**DPOs consider boycott of government engagement over ‘misrepresentation’ at UN**

Disabled people’s organisations (DPOs) are to consider boycotting any engagement with the UK government, after it misrepresented their views to a UN committee of human rights experts.

The UN committee on the rights of persons with disabilities (CRPD) last week [delivered a report on the UK government](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1158&Lang=en) which included more than 80 recommendations for improvements to its implementation of the UN Convention of the Rights of Persons with Disabilities.

It was, said the committee, the highest number of recommendations it has ever produced for a country undergoing its review process.

The committee’s “concluding observations” on the UK’s progress in implementing the convention followed a two-day public examination of its record in Geneva last month.

But a delegation of DPOs that attended the public examination – and had briefed members of the committee on the many breaches of the convention by the UK – were appalled at how disabled people’s views were misrepresented by the government in Geneva.

And they have now told Disability News Service (DNS) that they will be “considering a joint position on boycotting engagement with government” until it can be trusted not to misrepresent the views of disabled people and their organisations.

Ellen Clifford, a member of the national steering group of [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/), said: “Responses by government representatives throughout the CRPD process have further proved how they exploit any form of engagement to dishonestly validate policies that are actively harming disabled people and retrogressing our rights.

“What we want to do is try and establish a shared platform of non-engagement until the government can be trusted to do that in good faith and listen to what we say and not misrepresent those engagement opportunities.”

Tracey Lazard, chief executive of [Inclusion London](https://www.inclusionlondon.org.uk/), who also attended the Geneva session, added: “How can we work with a government whose policies are catastrophic and who deny there is anything wrong?”

Karen Jochelson, the head of the Office for Disability Issues and the UK delegation, told the committee during the examination in Geneva that “constructive dialogue, collaboration and coproduction with disabled people is key to the UK meeting its ambitions to progressively realise disabled people’s rights”.

She said the UK government had “a strong record in engaging with disabled people, disabled people’s organisations, representative groups and service users to inform and influence policy”.

And she praised the Department for Work and Pensions (DWP) – ODI is part of DWP – for working with disabled people and DPOs to improve personal independence payment (PIP) and employment and support allowance (ESA), even though both disability benefits have been the subject of angry protests and campaigns over the damage they have caused tens of thousands of disabled people.

DPOs in Geneva were particularly appalled to hear Jochelson’s “offensive” claim that the 2,000 pages of evidence the committee received – much of it from DPOs who had spent years compiling proof of the government’s breaches of the convention – were partly “a testament” to ODI’s efforts to promote the UN review process among disabled people and their organisations.

Clifford said: “It was at that point where people (from the DPO delegation) got upset.

“Not only were we being dismissed and not being listened to, but the dire situation [facing disabled people] was being used as evidence [of engagement].”

DPAC and other DPOs believe that this misrepresentation mirrored the way Conservative ministers have repeatedly claimed that disabled people and their organisations have co-produced controversial government policies, such as the introduction of PIP and changes to the work capability assessment, the eligibility test for ESA.

[In April, DNS revealed](https://www.disabilitynewsservice.com/boycott-call-after-dwp-wrongly-claims-dpos-helped-devise-punitive-work-scheme/) how DWP wrongly claimed that DPOs had “co-designed” plans to force new ESA claimants to take part in its punitive new health and work conversation, plans that disabled activists had described as “DWP skulduggery”, “pernicious”, “oppressive”, “punitive”, and “abusive”.

Meanwhile, the delegation of UK DPOs – which also included [Disability Rights UK](https://www.disabilityrightsuk.org/), [Equal Lives](https://equallives.org.uk/), [The Alliance for Inclusive Education (ALLFIE)](http://www.allfie.org.uk/), [Disability Wales](http://www.disabilitywales.org/), [Inclusion Scotland](http://inclusionscotland.org/), the [Reclaiming Our Futures Alliance](http://www.rofa.org.uk/), [Black Triangle](http://blacktrianglecampaign.org/) and the [British Deaf Association](https://bda.org.uk/) – has welcomed the UN committee’s conclusions and recommendations.

And there was satisfaction among the DPO delegation at the influence the disabled people’s movement has had on the CRPD process by working together to provide evidence to the committee about breaches of the convention by the UK government.

Coomaravel Pyaneandee, a vice-chair of the committee, had told the UK government’s delegation during the examination: “I want to see you coming back as world leader [on disability rights], which at the moment I am afraid you’re not, but disabled people’s organisations from whom I draw inspiration are in fact the world leaders in your country.”

The DPO delegation said, in a joint statement, that they had “established themselves as a force to be reckoned with following a long campaign of challenging the government’s blatant disregard for the lives of Deaf and disabled people in the UK”.

Clifford said: “The working relationship we established through this process stands us in better stead for collective action.”

Sarah Rennie, from the disabled women’s collective [Sisters of Frida](http://www.sisofrida.org/), who was also in Geneva, said the “collaborative way” DPOs had worked together had “clearly been highly effective at advocating for the interests of disabled people in the UK”.

And she said she hoped they would continue to work together in a way that was “inclusive of all disabled people, including the smaller DPOs”.

Lazard welcomed the committee’s “damning verdict” but said it would come as no surprise to disabled people in the UK, who were experiencing “increasing levels of poverty and exclusion, massive cuts to social care and independent living support and hundreds of thousands of people being forced through a totally discredited and punitive assessment regime”.

She said the committee’s conclusions were in “stark contrast” to the government’s “denial, spin, misinformation and frankly disdain for disabled people and our organisations, disdain for the mountain of evidence that shows things are actually going terribly wrong for disabled people and disdain for the UN process itself”.

Kamran Mallick, chief executive of Disability Rights UK, called on the UK government to “cut the rhetoric and start delivering on these excellent recommendations”, and welcomed the committee’s decision to raise concerns at the use of compulsory mental health detention and treatment.

Rhian Davies, chief executive of Disability Wales, said: “It is a relief to see that the UK government’s appalling treatment of disabled people has been called out by the UN committee.

“The concluding observations give a clear sense of direction for the UK and devolved governments.”

Dr Terry Riley, BDA’s chair, welcomed the committee’s recommendation that the UK government “finally legislate to protect language rights of deaf people”.

