

Hidden in plain sight

An Equality and Human
Rights Commission Inquiry
into disability-related
harassment

Wales summary
September 2011



Comisiwn
Cydraddoldeb a
Hawliau Dynol

Equality and
Human Rights
Commission

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Foreword

Our inquiry, which was GB-wide, shows that disability harassment is a daily experience for many disabled people. This summary of the main report draws out points particularly relevant to Wales.

People told us they routinely experience different forms of harassment such as name calling, physical violence, bullying and cyber-bullying, sexual harassment, domestic violence and financial exploitation.

Some disabled people say they just accept it as inevitable and live with it. Others try to rearrange their lives to avoid abusive situations. Often low level incidents escalate and, tragically, sometimes end in torture and death. Everyone we spoke to feels it damages their lives.

Our evidence shows that for many disabled people we are a long way from a Wales that treats everyone with dignity and respect. Ensuring the human rights of everyone in Wales are protected is an urgent task.

Last year the Commission published *How fair is Wales?* - our assessment of the greatest inequalities in Wales. Seven challenges emerged from this evidence. One of these is to reduce the incidence of hate crime targeted at disabled people and other groups and work is already underway to achieve this.

There are unique opportunities to make progress in Wales. The Welsh Government has identified tackling disability hate crime as a top equality priority and we have new equality duties which will enable public authorities to prioritise and deliver on this issue.

We set out to investigate disability harassment and the response of public authorities to it. The inquiry has identified seven GB-wide recommendations.

Based on Welsh evidence, and because many of the levers for change are devolved, we have identified four key areas for intervention in Wales:

- building leadership and partnerships
- using the new equality duties
- introducing rights-based safeguarding
- increasing reporting rates.

Our recommendations can only be achieved through effective partnerships. We hope you will rise to this challenge. Together we can make a real difference to the lives of disabled people and their families.

Ann Beynon, Wales Commissioner
Kate Bennett, National Director for Wales

Why carry out an inquiry?

Fiona Pilkington

“We can do anything we like and you can't do anything about it.”

(One of the gang of young people involved in harassing Fiona Pilkington and her children)¹

On 23 October 2007, the charred remains of Fiona Pilkington and her daughter Francessca Hardwick were found in the family's burnt-out blue car. The inquest into their deaths concluded that Fiona had killed herself and her daughter **“due to the stress and anxiety regarding her daughter's future, and ongoing anti-social behaviour.”**

Fiona Pilkington and her two disabled children - Francessca, who had a learning disability and Anthony, who had severe dyslexia – had endured seven years of harassment. Eggs and stones had been aimed at their house, bottles thrown into their garden. Their hedge was repeatedly jumped on, the ‘for sale’ sign outside their house was damaged and their gates and fences were set on fire. Their windows were broken on a number of occasions. They were taunted, insulted and verbally abused.

Stones were thrown at Francessca's bedroom window as she went to bed, accompanied by demands that she lift up her nightdress. Her way of walking was imitated and mocked. Anthony was bullied at school and received death threats. He was punched in the mouth, chipping a tooth and pushed into a car, injuring his hand. He was locked in a shed at knifepoint and had to smash a window to escape. He was hit by stones while out cycling and was attacked with an iron bar.

Leicestershire Constabulary had been contacted on 32 separate occasions by Fiona herself, her mother and her neighbours. At the inquest into the deaths of Fiona and Francessca, the jury decided that both Leicestershire Constabulary and Hinckley & Bosworth Council bore some responsibility for their deaths. Leicestershire County Council social services department was also criticised for failing to refer Fiona for professional help after she told a social worker she felt suicidal although the inquest decided that the County Council's actions did not contribute to Fiona's death.

¹ quoted by Fiona Pilkington's mother, Pam Cassell, during the inquest into her death

and in Wales...Christopher Foulkes

On 8 March 2007, Christopher Foulkes was found dead in his flat in Rhyl by his care worker. He was lying on the floor on a blanket with blood around him.

Christopher was 39 and had a physical impairment, using a Zimmer frame or wheelchair to get around, and a mental health condition. Carers attended his flat three times a day.

