

Activists propose 2012 Paralympics boycott over IPC's Atos links

Furious disabled activists are proposing a boycott of next year's Paralympic games in London, over links between the International Paralympic Committee (IPC) and the company that tests disabled people's "fitness to work" for the government.

Campaigners have become increasingly angry at the Paralympic movement's links with Atos, which is a sponsor and IT partner of the Paralympics and is building the IPC's new website.

The ties were strengthened last month when the IPC co-opted the founder and former chair of Atos, Bernard Bourigeaud, onto its governing board.

Atos Healthcare – the branch of the company that carries out work capability assessments (WCA) on behalf of the Department for Work and Pensions (DWP) – has been the focus of repeated protest action by disabled activists.

The call for a boycott over IPC's links with Atos has come from Black Triangle, which campaigns against the unfair use of the WCA to reclassify disabled people as "fit to work".

This call has already been backed by two other campaigning organisations, Disabled People Against Cuts and the DWPExaminations internet forum, which hosts accounts of disabled people's experiences of the WCA.

Disabled activist John McArdle, co-founder of Black Triangle, said he and fellow campaigners would continue to call for a boycott of the Paralympics if Atos did not withdraw from the WCA contract.

He said: "It is quite frankly obscene that they are sponsors of the Paralympics. The government is using them and the Paralympics to make propaganda for their ill-conceived welfare cuts programme."

He said campaigners would also lobby Paralympians to boycott 2012 and "speak out against the plethora of cuts to disabled people's income and other support".

He said: "We are not all supermen and women who are able to participate in the economy and society as the government would have you think.

"If people are to be assessed for their fitness to work it must be done ethically and based on sound scientific and medical judgment and not some flawed 'tick-box' computer assessment administered by Atos that is getting it wrong disastrously on a scale which defies belief."

The IPC insisted that it had "no dealings at all" with Atos Healthcare, and activists were "tarnishing an entire organisation because of what one arm of that organisation is doing".

An IPC spokesman said: "Of course we understand that people have concerns, but we would be very disappointed if people did boycott what will hopefully be the biggest and best Paralympics so far because of this when at the end of the day Atos Healthcare are fulfilling a duty they have been asked to do. Surely it is for the British government to resolve."

He added: "We are aware that some people are unhappy that we have Atos as a partner and the appointment of Bernard Bourigeaud."

He said Bourigeaud was appointed because of the IPC's long relationship with Atos, his close relationship with the board, and his experience of working on international projects.

He promised that Paralympic athletes would be able to speak out next summer on equality, discrimination and rights issues, and would be allowed to criticise Atos Healthcare as long as they did it without bringing the IPC or the games into "disrepute".

He said: "If they have an issue with Atos, if they want to express it, so be it."

A spokeswoman for ParalympicsGB, which manages Britain's Paralympians, said: "We want as many people as possible to support the British athletes and therefore would be disappointed if such a boycott took place. However we accept that this decision rests with each individual."

She added: "We are aware that Atos's involvement with the DWP is drawing a lot of attention at the moment. We are continuing to monitor the situation closely and are keeping the IPC aware of the feedback we are receiving."

She also promised that team members "would be free to express their own opinions" on "any issues that affect them".

An Atos spokeswoman said Bourigeaud left the company in 2007 and no longer has any connection with it, although she said Atos was aware of the reaction to the IPC co-opting him onto its board.

In a statement, Atos said that it "acknowledges all public debate" and is "committed to working with the IPC to deliver the technology that will help ensure a successful games for athletes and spectators around the world".

16 September 2011

Welfare reform bill: Anger as Lords debate moves to less accessible venue

Disabled peers have failed to prevent the government moving the next stage of the debate on its hugely controversial welfare reform bill to a less accessible part of the House of Lords.

The government argued that the bill's lengthy next stage should take place in a committee room – in “grand committee” – rather than in the main Lords chamber.

Negotiations had broken down with Labour peers over splitting the committee stage of the bill between the two venues.

But the government move sparked fury among disabled activists – including blogger Kaliya Franklin, co-founder of [The Broken of Britain](#) – who found out about it just hours before it was due to be decided by a Lords vote, and flooded peers and MPs with emails and phone calls.

As well as causing access problems, having the bill discussed in “grand committee” will mean peers will not be able to force votes on key controversial issues until the bill returns to the main chamber for its report stage.

The disabled peer Baroness [Jane] Campbell told the Lords that she felt “compelled” to speak out against the move, even though she would normally be resting at home having attended the lengthy second reading debate the previous day.

She said having the committee stage outside the chamber would make access “tremendously difficult” for both disabled peers and those disabled campaigners following the debate.

