

Ruling means questions remain over police treatment of disabled protesters

Serious questions remain over how the police treat disabled protesters, after an independent watchdog ruled that an officer used “excessive” force in dragging an activist across a road and away from his wheelchair.

The Independent Police Complaints Commission (IPCC) partially upheld an appeal lodged by disabled activist Jody McIntyre over the treatment he received in two separate incidents in Westminster during last December’s student tuition fees demonstrations.

McIntyre had appealed after an internal Metropolitan police investigation concluded that the actions of its officers were “justifiable in the circumstances”.

The IPCC said it could not prove whether a Metropolitan police officer tipped McIntyre from his wheelchair, after failing to move him while he was sitting in it, but that it was clear that he had used “excessive force” when he then dragged him across the road.

The IPCC concluded that although the officer could justify attempting to move McIntyre to a “safer location”, he did not need to drag him across the road.

The IPCC added: “The evidence indicated that the officer had the option of returning Mr McIntyre to his wheelchair, because Mr McIntyre’s brother moved it towards the officer for this purpose.”

The incident was filmed on a mobile phone and has been viewed by hundreds of thousands of people on the internet.

Although the IPCC said the officer’s conduct should have been referred to the Crown Prosecution Service to consider a criminal charge of common assault, the six-month time limit for such action had expired by the time McIntyre lodged his appeal.

The results of the Met’s internal investigation into the two incidents had been announced just days before the six months expired.

McIntyre told Disability News Service that the IPCC seemed to believe that “pushing a disabled man out of his wheelchair is acceptable”.

He said: “For disabled groups, that would be the most shocking element of the story, that the police now have the power to push you out of your wheelchair onto the floor.”

He said the IPCC had delivered a “partial confirmation of what I already knew – that the police seriously mistreated me on the demo”.

But he questioned why the Met had been allowed to drag out its internal investigation to ensure its officer could not be prosecuted.

He said: "When young people riot in the streets, the courts are open 24 hours-a-day, seven days-a-week in order to prosecute them, but the police couldn't meet a time limit of six months to prosecute their own officer."

The IPCC concluded that the officer's conduct had "fallen below the standards of professional behaviour and should be subject to management action".

It also concluded that the force owed McIntyre an "apology" for an earlier incident in which another officer had struck him with a baton.

But McIntyre said an apology would be "completely inadequate", and added: "If I assaulted someone, I am sure they would be expecting more than an apology."

He is now considering civil legal action against the Met and individual officers.

The Met has so far failed to comment on whether it needs a policy on how to treat wheelchair-users in "public order" situations.

Earlier this year, the force admitted it had no such policy in place, with disabled people instead "dealt with on a case by case basis".

26 August 2011

Final countdown begins for 2012 Paralympics

Organisers of next year's London 2012 Paralympics have released full details of the competition schedule for all 20 sports.

The details were released as the organising committee prepared to pass a key milestone in its preparations for [London 2012](#): one year to go until the opening ceremony on 29 August 2012.

Ticket prices were also confirmed at the same time as full details for the 10 days of competition, including the dates and times for more than 300 sessions across the 20 sports in 20 venues.

Track and field athletics will start on 31 August and finish on 8 September, with the marathon taking place the following day, 9 September, the same day as the closing ceremony.

Track cycling will take place between 30 August and 2 September, with swimming from 30 August to 8 September.

Sir Philip Craven, president of the International Paralympic Committee, said: “Our elite athletes will captivate billions around the world, will inspire millions and ultimately lead to societal change and help alter perceptions of what can be achieved by a person with an impairment.

“These are a games not to be missed and the announcement of the competition schedule, together with International Paralympic Day [in Trafalgar Square] on 8 September, act as two steps closer to the opening ceremony of the games next year.”

Tim Hollingsworth, chief executive of ParalympicsGB, which manages Britain’s Paralympians, said: “Knowing that the schedule is out makes it all the more real.

“We are working hard with the sports and athletes to make every one of the last 369 days count, as everyone is determined to produce their lifetime best performances on home soil.

“We hope that people will use the schedule to plan their trip so that they can get behind the ParalympicsGB team and cheer us on.”

The highest ticket prices will be for athletics sessions in the main Olympic stadium, track cycling in the Velodrome and swimming in the Aquatics Centre, likely to be the three most popular sports among spectators.

