

## **Hopes still high for changes to welfare reform bill**

Disability rights campaigners say they remain optimistic that changes can still be made to the government's hugely unpopular welfare reform bill before it becomes law.

This week, the Commons committee that was examining the bill in detail finished its deliberations, with the Conservative and Liberal Democrat majority ensuring the reforms remained intact.

But four Liberal Democrat MPs have registered their unhappiness with proposed reforms to disability benefits – an important part of the bill – warning that they could “push thousands of disabled people into poverty”.

The four MPs – Andrew George, Mike Hancock, John Leech and Bob Russell – have signed an early day motion condemning reforms such as time-limiting the payment of contributory employment and support allowance and removing the mobility component of disability living allowance (DLA) from people in residential homes.

They are also unhappy about plans to force people with permanently high support needs to undergo new assessments in order to claim personal independent payment, the proposed replacement for DLA.

A Liberal Democrat party spokesman said discussions were “ongoing” over “various concerns” around the measures on disability benefits, although he claimed there would “not be any broad brush changes” to the bill.

Neil Coyle, director of policy for Disability Alliance, said he was not hopeful of any improvements to the bill before it leaves the Commons, but was optimistic that the “more independent-minded House of Lords” would make “significant changes”.

He said: “By the time the Lords have finished a more thorough analysis of the impact and we have further time for disabled people to make clear what the impact could be, when the bill returns to the Commons the government should be forced to make some amendments.

“I don't think they will go far enough, but I think we are going to see a vastly different bill coming out of the Lords and there will have to be some level of change.”

Sue Bott, director of the National Centre for Independent Living, said she believed it was crucial to convince the Labour party to oppose the bill, as campaigners were “not making any headway” in persuading the party's “upper echelons”.

But she added: “At first the Labour party were pretty much behind the welfare reform bill, but I do sense that that position is shifting. If Labour are going to vote for the bill it doesn't really matter what anyone else does.”

She said she felt that Liberal Democrat MPs would back the bill because they wanted to reserve their opposition for other pieces of unpopular coalition legislation.

Jaspal Dhani, chief executive of the UK Disabled People's Council, said he believed there was still an "opportunity" to secure changes to the bill.

He said this could be aided by recommendations expected later this year from the inquiry by the joint committee on human rights into the implementation of disabled people's right to independent living.

He added: "I think the fact that more MPs are starting to question the policy direction of the disability reforms and spending cuts would indicate to me it is not too late."

**26 May 2011**

### **Obama's comments fail to ease McKinnon extradition threat**

The future of a disabled computer hacker threatened with extradition to the United States remains unclear, despite his case being discussed by Barack Obama and David Cameron during the US president's state visit.

The president told journalists that Gary McKinnon's case was "in the hands of the British legal system", and added: "We have confidence in the British legal system coming to a just conclusion and so we await resolution and we will be respectful of their process."

Some reports suggested this meant the US would abide by the decision reached by the UK government – which is still considering the case – while others expressed disappointment that Obama did not appear to have softened his government's insistence that McKinnon be extradited.

If extradited, McKinnon, who has Asperger's syndrome, faces a trial for allegedly hacking into US defense department computer systems in search of evidence of extra-terrestrial life, and a possible prison sentence of 60 years if convicted.

McKinnon's supporters insist that such an action would breach his human rights, as his mental health has deteriorated as a result of the case and he has said he would try to kill himself if extradited. They want him tried in the UK.

The home secretary, Theresa May, has been considering medical evidence relating to McKinnon's mental health, but has now been examining the case for more than a year.

Shami Chakrabarti, director of the campaigning human rights organisation Liberty, which is backing McKinnon's fight against extradition, said: "If, as the president says, he will be

'respectful' of our legal process, then he should be happy for Gary to be dealt with here in the UK.

"If our government seeks to honour the words of both coalition partners in opposition, it will decide that Gary's condition warrants halting this farcical extradition immediately, so that justice and compassion can be dispensed at home."

The prime minister told a joint news conference with Obama that May was considering the reports on McKinnon's mental health, and added: "We must follow the proper processes and make sure this case is dealt with in the proper way and I am sure that that is the case."

A Home Office spokesman added later: "Extradition can only be refused at this late stage in the process if the home secretary decides that extradition would breach Gary McKinnon's human rights.

"The home secretary aims to reach a decision as soon as is consistent with dealing fairly and properly with all matters raised by Mr McKinnon's legal team."