Christopher died following an assault by a 15-year-old boy who he had previously accused of stealing from him. The teenager had been visiting Christopher for some months.

Christopher began to suspect the boy of stealing from him and told a friend he didn't want him at his home.

On the night of 7 March 2007, the boy broke into Christopher's flat, beat him about the head and body and stole a mobile phone, money and other items. The teenager was originally charged with murder, but the charge was reduced as the medical evidence was inconclusive as to the cause of Christopher's death. He pleaded guilty to wounding with intent.

He was sentenced to an 18 months training and detention order.

These and other cases highlighted in the media concerned us deeply. Viewed together with our research and the information gathered from our helpline a picture emerged of a serious problem regarding the harassment of disabled people. We were convinced that this needed to be better understood so that effective solutions could be identified and acted upon. For that reason we began our inquiry.

The wider problem

“We take it so often we don't think it is abuse, but it is.”

Female focus group participant with a mobility impairment, aged 31-59

“My sister called me mentally handicapped and used to hit me a lot.”

Woman with learning difficulties, aged 31-59

The shocking cases of abuse described previously clearly show the tragic results of a failure to tackle disability-related harassment. The most important finding of this inquiry, however, is that harassment is a common experience for many disabled people and is not confined to a few extreme cases. The incidents which reach the courts and receive media attention are just the tip of the iceberg.

Disability-related harassment is a profound social problem. For many disabled people it is a part of everyday life. Some disabled people view it as inevitable, and focus on living with it or reorganising their lives to avoid it as best they can.

What is disability-related harassment?

“I cannot explain to you what a living hell it's been.”

Woman with mobility impairment, aged 31-59

Harassment can take many forms. It ranges from name calling in the street to bullying at school or on the internet; petty violence to full-on physical assault; theft and fraud; sexual assault; domestic violence and damage to property. It can be perpetrated by strangers, but equally it can happen in the context of the family, friendships or relationships.

Furthermore, harassment can take place in full view of other people and the authorities without being recognised for what it is. A culture of disbelief exists around this issue. Many find it difficult to face up to the fact that disabled people are the recipients of much spite, brutality and exploitation.

The culture of disbelief operates at many different levels. Authorities do not take the complaints of disabled people seriously and do not respond with sufficient urgency. Witnesses in the wider community do not tackle or challenge behaviour such as name-calling, teasing and bullying, seeing it as a normal or inevitable part of life. If a disabled person has become socially isolated, it can be difficult for other people to recognise when a friendship or relationship is in fact exploitative and damaging.

Even disabled people themselves, perhaps in response to being ignored or disbelieved, can play down the impact of harassment. They often don't report it, sometimes because they don't know who they could report it to, sometimes because they fear that reporting could make the harassment worse. As a result, this behaviour is not investigated, recorded, or addressed. It passes under the radar without a trace. The perpetrators never have to face any consequences of their actions, and their victims continue to live in fear.

This is why we describe disability-related harassment as hidden in plain sight.

What impact does it have?

“I wish I was dead out of it.”

**Woman with mobility impairment,
aged 31-59**

**“You come to a point where you
can't go to sleep at night... you're
all on edge.”**

**Woman with a mobility
impairment, aged 31-59**

Some disabled people told us they tried to ignore harassment or escape from it. Some were shocked at unprovoked, targeted incidents whilst others became angry. Many people said they felt vulnerable and this undermined their desire not to be held back by their health condition or impairment.

Overall being harassed made people feel unsafe and fearful. They felt humiliated and embarrassed. This was often true even if there were no witnesses. In public places it was worse, making people feel exposed, standing out from the crowd, feeling different and isolated.

Disabled people who had experienced harassment by being duped, exploited or preyed upon felt hurt and betrayed. People abused over the internet found it traumatic and distressing and felt they had to withdraw from sites that had played an important role in their lives.

Following an incident some people didn't tell anyone. Those that did talk about it mainly wanted to deal with the emotional impact. They often didn't report the incident. Sometimes because they didn't know who they could report it to, or because they were afraid reporting could make the harassment worse.

What is the scale of the problem?

