

Welsh government's charging cap is 'significant step forward'

The Welsh Assembly Government's (WAG) introduction of a new £50 weekly cap on charges for non-residential care services is a "significant step forward" in the fight to abolish all such charges, say campaigners.

In a third of Welsh council areas, disabled and older people who currently pay the maximum charge will save an average of £7,000 a year, while those in other areas will save an average of £2,000 to £5,000 a year.

Current weekly limits on charges vary from £16.20 in Rhondda Cynon Taf to £200 in Neath Port Talbot, while some councils have no upper limits, which the Welsh government said was "clearly unfair and unacceptable".

The new measure will be implemented from 11 April. It follows the introduction of legislation in 2009 that was aimed at ending the postcode lottery and increasing fairness and consistency in charging.

The move will heighten the contrast with the situation faced by disabled people in England, where some councils are set to increase maximum charges to as much as £250 or even £433 a week.

The Coalition on Charging Cymru (CoCC) welcomed the announcement as it celebrated its tenth anniversary.

It has been campaigning since 2001 for the complete abolition of charges, and said the new measure would mean many disabled people would be better off by thousands of pounds a year.

It said charges were "a secondary and discriminatory tax on people who require support" with tasks such as washing, dressing, and feeding.

Partly due to its campaigning, 3,000 people have been taken out of charging in Wales since 2007, with another 8,000 facing lower charges.

Rhian Davies, chief executive of Disability Wales and CoCC's chair, said: "The ultimate prize of zero charging is yet to be achieved. However, all involved with CoCC both past and present can be proud that through persistent lobbying it has helped mitigate some of the worst effects of charging in Wales.

"Through this and previous WAG measures many disabled people, older people and carers who are often the hardest hit in any government cutbacks will now be better off than their counterparts in the rest of the UK."

Gwenda Thomas, deputy minister for social services, said the “landmark measures” on charging would “make a real difference to the people who rely on these vital services the most”.

She said: “We are committed to doing all that we can to eradicate inequality wherever it exists – and abolishing the postcode lottery that currently exists within the social care sector is an important step forward in achieving that important aim.”

25 March 2011

Budget’s Equality Act decision ‘is further setback on rights’

The government’s decision not to go ahead with key new anti-discrimination laws is another serious attack on disability rights, say campaigners.

The chancellor, George Osborne, announced in his budget speech that the government would not be introducing the “costly” dual discrimination rules that were set to be introduced through Labour’s Equality Act.

The clauses would have allowed employees – such as disabled women or gay disabled men – to bring claims of direct discrimination on the basis that their employers had treated them less favourably because of a combination of two “protected characteristics”, such as disability, race, age or gender.

Osborne said the announcement was part of the government’s “Plan for Growth”, which he claimed would save £350 million through a bonfire of regulations.

A Government Equalities Office (GEO) spokesman said that not introducing dual discrimination would save businesses £3 million a year, which he claimed would have been the cost of familiarising themselves with the new law.

When asked whether the government would consider implementing the measure in the future, the GEO spokesman declined to comment.

The Equality and Human Rights Commission (EHRC) said it was concerned by the announcement and suggested it was more likely to increase costs for business.

An EHRC spokeswoman said: “We think having the dual discrimination measures is actually quite practical.”

She said Osborne’s announcement did not make much sense as a cost-cutting measure as some businesses might now “have to fight two separate cases rather than one” – one for

each protected characteristic – so enacting the dual discrimination measure would also “free up” the time of tribunals.

Anne Kane, policy manager for Inclusion London, said the announcement was “very disappointing”, and added: “Along with their proposals to further weaken the public sector specific duties, it is an indication of the government’s strong wish to weaken equality and anti-discrimination law, which threatens very bad outcomes for disabled people and comes along at the point of the worst spending cuts in the post-war period.”

Richard Hawkes, chief executive of the disability charity Scope, said the move was “undermining the Equality Act” and demonstrated “questionable support of disabled people in employment and in everyday life”.

As part of its Plan for Growth, the government also said it would clarify the tax and employment rights and responsibilities of disabled people and other service-users who receive direct payments.