**26 May 2011**

### **TUC disability conference: Activists draw parallels with Nazi Germany**

Union activists have drawn disturbing parallels between the hostility being experienced by disabled benefits claimants and the events that led to the murder of tens of thousands of disabled people in Nazi Germany.

Delegates to the TUC's annual disability conference were told how disabled people in Nazi concentration camps had been forced to wear black triangles "because they couldn't produce anything" and were "useless eaters".

The Nazi Aktion-T4 programme is believed to have led to the targeted killing of as many as 200,000 disabled people, and possibly many more, and became the blueprint for the "Final Solution", through which the Nazis hoped to wipe out Jews, gay people and other minority groups.

Sasha Callaghan, from the University and College Union, a founder member of Black Triangle, which campaigns against the government's cuts to disability benefits, said headlines in UK newspapers about "benefit cheats" and "work-shy" disabled people had echoes of Nazi Germany.

She showed delegates a series of negative headlines in newspapers gathered over just a few days last autumn.

Only last month, disabled activists demonstrated outside the offices of the Daily Mail to protest about the newspaper's "disablist" and "defamatory" coverage of the government's push to force people off incapacity benefits.

They claimed the stories and their "lurid" and "sensationalist" headlines – such as "76 % of those who say they're sick 'can work'" – labelled disabled people as cheats and scroungers and fuelled hate crime.

Berni McCrea, from Unite, Britain's biggest union, said she believed the attitude towards disabled people demonstrated by the headlines shown by Callaghan "suits the government very nicely", and added: "It is very evident that there is a softening-up process."

She said Callaghan had described "very well what happens when people are softened up and hated... What happened in Germany in the early 30s. I do think we must take it very, very seriously."

Stephen Brookes, a coordinator of the Disability Hate Crime Network and an NUJ delegate and member of the TUC disability committee, said the Equality and Human Rights Commission's inquiry into disability-related harassment had produced so much evidence – 15,000 pages – that its completion had been delayed.

Brookes said the inquiry had shown a "systematic failure in all areas", including by housing organisations and citizens advice bureaux, which showed the need to "work together".

He said there was a need for better training around disability hate crime, as well as efforts to tackle complacency, such as the tolerance of abuse in care homes and hospitals.

He called for disabled people to work together to increase the reporting of hate crime. And he attacked the government over its commitment to tackling the issue.

He said: "It was a government priority and Maria Miller [the minister for disabled people] still says that disability hate crime is a priority and goes round visiting projects... before pulling the money from them."

Meanwhile, [a new report by Essex Coalition of Disabled People](#) identifies key areas that need to be addressed in tackling disability hate crime.

The report calls for greater understanding, with education focused on disabled people, professionals and wider society; better services to support disabled victims; and improved reporting procedures.

But the coalition's "primary recommendation" is that these areas can best be addressed by a user-led organisation working in partnership with the police and other agencies.

**25 May 2011**

## **TUC disability conference: Cuts are ‘threatening disabled people’s work support’**

The future of the support that allows disabled people to find and keep work is under serious threat as a result of the financial crisis and government spending cuts, disabled trade unionists have heard.

The TUC’s annual disability conference heard from a string of activists who attacked the cuts to public sector spending and the government’s planned welfare reforms.

But one activist warned that threats to the Access to Work (ATW) scheme had so far not received enough attention from campaigners, who had focused instead on cuts to benefits such as disability living allowance (DLA).

Peter Milliken, from the education union ATL, claimed the government wanted to “decimate” ATW.

He said his own ability to work full-time, through a support worker part-funded by ATW, could be at risk.

He said: “If I lose that support I will not be able to work full-time. I know DLA is getting a huge amount of publicity but it is important for people to be very aware that ATW is at very great risk.”

The conference also heard that employers – both in the private and public sectors – were increasingly flouting their legal duties to make reasonable adjustments for their disabled staff.

Saraka Keating, from the Chartered Society of Physiotherapy, said there appeared to be an “increased willingness by some NHS and other employers to ignore their obligations to make reasonable adjustments”.

She said one disabled physiotherapist had been told he could not bring his guide dog to work, even though as a patient he was allowed to bring it onto the same premises.

She added: “They said if he couldn’t adapt they would sack him. This employer’s attitude is they would be perfectly happy to face a case at tribunal and take the hit if they lose it rather than make the necessary adjustments and keep the physio in employment.”

Michelle Williams, of the NASUWT teaching union, said she detected “a new selfishness” among employers, who were beginning to “challenge reasonable adjustments”.

