

## **Research prompts call for government u-turn on benefits cut**

The government should abandon plans to impose a time limit on claiming certain out-of-work disability benefits, say campaigners, after research showed only a tiny proportion of claimants are finding jobs.

The Department for Work and Pensions (DWP) research showed that less than five per cent of disabled people who had been found not immediately “fit for work” had secured jobs over the course of more than a year.

The [research](#) analysed the results of a survey of disabled people claiming employment and support allowance (ESA), the replacement for incapacity benefit (IB).

Of claimants placed in the ESA work-related activity group (WRAG) – those expected to prepare for an eventual return to work – less than five per cent had found work.

The group had been claiming ESA since between April and June 2009, and were interviewed for the survey more than a year later.

Disability Alliance (DA) said the figures showed the government should rethink its plans to stop paying “contributory” ESA to those in the WRAG after one year, from 2012.

A DA spokesman said: “With government job cuts likely to increase the number of disabled people seeking work and more than 10 people seeking every current vacancy, employment prospects for disabled people look grim.

“DA hopes this DWP evidence will halt government plans to scrap access after one year for disabled people receiving contributions-based ESA in the work-related activity group.”

A second piece of DWP [research](#) has produced fresh evidence of concerns about the healthcare professionals (HCPs) used by the company Atos Healthcare to carry out work capability assessments (WCAs) for the government.

The research looks at the two pilot schemes that began in Aberdeen and Burnley last October as part of plans to reassess about 1.5 million long-term claimants of IB using the WCA, a test repeatedly criticised by disabled people as unfair, inaccurate and not fit for purpose.

The research found that while “some customers commented positively on the empathy and professionalism of the HCP conducting their assessment, negative reports of the tone, manner or approach of HCPs were reasonably common”.

It also describes how most of those found “fit for work” were “generally stunned and/or angry, although a few were unsurprised and admitted they felt ready to work”.

One man with a physical health condition who had been claiming IB for more than five years said he was “like a freshly boiled owl – incandescent with rage”, and described the decision to find him fit for work as “absolute nonsense” because his doctor’s certificate “automatically overrules their assessment”.

Despite such concerns, the report concludes that “by and large the reassessment process was working well”.

A DWP spokeswoman said the government wanted to ensure the WCA was “as fair and accurate as possible” and had accepted all the recommendations for improvements made by its independent reviewer, Professor Malcolm Harrington, while the test “continues to be kept under review”.

She said: “The government has made it clear that disabled people who can’t work won’t have to but we will also ensure that disabled people get the help they need to move into the jobs they want.”

**2 June 2011**

### **Panorama abuse scandal: Care regulator ‘is not fit for purpose’**

Disabled people’s organisations and leading disabled activists say the care watchdog is “unfit for purpose”, following a BBC investigation into abuse at a private “hospital” for people with learning difficulties.

Activists have also called for action to stop people with learning difficulties being placed in large institutional settings like Winterbourne View, the hospital featured in this week’s Panorama documentary. They believe such placements are being made as cost-cutting measures.

A BBC undercover reporter filmed slaps, kicks and other physical assaults, violent threats, and repeated bullying, mocking, humiliation and other ill-treatment of “patients” with learning difficulties at the hospital in Hambrook, near Bristol.

Julie Newman, acting chair of the UK Disabled People’s Council, has written to the minister for disabled people, Maria Miller, describing her “shock” and “horror” while watching the documentary.

Newman said she believed the scandal showed the Care Quality Commission (CQC) was “inept” and “unfit for purpose” because of its failure to act over concerns that were raised last year by a whistleblower.

Newman said the use of “hospital” facilities like Winterbourne View for people with learning difficulties had “no place in our modern day society”.

She said local authorities were opting for such placements because they were funded through the NHS, rather than their own budgets.

She wrote: “UKDPC strongly urges the minister to initiate an immediate review and to consult actively with disabled people’s organisations to move towards the closure of these institutions as quickly as possible.”

The Department of Health declined to comment on the use of such hospitals.

Newman also said the Panorama documentary showed that the rights of the service-users at the hospital under the UN Convention on the Rights of Persons with Disabilities were “being breached on a daily basis”.

Andrew Lee, director of People First (Self Advocacy), said the abuse uncovered was “appalling” and “horrific”, and added: “There have been so many cases. [Every time] there is an inquiry and we are promised that it will never happen again. And it does.”

Lee called for “some high-profile sackings” and said that people with learning difficulties themselves need to be in a position to “knock some heads together” to sort out what is “a very big mess”.

