

Cameron's constituent appeals for help after 'inhuman' Atos treatment

One of the prime minister's disabled constituents has issued a personal plea for his help, after he was forced to appeal for the third time against an unfair and inaccurate assessment of his ability to work.

David Cameron promised to write to his own ministers at the Department for Work and Pensions (DWP) after Chris Caudle told him how he was treated during three work capability assessments (WCAs) carried out by "healthcare professionals" employed by Atos Healthcare.

Atos has been subjected to a sustained and angry protest campaign from disabled activists over the poor quality of its work and the generosity of its contract with the DWP.

Caudle, who has to take morphine three times a day to deal with the pain of ankylosing spondylitis, told the prime minister at his constituency surgery last week that he was now waiting for his third appeal against the outcome of a WCA in as many years.

He has already won two appeals, and is so angry at the treatment he has received from Atos that he is considering legal action.

The first time Caudle was assessed, for a new claim for employment and support allowance (ESA) – the replacement for incapacity benefit – he was found fully fit for work.

Caudle won his appeal, and was one of the small number of disabled people placed in the "support group", for those whose barriers to employment mean they do not have to carry out any work-related activity.

At his next WCA, he was forced to walk a quarter of a mile in agony from a car-park to the assessment centre, because he was told he could not park outside the building.

The journey took him 90 minutes and by the time he arrived at the centre he was "crying with pain".

Caudle says he was only asked one question during the assessment – to confirm his name – and was subsequently placed in the work-related activity group (WRAG), for those expected to prepare to return to work. Again he appealed successfully, and was placed back in the support group.

This year, he was called in for a third WCA and again placed in the WRAG. He has been told he may now have to wait until November to have his latest appeal heard.

Meanwhile, his benefits have been cut by £19.65 a week and will not be reinstated and backdated to the full amount until he wins the appeal. The previous two reductions in his benefits while he was waiting for appeals have destroyed his credit rating.

Caudle, from Eynsham, near Oxford, said the treatment he has received from Atos has been “inhuman”.

He said: “They don’t care how you feel when you get there. They don’t offer any help if you are in pain.

“They are almost like a production line. The doctors there just sit at the keyboard, typing.

“Every time I think, ‘why have they put me through all this pain and agony just to sit there?’ Every time I feel degraded.”

Susie Drohan, manager of Oxfordshire Welfare Rights (OWR), said the WCA was clearly “not fit for purpose” and was producing a “revolving door” of disabled people moving from assessments to appeals and back to assessments.

The organisation has a 96 per cent success rate for appeals against the outcomes of claims for ESA, she said.

Nick Turnill, an OWR case worker, who has supported Caudle, said: “Chris is a severely disabled man who is caught up in a process that is inflexible and, as presently constituted, not fit for purpose.”

Caudle said the prime minister concluded that Atos was “not carrying out the procedures as they should be carried out”.

He added: “You could see by his face that he was concerned. He seemed as though he wanted to do something about it.”

A DWP spokesman said he could not comment on individual cases, but that the review of the WCA by Professor Malcolm Harrington would make it “a fairer and more effective assessment” and reduce the number of appeals.

He said that a successful appeal “does not necessarily mean that the original decision was inaccurate”, because claimants often “produce new evidence” for their appeal.

And he said the DWP was also introducing measures to reduce appeal rates, which have been endorsed by Harrington.

An Atos spokeswoman said: “We definitely would not comment on individual cases.”

23 June 2011

National competition will set disabled pupils on road to Olympic Park

Disabled children are set to enjoy new sporting opportunities at school, both in inclusive versions of mainstream events and in high quality competitions against other disabled young people.

Jeremy Hunt, the secretary of state for culture, Olympics, media and sport, announced plans this week to boost the participation of disabled children in sport.

He was speaking at one of nine pilot events taking place ahead of this September's launch of a new national School Games competition, which will include both non-disabled and disabled pupils from schools across England.