And it pledged to improve the take-up of assisted living technology, by investing £18 million in developing new products, working with the industry to reduce prices, and helping develop a code of practice to increase confidence in the technology among disabled and older customers.

24 March 2011

Government ‘must act’ on disability benefits reforms

The government must make major changes across three key areas of its disability benefits reforms, campaigners say in a new report.

The report by the Disability Benefits Consortium questions crucial aspects of the new employment and support allowance (ESA), reforms to disability living allowance (DLA), and the proposed new universal credit (UC).

The report raises a number of concerns about the much-criticised work capability assessment, which decides eligibility for ESA, the new out-of-work disability benefit.

In a survey by the consortium, more than four in ten disabled people who had taken the test said the anxiety it caused made their impairment worse.

And only four per cent of disabled respondents who were not in work said they did not want to work, which the report says “is in contrast to widespread media portrayal of benefit claimants as reluctant to work”.

The consortium surveyed more than 6,000 disabled people about their experiences of the benefits system. The report also includes findings from a previously-published survey of people's experiences of DLA by the disability poverty charity Disability Alliance (DA).

The report calls on the government to scrap plans to impose a one-year time limit on claiming contributory ESA, rethink plans to cut spending on DLA, and make major improvements to its plans for DLA's replacement, the Personal Independence Payment.

Other recommendations include the need for an improved ESA application form, and for there to be an "urgent review" of the WCA, which it says is "not fit for purpose" and is finding far too many disabled people "fit for work".

The consortium – whose 41 members include DA, RADAR and the Learning Disability Coalition – said the changes were needed because the government's reforms would have "a massive impact on the lives of millions of disabled people".

A Department for Work and Pensions spokesman said: "The government has made it clear that disabled people who can't work won't have to and have committed to DLA remaining a non-means-tested cash benefit.

"We will also ensure that disabled people get the help they need to move into the jobs they want.

"Both Work Choice and our new Work Programme will provide more tailored support than ever before and Access to Work continues to help disabled people get into work and stay in their job providing help with things like travel costs or specialist equipment."

24 March 2011

Government sparks anger after weakening Equality Act duties

A shock government move to weaken the rules on how public bodies must promote equality will make it harder for disabled people to challenge their policies and decisions, say campaigners.

In a new "[policy review paper](#)", the government says it wants to lighten the bureaucratic "burden" on public bodies by removing some of the "specific duties" they have to meet to comply with the Equality Act's equality duty.

The equality duty says public bodies must have "due regard" to eliminating discrimination, advancing equality of opportunity, and promoting good relations when making decisions.

But the government now wants to turn its approach to the specific duties “on its head” so organisations – such as councils, health trusts and government departments – would no longer have to publish details of how they consulted disabled people and other groups in drawing up their policies and equality objectives.

They would also not have to publish the equality analysis they carried out in reaching those decisions, or set out how they plan to measure progress on reaching their equality objectives, while they could set just a single objective every four years.

The policy review reverses government moves to strengthen the specific duties that were made in January, after a previous consultation.

Caroline Gooding, an equality consultant and a former director with the Disability Rights Commission, said the review sent “a very damaging signal” to public authorities “that they do not need to look at the equality impact of their decisions”, even though “they do have to do that because that is what is required by the act itself.”

She said the new regulations would mean more people would have to go to court to challenge the decisions of public bodies.

Gooding said she believed the government decision was a “reaction” to the high-profile equality duty court case lost by education secretary Michael Gove in February over his scrapping of school building projects.

Anne Kane, policy manager for Inclusion London, said the changes were “extremely unhelpful” and would “weaken the duties”.

She said: “It will make it much more difficult for groups like ours to judge whether they have had sufficient consultation and have spoken to a broad enough range or relevant enough range of people in the process of determining their policies.”

Marije Davidson, RADAR’s public affairs manager, said: “We are worried about the message that the policy review sends out, which is that equality can be achieved with a minimum of effort; that ‘processes’ are a burden rather than something that actually helps deliver better outcomes.”

Although the general equality duty will still come into force on 5 April, the specific duties will now be delayed – probably until July.

The government is seeking comments on its policy review paper – which applies to public bodies in England and “non-devolved” bodies in Scotland and Wales – until 21 April.

