



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol** **The Communities, Equality and Local Government** **Committee**

**Dydd Mercher, 21 Medi 2011**  
**Wednesday, 21 September 2011**

### **Cynnwys** **Contents**

- 3 Cyflwyniad ac Ymddiheuriadau  
Introduction and Apologies
- 3 Aflonyddu ar sail Anabledd—Casglu Tystiolaeth  
Disability-related Harassment—Evidence Gathering

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee. In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Mike Hedges	Llafur Labour
Mark Isherwood	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
Ann Jones	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Gwyn R. Price	Llafur Labour
Kenneth Skates	Llafur Labour
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

**Eraill yn bresennol**  
**Others in attendance**

Kate Bennett	Cyfarwyddwr Cenedlaethol, Y Comisiwn Cydraddoldeb a Hawliau Dynol yng Nghymru National Director, Equality and Human Rights Commission in Wales
Claire Bowler	Cyd-gadeirydd, Mencap Cymru Co-chair, Mencap Cymru
Wayne Crocker	Cyfarwyddwr, Mencap Cymru Director, Mencap Cymru
Sue Dye	Head of Communications and Public Relations, Equality and Human Rights Commission in Wales
Dawn Gullis	Swyddog Materion Allanol, Mencap Cymru External Affairs Officer, Mencap Cymru
Dr Mair Rigby	Swyddog Prosiect, Race Equality First Project Officer, Race Equality First
Dr Jasmin Tregidga	Cydymaith Ymchwil, Prifysgol Caerdydd Research Associate, Cardiff University

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Sarah Bartlett	Dirprwy Glerc Deputy Clerk
Hannah Johnson	Y Gwasanaeth Ymchwil Research Service
Marc Wyn Jones	Clerc Clerk

*Dechreuodd y cyfarfod am 9.30 a.m.  
The meeting began at 9.30 a.m.*

### **Cyflwyniad ac Ymddiheuriadau Introduction and Apologies**

**Ann Jones:** Good morning, everyone, and welcome to the first meeting of the Communities, Equality and Local Government Committee this session. I will run through the usual housekeeping rules. Members will know that we conduct our meetings in Welsh and English. The headphones can be used to hear the simultaneous translation of Welsh into English on channel 1 and for amplification on channel 0. Please turn off your mobile phones, pagers and any other electronic devices as these affect the broadcasting. You will know that, as we are in public session, there is no need to touch the microphones. Finally, in the event of a fire alarm, we will follow directions from the ushers. We are not expecting a test. As I always say at this point, you can follow me as I will be one of the first out the door.

I have received an apology from William Graham. Janet Finch-Saunders will be joining us as a substitute. However, Janet will probably be joining us as a permanent member of the committee as William has other posts to fulfil. William was instrumental in the meetings setting up the committee, so I would like to put on record my thanks to him for the short time he was on this committee. We look forward to having Janet Finch-Saunders with us at future meetings.

Do Members have any interests they wish to declare? I see that no-one does. Good.

9.32 a.m.

### **Aflonyddu ar sail Anabledd—Casglu Tystiolaeth Disability-related Harassment—Evidence Gathering**

**Ann Jones:** I am delighted to welcome Kate Bennett and Sue Dye. Kate and Sue are no strangers to the Assembly. We thank you for your work and your involvement in things that help us in the Assembly. I understand that you do not have an opening statement, but that we are going to watch a DVD. Is that right, Kate?

**Ms Bennett:** Yes, that is right. We are extremely pleased to be here; we think it is a very valuable opportunity. We think that a good way to start would be by watching the DVD, 'Simon's Story'. It is only three minutes long, so there is no time to doze off.

**Ann Jones:** Okay, we will watch that. We have it showing on the three screens.

*Dangoswyd DVD.  
A DVD was shown.*

**Simon:** *When I started having to use a wheelchair I expected to be patronised, I expected maybe to be talked down to, but I never ever expected for a second that it would lead to hostility, to hatred, to abuse and even to assault. I have a condition called neurofibromatosis, which has meant that, progressively, my health has got worse over the years. Various tumours have grown in various parts of my body and, for the past eight years, I have been using a wheelchair. I have lost count, to be honest, of the number of times people have called me a cripple, called me a spastic. On a number of occasions I have been deliberately tipped out of my wheelchair.*

*A lot of disability hate crime comes from jealousy. I do have a lot of fantastic friends. I am a*

*big rugby fan and I manage the Bridgend Blue Bulls, which is a rugby league team, during the summer. I am very active. I will be on the side of the pitch shouting and yelling and perhaps like to go out and socialise afterwards. I have a lot of good female friends. That tends to be when the majority of the abuse occurs. In a recent case, I was with a very good friend of mine and we were on a night out. This guy went over to her and said, 'You're much too good looking to be with him. Why are you out with him?', and she said, 'Oh, he's my friend', and he said, 'Well, do you want to use me as an excuse to get away from that effing cripple'. She just started crying. She got really upset and could not believe that this guy had said that to her.*

*The vast majority of the incidents are nowhere near as bad as that, but often affect me and other people just as much. One individual who tormented me a lot for a long, long period of time never called me any of those names, never physically assaulted me, never touched my wheelchair, but, whenever he saw me, he would just stand next to me and shout, 'Stand up and be counted,' and then bend down and laugh in my face, 'Oh, you can't, can you?', laugh and walk off. That had the same effect as if someone came up to me and called me a spastic. No-one really understood the effect and the impact that that had. It made me angry and very upset; I do not mind admitting that. A lot of people have said that the verbal abuse is just a bit of friendly banter, and a bit of fun, but nobody should have to accept it. If you are being victimised because of your disability, you do not have to accept being called names like 'cripple' or 'spastic', and you do not have to accept being tipped out of your wheelchair. I would say that you should report that to the police; at least it is logged then, and if things get worse, to the point where it is a disability hate crime, they can be charged or cautioned for that behaviour. If I stopped living my life the way that I want to live my life, and doing what I want to do, because someone has called me a spastic or tipped me out of my chair, they would be victorious, and I do not want those people to be victorious.*

**Ms Bennett:** We thought that that was a good way to start the presentation, because it gives a real feel for what we mean when we talk about disability harassment. It shows that it can affect even the most confident disabled person. What we unearthed when we did this inquiry was a culture of disbelief. People could not understand the extent and the depth of it.

As I said, we are very pleased to be giving evidence to you this morning, and even more pleased that you will be hearing in this and the subsequent session from Disability Wales, Learning Disability Wales, Mencap, Safer Wales, Race Equality First, Cardiff University and the Welsh Local Government Association. It is right that the organisations representing disabled people will be able to give first-hand accounts of the harassment that people are suffering, and the nature, impact, scale and location of that harassment. Suffice to say that on pages 6 to 11—I believe that you have this report—we set out what harassment is, and where it happens.

People ask us, 'Who are the perpetrators of disability harassment?', and the answer is family, neighbours, carers and strangers; everybody, really. Hotspots include home and transport, but it is very widespread; there is no place where you are potentially free. What we have found is that disability harassment and hate crime spoils lives, limits people's potential, and results in people constraining their own lives, deciding to stay in the home rather than run the risk of being picked on when they go out. We are expecting the other organisations that you will hear from to identify actions to tackle this by involving disabled people, training front-line staff, changing attitudes to disabled people, and increasing reporting and convictions. We agree with all that, and there is plenty of information about that in the report. However, what we want to do this morning is concentrate on the four main recommendations that we are making.

The first of them is set out on page 18, and is to do with leadership. This is a problem that has been going on for quite a long time, and is very serious—it has been under-reported and underacknowledged, and there has been insufficient action. In particular, 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 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.

The second recommendation is on page 19, and is on the equality duty. You know that 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.

Our third recommendation is set out on page 20, relates to the social services (Wales) Bill, which has been proposed by the Government. It is envisaged that that 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. There are opportunities for the committee there, either to feed into the legislative process or to link with the Health and Social Care Committee.

Our fourth and final recommendation, about increasing reporting, is on page 21. You heard Simon talk on the DVD about the fact that things that happen to you are not necessarily crimes, and that people do not feel that they are a victim of crime or of hate. However, it is important to increase the reporting of small incidents. Reporting rates are very low at the moment; we are only seeing the tip of an iceberg. Disabled people do not feel that they are taken seriously and that it makes any difference if they report. Part of this is about distinguishing between harassment and anti-social behaviour, which includes name calling or teasing. If that is targeted at a person because of their identity, whether it is disability, age, ethnicity or sexuality, it becomes a hate crime.

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 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.

We will be working as hard as we can to get our recommendations taken up and to monitor what is working and where further action is needed. However, we very much hope that you as a committee will use your leadership position and your opportunities for scrutiny, policy-

making and legislation to help find levers that will reduce harassment and improve people's lives.

**Ann Jones:** Thank you, Kate, and thank you for the DVD.

**Rhodri Glyn Thomas:** Credaf y byddai'r mwyafrif mawr iawn o bobl yn canfod yr hyn a ddywedwyd yn y DVD—bod unrhyw un gael ei drin yn y fath fodd—yn gwbl annerbyniol. Fodd bynnag, o edrych ar eich tystiolaeth, credaf mai atebolrwydd yw'r broblem—pwy sy'n derbyn cyfrifoldeb i sicrhau nad yw'r math hwn o beth yn digwydd yn ein cymunedau. Mae gan lawer iawn o asiantaethau, adrannau a mudiadau gyfrifoldeb yn y maes hwn, ond a ydych yn teimlo, yn y pen draw, mai mater i Lywodraeth Cymru yw arwain ar y mater hwn ac i sicrhau ei bod yn creu sefyllfa lle mae safonau yn cael eu gosod, lle mae disgwyliadau a bod system o atebolrwydd ar gyfer hynny hefyd er mwyn sicrhau bod cyfraddau ymddygiad o'r fath yn gostwng yn sylweddol? Byddwn yn gobeithio y gellid ei ddileu, ond yn sicr dylid ei weld yn gostwng yn sylweddol.

