

National Assembly for Wales
Communities, Equality and
Local Government Committee

Disability related harassment in Wales

December 2011



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Communities, Equality and Local Government Committee

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing: Wales's culture; languages; communities and heritage, including sport and the arts; local government in Wales, including all housing matters; and equality of opportunity for all.

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Janet Finch-Saunders

Mike Hedges

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The Committee's Recommendations

Recommendation 1. The Welsh Government should bring forward a disability-related harassment framework, drawing together all existing work in Wales and setting a strategic direction. This should be developed with the Disability Hate Crime Action Group as a steering group. (Page 16)

Recommendation 2. This plan should establish accountability across Ministerial portfolios and encourage partnership working between government departments, local authorities, health boards, voluntary organisations and other relevant agencies such as the police. (Page 16)

Recommendation 3. The framework should cover the provision of training to front-line staff in public authorities. (Page 16)

Recommendation 4. The Welsh Government should pilot the use of MARACs in relation to disability-related harassment, using the model of domestic abuse as good practice. (Page 16)

Recommendation 5. The Welsh Government should monitor how many public authorities have established disability-related harassment as an equality objective under the specific equality duties. These objectives should be evaluated on their outcomes and good practice should be shared. (Page 19)

Recommendation 6. The Minister for Equality should discuss how human rights will be built into the forthcoming Social Services Bill with the Deputy Minister for Social Services, and provide a note to the Committee on the outcome of this meeting (Page 21)

Recommendation 7. The Welsh Government's framework should standardise and co-ordinate third-party reporting centres to ensure consistency of provision and coverage across Wales. (Page 29)

Recommendation 8. The framework should encourage the use of existing resources to raise awareness of disability-related harassment among disabled people. (Page 29)

Recommendation 9. The Welsh Government should issue guidance to local authorities and relevant agencies on data sharing, specifically how authorities can work to recognise patterns of low level harassment before they become a hate crime. (Page 29)

Recommendation 10. The Welsh Government should include a long term aim in the replacement Single Equality Scheme from 2012 to change cultural attitudes towards disabled people in Wales. (Page 34)

Introduction

1. The Equality and Human Rights Commission (EHRC) published its report on disability-related harassment in September 2011, and we decided to conduct a short inquiry looking at how the Welsh Government could contribute to taking their recommendations forward.

Background - Equality and Human Rights Commission Report, “Hidden In Plain Sight”¹

2. The EHRC published its report, “Hidden In Plain Sight”, in September 2011. While the scope of the inquiry covered England, Scotland and Wales, the EHRC conducted thorough research in Wales and published a Wales summary which addressed specific Welsh concerns.

3. The EHRC report was informed by evidence gathered throughout Wales, through its confidential web page, by post, email and in person. Evidence was received from individuals, public authorities, disabled people’s organisations, the voluntary sector and others. The EHRC held roundtable events attended by individuals and representatives from public authorities, disabled people’s organisations and the voluntary sector.

4. Based on the evidence they gathered, the EHRC made recommendations for Wales in four key areas. They were:

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

Terms of reference of the Committee’s Inquiry

5. The Committee looked at the findings of the EHRC’s report and also explored:

- how public authorities in Wales can improve their approaches to tackling disability-related harassment, particularly those in housing, education, health and transport;
- the effectiveness of multi-agency approaches, including information-sharing and good practice guidance; and

¹ <http://www.equalityhumanrights.com/wales/projects/hidden-in-plain-sight/>

- the potential for public authorities to include actions to reduce disability-related harassment in their equality strategies, as required by the new specific equality duties in Wales.

Definition of ‘disability-related harassment’

6. For the purposes of this inquiry, the Committee used the definition of disability-related harassment as used by the EHRC in its report, which includes any unwanted, exploitative or abusive conduct against disabled people, whether it is a criminal incident or not. This definition also includes harassment of the friends and family of disabled people, and of people perceived to be disabled.

Methods

7. The Committee held oral evidence sessions on 21 September and 29 September, 2011. During those sessions, the Committee heard evidence from:

- The Equality and Human Rights Commission;
- Mencap Cymru;
- All Wales Hate Crime Research Project;
- Disability Wales;
- Learning Disability Wales;
- Safer Wales; and
- Welsh Local Government Association.

8. As the inquiry was centred on the conclusions of the EHRC inquiry, the Committee did not call for written evidence, as we felt that this would duplicate the thorough work already undertaken by the EHRC.

9. Agendas, papers and transcripts for both meetings are available in full on the Committee’s pages on the National Assembly for Wales’ website, which can be accessed [here](http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=1519&Opt=0).²

² <http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=1519&Opt=0>

1. Leadership and partnership

Introduction

10. A key theme in the EHRC report relating to Wales was that the most effective means of eliminating disability-related harassment is through partnership working involving public authorities, the voluntary sector, disabled people's organisations and individuals. This includes sharing good practice and information.

11. In its report, the EHRC made the following recommendation in this area:

"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".