Our research suggests that disability-related harassment is widespread. But accurate statistics are not currently available and there are major gaps in the data that is gathered by schools, local authorities, health and housing services and in the criminal justice system.

The British Crime Survey 2009/10 indicates that 19% of disabled adults were crime victims in Wales and England last year. This amounts to around 100,000 people in Wales. Of course, not all crime experienced by disabled people is related to their disability. Equally, however, much disability-related harassment does not involve criminal behaviour. So the numbers experiencing harassment may be much higher.

We also know that fear of crime is greater for disabled people.

Without accurate data public authorities will not be able to understand disability harassment or prevent and respond to it effectively.

Where does harassment occur?

Harassment takes place in many different settings, including out and about, close to home, in the home, on public transport, in public places and at school or college.

Out and about

“It’s bad enough having a disability without people rubbing it in my face every five minutes.”

Woman with learning difficulties, aged 31-59

“People might think that it is nothing, it is a bit of joking, but it is devastating.”

Man with reduced physical capacity, aged 31-59

People gave us evidence about their experiences being out and about, whether shopping, socialising or going to and from work, school or college.

Some people told us that name-calling had escalated into physical assault and violence. One woman described how youths in Cardiff city centre had called her names, spat on her, then tried to kick her walking stick away. A man from Bridgend explained how difficult life could be when socialising in pubs and clubs - verbal abuse often escalated into arguments and physical assault. A mobility scooter user was verbally abused and had stones and cans thrown at him by a gang of teenagers in Gwent.

Street-level abuse isn’t confined to larger Welsh towns or cities.

One man with a learning disability, living in a very small mid-Wales village, described how he was **“cornered then beaten-up by a gang of drunken men”**. Another man, in rural north-west Wales, told us how a gang of local men tried to run him over in their car.

One woman from Newport described how customers – and one in particular - would pull faces and mock her while she was working in the aisles of a local supermarket. She said: **“she was looking at me and pulling faces at me... I was working there, and she was making fun (of me).”**

Harassment also occurred in shops, cinemas, restaurants, clubs and other leisure venues.

Close to home

One man told us his family lived in constant fear of the neighbours in his south Wales neighbourhood:

“My wife always takes a Dictaphone out with her when she, or we, leave the house in case we get more abuse, so we can make the police aware of the troubles we suffer that make us afraid to leave the house.”

Another disabled woman from north-east Wales said: **“The neighbour shouts remarks across the garden fences, he swears at me. He and his friends snigger and laugh at me, this has been happening for about two-and-a-half years.”**

One family from east Wales told us: **“We’ve had petrol poured round our vehicle, threats to fire bomb our home, the vehicle scratched... four lots of attacks with bricks, oil and creosote all over it and three bags of paint over our property.”**

In the home

A woman from mid Wales described the abuse she suffered from her brothers and sisters but had decided enough was enough. She explained: **“If she starts getting funny again, I will tell somebody because I am not having her hitting me all my life; I am not putting up with that.”**

Another woman from west Wales said: **“My sister called me “handicapped”...so everybody could hear her say that in a big loud voice. She did that because she knew she could not hit me in public...my sister used to smack me all the time and she used to threaten me. I think it was black-mailing me, saying if you do this, I will...”**

School or college

A man from mid Wales, explained how having learning difficulties made him a target. He said: **“When going to and from college I was approached by high school students who spat at me and called me names. This happened everyday for a number of weeks.”**

One mother told us she'd moved to different locations in west and north Wales for the sake of her son's education

“Because of the harassment he couldn't carry on with the second year.”

School or college was the setting for a lot of reports of harassment, including from adults who said they were still emotionally raw from experiences a long time ago.

Public transport

“Then I had a tirade of abuse, called an f’ing cripple. Told I should be grateful to get on the bus and stop bloody moaning. His language was appalling. But what got me most was that the bus was full.”

**Man with mobility impairment
aged 31-59**

“I have had a couple of problems with using trains and guards making comments... people tend to think you are exaggerating... if they are with you and see it for themselves they realise you're not exaggerating.”

**Man with reduced physical
capacity aged 31-59**

Disabled people told us travelling on public transport is a ‘hot spot’ where incidents of verbal and physical abuse from other travellers are commonplace. Sometimes the abuse came from staff. Other times staff did not intervene to prevent harassment.