He said: “Deaf people have been passed over too long; there can now be no doubt that the government has been taken to task. Without language rights, we have no human rights.”

Tara Flood, ALLFIE’s director, said: “We are delighted that the committee has highlighted the government’s shocking disregard for the human rights of disabled children and young people to be included in mainstream education and we welcome the committee’s call for a strategy to end the segregation and institutionalisation of children and young people from their families and communities.”

John McArdle, co-founder of Black Triangle, said there was now “irrefutable” evidence that the UK government was operating as a “rogue government”, and that it was “totally disregarding” its international treaty obligations and showing “contempt for disabled people”.

He also criticised the reaction of opposition leaders in the UK, who had failed so far to speak out strongly on the commission’s report.

He said: “We feel forgotten as disabled people. There is always something else more important. It has just been a blip on the radar and it is all forgotten.

“We have done all our hard work as DPOs these past seven years but it comes to a point where the so-called opposition parties should step up to the plate and go to war with the Tories on our behalf.”

Mark Harrison, chief executive of Equal Lives, said: “When the chair of the disability committee described the situation that disabled people face as a ‘human catastrophe’ she was reflecting what Norfolk’s disability community has been experiencing over the last seven years.

“In a very short space of time we have gone from having some of the best rights in the world to a crisis situation where people are dying because of the barriers and discrimination caused by austerity.”

In response to the CRPD report, a DWP spokeswoman said: “These concluding observations are the latest part of a standard review process that all member states that ratify the convention go through.

“We are considering the full report in the context of cross-government work on disability issues, and will provide further information to ministers in DWP in due course.”

She added: “We’re disappointed that this report fails to recognise all the progress we’ve made to empower disabled people in all aspects of their lives, and our ongoing commitment to furthering the rights of disabled people.

“Almost 600,000 disabled people have moved into work over the last four years and we spend over £50 billion a year to support disabled people and those with health conditions – more than ever before, and the second highest in the G7\*.

“The UK is a recognised world leader in disability rights and equality, which is why we supported the development of the UN convention.

“The UK has some of the strongest equalities legislation in the world, including the Equality Act 2010, and we will continue to make sure that these rights are protected.

“This government believes that a disability or health condition should not dictate the path a person is able to take in life – or in the workplace.

“This forms the foundation of our reforms to help disabled people realise their potential in the labour market and wider society.”

*\*The other G7 countries are the USA, Japan, France, Germany, Italy and Canada*

**7 September 2017**

**UK is going backwards on independent living, says UN committee**

A UN committee has told the UK government to make more than 80 improvements to the ways its laws and policies affect disabled people’s human rights.

[In its “concluding observations”](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1158&Lang=en) on the progress the UK has made in implementing the UN Convention on the Rights of Persons with Disabilities (UNCRPD), the committee raised concerns and made recommendations on all but three [of the 33 treaty articles](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#48) it could have breached.

It was, said the committee, the highest number of recommendations it has ever produced for a country undergoing the review process.

The section highlighting the committee’s “principal areas of concern and recommendations” was more than 6,500 words long, compared with a “positive aspects” section of less than 120 words which mostly related to actions carried out by the Welsh and Scottish governments.

Among its recommendations, the committee – made up of [18 disabled human rights experts](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx) from across Asia, Europe, Africa, South America, Australasia and the Middle East – called on the UK government to incorporate the convention into UK law, and to carry out a “comprehensive crosscutting review” of its laws and policies, to address what it described as the “uneven” implementation of the convention and “discriminatory” laws, regulations, and practices.

The committee also said the UK government should recognise disabled people’s right to live independently, and called for a “comprehensive plan” – addressing education, childcare, transport, housing, employment and social security – that should be aimed at removing disabled people from institutions and instead developing homes for them in community-based independent living schemes.

Stig Langvad, the CRPD member who led the UK examination, highlighted independent living as one of the areas the committee was most concerned about.

He said: “Persons with disabilities are in our view not able to choose where to live, with whom to live and how to live… [they] are still facing the risk of institutionalisation and not being able to live within the community.”

He said the UK was “going backwards” on independent living, with reduced funding meaning “the right to choose where to live, with whom to live and how to live through independent living schemes where you have personal budgets are limited or even more limited than previously”.

He said this meant that disabled people were “still being faced with living in either families or institutions” against their will.

The committee also called for government action – in close consultation with disabled people’s organisations – to prevent any “negative consequences” caused by Brexit, and for it to implement the remaining sections of the Equality Act 2010.

There were several recommendations around the rights of disabled children, including a call for action to address the higher level of poverty experienced by their families, and for stronger measures to prevent bullying, hate speech and hate crime experienced by disabled children.

The committee was highly critical of the UK government’s approach to inclusive education, and the “persistence of a dual education system” that segregates increasing numbers of disabled children in special schools.

It called instead for a “coherent strategy” on “increasing and improving inclusive education”, which would include raising awareness of – and support for – inclusive education among parents of disabled children.

Langvad said the committee was “very concerned” that the UK government was maintaining a reservation [an opt-out] [on part of the convention’s article 24, on inclusive education](http://www.allfie.org.uk/pages/work/article24.html), which “means that the UK is not fully living up to its international commitment to allow all the right to inclusive education”.

On the criminal justice system, the committee called for action to address the “low awareness” about disability rights among judges, prosecutors, police officers and prison staff, to provide free or affordable legal aid for disabled people “in all areas of law”, and to remove employment tribunal fees.

It also raised concerns about the way that disability hate crime is dealt with by the criminal justice system, and called for a comprehensive legal definition of disability hate crime and “appropriate prosecutions and convictions”.

Several recommendations related to the rights of people detained under the Mental Health Act, with the committee raising concerns about the “continued use of physical, mechanical and chemical restraint”, including the use of Tasers in prisons, the youth justice system, and healthcare and education settings.

The committee also said it was “deeply concerned” that such practices disproportionately affect black and minority ethnic disabled people.

And it called for a “targeted measurable and financed plan of action” aimed at eliminating the “uneven access to health” for disabled people across the UK, and for the government to address reports of healthcare professionals failing to attempt resuscitation of people with learning difficulties and mental health conditions.