And she said that not being able to vote during the committee stage on “one of the most significant pieces of legislation for disabled people in my adult life” was “deeply disturbing”.

She had spoken out the previous day about measures in the bill to replace disability living allowance with a new personal independence payment – cutting spending by a fifth – which she warned could “return disabled people to levels of dependence last seen 30 years ago”.

Her fellow disabled peer, Baroness [Tanni] Grey-Thompson, said the Lords would be doing disabled people a “great disservice” by not having the debate in the main chamber.

But the Liberal Democrat disabled peer Baroness [Celia] Thomas disagreed, saying that taking the debate away from the chamber would mean fewer interruptions from other business.

The Conservative chief whip in the Lords, Baroness Anelay, told peers that a “reasonable” proportion of bills had to be sent to grand committee if peers were to have “reasonable time” to scrutinise them all.

She said she believed the welfare reform bill was the “best candidate” to be sent to grand committee because it would benefit from a more “in-depth, informal and technical approach”.

Peers voted for the move – with the crossbench disabled peer Lord [Colin] Low joining Baroness Thomas in voting in favour – by a majority of 52.

Baroness Wilkins told Disability News Service after the vote that she and other disabled peers had been “very unhappy” with the government’s decision.

She said: “There is better access [in the chamber], both for all the interested peers and also for any disabled people who wanted to access it.

“[Holding the debates in a committee room] means it becomes extremely crowded and difficult and it does mean that the discussion isn’t as open to the whole house as it would be if it was in the chamber.”

15 September 2011

Paralympic torch’s 2012 journey to begin with four national flames

The Paralympic flame for next year’s games in London will be created in a ceremony in Stoke Mandeville, the birthplace of the Paralympic movement, 2012 organisers have announced.

It will be created from four separate flames lit in the capital cities of the UK – London, Belfast, Edinburgh and Cardiff – and then brought to Stoke Mandeville Stadium, the National Centre for Disability Sport, in Buckinghamshire.

Following the ceremony in Stoke Mandeville, a 24-hour relay will take the torch to Stratford in east London for the opening ceremony of the 2012 Paralympics on 29 August 2012.

The 2012 organising committee, LOCOG, said that 580 torchbearers – working in teams of five – would carry the Paralympic flame to the stadium to light the cauldron. Details of how torchbearers will be selected will be announced later.

Martin McElhatton, chief executive of the national wheelchair sports charity WheelPower, which owns Stoke Mandeville Stadium, said: “We are delighted to be welcoming home the Paralympic movement for the Paralympic torch relay.

“The London 2012 games provide us with the wonderful opportunity to celebrate Britain’s proud heritage as the birthplace of Paralympic sport and use the power of the games and the uniting of the flame as a symbol to inspire disabled people throughout the world to transform their lives through sport.”

The programme will begin on Friday 24 August with the first flame lighting event, in London.

Over the bank holiday weekend, Belfast, Edinburgh and Cardiff will host similar events and evening Paralympic Flame Festivals – which will include “flame-themed entertainment” – with a fourth festival taking place in Stoke Mandeville on 28 August.

Each of the four locations will devise its own way of lighting its flame, using “the energy of physical human endeavour”, with the flame then touring community groups and “key locations” in and around the city.

Jeremy Hunt, the secretary of state for culture, Olympics, media and sport, said: “The torch relay will take the Paralympics to each home nation, helping to build excitement for the games and awareness of disability sport. This is our chance to welcome home the Paralympic movement.”

15 September 2011

Care watchdog chiefs ‘will not resign’, despite new criticism

The leaders of England’s care watchdog say they have not considered resigning, despite facing heavy criticism from MPs over their organisation’s performance.

Members of the Commons health committee published [a damning report](#) this week, criticising the Care Quality Commission (CQC) for its “distortion of priorities”.

They said inspections of health and adult social care services by CQC fell by an “unacceptable” 70 per cent during the second half of 2010-11, while the commission concentrated on the “administrative” task of registering dentists for the first time, which the committee said was a “distortion of priorities” and led to “increased risk” for service-users.

The committee said CQC’s senior leadership failed in its duty to pass the message about the problems its registration duties were causing to the government “persuasively and persistently”. The committee also criticised the number of long-standing job vacancies at CQC.

The committee said it wanted to “see clear evidence by next year of the CQC leadership openly acknowledging challenges and setting priorities that reflect its core duty to ensure the safety and quality of care”.

In July, CQC defended the failure of its inspectors to uncover evidence of serious abuse at Winterbourne View, a private “hospital” for people with learning difficulties.

The previous month, CQC had been heavily criticised for its failure to take action over concerns raised by a whistleblower at Winterbourne View.