Leadership

12. In oral evidence to the Committee, the EHRC emphasised the importance of demonstrating leadership and a determination to drive change in addressing this issue. They felt that the issue should be considered at a strategic level and should be integrated into policy development:

"The Government has a responsibility to look at how it [disability-related harassment] can be built into its programmes and initiatives. For example, the efficiency and innovation board has a work stream on promoting new models of service delivery that can shift interventions from cure to prevention, which is exactly the territory that we are in with this disability harassment inquiry. So, we would be looking to Government to identify the mechanisms by which it can address disability harassment. As far as public authorities in Wales are concerned, leadership and advice should be a priority for them as well."³

13. The EHRC identified that different agencies and organisations should each be taking leadership roles:

"[...] there has been insufficient determination at the highest levels to identify and resolve this problem, and it has not been a priority. The concept of leadership meshes very well with the way that things are done in Wales—the emphasis on partnership working, with different

³ Oral Evidence, 21.9.2011

authorities such as the police, health, education and so on working together. We see that especially in the multi-agency risk assessment conferences. As a committee, you are leaders in your own right, and can take this issue up, trying to ensure that it is prioritised. Also, as scrutinisers, you have the opportunity to hold the Government and public bodies to account.”⁴

14. In oral evidence to the Committee, Mr Williams, of Safer Wales, said that:

“[...] the Welsh Government needs to take the lead and to require local authorities to [...] run awareness sessions and to run media campaigns and so on, to get this out into the public domain so that more people are aware of it.”⁵

15. The EHRC pointed to schools, social housing and transport, as particular policy areas in which the Welsh Government could take a lead:

“[...] we are interested in a dialogue with the Government with regard to the guidance that is issued to a range of key agencies. In terms of changing attitudes, for example, schools are absolutely critical. Schools, for example, could discourage bullying, integrate disabled pupils more effectively, and tackle the bullying by school pupils on public transport and outside the school gates. In terms of social housing, the design of social housing can be critical and the sharing of data between social housing and other agencies is absolutely essential if incidents are to be nipped in the bud and prevented from escalating. Escalation is a real danger if social housing providers do not talk to social services or the police, for example. In terms of transport, we are interested particularly in the guidance that the Welsh Government issues around transport, because it is possible to build into the contracts for public transport that staff, for example, should be trained in intervention if there are incidents on the buses.”⁶

16. Witnesses felt that the Welsh Government could take a leadership role in bringing together the relevant agencies and driving forward improvements in partnership working. Ms Davies, of Disability Wales, said:

“[...] this is where the Welsh Government should step in to try to draw this together and look at how there could be a more uniform

⁴ Oral Evidence, 21.9.2011

⁵ Oral Evidence, 29.9.2011

⁶ Oral Evidence, 21.9.2011

approach so that, wherever you live in Wales, you would know where to report, how to report and what was going to happen. It would mean that you would get support and that agencies would work together to tackle this and that there would be some form of redress. We are still some way from getting to that point.”⁷

17. It was acknowledged that it was not just the Welsh Government that could take a leadership role on a strategic level, but that local authorities should also take on that role. Ms Alleyne, of the WLGA said that it was important that local authorities and the Welsh Government work in partnership in order to address the issue effectively, and said:

“[...] local authorities have a community leadership role and a lead responsibility in establishing a number of fora and partnerships where disability-related hate crime could and should be addressed. The examples that we highlighted in our evidence are the community safety partnership, the community cohesion strategies and the disability equality schemes that will be in place until next April, when authorities will be required to develop their strategic equality plans. Not only do local authorities have a leadership role around the strategies and partnerships that are in place, but there is also a key role to play in the services that they provide or commission. These, in turn, have a key role to play in challenging disability-related harassment, supporting the victims and dealing with the perpetrators. There is an opportunity for local authorities to undertake that leadership role.”⁸

Working in partnership

18. In its report, the EHRC emphasised that the most effective way of eliminating disability-related harassment is through partnership working involving public authorities, the voluntary sector, disabled people’s organisations and individuals.

19. The EHRC told us that initiatives to work in partnership were still in their infancy, but that good work was already being done:

“[...] there is a will to build partnerships that can make a difference in Wales. One example of that is the partnership between Torfaen People First and Gwent Police. Torfaen People First has trained police

⁷ Oral Evidence, 29.9.2011

⁸ *ibid*

officers in recognising disability harassment and set up 31 reporting centres across Gwent in places where people with learning disabilities would normally go during the day. That has resulted in an increase in reporting. So, there are initiatives there that are in their infancy. The Wales Audit Office gave evidence to us and talked about its good practice exchange and the possibility of deploying that around this issue. We are keen to pick that up and pursue it.”⁹

20. Jim Crowe, of Learning Disability Wales, suggested that the lack of a consistent cross-agency understanding of what constitutes harassment meant that there was often a lack of joined-up working:

“Even though some individuals may have several agencies working with them, such as housing and social services, and they may have reported issues to the police, there is a lack of a joined-up approach and data sharing. Given that there is not a shared understanding of what disability-related harassment is, it is not recognised and there are no procedures in place for officers to follow when an incident is reported.”¹⁰

21. A number of witnesses told the Committee of examples of good partnership working being developed with police forces in Wales. The EHRC said:

“There is also a disability hate crime action group in Wales, which is a partnership between the four police forces and disabled people’s organisations. It has been developing an action plan on increased reporting and raising awareness. The initiatives are there and the good practice is developing, but we are still at early days.”¹¹

22. Ms French, of Disability Wales, also referred to the disability hate crime action group as an example of good partnership working in the voluntary sector:

“[...] it is particularly important to highlight the benefits of particular expertise on disability issues in supporting disabled people to report incidences of harassment and to progress cases in Wales. One example is where Disability Wales, Safer Wales, Learning Disability Wales and others came together to create the Disability Hate Crime Action Group Cymru, which is a network of organisations. We meet

⁹ Oral Evidence, 21.9.2011

¹⁰ Oral Evidence, 29.9.2011

¹¹ Oral Evidence, 21.9.2011

quarterly and we take it in turns to host the meetings. It is a way we can exchange information on how we are helping the reporting agenda and provide information to our membership to support disabled people in Wales to raise issues at the time.”¹²