In the wake of the report, Debbie Abrahams, Labour’s shadow work and pensions secretary, wrote to David Gauke, the work and pensions secretary, to ask the government to respond to the report in the House of Commons.

She said it was “of vital importance” that MPs had a chance to debate the report.

She added: “I hope that a debate would allow the government to set out how they plan to address these failures, which affect millions of disabled people across the country, many of whom are now living in poverty, and to uphold disabled people’s rights in the future.”

a DWP spokeswoman said, before Abrahams’ intervention: “These concluding observations are the latest part of a standard review process that all member states that ratify the convention go through.

“We are considering the full report in the context of cross-government work on disability issues, and will provide further information to ministers in DWP in due course.”

She added: “We’re disappointed that this report fails to recognise all the progress we’ve made to empower disabled people in all aspects of their lives, and our ongoing commitment to furthering the rights of disabled people.

“Almost 600,000 disabled people have moved into work over the last four years and we spend over £50 billion a year to support disabled people and those with health conditions – more than ever before, and the second highest in the G7\*.

“The UK is a recognised world leader in disability rights and equality, which is why we supported the development of the UN convention.

“The UK has some of the strongest equalities legislation in the world, including the Equality Act 2010, and we will continue to make sure that these rights are protected.

“This government believes that a disability or health condition should not dictate the path a person is able to take in life – or in the workplace.

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**7 September 2017**

**UN demands annual UK progress report on correcting ‘grave and systematic violations’**

A UN committee has told the UK government to produce an annual progress report on how it is implementing the recommendations of a damning inquiry that found it guilty of “grave and systematic violations” of key parts of the disability convention.

The committee of disabled human rights experts [concluded last November](https://www.disabilitynewsservice.com/un-confirms-that-uk-governments-treaty-violations-were-both-grave-and-systematic/) that the government had violated the UN Convention on the Rights of Persons with Disabilities (UNCRPD) under the articles on independent living, work and employment, and social protection.

But the committee on the rights of persons with disabilities has now made clear that it is not satisfied with the way the UK has responded to that inquiry.

[In its “concluding observations”](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1158&Lang=en) on the progress the UK has made across the entire convention, the committee said the government should co-operate closely with disabled people’s organisations on implementing the recommendations made by last November’s inquiry report.

And it said the government should provide information to the committee on its progress every 12 months until 2023, when the UK will be examined again on how it has implemented the convention as a whole.

At the end of last month’s two-day public examination of the UK’s progress on implementing the convention, the committee’s chair, Theresia Degener, told the government’s delegation that its cuts to social security and other support for disabled people had caused “a human catastrophe”.

And Stig Langvad, the committee member who led the UK examination, said he and his colleagues were “deeply concerned” about the government’s refusal to recognise the findings and recommendations of [the committee’s earlier inquiry](https://www.disabilitynewsservice.com/un-confirms-that-uk-governments-treaty-violations-were-both-grave-and-systematic/), and added: “We expect the state party to take the appropriate measures to address the recommendations of our inquiry report.”

The concluding observations made sweeping criticisms of the UK government’s failure to implement its treaty obligations across the areas examined by last November’s report.

The committee said it was concerned about the impact of government austerity measures, which had had “severe negative economic constraints” on disabled people.

It pointed to the negative impact of the introduction of personal independence payment (PIP) on disabled people’s standard of living, and called for a review of the “detrimental impact” of the conditionality and sanctions regime associated with the out-of-work disability benefit, employment and support allowance (ESA).

It said the government should carry out a cumulative impact assessment, to assess the overall impact of all the cuts and reforms to social security, and then work with disabled people’s organisations to tackle the fall in disabled people’s standard of living.

It also called on the government to reverse both the cut of nearly £30 a week in payments to new claimants of ESA placed in the work-related activity group, and [new government regulations](http://www.disabilitynewsservice.com/shabby-labour-fails-again-on-disability-rights-after-abstaining-on-pip-cuts-vote/) that will make it far harder for people with experience of severe mental distress to secure mobility support through PIP.

And it raised concerns about the failure to recognise disabled people’s right to live independently, cuts to spending on independent living, a lack of support services, the closure of the Independent Living Fund, and the “fact that many persons with disabilities are still institutionalised and deprived of the right to live independently and being included within the community”.

And on employment, the committee said it was concerned about the “persistent employment gap and pay gap” faced by disabled people, the “insufficient” measures taken to prevent discrimination in the workplace, and the controversial work capability assessment, which is used to test eligibility for ESA.

Ellen Clifford, a member of the national steering group of [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/) – which played a key role in securing the inquiry which led to last November’s report - welcomed the committee’s call for an annual progress report and “the fact that they pushed back, in spite of the government’s complete dismissal of the inquiry report.

“Disabled people are very relieved that the committee stuck to their guns and said this is a very serious question, we are not going to let you get away with dismissing it and we want you to report back again every year.”

John McArdle, co-founder of [Black Triangle](http://blacktrianglecampaign.org/), welcomed the committee’s call for an annual report on the UK government’s response to last November’s inquiry report, which he said would “assist us to keep the rights violations under the spotlight”.

He said: “It shows the ongoing sincere concern of the CRPD for what is happening to us in the UK.

“It is very heartening but we do not expect the Tory government to do anything other than regurgitate the propaganda that was put before the committee.”

Sarah Rennie, from the disabled women’s collective [Sisters of Frida](http://www.sisofrida.org/), welcomed the call for an annual update, but warned that government reports were “always vague and lack objective evaluation and hard data”.

She said: “We continue to call on the UK government to collect and analyse disaggregated data to strengthen its understanding of the multiple discrimination faced by disabled women from medical care and employment through to domestic violence.”

A DWP spokeswoman said: “These concluding observations are the latest part of a standard review process that all member states that ratify the convention go through.

“We are considering the full report in the context of cross-government work on disability issues, and will provide further information to ministers in DWP in due course.”

She added: “We’re disappointed that this report fails to recognise all the progress we’ve made to empower disabled people in all aspects of their lives, and our ongoing commitment to furthering the rights of disabled people.

“Almost 600,000 disabled people have moved into work over the last four years and we spend over £50 billion a year to support disabled people and those with health conditions – more than ever before, and the second highest in the G7\*.

