**Head of judiciary said Brexit delays will rule out vital hate crime law change**

The head of the judiciary has blamed the parliamentary logjam caused by Brexit for preventing the introduction of vital new laws that would make it easier for disability hate crime to be punished with stricter sentences.

The Lord Chief Justice, Lord Thomas, who retired last month, told the chief executive of the Crown Prosecution Service (CPS), Nick Folland, that he agreed that too few disability hate crimes were being met with increased sentences.

He said that new legislation was needed to address the problem but that the time parliament was spending securing the UK’s withdrawal from the European Union meant that this would not be possible in the next few years.

Folland told CPS’s community accountability forum in September that Lord Thomas had made the comments to him in a private meeting earlier this year.

Anne Novis, a leading disability hate crime campaigner and adviser to the CPS and the Metropolitan police, and a member of the forum, was given permission by a senior CPS manager to pass the comments to Disability News Service (DNS).

Novis had raised concerns with the forum that too many offenders convicted of serious disability hate crimes were not being given enhanced sentences.

The courts have a legal duty\* to increase sentences for offences found to be motivated by disability-related hostility.

But disability hate crime campaigners, including Novis and fellow forum member Stephen Brookes, have repeatedly raised concerns that it is too difficult to prove such hostility in court under the current legislation, and that it is far more difficult to secure sentence uplifts in disability hate crime cases than with other hate crimes.

It was through their persistence, and the cases of concern that they had passed to CPS, that the issue was raised with the Lord Chief Justice by Folland.

Last month, [CPS figures](http://www.cps.gov.uk/news/latest_news/record-numbers-receive-tougher-hate/) showed that of 800 successful disability hate crime prosecutions in 2016-17, only 117 saw a recorded and announced increase in a sentence on the grounds of disability hate crime, although this was an increase from just 84 in 2015-16.

The CPS report said that the number of sentence uplifts “remains considerably lower than that for other hate crime strands”.

Novis told DNS: “I want the judiciary to publicly and consistently use what legislation we do have, whilst also stating how inadequate it is, and that it is the human right for every person to have equal access to justice.

“I am pleased the Lord Chief Justice recognised the truth and evidence of injustice towards Deaf and disabled people, but do not accept that yet another barrier (Brexit) is used as an excuse to do nothing.

“The judiciary could assist us by revealing to government how important it is that the law is equal around hate crime.”

Brookes, who also attended the forum meeting and confirmed the comments made about the meeting with the Lord Chief Justice, said there was a need for members of the judiciary to have “a short, sharp meeting with disabled people”.

He said: “We welcome that he has taken this view, but – quite frankly – what are the judiciary doing about this?

“The law has to be changed to make it work.”

Brookes, who advises CPS and the Lancashire and West Yorkshire police forces on disability, said the failure to apply the existing laws was “a sad reflection on the intransigence of the judiciary.

“The legislation that is there isn’t working because they are not working.”

A CPS spokesman said he was not able to say “whether a comment was made or not” by Folland in the forum meeting.

The Judicial Office was unable to contact Lord Thomas, who has now retired, to ask him about his comments.

The Home Office had not commented by noon today (Thursday).

One of the cases raised by Novis was that of Lee Irving, who was imprisoned, tortured over nine days and brutally murdered before his body was dumped on waste ground in Newcastle.

But although Northumbria police and CPS had treated his death as a disability hate crime, the judge decided in sentencing last year that there was not enough evidence to prove that any of the offences were motivated by disability-related hostility.

Last month, Newcastle-upon-Tyne North MP Catherine McKinnell struggled to contain her emotions in [a Westminster Hall debate](https://hansard.parliament.uk/commons/2017-10-17/debates/4CCD2BB4-597E-48C6-BFEC-DE075347883E/SafeguardingAdultsWithLearningDisabilities) she secured on Lee Irving’s death.

She told how the judge had said, in sentencing, that even though Irving’s murderer, James Wheatley, had repeatedly used the word “spastic” in text messages, he was “not able to infer that such language was used towards Lee Irving at the time or immediately before or after [his] murderous assault”.

He believed instead that Wheatley had been “motivated in this offence not by hostility towards those with disability but by [his] vicious and bullying nature which particularly takes advantage of those who are unable or less able to resist”.

McKinnell said she believed the case called into question whether the current legislation was fit for purpose, because it was “unclear how anyone could prove a disability hate crime under the threshold unless the perpetrator made such an admission”.

*\*Section 146 of the Criminal Justice Act 2003 imposes a duty on the court to increase sentences for offences motivated by disability-related hostility, while the Legal Aid, Sentencing and Punishment of Offenders Act 2012 doubles to 30 years the starting point for sentences for disability hate crime murders*

**2 November 2017**

**10 Downing Street wins access award… despite steps to iconic front door**

A disabled access expert has questioned why 10 Downing Street – which has one of the most iconically-inaccessible front doors on the planet – has been presented with a high-profile access award.

Images of the front entrance to the prime minister’s home and offices – with its two steps to the front door – are shown every day all over the world.