He also said the case raised serious concerns over the government’s push for the private sector to play a larger part in providing care services, as the private sector “cannot be trusted”.

And he called on the Equality and Human Rights Commission to use the case in its report on how the UK has implemented the UN convention.

He also called for stricter sentences for such abuse and for the bosses of local authorities responsible for failures in such cases to be held accountable.

He said he agreed with UKDPC that the case showed the CQC was “not fit for purpose”.

And he called for Castlebeck – the company that runs the hospital and 55 other such institutions – to be stripped of all of its public contracts.

Another leading activist, Michael Ratcliffe, former co-chair of The National Forum of People with Learning Difficulties, called for CQC to be “disbanded”.

Ratcliffe, himself a survivor of institutional abuse, said: “It is obviously not doing its job right. The top people should lose their jobs. They have failed us.”

He said the latest scandal showed again the need for “all types of advocacy” in care settings, as well as proper training for staff.

He added: "As long as these organisations put profit as their first priority and people with learning difficulties as their third or fourth priority then they are going to carry on happening."

Care services minister Paul Burstow said the abuse uncovered by Panorama was "shocking" and that he had "ordered a thorough examination of the roles of both CQC and the local authorities in this case".

A CQC spokesman said it had made an "unforgivable error, a terrible mistake" in failing to follow up the whistleblower's allegations, but that did not mean it was not fit for purpose.

He said the watchdog had taken action in "hundreds and hundreds" of cases across the country against poor providers.

Winterbourne View "cares" for 24 people with learning difficulties and describes itself as "a purpose designed acute service, offering assessment and intervention and support for people with learning disabilities, complex needs and challenging behaviour".

Lee Reed, Castlebeck's chief executive, said he was "shocked, disgusted and ashamed" by what he had seen on Panorama.

Castlebeck has suspended 13 members of staff and two managers, commissioned an independent review of its own operations, is reviewing all patient care records at its 56 facilities, and has asked an advocacy group to "undertake a review of the patient experience at all our hospitals".

Avon and Somerset police said four staff members – three men and a woman – had been arrested on suspicion of mistreatment of patients under the Mental Capacity Act and assault. All four have been released on police bail.

**2 June 2011**

### **Panorama abuse scandal: Council fails to explain long delay in action**

A local authority was told that adults with learning difficulties were being abused at a private hospital more than seven months before the BBC screened an investigation into the scandal.

South Gloucestershire Council, along with other agencies represented on the local safeguarding adults board, appears to have taken no serious action to investigate the claims made by a whistleblower until the BBC's Panorama programme notified it of the results of its investigation months later.

A BBC undercover reporter filmed slaps, kicks and other physical assaults, violent threats, and repeated bullying, mocking and humiliation of “patients” with learning difficulties at the Winterbourne View hospital in Hambrook, near Bristol. Several of the service-users were seen being wrestled and pinned to the floor by staff.

The whistleblower first emailed detailed allegations to a hospital manager on 11 October last year, and the allegations were passed to the council on 28 October.

At some stage in November, the council informed the care regulator – the Care Quality Commission (CQC) – and confirmed that it would be holding a multi-agency “safeguarding meeting” to examine the allegations.

Membership of this safeguarding adults board includes representatives of the council, the police, the NHS and the CQC.

But this safeguarding meeting did not take place until 1 February this year. It is unclear what action the board took after the meeting, who was present, or why it took so long to discuss the allegations.

South Gloucestershire Council has so far declined to comment.

The CQC, though, has apologised after admitting that it failed to reply to an email from the whistleblower on 6 December, who said he was frustrated at the lack of action over his allegations.

The commission also received a follow-up phone call from the whistleblower on 31 December, and possibly a third call or email.

The CQC has also admitted inspecting the hospital three times over the last two years and failing to spot any abuse. The last inspection took place last September, just three weeks before the whistleblower emailed his manager with his concerns.

A CQC spokesman said it was not clear whether the inspector talked to service-users privately, or interviewed them in front of staff.

Since the BBC revealed its findings, the CQC has carried out three unannounced inspections of the hospital and barred it from admitting any new patients. It is also reviewing all the services run by Castlebeck, the company that runs Winterbourne View, and has launched an internal review of its own actions.

**2 June 2011**

**Panorama abuse scandal: Questions raised over new hospital ‘audit’**

The government has agreed plans for a national audit of hospitals for people with learning difficulties, just five years after a similar investigation was carried out by two care regulators.

The audit was approved by care services minister Paul Burstow in the wake of a BBC investigation into abuse at Winterbourne View, a private hospital near Bristol.