Some disabled people told us that by using an aid such as a cane or walking stick, wheelchair or a guide-dog they feel highly visible and vulnerable at unstaffed stations.

In Wales 174 out of 221 rail stations are unstaffed making this a serious issue.

Some disabled people told us they had been harassed by bus drivers. One man from north Wales said once drivers spotted his wheelchair they wouldn't stop.

He added: **“The driver just wasn't prepared to allow me on the bus although it did have a disabled badge on the side, saying it was accessible for disabled users”**. He added: **“I have been at the bus stop on my own, the bus driver has drove up, seen I was in a wheelchair and drove straight by.”**

Many disabled people didn't complain to bus companies because they didn't have any confidence their complaint would be treated seriously. They thought they would be **“fobbed off.”**

Why does it happen?

There is no definitive evidence about what motivates the perpetrators of disability harassment. People told us they thought ignorance about disability is widespread and provides a fertile breeding ground for harassment. They feel lack of knowledge leads to a lack of empathy or even fear.

Some we spoke to said other people were sometimes uncomfortable or embarrassed. Some saw harassment as an unthinking, emotional response to being seen as 'different' or 'vulnerable'. Some people told us they thought they were seen as 'fair game', particularly by young people who were bored and had nothing better to do.

Many people told us they thought their perceived vulnerability made them a target for criminal and predatory individuals. Others felt targeted because of envy. Sometimes neighbours were jealous of special vehicles or housing adaptations or benefits.

How have public authorities responded?

“I followed all the necessary procedures to complain but I was ignored. Complaints right up to chief executive and ministerial level got no response.”

Male, with learning difficulties and long term health condition, aged 45-54.

Disability harassment is unwanted, abusive and exploitative behaviour carried out by individuals or groups. One of the aims of this inquiry is to investigate the effectiveness of public authorities in preventing or eliminating it.

Overall public authorities and public transport operators in Wales are failing to protect disabled people and their families from harassment. There is a failure to recognise the extent and impact of harassment and abuse of disabled people, to take action to prevent it happening in the first place and intervene effectively when it does.

We have found that:

- Incidents are dealt with in isolation rather than as a pattern
- Authorities give insufficient consideration to disability as a motivating factor in bullying, anti-social behaviour and crime
- Left unmanaged, low level anti-social behaviour has the potential to escalate into more extreme behaviour

- Opportunities to bring harassment to an end are being missed
- There is sometimes a focus on the victim’s behaviour and ‘vulnerability’ rather than dealing with the perpetrators
- Agencies do not tend to work effectively together to bring ongoing disability-related harassment to an end
- There has been little investment in understanding the causes of harassment and preventing it happening in the first place
- There are barriers to reporting and recording harassment across all sectors
- There are barriers to accessing justice, redress and support so most perpetrators face few consequences for their actions and many victims receive inadequate support
- There is a lack of shared learning from the most severe cases, so the same mistakes are repeated again and again.

Wales could do so much better. This is a challenge that we all need to address as a matter of urgency. Preventing the harassment of disabled people will require changes within our organisations. It will also require us to play a part in transforming the way disabled people are viewed, valued and integrated into society.

What needs to change?

Our GB-wide inquiry has identified seven areas where improvements will show to us that society is achieving real progress in tackling harassment.

- Real ownership of the issue in organisations is critical to dealing with harassment. Leaders need to show strong personal commitment and determination to tackle change
- Definitive data is available which spells out the scale, severity and nature of disability harassment and enables better monitoring of the performance of those responsible for dealing with it
- The Criminal Justice System is more accessible and responsive to victims and disabled people and provides effective support to them
- We have a better understanding of the motivations and circumstances of perpetrators and are able to more effectively design interventions
- The wider community has a more positive attitude towards disabled people and better understands the nature of the problem
- All frontline staff who may be required to recognise and respond to issues of disability-related harassment have received effective guidance and training

- Promising approaches to preventing and responding to harassment and support systems for those who require them have been evaluated and disseminated.

How can we take this forward in Wales?