Hunt said that participation rates of disabled children in competitive sport will be measured for the first time; there will be information and guidance for teachers and coaches on how disabled and non-disabled pupils can participate alongside each other in inclusive versions of mainstream sports; and 50 "trailblazing" schools will pioneer new ways to develop sporting opportunities for disabled pupils.

The new School Games will see pupils compete at school level, against other schools, and in county or regional finals, with the first national finals set to be staged in the 2012 Olympic Park next May.

Disabled pupils will compete next May in swimming, athletics, table-tennis and wheelchair basketball, with the possibility of events in sitting volleyball and wheelchair fencing.

Alison Oliver, director of sport for the Youth Sport Trust (YST), the body delivering the School Games for the government, said the competition was "a great opportunity to raise awareness among able-bodied young people of the abilities of their disabled peers".

There will be no events at the national finals with disabled and non-disabled children competing side-by-side because "most of the inclusive formats are not well-enough established", although Oliver said this was something they hoped to try in the future. But events for disabled pupils will be integrated into the mainstream programme.

Because most schools will not have enough disabled pupils to make up their own teams in sports such as wheelchair basketball, YST hopes mainstream schools will enable their pupils to join with disabled children from other local schools in teams based at central venues.

Oliver said the efforts to boost participation among disabled children would be "a challenge" but was "not an impossibility".

She said: "It is not going to happen overnight but we have the best opportunity we could ever have, with the resources and the intent there."

Baroness [Tanni] Grey-Thompson, who won 11 Paralympic gold medals, told Disability News Service: "With the [London] Paralympics just a year away it is a really massive opportunity to get it right in a positive way."

But she added: "It is really challenging. Sport is probably one of the hardest things to deliver inclusively. It is really complicated."

She said sport was the only thing that segregated education was good for, because there were always other disabled children to compete against, but it was much harder to include disabled pupils in sport in mainstream schools.

And she warned there would be a need for greater depth to competitions for disabled young people, so non-disabled children could see the standard was "really strong as well so they take disability sport and Paralympic sport really seriously".

23 June 2011

Peer's portability bill would set right a 'fundamental wrong'

A new bill that would put right "one of the most fundamental wrongs in the social care system" has been introduced by a disabled peer.

Baroness [Jane] Campbell's social care portability bill received its first reading in the House of Lords this week.

Her private members' bill would provide continuity of support for disabled people who choose to relocate to another local authority area in England or Wales.

The bill would place duties on councils to work together to ensure disabled people have equivalent care and support in place when they arrive at their new home, rather than having to renegotiate their package from scratch.

Baroness Campbell said: "We all have a human right to move home around the country, to be close to family and friends or a job, university and so on.

"Or so I thought, until I tried to move 22 years ago. It was then I found out that thousands of disabled and older people who receive social care support do not enjoy this same right."

She said her bill would put right this "fundamental wrong".

The government has signalled that it wants to see greater "portability of assessment" – which it again confirmed this week – but this would only ensure that disabled people do not need to be reassessed when they relocate and not that they would secure the same level of support in their new home.

Sue Bott, director of the National Centre for Independent Living, said the need for portability was "a fundamental point of principle".

She said: “It is really time this was corrected. I challenge the government not to support this.”

But she said she was concerned that the bill’s principles could clash with the government’s push for “localism” – more decisions taken at local level – even though they fit in well with David Cameron’s “Big Society” agenda and his party’s call for people to support each other in their communities.

Bott said the new bill would help disabled people take up job opportunities, and make it easier for older people to move closer to their families, reducing the money councils need to spend on support.

RADAR, which has supported Baroness Campbell with her bill, also welcomed its publication.

Liz Sayce, RADAR’s chief executive, said: “Making portability rights a reality would enable disabled people to pursue work or education opportunities, or allow them to live nearer family and friends for greater security and support.”

In her [review of disability employment support for the government](#), published earlier this month, Sayce said the lack of portable social care was a key barrier to employment for disabled people.

23 June 2011

Activists call for Cameron to act on abuse institutions

There is “no place” for the type of private “hospital” that was at the centre of abuse allegations uncovered by the BBC’s Panorama, say disabled activists and other campaigners who have written to the prime minister.