23. Mr. Crocker, of Mencap Cymru also told the Committee that partnership working arrangements were improving:

“What is encouraging is that there are now lots of opportunities for the police and the voluntary sector to work collaboratively. We have a project in Carmarthenshire that we are submitting to the Big Lottery for funding, working with Dyfed-Powys Police. It is for developing the role of a hate crime officer with a learning disability in Carmarthenshire, who would go into day centres to talk to people. As I mentioned in my report, I have met a number of senior officers now, and they seem very committed to tackling hate crime. It is just a case of ensuring that we can support them in their communities by developing projects they can get involved in.”¹³

24. Jim Crowe, of Learning Disability Wales, outlined the benefits of joint working and told the Committee:

“The four police forces are working more collaboratively and there are certain areas in which consistency of approach would certainly be beneficial for disabled people. Knowing that concerns would be addressed in the same way in each police force would be helpful. Organisations such as Disability Wales, the commission and ourselves could then issue helpful easy-to-read information to disabled people to give them advice about how things will work wherever they are in Wales.”¹⁴

Multi-Agency Risk Assessment Conferences

25. The EHRC report referred to the use of Multi Agency Risk Assessment Conferences (MARACs), which were currently being used in Wales for cases of domestic abuse. It was explained that, at a MARAC, local agencies meet to discuss high-risk victims of domestic abuse living within the local area. The objective of these conferences is to reduce the risk of serious harm or homicide of a victim and increase the health, safety and wellbeing of those at risk.

¹² Oral Evidence, 29.9.2011

¹³ Oral Evidence, 21.9.2011

¹⁴ Oral Evidence, 29.9.2011

26. The EHRC said:

“We have searched for a partnership approach that can make a practical, real difference on the ground. We have looked at what we have learnt from these multi-agency risk assessment conferences that have been deployed on domestic abuse. The evidence shows that they have been effective in tackling domestic abuse. There seems to be a practical on-the-ground way for us to make a difference in dealing with disability harassment. We are looking for local authorities to pick that up and say that they will pilot it and see what happens. In terms of on-the-ground partnerships, it would be a big step forward if local authorities took a lead in initiating those multi-agency risk assessment conference mechanisms for addressing disability harassment.”¹⁵

27. A number of witnesses echoed the view that MARACs could be an effective way of encouraging partnership working and that they should be used as a pilot approach for disability-related harassment. Safer Wales noted in their written evidence the parallels between domestic abuse and hate crime, and suggested that developing an all-Wales strategic group to embed MARACs processes for high risk cases would be effective.

Schools

28. In its report, the EHRC outlined how schools can play a central role in preventing harassment. They pointed to the Welsh Government’s guidance for schools on bullying, which included bullying of disabled pupils, as an example.

“In terms of schools, it is always valuable to bring people from different backgrounds together, whether it is through partnerships in schools, or however it is done. There is always a challenge with schools thinking that everything is landed on them, so although it is important and valuable for schools to do that, the voluntary sector and all of us, as citizens more widely, have a responsibility to do what we can to bring people together from different backgrounds.”¹⁶

29. Safer Wales noted that they had delivered hate crime awareness sessions in schools. The purpose of these sessions was to raise awareness and discuss the barriers to reporting hate crime. Safer Wales had delivered

¹⁵ Oral Evidence, 21.9.2011

¹⁶ *ibid*

the session 37 times to a total of 596 people. Their evaluation of the effectiveness of the sessions stated that:

- 87 per cent of pupils felt that their understanding of what hate crime was had improved;
- 80 per cent felt their understanding of the barriers to reporting hate crime had improved by attending the sessions; and
- 82 per cent found the session overall to be useful.

Committee's view

30. We endorse the EHRC's recommendation relating to leadership and partnership working. It is clear that strong leadership is required from the Welsh Government, but acknowledge the EHRC's view that this has not been a high priority in the past.

31. We acknowledge that the Welsh Government has previously tackled hate crime under the Community Cohesion Strategy, which comes to an end in 2012. This strategy did not have any specific actions or aims on hate crime, and we feel that the issue of disability-related harassment needs to be prioritised. We also note that the Welsh Government's Single Equality Scheme comes to an end in 2012. We see this as an opportunity for the Welsh Government to commit to tackling this issue.

32. We recognise that others have a leadership role including this Committee, and we therefore commit to keep under review progress in addressing disability-related harassment.

33. In terms of partnership working, the evidence we heard suggested that good work was being done but this was still in its infancy and there is still more to do. We agree that the piloting of MARACs for disability-related harassment could be an effective way of ensuring better partnership working.

34. We feel that effective data sharing between agencies is vital to ensure early intervention and would encourage the Welsh Government and the WLGA to take a more proactive role in ensuring that data sharing protocols are in place; are being used; and are having a positive effect.

35. We note that awareness raising in schools can contribute significantly to early intervention. We also acknowledge the publication of the Welsh Government's new anti-bullying guidance for schools.¹⁷

Recommendations

Recommendation 1: The Welsh Government should bring forward a disability-related harassment framework, drawing together all existing work in Wales and setting a strategic direction. This should be developed with the Disability Hate Crime Action Group as a steering group.

Recommendation 2: This plan should establish accountability across Ministerial portfolios and encourage partnership working between government departments, local authorities, health boards, voluntary organisations and other relevant agencies such as the police.