She said unions must “protect disabled employees and their employment rights” and “end this new selfishness before it takes hold”.

Roland Zollner, from FDA, the public service union, said employers were targeting the workplace support that disabled employees needed to keep their jobs now that the “hard times” had begun to bite.

One after another, delegates to the conference attacked the government’s spending cuts and their disproportionate impact on disabled people.

Berni McCrea, from Unite, Britain’s biggest union, called on the TUC to produce a report on the impact of the cuts on disabled people, and for protest action later this year on or around the International Day of Disabled People in early December.

She said: “We have to stop these devastating cuts and show this government that we will not stand for their bullying tactics.”

Earlier, the conference had heard from the disabled Labour MP Dame Anne Begg, who said that the government’s suggestion – on its Red Tape Challenge website – that the Equality Act could be scrapped had “sent chills down my body”.

She said that to even contemplate scrapping the act and to realise that it was now “perceived as a burden to business, as a piece of tape” was “fairly frightening”.

**25 May 2011**

### **Independent living inquiry: Welsh government ‘must sign up to independent living’**

The Welsh government must join the rest of the UK and draw up its own national strategy for promoting independent living, a parliamentary committee has been told.

The joint committee on human rights was hearing evidence from disabled people’s organisations from Scotland and Wales as it began its inquiry into the implementation of disabled people’s right to independent living.

Rhian Davies, chief executive of Disability Wales, said: “Wales appears to be the only country in the UK that doesn’t have an over-arching strategy on independent living. We feel that is a huge loss for disabled people in Wales.”

She said the “stumbling block” was that the push for independent living in England tended to focus on the “personalisation” of services, which was seen by Welsh politicians as “privatisation by the back door”, with concerns over the dismantling of the welfare state and social services.

Davies said the debate in Wales was “about social care and not about rights” and although there were “pockets of good practice”, resources were not pooled and there was “no overarching vision, no sense that disabled people have the right to live in their own homes”.

She said: “I hope the message is going back down the M4 that we urgently need to address this issue. What we want from the Welsh government is a right to independent living.”

Pam Duncan, policy officer for Independent Living in Scotland, said there was a “shared approach” to independent living between the disabled people’s movement, local authorities and the Scottish government.

But she said there were “some concerns about the shared understanding”, with “considerable patchy provision”, and doubts over whether this vision was shared by those working at lower levels of government.

She said disabled people had been the “hardest hit” in Scotland by the UK government’s spending cuts and welfare reforms, with the loss of public sector jobs, cuts to benefits and increasing charges for care services.

She said: “There is also a double whammy. We are facing it in our pockets but also facing it in our services.

“It is leaving disabled people very, very cash-strapped. The cumulative impact will be such that disabled people will not enjoy the right to family lives, the right to community living.”

She said there needed to be a national framework of entitlements to independent living, “seeing them as the human rights they are”.

**25 May 2011**

### **Independent living inquiry: Cuts to support are a ‘breach of rights’**

Disabled people’s human rights are being breached because of the government’s failure to implement their right to independent living, a committee of MPs and peers has been told.

The parliamentary joint committee on human rights was hearing evidence from leading disabled people’s organisations as it began an inquiry into the implementation of disabled people’s right to independent living.

The committee heard that the government’s decisions to close the Independent Living Fund (ILF) to new members and cut spending on disability living allowance (DLA) by 20 per cent, and other coalition welfare reforms and cuts to disability benefits, as well as ever-tightening eligibility for care services, were putting disabled people’s right to independent living at risk.

Jaspal Dhani, chief executive of the UK Disabled People's Council, said that cuts to support would breach article 19 of the UN Convention on the Rights of Persons with Disabilities, the section which deals with living independently and being included in the community.

He said the closure of the ILF would have a "brutal" impact and cause many disabled people to "lose the level of support they need to remain independent in the community and thereby put their health and well-being at risk".

Sue Bott, director of the National Centre for Independent Living, said the coalition government had yet to decide whether it would "take forward" the five-year, cross-government independent living strategy launched by the Labour government in March 2008.

She said the issue of independent living appeared to have been "forgotten about" in the wake of the financial crisis, and warned that disabled people's support was like a "house of cards" that would collapse if one of its elements, such as the ILF, was removed.

She said local authorities had failed to fill the gap left by the ILF's closure, and added: "Once one of those cards is pulled away then life for an individual disabled person can deteriorate very rapidly."

The government has so far only promised to "safeguard the position" of the 21,000 existing ILF recipients until 2015.