Burstow said: "People deserve to receive safe and effective care. That's what we expect from every care provider.

"I have confirmed with CQC [the Care Quality Commission] that they should undertake a series of unannounced inspections of services for people with learning disabilities.

"These unannounced inspections into care for people with learning disabilities will help inform future policy and focus attention on the 7/24 care obligation all providers have."

But the Department of Health (DH) and CQC both appeared to have been unaware that a similar audit was carried out only five years ago, in the wake of another abuse scandal. Neither has been able to comment on why another audit is necessary so soon after the last one.

The Healthcare Commission and the Commission for Social Care Inspection – the predecessors of the current regulator, the CQC – announced the previous national audit of learning disability healthcare services in 2006, following their joint investigation into abuse at a Cornish NHS trust.

Many of the allegations at that trust were similar to those uncovered by this week's investigation for the BBC's Panorama.

The report in 2006 into "years of abusive practices" at homes and hospitals run by Cornwall Partnership NHS Trust found service-users had been hit, kicked, over-medicated, mocked, deprived of food and given cold showers and been subject to "over-zealous or premature use of restraint".

Rob Greig, chief executive of the National Development Team for Inclusion and the government's former national director for learning difficulties, said that the "institutional nature of learning disability hospitals fosters a climate where abuse is a high risk".

He said the financial crisis was threatening to reverse the progress made over the last 30 years towards ending institutional provision for people with learning difficulties.

And he warned that CQC budget cuts had reduced its "learning disability expertise" and its "capacity to undertake inspections".

He added: “Whilst abuse in institutional provision is a long-standing problem, stronger commissioning, robust advocacy and more effective regulation are key components of preventing abuse – and current government policies risk all three being weakened.”

Meanwhile, a group of young disabled campaigners announced this week that they are to launch their own investigation into disability hate crime.

The investigation by the Muscular Dystrophy Campaign’s [Trailblazers](#) network of more than 300 young disabled people will examine how, when and where young people are experiencing hate crime, how offences are being dealt with and how to ensure that incidents are reported.

The investigation was sparked by the “bullying, intimidation and verbal abuse” of a disabled student by university security staff last year, and the poor handling of her case by the university.

**2 June 2011**

### **Panorama abuse scandal: Revelations ‘show little has changed’ since 1990s**

The abuse of disabled people uncovered by a BBC investigation shows little has changed since the exposure of an even more horrific regime 17 years ago, say campaigners.

The undercover investigation revealed a catalogue of abuse at Winterbourne View, a private hospital for people with learning difficulties near Bristol.

But the Panorama programme was aired in the same week as the publication of a new book which tells the full story of probably the most notorious and brutal regime of abuse of adults with learning difficulties.

[Longcare Survivors: The Biography of a Care Scandal](#) is the result of journalist John Pring’s 17-year investigation into the crimes that took place at the Longcare homes in south Buckinghamshire, near Slough.

It also examines the impact of the regime on those who survived the abuse, and investigates the ingrained discrimination in society that is still exposing people with learning difficulties to shocking levels of injustice, hostility and violent crime.

Pring – the editor and founder of Disability News Service – said he was appalled but not surprised by the cruelty revealed by the BBC investigation.

What particularly appalled him, he said, was that the flaws in the care system exposed by Panorama were so similar to those that emerged from the Longcare case, 17 years earlier.

Pring said: “Despite 17 years of inquiries, white papers, legislation, guidance, criminal investigations and serious case reviews, people with learning difficulties are still being exposed to such terrible cruelty and violence. It seems that so little has changed.”

As with Longcare, campaigners and commentators are blaming a callous indifference in society to the rights of people with learning difficulties; the use of large, institutional settings; poorly-trained and low-paid care workers; the failure of inspections to spot abusive cultures; different agencies failing to communicate with each other and share information; a lack of advocacy for service-users; and authorities failing to take complaints of abuse seriously and ignoring whistleblowers.

Andrew Lee, director of People First (Self Advocacy), a leading organisation run by people with learning difficulties, said he agreed that nothing appeared to have changed in 17 years.

He said: “There must have been loads of reports that were put towards parliament that promised change, that things would improve. If the ink that was on those reports was worth anything, this would not be happening.”

Kathryn Stone, chief executive of Voice UK, a charity which supports people with learning difficulties who have been victims of crime or abuse, said the documentary was a “shocking indictment of our system for regulating care”.

In the last year, Voice UK’s helpline has taken more than 2,000 calls relating to similar abuse in care settings, day centres and people’s own homes.