Recommendation 3: The framework should cover the provision of training to front-line staff in public authorities.

Recommendation 4: The Welsh Government should pilot the use of MARACs in relation to disability-related harassment, using the model of domestic abuse as good practice.

¹⁷ Welsh Government, [Respecting others: anti-bullying guidance 2011](#) [accessed 11/11/11]

2. Equality duties

Introduction

36. The second of the four recommendations in the EHRC's report relates to public sector equality duties, and states that, in order to drive forward change on this issue, public authorities should use those equality duties, and in particular the specific duties for Wales, to address disability-related harassment.

37. The general public sector equality duty requires authorities across the Britain to eliminate discrimination, advance equality of opportunity and foster good relations. The specific public sector equality duties for Wales set out the steps that listed public authorities in Wales must take in order to demonstrate that they are paying due regard to the general duty.

38. The specific duties in Wales require public authorities to produce equality objectives, produce equality plans and collect equality information (among others).

39. The EHRC report states that disabled people should be consulted in the development of equality objectives, gathering data and developing action plans. Discussions held during the EHRC's inquiry identified the need to change cultural attitudes towards disabled people as a top priority in preventing harassment. The specific equality duties were seen as an opportunity for engaging public authorities in developing awareness-raising campaigns.

Equality duties

40. In oral evidence, the EHRC said:

"[...] the Equality Act 2010 introduced a positive duty on public authorities to take action, and the specific duties have been written by the Welsh Government as far as the devolved public sector is concerned. Those are in the process of being introduced now, and will fully kick in next April. It is a good opportunity to focus on the deepest inequalities, and this is one of them. The report that we published earlier in the year, 'How Fair is Wales?', identified seven major equality and discrimination problems in Wales, and hate crime is one of those. Disabled people will tell you that the top issue is low levels of knowledge, so the equality duties can be used to help raise awareness to eliminate crime. It can also be used to focus attention

on training front-line staff, because it is not only members of the public who lack the knowledge about this issue and what to do, but front-line public servants as well. We will be monitoring the impact of the equality duty, but there could be an opportunity for you as a committee to scrutinise the effectiveness of the equality duty, and the specific duties in tackling hate crime. That could be done by scrutinising not only Ministers but also the WLGA.”¹⁸

41. The EHRC told the Committee about the importance of consulting with disabled people on the specific equality duties:

“The requirement to involve disabled people in solutions is a very clear reason why the specific equality duty is important here, because there is an absolute requirement that, in setting their objectives, public authorities involve disabled people. They are going to be required to set at least one objective for each strand of equality, meaning that there will be very strong arguments that eliminating and tackling disability harassment should be considered by public authorities as something that should be set under the disability duty. It is not just a case of having a chat but of actual involvement in setting the objective and working out how it is to be delivered. It is hoped that that will be one of the major benefits of that new duty.”¹⁹

42. Ms Alleyne, of the WLGA, said that:

“One thing that we can contribute is that, with the new equality legislation and the new strategic equality plans, the fact that there is a need to focus on hate crime and harassment is something that has been picked up by the majority of authorities. These plans are strategic with a whole authority. Ways of taking those forward will be discussed within the whole authority, bringing the different departments together, asking how they can contribute to the fulfilment of the objectives. In relation to an objective on tackling hate crime, in most local authorities, we would certainly be talking about all the local authority departments having the discussion on that objective. Also, in north Wales, you have the wider partnership with a shared objective. In south-west Wales, they are discussing the possibilities of shared objectives—whether that will be Swansea, Neath Port Talbot and South Wales Police and whether it will be expanded to include Dyfed-Powys Police and Carmarthen. It is all at

¹⁸ Oral evidence, 21.9.2011

¹⁹ *ibid*

an early stage. It provides a forum in which people are going to begin to discuss these things. In a way, the finger is going to be pointed at people and they will be asked, 'How can you contribute to this agenda?' So, that should help the flow of information."²⁰

Committee's view

43. We recognise that the introduction of the specific equality duties is an opportunity to give disability-related harassment a higher priority across many different public authorities. They will also provide opportunities for greater partnership working.

44. We will keep under review the impact of the equality duties, when they are implemented, to ensure they are effective.

Recommendation

Recommendation 5: The Welsh Government should monitor how many public authorities have established disability-related harassment as an equality objective under the specific equality duties. These objectives should be evaluated on their outcomes and good practice should be shared.

²⁰ Oral Evidence, 29.9.2011

3. Rights-based safeguarding

Introduction

45. In its report, the EHRC recommended that a human rights based approach to safeguarding should be introduced by the Welsh Government. The EHRC explained that local authorities have particular responsibilities for leading both adult and child protection, and 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.

46. In February 2011, the Welsh Government published *Sustainable Social Services for Wales – A Framework for Action*,²¹ which sets out its plans to renew social services and social care for the next decade. This paper proposed to establish an independently chaired National Safeguarding Board for Adults and Children to provide national leadership across all stakeholders, to develop and promote high quality standards, and be a focus for learning from experience. Further information about the Board was released by the Deputy Minister in October 2011.²² An Adult Protection Advisory Group and a Welsh Children’s Safeguarding Forum has already been established to review current arrangements.