Bott said that if the fund was closed for good, it would cause a problem "not only for those people who would have applied for the fund but also the 21,000 existing recipients of the fund, because to date there has been no suggestion as to where that money can come from".

Marije Davidson, RADAR's public affairs manager, told the committee that the failure to consult with disabled people and user-led organisations was leading to "bad decision-making" and was a "massive impediment" to independent living.

Neil Coyle, director of policy for Disability Alliance (DA), said there were ways of achieving greater independence for disabled people at lower cost, such as introducing "portability" of people's care packages and reducing the number of assessments they had to undergo.

He said: "The cuts narrative [of the government] is almost that you can just take this money away and it won't have any impact at all."

But he said that "peeling away" the support provided by DLA would have a "clear" impact on disabled people, as well as "quite considerable" costs for the health service, while many disabled people had told DA they would question the value of continuing to live if their DLA was removed.

After the evidence session, a Department for Work and Pensions spokeswoman claimed the ILF was “not sustainable”, and added: “Next year we will consult with disabled people and local authorities about how we can best support existing users of the ILF through social care that gives disabled people the choice and control they should have over their lives.

“We are working hard to make the care system simpler, more sustainable, and more responsive and have injected an extra £2 billion into it each year by 2014.”

**25 May 2011**

### **Fiona Pilkington report: Police praised for learning from mistakes**

A disabled people’s organisation has praised the police force at the centre of a highly critical report into its failings over disability hate crime for taking positive steps to learn from its mistakes.

The Independent Police Complaints Commission’s (IPCC) report this week criticised Leicestershire police for its repeated failure to deal with the years of harassment suffered by the family of Fiona Pilkington, much of it aimed at her disabled daughter Francessca.

Pilkington killed herself and Francessca in October 2007 after years of abuse targeted at their family, who lived in Barwell, Leicestershire.

After an inquest in 2009, Disability News Service reported that Leicestershire Centre for Integrated Living (LCIL) had been pleading with Leicestershire police to take disability hate crime seriously for at least five years before the deaths.

But LCIL has now praised Leicestershire’s new chief constable, Simon Cole, for his efforts to turn around the force’s performance on disability hate crime since his appointment last summer.

Dee Martin, LCIL’s chief executive, said she believed Cole’s attitude towards disabled people and hate crime was one of the reasons he was appointed, and that the changes he had implemented had been a direct result of the Pilkington case.

She said: “I believe that the force – certainly from the top level down – is taking hate crime more seriously.

“Steps are being put in place. There is still a long way to go and it will be absolutely critical that the police continue to talk to disabled people to ensure the changes that are needed are totally embedded.”

Changes introduced include the introduction of a specialist team set up to work with victims of hate crime, and new training for officers and other staff in recognising those who may be at risk of harm.

Martin said it was too early to see any direct impact on disabled people in Leicestershire, but added: "I am more positive now than at any stage over the last 15 years. Over the last 12 months, the fact that I am seeing things that are all moving in a positive direction is something that is positive and we should applaud that.

"The question now is whether they make a difference and an impact."

A Leicestershire police spokeswoman said other measures taken included a campaign to encourage the reporting of hate crime, and organising police presentations and workshops aimed at raising the profile of hate crime.

**25 May 2011**

### **Fiona Pilkington report: Force's failings 'should act as warning'**

A report into how the failings of a police force led to a disabled teenager's death should act as a "warning" to other public bodies to take action over the targeted harassment of disabled people, say campaigners.

The Independent Police Complaints Commission's (IPCC) report criticises Leicestershire police for failing to protect the family of Fiona Pilkington from years of harassment, and for failing to recognise it as disability hate crime.

Four Leicestershire police officers will now face misconduct proceedings over their alleged failures in the case.

Pilkington killed herself and her disabled daughter Francecca in October 2007 after years of harassment and abuse from a gang in Barwell, Leicestershire, much of it targeted at Francecca, who had learning difficulties.

[The 180-page IPCC report](#) says the family contacted the police on at least 33 occasions between 1997 and 2007, while Pilkington also kept detailed notes of the incidents.

Her son, who has learning difficulties, was also repeatedly targeted.

But the IPCC said the incidents were usually dealt with "in isolation" by the police and with an "unstructured approach", while the family were not brought to the attention of the force's hate crime officer.

IPCC commissioner Amerdeep Somal said: “Police missed several opportunities to take robust action, inadequately investigated criminal allegations on some occasions and failed to record information on their own intelligence system.”