23 March 2011

Government's new attack on equality watchdog

The government has published "radical" plans to reduce the duties and responsibilities of the equality watchdog.

In its latest attack on the Equality and Human Rights Commission (EHRC), the government said its performance had been "weak" and it had struggled to provide value for money since its launch in 2007.

The plans were published as the Public and Commercial Services Union (PCSU) announced it was balloting its EHRC members on possible industrial action over cuts that could reduce staff from 416 posts to just 200.

The PCSU said such cuts could put the EHRC's status as a United Nations-accredited national human rights institution at risk, although the EHRC said this was "absolute nonsense" as it would still be the best-funded of any international human rights institution.

The EHRC's budget for 2010/11 appears to have been cut from about £62 million to £53 million, and is set to fall to £45 million in 2011/12.

Reports have suggested it will be slashed to just £22.5 million by 2015. An EHRC spokeswoman said this figure was "completely speculative" but made clear the cut in its budget was "ultimately being imposed on us" by the government.

Mark Serwotka, PCSU's general secretary, said: "If these planned cuts go through, the EHRC will be rendered toothless and we believe it will be irreparably damaged in the eyes of its international peers."

The EHRC strongly disputed the union's claims, although it accepted it would probably have to fund fewer legal cases.

Launching a consultation on its "radical reforms", the Government Equalities Office (GEO) said it would stop funding the EHRC's grants programme, and commission the private or voluntary sector to take over responsibility for its national helpline.

The GEO said it would "not tolerate poor performance" and threatened to fine the EHRC if it misspent "taxpayers' money".

It also announced plans to repeal the EHRC's "general duty" to act in a way that "promotes good relations" in society, because it creates "unrealistic expectations about what an equality regulator and national human rights institution can achieve".

The GEO also wants to "revise" the EHRC's "particular" duties on equality and diversity, including its duty to "promote understanding" of their importance.

The GEO said it wanted to focus the EHRC's work on its "core functions" while "stopping activities that go beyond its core role, particularly where those activities could be done better and more cost-effectively by other bodies".

Trevor Phillips, the EHRC's chair, said it was "too soon" to comment on the proposals in detail, but the planned removal of its "good relations mandate may prevent us from being able to do many practical things at a time when community relations are under particular strain".

The EHRC insisted that the "good relations" proposals would have no impact on its inquiry into disability-related harassment, or future work around disability hate crime.

The GEO's [consultation](#) will close on 15 June.

23 March 2011

Disabled campaigners tell MPs of serious concerns over welfare reforms

Three leading disabled campaigners have told MPs examining the government's new welfare reform bill of their serious concerns about the impact of the proposed legislation on disabled people's lives.

Mike Adams, chief executive of Essex Coalition of Disabled People, Sue Bott, director of the National Centre for Independent Living, and Andrew Lee, director of People First (Self Advocacy), all gave evidence to the welfare reform bill committee this week.

Both Bott and Adams cast doubt on the government's justification for removing the mobility component of disability living allowance (DLA) from most people in residential care, proposals the government has now agreed to review.

The government has repeatedly claimed there is an "overlap" in funding, with some councils providing funding for the mobility of residents who also receive the mobility component.

But Adams said that – as a board member of a private sector residential care provider – he had seen "no evidence" of councils providing such funding.

Bott added later: "I have not seen any evidence to demonstrate that local authorities are paying for the mobility of people in residential care."

She told the MPs she was against the cut "on principle", and added: "Independent living is about choice and control in your life. It is not just for people who live in their own homes. Independent living is a way of life wherever you live.

“To my mind it is an absolute fundamental principle that people who are in residential care should have mobility allowance so that they can come and go as you would in anyone’s home.”

Bott, Adams and Lee all expressed concerns about the lack of clear information and transparency in the government’s welfare reforms.

Lee was particularly scathing, and told the MPs that there was a “massive communication problem” in informing people with learning difficulties about the government’s plans for a new universal credit to simplify the benefits system.

He also said that people with learning difficulties he had spoken to knew “absolutely nothing” about the DLA reforms, and he criticised the government’s failure to tell people with learning difficulties about its reforms in an accessible way.

Adams told the committee that he was not aware of any evidence that people were fraudulently claiming DLA, whereas in Essex “there are probably a lot of people out there who are not claiming DLA who should be”.