Tickets for athletics, swimming and track cycling sessions that include medal-deciding finals range from £5 for concessions to £45 for the most expensive tickets.

Tickets for the archery, equestrian events, rowing, shooting and road cycling are just £10, with concessions also available.

Most tickets for 5-a-side and 7-a-side football will be £15, as will most of those for wheelchair basketball, boccia, wheelchair rugby, wheelchair tennis, table-tennis, sitting volleyball, wheelchair fencing, goalball, judo and powerlifting, again with concessions available.

Sailing in Weymouth and Portland, Dorset, will be a free, non-ticketed event.

Prices for the opening and closing ceremonies are much higher than for any of the sports events. Tickets for the opening ceremony on 29 August 2012 range from £20.12 up to £500, with closing ceremony tickets as high as £350.

[Tickets will be on sale from 9am on 9 September 2011.](#)

26 August 2011

Government sends ‘threatening’ Access to Work letters

Disabled people who rely on a key employment support scheme to stay in work are being given just a week to confirm they still need their funding, or face having it withdrawn.

The Department for Work and Pensions has sent “hostile” and “threatening” letters across the country to disabled people receiving support from the Access to Work (AtW) scheme, telling them they must undergo an immediate “review” of their funding.

The letters warn recipients that they have just 10 days – from the date the letter was written – to notify AtW that they still need support, or it will be taken away.

The letters provide yet more evidence of a government clampdown on AtW, which provides funding for adaptations, equipment and ongoing support at work.

During the review, AtW recipients are being asked whether the assistance provided by support workers or personal assistants (PAs) could instead be carried out by “family and friends”.

AtW staff are also demanding PAs’ telephone numbers so they can carry out anti-fraud spot checks.

The letters have horrified disabled AtW claimants, many of whom have relied on the scheme for years to pay for the support they need to stay in work.

Rachel Purtell, from Exeter, who has received AtW funding for more than 10 years, said she was “really angry” when she received one of the “hostile” and “threatening” letters last month.

She said: “It is just outrageous. The government says it wants all these disabled people off benefits and into work, but then introduces policies that will rip the heart out of the support system.”

She said she could not carry out her job, working four days a week, without support from AtW.

She added: “This new review system is draconian, insulting and counter-productive. It will not ensure people are getting the right support, but will simply add to the pressure and stress for working disabled people and therefore increase the likelihood of us going on to ‘out of work’ or ‘unable to work’ benefits.

“It demonises yet another group of people that need support at a time when the very same government says it wants more disabled people in work. It is utterly incoherent as a policy.”

A DWP spokesman said: "We are following the usual process of sending out letters to people to undertake a yearly review of their application, to ensure that they still need the support provided and that the help they are receiving still meets their need."

He added: "We have a duty to ensure that people are made aware that if they do not contact us, then we may not be able to continue the AtW support."

But he declined to comment on whether the 10-day deadline was appropriate.

Government figures released last month showed a dramatic slump in the number of "new customers" helped by AtW, from 16,520 to 13,240 in 2010-11.

25 August 2011

Websites and forums targeted by 'fitness to work' company's lawyers

The company that conducts "fitness to work" tests for the government has been accused of an attack on free speech after issuing legal threats against four internet forums and websites run and used by disabled people.

The DWPExaminations and CarerWatch forums and the websites AtosRegisterofShame and AfterAtos have all been used by disabled people to swap advice and information about the much-criticised work capability assessments (WCA) and how the tests have been carried out by employees of Atos Healthcare.

All four have either received threatening letters from Atos lawyers or have had their site shut down by its hosting company, following legal pressure from Atos.

Nelson*, a disabled activist who founded the DWPExaminations forum, has been blogging about his own experiences of Atos, the WCA and the Department for Work and Pensions (DWP) since 2009.

He started the forum last year, and said it soon became "a popular source of first-hand accounts of what to expect at the WCA and the treatment one would receive from Atos", as well as a "lifeline to some kind of hope".

But the forum's host withdrew its service last week after receiving a letter from Atos's lawyers that claimed some participants were libelling the company.

Nelson said he was given no warning of the action, which he described as "an attack on free speech". His forum has now been offered [a new home](#) by the campaigning organisation Black Triangle.

The CarerWatch forum – which provides a campaigning platform for disabled people and carers and focuses heavily on issues around Atos and the WCA – was suddenly shut down on 19 August.