Social Services Bill

47. The EHRC report states the forthcoming Social Services Bill is an important opportunity to introduce an effective safeguarding system which also protects the human rights of disabled people. The EHRC told the Committee:

“It is envisaged that the Bill will include provision for a safeguarding board, which we would welcome. If a safeguarding board is established, there is a specific opportunity to build human rights principles into the way that safeguarding is introduced, which in itself could be a valuable tool for protecting people from harassment.”²³

48. In written evidence, Disability Wales said that they:

²¹ Welsh Government, [Sustainable Social Services for Wales – A Framework for Action](#), February 2011 [accessed 15 September 2011]

²² Welsh Government, Gwenda Thomas (Deputy Minister for Social Services), Written statement, [Safeguarding and Protection of People at Risk](#), 18 October 2011 [accessed 14 November 2011]

²³ Oral evidence, 21.09.2011

“[...] recognise the logic of linking measures concerning Disability Related Harassment to Welsh Government proposals regarding safeguarding as highlighted in Sustainable Social Services: a Framework for Action.”²⁴

49. However, Disability Wales is concerned that in taking a safeguarding approach the Welsh Government does not perpetuate notions that disabled people are inherently vulnerable and in need of protection.

50. They went on to explain their fears that this could result in measures that limit independence while leaving hostile attitudes unchallenged and criminal behaviour unprosecuted. However, in written evidence, Learning Disability Wales said that they supported the evidence found by the EHRC inquiry that the focus on help and protection within the safeguarding system can be at the expense of justice and redress.

Committee's view

51. We acknowledge the views of both the EHRC and Disability Wales in relation to safeguarding. We think that the development of the Social Services Bill should include discussions about how human rights can be included into safeguarding measures without restricting disabled people's independence. This should be done in consultation with disabled people.

Recommendation

Recommendation 6: The Minister for Equality should discuss how human rights will be built into the forthcoming Social Services Bill with the Deputy Minister for Social Services, and provide a note to the Committee on the outcome of this meeting

²⁴ Disability Wales, Written Evidence.

4. Increased reporting

Introduction

52. The EHRC inquiry found that there is significant under-reporting of disability-related harassment, either because of embarrassment, shame, lack of confidence, stress or because people thought it wouldn't be worth the effort.

53. The EHRC report called on public authorities to put in place measures to ensure a positive reporting experience and effective support. The report states that an important first step in increasing reporting rates is to ensure people have a positive experience when they attempt to report an incident.

Reasons for under-reporting

54. The EHRC told the Committee that the issue of under reporting was critical. They explained:

“The reasons why people do not report are because sometimes they are embarrassed, ashamed or lack confidence that something would be done about it. They may feel that they may not be taken seriously or will be fobbed off. However, in the report there is checklist for a positive reporting experience, based on the evidence that people gave to us. That includes such things as clarity about who to report to and having a sympathetic and understanding reception. Critical to the experience being a positive one was that authorities responded swiftly and sought a resolution that reduced the risk of reprisals or escalation of the problem. That has got to be built into the response to reporting.”²⁵

55. Ms Davies, of Disability Wales, said that:

“One thing that has emerged is that people are just not believed when they report issues. The view is: who would be abusive to or attack a disabled person? Given people's particular conditions, if they have a mental health issue, for example, or if they do not express themselves clearly, they are often seen as 'having imagined it' or it is 'not as bad as that'. The individuals are encouraged to change their routines or behaviour rather than trying to find the perpetrators and

²⁵ Oral Evidence, 21.9.2011

deal with them. So, people get rehoused, people get told not to go on a certain bus route or whatever; it is not taken seriously enough.”²⁶

56. Dr Mair Rigby, of the All-Wales Hate Crime Research Project, said that their work reinforced the EHRC’s conclusions on this issue, and said that disabled people experienced multiple barriers to reporting hate crime and harassment:

“[...] Stakeholders have informed us that communication barriers can include the use of legal language and jargon and limited methods of communication being offered; physical barriers can include inaccessible police stations and court buildings. One thing that has been mentioned to us repeatedly and which is quite interesting is that there is a lack of confidentiality in police station foyers and in reporting areas in general. That could include those in housing associations and local authorities. That has been mentioned to us repeatedly as a social barrier to reporting. People have said that they do not want to go somewhere and talk about very personal information when there are lots of people hanging around.”²⁷

57. The EHRC went on to explain that disabled people may also have concerns about their relationship with authorities:

“We have found in other research that we have done that people are often hesitant to report incidents when they fear reprisals not only from their family perhaps, but from authorities. We found that asylum seekers did not want to report incidents because they thought that it would count against their bid for asylum. So, sometimes there are unfounded fears, which is why changing the public’s attitude to this is important so that it is much less likely that people are fobbed off by social services or the housing provider.”²⁸

58. Dr Mair Rigby of the All-Wales Hate Crime Research Project, explained that disabled people also had fears of the consequences of reporting:

“It has been said to us that people will not report if they think that doing so will make them less safe, which in turn is linked to the fear of experiencing what is called ‘secondary victimisation’ from service providers when they try to report. If you have had this experience and

²⁶ Oral Evidence, 29.9.2011

²⁷ Oral evidence, 21.9.2011

²⁸ *ibid*

you then get a negative, dismissive and even intimidating response, you are doubly traumatised by the experience.”²⁹

59. This was echoed by Mr Crowe, of Learning Disability Wales, who emphasised “the extent to which people with learning disabilities or other disabilities are sometimes reluctant to pursue redress. The dilemma for them is whether they potentially aggravate the problem with their neighbour or the person down the street, or whether they tolerate it and try to live with it.”³⁰

Early intervention

60. The EHRC said that encouraging reporting of harassment was vital, as this early intervention could prevent incidents becoming even more serious:

“[...] what we are trying to do—and this is the reason why we have called this the disability harassment inquiry rather than the disability hate crime inquiry—is encourage the reporting of incidents before they become a crime, necessarily. That is part of the approach of early intervention and trying to prevent crime. All four police forces came together to give evidence, and they all appear to be taking a very similar approach. They are very keen to know about these incidents, to log them and to share data, as we have spoken about, at the earliest opportunity. That is the place we are starting from, rather than worrying too much about what is further down the line, because the reporting is so low that very few incidents get that far anyway. That is our priority at the moment.”³¹

61. Ms Bowen-Thomson, of Safer Wales, recognised the importance of early intervention and said:

“[...] It is crucial to train people to pick up early identifiers. It might be the use of a name and not brushing off the fact that someone is being called a name, because it may mean something much more and it may be that you are just seeing the tip of what is really going on in their lives.”³²

62. Ms Bowen-Thomson, of Safer Wales, also identified opportunities for early intervention:

²⁹ Oral Evidence, 21.9.2011

³⁰ Oral Evidence, 29.9.2011

³¹ Oral Evidence, 21.9.2011

³² Oral Evidence, 29.9.2011

“Going back to the earlier question about what the Welsh Government could do, one of the things is to heighten the awareness of housing providers, such as registered social landlords, so that we can pick up some of these issues at an earlier stage and provide support at that stage, rather than wait until it gets to the criminal justice system.”³³

63. Dr Rigby suggested that increasing approachability could also help in this area:

“[...]it was expressed to us as ‘send out the message that it is all right to ask’ so that people feel comfortable approaching criminal justice agencies and other relevant service providers to ask questions about hate crime and harassment without it being implied that they are wasting time or them receiving dismissive responses.”³⁴

Third-party reporting

64. A number of witnesses told the Committee about the important role third-party reporting arrangements could play in increasing levels of reporting. Mr Crocker, of Mencap Cymru, said that individuals seemed more comfortable reporting incidents of hate crime to independent third-party organisations. As a consequence, they said that they:

“[...] we would like to see better co-ordination and promotion of all the organisations providing third-party reporting in Wales to ensure that all parts of Wales have access to timely and appropriate third-party reporting and that those reports are captured properly to inform strategic planning around disability hate crime.”

65. Ms Bowen-Thomson, of Safer Wales, said:

“There is also an issue with regard to confidence. We know that, with third-party reporting systems, people who may not approach a statutory organisation or the police have an opportunity to report something safely. There are mechanisms in relation to feeding intelligence directly to the police [...] The system can capture it, even if the person does not want to disclose to the police who they are and what has happened. Often, the incidents can involve people who are known to them and it can take a few steps to report it fully. We have seen this with domestic violence and abuse, and with a variety of hate crimes, so this is an opportunity for us to get to the real picture and

³³ Oral Evidence, 29.9.2011

³⁴ Oral Evidence, 21.9.2011

to start targeting some of our work across Wales—not just us, but all of our partners.”³⁵

66. Mr Crocker, of Mencap Cymru, also said that:

“[...] within a year or two, once we make people aware of the different systems in use, we should have some good data on why people are reporting to us as opposed to the police, and, if they have reported things to other authorities how long they have had to wait until they felt they had not got the resolution they needed and have come to organisations such as Mencap.”³⁶

67. Dr Rigby suggested that it was important that disabled people have access to dedicated reporting mechanisms:

“[...]there is a lack of specialist and dedicated services to support disabled people when reporting hate crime and harassment. For example, there should be dedicated helplines rather than general ones—I know that Mencap is working on that with its line. There should also be more use of intermediaries to give support to people with learning disabilities, in particular.”

68. In response to a question on whether or not it would be possible for disabled individuals to use their elected representatives (e.g. Councillors, Assembly Members, Members of Parliament), in order to report cases of harassment, Ms Alleyne, of the WLGA, said that this was a reasonable suggestion. She went on to expand on the provision of training for councillors in developing an understanding of equality issues:

“Local authorities with newly elected members develop their own induction processes, but the WLGA provides a whole range of induction resources. There are courses on equality issues and community safety issues, either which would be relevant to pick up these types of issues. It is about understanding the experiences of residents within their area; not necessarily having all the answers, but knowing where to seek support and assistance on behalf of constituents. The Equality and Human Rights Commissions report states the need to work with disabled people to encourage the reporting of cases, but unless people feel confident and able to report, and know-how and who to report to—because not everyone

³⁵ Oral Evidence, 29.9.2011

³⁶ Oral Evidence, 21.9.2011

knows who their local councillor is—we cannot respond. So, we need to make this process as easy as possible so that people, when they have had that experience, know who to report it to.”³⁷

Recognising harassment

69. A number of witnesses told us that it was sometimes a problem for disabled people or their families to recognise that behaviour was inappropriate and to understand that this could be addressed. Mr Crocker, of Mencap Cymru, emphasised the importance of training disabled people and their families to recognise harassment:

“[...] the Welsh Government should require social services departments to invest in awareness training and information targeted at people with a learning disability and their families about learning disability hate crime.”