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**7 September 2017**

**DWP whistleblower from ESA helpline exposes ‘obscene’ system**

A Department for Work and Pensions (DWP) whistleblower has described how a “mismanaged” and under-funded social security system is leaving many disability benefit claimants penniless and helpless.

George\* works on DWP’s employment and support allowance (ESA) helpline and has told Disability News Service (DNS) that the experience has left him shocked and frustrated at the deeply flawed system.

And he also says he believes – although he does not have direct evidence of this – that DWP decision-makers do have targets for the proportion of claimants that they need to find “fit for work”, and so ineligible for ESA.

A colleague in another part of DWP, who works with a decision-maker, told him that this member of staff “hates his job” because he has to “disallow people” and had been “struggling to hit his disallowance targets”.

Although DNS has been unable to verify this claim, disabled activists have been warning for years that they believe DWP decision-makers, and the healthcare professionals who work for the government contractor Maximus, are set targets for the proportion of claimants they must find fit for work.

But DWP has continued to deny imposing any such targets and no-one has been able to provide strong evidence that they exist.

George says he believes such targets do exist, although he cannot prove it.

“I think decision-makers are trying to meet targets,” he says.

He believes the same reason explains why so many mandatory reconsiderations – DWP’s internal review, the first stage of the appeal process if a claimant wants to dispute a benefit eligibility decision – are unsuccessful when the success rates of appeals at tribunals are so much higher.

Meanwhile, there are many concerns that he has raised for which he has does have his own direct, troubling evidence.

The lack of resources – and the “antiquated” system – can leave desperate claimants waiting well over an hour on the telephone for their call to be put through to an adviser.

George says: “Every day you think to yourself, ‘how can this possibly be happening?’ But it is.

“It is the sheer incompetence of the system that is so worrying.”

He says the problems with the IT and telephone systems used by DWP to deal with benefit claims are getting worse.

“We were just talking about this in the office last week. We have noticed an increase in customers being shafted,” he says.

“More customers are coming through who are more angry, more irate, more aggressive, displaying what we call ‘unacceptable customer behaviour’.”

He says there is a reason for this anger and aggression.

“Some of the decisions made, the way they are made, are driving people to become more and more aggressive, more and more frustrated and angry,” he says.

He believes that many of the problems are caused by ingrained flaws in the system for dealing with the evidence that claimants need to send by post, such as doctors’ letters or reports from consultants.

The way the system should work is that this evidence is opened at one of several huge mail handling sites and then scanned into the system.

An electronic alert – a “ping” – is then sent to the relevant benefit centre to alert staff that they need to look at that piece of evidence.

But George says that this system frequently breaks down, particularly at times when a large number of “pings” have been sent to a particular benefit centre in a short space of time, which means some pieces of evidence fall through the gaps and are not looked at.

One such occasion saw an ESA application – submitted by a woman with terminal cancer who only had a few months to live – fall into what he calls a “black hole” for six months because the relevant benefit centre had not responded to the “ping”.

And he says that certain benefit centres have a reputation for incompetence, while others appear to work smoothly and efficiently and rarely cause problems for claimants.

He says he did not even know there was a benefits centre in St Helens until he was four months into his job, because he never received calls from claimants who had been dealt with by that centre and were having problems with their claims.

“Whatever they do seems to work,” he says. “But I deal with complaints from other benefit centres all the time, all the time. It’s just so frustrating.”

The worst, he says, is Clydebank, in Scotland. “It just needs deleting or subject to a massive overhaul in such a way that its shocking poor customer service is never seen again.”

He says he was not surprised to hear of a case reported last month by DNS, in which a long-term disability living allowance claimant received a mandatory reconsideration notice – turning down her appeal – [before she had even received a decision notice](https://www.disabilitynewsservice.com/dwp-rejects-pip-claimants-appeal-before-she-receives-decision-notice/) telling her that her claim for the new personal independence payment had been rejected.

“That’s a new one, but nothing surprises me,” he says. “I’m not in any way surprised. Working here is like being a cast member in Carry On Benefits.”

Another key issue that he faces daily is when claimants ring him for help because they have not received appointment letters or ESA questionnaires and – as a result – their claim for ESA has been terminated by DWP because they failed to reply.

He says that many letters setting dates for face-to-face assessments or enclosing the questionnaires – which are supposed to be sent out by Maximus – never arrive.

He frequently hears from claimants who never received the initial letter, or a follow-up letter, but do receive a subsequent letter that tells them their claim has been terminated.

He says: “I just find it rather odd. The frustrating thing for the customer is they need to prove they didn’t receive a letter. How can you prove that? You can’t.”

Again, he cannot prove that the original letters are not being sent out by Maximus, but he says there are frequently “clusters” of cases in a particular geographical area of claimants who say their letters never arrived.

George says: “It’s a reasonable assumption that there is something going quite wrong, either with Maximus or Royal Mail.”

Asked if he believes this is a deliberate attempt, either by DWP or Maximus, to cut the caseload – and therefore spending on ESA – he says: “I don’t know, but it has crossed my mind, without a doubt.

“It’s really strange that someone wouldn’t get a letter inviting them to attend a WCA, or their ESA50, but they do get their decision notice.

“I can’t remember the last time I didn’t get my hospital appointment, birthday/Christmas cards, bank statements, etcetera.

“Yet, 1000s of people a week aren’t getting the post that means their ESA benefit can function.

“Any other institution would surely want to remove that doubt and devise a system that works better or that offers an increased level of contact for appointments or for filling in their ESA50 form. Why can’t the DWP?”

He adds: “I’m going to keep helping people but HM Government need to give me the flexibility to do that task and remove the troublesome obstructions that harm the DWP, the customers and the staff.”

George says he deals every day with cases of sick and disabled people who have been left with no money to survive on because of the flaws in the system.

DWP [stopped providing community care grants and crisis loans](https://www.childrenssociety.org.uk/news-and-blogs/press-release/report-decline-support-leaves-struggling-families-few-options) in 2013, transferring responsibility for new local welfare assistance schemes to local authorities in England and the devolved governments in Wales and Scotland.

But research carried out soon after the changeover found that funding for the schemes had almost halved compared with 2010, while many councils were no longer able to provide interest-free emergency loans through their schemes, with many replacing cash grants with benefits such as food bank vouchers and pre-paid store cards.