The commission had already faced heavy criticism over its plans to reduce inspections of care facilities through its new “risk-based” system of regulation, which focuses on poorer homes while leaving others to submit their own written self-assessments.

Leading care figures, including Dame Philippa Russell, told Disability News Service (DNS) earlier this year of their concerns at the shift towards less intensive and less frequent inspections.

Dame Philippa said she had been told that some care homes might only be inspected every five years.

Concerns about its new system of regulation were also raised in September 2010 by Fiona Mactaggart MP, now a shadow equalities minister but then a member of the Commons health committee when it was taking evidence from Dame Jo Williams, CQC’s chair.

Earlier this year, CQC told DNS there would be a “planned review” of every care home “at least every two years”, and that this “may involve an inspection”.

But the health committee’s new report says it is “difficult to see how the CQC can have confidence in a provider meeting standards if it has not visited the organisation for more than two years, no matter how good its record”.

And it says it welcomes “recent announcements” that CQC now intends to visit every provider at least once every year.

It also criticises CQC’s action over the Winterbourne View allegations as “woefully inadequate”.

A CQC spokesman said: “CQC’s chair and chief executive [Dame Jo and Cynthia Bower] have not considered resigning in the light of the health select committee report.

“The committee’s report highlights the major challenges CQC has faced in merging three existing regulators, setting up a new regulatory model, and registering over 39,000 provider locations – including previously unregulated sectors – against aggressive parliamentary deadlines and with a 30 per cent budget reduction.”

He said inspection figures were now “rising rapidly” and CQC had “put a case to the Department of Health for extra funds to further increase the number of inspectors, so that we can carry out an unannounced inspection of every hospital and care home in England once a year from 1 April 2012”.

He said Dame Jo would be “responding formally and in detail to the committee”.

15 September 2011

Government sidelines DPOs in social care 'engagement exercise'

The government appears to have sidelined disabled people's organisations from a crucial "engagement" exercise aimed at hearing the views on social care reform of service-users, carers and those working in the care industry.

The Department of Health (DH) has appointed "key leaders" from the "care and support community" to help it lead discussions through the three-month Caring For Our Future engagement exercise.

But three of the seven figures are from charities, two represent local authorities, one is a GP, while the seventh is from the Association of British Insurers. None of them are from a disabled people's or user-led organisation.

Each of the seven will lead discussions on a certain theme, such as personalisation of care, quality of care, and shaping local care services.

The DH said it wanted to hear the views of service-users, carers, local councils, care providers and the voluntary sector as part of the engagement exercise.

But Sue Bott, director of the National Centre for Independent Living, said she was surprised and concerned by the omission of user-led organisations.

She said: "Obviously there is no service-user representative whatsoever. We will be doing our best to provide opportunities for DH to listen to what we have got to say and what our members have got to say."

She said she was concerned that there had not yet been any information from DH as to how it would ensure it heard from service-users and carers.

DH plans to publish a social care white paper next spring, alongside a "progress report" on funding reform.

A DH spokesman said the seven care and support leads would be supported by a "reference group team", whose members will be drawn from across the sector, and that "involving service-users will be a core part of that process".

He said DH wanted to "work collaboratively" and draw on existing networks and experience.

But details of how the reference groups will be drawn up have yet to be announced and DH was unable to explain why no user-led organisations were represented among the leads and whether service-users would definitely be part of the reference groups.

Asked why no information had been released on how it would ensure it heard from service-users, the DH spokesman said the teams would be attending events, holding meetings, and

listening to the views of user-led groups and other organisations on “what the priorities for improving care and support should be”, while the DH website would “contain discussion materials and a feedback form”.

Disability News Service revealed concerns in July that the government appeared to have abandoned plans to include funding reforms in the white paper.

Those concerns followed the publication of the Dilnot report on the funding of care and support, and the Law Commission’s report – published in May – on reforming adult social care law.

Meanwhile, [the Commons health select committee has announced its own inquiry](#) into the issues facing the government as it prepares its adult social care white paper. The deadline for submitting written evidence to the committee is noon on 26 October.

And the Care Quality Commission has published its [annual report on the state of health and social care in England](#).

The report says there is evidence that local authorities are tightening their eligibility criteria, “in the face of social care budget reductions and demographic pressures”.

15 September 2011

Some councils ‘have found ways to protect disabled people from cuts’

Some local authorities are doing far better than others in protecting disabled people from the impact of budget cuts, according to a new report.

Coping With The Cuts – written by the thinktank Demos for the disability charity Scope – ranks councils in England and Wales in order of how well they are dealing with the local government funding crisis.

It says that some councils that have faced drastically reduced budgets have still managed to protect their services for disabled people, while others that have actually seen increased budgets have coped “badly”.