In Wales we have unique opportunities to make progress because many of the levers for change are devolved. So we are making the following recommendations:

- A determination to eliminate harassment needs to be shown by leaders. Partnerships to prevent and respond to harassment and share effective practice should be encouraged, including piloting Multi-Agency Risk Assessment Conferences
- The new equality duties should be used to prioritise tackling disability harassment
- A human rights based approach to safeguarding should be introduced by the Welsh Government
- We want to see increased reporting and call on public authorities to put in place measures to ensure a positive reporting experience and effective support.

Recommendations

1. Real ownership of the issue is apparent in organisations critical to dealing with harassment. Their leaders need to show strong personal commitment and determination to tackle change

Our evidence shows the most critical factor in organisations improving their performance, is the level of commitment and determination to address the issue shown by their leaders. It is after all senior officers and executives who set the priorities for organisations. If there is a real and visible commitment to change at the most senior level then it is likely that this will drive real change throughout the organisations which they lead.

In addition to showing leadership within their organisations, we would expect leaders to embrace public accountability. Transparency over performance is one aspect to this – which involves a real commitment to share data which shows how their organisation is performing. Another aspect is the display of a personal willingness to be publicly accountable for any serious instances which occur in their area.

Finally, we would expect this personal commitment to be formally recognised within public authorities core objectives, either within their governance structures or otherwise.

2. Definitive data is available which spells out the scale, severity and nature of disability harassment and enables better monitoring of the performance of those responsible for dealing with it

Whilst our inquiry has uncovered a great deal about disability related harassment, there remains much which we don't know. Without comprehensive data, across all agencies, it will be impossible for our society to properly respond. In the interests of transparency, we also need public authorities to publish their performance so that the public can assess how they are performing.

We recommend that all data systems in these agencies:

- Are able to record whether the victim is a disabled person (and/or has another type of protected characteristic)
- Are able to determine:
 - Whether the incident was motivated by the victim's disability and/or any other form of protected characteristic
 - The clearly identified lead officer who will take the issue forward
 - Whether or not this is a first instance of harassment or part of a more general, or escalating, pattern

- The priority status accorded to each incident in relation to risk to the victim or, if known, motives and circumstances of the perpetrator
- Where continuation of offending persists, whether and to what extent priority status should be given to a situation
- Which other local agencies have been alerted to the problem or, if this has not occurred, why not and under what circumstances should such agencies become involved.
- Also what appropriate partnership arrangements should be in place
- Enable identification of all on-going or repeat instances to avoid the anxiety and risk that such instances of behaviour will become progressively more serious
- Share data across agencies and identify solutions to effective data sharing particularly where lives may be at risk; in particular those that are dealt with by the Criminal Justice System to ensure that all involved have a comprehensive picture.

3. The Criminal Justice System is more accessible and responsive to victims and disabled people and provides effective support to them

Another major requirement of the general response to disability-related harassment, and other forms of crime and anti-social behaviour, is that victims feel adequately supported by all the agencies involved and that these agencies, more generally, respond to their concerns effectively.

Wherever a disabled person first reports an incident, the route to reporting, and ultimately the criminal justice system, needs to be clear and unhindered.

We recommend the following:

- All agencies involved with dealing with the issue should review, and, where necessary, remove all obstacles to the reporting of disability related harassment. This will, in particular, involve seeking the views of disabled people and their representatives
- The police and prosecution services should always establish whether a victim is disabled, and if they are, should consider themselves whether that may be a factor in why the crime/incident occurred
- They should not rely solely on the victim's perception. They should reconsider this and several stages throughout the investigation. Crimes against disabled people should rarely be considered motiveless.

4. We have a better understanding of the motivations and circumstances of perpetrators and are able to more effectively design interventions

One fundamental issue in dealing with the problem of disability-related harassment, and other forms of abuse, is to understand why it occurs.

The most urgent issue is getting a better understanding of the characteristics and motivations of those who commit acts of disability-related harassment.

In addition, there needs to be more awareness of the general structures and attitudes (and the interactions between them) which give rise to the problem in the first place.