Charities working in the field have not been able this week to update DNS on the current position with the funding of local welfare assistance schemes.

But George says that reduced support from these schemes, combined with the flawed system he has to deal with, means he is dealing three or four times every day with people who are left with no money as they try to resolve their situation with DWP.

“With people in certain areas, you just have to say to them: ‘There isn’t anything,’” he says.

He tries to help by providing details of local welfare advice agencies and support services, but he says he is often left in despair at the situations he has to deal with.

George says: “I joined the DWP with a totally open mind as I’d never worked for a government department before, and up to now the people I work with are some of the most dedicated I’ve ever come across but the systems they have to work with, the rules they have to work under, and the situations they are asked to deal with, are so obscene it beggars belief.

“The DWP can’t update its system, as to do so would allegedly be seen as a ‘waste of public money’, and yet it is those systems that let our customers down.”

He says the continuing roll-out of universal credit “will drive more and more people into a very deep hole” because those who previously would have received ESA will now be paid monthly rather than every two weeks.

“This is a cruel, inhumane and pointless exercise. We will have desperate people with medical conditions, with children, facing down the barrel of a penniless Christmas and not a single drop of help coming forward from HM Government.

“What am I meant to say to those people when they ring and beg for ESA to take them back? It has happened already and as universal credit continues to roll out, it will increase.”

He adds: “Text me on a random day next week and ask me for my ‘nightmare of the day’ and I bet you I can tell you something absolutely shocking.

“Friday’s nightmare was that Newport service centre had just two people processing messages, so they weren’t calling customers back... messages were being sent through to them but none were being answered.

“Caerphilly benefit centre had one person working on the messages from customers that are passed through people like me.

“Just one, it is absolutely disgusting.”

After being shown the interview with the whistleblower, a DWP spokesman said: “There’s no evidence to support these claims, which are completely unfounded.

“We’re very clear that we don’t have targets to find people fit for work, and never have.

“Each year we make hundreds of millions of payments to 18 million customers, the vast majority of which are paid correctly and without incident.

“The reality is our dedicated employees are committed to helping people get the support they need.”

He added: “The DWP has taken a positive and proactive attitude towards whistleblowing and we have mechanisms in place for our employees to report any concerns of wrongdoing without fear of reprisal.”

But George said: “I’d encourage whistleblowing and would do it without an issue if I became aware of illegal activity by DWP colleagues.

“But what I have talked about here is either an open secret or DWP policy so there is not much point in me making a report.

“I try and help the people I deal with and that’s all I can do, really.”

*\*Not his real name*

**7 September 2017**

**Movement mourns Lorraine Gradwell: Role model, confidante and leader**

Fellow activists, family and friends are mourning the death of Lorraine Gradwell, who had an “immeasurable” impact on the rights and lives of other disabled people over more than 30 years of campaigning.

Disabled activists paid tribute this week to her tenacity, vision, kindness, and passionate commitment to disability rights and the social model of disability.

Her husband, Tony Baldwinson, said that she died peacefully on 3 September, surrounded by her family. She also leaves two children, Jenny and John\*.

In the early 1980s, Gradwell joined the Manchester group of the Union of the Physically Impaired Against Segregation (UPIAS), and she was later a founding member (and chair) of [Greater Manchester Coalition of Disabled People (GMCDP)](https://www.gmcdp.com/), and also its first development worker, and a council member of the British Council of Disabled People (BCODP).

She went on to found the disabled people’s organisation (DPO) [Breakthrough UK](http://www.breakthrough-uk.co.uk/), which supports disabled people to live and work independently, and which she served as chief executive for nearly 15 years, between 1998 and 2013, developing it into an organisation with an annual income of more than £1 million and 40 staff, 70 per cent of whom were disabled people.

She was also a member of the Small Business Council for four years, and was one of the many leading disabled activists who have achieved an MA in disability studies after studying at the University of Leeds.

And for more than 20 years, she was also a successful consultant and trainer on disability, diversity, and other issues.

Born in 1953, Gradwell had been a keen swimmer, and maintained close involvement over more than 30 years with Manchester Disabled Athletes, until its closure.

She also competed as a wheelchair athlete and swimmer in the 1974 Commonwealth Paraplegic Games in New Zealand.

In a statement, GMCDP said she was “a major figure, not only within GMCDP, but the disabled people’s movement as a whole.

“Lorraine’s ability to articulate, challenge and persuade made her a formidable advocate of disability rights.

“She will be sorely missed; not only as a comrade and leader but also a friend, supporter and confidante to a lot of people.”

Breakthrough UK said she was “a great woman whose impact on the rights and lives of disabled people locally and nationally is immeasurable.

“Through Lorraine’s vision, her unquestioning belief in the need to join forces with other disabled people and ability to influence the most resistant of ‘officials’, Lorraine first and foremost empowered disabled people and put Manchester on the map, as a leader on disabled people’s issues.

“Respected by all, Lorraine had an instinctive ability to translate the personal into the political, bringing meaning to disabled people and gently leading, chiding and changing the many people fortunate to cross her path.”

Her Twitter feed in the months before her death showed her continuing support for the social model, DPOs, the NHS, the Labour party, and her concern about the impact of government cuts on disabled people, the UK government’s failure to implement the UN disability convention, the legalisation of assisted suicide, and the creeping privatisation of the NHS.

She and her husband had [set up a webpage](https://tonybaldwinson.wordpress.com/archives/lorraine-gradwell-1953-2017/) containing much of her writing and details of her early life.

In one of those articles, from 2007, she wrote of how disabled people had “adopted the social model and clung fast to it, like a life raft in a stormy sea”.

“In the face of all the charitable, medical and welfare based power structures, not to mention the political ones we have needed to challenge, we needed a rock to cling to; the social model has been that rock,” she wrote.

“As a general and universal tool it’s a bit like a Swiss army knife – it’s infinitely adaptable and multipurpose and easy to carry around: why on earth would we weaken ourselves by no longer using it?”

