

Communities, Equality and Local Government Committee

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Equality and Human Rights Commission Inquiry into disability-related harassment

Hidden in plain sight: Wales summary

September 2011

The Equality and Human Rights Commission welcomes the Communities, Equality and Local Government Committee inquiry into disability-related harassment in Wales.

The Commission published the findings of its own two year GB-wide inquiry earlier this month. We are pleased to have the opportunity to share the findings and recommendations of the Wales summary with the Committee.

We set out to investigate disability harassment and the response of public authorities to it. On the basis of the evidence we gathered we identified four key recommendations for Wales. These are set out later in this briefing. We will be working with partners to ensure the recommendations are built into the priorities of public authorities, transport operators, voluntary sector and disabled people's organisations in the months ahead.

The Committee can play an important part in assisting progress on the Commission's inquiry recommendations and in moving us towards safety and security for disabled people in Wales by:

Leadership

Taking a leadership role in prioritising this issue and identifying the best levers to drive change.

Scrutiny

Scrutinising the Government and Ministers to find out how they propose to implement the Commission's Wales recommendations and reviewing progress going forward.

Policy and legislation

Engaging with the forthcoming Government Social Services Bill to ensure the safeguarding approach underpinning the Bill is founded on human rights principles.

Our findings

The Commission's inquiry, which was GB-wide, shows that disability harassment is a daily experience for many disabled people. 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.

Overall, public authorities and public transport operators in Wales are not doing enough to protect disabled people and their families from harassment. Not enough is being done 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.

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 there are unique opportunities to make progress in tackling disability harassment 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.

The full inquiry report includes seven GB-wide recommendations and specific sectoral recommendations, covering local government and the police, for example.

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

Our 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.

Demonstrating leadership and a determination to drive change is an essential element in building powerful partnerships and changing public attitudes.

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.

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.

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

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.

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.

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.

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.

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.