Bott said she was “very concerned” about the proposed one year time limit for disabled people who claim the contributory form of employment and support allowance.

She told the MPs: “There is no sense in plunging disabled people into further poverty. It just makes getting out of that situation more difficult.”

23 March 2011

Teather faces fierce criticism over SEN reforms

Government plans for reforming the special educational needs (SEN) system will give more power to professionals and could lead to a “huge mushrooming” in the number of special schools, a minister has been told.

Sarah Teather, the Liberal Democrat children’s minister, was told at the parliamentary meeting that her new SEN green paper would make it harder for parents who wanted to send their disabled child to a mainstream school.

Tara Flood, director of the Alliance for Inclusive Education (ALLFIE), said she had just returned from a visit to Romania, which had a history of institutionalising and abandoning disabled children but was now “starting to think about how to include disabled children into mainstream education”.

She said: "It saddens me so much when we see that kind of progress being made elsewhere in the world when I look at what we see ahead of us... in terms of inclusion of disabled children in our education system."

She told the joint meeting of the all party parliamentary groups on learning disability and speech and language difficulties that the government was "turning the clock back potentially 20 to 30 years", with the potential for a "huge mushrooming of special schools".

She said she had attended a meeting of special school providers before last year's general election, at which Michael Gove – now the Conservative education secretary – promised to replace 9,000 "lost" special school places if his party won power.

Flood criticised the government's pledge to "remove the bias towards inclusion" in disabled children's education, and said parents she spoke to who had battled to secure a place for their disabled child in a mainstream school did not recognise this "bias".

In fact, she said, they "find it extremely difficult to get support either from the local authority or from the school, even when they have a statement [of SEN] in place."

She said she did not believe the government's claim that its green paper would lead to more parental choice.

Teather said she didn't "really recognise" Flood's criticisms around parental choice.

She said: "What we are trying to do is make parental choice happen more often. I completely recognise that there are families who are desperate to have their children go to a mainstream school.

"There are just as many families just as desperate for their children to go to a special school. We need to recognise both of those facts."

But she said she agreed with inclusive education consultant Richard Rieser, who told the meeting of the importance of schools' attitudes to inclusion.

Rieser said only about 20 per cent of schools were good at inclusion, while another 20 per cent were "hostile", so it was "not surprising" that many parents "go for something else" other than a mainstream school.

Teather said: "I accept that some parents will choose special schools because a mainstream school... has not delivered."

22 March 2011

The death of David Askew: Hate crime ordeal lasted 40 years

A disabled man's hate crime ordeal, which lasted nearly 40 years, has been laid bare by a report into the circumstances that led to his death.

The [serious case review](#) was set up by Tameside Adult Safeguarding Partnership (TASP) following the death in March 2010 of David Askew.

Askew collapsed and died soon after police received reports that youths had again been harassing him outside his home.

A summary of the review was published on the same day that the police watchdog criticised Greater Manchester Police for its serious failings in the case.

The Independent Police Complaints Commission's report concentrates on events from 2007 to 2010, but the serious case review (SCR) reveals that the "teasing and taunting" of Askew started shortly after his family moved into their home in Hattersley, on the edge of Manchester, in 1971.

The SCR summary describes how Askew, who had learning difficulties, was a repeated victim of thefts, assaults and "tormenting" when out in the local community, and burglary, harassment and other "anti-social" incidents in and around his family's home.

Between 2007 and 2010, 26 named young people were identified as taking part in this targeted campaign of hostility.

During 2007, there were 46 incidents recorded by various agencies involving Askew and his family, including two burglaries, bricks thrown through the window on three occasions, while his glasses were broken, and he had his cigarettes and money stolen. The following year there were another 34 incidents, with another 14 in 2009.

One professional said the harassment became "normal" to the family, who were "subjected to so much abuse that they learned to tolerate all but the worst", with Askew's mother only calling the police "when things escalated beyond a certain point, eg if once again she was showered in broken glass".

The report describes how Askew "could get very upset and frustrated over the harassment" and would "get agitated, shout and bite his hands until they bled".