Three years earlier, in 2004, she was one of the first activists to highlight concerns about the use of [the now widely-criticised biopsychosocial model of disability](https://www.disabilitynewsservice.com/biopsychosocial-basis-for-benefit-cuts-is-cavalier-unevidenced-and-misleading/) by the Department for Work and Pensions, and wrote of how she was “horrified” by its adoption, which “seems to have quietly slipped onto the agenda without a serious challenge from the research community”.

Only last year, following the resignation of Iain Duncan Smith as work and pensions secretary, [she wrote of the increasing use of the word “vulnerable”](https://lorrainegradwell.wordpress.com/2016/03/21/i-dont-want-you-to-care/) to describe disabled people, and the trend for “inappropriate compassion”.

“Disabled people are not magically endowed with ‘vulnerability’,” she wrote. “Lack of access to decent education, poor and unsuitable housing, exclusion from employment, inaccessible environments, pitiful levels of social support – these and more are what render us vulnerable, not our impairments.”

She went on to express her concern that “people automatically assume that, as disabled people, we need care (ie we need looking after).

“Nobody, but nobody, does absolutely everything for themselves, it’s all a spectrum with varying degrees of interdependence.

“It’s time the rhetoric of care was challenged. Time that disabled people were properly supported: time that ‘carers’ were properly recognised and supported: and time that the need for ‘child carers’ was past.

“A proper system of support that recognises all needs would transform the concept of care. So no, I don’t want you to care.”

Baroness [Jane] Campbell, who met Gradwell for the first time after hearing her speak at the first disability movement conference she attended, would later say in the introduction to a collection of her writing: “She taught us all how to democratise our campaigning organisations, so that all disabled people would feel involved and would be given the ingredients to throw off the shackles of dependency.

“The slogan ‘nothing about us without us’ was never as well established as it was in Manchester where Lorraine’s insight and campaign methodology was embraced wholeheartedly.”

Baroness Campbell said this week that Gradwell was very important to her, “not just as a friend who had been highly active in the same civil rights struggle but as a female role model who revealed to me the secrets of operating within a dominantly male political environment.

“Her steely strength, combined with kindness and understanding towards those in struggle was truly remarkable.

“I deeply admired her unwavering commitment to the emancipation of disabled people.

“She gave us all such strength and clarity about how we must go forward, which at times was very challenging.

“Like most civil rights movements we didn’t always agree and I remember many heated discussions around the BCOPD council table as we thrashed out policy and strategy (Gradwell was a member of the council when Baroness Campbell was BCODP’s chair).

“Indeed, her strength of force could be quite scary at times!

“Nonetheless, she was one of the few women who made our civil rights movement so effective in the late 80s and 90s, especially in Manchester, which became a bastion of the disability rights movement and remains the strongest inclusive community in the UK.

“The movement has lost a great warrior and so many of us have lost a very important friend. In my eyes she is our Angel of the North!”

Another friend, Martin Pagel, the disabled former deputy leader of Manchester City Council, [said in a tribute to Gradwell](https://www.gmcdp.com/tribute-lorraine-gradwell) that she was “undoubtedly a people person”.

He said: “She could spot potential, but even more impressive, she had the skills to mentor, train, coax and cajole to ensure that people developed and achieved.

“Skills which were used not only at work but in her part-time role as matchmaker.

“Conversely, she wouldn’t suffer fools and made sure they knew it; usually politely and diplomatically – but not always so.

“Lorraine had an immense range of skills which were central to the development of disabled people’s organisations in Manchester, across the country and internationally.

“In addition to being an activist, campaigner, educator, writer, poet and pioneering advocate for the social model of disability and independent living, Lorraine was also an organiser.”

He said she was adept at “organising ideas into action”, and that she “developed the transition from sheltered workshops to mainstream employment and training as the inaugural chief executive of Breakthrough UK”.

She was, he said, “an amazing disabled woman; an inspirational leader, mentor and a warrior in the fight for a just and equal society”.

Another friend, the disabled Liverpool city councillor Pam Thomas, said she remembered fighting for rights together in the 1990s and working with Gradwell at national level in the trade union Unison.

She said: “Lorraine was also a pragmatist working with national and local politicians and civil servants to bring about change.

“Lorraine had a good sense of what would work and what would not, she could sum up situations very neatly.”

She saw her friend for the last time two weeks ago. “We talked about our childhood recollections of contracting polio as young children and being in hospital where our families were allowed hardly any contact.

“We also talked about how, along with other disabled people, in the 1990s we fought for equality and rights and how it had mostly been swept away by government of the past seven years and set us back decades.”

Sue Bott, deputy chief executive of Disability Rights UK (DR UK), [said in a blog this week that Gradwell was “forthright and principled”.](https://www.disabilityrightsuk.org/news/2017/september/tribute-lorraine-gradwell)

She first met her in 1991 after starting a new job in Shropshire as a development worker for a disabled people’s organisation and visiting Manchester “to see what I could learn from this disability activist who had a reputation for knowing her own mind”, but “of course she could not have been nicer or warmer”.

She said Gradwell “was a force to be reckoned with” at BCODP and “sometimes gave other people a hard time but only because she believed passionately in furthering disability rights”.

As one of the first trustees of the newly-formed DRUK in 2012, Bott said Gradwell had “approached her responsibilities in the usual forthright manner” and was “a necessary voice in a new organisation deciding on its direction”.

She also remembers asking the Office for Disability Issues to invite Gradwell onto the project group rolling out the last Labour government’s Right to Control pilot scheme, which brought disabled people’s various elements of support into one personal budget.

“She came and her pearls of wisdom and experience stole the show,” said Bott. “So much so in fact I almost wished she had not been invited, as she was far more articulate and wise than I was!”

*\*Her family have asked for no flowers, but donations to be made to GMCDP. Details of funeral arrangements will be posted on the websites of* [*GMCDP*](https://www.gmcdp.com/) *and* [*Breakthrough UK*](http://www.breakthrough-uk.co.uk/)*. To add to a book of remembrance being compiled by Breakthrough UK, email:* [*admin@breakthrough-uk.co.uk*](mailto:admin@breakthrough-uk.co.uk)

**7 September 2017**

**Failed legal bid ‘shows UN was right to call for a right to independent living’**

The case of a man who lost his legal bid to reverse a drastic cut to his support package shows the United Nations was right to call on the UK government to introduce a legal right to independent living, say disabled campaigners.