To address these issues, we recommend that:

- Targeted research is undertaken in collaboration with National Offender Management Service and local authorities in Scotland to build a clearer picture of perpetrator profiles, motivations and circumstances and, in particular, to inform prevention and rehabilitation
- Criminal justice agencies support bodies that commission research to stimulate and support studies that looks into why harassment occurs in the first place and broader attitudes towards disabled people.

5. The wider community has a more positive attitude towards disabled people and better understands the nature of the problem

With the possible exception of some of the cases which are given a high profile by the media, disability-related harassment does not seem to be perceived as serious or widespread by the public - it is as we describe - hidden in plain sight. Changing wider public attitudes towards the seriousness of such harassment, and more general social attitudes towards disabled people, forms an important part of a wider solution.

In order to initiate change in this area, we recommend that public authorities:

- Review the effectiveness of current awareness raising activities concerning disability-related harassment where they exist and assess where gaps in their campaigns could usefully be filled
- Use the equality duties as a framework for helping promote positive images of disabled people and redress disproportionate representation of disabled people across all areas of public life
- Encourage all individuals and organisations to recognise, report and respond to any incidences of disability-related harassment they may encounter.

6. All frontline staff who may be required to recognise and respond to issues of disability-related harassment have received proper training

It is clear from our evidence that reporting and response of harassment would both be improved substantially with better training for frontline staff providing public services. The cases show that even staff such as environmental health officers may come across instances of harassment and the ability to make appropriate safeguarding referrals could make a significant difference to peoples' lives.

To address these issues, we recommend that:

- All frontline staff working in all agencies, whether public authorities or voluntary and private sector, where disability-related harassment, anti-social behaviour or other similar forms of activity are likely to be an issue are trained in how to recognise and make appropriate safeguarding
- More generally all agencies should consider whether their wider staff training and development processes and appraisal and promotion systems should be amended to ensure such knowledge becomes embedded and an incentive for better job performance
- Staff gain an understanding of disability equality matters and appropriate engagement with disabled service users.

7. Promising approaches to preventing and responding to harassment have been evaluated and disseminated

There is much in what many public bodies are doing which might emerge as good practice and create vital learning which other bodies can follow to help reduce the problem. However, many of these promising approaches are in their infancy and as yet we do not know conclusively what works and what doesn't.

Therefore, we recommend that public bodies conduct rigorous evaluation of their response and prevention projects over a three year time frame so that we can build a shared knowledge of the most effective routes to take to deal with harassment and reduce its instance. All evaluations should then be widely and openly shared so that all bodies can learn from them.

Recommendations for taking this forward in Wales

1. A determination to eliminate harassment needs to be shown by leaders. Partnerships that prevent and respond to harassment and share effective practice should be encouraged, including piloting Multi-Agency Risk Assessment Conferences

A key theme of the evidence from Wales was the view that the most effective means of eliminating disability harassment is through partnership working involving public authorities, the voluntary sector, disabled people's organisations and individuals.

Demonstrating leadership and a determination to drive change is an essential element in building powerful partnerships. Partnership working is one of the principles of the Welsh Government's programme for improving public services "**Working together as the Welsh Public Service, with more co-ordination between providers to deliver sustainable, quality and responsive services**". Our findings show that this approach is vital to tackling disability harassment.

Wales has a relatively small number of public authorities and strong networks. This provides opportunities to save lives and increase the impact of strategies to tackle disability harassment. By sharing information and effective practice, and by working in partnership, public authorities can increase the possibility of providing seamless management of individual cases. Our evidence shows this is essential in securing the best possible outcome for disabled people.

Some contributors pointed to the success of the **Multi-Agency Risk Assessment Conferences (MARACs)** currently used in Wales in cases of domestic abuse. This was suggested as a possible pilot approach for disability harassment.

At a MARAC local agencies meet to discuss high-risk victims of domestic abuse living within the local area. The primary objective is to reduce the risk of serious harm or homicide for a victim and increase the health, safety and wellbeing of those at risk.

Information about the risks faced by the victims is collated from a number of different agencies. Actions needed to ensure safety are shared and used to create a risk management plan involving all relevant agencies. By providing a coordinated effort from all agencies and organisations, a MARAC serves to ensure that high risk victims, adults and children, are listened to, supported and better protected from further abuse.

