

Union ridiculed over defence of Atos members

Disabled activists have ridiculed a union's claims that its members have been unfairly criticised for the way they test disabled people's "fitness for work".

Prospect believes criticism by disabled benefits claimants and in the media of healthcare professionals who carry out the controversial tests for the company Atos Healthcare is "grossly unfair".

Geraldine O'Connell, Prospect's national secretary, says union colleagues have become "increasingly frustrated" by reports of the "alleged poor standard of medical assessments" carried out by her members who work for Atos.

Atos doctors, nurses and physiotherapists have faced fierce criticism from many disabled people who have been tested using the discredited work capability assessment (WCA).

Campaigners have pointed to success rates that have been as high as 40 per cent – and much higher for those with expert representation – for disabled people appealing against the result of their WCA.

In his first annual review of the assessment for the government, Professor Malcolm Harrington said widespread complaints about Atos staff "must be taken seriously".

The General Medical Council is investigating complaints about seven Atos doctors.

But in a letter written to Harrington as evidence for his second review, O'Connell blames appeal tribunals for overturning "carefully considered" reports prepared by Atos staff.

She claims the tribunals are failing to "follow the same stringent criteria" as Atos staff, and that all Atos healthcare professionals "take considerable pride" in their work and are "very sensitive to the needs of all claimants".

She adds: "All staff receive training in good customer service and communication skills and are caring individuals who do not wish the claimant to have a bad experience."

O'Connell says in her letter that Atos staff have to apply the government's own WCA guidelines "regardless of their personal opinions" but are facing regular complaints and "vilification" in the press.

She says their jobs have been made "almost impossible", while Atos is facing "huge" problems in retaining assessors, mainly because of the extra time pressures imposed by improvements to the WCA recommended by Harrington.

But a spokesman for Black Triangle, which campaigns against the unfair use of the WCA, described the union's claims as "nonsense".

He said that “most genuine healthcare professionals” would refuse to carry out the “profoundly flawed” assessments, whereas tribunals “take the time to carefully consider all the reports and written evidence and closely question the appellant before rigorously considering all the evidence presented, before coming to their conclusion”.

He added: “Prospect should be fighting against this, not coming out with excuses for their members, or at the very least advising them to demand that all WCAs are recorded, then the professionalism of their members could not be questioned as the evidence would be there on record.”

Disabled activist [Mo Stewart](#), who has carried out extensive research into Atos Healthcare, said: “I would recommend that whoever wrote the Prospect letter should access the comments by former Atos staff whose comments cannot be misinterpreted and expose that the only priority when working for Atos is to get through as many cases as possible so Atos can reach their daily targets.

“Atos, like all corporate giants, are about profits and not people and their staff clearly know that when they agree to be employed by them.”

O’Connell told Disability News Service she did not accept that her members had been “insensitive to the needs of ESA claimants, nor that their reports have been inaccurate, their behaviour or attitude poor, or that they have shown poor knowledge and understanding of the relevant impairments and disability”.

She insisted that “any complaint made by any claimant is fully investigated by independent complaints officers from within Atos Healthcare”.

27 October 2011

Access to Work figures underline worrying downward trend

Government figures have revealed alarming new evidence of a slump in the number of disabled people granted funds to make their workplaces more accessible.

[The Department for Work and Pensions \(DWP\) figures](#) show that just 2,320 “new customers” were helped by the Access to Work (AtW) scheme in the first quarter of 2011-12, an average of 773 disabled people receiving new support every month.

In the first half of last year, the government was helping about 1,283 new customers a month. This fell to 980 a month in the third quarter of 2010-11, and then again to an average of just 867 a month from January to March 2011.

The new figures also show that the number of existing AtW “customers” – those continuing to receive support – has dropped by almost 4,000, to just 18,570.

The figures follow a string of concerns that have been raised about the government’s commitment to the scheme – which provides funding for adaptations, equipment and ongoing support at work – since the coalition came to power.

In August, Disability News Service revealed that disabled people receiving AtW were being sent “hostile” and “threatening” letters by the DWP, giving them just a week to confirm they still needed their funding before it was withdrawn.

And new guidance, introduced in August, means disabled people driven to and from work by their personal assistant (PA) are no longer able to claim AtW funding for that travel if they are driven in their PA’s car.

In June, Liz Sayce, RADAR’s chief executive, published a review of employment support for the government and focused strongly on the need to expand and improve AtW.

But the government’s response to her review made several references to concerns that her AtW recommendations could put “additional pressure on funding at a time when resources are limited”.