**Rhodri Glyn Thomas:** The vast majority of people would find what was said in the DVD—that anyone could be treated in such a manner—to be completely unacceptable. However, from looking at your evidence, I think that the problem is one of accountability—who accepts responsibility for ensuring that this kind of thing does not happen in our communities. Many agencies, departments and organisations have responsibility in this area, but do you feel that, ultimately, it is for the Welsh Government to lead on this issue and to ensure that it creates a situation where standards are set and expectations exist and where there is also accountability for that to ensure that this type of behaviour is reduced significantly? I would hope that it could be eradicated completely, but it certainly should be reduced significantly.

9.45 a.m.

**Ms Bennett:** It is right that the Government has a role. Jane Hutt, the Minister with responsibility for equality, has said that she will look into the recommendations that we have made and that she has a determination and commitment to ensure that we can build a Welsh society that treats people with dignity and respect. So, the Government has a responsibility, but I think that we all have a responsibility as citizens to do what we can in terms of reporting. The police also have a strong responsibility when a crime is committed, but that needs input from other public agencies, individuals and organisations.

**Ms Dye:** As Kate said, the First Minister has identified it as a priority. The Government has a responsibility to look at how it 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.

Another thing that emerged in the evidence is that some agencies in Wales, particularly the police, are very keen to share data with other agencies. 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.

**Rhodri Glyn Thomas:** Mae'r pwynt olaf a wnaethoch ynglŷn â rhannu data yn eithriadol o bwysig, ac yr wyf yn gobeithio y gallwn ymgorffori hynny yn yr adroddiad ar

**Rhodri Glyn Thomas:** The final point that you made regarding data sharing is vitally important, and I hope that we can incorporate that into the report at the end of our inquiry.

ddiwedd ein hymchwiliad. Mae gan gymaint o bobl rôl i'w chwarae yn hyn, y broblem yw pwy yn y pen draw sy'n gyfrifol. Pwy sy'n atebol? Pwy sy'n cynnig arweiniad? Pwy sy'n sicrhau bod hyn i gyd yn digwydd? Y perygl yw, os oes rôl gan bawb, y bydd pawb yn dweud 'Mae hyn yn gwbl annerbyniol, ac mae'n ein brawychu bod pobl yn ymddwyn y fath fodd' ond na fydd neb yn gyfrifol. Mae'n rhaid i rywun sicrhau bod rhywbeth yn digwydd. O'n rhan ni fel pwyllgor, mae'n rhaid inni fod yn glir ynglŷn â lle yr ydym yn gosod y cyfrifoldeb am arwain ar y mater hwn a bod yn atebol amdano, er mwyn inni fod mewn sefyllfa lle gallwn graffu ar yr hyn sy'n digwydd fel pwyllgor, nid yn unig o ran sicrhau arweinyddiaeth ond hefyd o ran edrych ar y modd mae'r Llywodraeth yn atebol ac yn gyfrifol am hynny.

So many people have a role to play in this that the problem is where responsibility ultimately lies. Who is accountable? Who leads on this? Who will ensure that all this happens? The risk is that, if everyone has a role, everyone will say 'This is completely unacceptable, and it appals us that people behave in such a way' but that no-one will be accountable. Someone has to ensure that something happens. As a committee, we must be clear regarding where we place the responsibility for leading on this issue and to be accountable for it, so that we as a committee are in a situation to scrutinise what is happening, not only in terms of ensuring that there is leadership but also in terms of looking at the way in which the Government is responsible and accountable for that.

**Ms Bennett:** We strongly agree with that, which is why identifying accountable Ministers is important. There is more than one accountable Minister—Carl Sargeant is accountable as Minister for local government, as is the Minister for health in terms of the safeguarding initiative and Jane Hutt as the Minister for equality. I think that you have got your work cut out.

**Peter Black:** The vast majority of people in this country would share our outrage at what we saw in the DVD, which is clearly unacceptable. You are right to say that it is very much around changing attitudes; we all know how difficult that can be, even with effective leadership. However, I am interested in the practical steps that the Welsh Government can take on this agenda. I was interested in what you said about the reporting of hate crime, in that many people do not report it because they do not consider that it is taken seriously. I have that experience in my community around all sorts of crimes; people often do not report anti-social behaviour to the police because they cannot get a policeman to come or they do not feel that the police are listening to them or that they are taken seriously. It is not just that, but that is a major issue in terms of most crimes in that respect. I would guess that a large number of people with disabilities would live in social housing—*[Interruption.]* Well, quite a lot. In one of your answers you said that people would often report incidents many times to their housing provider and then the police were unaware of them. What guidance is available from the Welsh Government, particularly for social housing providers, councils, housing associations and so on in terms of how they deal with these sorts of complaints?

**Ms Bennett:** Sue might answer that specifically. As a prelude, there are many disabled people who do not live in social housing and we need to be a bit careful not to stereotype. We have disabled people working in our office who say that, on the bus on their way to work in the morning, they get picked on.

**Peter Black:** I was not trying to stereotype; I was talking about a particular area where the Government could help.

**Ms Dye:** Obviously, 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. So, there is a whole range of guidance that we would be interested in having some input into.

**Peter Black:** Are you saying that the current guidance is not effective enough?

**Ms Bennett:** I think that one of the issues—and I chaired the panel to which quite a lot of housing providers came along to give evidence—is that there is still a very low level of general awareness on this issue. What they said was that they did not want to intrude into people's lives, and there is obviously a very narrow line between intruding inappropriately into people's lives and adopting a proactive approach to encourage people to report. I was struck, having done quite a lot of work around violence against women, that there has been a lot of work carried out around encouraging people who meet pregnant women, for example, to actively ask questions to give women an opportunity to report, but we seem to be quite a long way behind that on this particular issue.

**Peter Black:** In terms of data sharing, social services departments, in particular, have protocols around vulnerable adults, and, again, without wanting to stereotype, some of the people who are being targeted are vulnerable adults. Those protocols involve data sharing. Are you saying that those protocols are not sufficient?

**Ms Dye:** We 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.

**Peter Black:** That is what the protocols around vulnerable adults do at the moment. Are you saying that that is not sufficient?

**Ms Bennett:** It certainly does not seem to be sufficient in practice.

**Peter Black:** Thank you.

**Joyce Watson:** Good morning. We have all read your report with interest and also, probably, with a fair level of disappointment and horror. We talk about data sharing as being key, and I will not rehearse that, because it clearly is key. We also talk about trying to change people's attitudes, which is obviously key, and schools play a major part in that.

It seems to me that the problem starts with the way in which our society views difference as a negative. It is not the case that belonging to a particular, defined different group results in your being a victim of a hate crime, but that seems to be the case when the difference is visible. We have seen visible disability in your video, but there are also invisible disabilities. I have been on buses and trains when people have been discriminated against and abused because they have a sight or hearing impairment. That is perhaps because they cannot count their money quickly enough or cannot hear what someone is saying or asking them to do. That is the sort of invisible disability that people do not understand. However, those people suffer equally, and perhaps more so sometimes.

We need to get to a place where reporting incidents does not make the situation worse. How



do you think we can do that? People have told me that the reason why they do not report incidents is because they worry that it might make the situation worse. For example, if the incident involves a neighbour or a family member who you are dependent upon for everything, you work out the cost-benefit analysis, and, if you cannot live without the benefits, you have to put up with the cost, because how, otherwise, are you going to be supported? How are the things that you depend upon going to be provided if you report the very people who you depend upon to provide them? In many cases—you might tell me whether you have come across this—it might be the very thing that is binding people to the people who are perpetrating the abuse.

**Ms Dye:** You are absolutely right. It is a critical issue. As Kate has said, there is significant under-reporting. 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.

**Ms Bennett:** 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.

10.00 a.m.

**Mark Isherwood:** You refer to the effective elimination of harassment requiring partnership work with public and voluntary bodies, disabled people's organisations and individuals. Are you aware of any models of good practice elsewhere in the UK or beyond that you can refer to and say, 'This is what we need to aim for'? How can we design in that genuine awareness through engagement with disabled people—through organisations and as individuals—at the service design stage? I am very conscious that we are still nowhere near achieving that. I am sure that we all regularly come across examples of services that have been designed with every good intention, but by designers who have been on a course and, because they are not disabled people themselves and have not actually consulted the disabled people who use those services, there is an inevitable impact. How could we encourage or require those public bodies to ensure that that awareness training or consultation involves engagement with disabled people—through organisations and as individuals—at the service design stage?

Going back to the housing analogy, particularly the social housing analogy, I have had a number of cases—not just to do with disability, but race, sexuality and age—where this sort of incident was occurring and where housing officers have behaved as we have heard and the police have become involved as well, but the issue is often the burden of proof. It is often harder for a disabled person to gather that proof. It is not an issue of generating an understanding of the situation or even sympathy for the situation they are in, but of providing evidence to act upon if it has gone beyond mere mediation. Do you have any suggestions or models to address that?

**Ms Bennett:** I will answer the middle question. [*Laughter.*] I will leave the difficult first one for Sue and make some comments on the third. 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.

With regard to the higher burden of proof, that may be an issue, but 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.

With regard to effective practice, I think that we are in very early days.

**Ms Dye:** The problem here is that the initiatives are still in their infancy, but, nevertheless, 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 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.

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.

**Gwyn R. Price:** What evidence are we seeing of collaboration and sharing best practice between service providers in Wales and across the UK? What role can the Welsh Government play in opening up the lines of communication between service providers to ensure that best practice happens? We all know that it is all right to talk about it, but does it really happen? We as a committee, and the Government, I am sure, want to play a big part in this major inquiry in seeing what more can we do to help you?

