaning
- Escorting to meetings, community events, day trips and outings
- Helping with medication

- Assisting to fulfil a parenting role
- Maintaining relations with family and friends
- Work, training and educational activities
- Shopping and ironing

When a person with a disability or mental health condition is attending an event or activity you have organised, their PA might help them to:

- Get ready to attend the event
- Travel safely to the event
- Access the washroom at the event
- Take refreshments or meals at the event
- Getting around the venue of the event
- Take notes of what happens at the event
- Help the person to speak up or say what they want to say at the event
- Networking with others
- Support them if the event becomes stressful or overwhelming
- Provide information on the immediate environment. Thus, providing descriptions of surroundings and pre-empting potential barriers
- Supporting in navigating bus or in some cases airport check-in, security screening, bus or aircraft boarding/deplaning, baggage collection, and station or airport transfers
- Pre-empting and being vigilant of potential emergencies – taking responsibility for providing personal emergency evacuation assistance
- If the person is a facilitator or panellist at the event, then the PA may also support with these tasks
- Help them get home again

The level of support needed will vary from individual to individual and it is possible that someone only needs travel support (to join public transport) so the PA might not be present during the event at all. The person might also be transported by his or her vehicle with a driver who could double as an assistant during the event. In a case where a public means of transportation is used by a person with disability without an assistant, there might still be need for support to the person through the whole event. In some instances, it might even be appropriate for the person to have two PAs, for example, a deaf person with a physical disability might need a sign language interpreter and a PA. It is always helpful for event organisers to invite participants to express their needs in advance so that appropriate planning can be undertaken. Keep in mind that accommodations should be reasonable, and organisations may need to reduce the overall number of participants at an event in order to be able to budget for support of PAs.

Who can be a PA?

This can depend on whether there is a formal or informal relationship between the person with a disability and the PA. For example, a person who is blind might have a visual aide paid for by their employer. However, if they don't have that level of formal support, then they might ask their spouse, friend or neighbour to support them.

Use of children as PAs

Some people with disabilities may use a child as an assistant. This is culturally acceptable in parts of Ghana but exposes that child to a number of dangers:

- they may be out of school
- they may be treated poorly by the person they assist
- they may be at risk of harm due to the nature or topics being addressed at the event
- they may be at risk of abuse by other adults at the activity or event

The Labour Act of Ghana (Act 651) states that a **young person shall not be engaged in any type of employment or work likely to expose the person to physical or moral hazard** (Section 58.1), and defines young as between 18 and 21.

The Children's Act (Act 560) allows light work from age 13 and general work or employment from age 15. It defines hazardous work to include **'work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour'**. (Section 91.3.f).

The rights of children must be respected; children have the right to live free from harm, to attend school and not to work. For all these reasons, the use of children under the age of 18 as a PA is not permitted at activities organised by the Ghana Somubi Dwumadie programme. All project participants should be made aware of this expectation ahead of events, so they can organise aids or assistants over the age of 18 to support them.

Planning ahead for PAs

From the perspective of managing initial budgets and numbers, you should assume that every person with a disability or mental health condition who you have invited to your activity will need a PA. It is appropriate to inquire from the person with disability requiring the services of a PA of any reasonable adjustments in logistics, e.g., use of same room with the PA where both agree this is needed and appropriate.

Because it can be difficult to secure a PA, especially when relying on informal support, **people need 2 weeks' notice of your invitation** to your event or activity. More if possible. Remember, this will help in getting the right PA to meet their needs, not just the first person who is available. That is why it can be helpful to explain in advance what you'll be doing at the event or activity, and where it will be. Even if the person can organise a PA quite quickly, they will also need time to organise things like time off work, childcare, etc.

It can be useful for the organisers to give a deadline for when they need to know someone will be bringing a PA. This allows relevant bookings to be made, e.g., extra hotel rooms or additional flights.

Who needs a PA?

Sometimes people worry that someone will ask for a PA when they don't need one. Perhaps you suspect a person with a disability has brought their spouse so they can have a fun night in a hotel after your event. Research on fraud in the benefits system in the UK showed that it was incredibly low – people with disabilities were, in the vast majority of cases, only asking for what they needed.

In Ghana, social support systems like District Assemblies Common Fund (DACF) and Livelihood Empowerment Against Poverty (LEAP) programme ask people with disabilities to undergo various types of eligibility checks or provide evidence of their disability. It can be tiresome and difficult for people with disabilities or mental health conditions to constantly prove their needs.

As a programme, we think that we should trust the people we are working with to tell us what they need. It should be sufficient to remind people that they should only ask for a PA if they really need one, and that they could be taking away an opportunity to participate from another person with disability if they ask for one unnecessarily. It is acknowledged that the administrative burden of trying to implement checks outweighs any possible cost saving.