Again Atos had provided no warning, and instead sent a legal letter to the hosting company.

Rosemary O’Neill, the forum’s co-founder, she was “absolutely shocked” when she discovered the action Atos had taken.

She said: “We are probably one of the more moderate groups. We are not confrontational. It was a closed forum and all they are doing is sharing experiences.

“The fact that a company like this one on a whim can take a support forum away... What would be next? Where’s the freedom?”

Another resource, [the After Atos website](#) – set up in March by a disabled activist who uses the pseudonym “Aunty” and which provides a database of disabled people’s anonymous experiences of Atos and the WCA – received a letter from the Atos legal department in May.

The letter warned of “a few examples of libellous statements” as well as unauthorised use of the Atos logo, and warned of legal consequences if they were not removed from the site “immediately”.

Another disabled activist, Paul Smith, founder of the website Atos Register of Shame, set up to publish disabled people’s accounts of their assessments, said his site had also been shut down after Atos lawyers sent a letter to the hosting company.

The site has in the past published the names of healthcare professionals who have carried out assessments, but Smith said these details had been taken down by the time the letter was sent.

He said: “I do see it as an attack on free speech. The people doing these campaigns are not anarchists trying to bring the country down. They are disabled and severely ill people who have no way of really standing up for themselves.”

Atos claimed that it did not ask for any of the four sites to be closed down, but only requested the removal of the “defamatory comments about our employees or our company”.

An Atos spokeswoman said that it “wasn’t our wish that sites be closed down”, although she admitted that Atos had requested that the hosting companies “act to remove or disable access to all the defamatory content”.

She said: “We fully support the right of people to express their opinions and are working with CarerWatch to ensure the site is reinstated as soon as possible.”

She said Atos would also be happy to work with the other three sites to reinstate their service.

She added: "We absolutely respect that people can discuss the company and what we do and have views and opinions but we think in the incidents where we have sent letters they have crossed the boundary between what is acceptable and what is libellous."

Citizens Advice Scotland (CAS) criticised the decision by Atos to "close down public criticism of their record".

Lucy McTernan, chief executive of CAS, said: "Rather than trying to silence their critics and shut down public debate, it would be better if they addressed the very legitimate concerns that are being raised."

The Department for Work and Pensions declined to comment on the Atos legal action.

**Not his real name*

25 August 2011

Disabled women set for court fight with bus company

A trio of disabled women are set to take legal action against a bus company after claiming that they have faced repeated discrimination by its drivers.

The legal action against Arriva North East (ANE) is being supported by Darlington Association on Disability (DAD), which is now looking for other disabled bus passengers across the country who may have been discriminated against by ANE's parent company, Arriva.

Legal "letters of claim" were sent to Arriva this week on behalf of the three women, who are all wheelchair-users from Darlington and are taking action under the Equality Act.

Most of the complaints concern the refusal of drivers to ensure that the wheelchair spaces on their buses are clear of prams and pushchairs, when the spaces are needed by wheelchair-users.

Buses have failed to stop for the women when they have been waiting at a bus stop, while other drivers have refused to allow them onto their buses because pushchairs were occupying the wheelchair spaces.

Other drivers have made no attempt to ask parents to move their pushchairs, while some have verbally abused their disabled passengers. One of the three claimants was even told by a driver to lower the access ramp herself because he did not want to leave his seat.

Another 15 disabled people from across the north-east have already contacted DAD with their own complaints of discrimination by Arriva, following an article in a regional newspaper.

DAD hopes that other disabled people, including some of the 15, will join the legal action.

Jane Woodward, DAD's equality and rights officer, said ANE's response to repeated complaints about the attitude of its drivers had been "extremely negative".

She said the company believed the wheelchair spaces were "first come first served", and there was nothing their drivers could do if they were occupied by a parent who refused to move their pram or pushchair.

Arriva claims it is acting in line with discrimination law, and that its drivers would "never ever discriminate against disabled people", she said.

Ruth Tully, a solicitor with Unity Law, which is representing the claimants in their case against Arriva, said: "We are keen to discover exactly how widespread this problem is, to understand how best to tackle it.

"Is it one or two rogue drivers, or is this an issue which goes to the heart of training and policy within Arriva?"

An ANE spokesman said that its drivers can ask a parent to move their pushchair from the wheelchair space "but we cannot demand that they do so".