Last year, the government backtracked on a high-profile pledge to allow disabled people to secure AtW funding before they applied for a job.

And the coalition also quietly introduced new rules which mean employers or disabled employees themselves now have to fund equipment such as basic versions of voice-activated software, most adapted chairs, and satellite navigation devices, rather than having them funded through AtW.

A DWP spokeswoman claimed the government was “spending more than ever before on Access to Work” and added: “We are also considering the responses to our consultation on Liz Sayce’s recommendations to expand Access to Work and will respond to this in due course.”

She suggested that the slump in successful new claims was “likely to reflect an increase in contributions from larger employers”.

But she declined to explain why this would affect the number of successful new AtW claimants, or whether the DWP was investigating why this figure had slumped.

When the last figures were published, three months ago, RADAR said the “alarm bells should be ringing in Whitehall” and called for DWP to “investigate” the slump.

27 October 2011

Cuts court challenge fails

Two disabled people have lost their high court challenge over a council's decision to slash spending on social care services.

They had sought a judicial review of Manchester City Council's plans to cut spending on adult social care by a total of £39.5 million over two years through increased charges, with about 75 per cent of disabled people likely to pay more for their care.

They had argued at the high court in Manchester that the council failed to consult properly over the cuts and breached its equality duties under the Disability Discrimination Act.

Although Mr Justice Ryder dismissed the judicial review, he has yet to publish his reasons for finding in favour of the council.

A solicitor for the two disabled people, Mathieu Culverhouse, from Irwin Mitchell, said: "My clients are naturally disappointed with the result and will await the full judgment of the court before deciding what steps to take next."

But he said the case had forced the council to clarify its proposals and to confirm that it would continue to meet disabled people's eligible needs.

Liz Bruce, the council's director of adult services, said: "We've carried out detailed consultations, and have looked at every option to try our very best to mitigate the impact of the cuts – and ensure that our policies are the fairest we could draw up in these difficult times.

"We are really pleased that this has been recognised by this judicial review and we are now focussed on delivering the savings, whilst at the same time doing everything we can to safeguard the most vulnerable in our city."

Meanwhile, two disabled men challenging cuts by another local authority are waiting to hear the outcome of their judicial review.

The case, which was heard over two days at the high court in London this week, involved the decision by Isle of Wight Council to tighten eligibility for support and increase charges, which could see 2,000 disabled people on the island lose some or all of their support.

Lawyers for the two men argued that there were failures in the council's consultation process and a lack of clarity over exactly how the changes would affect disabled people.

Campaigners say the council's policy has left many people "confused and worried" over whether they will be eligible for support.

The judge is expected to deliver his ruling in the next fortnight.

The two cases are just the latest in a series of high-profile judicial reviews of decisions by public bodies to slash services and spending in the wake of the government's deficit reduction plan.

27 October 2011

Government finding far fewer claimants 'fit for work'

The number of disability benefits claimants found "fit for work" by the government has fallen sharply over the last two years, according to new figures.

The Department for Work and Pensions (DWP) statistics show the monthly proportion of people found ineligible for employment and support allowance (ESA) dropped from as high as 68 per cent in 2009 to 55 per cent by February this year.

The figures provide further evidence of the unfairness of the work capability assessment (WCA) that was introduced in 2008 by the Labour government to test eligibility for ESA, the replacement for incapacity benefit.

But disabled campaigners believe the WCA is still inflexible, unfair and inaccurate, despite a series of changes aimed at improving the test.

The new figures relate to all new claimants who have completed an assessment, and show that the proportion placed in the "support group" – for those not expected to carry out any work-related activity – increased from about nine or 10 per cent through most of 2009 and 2010 to as high as 14 per cent in April this year and 16 per cent in May 2011.

The monthly figures for claimants placed in the work-related activity group have also risen, from 22 per cent to as high as 33 per cent in February 2011.

Figures for total completed claims since the WCA was first used in October 2008 show that – once appeals are included – only just over half of new ESA claimants have been found fit for work.

The new figures also show that the number of successful appeals against being found fit for work is falling, from about 40 per cent (for claims started in 2009) to about 32 per cent (for those started in August 2010).

Neil Coyle, director of policy for Disability Alliance, welcomed the increase in the number of disabled people able to access the support group without having to appeal.

He said the figures suggested that many more disabled people already denied access to the support group, as well as those unfairly found fit for work, would consider appealing against those decisions.

He said: "Given that the support group figures were lower than expected from the original [government] estimates, that would seem an appropriate expectation."

A DWP spokeswoman said: "If people do want to appeal, they can appeal."