As long as someone identifies as a person with a disability or mental health condition, we should cover the costs of a PA if they tell us they need one. This would be in line with any standard operating procedure or cost guidance of the organisation.

Paying for PAs

PAs should get the same transportation allowance (TnT) due to the participant they are supporting. Even though they may have travelled together with the person they are supporting in the same vehicle, they may also have had to travel to the individual's house before and after the event, depending on the level of support they are providing.

All PAs can be offered a GHS50 cedi top up in addition to any TnT, per diem or accommodation costs they would be due as a participant. However, we would not pay this cost if the PA is employed by (receiving salary) an organisation as a PA for the participant, or receives a top up or allowance from another organisation for being a PA to the participant. PAs are asked to self-declare this when receiving funds.

We prefer to provide payment directly to the PA so that they can sign for receipt of funds and this should be indicated to the person with disability ahead of time.

Dual roles

People who have travelled with an official driver will get a single TnT allowance to cover the fuel. Drivers must be provided with refreshments, as well as accommodation if staying overnight. Drivers do not get a separate TnT payment or participant fee.

However, if a driver doubles to provide personal assistance throughout the event, the driver qualifies for any allowance or support provided to PAs. This may include the transportation to cover cost incurred in travelling to and from the location of the user of the service of the PA, unless already covered. Such a situation should be discussed with event organisers in advance.

PAs, especially those in informal roles, may well have other skills and experience they think is relevant for the activity. For example, they may have media experience, or they may be a great facilitator. While recognising these additional skills, the programme prefers PAs to act only in the PA role during activities. The person they are supporting might ask them to do some social media coverage for example, or something else linked to their skills. However, they would receive an allowance as a PA and not receive any extra payment beyond that.

Safeguarding

In



Safeguarding Together

What to do if you think someone connected to our programme is being abused, neglected or exploited...

Call Us: 0547716897

Email:

Safeguarding@GhanaSomubi.com

In person:

To any programme representative or at our office at 6 Asoyi Crescent, East Legon, Accra, Ghana



Abuse by the PA

Sometimes the PA may abuse the person they are supporting. For example, they may refuse or neglect to provide needed support, take a share of the individual's travel refund, or hurt them. In all cases and without exception, such incidents must be reported to the safeguarding focal point or safeguarding lead with the programme, for guidance on next steps.

Potential issues can be mitigated in advance through clear communication about the event logistics and the potential role of the PA, as well as any payments due to them. We also prefer to hand any TnT payment directly for the person with a disability, to the person with a disability, rather than to their PA. If the person with a disability is unable to sign for the funds, then it should be countersigned by two programme staff members, or the PA and a staff member, and must still be handed to the person with a disability.

Abuse by the person with a disability

Sometimes the user of the PA may abuse or mistreat their PA. For example, they may shout at them, hit them, or expect them to work without a break. Such incidents must be reported to the safeguarding focal point or safeguarding lead with the programme, for guidance on next steps.

Abuse of children

The use of children under the age of 18 as a PA is not permitted by the programme. Such incidents must be reported to the safeguarding focal point or safeguarding lead with the programme, for guidance on next steps. In addition, use of a child as a PA will be treated as a safeguarding issue (abuse of the child's rights) and reported to responsible authorities.

Childcare at activities

Some people with disabilities are accompanied by children when they participate in a project activity. These children may be offspring who are cared for by the participant, and who may have no alternate childcare solutions. Children may be at risk when not supervised by their caregiver. Therefore, with the exception of breastfeeding babies, children at activities are strongly discouraged by the programme. The intention with giving plenty of notice for activities is so that participants can arrange alternative childcare. It is important for organisers to consider the timing, length and location of activities so that as far as possible, people are not taken away from their child-caring responsibilities, or feel they can't attend due to child-caring responsibilities.

Note on guidance

This guidance note has been developed in November 2022 for Ghana Somubi Dwumadie (Ghana Participation Programme) with technical input from Ghana Federation of Disability Organisations and we welcome feedback on the guidance to info@ghanasomubi.com

Other organisations are welcome to adapt the guidance to their needs, and should note that as time passes and circumstances and local context change, the guidance may need to be updated.

Appendix 1: List of abbreviations

Acronym	Description
TnT	Transportation allowance
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
CRPD	Convention on the Rights of Persons with Disabilities
PA	Personal assistant
LEAP	Livelihood Empowerment Against Poverty
DACF	District Assemblies Common Fund



Ghana Federation of Disability Organisations

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