He added: "Some of the issues that they are presenting have been investigated in the past and have been responded to. Other allegations have never been reported to ourselves.

"We are waiting to see if the proposed legal action takes place and what kind of substance there is to the legal case."

He said that ANE's drivers "receive extensive training and guidance on how to assist and support customers who may need extra help in using our services".

Any disabled person who has experienced problems with Arriva can contact DAD, tel: 01325 489999, textphone: 07624 818780, or email: equalaccess@darlingtondisability.org

25 August 2011

Minister's letter on work test figures was 'unsatisfactory', says Dame Anne

An influential disabled MP has heavily criticised the government's "unsatisfactory" response to concerns about the way it uses statistics on its controversial "fitness to work" tests.

Dame Anne Begg, the Labour chair of the Commons work and pensions committee, wrote to employment minister Chris Grayling in July.

She told the Conservative minister that her committee believed the government needed to take more care with the language it uses when publishing statistics on claimants of employment and support allowance (ESA) and the number of disabled people found “fit to work” after being put through the controversial work capability assessment (WCA).

Her letter also called on Grayling to contact newspaper editors “to ensure that the reports they carry about ESA claims are factually correct and that they avoid pejorative terms such as ‘shirkers’ and ‘scroungers’ which are irresponsible and inaccurate”.

With Grayling on holiday, the letter was answered by Liberal Democrat pensions minister Steve Webb.

But Dame Anne told Disability News Service this week that Webb’s letter failed to address the committee’s criticisms of the government’s language and its presentation of the statistics, or the call to contact newspaper editors.

She said she was disappointed at Webb’s failure to address those two key concerns and said his letter was “not satisfactory”.

She also said that the letter did not reassure her about the messages the government was passing to journalists in press conferences and private briefings on ESA claims.

She added: “It is a very short letter and was overly dismissive. I get the feeling that when you speak to the ministers sometimes they are shrugging their shoulders [as if saying], ‘what can we do?’”

She said she would be discussing her concerns about the letter with the work and pensions committee when parliament returns from recess next month.

Last week, Dame Anne’s concerns were backed by the UK’s official statistics watchdog, which also called on the government to improve the way it publishes information about ESA claimants.

A Department for Work and Pensions spokesman said he was “not going to get into detailed discussion on the correspondence itself as Dame Anne Begg wrote to Steve and he has responded”.

But he said the government was “absolutely committed to supporting all those who have the potential to work to realise that potential, and help them make the journey back to employment”.

He added: “We very consciously do not use the language of ‘scroungers’ and ‘workshy’ as it’s clear that the system itself has trapped many people in a spiral of welfare dependency.

“That’s why this government is making such a radical overhaul of the benefits system to ensure that everyone who needs help and support receives it.”

25 August 2011

Big cinema chains fail their screen test

Disabled cinema-goers are still facing discrimination at the hands of major cinema chains, according to the results of an investigation by young campaigners.

Members of the Muscular Dystrophy Campaign’s Trailblazers network of young disabled campaigners surveyed 125 independent and chain venues across the UK.

Their [Big Picture report](#) concludes that practice is improving, particularly at independent cinemas and the smaller chains, but many of the cinemas run by major chains are still providing a second-class service.

The report says that it tends to be the smaller companies “who take the time to work with, listen to and invest in the adjustments needed by disabled people”.

Problems encountered in the survey included uncomfortable viewing areas, inaccessible auditoriums and refreshments areas, poor disability awareness among staff, broken lifts, heavy doors and poor lighting.

At some cinemas, it was impossible to enter the venue at all because there was no accessible entrance.

One in three venues run by the major chains offered poor or very poor views of the screen from its wheelchair-accessible spaces, while a similar number employed staff with poor or very poor disability awareness.

But among independent cinemas, 96 per cent provided good or very good views from their wheelchair-accessible areas, with eight out of ten having good or very good staff disability awareness.

And at almost half of the cinemas surveyed, it was impossible in practice to buy tickets online, because the website had no facility to book a free ticket for a personal assistant or carer through the industry’s national card scheme.

The Trailblazers have now produced a 10-point charter describing the access and services that disabled cinema-goers should be able to expect.

Trailblazer Tanvi Vyas, who is leading the campaign, said: “We hope that this charter will help to raise the bar on accessibility standards at cinemas and encourage cinema operators to think more progressively about their disabled customers.”