**Ms Bennett:** We are at early days. There is not that much best practice. The number of hate crime incidents reported across England and Wales last year was 1,500, which is exceptionally low. There are probably thousands more than that. It is difficult to identify too much in the way of best practice. Our No. 1 recommendation is about leadership, which means determination on the part of the people at the top of all our organisations to deploy the skills, abilities and knowledge that they have to work out ways of tackling this. If we had a good blueprint from Buckinghamshire or somewhere, we would bring it, but we do not. This is a large-scale problem that has been under-identified. We start with the Fiona Pilkington story, because that was the one that got people's minds going, but it is nothing like as new as that.

**Ms Dye:** 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.

**Mike Hedges:** I am pleased to see data sharing, but who is counting? Is anyone doing any work to see whether it is individuals or areas that are being targeted? I congratulate you on stopping people from hiding behind the Data Protection Act 1998, which seems to be one of those two Acts of Parliament that people hide behind at every possible opportunity when there is no good reason for doing so.

The second point I would like to make is on public transport. It can be difficult when low-level buses pull up a little too far forward, so that people cannot get on and off at the low-level part, but have to do so at the higher part. Likewise when the sound is not put on to help people with sight difficulties to know which bus stop they are at. It is as though people are going out of their way to make life more difficult than it needs to be.

People report something when they think action will be taken. On the level of hate crimes reported, I am sure that you could get up to 1,500 in almost any city centre in Britain on any Saturday afternoon and evening, in one go. People also do not report these crimes because of a fear of repercussions. The cruellest of all the comments you get include, 'Can't he or she take a joke?', 'Have they had a sense of humour bypass?', 'We were only playing and joking and they just can't take it; it's something wrong with them rather than us'.

In education and the police, I am sure that they have brilliant policies at the top. I am sure that you cannot find anything wrong with them; you have probably helped to draft them. However, it is not the person at the top of the education department or the chief constable or the police authority approving these things; it comes down to the individual in the lecture theatre or classroom and the individual policeman who visits. That is an awfully long way in the hierarchy from the people who have written the policies. There has been substantial race awareness training; I am not sure that it has been massively successful, but it has certainly resulted in some progress being made. However, there could be disability training for people in education and for the police so that we can make some progress by having them see what is going on. I speak from many years' experience as I have taught people who have disabilities in classes that were otherwise full with people who do not have disabilities. There is a danger that people do not take low-level criticisms or comments seriously enough until they have escalated and become something more serious. I spent 25 years in education and never had any training on disability-related harassment. I do have the advantage of having spent my early years living in a house with someone who suffered from a disability, and you learn an awful lot from that. However, it is about getting to the people at the bottom. The policeman who visits the house and the teacher in the classroom are the key, not the people who are writing the policies.

**Ann Jones:** I have to say that they are police officers, because there are women in the police force as well who do front-line jobs.

**Mike Hedges:** What did I say?

**Ann Jones:** You said 'policeman'.

**Mike Hedges:** I am sorry, I meant 'police officer'.

**Ann Jones:** Sorry, that is me in my equality of opportunity role.

**Ms Bennett:** There were quite a lot of questions in there, and I will pick out one or two, if that is all right. The emphasis on front-line staff that you have identified meshes well with the strong recommendations in our report that front-line staff need to be trained. 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. That relates to your comment about things being made a little difficult and bus drivers and so on. Our evidence is that the harassment that people suffer on public transport comes overwhelmingly from other passengers rather than from the driver. However, everything points to the driver, the guard, or whoever it may be that is involved in public transport as being a crucial figure, for example in making sure that the bus stops in the first place to pick an individual up, and in intervening and possibly being the person who receives reports from the passengers. So, 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. So, it is a very important recommendation.

**Ms Dye:** On the issue of public transport, the evidence that we took showed that many of the problems, especially on bus services, arise when wheelchair users are competing for space with parents with buggies when the bus is full, for example, and then tempers fray. So, there is a big issue to do with the design of buses and other forms of public transport. As well as the issue of driver intervention, there is definitely a design issue. On the train stations in Wales, the evidence that we were given suggested that disabled people avoided unstaffed stations. We have a high proportion of unstaffed stations, so that is quite an issue for us.

**Bethan Jenkins:** Hoffwn fynd yn ôl at fater anabledd anweladwy, oherwydd bûm mewn digwyddiad lansio yng Nghastell-nedd neithiwr a drefnwyd gan Headway yng Nghymru, ac yr oedd pobl yno sydd wedi dioddef anafiadau i'w hymennydd. Siaradais ag un dyn sydd wedi cael ei arestio fwy na phum gwaith, oherwydd, yn sgîl ei anaf, mae'n gallu bod yn gas â phobl ac yn ymosod arnynt. Fodd bynnag, yn hytrach na cheisio deall hynny, mae'r awdurdodau yn ei arestio. Felly, nid oes ots ganddo bellach beth sy'n digwydd iddo achos bydd yn cael ei arestio bob tro.

**Bethan Jenkins:** I wanted to go back to the issue of invisible disability, because last night I attended a launch event in Neath that had been organised by Headway in Wales, and there were people there who had suffered brain injuries. I spoke to one man who had been arrested more than five times, because his brain injury means that he can be aggressive towards people and attack them. However, rather than trying to understand that, the authorities arrest him. Therefore, he no longer cares about what happens to him because he will be arrested each time.

10.15 a.m.

Yr wyf yn parchu'r ffaith eich bod wedi dweud bod yr heddlu yn rhannu gwybodaeth, ond o'r hyn yr wyf yn ei glywed, ac o brofiad personol, mae gan yr heddlu lawer o waith i'w wneud i ddeall yr hyn sy'n digwydd y tu mewn i'r corff os nad oes gan rywun anabledd corfforol amlwg, er enghraifft, rhywun sy'n defnyddio cadair olwyn. Mae nifer fawr o broblemau yn codi oherwydd anwybodaeth yr heddlu. Hoffwn glywed

I respect the fact that you have said that the police share information, but from what I have heard, and from personal experience, the police have a lot of work to do to understand what is happening inside the body if someone does not have an obvious physical disability, for example, someone who is a wheelchair user. A great number of problems arise because of the ignorance of the police. I would like to hear more about what you want

mwy am yr hyn yr ydych am ei wneud er mwyn annog yr heddlu i wneud mwy nag a wneir ar hyn o bryd i ddelio â'r sefyllfa hon.

to do in order to encourage the police to do more than is being done at the moment in order to deal with this situation.

Hoffwn gadarnhad ar bwynt yn ymwneud â dyletswyddau cydraddoldeb. A oes dyletswydd statudol i fynd i'r afael â'r trais penodol hwn? Mae sôn am ymgynghori gyda phobl anabl, ond a oes dyletswydd statudol i drafod y maes hwn yn benodol?

I would like confirmation on a point relating to equality duties. Is there a statutory duty to deal with this particular form of aggression? There is mention of consultation with disabled people, but is there a statutory duty to discuss this area in particular?

Wrth sôn am hawliau dynol, a ydych yn sôn am y siarter hawliau dynol y disgwyliwn iddi fod yn rhan o'r Bil gwasanaethau cymdeithasol? Os felly, a ydych wedi trafod hyn gyda'r Gweinidog priodol i sicrhau y bydd y siarter yn rhan o'r Bil hwnnw a phob Deddf y mae'r Llywodraeth yn ei llunio yn y pum mlynedd nesaf? Hynny yw, rhaid sicrhau bod hawliau dynol yn rhan o bopeth y mae'r Llywodraeth yn ei wneud—ymarfer *tick-box*, fel petai.

When you talk about human rights, are you talking about the human rights charter that we expect to be a part of the social services Bill? If so, have you discussed this with the relevant Minister to ensure that the charter will be a part of that Bill and every Act drafted by Government in the next five years? That is, we must ensure that human rights are a part of everything the Government does—a tick box exercise, so to speak.

Yr ydym yn gwybod bod uned gyflawni'r Prif Weinidog wedi cael ei sefydlu; ai'r uned hon ddylai fod yn gyfrifol am arwain ar yr agenda hwn?

We know that the First Minister's delivery unit has been established; should this unit be responsible for leading on this agenda?

**Ms Bennett:** I might leave the police to Sue. On the equality duty, the requirement to promote equality of opportunity is a British duty that covers England, Wales and Scotland. How that is to be done falls to the specific duties that have been written by the Welsh Government, which are far more far-reaching, far more specific and far more helpful as far as public service is concerned than the English duties, which are very vague. They stipulate that, for each equality strand—you will remember that there are many of them now, one of which is disability—they need to set one equality objective. In England, they need to set only one equality objective across all eight strands, so it is already much more demanding here.

In order to decide what that equality objective is, they need to consult disabled people in relation to the disability strand. They are not obliged to set tackling disability harassment as their equality objective. There is a range of things to choose from. In a way, this is deliberately programmed so that there is a priority. This year, our priority is to do this. Having said that, in our publication, which you may or may not have seen, we have identified seven challenges across Wales, one of which is harassment and hate crime. So, from the very extensive research, these seven challenges are the biggest problem that we can see. There is one to do with employment, another to do with education, and one relates to harassment. So there are quite strong arguments, based on facts, which the duty objectives must be based on; they must also be based on involvement with the strands.

**Bethan Jenkins:** So, the consultation would tease that out, and those who are consulted may say, 'At this time, it should be disability harassment'. While it may not necessarily be that, the consultation would tease out what the equality objective should be.

**Ms Bennett:** Yes, that is right. There are two things that they must do, the first of which is to look at the data, as there are very good-quality data. The second thing that they must do is to consult, and then they can decide what the objective will be. So, there are strong reasons for

picking that.

As to your questions about our ministerial engagement, we launched our harassment report only last week, and this is our first engagement, as it were. However, we certainly intend to meet other Ministers and go through the civil service routes to make sure that this is on the agenda.

In terms of building human rights into everything that is done and whether that is best done through the delivery unit, I think we have got a long way to go. We have said at the all-party group on human rights that here, and elsewhere in the UK, we are quite a long way from building human rights principles into everything that happens. However, yes, that certainly is our goal. It may be that the all-party group, as well as this committee, can assist us with that. On whether we might engage directly with the Health and Social Care Committee or whether you might use your good offices to connect with its members regarding the inclusion of human rights principles into the social services Bill, we would be open to discussion with you.