Those with the best “coping” figures had introduced “creative” steps, such as involving disabled people in the decision-making process; committing to personalisation; promoting community-based support rather than segregated services; and integrating care, health, housing and leisure services.

Some of the councils that coped best were in the most deprived areas, with “coping scores” mixed across regions, rural and urban areas, and levels of deprivation.

[The research](#) also shows that some councils with lower “coping” scores were “using crude calculations” to identify how many disabled people lived in their area, such as a “guesstimate” based on “widely disputed” figures from the Office for National Statistics.

The Association of Directors of Adult Social Services (ADASS) said the report “illustrates that councils can respond with imagination to improve services for people with disability”, but also claimed that the report ranks councils using “discredited” criteria.

Peter Hay, president of ADASS, said: “There is nothing new in the claim that care is a broken sector – yet somehow despite all the challenges there are places that are finding unique ways of making a new offer.”

Richard Hawkes, chief executive of Scope, said: “We know that every council has to make cuts and there is no simple way to protect frontline services.

“However, it’s clear that some councils are taking creative steps to attempt to reduce the negative impact of budget cuts on disabled constituents and it is right to commend those councils for taking the initiative to do so.”

Meanwhile, [a new report by the National Audit Office](#) (NAO) says the Department of Health (DH) must do more to ensure that the care sector provides a “genuine choice of services” to disabled people and other service-users who use personal budgets.

The NAO report also says that most people who use a personal budget report “improved wellbeing”, although a small minority feel worse off.

Amyas Morse, head of the NAO, said: “As the population ages and more pressure is put on social care, [DH] must ensure that its oversight of the care market is robust, that people have access to the information and support that they need and that it has arrangements in place in the event of large providers getting into financial difficulty.”

By March 2011, 340,000 people had a personal budget, allowing them to choose how their care needs were met. The government wants all eligible service-users to have a personal budget by April 2013.

15 September 2011

EHRC harassment inquiry: Hate crime murder case highlights need for change

Fresh concerns have emerged over the way the police and Crown Prosecution Service (CPS) deal with disability hate crime, in the week that a major inquiry called for action to address the issue across the criminal justice system.

The Equality and Human Rights Commission report was launched in Westminster, just as five young people from Warwickshire were being sentenced at the Old Bailey for the horrific killing of Gemma Hayter, a 27-year-old woman with learning difficulties, whose body was found on a disused railway line last August.

Hayter had considered the five to be her friends, but was brutally beaten, and forced to drink from a can of beer that two of her “friends” had urinated in.

After the attack, she was cleaned up and led to a deserted railway embankment, where she was violently beaten again, cut with a knife, kicked, stripped and had a plastic bag put over her head. Her dead body was left naked beside the abandoned railway line.

The EHRC report, [Hidden in Plain Sight](#), concluded on Monday that hundreds of thousands of disabled people were being subjected to disability-related harassment every year. The report accused public bodies of a “systematic, institutional failure” to recognise the problem.

Disability News Service (DNS) has reported on a string of court cases involving prolonged, violent attacks on disabled people which have exposed problems within the criminal justice system over its treatment of disability hate crime.

The head of the CPS, Keir Starmer, told the EHRC launch event that the report was “an important benchmark for the challenges facing us”.

He said it was clear that his organisation needed to “reflect long and hard on the evidence in this report” and warned that it was “important to remind ourselves just how much further we need to go” in tackling disability hate crime.

Just three days later, the CPS admitted to DNS that it had originally failed to treat the killing of Gemma Hayter as a disability hate crime.

Although – as the EHRC report points out – the law currently does not allow higher “starting tariffs” for disability-related murders, as it does for racist or homophobic murders, it does allow for higher sentences for manslaughter.

Three of the defendants in the case – Daniel Newstead, Chantelle Booth, and Joe Boyer, all of Little Pennington Street, Rugby, were found guilty of murdering Hayter. But two others – Jessica Lynas, of Little Pennington Street, and Duncan Edwards, of Rounds Gardens, Rugby – were convicted of manslaughter.

The CPS has admitted that the case was “not initially flagged up as a disability hate crime”, and it was only after a review that the CPS instructed its barrister to ask the judge for an increased sentence for Lynas and Edwards.

But a CPS spokeswoman has so far been unable to say why the sentences of Lynas and Edwards do not appear to have been increased by the judge.

Warwickshire police has refused to comment on why it does not appear to have treated the case as a disability hate crime, because of an ongoing serious case review into Gemma Hayter's death.

Newstead was given a life sentence and told he must serve a minimum of 20 years before parole can be considered, while Booth must serve at least 21 years of her life sentence, and Boyer 16 years of his. Lynas was sentenced to 13 years and Edwards to 15 years.