But despite staff needing to bring out a portable ramp if a wheelchair-user wants to enter the grade I listed building through the front entrance, 10 Downing Street was presented with an award at last month’s [Blue Badge Style Awards](https://bluebadgestyle.com/2017/10/blades-blue-badge-style-awards-2017-winners/).

The awards recognise venues that have “made an effort to attract guests with disabilities”, and those nominated are rated on their style, facilities and accessibility, with other winners including the Ritz Carlton in Wolfsburg, Germany, the Beaumont Hotel in Mayfair, and the Dandelyan cocktail bar on London’s South Bank.

The citation for the “above and beyond” award said that 10 Downing Street had “pulled out all the stops” on access.

Historic England – the government-sponsored public body responsible for “championing England’s heritage” – told Disability News Service this week that it had advised the Cabinet Office on recent access improvements to the building, including a new internal lift, but that so far there had had been no discussions about the steps at the front entrance.

Tracey Proudlock, founder of the leading access consultancy [Proudlock Associates](http://proudlockassociates.com/), and a former government adviser on disability equality, questioned why 10 Downing Street had been handed an award.

She said the need to use a ramp at the front door showed that 10 Downing Street had not gone “above and beyond” on access, and she contrasted it with the “great thinking” that had gone into the “creative” access work at Canterbury Cathedral.

Proudlock said that front doors are often symbolically important on access.

She said: “In terms of Number 10, it is where you deliver your petition or go in to get your new ministerial job.

“I think the entrance to Number 10 is really symbolic.

“At any front door, disabled people don’t want to be treated differently and that is still happening here.

“No matter how quick they are at deploying a temporary ramp, it’s still not an inclusive provision.

“Getting out a portable ramp isn’t really a modern approach to providing inclusion.”

Proudlock said that just because a building had grade I listed building status, that did not mean that features such as steps to a front door could not be removed.

She added: “When big decisions on access are taken, they have to involve disabled people, and at the moment often they do not.”

Earlier this year, she [wrote in her blog](http://proudlockassociates.com/never-say-never-to-access-for-disabled-people/) how the Bank of England had come up with an ingenious solution to provide level access at its historic front entrance.

She wrote: “If front entrance access can be achieved at the Bank of England – built in 1734, when most disabled people would have been in the workhouse or infirmary – it can be done in a lot more places…

“Everyone blames everyone else for why it ‘can’t be done’ or ‘isn’t worth doing’.

“Important public buildings, however historic, are no less important to members of the public who happen to be disabled.”

A Number 10 spokeswoman said: “Downing Street is committed to accessibility and we have undertaken a programme of works over recent years to make sure this historic building is accessible to all who visit.”

This includes improved accessible toilets, “increased ramping”, and a new lift providing access to the state rooms.

She said: “We’re proud to have these efforts recognised by the Blue Badge Style Awards.”

She said the front door was “manned by a custodian constantly, meaning that it is accessible 24/7 to those who require the use of a ramp”.

But she had failed to say by noon today (Thursday) whether there had been any discussions about removing the steps at the front entrance.

Historic England confirmed that the Cabinet Office was “rolling out a programme of improvements to the grade I listed complex to proactively address disabled access”.

She said: “Historic England advised on the recent installation of the award-winning lift [inside] Downing Street and regularly discusses listed building alterations with Cabinet Office.”

Another spokeswoman added later: “There have not yet been any formal discussions with Cabinet Office about alterations specifically to the front steps of Number 10.

“The accessibility audit is still being worked through and we will continue to advise as necessary.”

Fiona Jarvis, founder of Blue Badge Style and a wheelchair-user herself, said the award recognised the effort made by 10 Downing Street in recent refurbishments.

She said in a statement: “They now have stylish toilets for people with disabilities on every floor and stairs that turn into a lift, allowing people with disabilities to get from the main building to the rest of the rooms more easily.

“Immediately you arrive they come out with a portable ramp, which means you can negotiate the iconic front steps which are tied by a grade I listing.

“More than anything it’s their attitude to doing their best for people with disabilities that won them the award.”

Asked why the award had been given when the front entrance was so clearly inaccessible to wheelchair-users, a spokeswoman said that Jarvis “recognises the issue with the steps, but her experience was that [because] they got the ramp out so quickly, there wasn’t a problem getting in to the building”.

**2 November 2017**

**PIP investigation: Hundreds give evidence of assessment failings to MPs**

Scores of disabled people and welfare advisers have told a Commons inquiry that disability benefit assessment reports completed on behalf of the Department for Work and Pensions are filled with “lies and misinformation”.

The work and pensions select committee is carrying out an inquiry into the assessment process for both personal independence payment (PIP) and employment and support allowance (ESA).

By last night (Wednesday), more than 1,800 peoplehad submitted evidence to the inquiry [via an online forum](https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/pip-esa-assessments-forum-17-19/), which closes on 10 November, although not all the posts were about dishonesty and many were about the work capability assessment, the eligibility test for ESA.

The forum posts provide further corroboration for the evidence compiled by Disability News Service (DNS) during a year-long investigation into claims of dishonesty at the heart of the PIP assessment system.