She said the case had “the most terrible echoes of Longcare” and appeared to show that the system for preventing and detecting abuse was no better than it was in the 1990s.

She said: “It sickens me to see how far it has gone back.”

Voice UK is about to launch a “Listen Louder” campaign, aimed at persuading society to do more to listen to people with learning difficulties when they make allegations of abuse.

Pring’s book also raises serious concerns about the Care Quality Commission’s plans to reduce inspections of facilities like Winterbourne View and its new “risk-based” system of regulation which focuses on poorer homes while leaving others to submit their own written self-assessments.

**2 June 2011**

**Anger after Met clears itself over tuition fees protest complaint**

Disabled campaigners have raised serious questions over the Metropolitan police's decision to clear the officers who dragged an activist from his wheelchair during last December's student tuition fees protests in central London.

Jody McIntyre had lodged a series of complaints with the force over two incidents, one in which he said he was struck with a baton and pulled from his wheelchair, and another in which he was tipped from his wheelchair and dragged across a road onto a pavement.

The second incident caused particular outrage among disabled people as it was filmed on a mobile phone and viewed by hundreds of thousands of people on the internet.

This week, the Met admitted to Disability News Service that it has no policy in place for how to deal with wheelchair-users in "public order" situations, with disabled people instead "dealt with on a case by case basis".

It also admitted that it asked only one of the five members of its Disability Independent Advisory Group (DIAG) for advice during its internal investigation into the allegations.

Another member, Anne Novis, a leading disabled activist, wrote to the Met after viewing the footage last December and told them the actions of their officers were "potentially dangerous" and "totally unacceptable". But Novis was not asked officially for her advice as part of the investigation.

She said McIntyre should appeal against the Met's decision to clear its officers of any blame, but also called on the force to introduce new procedures for how its officers treat wheelchair-users in similar situations.

She said: "In other demos they always removed us in our chairs, so why that has suddenly changed I don't know.

"I have sent several emails to the MPA [the Metropolitan Police Authority] and the MPS [the police force] and made it quite clear that it is inappropriate to separate somebody from their wheelchair unless it is a life or death situation."

She also questioned how the force could argue that McIntyre was removed for his own safety when he was simply left by the side of the road without his wheelchair.

McIntyre has reacted angrily to the Met's decision to clear its own officers after the internal investigation, and said he will now probably appeal to the Independent Police Complaints Commission, although he had "very little expectation of getting any kind of justice".

He said it was a "disgusting" decision while its conclusions were "almost laughable", and he added: "There is a video that hundreds of thousands of people have viewed online of me being dragged out of my wheelchair and the police say there is no evidence – they have made themselves a laughing stock."

But McIntyre did not call for new police policies on dealing with wheelchair-users in public order situations.

He said: "Someone in a wheelchair in a demo should be able to make their own decisions about how they conduct their lives without being dealt with in any way by any police officer unless they are under arrest.

"They don't have the right to do anything to me. If you don't want a safety issue, don't attack unarmed demonstrators.

"I don't think they should move me out of the way so they could charge into children on horses."

In a statement, the force claimed that while there was evidence that McIntyre had been "inadvertently struck with a police baton", the actions of officers were justifiable and lawful "given the volatile and dangerous situation", while his removal from his wheelchair was "also justifiable" because he was at the front of the protest and they feared he "may be injured".

They also claimed the second incident was justified because the officer who dragged him across the street was concerned that he might have been injured by approaching police horses.

A police spokeswoman added: "On reviewing all the evidence available it was found that the actions of the officers were justifiable in the circumstances."

She said it was "normal practice" to consult only one member of the DIAG, but admitted that the disabled member they consulted had "expressed concern" about moving someone from their wheelchair and had called for new guidance on "the most appropriate way to move a wheelchair-user should it become necessary".

She added: "The learning from this investigation is currently being reviewed and will be used to develop procedures for interacting with wheelchair-users, in public order situations."

**2 June 2011**

### **Supermarkets ignore government call to clamp down on bay abuse**

Major supermarket chains have been criticised for failing to do more to stop the abuse of accessible parking bays, despite a government minister asking them to tackle the problem.

Liberal Democrat transport minister Norman Baker wrote to supermarkets earlier this year as part of government efforts to reform the system of disabled people's blue parking badges.

He announced this week that seven supermarkets had expressed their support for government efforts to "eradicate blue badge abuse".

Disabled campaigners have been calling for supermarkets to introduce stricter enforcement of their accessible spaces – including the introduction of widespread fines for abuse – for about 10 years.