She added: "We have made changes to the medical test and we are starting to see those changes come through. We are determined to get that test right."

She said that some of the improvements introduced by the government after Professor Malcolm Harrington's review of the WCA were "now being seen in the figures" and that the "test is getting better and putting more people into the support group".

Chris Grayling, the Conservative employment minister, said the "increase in the number of severely disabled people being given long-term unconditional support" showed the government's reforms to the WCA were "starting to work".

But he said it was "clear that the majority of new claimants to sickness benefits are in fact able to return to work".

27 October 2011

ALLFIE seeks volunteers to help tell a century of school stories

Researchers are seeking volunteers to take part in a project that will trace how the educational experiences of disabled people have changed over the last 100 years.

The Alliance for Inclusive Education (ALLFIE), which is working on the [What Did You Learn at School Today?](#) project with the British Library, is looking for between 50 and 60 disabled people from across England who are willing to be interviewed about their experiences.

The project was awarded a grant of nearly £180,000 in March to create a public archive of oral histories, which will be stored by the British Library.

The collection of personal memories will also be used by colleges and schools to "bring to life debates on citizenship, equality and diversity", while a new website will include an historical timeline showing the progress made over the last 100 years.

Kevin Caulfield, the project's coordinator, said there was a sense of excitement about the ground-breaking project, which will "raise in a real way the knowledge of disabled people's experiences".

The team has already made contact with a woman of 102, who attended a special school in the early years of the twentieth century, and is hoping she will agree to be interviewed.

Caulfield believes it is the first time a disabled people's organisation has carried out such a piece of work.

He said: "The other thing that is probably unique is that all of the interviewers will be disabled people, a very diverse group of disabled people with very different impairments and backgrounds.

"Although we are looking at similar outcomes to any other oral history project, I think it will perhaps result in [interviewees] feeling freer to be themselves."

ALLFIE believes the project will map progress from the "old-fashioned and paternalistic view of disabled children and young people as 'ineducable' to a more inclusive and empowering approach where disabled children and young people are valued and welcomed into their local school and communities".

ALLFIE hopes the project will give disabled young people a "greater understanding of their history", and provide proof of how inclusion improves the quality of all young people's lives, as well as inspiring those involved in the struggle for inclusion.

Anyone interested in being interviewed should email Kevin Caulfield at kevin.caulfield@allfie.org.uk, write to him at: The Alliance for Inclusive Education, 336 Brixton Road, London SW9 7AA, or phone: 020 7737 6030.

27 October 2011

Disabled peer challenges minister over involvement of disabled people

A disabled peer has challenged a minister over whether she is taking account of the views of disabled people in developing new policies.

Baroness [Jane] Campbell told Maria Miller, the minister for disabled people, that there had been a "great deal of rhetoric" from the government on how it was listening to disabled people and their organisations.

But Baroness Campbell said there were significant numbers of disabled people who were saying that they "didn't think they were meaningfully involved".

Miller, the care services minister Paul Burstow, and the housing and local government minister Grant Shapps [were the last witnesses to give evidence](#) to an inquiry by the parliamentary joint committee on human rights into the implementation of disabled people's right to independent living.

Baroness Campbell told Miller: "What we are receiving more than we anticipated was the feeling from people who came to give evidence [to the inquiry] – disabled people – that there was not meaningful involvement of their voice in the development and implementation and monitoring of policies which affect their rights."

Miller claimed disabled people had had a "demonstrably important" influence on programmes such as Right to Control (RTC), and that the need for the new £3 million project to support the growth of local disabled people's organisations (DPOs) had been expressed by disabled people and DPOs.

But Baroness Campbell said disabled people believed that RTC – which puts support from six sources, including council-funded care, into single pots of money for disabled people to use as they wish – had been a "very good example" but was now "going off the boil and [they] were very worried about their involvement".

Miller insisted that the involvement of disabled people in government policy was "absolutely clear", whether through the Equality 2025 advisory network, or the "immense consultations" on policies such as disability living allowance (DLA) reform, or her meetings with disability organisations.

She claimed disabled people were "demonstrably" affecting the development of the assessment criteria for the personal independence payment, the planned replacement for DLA.

She added: "Is it that people feel that they are finding it difficult to be always listened to because we do not always completely agree on every single area?"

"I think that may well be some of it, but certainly we are absolutely listening very strongly and absolutely taking into account issues that are raised when we are able to."

But Miller said there would always be a need for disabled people to understand the "proactive and important tension" between the two sides.