[Only last week, DNS revealed](https://www.disabilitynewsservice.com/pip-investigation-assessment-complaints-rise-by-880-per-cent-in-just-one-year/) that complaints about the PIP assessment process rose by nearly 900 per cent last year – from 142 in 2015-16 to 1,391 in 2016-17.

Labour’s shadow work and pensions secretary, Debbie Abrahams, said last week that the “huge increase” showed that the healthcare professionals who carry out the assessments must be held to account.

Post after post on the forum describes how assessors working for the outsourcing companies Atos and Capita lied in reports they prepared for the Department for Work and Pensions (DWP) following face-to-face assessments.

One PIP claimant, “Paul”, said the report produced after his face-to-face PIP assessment was “a complete fabrication”.

He said: “I was lucky in the fact that the person who accompanied me was also a healthcare professional and they made notes on the assessment.”

He added: “The full account of my assessment has been written up by my companion of the day in question and it supports my contention that the medical report is to all intents a pack of lies, an examination that is reported actually never happened.”

Despite attending the assessment in his wheelchair, the report described how he was seen “walking normally”.

“Andrew Pole” said in his post on the forum: “I never thought I would see the day when a doctor told blatant and calculated lies about a sick and disabled person for his own financial benefit and the benefit of both ATOS and the DWP. That’s what happened to me.”

He added: “It is my opinion that ATOS behaved in a criminal manner when handling my assessment and also committed perjury at my appeal by including lies and false evidence about me which was signed by the same disreputable doctor.

“I won my appeal and the impression that the presiding judge gave me, before even speaking to me and upon observing how I mobilised, was why on earth has this man been forced to enter into an appeal process.”

Pam Stock, a disabled, retired DWP employment adviser, described in her evidence to the inquiry how she helped two friends with spina bifida appeal against their PIP decisions, after both had had their mandatory reconsiderations rejected.

She said: “In both cases the reasoning given on the reconsideration request was rejected and yet as soon as it became clear to the DWP that these claimants intended to go to tribunal, the decision was further reviewed and suddenly they agreed the claimants were right.”

She added: “I am also very concerned that in both cases, crucial information discussed at the interview, did not appear on the subsequent assessment report, and also some elements were clearly misrepresented.

“One claimant said they almost failed to recognise themselves on the report.”

In her post on the forum, “Anne” said: “It states in the assessor’s report that I had no breathlessness or wheezing – I am doing both continually with me having emphysema/COPD [chronic obstructive pulmonary disease].

“He even stopped the assessment about three or four times due to my breathing and asking if it was ok to carry on.”

“Abigail Efnisien-Roberts” said in her post that she had been “horrified” to find that the response provided by the assessor to every question in her report “was the total opposite of the discussion we had in the office”.

Her report described how she had been seen waiting for the assessment in the waiting-room and “standing in a queue without discomfort”, even though she is “unable to stand for more than a few seconds” and was not in a queue but was sat in a chair in an empty room.

One welfare rights expert, “Stephen”, said: “I help people fill in their applications and appeals for a charity. The assessments are full of lies.

“The government have ignored the effect this has on people’s lives.”

Another welfare rights adviser, “Billy Durrant”, said he believed that “misrepresentation” of what claimants have said in assessment reports was “endemic”.

He added: “I am also sad to report that I have experienced a number of deliberately deceitful reports by assessors.

“Several claim to have carried out physical examinations and tests that were not done and then used the results of these phantom examinations to justify denying benefit.”

A third benefits adviser, “Allison Southall”, told the committee that the “vast majority of clients [who appeal] tell me that the report compiled by the assessor bares no resemblance to their memory of events or the information they provided.

“At appeal this report is routinely disregarded or discredited and broadly thought of as not fit for purpose.”

*The deadline* [*for submitting evidence to the committee*](https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/inquiries/parliament-2017/pip-esa-assessments-17-19/) *for its inquiry is Friday 10 November*

**2 November 2017**

**Number of social care inspectors falls sharply, new figures show**

The number of inspectors working for the care watchdog has fallen sharply over the last year, according to new figures obtained by Disability News Service (DNS).

From October 2016 to October 2017, the number of inspectors employed by the Care Quality Commission (CQC) across health and social care in England fell by 89.

Most of this fall was caused by a drop in the number of CQC adult social care inspectors, who carry out inspections of services such as residential homes, day centres and home care agencies, and which fell from 850 to 787 (a fall of 63, or seven per cent).

The number of CQC inspectors working on inspections of GP surgeries and hospitals fell from 605 to 579 over the same period (a fall of four per cent).

The figures were provided to DNS in response to a freedom of information request.

Three months ago, DNS reported how more than 300 residential care homes for younger disabled adults had not been inspected by the care watchdog for more than two years.

Those figures, also released by CQC in response to a freedom of information request, showed that 87 care homes in England had not had an inspection since 2014, while 10 homes had not had an inspection for between three and four years.

Asked about the latest figures showing the fall in the number of inspectors, a CQC spokeswoman said: “We are committed to making sure that as the quality regulator, we are as effective and efficient as we can and should be.