2. The new equality duties should be used to prioritise tackling disability harassment

Our *How fair is Wales?* report gathered evidence to determine the greatest inequalities in Wales. One of the key challenges from the evidence is to reduce the incidence of hate crime, including disability hate crime.

In order to drive change in this area we recommend that public authorities use the public sector equality duty and, in particular, the specific duties in Wales. The specific duties will assist public authorities in addressing disability harassment effectively.

Disabled people should be consulted and involved in setting objectives, gathering data and developing an action plan to prevent harassment. The duties will also enable the action plan to be monitored and reviewed to ensure the best possible outcomes are achieved.

Schools were identified in our evidence as having a significant role to play in changing attitudes, integrating disabled pupils and encouraging understanding of diversity. Schools should deal effectively with bullying and with pupils harassing disabled people in public places.

Schools are covered by the specific duties and these will be helpful in developing objectives to prevent harassment. The Welsh Government has recently published guidance for schools on bullying which includes bullying of disabled pupils and cyber-bullying.

With the possible exception of cases which are given a high profile by the media, disability-related harassment does not seem to be perceived as serious or widespread by the public. Changing wider public attitudes towards the seriousness of such harassment, and more general social attitudes towards disabled people, forms an important part of a wider solution.

Participants in roundtable discussions in Wales identified addressing the cultural attitudes underpinning harassment as a top priority. They spoke about the need for a collaborative approach to changing attitudes so that disabled people are viewed positively in society and we have a genuinely inclusive Wales. The specific duties are an opportunity for engaging public authorities in developing awareness-raising campaigns.

3. A human rights based approach to safeguarding should be introduced by the Welsh Government

Local authorities have particular responsibilities for leading both adult and child protection, or safeguarding of those at risk. Safeguarding means keeping safe individuals who may be at risk of harm, including intervention in a particular situation and prevention before a situation develops.

The safeguarding agenda in Wales has been governed, since 2000, by ‘In Safe Hands’. This is guidance published by the Welsh Government.

Prevention of disability harassment involves fundamental human rights principles such as autonomy and dignity. A review of ‘In Safe Hands’ in 2010² recommended a more rights-based approach to safeguarding in Wales. This would replace the perception of ‘vulnerable people’ with an alternative perspective of considering ‘people in vulnerable situations’. This puts people’s right to autonomy at the heart of safeguarding decision-making.

In March 2011, the Deputy Minister for Children and Social Services in Wales announced the publication of ‘Sustainable Social Services in Wales: A Framework for Action’ which set out the Welsh Government’s intention to establish a National Safeguarding Board for adults and children.

The First Minister has announced there will be a Social Services Bill which is expected to include safeguarding. This is an important opportunity to introduce an effective safeguarding system which also protects the human rights of disabled people.

² Welsh Institute for Health and Social Care, University of Glamorgan, 2010, Review of In Safe Hands: A Review of the Welsh Government’s Guidance on the Protection of Vulnerable Adults in Wales
<http://www.nmc-uk.org/Documents/Safeguarding/Wales/Review%20of%20In%20Safe%20Hands.pdf>

4. We want to see increased reporting and call on public authorities to put in place measures to ensure a positive reporting experience and effective support

Our inquiry shows there is significant under-reporting of harassment. Some people told us they didn't report because they were embarrassed or ashamed. Others lacked confidence or felt it would be too stressful. Some people didn't think it was worth the effort as it was unlikely to be taken seriously or achieve a positive result.

Some people told us they didn't think about the abuse they experience as crime. They see it as something that has to be put up with in life. So an important first step in increasing reporting rates is to raise awareness amongst disabled people about the right to live in safety and security.

Many public authorities and voluntary sector organisations in Wales have identified the human and financial benefits of early intervention. They have begun to focus resources and build local and Wales-wide partnerships with the aim of raising awareness and encouraging reporting.

There is an opportunity here in Wales to learn from each other, to understand what is working well from the initiatives already underway. For example the work of the Disability Hate Crime Group Cymru and the success of the 'Talk about it' project that has established 31 reporting centres in the Gwent area.