The EHRC report calls on the government to address the "disparity" in sentencing for disability-related murders (a starting tariff of 15 years) and other hate crime murders (a starting tariff of 30 years), which it says "inadvertently sends out a message that a disabled person's life can be considered only half as valuable as that of others".

Mike Smith, the EHRC commissioner who led the harassment inquiry, said it was "quite clear" that the "obvious anomaly" in murder sentencing needed to be addressed.

But he also stressed the need for section 146 of the Criminal Justice Act, which allows for increased sentences for disability hate crimes – including manslaughter, but not murder – to be "applied more effectively and more clearly" by the criminal justice system.

He added: "The law just has to be better understood and better applied by all agencies involved."

Katharine Quarmby, whose ground-breaking new book [Scapegoat](#) investigates disability hate crime, said it was clear that the law on sentencing for disability-related murders needed to be amended.

She urged MPs to back an amendment to make such a change to the legal aid, sentencing and punishment of offenders bill, which is currently in its Commons committee stage.

15 September 2011

Welfare reform bill: Peers hear of 'terror' and 'anxiety' over DLA plans

Many "terrified" disabled people expect to lose their independence because of measures within the government's welfare reform bill, disabled peers have told a Lords debate.

Five disabled peers described the fear, anxiety and even terror expressed by disabled people about aspects of the bill, particularly proposals to replace disability living allowance (DLA) with a new personal independence payment (PIP).

They were debating the bill for the first time, during its second reading in the Lords.

Baroness [Jane] Campbell, the crossbench peer, said successive governments had provided financial support to enable disabled people to be equal citizens, which “lifted us from being passive recipients of care and welfare to independent people with life opportunities”.

She said: “From my mailbag, it is obvious that many disabled people expect to lose their independence. Do the government believe that returning disabled people to levels of dependence last seen 30 years ago makes good economic sense?”

She said it was “obvious from the PIP proposals so far that the government know very little about independent living”.

And she said the government appeared to have abandoned the method of “co-producing” reform with disabled people’s organisations, returning instead to “old forms of consultation, merely inviting contributions from such organisations rather than working together”.

The Liberal Democrat peer Baroness [Celia] Thomas said the government’s pledge that PIP would be “better targeted” than DLA was “more than a bit chilling” and “smacks of having a rather crude pecking order of disability, which could mean that people who genuinely need the benefit will be excluded”.

The Labour peer Baroness [Rosalie] Wilkins said: “DLA is a complex benefit because disability is hugely complex and any reform needs to be done with great awareness of that complexity if it is not to leave disabled people more deprived and impoverished, denying millions the hope of living the independent lives that we have come to expect.”

She said she believed disabled people had “every reason to fear this bill”, as they would bear a “disproportionate amount of the cuts”, while the government was proposing no “mitigating action”.

She said she hoped peers could take such action to improve the bill during its committee stage.

Baroness [Tanni] Grey-Thompson said she and many other peers had been contacted by disabled people who were “terrified” that the bill was the “first step towards an insurance-based, perhaps Americanised system which will further discriminate against those in need”.

She said: “Will the minister assure us that all disabled people will continue to get the support that they need to live equal lives? Can I have his assurance that we are not dooming a generation of disabled people to a life of hardship?”

“Does he consider that I have disability-related costs? People like me are afraid that we will lose vital allowances. Will we?”

Lord [Colin] Low, the crossbench peer, said the most “flagrant” example of the government penalising those not in work was the proposal to limit to just one year the period of time

claimants in the work-related activity group could claim the “contributory” form of employment and support allowance (ESA), the new out-of-work disability benefit.

It is estimated that 280,000 disabled people would lose their entire ESA, currently worth up to £94.25 a week, which he said was “a breach of faith”.

But Lord Freud, the Conservative welfare reform minister, claimed that a simplified welfare system would increase take-up of benefits, “potentially lifting 600,000 adults and 350,000 children out of poverty”, while the “combined effects of welfare reform could mean up to 300,000 fewer workless households”.

He insisted that the government was “committed to supporting disabled people to exercise choice and control and to lead independent lives”, and that PIP would “focus support on those individuals who experience the greatest barriers to remaining independent and leading full, active and independent lives”.

He said time-limiting contributory ESA to one year “strikes the right balance between the need to restrict access to contributory benefits for those under pension age while allowing those with longer-term illnesses to adjust to their health condition”.

14 September 2011

Council ‘is using pilot scheme as cover for cuts’

A government pilot project intended to empower disabled people and give them more control over their support has instead caused anxiety and fear among many of those taking part.

Right to Control (RtC) is being piloted in seven “trailblazer” areas across England, including the east London borough of Newham.