The Trailblazers have also launched a [petition](#), which will be presented in October to MPs and peers on the all party parliamentary group for young disabled people.

25 August 2011

Government puts brakes on cheap coach travel

The government is to stop the financial support that funds half-price long-distance coach travel for disabled and older people in England.

The decision was first announced quietly as part of last year’s spending review, but the Department for Transport (DfT) has now confirmed that the funding will stop on 31 October.

The concessions – a 50 per cent off-peak discount and a 30 per cent discount at peak times – have been in place since 2003 and are funded through a government grant handed to coach operators.

The DfT said the coach industry could continue offering a concession scheme “on a commercial basis”, but one company – National Express – is already encouraging disabled and older people to protest about the government’s decision.

National Express said it was “looking to introduce a replacement scheme”, but warned the discounts would not be as high as under the present scheme.

Linda Burnip, co-founder of Disabled People Against Cuts, criticised the government’s decision to cut funding for the scheme.

She said: “The loss of yet another transport service at a concessionary and therefore affordable price will lead to even further isolation of disabled people, preventing many from visiting friends and relatives.”

Neil Coyle, director of policy for Disability Alliance, added: “A third of disabled people already live in poverty in the UK, and discounted travel – especially long distance – has been a significant help to see family or to be able to take a short break.”

He said the DfT had failed to consult with disabled people over the withdrawal of funding and could have breached its duty under the Equality Act to assess properly the impact of its decisions on disabled and older people and other disadvantaged groups.

Eligibility for the scheme for disabled people is the same as for the national concessionary bus travel scheme, which is being retained by the government.

Theresa Villiers, the Conservative transport minister, said the “pressing need to tackle the deficit” had “required us to take a number of difficult decisions, including this one”.

She said: “For many older and disabled people a free local bus service can be a lifeline, providing access to employment, healthcare and other essential services.

“That is why we have given priority to the local concession scheme and retained it despite the deficit crisis. That has meant that some other areas of transport spending, such as support for long distance coach travel, have had to be cut.”

The coach companies will be able to claim funding for all bookings made up to 31 October 2011, even if the tickets are for travel on a later date.

25 August 2011

New wave of protests to target ‘fitness to work’ company

Disabled activists are planning a new wave of protests aimed at the company paid to carry out controversial “fitness to work” tests on behalf of the government.

Atos Healthcare has been targeted repeatedly by campaigners over the accuracy of its assessments, the way it treats disabled benefits claimants, and the generosity of its contract with the Department for Work and Pensions (DWP).

[The protests](#) will take place across the UK on 30 September – many of them led by disabled people – with the most prominent likely to be outside a recruitment fair being run by the BMJ [formerly the British Medical Journal] in Islington, north London.

Atos is one of the private sector healthcare companies that has taken a stand at the careers fair at the Business Design Centre, where it will be seeking to recruit new doctors to carry out the hated work capability assessments (WCA) on disabled claimants.

Linda Burnip, co-founder of Disabled People Against Cuts (DPAC), which plans to take part in the BMJ protest, said: “It is important to target recruitment because we think people should know who they are going to work for and what disabled people think about them, and hopefully it will put them off working for Atos.”

Claire Glasman, a spokeswoman for WinVisible, the disabled women’s organisation, which will also be taking part in the BMJ protest, said: “Their association with the BMJ gives Atos medical credibility that they do not deserve.

“The decisions they make are nothing to do with patient welfare, they are exactly the opposite. We would like the BMJ to disassociate themselves from Atos.”

In May, three Atos Healthcare executives were asked by MPs to explain why their organisation was so “feared and loathed” by disabled people, while DWP research found that “negative reports of the tone, manner or approach” of Atos assessors were “reasonably common”.

In his independent review of the WCA – which assesses eligibility for out-of-work disability benefits – Professor Malcolm Harrington said widespread complaints about Atos staff “must be taken seriously”, and criticised “poor decision making and a high rate of appeals”.

About two-fifths of appeals against a decision to find someone “fit for work” are successful, with one welfare rights organisation reporting a success rate of 96 per cent when it represents claimants at their appeals.

The General Medical Council confirmed last week that it is investigating complaints against seven doctors employed by Atos.

24 August 2011

News provided by John Pring at www.disabilitynewsservice.com