Members of the committee referred frequently during the evidence session to disabled people's rights to independent living as guaranteed by article 19 of the UN Convention on the Rights of Persons with Disabilities.

Miller said independent living would be "at the heart" of the government's disability strategy, which is due to be published in draft form next spring and would take the UN convention "as its basis" and focus on priority areas identified by disabled people.

26 October 2011

New assessment 'repeats mistakes of fitness for work test'

Trials of the assessment for the benefit that will replace disability living allowance (DLA) show the test is worryingly similar to the government's discredited "fitness for work" assessment, say campaigners.

The government has been trialling questions for the test it plans to introduce for its new personal independence payment (PIP).

But disabled activist Linda Burnip, who has seen one of the forms sent out to about 900 disabled people around the country – both current DLA recipients and new claimants – says they are almost identical to those used for claimants of out-of-work disability benefits.

This has led her and fellow activists to raise new fears that the PIP assessment will mirror the work capability assessment (WCA), which has been widely criticised for being inaccurate, inflexible and over-medicalised.

There has been heavy criticism of the computer software used to carry out the WCA, the Logic Integrated Medical Assessment (LIMA) programme, which critics say leads to a "tick-box", "dehumanised" assessment and tempts assessors to rely on the software's automated features.

Any suggestion that the new PIP assessment will use the LIMA software, owned and used by the much-criticised Atos Healthcare, will cause huge alarm among disabled activists. It would also suggest Atos is in prime position to be awarded the lucrative contract for carrying out the PIP assessments.

Disabled activist John McArdle, co-founder of Black Triangle, which campaigns against the unfair use of the WCA, said the arguments over the PIP assessment sounded "depressingly familiar".

He said: "It was exactly the same in the run up to and subsequent implementation of the WCA disaster, which has plunged hundreds of thousands of patently ill and/or disabled people into dire poverty and massive distress.

"We are under no illusions that the government has declared war on disabled people and that it is now time for everyone across civil society to stand together with disabled people and see off this attack on our dignity and fundamental human rights, and that includes the medical and nursing professions [who carry out the tests] in particular. This must not be allowed to pass."

A Department for Work and Pensions spokesman insisted that the new test was “not a medical assessment, focused on what a person’s condition or diagnosis is, but instead looks at the impact of disability on individuals’ everyday lives”.

He said the assessment was “very different to the WCA, which looks at specific functions, instead concentrating on key everyday activities, the challenges people face and the support they need”.

And he said it would allow disabled people to be “reassessed over time – something that is lacking in the current system – to ensure everyone receives the correct support if their needs change”.

He added: “The forms used in the testing of the assessment criteria were designed purely to gather the necessary information needed for this exercise.”

But Burnip, co-founder of Disabled People Against Cuts, said the form she saw “in no way focused on the impact on an individual”.

She said: “Apart from the first question, which asked what condition people had and how that affected them, it was purely a task-based list, exactly the same as that used for the totally discredited WCA and obviously designed to be used by the LIMA software programme.”

Meanwhile, the charity Scope has launched a new report – backed by organisations including Inclusion London, the National Centre for Independent Living and Disability Equality NW – that is highly critical of the new PIP assessment.

[The Future of PIP: A Social Model Based Approach](#) argues that the government’s draft PIP assessment is “not fit for purpose” and unless it “considers the social, practical and environmental barriers disabled people face, thousands of people could be left with the wrong levels of support – and, in some cases, no support at all”.

The Scope report includes a “blueprint” for an alternative PIP assessment, which would take more account of the barriers faced by disabled people, and the extra costs that come with them.

The new assessment should take “the form of a conversation between the prospective recipient and the assessor”, says the report, and should also ensure more is done to pass claimants on to services that could help them overcome the barriers they face.

26 October 2011

Thousands rally across the UK under Hardest Hit banner

Thousands of disabled people and other campaigners took part in a series of anti-cuts protests last weekend in more than a dozen towns and cities across the UK.

The rallies and marches took place under the banner of [The Hardest Hit](#), the campaign organised by the UK Disabled People's Council and members of the Disability Benefits Consortium.

They want the government to stop its cuts to disability benefits and services for disabled people.

In London, more than 250 people attended a rally outside the mayor of London's offices at City Hall, on the south bank of the Thames.

Disabled activist Dawn Willis travelled from Devon to attend the protest, she told protesters, because people with mental health conditions were dying because of the cuts.

She said some people were killing themselves, while others were giving up their claims for benefits because they couldn't face being assessed by the private company Atos Healthcare.