The scheme puts support from six sources – including the Independent Living Fund, Access to Work and social care support provided by the local council – into single pots of money for disabled people to use as they wish.

But disabled people believe that Newham council is using the RtC pilot as a cover for implementing cuts to their support packages.

They say they are being told by the council to use their disability living allowance (DLA) – which is not one of the six RtC funding sources – to pay for support previously funded by the council.

One disabled woman from Newham, Deborah*, said the pilot scheme was causing fear and confusion among disabled people in the borough.

She said: "It is very difficult to get hold of information and it is very confusing.

"Some people have had their care packages completely changed as a result of RtC. And what they are finding is that they are potentially losing their DLA to the local authority."

She said there was a "tremendous" amount of anxiety and "despair" about RtC, with one disabled woman expressing "desperate thoughts" about the pilot scheme.

Deborah added: "They are facing a future that is so uncertain. They are terrified of being put into institutions and losing their day-to-day independence. For them there is no future if they cannot go to work, get out and about and meet other people."

Rebecca*, another disabled woman from Newham, says she has spoken to about 10 disabled people in the borough who had been using direct payments to fund their support, but now say they have seen a drop in their care packages because of RtC and have been told to use their DLA instead.

She said: "I have had ladies bursting out crying, saying they can't manage."

One disabled person she knows has been told that her daily support will be cut from one-and-a-half hours a day to one hour, while she will only be funded to use a day centre on three days a week instead of four.

She uses her DLA to pay for weekend support but has now been told by the council to use it to fund the fourth day centre weekday session instead.

Another disabled person has told Rebecca that – because the council has cut support for Taxicard-users – he will now have to use his DLA to cover more of his transport costs, and so will not be able to afford to travel to see his out-of-borough daughter.

Rebecca herself is due to join the RtC scheme and is "very worried" about what impact it will have on her own support.

She said: "People are going to be prisoners in their own homes. That is the thing that worries me the most.

"Right to Control was supposed to empower disabled people and give us personalisation so we could be more independent, but actually it has been a cost-cutting exercise by the council."

A Newham council spokesman said that more than 400 disabled adults had so far completed support plans as part of the RtC pilot.

He said the council would continue to monitor its “achievements” by “responding to feedback” through groups of service-users and carers, RtC “stakeholders” groups, and other RtC trailblazer areas.

He added: “Care packages and charges towards community care services are dependent on each individual’s circumstances, and does not affect a service user’s eligibility to any of the six funding streams that they may have the Right to Control over.”

But when asked whether this meant there would be no increases in charges or reductions in care packages as a result of RtC, and that disabled people would not be asked to use their DLA – which is not one of the six funding streams – to subsidise council care costs, he declined to comment further.

**Not their real names*

14 September 2011

EHRC harassment inquiry: Inquiry ‘is my proudest moment’

The disabled campaigner who led the equality watchdog’s 18-month inquiry into disability-related harassment says he hopes its report will finally force society to address its “systemic, institutional” failure to tackle the issue.

Mike Smith, the Equality and Human Rights Commission’s (EHRC) lead commissioner on the inquiry and chair of its disability committee, told Disability News Service (DNS) that leading the inquiry and producing the [Hidden in Plain Sight report](#) was “the thing I am most proud of”, and added: “It is the most important thing I have ever done in my career.”

He said he hoped the report would finally “start tipping the balance” towards dealing with the “incredibly complex” problems and producing the necessary changes in society.

But he warned that disability-related harassment was “a whole society problem”.

He stressed that the EHRC was not accusing public bodies such as the police and local authorities of “institutional disablism” in their failure to address the problem, as the Met police was accused of institutional racism after its investigation into the murder of the black teenager Stephen Lawrence.

He said: “We are not saying that. What we are saying is there was a systemic institutional failure to recognise the problem in the first place and tackle it.

“We are just saying they have not even seen the problem. It is not that they are taking conscious action not to deal with it, but they are just missing the point, which is in some ways even worse.”

Smith said some things had already started to change because of conversations the EHRC had had with senior members of public bodies during the inquiry.

But he said: “Real change will happen when other bodies acknowledge that things need to change and take personal responsibility for change in their own bodies.”

Smith also made clear to DNS that he had insisted that strong statements linking segregated education with disability-related harassment were included in the report, despite the government’s anti-inclusion education policy.

In his introduction to the report, Smith stressed the need for inclusive education, and said educating disabled children separately in special schools “just stores up problems for the future for all of us”.

Smith says in the report that he believes that forcing disabled children into special schools makes it harder for them to integrate into society when they are adults, and makes it more likely that non-disabled children will perceive disabled children as “different”.

He told DNS that he was “unequivocal” in discussions within the EHRC that those comments and calls in the report for more inclusive education must be included.