Nearly 90 individuals and organisations call in their letter for David Cameron to end the use of institutions for people with learning difficulties like Winterbourne View, near Bristol, where the abuse alleged by Panorama took place.

[The letter](#) says such provision “does not work” and should be replaced with “individualised” services and support that are “integrated as far as possible into local communities”.

It also says that the evidence of abuse and failures seen in the Panorama programme are “an almost unavoidable consequence of the continuing use of inappropriate services”, which are only used because of the lack of more appropriate local facilities.

The campaigners and professionals who signed the letter call for more effective regulation and inspection of services, with priority given to “listening to and understanding the experiences of service users and their families”.

They also call for access to independent advocacy for those placed in settings outside their home area or in hospitals.

And they suggest that there were clear similarities between the events at Winterbourne View and previous abuse scandals, warning that lessons from past cases appear to have “been forgotten”.

Among the disabled activists who have signed the letter are Gavin Harding and Amanda Platts, co-chairs of The National Forum of People with Learning Difficulties; Michael Ratcliffe, a former co-chair of the national forum; Professor Peter Beresford, chair of the user-led Shaping Our Lives network; Steve Robertson, chair of People First (Scotland); and Liz Sayce, chief executive of RADAR.

Other prominent figures who have signed it include Rob Greig, the government’s former national director for learning disabilities; Dame Philippa Russell, a leading campaigner for carers and the rights of people with learning difficulties; Joanna Perry, chair of Values Into Action; and Steven Rose, chief executive of Choice Support.

A Downing Street spokesman said they would respond formally to the letter in due course.

The letter was sent as the Department of Health (DH) published [the terms of reference](#) for its review of the Winterbourne View case.

The review will consider any policy implications, and analyse whether lessons from previous cases have been “embedded into practice”, and where that hasn’t happened “why not and what needs to be done to ensure that it is”.

A DH spokesman said: “We can only share the distress of the authors following the terrible events at Winterbourne View and their determination to prevent the risk of others facing similar abuse.”

He said that “all the issues and actions outlined in the letter will be considered fully” in the review, and added: “We need the full facts of what happened before deciding what actions are needed next.”

Meanwhile, the company that runs Winterbourne View, Castlebeck, has announced that the hospital will close for good on 24 June, when the last service-users are transferred to new homes.

23 June 2011

Mencap hate campaign ‘must not distract’ from wider efforts

Disabled activists have welcomed a new campaign aimed at improving the way the police handle hate crime against people with learning difficulties, but have warned that it could distract from wider efforts to address the issue.

The charity Mencap this week launched its Stand By Me campaign, and [a report based on research examining 14 police forces across England](#).

Mark Goldring, Mencap’s chief executive, said: “We continue to hear reports of incidents being dismissed as ‘only antisocial behaviour’ with little or no real action being taken.

“For the people with a learning disability who are suffering from daily abuse, attacks and harassment, this is simply not good enough.”

The report calls for better training in most police forces on “identifying, recording and handling hate crime reports made by people with a learning disability”.

Among its other recommendations, it says forces should: build partnerships with disabled people’s organisations and those run by people with learning difficulties; ensure there is at least one officer with “dedicated responsibility” for dealing with hate crime; and encourage third-party reporting.

Anne Novis, who leads on hate crime issues for the UK Disabled People’s Council, welcomed Mencap’s decision to campaign on hate crime but said the focus on people with learning difficulties was “a distraction”.

She said the focus should not be impairment-specific, but on “why people vilify and view disabled people as a valid target”.

She wants to see a national pan-disability campaign, led by disabled people, with funding for organisations to “come together and work together” on addressing disability hate crime.

Stephen Brookes, a coordinator of the Disability Hate Crime Network, said that hate crime “happens across all disabilities and age groups, and the failures are systemic and deep”.

He said it was important to address not only police failings, but also those of other organisations, such as housing associations, neighbourhood watch schemes and residential homes.

He said: “Our message is clear and unambiguous – we all need to work together across all sectors to stop this appalling crime.”