Kirsten Hearn, chair of Inclusion London, said: "The cuts in public spending disproportionately affect disabled people. We must fight back. That is why we are here today."

Another disabled activist, Ellie Southwood, said: "Today, up and down the country, thousands of disabled people are proving that we will be heard."

She called on Maria Miller, the minister for disabled people, to guarantee that no disabled person would lose their "hard-fought independence" as a result of the cuts.

After the rally, the disabled comedian and activist Liz Carr said: "I think we need to show the media and the government that there is strength in numbers, that there is a voice and it is not just an elite few on blogs and social media."

She said the protest had brought together groups that would not normally work together to "show their anger and fear".

She added: "I think people are genuinely terrified about what the next few months are going to hold for them."

Disabled activist and [blogger](#) Lisa Egan said she was at the protest because if her benefits were cut she would not be able to afford to live, as she was too ill to work.

She said: "I depend on benefits. You take them away and I have got nothing."

John Robinson said he and his family were worried about the possibility of losing his disability living allowance (DLA), which he uses to lease a car through the Motability scheme, which he “could never afford without DLA”.

Julie Rana, another disabled protester, said she was at the rally because “if we are not careful and we do not campaign enough a lot of disabled people will not be able to afford to live”.

An estimated [1,000 people attended a Hardest Hit protest in Edinburgh](#), with speakers including the disabled peer Lord [Colin] Low, and Iain Gray, leader of the Scottish Labour party.

Another 1,000 campaigners [marched through the streets of Cardiff](#), while 500 took part in a [march through Bristol city centre](#) and a rally in College Green. Speakers in Bristol included Labour MP Kerry McCarthy, who criticised the city council for cutting support and services for disabled people.

More than 400 people took part in the Manchester Hardest Hit protest, which was supported by disabled Coronation Street actress Cherylee Houston and two of her co-stars.

Speakers at the rally, outside the Town Hall, [included disabled blogger Kaliya Franklin, who told fellow campaigners](#): “We will not sit quietly by while these cuts are made. We must continue to let our MPs, to let our peers and councillors know how our benefits and services really help us to live our daily lives and what losing our independence means.

“We want our dignity, we want our independence and we need a welfare system that supports people with the real costs of living with a disability.”

An estimated 500 protesters [attended a march and rally in Norwich](#), with speakers including Jaspal Dhani, chief executive of the UK Disabled People’s Council, and Mark Harrison, chief executive of Norfolk Coalition of Disabled People.

Those who joined the march included David Rowntree, drummer with the band Blur and now shortlisted by Labour to fight the Norwich South seat at the next general election.

Dhani said afterwards: “Today’s protests demonstrate just how much disabled people, their friends and family are going to be affected by this government’s cuts and the many broken promises it has made to protect disabled people.

“Remember it was disabled people who campaigned for and won laws to tackle discrimination. We can and must do it again to resist these cuts.”

In [Brighton](#), about 250 people took part in a rally in Jubilee Square, while about 150 people attended a protest at a hotel in Belfast, and another 300 protested in Victoria Square in [Birmingham](#).

An estimated [350 people took part in the Hardest Hit protest in Nottingham](#), while 400 attended a march and rally in the centre of Leeds, with speakers including the Leeds Labour MP Hilary Benn, the shadow minister for communities and local government.

Paul Williams, a disabled carer, told the Leeds rally: "I am on a very low income. I can only manage because I get the lower rate of DLA, which is about £150 a month.

"My monthly fuel bill eats up most of the DLA. I don't smoke. I don't drink. I don't gamble. I don't have a car. I don't go abroad. I don't buy new things. One week out of four I run out of money to buy food and I just have to get by until some money comes in. I am already poor. I couldn't survive without DLA."

There was also a smaller Hardest Hit protest in nearby Bradford, organized by Bradford and District Disabled People's Forum.

More than 1,000 protesters took part in a rally [in Newcastle city centre](#), while a smaller event took place in nearby North Tyneside. The previous day there had been a rally at Sunderland Civic Centre.

Two days after the Newcastle rally, Labour MP Catherine McKinnell, who had taken part in the protest, asked disabled people's minister Maria Miller in the Commons to respond to protesters' concerns.

Miller told her: "I regularly meet all the major organisations that are involved in the march."

She said the Department for Work and Pensions and the Department of Health were spending an extra £7.2 billion on social care, an extra £3 million on user-led organisations and £180 million on disabled facilities grants.

Miller added: "Those are all additional areas of expenditure that disabled people should welcome."

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News provided by John Pring at www.disabilitynewsservice.com