But when Disability News Service contacted the "big four" chains – Sainsbury's, Tesco, Morrisons and Asda – none of them said they had agreed to strengthen enforcement as a result of Baker's letter.

Helen Dolphin, director of policy and campaigns for the charity Disabled Motoring UK [DM UK, formerly Mobilise], welcomed the minister's letter and said she hoped he would write to the supermarkets again in several months to ask what action they had taken.

She said supermarkets knew the only method of enforcement that worked was issuing fines.

Under the Equality Act, supermarkets that operate their own car parks would probably have to show they had taken reasonable steps to ensure their accessible spaces are available to their disabled customers.

Dolphin said she believed there had been a number of such cases taken by disabled people under the Disability Discrimination Act, but that they had all been settled out of court.

She added: "I would like to see more people take court actions against supermarkets for failing to tackle abuse.

"It is only when they are threatened with legal action that they pull their fingers out and do something. If I face such discrimination, I will be taking a case. It seems to be the only way forward."

Of the big four, Asda led the way by introducing widespread fining for abuse in 2008.

Tesco's efforts have in the past been criticised as half-hearted by campaigners, with the last survey by the Baywatch campaign – DM UK, the British Polio Fellowship and Disability Now magazine – finding its bays were the most likely to be abused of the four chains.

Morrisons has also been criticised for lagging behind in introducing fining, while Sainsbury's was the best performer in the last Baywatch survey after it began fining some abusers in 2009.

But none of the four said they had agreed to toughen their enforcement.

Tesco said its policy had not changed as a result of the minister's letter.

A Tesco spokesman said they did not fine bay abusers in all their car parks, although he claimed that "in some areas where abuse is prevalent we are very strict", while in other car parks "there is no need".

A Morrisons spokesman said: "We are happy to reinforce the government's message, but has something voluntarily changed in terms of our policy? It has not."

He said the store fined abusers "from time to time" but not more often because "we prefer to educate first and penalise afterwards".

Sainsbury's said its position "has not changed with this announcement", which it said was "an opportunity to launch our support for the initiative and reiterate the fact that we recognise that this is something that frustrates our customers".

Asda also confirmed that its policies had not changed as a result of Baker's letter, although – uniquely among the big four – it said it fined all cars abusing accessible spaces.

A spokeswoman said: "We are leading on this and always have done. Any car using a disabled space without a blue badge will be fined immediately. That is our policy."

A Department for Transport spokeswoman said: "All of the supermarkets who responded share the government's view that abuse of blue badges needs to be tackled and said they are taking action on this issue.

"This is an important step in tackling abuse of blue badges and ensuring that the government's reforms announced in February are more widely enforced."

## **2 June 2011**

### **Europe 'must act' on freedom of movement**

Members of the European disability movement have called for new laws to guarantee freedom of movement for disabled people across the Europe Union (EU).

They were speaking at the 15<sup>th</sup> annual general assembly of the European Disability Forum in Budapest, Hungary, from 27 to 29 May.

The general assembly heard that while the EU supposedly guarantees freedom of movement for all its citizens, there is no such right for disabled people, who still face "major difficulties" when travelling or going to study, work and live in another European country.

Next year, the European Commission (EC) plans to introduce proposals for a European Accessibility Act, which will aim to address barriers to goods and services, including transport.

Delegates to the assembly heard that the EC must include and listen to the European disability movement when preparing the act.

EDF wants the act to be in the form of a directive, which would impose a legal duty to ensure accessibility, but would allow each country freedom to decide how to bring that about.

Disabled campaigners are also calling for a new European mobility card, which would allow disabled people from the UK to enjoy the same concessions as disabled people in other EU countries when they are travelling through or living in those countries.

These benefits could include reduced fares or priority seating on public transport, exemptions from toll road charges, and reduced ticket prices at the theatre.

An EDF spokeswoman said such a card would be a “very important... very concrete and symbolic” development for disabled people.

Last November, the EC raised the possibility of introducing a mobility card when it launched its new European Disability Strategy.

Yannis Vardakastanis, EDF’s president, also told the general assembly that austerity measures introduced by EU governments in response to the financial crisis were “hitting us hard” and causing “alarming situations for persons with disabilities”.

He said: “We are not responsible for this crisis and the disability movement will fight to ensure that 80 million persons with disabilities are not the first to pay.”

In a meeting this week with an EDF delegation, including Vardakastanis, the EC president, Jose Manuel Barroso, pledged to put pressure on national governments to protect the rights of disabled people during the financial crisis.

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