A key step towards increasing reporting rates is to ensure people have a positive experience when they attempt to report an incident.

People told us that positive experiences in reporting were where:

- It was clear who to report to
- The process was accessible to the complainant
- They were met with a sympathetic and understanding reception
- The authorities responded swiftly, where it was called for
- Staff concerned were disability aware and sensitive to the needs of the person reporting harassment
- They were given the opportunity to describe the incident in full
- Something happened in response to the report, that satisfied them to some degree
- They were kept informed of what was being done
- A resolution was sought that reduced the risk of reprisals or escalation of the problem
- Where intermediary support was offered.

Next steps

To achieve a Wales where disabled people can live in safety we set out a number of recommendations and actions to drive change.

Most of these require public authorities to work much more closely together, developing a co-operative approach to deliver results. We will explore this with the relevant organisations. Our Autumn conferences will initiate this process.

The conferences will help us begin to test out whether these recommendations are the right steps, how they might be delivered and whether there are any other measures that could be effective.

During the next six months we will work with partner organisations to develop action plans and to promote effective approaches for eliminating disability harassment.

We will monitor and evaluate the outcomes of our work with partner organisations to see what difference this inquiry has made to the safety and security of disabled people in Wales.

About the inquiry

Our powers as a Commission

The Equality and Human Rights Commission was created in 2007. We have a statutory remit to promote and monitor human rights and to protect, enforce and promote equality.

Under section 3 of the Equality Act 2006, the Commission is required to encourage and support the development of a society in which:

- People's ability to achieve their potential is not limited by prejudice or discrimination
- There is respect for, and protection of, each individual's human rights
- There is respect for the dignity and worth of each individual
- Each individual has an equal opportunity to participate in society
- There is mutual respect between groups based on understanding and valuing of diversity, and on shared respect for equality and human rights.

Under section 16 of the Equality Act 2006, the Commission may conduct inquiries into issues or sectors where there are concerns relating to human rights and/or equality. Through our inquiry powers, the Commission can require organisations to provide evidence, both in writing and in person. We then publish authoritative, evidence-based reports and make recommendations for action.

The definition of disability related harassment

For the purposes of this inquiry, the Commission defined disability-related harassment as unwanted, exploitative or abusive conduct against disabled people which has the purpose or effect of either:

- Violating the dignity, safety, security or autonomy of the person experiencing it, or
- Creating an intimidating, hostile, degrading or offensive environment.

Terms of reference and the remit of this inquiry

The scope of the inquiry covers England, Scotland and Wales.

The Commission is required to set terms of reference for its formal inquiries which investigate:

- The causes of disability related harassment
- The actions of public authorities and public transport operators to prevent and eliminate it
- Disability-related harassment carried out by individuals or groups of people, including strangers, neighbours, acquaintances, friends, family, relatives and partners
- Harassment in public places such as streets, parks, schools and leisure facilities and/or in private such as the home.

It does not cover harassment in the workplace, which is covered by a separate legislative framework.

What we did in Wales

In Wales we gathered evidence through our confidential online web page, by post, email and in person. This included giving evidence by phone, text phone and type talk, by email, by letter and in person (one-to-one) from individuals, public authorities, disabled people's organisations, the 3rd sector and others. We held roundtable events attended by individuals and 24 representatives from public authorities, disabled people's organisations and the voluntary sector.

Hearing Panels in Wales took evidence from 28 organisations including the Welsh Government and representatives from health, local authorities, transport, education, housing sectors, police and inspectorates.

Who we are and what we do

The Equality and Human Rights Commission aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

Contact us

More detailed recommendations can be found in the full inquiry report in respect of key sectors including:

- Education
- Criminal justice
- Local and central government
- Health
- Housing
- Social care
- Transport
- Partnerships
- Regulators and inspectorates

The full report can be found at:

www.equalityhumanrights.com/dhfi

You can find out more or get in touch with us via our website:

www.equalityhumanrights.com/wales

Or by contacting our Helpline:

Telephone: 0845 604 8810

Textphone: 0845 604 8820

Fax: 0845 604 8830

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