70. Ms Warner, of Learning Disability Wales, said that:

“With some of our previous work with people with learning disabilities, we undertook a project, with the help of the Welsh Government, that looked into whether people with learning disabilities actually understand what abuse is. We produced a DVD that really helped people, because people were suffering abuse, the safeguarding system was not helping, and nothing was being taken seriously. I would like to see some consistent approaches to helping people with learning disabilities and other disabilities to understand when they are being subjected to abuse.”³⁸

Data sharing

71. The EHRC emphasised the importance of data sharing, and told the Committee:

“Data sharing is important in this, and we have very good opportunities here in Wales for this. We find that, although an individual might have complained 20 times to a housing association or to social services, it can be the first that the police know of it. Therefore, in order to stop problems falling through the gaps, we need to increase data sharing. There are particular opportunities, given the way that police forces are working together, to move

³⁷ Oral Evidence, 29.9.2011

³⁸ *ibid*

forward on identifying hate crime. We have heard, time and again, in taking evidence—we have taken a lot of evidence from individuals and organisations across Wales—of the importance of early intervention, data sharing and collaborative approaches, whether that is through community safety partnerships or through local service boards.”³⁹

72. The EHRC said that “some agencies in Wales, particularly the police, are very keen to share data with other agencies”. However,

“[...] we lack a data-sharing protocol that would enable public authorities to share data. It is an absolutely critical issue in which the Welsh Government could take a leadership role.”⁴⁰

73. They added that the current arrangements for data sharing did not seem to be sufficient, and said that they:

“[...] would be looking towards a data-sharing protocol that enabled the police, for example, to share data with social services and housing providers, so that it was a protocol that went much wider than local government itself.”⁴¹

74. Ms Alleyne, of the WLGA said:

“There are issues related to the sharing of information and we will all be aware of some of the difficulties that can be caused by that. We are awaiting further guidance from the Welsh Government about overcoming some of the issues around not sharing information. It is critical, in terms of ensuring that organisations can work together and have the information that they require to provide support in a holistic and joined-up way.”⁴²

Committee’s view

75. We recognise the importance of increasing reporting, particularly as this can help with early intervention. We also acknowledge the importance of third-party reporting arrangements. We feel that more work needs to be undertaken to remove barriers to reporting.

³⁹ Oral Evidence, 21.9.2011

⁴⁰ *ibid*

⁴¹ *ibid*

⁴² Oral Evidence, 29.9.2011

76. We also recognise that work has been done to make disabled people and their families more aware of what constitutes harassment and in our view more work should be done to raise awareness of what constitutes harassment. We feel that this should contribute to an increase in reporting.

77. We note that Mencap Cymru, in their oral evidence, said that data would be available in the next year or two relating to why disabled people were using third-party reporting mechanisms, rather than reporting directly to the police. We hope that this information will feed in to further work around increasing reporting.

Recommendations

Recommendation 7: The Welsh Government's framework should standardise and co-ordinate third-party reporting centres to ensure consistency of provision and coverage across Wales.

Recommendation 8: The framework should encourage the use of existing resources to raise awareness of disability-related harassment among disabled people.

Recommendation 9: The Welsh Government should issue guidance to local authorities and relevant agencies on data sharing, specifically how authorities can work to recognise patterns of low level harassment before they become a hate crime.

5. Changing cultural attitudes towards disabled people

Awareness raising

78. The EHRC report noted that disability-related harassment did not seem to be perceived by the public as serious or widespread (hence the title of the report “Hidden in Plain Sight”). The report emphasised the need for a collaborative approach to changing attitudes in Wales. It was felt that the specific duties were an opportunity for engaging public authorities in developing awareness-raising campaigns.

79. The WLGA, in written evidence, stated that changing long term cultural attitudes towards disabled people was a key issue. They recommended training for staff, particularly front line staff in housing, education, health and transport to raise their awareness and sensitivity to disability related harassment and to ensure they were aware of the steps required to be taken when receiving reported information, including referral mechanisms.

80. The EHRC said that training of front line staff in public services was important, and that this was an effective way to raise awareness:

“Our overriding impression is that front-line staff in public service have not been trained in recognising disability harassment, and therefore do not know what to do, who to refer it on to, how to intervene or what to suggest to anyone.”⁴³

They went on: “[...] it is crucial that front-line staff are trained, so that they know what to do and are more confident. I was speaking to someone the other day who works in public service, and he said that there are posters up in his office saying that you should not tolerate hate crime, but as a front-line public servant he has never had any training at all on what to do if someone comes to him to report a hate crime.”⁴⁴

81. Throughout the Committee’s inquiry, witnesses told the Committee of the impact of the depiction of disabled people in the media on individuals and society. The EHRC said that they had done some initial work in this area:

“The work that the commission in Wales has done with the media so far is to try to look at increased coverage and a more positive

⁴³ Oral Evidence, 21.9.2011

⁴⁴ *ibid*

portrayal of some of the most disadvantaged groups, such as Gypsies and Travellers, asylum seekers and refugees. However, in this context, people with mental health conditions felt that they were receiving particularly poor media coverage. We have tried to bring the media together with voluntary sector organisations that represent people with a mental health condition to look at positive stories and to increase the media's database of people whom it calls to talk on other topics. Someone with a mental health condition should not just get called to talk about that particular issue, but also more mainstream issues, because if that person was a garage mechanic, he or she could be called to talk about cars, for example."⁴⁵

82. Mr Crocker, of Mencap Cymru, also spoke of the negative depiction of disabled people in the media:

"In 2003, Mencap Cymru was *Blue Peter's* charity of the year, and it was fund-raising to support young disabled children to be integrated into things such as the scouts, the girl guides and other mainstream activities. However, what was shocking—and the BBC itself was shocked by this—was the number of parents who phoned up to say that they did not want their sons and daughters in the same clubs as people 'like that'. It is incredible that this negative attitude towards disabled people is still endemic within society. It is crucial for us to start promoting the positive contributions that people with a learning disability are making in their communities, so that people do not go down the route of thinking that they can target people with learning difficulties. I am sure that you will receive evidence from other disability organisations about the way that the press malign disabled people in society as scroungers and people who are in receipt of benefit, which is dangerous and insidious."⁴⁶