He said: “People were saying, ‘do we really want to say that, it’s the opposite of government policy?’. There was a good robust debate... and we agreed it was the right thing to do.

“Personally I was highly committed to make sure those things were in the report and very glad that I stood my ground and they were there.”

He said the inclusion of such comments shows why it was important that the inquiry was led by a disabled person, and that the EHRC has a disability committee.

Smith called on disabled people and their organisations to use the report as a platform for pushing for change, for example by writing to their local councillors and MPs.

And he said it had been a deliberate decision by the EHRC not to invite any government ministers to the launch of the report, in order to make the event “non-political”, although he said the commission had been working with ministers “behind the scenes” and with “a great many government departments”.

He added: “There are a significant amount of actions we were requesting and the government needs time to work out how they respond.”

14 September 2011

EHRC harassment inquiry: Activists welcome report, but say rights approach is crucial

Disabled activists have welcomed the publication of a major new report on disability-related harassment, but have warned of the huge changes needed across an “institutionally disablist” society if it is to have any impact.

Speaking after this week’s launch of the Equality and Human Rights Commission’s [Hidden in Plain Sight report](#), they called for a stronger focus on harassment and hostility as a disability rights issue, and for greater involvement of disabled people’s organisations (DPOs) in addressing the problem.

Julie Newman, acting chair of the UK Disabled People’s Council (UKDPC), welcomed the report but said it was “unfortunate” it had taken so long to produce it, as it came more than three years after the publication of the ground-breaking Getting Away with Murder report, published by UKDPC, Scope and Disability Now magazine.

She said she was disappointed that there was not a greater emphasis in the report on disabled people’s “right not to be attacked or abused in any way” and on harassment and hostility being a “rights issue”.

She said: “The government has a duty through the UN convention [on the rights of disabled people] to challenge these things, and make sure the appropriate structures are in place legally to support us so we do not experience any form of harassment or abuse or attack.”

Newman said that the “institutional disablism present in every aspect of social life in this country is not being challenged and the government have the responsibility to take the lead in that challenge”.

She said it was crucial that the government funded DPOs to enable them to support individual survivors of hate crime and to be “directing the work” around disability-related harassment.

UKDPC has had four significant funding requests turned down by the government to carry on the work it started with Scope on disability hate crime.

Ruth Bashall, manager of [Stay Safe](#), a Disability Action Waltham Forest project that tackles hate crime, bullying, domestic violence and sexual violence against disabled people, told the launch event that she worried the report was being published at a time when disability rights were not on the agenda.

She said there was clearly “institutional discrimination” across the criminal justice system, which “doesn’t deal with crimes against disabled people as crimes and doesn’t prevent crimes against disabled people”.

She said: “This cannot happen without disabled people but also the sort of sea change that happened after [the inquiry into how the police dealt with the murder of] Stephen Lawrence, based on partnership, an open approach, and organisations willing to be self-critical.”

She said public bodies had to engage with disabled people and their organisations over the report’s recommendations, and put resources into involving and empowering disabled people.

Dr Rachel Perkins, chair of the government’s Equality 2025 advice body, also emphasised the need for a rights-based focus on harassment.

She told the launch that it would take “whole system change to right these wrongs”.

She said: “Safety is a pre-requisite for involvement in our society. It is about the right of safety for all citizens and the right of redress for all citizens if their safety is violated.”

Anne Novis, who has been campaigning for 20 years on disability-related harassment, said she was “not hopeful” that the report would “lead to any massive systematic change” but did hope that it would “give a little nudge to the conscience of all those who should have believed us, enough to prompt action not just words”.

She said: “We can always hope and use it to try and get funding for initiatives as well as to remind those in control locally that they do have a legal responsibility to prevent harassment against disabled people and provide us with access to justice.”

But she added: “Whilst the media and those in leadership constantly demean us, label us as ‘scroungers’ and ‘unsustainable to support’ we will just see an increase in this problem, not a decrease.”

Katharine Quarmby, whose new book [Scapegoat](#) investigates some of the most shocking disability hate crimes of recent years, and who made key contributions to the inquiry, said the report was an important addition to work on disability-targeted violence.

She said the “solid” report had built on earlier research by disabled activists, DPOs and disability charities, such as *Getting Away with Murder* and the work of fellow campaigners such as Novis, Bashall and Stephen Brookes, who all contributed to the inquiry.

Quarmby added: “Maybe because it comes from a non-governmental body it will have more impact than previous reports that have been published. I hope it doesn’t gather dust.”

Brookes, who founded the Disability Hate Crime Network, also welcomed the report, and pointed to its emphasis on the need for agencies to work together to combat hate crime.