**Ms Dye:** 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 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.

Another area is anti-social behaviour and understanding the link between anti-social behaviour and disability-related harassment. 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. We are keen to work more closely with the police to develop that link with anti-social behaviour.

**Bethan Jenkins:** May I just clarify that in this instance they were defined as the perpetrator? In the Headway example, the guy with the brain injury was defined as the perpetrator, so you could have all the information that you wanted, but he was put in that box because they did not understand his disability and that is where some more work needs to be done.

**Ms Bennett:** Would data sharing with health have helped there?

**Ms Dye:** Training for front-line staff may also have helped.

**Kenneth Skates:** Thanks very much for your participation in this and also to the individuals who have helped by sharing their stories. There are some heart-wrenching examples of harassment and crimes, and our hearts go out to those people. It is really important that we draw a distinction between the act of hate crime and the underlying prejudice that runs beneath it. It strikes me, from the way that society has dealt with prejudice against other groups, that the best way to deal with it is not just through Government, but also through the media and over a generational aspect, so dealing with it at school level. I do not know if it still operates a similar system, but I know that Alun School in Mold, years ago, had a partnership with Ysgol Delyn, a school for children with learning difficulties, and that was really valuable in assisting with exposure and, in turn, developing greater respect and value. What do you think could be done by schools? Should there be guidance for schools and is there anything that we can do to prompt the media, perhaps, to assist in bringing to an end or minimising

prejudice against disabled people? There will always be vile dunderheads in society, but the aim of changing ethics is to reduce the number of people who find that sort of prejudice acceptable.

**Ms Bennett:** We have done some initial work with the media.

**Ms Dye:** 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 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. So, those are the sorts of approaches that we have taken so far, and the outcomes have been good, actually; there have been some positive portrayals in the media of Gypsy/Traveller communities and trans people. We anticipate that there will be a documentary on the harassment inquiry in the next couple of weeks.

**Kenneth Skates:** That is good to hear.

**Ms Bennett:** 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. Certainly, it is one of our goals as a commission to create events and other opportunities for people to meet others from a background that they are not familiar with.

**Ann Jones:** We are running out of time. Mark wants to come back in on another issue, and I have a couple of things that I want to say, because it would not be a committee meeting without me having my say.

**Mark Isherwood:** Mine was very much the question that Kenneth asked; I loved the use of the term 'vile dunderheads'.

**Ann Jones:** I am not sure about that because, as an equality committee, we should probably be treating everybody equally.

**Mark Isherwood:** I was thinking of the extremely small minority of active perpetrators. Going back to the issue of community cohesion and the role that it can play in addressing hate crime and harassment, I remember that you took part in a previous Committee on Equality of Opportunity inquiry into access to public services for disabled young people; they made it clear that they aspired to access to education, employment, their own home, and independent living, wherever practicable. The issue that you have highlighted is both active harassment, by the minority, and passive harassment by people who look on and accept it. Perhaps it reflects the broader perceptions of culture and society, and the creatures that we all are—it is a lack of understanding and a fear of the unknown. At some stage, nearly all of us will be affected by disability—if not in our younger lives, then as we grow older—so we should bear that in mind.

The specific point goes back to housing. I have been involved—and I think Ann has, too—with issues related to independent living for adults with learning disabilities. I went to the

launch of a successful project in Flintshire, where the council should be praised for working with housing associations and independent care providers. We have also both been engaged with a project in Denbighshire where, again, the council is working with housing associations and independent care providers. The community's immediate response was fear of the unknown: who are these people? Will they threaten the neighbourhood? Will they be a threat to our safety and wellbeing? That is now being tackled retrospectively. These are normal, good people, in a normal, good community, but their concerns reflect a lack of understanding of the client group or the citizens that we are talking about. These people cannot go back to school. Yes, the media has a key role to play and, yes, increasingly there are role models in soaps, and so on, of disabled people in non-disabled roles, which is encouraging. However, is there anything more that we can do to build that community cohesion by helping communities to have a better understanding of the issues that we are talking about, and how they own them? Disabled people are just like them—they are living in their communities already, and we all share responsibility for each other.

10.30 a.m.

**Ann Jones:** We are running out of time, so I will also ask my question now. If there was one recommendation that you would want us to take to the Government, what would it be? Perhaps you could answer Mark's question at the same time because we are running out of time.

**Ms Bennett:** On Mark's question, when we did our work on the United Nations Convention on the Rights of Persons with Disabilities, we found that the No. 1 thing that disabled people wanted was to be better understood. That involves community cohesion and getting information around, and one way of achieving that is by training front-line staff. There are 300,000 front-line public servants in Wales and if all of those were trained about disability harassment in relation to their job, their understanding would be massively increased.

I think that we have agreed that our No. 1 recommendation is leadership, which is actually about deciding to do something about this problem. All the technical recommendations—all of which we believe in, such as training front-line staff, multi-agency risk assessment conferences and data sharing—can be done on a fairly ineffective technical basis and will make no difference. What we really need is for the people at the top of Government, the people here on this committee and those who head up our public services to make the decision that they will not tolerate this anymore and that they are going to find solutions. There are plenty of recommendations as to what those solutions should be, but someone needs to actually decide that they are going to make this happen.

**Ann Jones:** Sue, do you have any final comments?

**Ms Dye:** We want to see leadership, determination and this being set as a priority. That is really the outcome that we would like to see from this welcome opportunity to come to the committee.

**Ann Jones:** Thank you very much for that and for your report, which we are using as the basis of what we intend to do. So, thank you for doing the groundwork on that, because it is now important for us to be able to focus and drill down to the detail of these issues. Thank you for coming and I am sure that you will return to this committee; you are always welcome. You will be sent a copy of the transcript to check for accuracy, but you will know that because you have done it time and again.

The committee will break now. Thank you.

*Gohiriwyd y cyfarfod rhwng 10.32 a.m. a 10.41 a.m.*



*The meeting adjourned between 10.32 a.m. and 10.41 a.m.*

**Ann Jones:** I am delighted to welcome representatives from Mencap Cymru. Wayne Crocker is Mencap Cymru director, Dawn Gullis is the external affairs officer and Claire Bowler is the co-chair of the Mencap Cymru committee. Welcome, all. This is the first time that Claire has given evidence; a special welcome to you. I now ask you to give your presentations.

**Ms Bowler:** Bore da. Good morning, everyone. My name is Claire Bowler and I am the co-chair of the Mencap Cymru committee. Mencap Cymru, as many of you will know, is an organisation for people with learning disabilities, their parents, carers and family members, and those who simply want to see life improved for people who are affected by learning disabilities.

Mencap Cymru has a vision of a world where people with learning disabilities and their families are valued equally, are listened to and are included. It has a network of groups and individuals across Wales that reach over 5,000 people. It runs the Wales learning disability helpline, which is funded by Mencap Cymru and the Welsh Government. Last year, it supported over 2,000 people who had problems with services, lack of information, bullying and harassment. I am pleased to be here today to talk to you about disability-related hate crime, particularly about the way that people with learning disabilities are harassed and victimised in their communities.

I have lived in Pontypridd all my life. I used to live with my family in social services' accommodation, and now I have my own flat in a Cartrefi Cymru shared house, which I very much like. When I go out, I know that I can look different to other people. Often, when I travel on the bus with my supporters, people will call me names or shout things at me. This is not nice, and it makes me feel scared to go out on my own, or even with support. Mencap Cymru wants to stop people with learning disabilities being treated badly in society. Together with the All Wales Forum of Parents and Carers of People with Learning Disabilities, All Wales People First and Learning Disability Wales it has submitted a petition to the Assembly's Petitions Committee.

10.45 a.m.

I introduce Dawn Gullis, who will tell you about our work in Mencap Cymru tackling learning disability hate crime in Wales. Diolch. Thank you.

**Ms Gullis:** Bore da, everybody. My name is Dawn Gullis and I am the external affairs officer for Mencap Cymru. Some of you will know me from my work as the campaigns officer for Mencap Cymru. I have been coming to the Assembly since I started working for Mencap in 2003. I have been involved in many important campaigns, such as the Treat Me Right campaign, which saw annual health checks introduced in Wales, and the Changing Places campaign, which has helped people with profound and multiple learning disabilities. Our campaign on hate crime against people with a learning disability is the most important campaign that we have ever been involved in.

I will start by telling you my story and then about our work on hate crime in Mencap Cymru. I live in Cardiff with my partner, but before I met him, I lived on my own for four years in a small house in north Cardiff. Those who know me know that I enjoy my independence and that I like to go out and meet people. One Christmas, I was in a bar in Cardiff and was introduced to a man who told me that he was homeless and that he had nowhere to stay over Christmas. He knew that I had a learning disability, as the person who had introduced us told him. By the end of the day, he had convinced me that I should let him stay at my home over Christmas and that I could stay with my friend who was also alone at Christmas and enjoy Christmas with her. He stood by me to make sure that I phoned my friend and arranged to

stay with her. He came to my house. I gave him a spare set of keys and then I went to stay with my friend. Two weeks later, I came home and the front door had been smashed in. My neighbours told me that the police had broken into the house and taken the man and a young teenage girl from there. I went to the police station to ask what had happened. They told me that my house had been used by a paedophile to abuse a young 13-year-old girl, and that a man had been arrested. They wanted to ask me questions. I was scared that people would think that I had allowed this to happen. I called my boss in work, Wayne. He drove up to the police station and spoke to the police officer. He explained that I had a learning disability and he helped me when the police asked me questions. The police were good and realised that I was also a vulnerable victim of this man.

You hear many stories about the way that people with learning disabilities can become victims of hate crime. There is a term that many people now use—‘Mate crime’. ‘Mate crime’ is when someone pretends to be your friend because you have a learning disability and then abuses you. I am sure that you will all have heard the story of Gemma Hayter and the awful abuse that she suffered from people who pretended to be her friend.