“While we haven’t had to make people redundant, in some places we have an ‘older’ workforce, which means people are retiring and we are not always recruiting to the same areas as we resource areas dependent on risk.

“We continually monitor our resources and recruitment activities\*.”

She added: “We have inspected and rated every adult social care service that was registered on or before October 2014, many more than once.

“In particular, we have prioritised our re-inspections on where we have the greatest concerns about quality and safety.

“Our strategy signals how we intend to do this further, as part of our wider plans for the regulation of this sector in England.

“This is so that we can ensure that people receive safe, high-quality and compassionate care, and so that we can encourage improvement.”

[Last month, DNS reported](https://www.disabilitynewsservice.com/remploy-refuses-to-carry-out-basic-background-checks-for-care-inspection-roles/) how one of the organisations employed by CQC to recruit current and former service-users to assist CQC inspectors was failing to make some of the most basic background checks on its recruits.

Undercover reporters discovered that Remploy failed to ask for references for potential new recruits to the Experts by Experience programme, and also failed to carry out face-to-face interviews.

\*[*CQC has a web page for those interested in working as adult social care inspectors*](https://www.cqc.org.uk/about-us/jobs/cqc-jobs-inspection-roles-adult-social-care)

**2 November 2017**

**Local NHS is blackmailing service-users into accepting unsafe care, MPs hear**

People with complex healthcare needs are being “blackmailed” by their local NHS bodies into accepting unsafe levels of care in their own homes, a committee of MPs has been told.

The public accounts committee [was hearing evidence](http://www.parliamentlive.tv/Event/Index/e3c0fe2b-d10e-42f8-bc9f-a8abd9041257) on the funding of NHS continuing healthcare in England.

[Earlier this year](https://www.disabilitynewsservice.com/department-of-health-ignores-nhs-continuing-healthcare-human-rights-warnings/), research by disabled campaigner Fleur Perry showed that more than 40 clinical commissioning groups (CCGs) appeared to be willing to move disabled people with high-cost support packages into residential or nursing homes against their wishes, even if the cost of a homecare package was only slightly more expensive than residential care.

The CCG policies apply to people who have complex health needs and have been assessed as eligible for care arranged and funded solely by the NHS, known as NHS continuing healthcare (NHS CHC).

Brian O’Shea, continuing healthcare adviser for [Spinal Injuries Association](https://www.spinal.co.uk/how-we-help/funding-your-care/nhs-continuing-healthcare/), told MPs yesterday (Wednesday) that increasing numbers of CCGS were imposing “arbitrary financial caps” on those eligible for NHS CHC.

He said: “What we believe is happening is CCGs aren’t actually serious about incarcerating people in nursing homes because we don’t believe that there are enough nursing home beds available.

“What they are doing is they are using that as a tool to blackmail people into accepting unsafe levels of care and unsafe levels of funding to live in their own home or their preferred setting of care and rely on informal support to pick up the rest of the care.”

He said that one 53-year-old man with four young children – who has been running his business from his hospital bed – had spent six months in hospital recovering from a spinal cord injury and “has been told that he’s expected to move into a nursing home and not be allowed to go home and live with his family”.

Matina Loizou, chair of the Continuing Healthcare Alliance, a group of charities and organisations campaigning for improvements to continuing healthcare, said cost-capping was “a really worrying trend”.

She said such policies were being introduced across England, forcing people to choose between “accepting an unsafe level of care and staying at home, say for 100 hours of care a week rather than the 168 that they’ve been assessed to need, or moving out to a care home, regardless of whether or not that is where they want to be, or if it has been assessed to be the most appropriate place for them”.

She said such policies were “being bulldozed through in places like Leicestershire without much due regard to public consultation processes”.

When asked about people being forced to accept lower care packages than they need, in a later evidence session held by the committee, Professor Jane Cummings, chief nursing officer for NHS England, said there was a “clear set of criteria” that CCGs had to follow.

She said that through an improvement programme and “much greater oversight” of NHS CHC through improved data collection “we should have a much better ability to assess how many times that happens”.

And she said there was “a review process in place where people can ask for support if they don’t feel they have got what they need”.

Last week, it emerged that the Equality and Human Rights Commission had written to CCGs where caps had been introduced to ask how those policies had been developed, and to threaten them with possible legal action, warning that they might not comply with the European Convention on Human Rights and the Equality Act.

**2 November 2017**

**‘Caution’ urged over government’s supported housing U-turn**

Long-term supported housing will continue to be funded through the social security system, the government has announced, while it has also scrapped plans to cap housing benefit payments, which caused huge concerns across the sector over the last two years.

Former chancellor George Osborne [announced two years ago in his autumn statement](https://www.gov.uk/government/speeches/chancellor-george-osbornes-spending-review-and-autumn-statement-2015-speech) that no-one living in social housing would be entitled to housing benefit higher than those in private sector accommodation.

Critics warned that this took no account of the cost of providing care and support services for tenants – there are currently about 650,000 supported homes across Britain – including many working-age disabled people.