Luke Davey was seeking a judicial review of the decision of Oxfordshire County Council to cut his personal budget from £1,651 a week to just £950, following the closure of the Independent Living Fund in June 2015.

But Davey’s claim was dismissed by a high court judge in February and that decision has now been confirmed by three court of appeal judges, although he could still seek to appeal to the Supreme Court.

The court’s decision to dismiss Davey’s appeal came just 24 hours after a UN committee warned the UK was “going backwards” in respect to its independent living obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD) (*see separate stories*), and called on the UK government to introduce a legal right to independent living.

The court had heard that Davey, who is 41, leads an “active and engaged life”, but that that had been put at risk by the proposed reduction in his care package.

Davey’s lawyers argued that the council had therefore breached its duty under the Care Act 2014 to meet his assessed needs, and would breach its duty to ensure his “wellbeing”. It was the first time a case about the act had reached the court of appeal.

The council argued that he could spend more time alone without a personal assistant (PAs), and that he should reduce the amount he paid his PAs, but Davey said this would increase his anxiety due to spending unwanted time alone, and would increase the risk of losing part of a long-established team of PAs.

But the three judges ruled that the council had acted lawfully in the way it had reached its decision to reduce his personal budget.

[Inclusion London](https://www.inclusionlondon.org.uk/) and the Equality and Human Rights Commission both intervened in the case.

Svetlana Kotova, co-ordinator of Inclusion London’s disability justice project, said the case confirmed the need for a legal right to independent living, as called for by the UN committee on the rights of persons with disabilities.

She said it demonstrated a “misunderstanding” of the meaning of independent living, with the council arguing that Davey should spend more time alone and reduce his dependence on his PAs as a way of becoming more independent.

Kotova said the case also demonstrated that the government should “urgently” bring in an appeals system – as provided for by the Care Act but not yet implemented – to allow disabled people to challenge the decisions of their local authorities when deciding the size of their care packages.

She said the judgement illustrated the “devastating impact” of the government’s policies, with many disabled people like Luke Davey who had been supported by the Independent Living Fund having their support packages “cut to the bare bone” after it closed.

She said: “With those cuts went their independence, choice and control and the opportunity to live a normal life.

“Today the court of appeal confirmed that local authorities can get away with doing this.”

She added: “Without adequate levels of support, more and more disabled people are existing, not living.”

She said this was one reason why the UN committee said last month that cuts to disabled people’s support in the UK [had caused a “human catastrophe”](https://www.disabilitynewsservice.com/uk-faces-un-examination-government-cuts-caused-human-catastrophe/).

Kotova said: “This case has destroyed any hopes that the Care Act 2014 will transform our experience of social care.”

She said it also showed how easily local authorities could “override” the wishes of disabled people about what was good for them.

She said: “It is time the government recognises and urgently addresses the huge crisis in social care, through ensuring adequate funding and the introduction of an appeals system, which would give disabled people a fair chance to challenge the views and decisions of social workers.”

[Disability Rights UK (DR UK)](https://www.disabilityrightsuk.org/) also said the case showed the need for a legal right to independent living.

Sue Bott, DR UK’s deputy chief executive, said: “The outcome of this case is very disappointing, although perhaps not surprising given the weaknesses of the Care Act.

“It demonstrates that the UN committee are correct in recommending that the UNCRPD needs to be brought into UK law.

“Only then can disabled people enjoy our right to independent living as set out in Article 19 of the convention.”

Yogi Amin, a lawyer at Irwin Mitchell, the legal firm representing Davey, said: “Luke and his family are disappointed that the council has cut his care package and is insisting that his longstanding carers should have their wages reduced to minimum wage, which he fears will force them to leave from the job they were doing to support him.

“They are now very concerned about the possible detrimental impact on his future care.

“Luke would like to have the support to meet his independent living needs which arise as a result of his disabilities.”

Ben Wilson, EHRC’s executive director, said: “For disabled people, the ability to live independently is one of their greatest concerns.

“We are disappointed for Mr Davey, especially in light of the UN’s damning assessment of the UK’s failure to protect disabled people’s rights.”

A spokesman for Oxfordshire County Council said: “We will continue to work with Mr Davey and his family to ensure he gets the provision of essential services he needs.

“The court of appeal has confirmed that the council’s assessment of Mr Davey’s care needs and the allocated amount for his personal budget is appropriate and lawful.

“All local authorities who provide adult social care services against a background of financial constraints in the public sector are having to make difficult decisions.”

**7 September 2017**

**Protesters demand end to shared space ‘no go zones’**

Campaigners from across the country gathered outside parliament this week to call for an end to unsafe “shared space” street designs, which risk turning public spaces into “no go zones” for many disabled and older people.

The protest was organised by the [National Federation of the Blind of the UK (NFBUK)](https://www.nfbuk.org/), and attended by members of [Transport for All (TfA)](http://www.transportforall.org.uk/), and campaigners from Save Our Green Lanes, Enfield Town Residents Association and East Dunbartonshire Visually Impaired People’s Forum.

They were joined by Michael Pringle, whose three-year-old son Clinton [was killed after he was hit by a vehicle](http://www.bbc.co.uk/news/world-europe-jersey-40742406) in a shared space scheme while on holiday in Jersey last year.

Protesters later delivered a letter to the prime minister at Number 10, which calls for an end to all shared space street developments.

Shared space schemes usually remove kerbs and controlled crossings, encouraging vehicles, pedestrians and cyclists to share the same space, but posing greater risks for partially-sighted and blind people, as well as other disabled people, including many of those with mobility impairments, learning difficulties or who are deaf.

The NFBUK letter also calls for standard height kerbs and controlled crossings to be retained in all street schemes; an audit of all existing shared space developments, and for them to be made “accessible for all”; and for the current shared space guidance to be replaced with an “inclusive design approach”.

TfA member Kasia Kubaszek, a guide dog-user from Hammersmith, west London, who attended this week’s protest, said she wanted an end to spared space developments.

On one occasion, she was walking to the Albert Hall along Exhibition Road, a shared space scheme, and had to ask a stranger to walk with her because she felt so frightened.