We welcome the report by the EHRC, and we have some ideas about what we can do in Wales to make sure that this does not happen here. I would like to ask Wayne to say something about Mencap Cymru’s ARCH campaign and what we would like the Welsh Government to do.

**Ann Jones:** Thanks, Dawn.

**Mr Crocker:** My name is Wayne Crocker and I am the director of Mencap Cymru. We are part of a coalition of voluntary and statutory organisations across Wales that want to work together to make a real impact upon the acts of disability-related hate crime. I am sure that many of you will have heard names such as Fiona Pilkington, Keith Philpott and, in Wales, the awful case of Christopher Foulkes from Rhyl who was murdered in 2007, and of the subsequent campaign by Mencap called Stand by Me. In Wales, we have been running a campaign linked to Stand by Me called ‘Awareness, Reporting and Convictions on Hate crime—ARCH. It is a call to action and a way of providing an answer to how we can help to reduce learning disability-related hate crime.

As an organisation, we are convinced that the most crucial challenge facing us in Wales is raising awareness of what hate crime is among people with a learning disability. Last year, Dawn visited many day centres and gateway clubs and spoke to People First groups to talk about learning disability hate crime and what it means. The story was the same in all these places. People with a learning disability had experienced hate crime or hate-related incidents, and had accepted this as a way of life or had not known what to do about it.

Our recommendation is that 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. I am pleased to say that many of you here today, including your Chair, Ann Jones, attended the launch of the hate crime leaflet produced by Mencap Cymru and Safer Wales back in June, and you all have copies of the leaflet with you. However, we must ensure that there is a comprehensive and strategic coverage of Wales to ensure that no-one with a learning disability or a family member with a learning disability misses out on the information about hate crime and how to respond to it.

That links neatly into our second area of concern, which is reporting. We know that many people are scared or unsure what to do when they or their family members are victims of harassment. They do not know where to go, where to turn, or who can help them. We welcome the development of schemes such as third-party reporting centres in Gwent, and

Jean Francis and her team at Torfaen People First should be applauded for the excellent work that they have done. In June, Mencap Cymru established a freephone reporting mechanism using the Wales learning disability helpline, supported by Safer Wales. Indeed, our very first call on the Wales learning disability helpline in 1999 was from a man in Llanelli who was being harassed by young people on his local estate. We were able to get the local councillor and local community police officers involved and the situation was resolved. I am sad to say, however, that last week we received a call from a mother of an 11-year old boy in Wales who has been the victim of brutal harassment for over three years and was recently locked in a telephone box, which was then set alight. We were able to support the family and the police are now investigating the case, so I am unable to say more about the incident at this time. However, what we have discovered by supporting the family over the last week is that the mother was not aware of the existence of hate crime support officers, despite informing the police about the harassment of her son over a three-year period, and no co-ordinated support was given to her by her local police officers.

Individuals and families of people with a learning disability seem to feel more comfortable reporting incidents of hate crime to independent third-party organisations. Our recommendation to the Welsh Government is that 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.

The third part of our campaign is to see an increase in convictions. Many of us are appalled by the low level of sentences that are given to people who have been convicted of crimes committed against people with a learning disability. Mencap has been involved in a number of high-profile cases and has challenged the sentencing given out by criminal courts. However, we all welcome the length of sentences given to the people who tortured and murdered Gemma Hayter, with sentences ranging from 16 to 21 years. We want to see more convictions and to do this we are convinced that we need to provide more support to victims with a learning disability who are being questioned by police or Crown Prosecution Service lawyers to help them give the best evidence they can. Having said that, there is a lack of intermediaries to give support to victims with a learning disability. I was in court a few weeks ago and both the defendant and the victim had a learning disability and there was no one there to support either. The magistrate had to postpone the case until a suitable intermediary could be found for the victim giving evidence. We also feel that more could be done to make people aware that courts will apply additional tariffs on hate crime against disabled people and that those who harass must be made aware of the consequences of their actions.

In conclusion, I would like to refer to the first recommendation in the Equality and Human Rights Commission in Wales's report on building leadership and partnerships. We have been involved in the action on disability related hate crime working group, and I am impressed by the commitment and passion that partners from the voluntary and statutory sector have shown in tackling this ever-growing menace in our communities. I have been particularly impressed with the vision and leadership of the police and criminal justice system in Wales, which seem wholly committed to reducing, and, one day, stopping, hate crime against people with a learning disability.

**Ann Jones:** Thank you to all three of you for that. There is some real evidence there for us to look at. We have around 20 minutes for questions. It will fly by, do not worry. Mike Hedges is first and then Peter, and I will take others afterwards.

11.00 a.m.

**Mike Hedges:** I would like to talk about mate crime, which is one of the nastiest and, in many cases, most difficult crimes. If I use language that is gender-specific, it is because I am

trying to relate cases I know without giving anything away about the people, so apologies for that. A simple example is someone with a disability being invited to play killer pool when the chance of them winning is negligible—effectively, it is a means of getting £5 out of them a night. The person will say, ‘I am your mate. Come on, play killer pool with us. We’ll make it worth while; we’ll play for some money.’ So, all of a sudden, someone is being financially abused and they do not even realise that it is happening to them. I believe that it is up to others to intervene. At the end of the night, if you were to ask that person what they had been doing, they would say that they had been out with their friends and had just been unlucky. There is a whole range of other financial examples that I could go into.

To turn to physical abuse, again there is a mate crime where someone might give you a slap on the back that is harder than you would appreciate being given. So, those are the sorts of things that I am referring to, where the person is not aware that they are on the receiving end of abuse. To give another example, which was supposedly an act of great kindness, there was a disabled girl of 17 or 18 who had a learning difficulty and some man had offered to take her out once a week. She was surprised when she got pregnant about 12 months later. Mate crimes are far more insidious than other hate crimes and, in many cases, people do not realise that they have been made a victim. I know what the questions are, but I am not sure about the answers. Do you have any comments on that?

**Mr Crocker:** In relation to general disability hate crime, we know that people are targeted because they are disabled. If you also have a learning disability, there is a very thin line between being targeted because someone dislikes you because you are disabled and being targeted because they think that you are easier to abuse because you have a learning disability. In my view, they are both incidences of hate crime: you are attacking someone because they are easier to attack, and because you do not respect them because you do not see them as being a valued member of society. Much of Dawn’s work in going around day services is about trying to get people to understand that you should not have to live with those attacks and have people call you names. As I mentioned, when Claire goes on the bus, people shout things at her. Most people accept that as something that is normal in their daily life.

**Ms Bowler:** Yes.

**Mr Crocker:** As I mentioned earlier, for us it is crucial that we start supporting people in the places where they meet so that they understand what a hate crime is. I read the committee’s remit for the inquiry, which mentioned housing, education, health and transport. It is a pity that social services is not included, because it is a crucial area that we need to be targeting. We need to look at what social services departments are doing to make sure that it is informing those people who it supports in day services or in those activities that are within its remit, so that they understand what a hate crime is and what they can do if it happens to them.

**Ann Jones:** We will amend the remit then and find a way of looking at those.

**Peter Black:** I am interested in the hate crime line that you have set up. I do not expect you to have the figures, but, in general terms, are you finding that the people who use the phone line have had bad experiences in trying to report elsewhere, or have failed to report elsewhere because they do not believe that action will be taken?

**Mr Crocker:** In the cases that we have had so far, the individuals have spoken to the police; it is just that things have not got to the place that they need it to be in terms of the police taking it as seriously as they want. So it is about a lot of low-level activity. In the case that we are dealing with at the moment, for three years the mother has been reporting to the police the things that have been happening to her and her young son, and things have escalated now that he has moved on to secondary school. My sense is that people tell the authorities and they perhaps do not get the support that they feel that they need in terms of understanding what the

resolution to the incident is, and they come to agencies such as Mencap to try to get us to intervene for them. The helpline was set up in 1999, but we have been targeting people through the hate crime leaflet only for the past two months, so these are early days. I think that use of the line will increase as more people get the leaflet. Tai Pawb, which is the equality in housing body, is working with us, and it will distribute 5,000 of the leaflets through all its registered social landlords in Wales. So, we expect to be getting more and more calls.

**Peter Black:** Is it just the police or do you find that other statutory agencies are not reacting appropriately to the complaints that they get?

**Mr Crocker:** Our experience of this, which is very limited at the moment, is that different agencies get little bits of it. They are not co-ordinating their understanding of the incidents and the effect that they have on people's lives. The mother of this schoolboy has told us that she is really looking forward to talking about this once the case has gone through the criminal justice system to highlight where the inadequacies have been. We need to get those agencies—social services, education and the police—to ensure that they are talking to each other properly. I listened to your question earlier to the Equality and Human Rights Commission. There are systems set up to support information sharing, but they are obviously not working if someone can go three years experiencing what we would call low-level incidents—although for the boy they have a very high-level impact on his life—without anything being done about it.

**Ann Jones:** The danger is that we would assess that as being low level but, for the people at the end of that experience, it has a very high-level impact. Having jumped in there, I am going to have to ask Members to be more succinct with their questions. We have quite a few questions left and we are running out of time. Gwyn is next and then Bethan.

**Gwyn R. Price:** I welcome you all. You all do a tremendous job and I really appreciate your coming here this morning. What evidence have you seen that the police are working with people with learning difficulties to increase familiarity and build their confidence so that, if they had to report a hate crime, the relationship and trust would already be there? We have heard evidence this morning that it has been three years since the police were told about this case. I know that they are under tremendous pressure because of other crimes being committed, but do you think that the relationship you have with the police needs to improve?

**Mr Crocker:** It is starting to improve, certainly. 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.

**Bethan Jenkins:** I want to ask Dawn a question. What happened to you was really bad. When you go around the different workshops, what do you do to tell people what happened to you and what you would do differently now that you did not do when you left the key with that man?