Social care and housing experts warned that the move would have “disastrous” consequences, and Osborne’s announcement appears to have had a serious impact on investment in new supported housing schemes.

[The National Housing Federation has said](http://hansard.parliament.uk/commons/2017-10-25/debates/2BD14FEF-0B56-457B-A9E0-40106D8F4A18/SupportedHousing) that 85 per cent of all building plans for new supported, sheltered or extra care housing over the last two years had been halted by the government’s plans.

[Prime minister Theresa May announced last week](https://goo.gl/LXyvHG) that the government would not after all be capping housing benefit payments for those in supported housing or the wider social housing sector.

And the government has this week published two new consultation documents, as well as a policy statement that confirms that long-term supported housing will continue to be paid through the social security system.

[The government’s previous plan](http://hansard.parliament.uk/commons/2016-09-15/debates/16091528000020/HousingBenefit#37WS), announced last year, had been for any top-up funding above normal levels of housing benefit to be devolved to local authorities.

Despite the government U-turn, shadow housing secretary John Healey [warned last week](http://hansard.parliament.uk/commons/2017-10-25/debates/2BD14FEF-0B56-457B-A9E0-40106D8F4A18/SupportedHousing) that ministers were still lining up cuts to supported housing of more than half a billion pounds from April 2020, which would mean “a funding cliff edge for existing supported housing”.

Ministers said this week that while long-term supported housing would continue to be funded through the social security system, short-term and emergency supported housing – including accommodation for those escaping domestic violence or with substance misuse problems – would be funded through a ring-fenced grant to local authorities in England, with the Scottish and Welsh governments given “an equivalent amount” of funding.

The government has now launched two consultations\*, one on how it will fund this short-term supported housing, and another on how it will fund sheltered and extra care accommodation.

Much of the social care and housing sector welcomed the government’s announcement this week, but warned that it needed to ensure that both long-term and short-term supported accommodation was adequately funded.

Sue Bott, deputy chief executive of [Disability Rights UK](https://www.disabilityrightsuk.org/), expressed caution.

She said she believed the government “had little choice” but to make the announcement “given the chaos that had been created by the uncertainty” it had previously caused.

She warned that the two consultations showed that the proposal to restrict the amount of housing benefit that could be paid for supported housing “has not gone away”.

She said: “The consultation is about funding models, which indicates the government are not thinking about continuing with the present system.

“Given the government’s track record on supporting disabled people, it’s right to be cautious.”

The National Housing Federation (NHF) – which represents housing associations – said the announcement of a new approach to supported housing was “hugely welcome”.

David Orr, NHF’s chief executive, said: “The government has looked in detail at the consequences and listened to the voices of both users and providers of supported housing.

“It has come to the sensible decision that the local housing allowance cap should have no part in determining how supported housing is funded and actual rents of those in supported housing should continue to be met.”

Local government minister Marcus Jones said this week’s announcement would provide the supported housing sector with “the certainty of funding they need to get building new homes”.

Caroline Dinenage, the minister for family support, housing and child maintenance in the Department for Work and Pensions, said: “We value the important role supported housing plays and that’s why we have worked closely with providers and listened to their feedback to come up with solutions that will safeguard its future and improve support for those that need a home that is safe and secure.”

*\*The* [*two consultations*](https://www.gov.uk/government/consultations/funding-for-supported-housing-two-consultations) *will run until 23 January 2018*

**2 November 2017**

**Paralympic classification scandal: ‘Athletes are cheating in search of medals and money’**

The system of Paralympic classification is being abused by cheating British athletes in search of money and medals, a disabled peer and retired Paralympian has told MPs.

Baroness [Tanni] Grey-Thompson [told members of the Commons digital, culture, media and sport committee](http://www.parliamentlive.tv/Event/Index/c8e18e89-3047-4122-a472-57d799104886) that there needed to be an independent review of the classification system so that Britain could become “the gold standard” for other countries.

The peer, who won 11 Paralympic gold medals as a track athlete, was giving evidence as part of the committee’s inquiry into sports governance, following the publication of her independent report on the duty of care in sport, which was [published in April](https://www.gov.uk/government/publications/duty-of-care-in-sport-review).

She told the MPs that about 10 per cent of the people who spoke to her during her review had raised concerns about “intentional misrepresentation” – cheating – in the classification system.

And she said she believed that the system of classification was open to abuse, and was currently being abused.

On the day she gave evidence to the committee’s inquiry, it published a series of witness statements from other retired and current disabled athletes, their relatives and officials, raising serious concerns about the system (*see separate stories*).

The classification system is run by the national governing body of each Paralympic sport, while athletes competing internationally must also be tested by international classifiers.

The process includes medical evidence, physical examinations and assessment of how the athlete functions in that sport, as well as observing them in competition.

The International Paralympic Committee defines classification as grouping athletes into different classes according to how much their impairment “affects fundamental activities” in that sport and discipline.

But misleading classifiers can allow athletes to compete against those whose impairments have a greater negative impact on attributes such as speed, coordination and strength.