83. Ms Davies, of Disability Wales, said:

"In the last year or so, there has been a lot of negative reporting of disabled people in the media, particularly people who claim benefits and people who are referred to as scroungers, layabouts and workshy. A recent survey by Scope of disabled people, particularly people with cerebral palsy, said that, in the last year, they feel more afraid because of the way that disabled people are now being characterised. Especially at a time when there are cutbacks in

⁴⁵ Oral evidence, 21.9.2011

⁴⁶ *ibid*

services, those people who might continue to receive a service could be seen as even more of a target, because they are getting things that others feel they are not getting. So, the news media has a clear role in providing a balanced view—not stereotyping people, and not characterising them one way or another.”⁴⁷

84. Ms French, of Disability Wales pointed to the positive impact that could be had by a positive depiction of disabled people in the media:

“I want to share an example of a soap, *Casualty*, that had a storyline a few months ago in relation to hate crime. A young gentleman with learning difficulties was targeted, and the story really got across the impact on him and his family. It helped to raise viewers’ understanding of that impact, but it also showed people with learning difficulties when they could be speaking up and telling their friends and family. I met with Pembrokeshire People First about a project that we are working on regarding women and domestic abuse, and I asked them when they had come across hate crime, or when they had heard about it, and someone said they had come across it through watching *Casualty*. So, at some point, something clicked for that person, and they thought, ‘This is unacceptable. I need to be talking to people about this’. I thought that that was a clear example of how the media can play a huge role.”⁴⁸

The need for research

85. Witnesses told the Committee that more research was needed to identify the causes of disability-related harassment, and to identify why perpetrators were motivated to harass. This could be used to help early intervention. The EHRC said that:

“Regarding the police, one of the things that we would like them to do is to look at the motivation and the profile of perpetrators. The evidence that we have gathered has shown that there is a data gap around the motivations of perpetrators. Is it because people are hostile to disability or is it because the perpetrators feel that there is a weakness or vulnerability about somebody and that is why they are harassing them? We do not really know enough about that whole sort of area around perpetrators. Until we know that, it is very difficult to develop effective interventions and to move us on to a more

⁴⁷ Oral Evidence, 29.9.2011

⁴⁸ *ibid*

preventive agenda, which is where we would all want to be. So, research and analysis of perpetrators is one area for the police to work with us on.”

86. On the issue of research around perpetrators, Dr Tregidga of the All-Wales Hate Crime Research Project said:

“Very little data exists on this. The data that are generated on perpetrators are focused on physical, demographic characteristics—the location, whether they have done it before and so on. There is a little work done in the US on the motivation. Research often shows that perpetrators are not able to articulate in any meaningful way why it was that they carried out this crime, but it is certainly something that needs to be considered, particularly when you look at the often close relationship between victimisation and perpetration.”⁴⁹

87. The EHRC also said that further work could also be undertaken to explore and understand the link between anti-social behaviour and disability-related harassment. They said:

“At the moment, police forces are not asking who the harassment is targeted at, what the protected characteristics are of those at the receiving end of anti-social behaviour or what the protected characteristics are of the people who are carrying out anti-social behaviour.”⁵⁰

Committee’s view

88. It is clear that changing cultural attitudes is central to addressing disability-related harassment. It is also clear that the media can play a vital role in making such changes and developing a wider understanding of disability issues. While there are some examples of disabled people being depicted positively in the media, we have been disappointed with the general attitude of the media, in particular around welfare reform issues.

89. We note that the EHRC has sought to engage with the media on this and would encourage them to continue to do so, in order to educate members of the media of the impact of their coverage of disabled people.

90. We note that there is a lack of research in relation to perpetrators of disability-related harassment and would encourage relevant agencies to

⁴⁹ Oral Evidence, 21.9.2011

⁵⁰ *ibid*

undertake or commission some research in this area, as we believe such research could point towards further work that could be done in terms of cultural changes, education etc.

Recommendation

Recommendation 10: The Welsh Government should include a long term aim in the replacement Single Equality Scheme from 2012 to change cultural attitudes towards disabled people in Wales.

Witnesses

The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=1519>

21 September 2011

Kate Bennett, Director	Equality and Human Rights Commission in Wales
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Sue Dye, Head of Communications and Public Relations	Equality and Human Rights Commission in Wales
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Wayne Crocker, Director	Mencap Cymru
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Claire Bowler, Co- chair	Mencap Cymru
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Dawn Gullis, External Affairs Officer	Mencap Cymru
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Dr Mair Rigby, Project Officer, Race Equality First	All Wales Hate Crime Research Project
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Dr Jasmin Tregidga, Research Associate, Cardiff University	All Wales Hate Crime Research Project
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29 September 2011

Rhian Davies, Chief Executive	Disability Wales
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Miranda French, Policy and Public Affairs Manager	Disability Wales
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Jim Crowe, Director	Learning Disability Wales
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Karen Warner, Information Services Manager	Learning Disability Wales
--	---------------------------

Mark Williams, Anti-
Hate Crime
Coordinator

Safer Wales

Bernie Bowen-
Thomson, Deputy
Chief Executive

Safer Wales

Naomi Alleyne,
Director Equalities
and Social Justice

Welsh Local Government Association

David Morgan,
Policy Officer
(Equalities)

Welsh Local Government Association