She said: “I felt terrified. I felt as though I was walking in the middle of the road, but I wasn’t.

“I don’t think I would do it again unless I really, really had to. At any point, I felt as if a car could drive into me.

“Even when I think about it now it makes me feel so anxious.”

On another occasion, her guide dog Carrie was walking with her along High Street Kensington – another shared space scheme – and because there was no kerb she led her in front of a car, which fortunately stopped before it hit them.

Karl Farrell, from Hackney, north London, who also took part in the protest, and is a member of both NFBUK and TfA, said that shared space areas produced “an unequal contest” between cars and pedestrians, particularly if the pedestrian was blind.

He said: “Losing controlled crossings… these crossings are important because you know where you stand with them, you know what your position is, and you proceed to cross when you have the right of way.”

But with shared space-type “courtesy crossings”, he often has no idea when to cross, because cars can be very quiet, as are cycles.

He said: “In that situation, I might be stepping out into danger.”

Earlier this summer, five NFBUK members hand-delivered a letter to the prime minister to ask for an independent inquiry into shared space developments “in order to regain the rights of residents to walk their town streets once again without needing to negotiate right-of-way with drivers of moving vehicles by sight, a task which is impossible for blind and vision-impaired people to carry out”.

Catherine Smith, TfA’s campaigns and outreach officer, said: “We’ve heard from countless disabled and older people who are afraid to walk through shared spaces.

“The government must act to stop our public spaces from becoming no go zones for disabled and older people.”

Last month, the Department for Transport’s [draft transport accessibility action plan](https://www.gov.uk/government/news/action-plan-to-improve-accessibility-in-transport-unveiled-by-the-government) – which is out for consultation – said the department was working with the Chartered Institution of Highways and Transportation on a review of shared space and other street design projects, which aims “to provide clarity on how such schemes should be designed and developed”.

The action plan says the review should “reinforce to designers that improving inclusivity is not just one of many objectives for a scheme, but must be embedded within the process”.

DfT says in the draft plan that it will “consider the need to revise guidance in the light of those recommendations”.

**7 September 2017**

**Parliament ‘must act on incredibly discriminatory’ MP job-share laws**

Laws that prevent job-sharing MPs are discriminating against disabled people who can only work part-time because of their impairments, a parliamentary meeting has heard.

The meeting marked the publication of [Open House?, a pamphlet by the Fawcett Society](https://www.fawcettsociety.org.uk/news/job-sharing-for-mps-supported-by-women-candidates-for-most-parties), which makes the case for a change in the law to allow two people to share the job of an MP, which the charity believes would lead to more disabled people, parents with children, and carers entering parliament.

Edited by Professors Rosie Campbell and Sarah Childs, the report includes chapters written by job-sharing experts, parliamentary candidates, and lawyers, and is endorsed by MPs Tom Brake (Liberal Democrats), Caroline Lucas (leader of the Green party), Dr Sarah Wollaston (Conservatives) and Dame Margaret Hodge (Labour).

Clare Phipps, the disabled chair of the Green party’s national executive, who has co-authored one of the chapters, told the meeting that she was only able to work part-time because her impairment – she has a chronic sleep disorder – means she sleeps 12 hours a day.

She said: “It is physically impossible, no matter what adjustments are made for me, to work in parliament as an MP on a full-time basis. That simply would not be possible.

“It is not clear to me why there is such a big barrier in place, which means I literally cannot be an MP.”

She added: “There are a significant number of people who are disabled and who do need to work part-time and would need to job share to be in parliament.”

Phipps and fellow Green party member Sarah Cope – who has caring responsibilities for her two disabled children – attempted unsuccessfully to stand as job share candidates at the 2015 election.

They subsequently lost a high court bid to seek a judicial review of that decision, having argued that the current law was incompatible with the European Convention on Human Rights and the Equality Act.

But they were encouraged that the judge suggested that it was an issue that parliament needed to address.

Phipps told the meeting that if parliament now failed to act, there was a much stronger chance that the next legal case would be successful.

And she said that the obstacles raised by those opposed to allowing job-sharing MPs were “not insurmountable”, as they had been overcome across the private and public sector, including in senior positions in the Civil Service.

Phipps told Disability News Service (DNS) after the meeting that it was “sad” that parliament, the institution responsible for drawing up equality legislation, was “not following its own rules”.

She said: “It is incredibly discriminatory. I literally cannot do this without a job share.”

Deborah King, co-founder of [Disability Politics UK](http://www.disabilitypolitics.org.uk/), which campaigns for MPs to be allowed to job share, and who herself was prevented from standing for parliament on a job share basis in 2010, welcomed the report.

She told DNS: “We’ve had a number of people who have tried to stand as job share candidates for MP and had their nominations rejected.

“In response, we’ve had a paper petition, two online petitions, letters to the national press, a private member’s bill, a high court case and now a pamphlet.

“Two parties, the Greens and the Liberal Democrats, now have job-sharing for MPs as party policy.

“We therefore need to change the policy of Labour and the Conservatives and other parties, including the SNP.

“I would encourage all readers to study the pamphlet, and send the link to the report firstly to their own MP and secondly to a member of the shadow cabinet or the cabinet, and ask them to change the law.

“People need to visit their own MPs in their surgeries and say how important this change is.

“Eventually we will get the law changed and the Commons will become more representative.”

Emily Brothers, the first blind woman to stand for election to parliament, when she fought the Sutton and Cheam seat in 2015, has also written a chapter for the Fawcett Society pamphlet, in which she says the representation of disabled people in parliament is “woeful”.

She says that only six MPs have self-identified as disabled people, whereas proportionate estimates by the Equality and Human Rights Commission suggest there should be 65 disabled MPs.

She argues that job-sharing is one of a range of measures that would improve disabled people’s participation in political and public life.

But Brothers told DNS after the meeting that introducing job-sharing would be “in many ways pointless” for disabled people if the government failed also to introduce measures to address the extra campaigning costs faced by many disabled candidates, following the [closure of the Access to Elected Office Fund](https://www.disabilitynewsservice.com/new-disabled-mps-back-fresh-call-to-reopen-access-fund/) in 2015.

She added: “It is an idea in the making and it will come in time but I don’t think it will come any time soon, unfortunately.”

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