Asked why athletes could be encouraged to cheat, Baroness Grey-Thompson said: “It’s medals, it’s money, it’s sponsorship, it’s media coverage.”

She said there were “similarities” with the issue of doping in Olympic sport because of “what it can give you”.

She said: “It’s somebody pretending they can do less than they can.”

And she said she believed there had been an escalation in intentional misrepresentation since the lead-up to the London 2012 Olympic and Paralympic Games.

But she also said that some disabled athletes had been bullied into intentional misrepresentation.

She said: “Within a bullying environment it is very easy to shut down athletes having an opinion, free choice.

“You can institutionalise them, they can lose self-belief about what’s right and wrong.

“They want to compete, they want to be in the GB team because it’s a massive privilege to be there wearing a tracksuit, so it is possible to influence athletes or for athletes to make a decision that that’s a route that they want to go down.”

She said there should be an independent review – with whistleblowing protection for witnesses – to discover how widespread such cheating was.

But she added: “One of the things that has been raised with me is the cost of an independent investigation. I don’t think integrity has too high a cost.”

Baroness Grey-Thompson said she wanted Britain to be “the absolute gold standard of integrity and independence” when it came to classification, and to be the “world leader”.

She also backed the idea of appointing an independent ombudsman to examine concerns raised across British sport, including issues about the classification system.

She said it was currently “very difficult” for athletes to raise such concerns.

Baroness Grey-Thompson said that, during her year-long, wide-ranging review into the duty of care in sport, she had heard “horrific” examples of Paralympic and Olympic athletes who had experienced “bullying, intimidation, sexual harassment, and worse”.

She said: “That’s why I believe people need somewhere to go.”

And she said that Paralympic athletes had told her that they had faced possible deselection from the team, the loss of funding, and the loss of media coverage, if they raised concerns about issues such as the classification system.

Tory MP Damian Collins, who chairs the committee, said he and his colleagues had received “heart-rending” evidence from Paralympic athletes who had been left in a “desperate situation with no-one they can turn to for help” over concerns about classification.

Baroness Grey-Thompson said there needed to be independent oversight of the classification system.

And she agreed with MP Ian Lucas that the integrity of the Paralympic movement was at stake if measures were not taken to deal with the problem.

But she said the International Paralympic Committee was now talking about the need for greater “professionalisation” of the classification system, while the British Paralympic Association would shortly publish a new classification code and was discussing the need for “education” about the system and the need for an appeal process.

[In her written evidence to the committee](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72221.html), Baroness Grey-Thompson says she received allegations of athletes cheating – or being bullied into cheating – the classification system, and a fear of repercussions if athletes reported concerns about the issue.

She adds: “The inescapable fact is I was approached by athletes and other stakeholders with very serious concerns about many aspects of the classification system, across a wide range of sports, in the UK.

“Until we have addressed those concerns openly and transparently, my fear is that sports in the UK will not be trusted.”

**2 November 2017**

**Paralympic classification scandal: MPs criticise BPA boss for six years of inaction**

The head of the British Paralympic Association (BPA) has been heavily criticised by MPs for failing to address cheating within the system that classifies disabled athletes, despite being in his post for more than six years.

Tim Hollingsworth [was giving evidence to the Commons digital, culture, media and sport committee](http://www.parliamentlive.tv/Event/Index/c8e18e89-3047-4122-a472-57d799104886), as part of its inquiry into sports governance.

He was giving evidence after the disabled peer and retired Paralympian Baroness [Tanni] Grey-Thompson had told the committee that the classification system was being abused by cheating British athletes in search of money and medals (*see separate story*).

On the day they gave evidence to the inquiry, the committee also published a series of witness statements from retired and current athletes, their relatives, and officials, raising serious concerns about the system (*see separate story*).

The committee has also received evidence from athletes who have given evidence anonymously.

The classification system is run by the national governing body of each Paralympic sport, while athletes competing internationally must also submit to testing by international classifiers.

The process includes medical evidence, physical examinations and assessment of how the athlete functions in that sport, as well as observation of them in competition.

The International Paralympic Committee (IPC) defines classification as grouping athletes into different classes according to how much their impairment “affects fundamental activities” in that sport and discipline.

But misleading classifiers can allow athletes to compete against those whose impairments have a greater negative impact on attributes such as speed, coordination and strength.

Hollingsworth told the MPs that the system was the “absolute foundation stone of Paralympic sport”, and he insisted that it was fit for purpose but “can and must be improved”.

Asked if he was surprised at the number of people coming forward with similar concerns to the committee – many of them anonymously – he said again that the system could be improved.

And he said there needed to be an independent body to provide more “transparency and solidity to the process” of complaints about classification.

But he insisted that the International Paralympic Committee had put into place, in 2015, a “far more rigorous set of standards and practices” on classification.

He claimed that “if people were more understanding of that” and the wider system it might help them understand why “one athlete is freely and fairly competing against another”.

But he was later forced to admit that, although BPA would refer any classification complaint to the relevant individual sport, there were currently no procedures for his organisation to take any further action if that stage in the process proved unsuccessful.