He added: "It is a piece of work which brings together all the things we have all been saying for a long time. To me the hope is now we can move forward with it."

Liz Sayce, chief executive of RADAR and a member of the EHRC's disability committee, said the report was "good" but had been "a long time coming".

She said the "critical issue" would be how the EHRC held public bodies and the government to account in ensuring its recommendations were implemented "in a time of austerity", and she called for the commission to publish regular progress reports.

Dr Ju Gosling, co-chair of Regard, the national organisation of disabled lesbian gay bisexual and transgender (LGBT) people, also welcomed the report, but said she would have liked to have seen more emphasis on the experiences of disabled LGBT people, disabled women and disabled people from black and minority ethnic communities.

12 September 2011

EHRC harassment inquiry: 'Culture of disbelief' is preventing justice

Hundreds of thousands of disabled people are being subjected to disability-related harassment every year, but a "culture of disbelief" is preventing authorities from addressing the problem, according to a major new report.

The [Hidden in Plain Sight report](#) by the Equality and Human Rights Commission (EHRC), which comes at the end of an 18-month inquiry which collected tens of thousands of pages of evidence, concludes that public bodies are guilty of a "systematic, institutional failure" to recognise disability-related harassment.

Mike Smith, chair of the EHRC's disability committee and lead commissioner for its inquiry, told an event held to launch the report of a "culture of disbelief" that disability-related harassment could be happening.

He said: "It's not just some extreme things happening to a handful of people: it's an awful lot of unpleasant things happening to a great many people, almost certainly in the hundreds of thousands each year."

Official figures show there were 1,567 disability-related hate crimes recorded by police in 2010-11, which Smith said was "a drop in the ocean compared to the stuff that is really

going on out there". Official figures suggest about 1.9 million disabled people were victims of crime in 2009-10, although not all of these crimes would have been disability-related.

Smith also said there was "significant under-reporting", often because disabled people "do not believe that anything can and will be done".

The harassment can include damage to property; theft; cyber-bullying; sexual violence; domestic violence; physical violence; and institutional abuse.

Smith told the launch that harassment causes many disabled people to "limit their own lives", which "limits their ability to participate as equal citizens within our society". He said that society "has to change in its attitude towards disabled people".

Smith, who describes his own experiences of disability-related harassment in the report, says another shocking conclusion is how little information about the problem is collected by schools, local authorities, health services, and the criminal justice system.

Keir Starmer, the director of public prosecutions and head of the Crown Prosecution Service (CPS), welcomed the report, which he said was "an important benchmark for the challenges facing us".

He said: "Many disabled people feel inhibited from coming forward to report disability-related harassment and when they do come forward their cases are not always recognised as disability-related crime by the police, the prosecutor, or both."

He said the CPS had raised its game but there was "a lot more to do".

Stephen Otter, chief constable of Devon and Cornwall police and the equality and diversity lead for the Association of Chief Police Officers, described the report as a "really important moment".

He said the police needed the "same kind of learning" that occurred after the 1999 publication of the inquiry into how the police investigated the murder of the black teenager Stephen Lawrence.

The report also suggests that the failure to include disabled people in society – including the history of forcing disabled people to live in institutions, and segregated employment and education – has helped to cause disability-related harassment.

The report offers seven "core recommendations": the need for strong leadership; better data on the "scale, severity and nature" of harassment; a more accessible and responsive criminal justice system, including action on sentencing of disability-related crimes; better understanding of the motives of perpetrators; improved attitudes towards disabled people in society; research on how best to prevent and respond to harassment; and improved staff training.

The EHRC now aims to consult widely and produce a “manifesto for change” next spring, which will outline the steps agencies are taking and the outcomes the commission expects to see over five years.

It has already laid out measures it believes should be taken by individual public bodies, such as the police, the CPS, the courts, schools, local authorities, health services, housing and transport providers.

There are also recommendations for government departments, including the Office for Disability Issues, the Department of Health, the Home Office, the Department for Education, and departments in the devolved administrations in Scotland and Wales.

Although there was disappointment expressed by disabled activists at the failure of a government minister to attend the launch, the EHRC insisted that it had decided two months ago not to invite any ministers in order to ensure the event was “non-political”.

Meanwhile, MPs and peers on the all party parliamentary disability group (APPDG) have pledged to push for a parliamentary debate on the report.

Anne McGuire MP, the APPDG co-chair, said she would seek a debate after author and campaigner Katharine Quarmby told a joint meeting of the APPDG and the parliamentary learning disability group that she believed there had never been a full parliamentary debate on disability hate crime.

Quarmby talked in the meeting about her new book [Scapegoat](#), which investigates some of the most shocking disability hate crimes of recent years.

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News provided by John Pring at www.disabilitynewsservice.com