She added: “It is an indelible scar on our collective conscience that Fiona’s concerns were not taken seriously and that she was not given the protection that she and her children requested and deserved.

“It is vital that the police take anti-social behaviour and harassment seriously, listen to the concerns of the victims and take appropriate action.”

An IPCC spokesman said the force had failed to realise that the Pilkington family was being “specifically targeted by youths”.

He added: “We point out that research demonstrated there was a lack of national awareness by police at the time in recognising people with disabilities as targets for hate crime.

“While the investigation has underlined that this was a complex and not a ‘single-issue’ case, we believe that it has had a major impact before now in raising the awareness of police to disability hate crime issues.”

Journalist and campaigner Katharine Quarmby, whose groundbreaking book on disability hate crime, [Scapegoat](#), will be published on 7 June, welcomed the report.

She said: “Hopefully it will provide a warning to those working in the police, social care and housing agencies that anyone who comes into contact with somebody who may be experiencing harassment may be held to account later if they do not do their job properly the first time.”

Quarmby’s book includes an in-depth look at the Pilkington case – and many other horrific disability hate crimes – and describes how the neighbourhood where the family lived has been “poisoned” by the tragedy.

Fellow campaigner Stephen Brookes, a coordinator of the Disability Hate Crime Network, along with Quarmby, said the report showed yet again that different agencies must work together.

And he said it was clear that many of the agencies knew about the problems the Pilkingtons were facing, but none of them took any action.

Simon Cole, the force’s chief constable, who took over the role last year, accepted the findings and recommendations of the report, and apologised for “whatever extent the force’s actions contributed to Fiona’s mindset at the time that she and Francessca died”.

He said: “The IPCC acknowledge in their report that we have learnt many lessons from Fiona and Francessca’s tragic deaths and that we continue to make significant changes to the way we deal and respond to these types of incidents.”

The Equality and Human Rights Commission, which is about to complete an inquiry into disability-related harassment, said its own evidence shows that many other disabled people are experiencing such crimes.

It is set to make “detailed recommendations” to public authorities, including the police, as well as transport providers, to “help them to better protect disabled people”.

**25 May 2011**

### **Government reforms ‘risk turning watchdog into nit-picking factory’**

Government plans to reform the equality watchdog risk turning it into a weak and “nit-picking compliance factory”, its chair has warned.

The Equality and Human Rights Commission (EHRC) was responding to a Government Equalities Office (GEO) consultation on plans to slash the commission’s budget and reduce its powers, remove funding for its grants programme, and ask the private or voluntary sector to take over its national helpline.

Trevor Phillips, the commission’s chair, said the proposals were a “missed opportunity” to modernise the way equality law works and risked turning the EHRC into an “anonymous, cowed, nit-picking compliance factory, remote from the everyday challenges that face ordinary people”.

The EHRC response suggests that the government intends to cut its budget by more than half from £53m in 2010-11 to just £26m by 2014/15.

It comes just two weeks after MPs and peers pledged to oppose the plans to remove the helpline from the EHRC, with Baroness [Jane] Campbell, Lord [Colin] Low – both disabled crossbench peers – and the Liberal Democrat MP Stephen Lloyd all promising to fight the proposal.

[In its initial response to the consultation](#), the EHRC says the government’s proposals will prove expensive and time-consuming and distract it from its own modernisation plans.

The commission warns that the proposals would also threaten its independence – and put at risk its national human rights institution “A” status with the UN – with particular concerns

over proposals that would allow the government to impose financial sanctions if the commission is shown to have “mis-spent taxpayers’ money”.

It also warns that outsourcing its helpline would remove “the only expert national source of advice and guidance on equality and human rights issues”.

And it says that scrapping its mediation and conciliation service was likely to lead to more uncertainty and higher costs for public bodies and businesses, with discrimination cases on goods and services more likely to end up in court.

The EHRC says it has settled more than three-quarters of 459 mediation cases without the need for expensive court action.

The commission also says that plans to restrict its duty to promote good relations in society could make it harder to tackle issues such as disability-related harassment.

A government spokeswoman said: “We have noted the commission’s initial response to our consultation, which closes on 15 June. We will publish a full response in the autumn.

“It is vital that we have a strong, effective and independent equalities and human rights body. The proposals being considered are intended to deliver that.”

The GEO [consultation](#) ends on 15 June.

**25 May 2011**

**News provided by John Pring at [www.disabilitynewsservice.com](http://www.disabilitynewsservice.com)**