Asked by Labour MP Ian Lucas if there should be a route for BPA to take on such a complaint, Hollingsworth said: “There should be, absolutely.”

Lucas then told him: “I find it incredible that in a multi-million pound business, which is what this is nowadays, that that process isn’t there at the minute because the integrity of this is at the heart of the sport.”

He added: “We have had a huge amount of evidence from individual athletes who do not have faith in the integrity of the system.

“These people have come to us because they haven’t felt that they could come to you. Don’t you find that depressing?”

The committee’s chair, Damian Collins, pointed out that Hollingsworth had been leading BPA for six years and told him that the problem had grown “on your watch”.

He said Hollingsworth and BPA had known about the problems with the classification system but had just “sat back and let it happen, and the people who have suffered have been the athletes and their families”.

Hollingsworth said BPA had now decided that it should be involved in developing a national classification code – which should be published next year – and a “better approach to classification at a national level” and “ultimately the development of a suitable process for complaint procedures to be dealt with independently”.

But when he claimed that complaints about the system had not previously “been made clear in the way they are today” to BPA, Collins said: “I don’t believe that and I don’t believe the people in the room believe that and I find it incredible that you say it.”

When Collins asked if Hollingsworth owed Paralympic athletes an apology for the failures in the system, he insisted that there had “not been any proven case of intentional misrepresentation” or “any evidence that has been presented that has gone beyond the circumstantial and the anecdotal”.

But Collins told him that Baroness Grey-Thompson had said the system was being abused, while athletes and families of athletes had also provided evidence about the failures, and he asked him again if he should apologise.

Hollingsworth said: “If there is genuine evidence of an athlete being failed by the system, then yes… [but] to the collective, it would be a no.”

Collins said later: “We have received evidence from athletes who feel they have been discriminated against within teams because they have raised concerns.

“Baroness Grey-Thompson [has said] that as far as she is concerned the classification system is broken and people are cheating it now, today.

“These things may not be all within your direct control, but we would look at BPA and say, you are a leading organisation for para sport in this country, and for you to recognise these failings and be a champion for putting it right, and to acknowledge and apologise to the victims of those failures, I think is something it would be appropriate for you to do.”

But Hollingsworth said: “I am genuinely sorry that there are athletes who feel that they have got grievances, but I don’t necessarily feel that those grievances necessarily are ones that are substantiated.

“I do feel very sorry indeed that we are in a position where there are athletes who feel they can’t get to a point where they are listened to satisfactorily.”

But he said he was “not apologising for failure or a belief that the system is not working as effectively as it is”.

Collins told Hollingsworth that it was “tragic” that, as with other sports, there was “no whistleblowing process, no grievance procedures, cases that have not been properly investigated, athletes have suffered as a result of trying to speak out within their sport”, and that athletes had had to use alternative means to “try to get the truth out there” because there was “no system to do so within their own sport”.

**2 November 2017**

**Paralympic classification scandal: MPs hear athletes’ concerns over flawed system**

Disabled athletes and their families have given evidence to MPs about widespread cheating within the Paralympic classification system.

The committee has been told of one swimmer whose father bought her a wheelchair on eBay to try to mislead the officials who would be classifying her – in a bid to compete against slower swimmers – while others took cold showers “to help stiffen their muscles” before they were examined.

The written and oral evidence has been submitted as part of the [Commons digital, culture, media and sport committee’s](http://www.parliamentlive.tv/Event/Index/c8e18e89-3047-4122-a472-57d799104886) inquiry into sports governance.

The classification system is run by the national governing body of each Paralympic sport, while athletes competing internationally also have to submit to testing by international classifiers.

The process includes medical evidence, physical examinations and assessment of how the athlete functions in that sport, as well as observation of them in competition.

The International Paralympic Committee (IPC) defines classification as grouping athletes into different classes according to how much their impairment “affects fundamental activities” in that sport and discipline.

But misleading classifiers – known as intentional misrepresentation – can allow athletes to compete against those whose impairments have a greater negative impact on attributes such as speed, coordination and strength.

Giving evidence in person to the committee this week, Michael Breen, the father of Paralympic athlete Olivia Breen, said he had been trying to raise concerns about the classification system since 2013.

He said he believed the system was “not fit for purpose” and that it needed a “root and branch review”.

Although he did not believe abuse was “absolutely widespread”, he said there was “a significant issue at the moment that needs to be addressed”.

He added: “I think it’s not difficult to address it. I am just not convinced that the people in charge at the IPC have any interest in addressing it.”

He said he believed IPC was “in complete denial” about the problem because they “want to protect the brand and they don’t want – because they think their sponsors won’t want – to have stories being written about their mistakes in classification”.

[In a written statement to the committee](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72225.html), IPC says three British athletes that Breen complained about in May 2016 were investigated and found to be “appropriately classified”.

And it said that it remained “deeply concerned” about the “wellbeing of those athletes who have been subjected to third-party allegations of improper classification” and that “such unfounded allegations are causing undue stress and tension to these athletes”.