**Ms Gullis:** Now, I do—

**Mr Crocker:** Would you act in a different way if someone came up to you and tried to befriend you? I know that your family situation is different now, because you live with your partner so there is more protection, but if you were living on your own and someone tried to

use your house, would you let them?

**Ms Gullis:** No, my partner would not let me.

**Mr Crocker:** But say he was not there, and if you were not with your boyfriend, what would you do?

**Ms Gullis:** If he was not there, I would not let anyone do that because I have been scared before and I know what to do. If my partner was there, he would not let me do that anyway.

**Mr Crocker:** He would help to protect you.

**Ms Gullis:** Yes.

**Bethan Jenkins:** Do you tell people that now when you go to help with the Mencap campaigns?

**Ms Gullis:** Yes, because of my experience and what I have been through I want to help people with learning disabilities.

**Mr Crocker:** It is much easier when you have trainers who have a learning disability telling people about something that has happened to them, rather than us just coming in and talking about something that is academic. They are talking about things that have happened to them in their lives, which is very powerful, is it not, Dawn?

**Ms Gullis:** Yes.

**Ann Jones:** Rhodri Glyn is next, then Joyce and other Members.

**Rhodri Glyn Thomas:** I have a question to Claire and Dawn. If you felt that someone was not treating you properly, who would you turn to? Is there anyone you could turn to?

**Ms Bowler:** My family.

**Rhodri Glyn Thomas:** We have heard about all the organisations that have responsibilities. Is there anyone you feel is on your side apart from your family, and, Dawn, your partner?

**Ms Gullis:** I would turn to people at work as well, because they have been there for me since what happened to me. I would definitely turn to the helpline and to Wayne or Sue—or Georgia or Rhodri.

**Ms Bowler:** You could go to the police as well; they could probably help you.

**Mr Crocker:** Would you be comfortable talking to the police?

**Ms Bowler:** Yes, I would, actually. I did not like the way that I got treated one day on a bus.

**Bethan Jenkins:** Did you go to the police?

**Ms Bowler:** No, I just stayed back and kept calm.

**Mr Crocker:** The support worker said to ignore it.

**Ms Bowler:** Yes, which I did. I told them to watch their language, because they were swearing. I said, 'Boys, watch your language', and they shut up. They were just making fun

of me then, which I did not like, so I just ignored it all. I was hurt and upset, but I did not give them the satisfaction. I did not like the way I was treated.

**Rhodri Glyn Thomas:** Did nobody else on the bus help you?

**Ms Bowler:** No, no-one except my carer supported me, and she did not think that it was very nice either. She said, ‘C’mon, Claire; ignore them’, which I did. I did not take the bait; all I said to them was, ‘Watch your language’, because they were swearing.

**Mr Crocker:** One of the crucial things is that we have submitted a petition to the Petitions Committee asking that the Government looks at how it produces policies that allow people with a learning disability to have positive roles in their communities. In 2003, Mencap 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. However, I am not sure what the Government can do about the press.

**Rhodri Glyn Thomas:** I know that we are short on time, but I just want to ask Wayne another question. We have been talking about a small minority of people who directly abuse people with disabilities. Are we talking about a culture in which the majority of people, in one way or another, either do not want to socialise with people with disabilities—or, as you said, do not want their children to socialise with people with disabilities—or are patronising towards people? Is there a cultural problem?

**Mr Crocker:** Society still does not understand the contribution made by people who are different and are not earning £60,000 or £70,000 and working in banks and so on.

**Rhodri Glyn Thomas:** They earn much more than that. [*Laughter.*]

**Mr Crocker:** It is crucial that we ensure that the way that social services provide support and activities for people to engage in their communities shows them in a positive light. Most of you will know Sara Pickard, who is one of our staff members at Mencap. She is an elected councillor. We have a commitment over the next nine months to work with All Wales People First to try to support 10 people with a learning disability to stand as community councillors. We must support people to have visible and positive roles in the communities, as that will go a long way to changing the attitudes of communities about the people who are not ‘perfect’ and who are not earning lots of money—more than £70,000 working in banks.

**Ms Bowler:** People with learning difficulties or disabled people should not be treated any differently to other people.

**Ann Jones:** That is very true, Claire, and that is what we are trying to do. We are going to look at ways to put more pressure on those people.

**Ms Bowler:** Disabled people and people with learning difficulties should have more help from parents and carers, or advocates to take them out to places.

**Ann Jones:** Joyce is next, then Ken and Mark, but you only have a couple of minutes each.

**Joyce Watson:** I am going to be very quick by asking Wayne what his organisation thinks about the Equality and Human Rights Commission report.

**Mr Crocker:** It is very good, particularly the recommendation for Wales about leadership. It is crucial that we get these organisations working together to ensure that you get more bang for your buck in what you are doing around disability-related hate crime. So, yes, I very much welcome it.

11.15 a.m.

**Kenneth Skates:** Going back to the police issue, I know that the police sometimes get frustrated when the Crown Prosecution Service fails to pursue an inquiry. Are you in contact with the CPS, and how do you find it operating?

**Mr Crocker:** There are examples of excellence—Dawn has delivered some training to CPS lawyers. The issue for us is to ensure that when people give evidence, they are supported in a way that will make the evidence credible. The CPS is frustrated that it gets so far and has to drop a case because it does not believe that the evidence that has been given is credible. There are some things that we can do on the other side. I do not know if you are aware of this, but in terms of appropriate adults, if you have a learning disability and are arrested between 12 a.m. and 6 a.m., there is no appropriate adult service, so you have to wait. So, if you need to be questioned, the police have to wait until the morning. Likewise, if you are a victim, if you have to wait before an intermediary or supporter is provided for you, you might forget things. It reduces your ability to be a credible witness if you need to be questioned quite quickly after the event so that things are still fresh in your mind. Most of us forget things, but you need particular support if you have a learning disability; you need to be prompted.

**Mark Isherwood:** You say that most people with learning disabilities find it hard to tell people when they are being bullied, but when you were talking about the freephone advice line, you said that most people who ring have also, at some point, spoken to the police. When do you think you will have gathered enough data to show the additional need that is not being picked up by the main service?

**Mr Crocker:** There is a mix of our helpline and things like the Torfaen People First project. There are other projects around Wales that are now trying to heighten the awareness-raising and, therefore, the reporting of it. My guess is 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.

**Mark Isherwood:** This question is for Claire and Dawn particularly. Government cannot do everything at once, so, if you could tell the Welsh Government what the most important thing that you wanted to be done was, what would it be?

**Ms Gullis:** Training for people who do not understand people with a learning disability, which I do in schools. I have been to Anglesey to give training to staff at the airport and the ferries and so on, so that they understand about people with learning disabilities. It is training.

**Ann Jones:** That was my question, Mark. [*Laughter.*] I will let you off this time. That brings us to a conclusion. Claire, Dawn and Wayne, thank you ever so much. Wayne, you will know that you will be sent a copy of the transcript to check. We will send you what you said to make sure that what we have recorded is right, Dawn and Claire. Thank you, and I am sure



that you will be back to see us.

We now move on to the third part of our evidence session. I am delighted to welcome Dr Mair Rigby and Dr Jasmin Tregidga. Thank you very much for your written paper. Do you want to add to it now?

**Dr Rigby:** Yes, please.

**Ann Jones:** That is great. You have seen the format, namely that Members will ask some questions afterwards.

**Dr Rigby:** I am Dr Mair Rigby, the project officer on the all-Wales hate crime research project, which is based at Race Equality First here in Cardiff. I will make a brief introduction, and then I will elaborate on the main points that I made in my submission about what we found in our consultation evidence, and Jasmin will talk a bit more about the research. Just to recap, the all-Wales hate crime research project is funded by the Big Lottery Fund and is a partnership between Race Equality First, Cardiff University, and the Cardiff and the Vale of Glamorgan equality and human rights network. It has been funded for three years to investigate the nature and the impact of hate crime in Wales, across all of the seven recognised equality strands—so, it is not just disability, although disability is an important component of the research. The project started in April 2010, so we are about halfway through. The idea for the project came out of a realisation from previous research that Race Equality First and other organisations had conducted. There has been an increase in hate crime reporting in recent years, but it remains significantly underreported, as other people have said today. Few perpetrators are being brought to justice, and as the EHRC has also identified, there is an evidence gap in Wales. It was therefore decided that, to get a fuller picture of the situation, we needed to do some more robust research. At the same time, our funding bid identified a need to develop the capacity of organisations in Wales to address hate crime, as well as encouraging partnership working, which links in quite well with what you are looking at today.

I will give a quick recap of the project outcomes, so that you know what we are trying to do. They are: robust data, for use in policy development, lobbying and fundraising; a final report with recommendations, which will be published in 2013; and data to support hate crime campaigning. The project has been funded for three years, but we are hoping that we will be able to achieve funding for some kind of anti-hate crime campaign after the end of the research period. As I mentioned, we also want to achieve an increase in the capacity of organisations in Wales to respond to and tackle hate crime. Obviously, anti-social behaviour and harassment are closely linked issues.

I will now hand over to our research associate, Jasmin, from Cardiff University, who will tell you more about the research part of the project, and then I will come back with a bit more about what we found out through the consultations.

**Ann Jones:** Fine. Thank you.

**Dr Tregidga:** As Mair said, the project incorporates a fairly expansive research agenda—the consultation work that Race Equality First has led on, and then the empirical research that the project partner, Cardiff University, is leading on. I just want to spend a couple of minutes, as the research associate who is based at Cardiff University, outlining the aims of the empirical side of the research, the methods that we are using to generate the data, and, ultimately, what we can derive from the data. As I outlined in the report that we submitted, we are still in the data collection phase as far as Cardiff University is concerned, so we are unable to discuss any data at the moment, or any findings or recommendations, but we welcome the opportunity to bring the research to the attention of the committee, and we would certainly

welcome the opportunity to return to discuss our findings and recommendations with you at a later date, if that is at all possible.