A Mencap spokeswoman said that many of its recommendations would improve the police’s treatment of all disability hate crime victims.

She said Mencap had been working with pan-disability campaigners who have been supportive of its work and “recognise the campaign has generally raised awareness of hate crime against disabled people” and has given campaigners a “good platform to talk about the issues more generally”.

She added: “Mencap will continue to work with people from across the disability sector as well as the police and other statutory agencies to support disability hate crime victims and help end hate crime.”

22 June 2011

Government ‘used Motability claims to stir up hostility’

The government has been accused again of stirring up hostility against disabled people and running a “deliberate smearing campaign”, after stories appeared in national newspapers about alleged abuse of the Motability car scheme.

A Sunday Times “investigation” claimed friends and relatives were misusing the cars that disabled people have obtained through the Motability scheme, while the Daily Mail described this misuse as a “scam”.

The Sunday Times claimed government officials were concerned that the disabled people’s car scheme had “mushroomed out of control” and was “so generous that it encourages people to submit spurious claims or to try to keep a benefit to which they are no longer entitled”.

The Mail said the government “hopes that its planned reform of the disability living allowance (DLA) will help stamp out such abuses by introducing closer scrutiny of the system and considering whether Motability is the best option for everyone”.

Many disabled activists are convinced that the source of the story was within the government, which they say is trying to soften up the public for cuts to spending on DLA and its replacement with a new personal independence payment (PIP).

Anne Novis, a leading disability hate crime campaigner, said the story “smacks of government preparing to withdraw DLA and Motability schemes or tighten them exclusively to those they deem ‘severely disabled’”.

She added: “Any scheme can be abused but the fact that this and other statements about disabled people’s benefits, allowances and support being misused are coming out from Whitehall almost every week indicates a deliberate smearing campaign against us as disabled people.

“We are cursed, reviled, demeaned at every turn because people now think they have ‘permission’ from government to treat us this way.”

Novis has given evidence to the Equality and Human Rights Commission’s (EHRC) inquiry into disability-related harassment that disabled people’s cars have been “repeatedly vandalized” and set on fire over the last few years.

She added: “For the government to now incite such misunderstandings about the Motability schemes will incite more hostility towards us yet again.”

Helen Dolphin, director of policy and campaigns for Disabled Motoring UK (DM UK), said she also believed the stories would stir up further hostility towards disabled people.

She said she said she would be “absolutely appalled” if the government was behind the stories.

Last week, DM UK completed its Alps Challenge, in which disabled volunteers recreated a 1,500 mile journey across the Alps in 1947 on a petrol-driven tricycle to highlight the importance of providing mobility support to disabled people.

Dolphin said: “The Alps Challenge was to demonstrate how far we had come since 1947, with fantastic adaptations and the fact that we do have Motability and DLA to pay for it, but it seems when you read articles like this that people would like us to step backwards to when we were pushing people around in little blue trikes.”

Motability said its scheme was abused only by “a small minority” of people, while the “overwhelming majority of our customers are hugely deserving individuals with real physical impairments”.

In 2010/11, about 800 people were removed from the scheme for abuse, out of 580,000 customers – less than 0.14 per cent.

Another 500 people were prevented from joining or renewing their agreements, but Motability said many of these were due to driving convictions and so unrelated to misuse.

A DWP spokeswoman said: “Motability is an independent charity which is responsible for the day-to-day operation of the scheme and DWP has regular reviews to monitor its performance.

“Motability provides a vital service for disabled people. However, any misuse of taxpayers’ money is unacceptable and it is essential that we get the gateway to receipt of DLA right, which is why we are introducing the PIP.”

But when asked whether the story originated from the DWP and was another attempt to soften up the public in advance of cuts and reforms of DLA, she declined to comment.

22 June 2011

Older people's care 'a breach of human rights'

Older people who rely on care and support in their homes are having their human rights breached because of "major problems" in the system, according to the equality and human rights watchdog.

People are being left in bed for more than 17 hours between care visits, while others are not washed properly or given enough help to eat and drink.