IPC said it was “not unusual” for it to receive complaints about classification in the run-up to a major competition, such as the Rio 2016 Paralympics, and that “every single complaint” was investigated.

On the same day that Breen gave evidence, the committee published written statements from a string of other witnesses.

Former sprinter Kyle Powell [said in his statement](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72214.html) that after several years in the sport he began to realise that many of the “heroes” he had been “inspired” by appeared to be “at an unfair advantage gained due to the flaws of the classification system”.

He added: “I lost trust and belief in the system and ultimately ended up quitting, partly due to not wanting to be a part of a sport with so many false idols.”

Ian Jones, who competed as an athlete in the Beijing Paralympics, [described in his statement](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72216.html) how problems with the classification system also caused him to quit the sport.

He said: “The whole experience had a major impact on me, practically, financially, emotionally and psychologically.

“In my experience, classification has always been open to manipulation and has never been fit for purpose. It needs to be completely overhauled to make it safe and fair.”

Charlie Bethel, who until July was chief executive of British Wheelchair Basketball and is himself a qualified classifier, [said in his statement](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72220.html) that when he told the chief executive of another national sports governing body that he had learned about a Paralympic athlete’s “inappropriate” classification behaviour, he was told that “everyone was at it”.

Bethany Woodward [said in her written evidence](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72283.html) that she believed that a “weak classification system together with a ‘gold medals’ at any cost mentality is excluding many disabled people from the sport and that this dynamic is adversely affecting the involvement of athletes at a grassroots level”.

Woodward, who won a 200m silver medal at London 2012, described how she had “lost confidence in the integrity” of the classification system after watching other athletes in her class in the warm-up area before races and realising that “the nature of classification was changing and that it was excluding more disabled athletes”.

And she said that her “greatest concern over the last two years has been the unwillingness of any of the three main umbrella Paralympic organisations [British Athletics, the British Paralympic Association and the International Paralympic Committee] to meet me and find out my concerns”.

Woodward says in her evidence that British Athletics sent legal letters to media organisations that attempted to report her concerns last year.

She spoke to [BBC’s File on Four in September](http://www.bbc.co.uk/programmes/b0952qqf) about her concerns and told the programme that she wanted to hand back a relay medal she won in the 2014 European Championships because she doubted whether one of her team-mates should have been in that category.

Steve Long, father of Paralympian swimmer Jessica Long, who won six medals, including a gold, at Rio 2016, named two swimmers – one British and one Australian – [in his statement](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72215.html) who he believed were guilty of intentional misrepresentation.

He said: “In the Paralympic world, doping is an extremely rare occurrence, but only because there is a better way to cheat.

“This method of cheating, as some Paralympic swimmers have discovered, has no penalties for the athlete even when their dubious methods are discovered.

“The swimmers have discovered that they can intentionally conduct themselves in a way that misrepresents the severity of their disability.

“By doing this, they are able to scam the classifiers and compete in the wrong disability class.

“There are swimmers that exaggerate their disabilities in the hope of being classed down to a class where they can dominate.”

The father of swimmer Levana Hanson said he was aware of methods used by other swimmers to “mislead/misrepresent their disability to gain lower classification”.

Mark Hanson named British and international swimmers [in his statement](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72213.html), and said the International Paralympic Committee knew that such “misrepresentation” was happening, while officials from British Swimming were “complicit” in such practices.

He said he knew of one swimmer whose father had bought her a wheelchair on eBay “for the purpose of misleading the classifiers”, while other swimmers took cold showers “to help stiffen their muscles prior to being examined”.

[The British Wheelchair Athletics Association](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72212.html) (BWAA) raised concerns in its statement about the process of international classification.

The BWAA statement said that a senior British athletics classifier had said that “if you want an easy classification – go to Dubai”, which BWAA said “would seem to be true”.

It also backed concerns raised by athletes such as Woodward about the increasing number of athletes with neurological conditions other than cerebral palsy (cp) who were being allowed to compete against athletes with cp and had an unfair advantage.

Pauline Betteridge, herself an international classifier – although not in athletics or swimming – [told the committee in her written statement](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72223.html) that many current classifiers “do not appear to have much clinical experience”, which means “it is easy for those determined to cheat to get away with it”.

She said: “I am aware of a situation where coaching staff know that their athlete is far more able than demonstrated at assessment but did nothing about it as they were winning medals.

“The fact that sport is now dependent on winning medals to gain funding means that sport is not encouraged to be honest. Pressure to perform is huge.”

But Professor Nick Webborn, the British Paralympic Association’s chair, and himself a former athlete and chief medical officer for London 2012, defended the classification system [in his written evidence to the committee](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/digital-culture-media-and-sport-committee/sport-governance/written/72222.html).

He said that it was “vitally important” that the classification system was “open and transparent and as scientifically based as possible”.

He said: “There will always be someone just above or just below the cut-off threshold between classes who may feel advantaged or disadvantaged by this decision; however, that is the reality.”

He said he did not believe there was “widespread wrongdoing within the movement and it would be inappropriate to portray it so without evidence to the contrary”.

**2 November 2017**

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