The research aspect of the project has a fairly broad remit: we are looking at the nature of hate crime, incidence, the impact on victims and their families, and the provision of support for victims. The aim is to enhance the criminal justice system, as well as the agencies that support victims in dealing with these incidents. So, we are looking across the seven equality strands, as Mair has outlined, and the research aspect that the project incorporates is quite ground breaking. It will generate a large data set—possibly the largest of its kind in the UK. We are aware of the specific focus on disability-related harassment today, and we welcome the opportunity to highlight this aspect of our research, as well as showing how the findings from the EHRC's important report resonate with our work.

Briefly, in terms of the methods that we are using to collect the data, we have a large-scale survey that can be completed in a variety of different formats by both victims and non-victims—that is, witnesses. The survey will be open for completion until about mid-November. At this point we have generated about 1,600 responses, and we are particularly encouraged by the response that we have had from disabled people, with over 230 of the people who completed the survey—that is about 15 per cent—identifying as disabled. This level of positive participation is due in large part to the engagement with disabled people's organisations and agencies, including those that are giving evidence today and next week. We really cannot do it without them.

The agencies and organisations also provide crucial support, not only in encouraging completion of the survey, but encouraging participation in the interviews, which is the second stage of our research.

We have recently started the interview phase of the research. We are hoping to carry out between 50 and 70 interviews with victims of hate crime across the equality strands. It is our intention to interview approximately 15 people who identify as disabled who have experienced some form of victimisation.

The survey is currently being piloted and we are working closely with disabled people's organisations to pilot the interview. We are particularly eager to get their advice on how we can make it as accessible as possible and on the best way to carry out interviews. We are very flexible as to whether it should be a one-to-one interview, done through focus groups, or whether a support worker should be present, if appropriate. We are getting a lot of advice on this, which is very welcome.

Ultimately, these interviews will provide an opportunity to give victims a voice and so move beyond the survey and the more categorised data that we can generate to get an idea of the nuances not only of individual identity but of the complex nature of the relationship between people's identity and the nature of the hate crime that they experience. That is why we have adopted this mixed-method approach, so that we can generate broad data through the survey, but we can also help to give victims a voice and get their specific experiences and opinions on a range of issues, which we can discuss in more detail during questions if you wish.

We feel that it is important to highlight that we welcome the EHRC report and there are areas that resonate with our own research, particularly from the research aspect. Cardiff University is leading on the issue of reporting, which is very important to us. In addition, multi-agency working and partnership working are aspects that have come out quite clearly through the consultation work that Race Equality First has led upon. I will let Mair explain a little more about that.

**Dr Rigby:** I would like to elaborate on the key points in our submission, which have been

identified from the consultation events and meetings that we have conducted with stakeholders. These are included in headline points in the submission, and I want to talk a bit more about them. I will give you some background on what we have done. We have conducted two consultation events. One was on the theme of understanding the criminal justice system and the other was on the theme of hate crime and multi-agency working specifically. These events were about hate crime in general, but a lot of what we found is relevant to disability hate crime, and disability organisations were represented at both those events. I would be very happy to provide copies of either of those reports to anyone who would like them.

We are also a part of the disability hate crime action group, which has been mentioned. I have also met representatives of eight Welsh disability organisations to discuss their key concerns in relation to hate crime. So, that is where what I am going to tell you about has come from.

With regard to reporting, our consultation exercises support the EHRC findings that disabled people experience multiple barriers to reporting hate crime and harassment. That includes physical, communication and social barriers. We therefore welcome the fourth recommendation for Wales that more effort is needed to increase reporting and to ensure a positive reporting experience and effective support. 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.

Other barriers that have been mentioned to us include a lack of local police stations, not knowing where to report or who to report to, a lack of information about what services are open, and untrained call handlers who do not identify disability hate crimes and lack an understanding of equality and diversity issues in general. One stakeholder in north Wales told me that, as a result of these barriers, disabled people can feel that they are being put in a position of having to fight to be heard and they are then perceived as being 'difficult' by service providers. That is what we have heard on that issue.

11.30 a.m.

Another issue that has come up for us is the negative impact of hearsay and the media, and I am aware that this has already been raised with the committee today. For example, there are anecdotal stories in the community about negative reporting experiences. If someone has a bad experience, they are likely to tell other people about it and it becomes almost like a meme: 'Don't report, because you'll have a bad experience'. Added to that, in recent months there has been a very strong perception that media reporting around disability benefit cuts has presented disabled people in a negative light. I know that has already been raised today.

There is also a lack of trust that anything will be done about hate crime and harassment. This is still a very strong factor, sadly—people quite often say to us, 'I reported it and nothing happened'. There is a perception that disabled people are not seen as credible witnesses and will not be believed. Discussions with our stakeholders on that score have definitely backed up the EHRC report finding that a culture of disbelief still exists around this issue.

That is also linked to the fear that reporting might make harassment worse. 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 you then get a negative, dismissive and even intimidating response, you are doubly traumatised by the experience.

So, 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.

So, what can be done to improve the situation? Several areas have been suggested to us as needing improvement. Long-term cultural change is needed. It has been said to us repeatedly that short-term changes will not solve the problem unless accompanied by efforts to effect long-term cultural change. So, we welcome the fifth recommendation that the wider community needs to have a more positive attitude towards disabled people and a better understanding of the problem. In practical terms, there have been suggestions that this could be facilitated by more work with schools, especially primary schools, to get to people young before attitudes are formed. So, we agree with the EHRC about that. To give you an example of good practice, Bridgend People First has been doing a lot of good work in schools, which has been very positively received.

More sensitive and positive representation in the media is needed. With regard to awareness-raising campaigns, I know that the issue of public transport has come up. To give an example of good practice that we could transfer from other work that has been done, in north Wales there was a campaign on buses about homophobic hate crime, with posters on buses. I do not see why that approach could not be transferred to other forms of hate crime. One stakeholder said to me, ‘There needs to be a change in attitude, but this isn’t just a police responsibility; it is everyone’s responsibility’, and it is for all of us to work on.

In terms of general, practical improvements, suggestions that we have received include establishing private areas for reporting, raising awareness of opening times for services and having more third-party reporting schemes. I know that the Torfaen People First scheme has been mentioned, and Wrexham also has a third-party reporting scheme that uses local organisations—I think that it has set up about 31 third-party reporting centres. Other suggestions are that victims should be updated regularly and kept informed about what is happening, and that local authority reporting should be done as a dedicated service, rather than by general call handlers who lack knowledge of the issues.

Another suggestion is increased approachability. That sounds a little vague, but 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.

Finally, and this links very strongly with our work, it is suggested that hate crime or anti-social behaviour multi-agency risk assessment conferences are established in local authority areas to share information about high-risk cases of anti-social behaviour and hate crime and to improve support for victims. So, we welcome the first recommendation for Wales in the report, which is that partnership working should be encouraged. We also support the recommendation that multi-agency risk assessment conferences should be piloted for high-risk victims of harassment and hate crime. In terms of good practice, the MARACs that have already been set up for domestic abuse are an extremely good model. Our project has already been undertaking some work in this area and it is part of our remit to encourage partnership working as well. As I said, I would be happy to provide the report that we did on this particular issue, as it contains some ideas for taking this forward.

In conclusion, we would say that it is vital to build on the good work that is already being

carried out in Wales, as reflected in the EHRC inquiry and the work of the other organisations that are providing evidence today and next week.

**Ann Jones:** That was very comprehensive. Members have some questions to ask you. I have Joyce, Rhodri Glyn and Mark as the first three to ask questions, and then I will take questions from other Members after that.

**Joyce Watson:** Thank you both. I read your paper, which you have now read back to us, with interest. A couple of things struck me. First, I welcome all the activity and focus on trying to do something about hate crime, but others are also doing work, so are you sharing your work with those people so that we can move things forward as soon as possible? You have, quite rightly, interviewed victims and you have talked about their experiences. I was not sure whether you said that you have also talked to the providers of the care, the security and so on and that you will provide a paper on that. Clearly, both aspects have to come together, as I sure that everyone here would agree. The other thing that has not been mentioned today, which I will ask you about, as you are doing extensive research, is whether you have done work-based interviews. Have any of the interviews been in the workplace? People may not even be able to get into work in the first place. If, as everybody has said, there is to be the withdrawal of benefits and the assumption that people will take on work, I would have thought that doing some of those interviews might be useful, to take this into the future.

**Dr Tregidga:** To take the first question first, data sharing is certainly one of our priorities. We have an extensive network of agencies that are supporting us, and we are very aware that we could not talk to the people who we are able to talk to without their help, so we have made it clear that we will be sharing the raw data with the agencies that support us. Unfortunately, there is a tension between the length of time it takes to conduct a pan-Wales piece of research and the provision of timely information for agencies that are experiencing cuts in funding, for example. So, although we are not able to provide snapshots of data on an impartial data set, which would be fairly damaging, we are providing information on the consultation work as soon as we are able to, so that people are aware of what we are doing and what we have found. The survey will be completed in January, so we will not be able to start analysis of that until the new year and the interviews will still be ongoing, so it is a fairly lengthy process across the equality strands. However, we will certainly share the data with our agencies when they become available.

**Dr Rigby:** By 2013, we should have a considerable amount of data to share.

**Dr Tregidga:** Absolutely, yes. In terms of the second question on providers of care, we are very much focused on the victimisation and the nature of victimisation. That is obviously an important area, but it is beyond our remit at this stage.

**Dr Rigby:** We have sent the survey out to carers' organisations, because we are aware that carers might be witnessing hate crime and experiencing it themselves by association. So, we have sent it out to carers' organisations and networks and so they have had an opportunity to engage with the survey.