Some are being left in soiled beds and clothes for long periods, while high staff turnover means many older service-users have a "huge number" of different care workers performing their personal care. One woman recorded 32 different care workers visiting her in just two weeks.

Because homecare visits can be as short as 15 minutes, some older people have to choose between being washed or having a cooked meal, with many having no control over the time of their visit.

The evidence was released by the Equality and Human Rights Commission (EHRC), which is conducting an inquiry into how well the system of care and support at home in England is protecting and promoting the human rights of people over 65.

One in five older people who responded to the EHRC's call for evidence said they would not complain about poor care because they didn't know how to, or because they feared "repercussions".

The final report will be published in November. The EHRC said it would use the findings to influence the government's white paper on adult social care, which is also due later this year.

Disabled activist Anne Novis said Bromley council had refused to fund more than 14 hours of support a week for her mother Jean if she remained living at home, even though she was offered an assisted living placement with round-the-clock support.

Novis said: "As soon as you become an older person your rights seem to go out of the window. The independent living ethos is not carried through for older people.

"There is not time to talk with her, encourage her to do things, go out socialising. Just because you are older, doesn't mean you suddenly cannot do things or go out.

“I have seen it happen to friends of mine who have reached that age limit and their hours are immediately cut because they are older.”

A Bromley council spokeswoman said the care package agreed “was designed to meet Mrs Novis’s mother’s assessed needs”.

She added: “If her needs have changed or if she or her family have concerns around the care plan then this can be reviewed.

“Increasingly, those with care needs and their families are arranging their own care through a direct payment, which can provide greater flexibility and control over the way in which care is provided.”

Novis has asked for an emergency reassessment of her mother’s needs, but she said a direct payment was not practical because it was impossible to find a care worker to visit three times a day for such short periods of time.

22 June 2011

MP’s ‘prejudiced’ minimum wage claim sparks anger

A Conservative MP who suggested disabled people should be allowed to work for less than the minimum wage has been dismissed by campaigners as “ill-informed” and “prejudiced”.

Philip Davies, the MP for Shipley, told fellow MPs that minimum wage legislation prevented disabled people from climbing onto the “first rung of the employment ladder”.

Davies, who appeared confused about the difference between learning difficulties and mental health conditions, said it was “inevitable that the employer would take on the person who was going to be more productive and less of a risk”.

He added: “The point is that if an employer is considering two candidates, one who has disabilities and one who does not, and if they have to pay them both the same rate, which is the employer more likely to take on?”

He said that allowing disabled people to work for less than minimum wage would give them the chance to “prove themselves” and so possibly “move up the pay rates much more quickly”.

But the Conservative business and enterprise minister Mark Prisk said disabled workers “do not have equal bargaining power when compared with their employer” and would face the risk of “exploitation” if they could work for below the minimum wage.

The MPs were debating a private members' bill proposed by another Conservative MP, Christopher Chope, which would allow people to choose to work for below the minimum wage. Chope's bill was denied a second reading by 23 votes to five.

Marije Davidson, RADAR's public affairs manager, accused Davies of making "ill-informed, prejudiced comments".

She said the pay gap between disabled and non-disabled people was 20 per cent for men and 12 per cent for women, which was "a gross injustice", and added: "Many disabled people can get into a job and have sustainable careers – if they have the support that they need and if discrimination is tackled."

Richard Exell, a TUC senior policy officer, said that "excluding disabled people from the minimum wage would be a badge of second-class citizenship".

Exell, who himself has a mental health condition, added: "It is a preposterous suggestion that someone who has a mental health problem should be prepared to accept less than the minimum wage to get their foot in the door with an employer."

The Equality and Human Rights Commission said Davies' comments were "nonsense", and added: "Evidence from our inquiry into disability-related harassment suggests that the perpetrators view disabled people as worth less than other people.

"We will be writing to Mr Davies in due course to remind him of his responsibilities and will be inviting him to attend an evidence session for this inquiry."

20 June 2011

News provided by John Pring at www.disabilitynewsservice.com