There were more than 90 incidents between 2007 and 2009 that could have been reported to the council's safeguarding adults team, but the agencies involved with Askew only ever made one "alert" about the risk to him or his family.

Although Askew was known to Tameside council's social services department, and received some employment and "day activity" support, he never received the support he needed to ensure his protection, the review concludes.

Among its recommendations, the review calls on the council to review its guidance on access to support for adults who need “safeguarding”, while it says TASP should review its training programme, and ensure all its partner agencies review how they collect and share information about anti-social behaviour and harassment.

It also says TASP should organise an event to bring residents and professionals together to “share the learning” from the review and focus on how they can “work together to stop the inheritance of the behaviour that created so much torment for [Askew] and his family”.

Stephanie Butterworth, Tameside council’s executive director of adult services, said the council was “determined to learn from the events so that others are protected in the future”.

She admitted that all the agencies involved needed to “work more closely together to identify vulnerable people within our communities and ensure that we are effective in protecting them from harassment and hate crime”.

She said: “We will endeavour to work alongside our colleagues from all agencies in achieving the recommendations made within the serious care review.”

22 March 2011

The death of David Askew: Police force’s ‘total failure’ on hate crime

A police force that failed to treat a disabled man’s “years of torment” at the hands of local youths as disability hate crime has been heavily criticised by the police watchdog, and hate crime campaigners.

David Askew, who had learning difficulties, collapsed and died in March 2010 soon after police received reports that youths had again been harassing him outside his home in Hattersley, on the edge of Manchester.

The Independent Police Complaints Commission (IPCC) found that between 2004 and 2010, Askew and his family – his mother and brother are also disabled – reported 88 incidents of targeted harassment and hostility, threats and abuse.

But the IPCC said in a report that there had been a “total failure” by Greater Manchester Police (GMP) to recognise and respond to any of the incidents as disability hate crimes, even though the force had made tackling hate crime a priority in 2007.

Neighbourhood police officers, who had showed “genuine concern” for the family, had their “hands tied” by “organisational shortcomings” within GMP, said the IPCC.

Every time the family made a new emergency call, it was dealt with as a new incident, with no recognition of the family's "vulnerable" situation, so the GMP officers who responded were not aware of the history of their ordeal.

Disabled campaigners said they were "deeply dismayed" by GMP's failings.

Stephen Brookes, a coordinator of the [Disability Hate Crime Network](#), said the case again showed the "serious gaps in the criminal justice system".

He said: "When so many people have evidence, which was clear and unmistakable, and yet no one works together, there is little wonder that the criminal justice system is not held in high regard by disabled people."

Mark Shrimpton, deputy chief executive of RADAR, added: "Once again, it seems everyone 'knew', but no one 'did'.

"Disabled people face hate crime on a daily basis – anything from name calling and spitting through to murder – and there is a systemic failure on the part of the relevant authorities to tackle these hideous crimes."

The case has clear echoes of that of Fiona Pilkington, who killed herself and her disabled daughter Francessca after years of harassment and abuse from a gang, much of it targeted at Francessca, who had learning difficulties.

Despite 33 calls to the police, Pilkington's complaints were never treated as potential disability hate crimes.

In the David Askew case, the IPCC said the failure to treat the offences as disability hate crimes meant there was "never the possibility to deal with the incidents at a more strategic level as a priority".

IPCC commissioner Naseem Malik said the Askew family had been left with "a sticking-plaster solution when the matter needed extensive surgery".

And instead of trying to tackle the perpetrators, GMP and other agencies "took the easier route of regarding Mr Askew as part of the problem and trying to focus on changing his behaviour".

In another echo of the Fiona Pilkington case, the IPCC found that none of the various agencies involved had recognised the need to work together "consistently, cohesively and robustly" to solve the Askew family's problems.

Assistant chief constable Garry Shewan, of GMP, said his force had now improved procedures on dealing with anti-social behaviour and had introduced a training package so "officers can quickly identify an incident of disability hate crime".

And he said all “vulnerable” victims of anti-social behaviour are now brought to the attention of senior officers, while new technology ensures call handlers “can quickly identify repeat victims to make sure their concerns are taken seriously and acted on appropriately”.

22 March 2011

News provided by John Pring at www.disabilitynewsservice.com