**Dr Tregidga:** On your question on work-based interviews, I was not completely sure what you meant.

**Joyce Watson:** I was referring to interviews of people who are in work. You quite rightly pointed out that there is a media hype at the moment, suggesting that people on benefits are scroungers and undeserving and all the rest of it. I would have thought that, in trying to be timely, given that this is coming out in 2013, you might have considered doing some work-based interviews. Did you do that? Did you find out about the experience of people in work or who might want to go to work?

**Dr Rigby:** The straight answer is that we have not. However, I think that that is a really good point, and something that we can look at.

**Dr Tregidga:** We can certainly do that. One of the issues with research, when you start, is the boundaries between hate crime, victimisation and workplace bullying. The boundaries start to merge, and there is a great deal of extensive research being done by Cardiff University at the moment on the nature of bullying in the workplace. We will be interested to get the data from that to see how they compare with our data. We have options for people to complete the survey or even talk about where the incident took place in the interviews, so they will be able to tell us whether it was a workplace incident. We were very strict in our remit to keep those boundaries, but the data are collected in a very similar way so that comparison can happen down the line—in the same department of the university, in fact.

**Ann Jones:** I am going to have to ask for brief questions and answers because, otherwise, not everyone will get in.

**Rhodri Glyn Thomas:** Yr wyf yn derbyn bod eich ymchwil yn ei ddyddiau cynnar, a'ch bod yn dal i gasglu data, a ddaw yn bennaf oddi wrth ddiodefwr. Pan fo pobl yn dweud wrthym am y math o beth sy'n digwydd, yr ydym i gyd yn dweud ei fod yn warthus ac na ddylai ddigwydd. A oes gennych unrhyw argraffiadau cynnar fod pobl yn teimlo bod unrhyw un—yr ydym yn sôn am adrannau, asiantaethau a mudiadau sydd â chyfrifoldeb yn y maes—yn cymryd hyn o ddifrif, yn ei osod fel blaenoriaeth ac yn cynnig unrhyw fath o arweiniad? Ynteu a ydynt yn teimlo nad oes unrhyw un iddynt droi atynt?

**Rhodri Glyn Thomas:** I accept that your research is in its early days and that you are still collecting data, mainly from victims. When people tell us about the sort of things that happen, we all say that it is dreadful and that it should not happen. Do you have any early impressions that people feel that there is someone—we are talking about all these different departments, organisations and agencies with responsibilities in this area—who is taking this seriously, making this a priority and providing any sort of leadership? Or do victims feel that there is no-one they can really turn to?

**Dr Rigby:** That is a key issue. Basically, I think that there is a feeling that, no, there is not enough leadership and co-ordination. Many people are aware that there are pockets of good practice, and that certain good things have been done here and there—such as what Mencap is doing in Torfaen—but they feel that it is not all being brought together. There is no one person or organisation championing the issue or leading on it. If that could be achieved, it might help to change people's perceptions and make them feel that the issue is being taken seriously. People tend to focus very much on the police and what they are doing, but the police cannot do everything, so some strong leadership from somewhere would definitely be something that we would welcome.

**Mark Isherwood:** You mentioned the proposal for a multi-agency risk-assessment conference. I know that, when a previous committee did an inquiry into domestic abuse, we found that, in addition to those MARACs, Flintshire, as was highlighted in the report, has more regular multi-agency meetings, involving the public and the voluntary sector, with the lead authority being the local children's services. That is enabling far quicker, more responsive and joined-up service delivery than would otherwise be the case, so I commend that example to you.

My specific question is picking up on your comment about the person from north Wales who gave evidence that they were being treated as a problem—as a serial complainer. As a north Wales Member I have to say that that is something I come across quite a lot from certain public sector service providers. A great deal of management research has identified the

negative manager who thinks they have all the answers and that, because they are the boss, they have status and all wisdom. They shoot the messenger because they perceive a problem as a complaint against their management. The effective manager recognises that, if someone raises a problem, they have to own the problem and deal with it, working with their team, to maximise the service through the team because they cannot do everything on their own. Therefore, is there a need for a cultural shift to a situation where we have active training development and performance management embedded in those public sector providers?

11.45 a.m.

**Dr Rigby:** That would be something that we would definitely welcome, yes. You do get this perception of people, and it is not just with disability hate crime harassment; you see it in other areas as well. If someone phones the housing office at the local authority 30 times, there is a perception, ‘Oh no, it’s them again’—and that is what happened in the Fiona Pilkington case, and a horrific tragedy resulted. It is really important to challenge that kind of attitude that victims are a problem, and a drain on resources, making trouble. That needs to be challenged very strongly. If someone is phoning you a lot, they have a problem—they have needs that are not being met. We support the recommendations being made about more training, particularly for front-line staff, so yes, I agree.

**Gwyn R. Price:** We have heard from previous speakers this morning—I am sure that you have taken a lot of this on board—that communications between agencies can sometimes let the victims down. We have heard this morning that the police, in some instances, did not report things back to agencies for three years, and that the victims can be left frustrated, depressed, and even suicidal—sometimes committing suicide. Who follows all this up at the end of the day? Who gets it done? You have touched on some points about the agencies that are talking, and the police, and so on, but it is time that people did something in the end.

**Dr Tregidga:** We are at a similar stage now with hate crime, particularly in terms of partnership working, as we were with domestic violence in the UK 10 years ago, for example. I worked on the early evaluations of the MARACs for domestic violence, and the situation that we find ourselves in now is similar. It is a slow process in that it takes a lot of ground work to get these things working. You need key things to be in place, one of which is an information-sharing protocol, so that you have accountability, everything is transparent and everyone knows where they are and what they can share. You get these key agencies around the table, and they come to the meeting confident that they are in a position where they can share information. The victim is aware of the meeting that is going on, and once that information-sharing protocol is in place, it makes a huge difference that these key agencies are signed up. That is one of the things that needs to be in place in the beginning.

**Dr Rigby:** Organisations can be very frightened of sharing information and data, as we have heard. There is fear about the Data Protection Act 1998 and that kind of thing. That is one of the things that is good about the MARAC process—there is always an information-sharing protocol, so everyone is clear on what they can share. If this goes down the MARAC route, it would need to be done quite locally, bringing together all the agencies to share all the information they have on a particular case, and to come up with action plans to support the victim.

**Ann Jones:** Does anyone else want to ask a question? I see that there are no further questions. I will throw a quick question in. You are doing extensive research; has anyone thought of asking the perpetrators why they set about this hate crime? Is there research that says that it is not worth bothering because you get the pat answer? Is that something that we should be looking at?

**Dr Tregidga:** ‘Yes’ is the short answer. 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. That is something that we would like to see as an opportunity that grows out of our research: working with other statutory organisations beyond victimisation—the Crown Prosecution Service, the probation service—and carrying out research in prisons, for example. That is valid and necessary.

**Dr Rigby:** Briefly, one thing that we have heard from the probation service is that, in some cases, it is concerned that quite a few perpetrators are also victims; those lines can be quite blurred.

**Ann Jones:** I see that there no further questions. Therefore, I thank you both. We are doing a shorter inquiry, so we will probably be trying to draw some conclusions before 2013, but I am in no doubt that we will look at your report when it comes out. We would like a copy of the report on the sessions that you referred to, as it would be helpful to us in our deliberations. I thank you both for giving your time today. You will receive a copy of the transcript to check for accuracy; the clerks will deal with that. Thank you.

That brings us to the end of the evidence session, but perhaps we could have a five-minute round up so that we have some ideas on where we think our inquiry is going. The first witnesses were keen on data sharing. That was a major issue. They also highlighted that disabled people should be involved in any agency planning. Leadership was also a big theme, as was the fact that people feel that they can report something but will not see any action at the end of that process. Those were the issues that arose from the first session.

From Mencap, the focus was on the way in which it can support people who are victims of crime. It is trying to do as much as it can. From the research, it appears to be about how we make sure that people get that all-important support when they report a crime. Those were the main issues that came out of that session. Has anyone picked up on another issue that I have missed?

**Rhodri Glyn Thomas:** There are perhaps a couple more. You have highlighted the main issues, but there were a couple of things that were suggested rather than being made explicit. There was a lot of emphasis on the need for training, but also education in a more general sense. There is a danger that we are trying to say that this is a small minority of people, but attitude and general culture is something that we should highlight.

Another point, which draws on what you were saying about leadership, is whether we should be suggesting that there should be a one-stop shop. Rather than have people trying to work out which agency, department or organisation they should contact, they should be able to, for example, call a number and then the person at the other end of the telephone would sort out who should deal with that issue.

**Ann Jones:** Those are issues that we need to consider. I am conscious that we are still in a formal committee setting, so I do not want to give the press titbits regarding what we will report.

**Peter Black:** It struck me that there are many process issues—what happens when an organisation receives a complaint and what it does with that complaint. I got the impression from most of the statutory agencies that were referred to—local councils, housing associations, transport operators and so on—that they may sometimes get complaints but do not know what to do with them, so they try to put them to one side or shove them under the



carpet. There may need to be stronger guidance on that.

**Joyce Watson:** At the top level, the social services (Wales) Bill is going through; there was a call for it to include safeguarding, and we have the specific equality duties in Wales. We need to consider how we put it on the statute books, because unless we put it in statute in the first place, we cannot monitor it afterwards.

**Ann Jones:** That is true. I thank you all for that. I remind you that our next meeting is next Thursday, 29 September. The session will include evidence from Disability Wales, Learning Disability Wales, Safer Wales, the Welsh Local Government Association and, I think, the Wales Association of Community Safety Officers is down to come in. No, I am sorry, that is the following session. I am ahead of myself. So, we are looking at disability with Welsh local government.

**Peter Black:** Are we going to have the police and the Association of Directors for Social Services Cymru?

**Ann Jones:** We might do; we can look at that. A lot of evidence has come out of this session, so perhaps we need to do that. I am sorry, I was ahead of myself when I referred to some of those coming in to give evidence. That was a good session and I thank Members for their attendance today. The meeting is now closed.

*Daeth y cyfarfod i ben am 11.54 a.m.*

*The meeting ended at 11.54 a.m.*