

Response of the Equality and Human Rights Commission to the Government's consultation on a new safeguarding power

Consultation details

Title:	Consultation on New Safeguarding Power
Source of consultation:	Department of Health
Date:	19 th October 2012

1. Key points

1.1 Evidence from the EHRC's Disability Harassment¹ Inquiry indicates that abuse and neglect of disabled people often occurs behind closed doors where they live and that the perpetrators of abuse and neglect are often living with or visiting the victim. Evidence from the Commission's Inquiry into Older People and Human Rights in Home Care² revealed many instances of home care that raised real concerns, including failure to support the individual to eat and drink and instances of physical abuse.

1.2 Evidence from the Disability Harassment Inquiry shows that public authorities often fail to intervene effectively in response to allegations or suspicions of abuse and neglect of disabled people.

1.3 The Commission believes the unavailability of a power to enter for local authority representatives has sometimes contributed to the lack of effective intervention by local authorities in response to suspicions of abuse and neglect.

¹ EHRC inquiry into disability-related harassment and how well this is currently being addressed by public authorities: <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/>

² EHRC inquiry into the protection and promotion of human rights of older people in England who require or receive home-based care and support: <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-home-care-of-older-people/>

1.4 The Commission believes a power to enter would complement the government's proposed duty to investigate³ and that this could lead to public authorities intervening more effectively in response to allegations or suspicions of adult abuse or neglect.

1.5 However, we strongly recommend that any power to enter must be exercised within a human rights framework that balances people's rights to freedom from abuse and exploitation with their rights to privacy, home and family life.

1.6 The consultation document suggests some safeguards aimed at ensuring local authorities use a power to enter effectively and appropriately, however the Commission deems these to be insufficient and suggests additional safeguards on the basis of findings in its' Disability Harassment and Home Care Inquiries to promote people's safety and security.

2. Background: The Equality and Human Rights Commission

2.1 The Commission is a statutory body established under the Equality Act 2006, which took over the responsibilities of the Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. It is the independent advocate for equality and human rights in Britain. It aims to reduce inequality, eliminate discrimination, strengthen good relations between people, and promote and protect human rights.

2.2 The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation (known as protected characteristics) and encourages compliance with the Human Rights Act. It also gives advice and guidance to businesses, the voluntary and public sectors, and to individuals.

2.3 The Commission is an accredited National Human Rights Institution responsible for promoting international human rights standards in the UK

³ As contained in the Draft Care and Support Bill 2012:
http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_134740.pdf

3. Introduction

3.1 The Commission welcomes the opportunity to respond to the Government's consultation on the new safeguarding power⁴.

3.2 Adult safeguarding is intrinsically linked to human rights and as a result the topic falls within the Commission's statutory duties.

3.3 As discussed throughout our response, adult safeguarding, and any use of a power to enter in particular, must achieve a balance between safety and security whilst avoiding over-protectiveness that negatively impacts on individuals' human right to respect for private and family life (Article 8 European Convention on Human Rights⁵)

3.4 Our response concludes with an annex containing relevant recommendations from the Commissions Disability Harassment Inquiry and Home Care Inquiry that we believe could avoid the need to use the power to enter or where its use becomes necessary that the power is utilised in a way that protects the human rights of all parties.

4. Consultation question 1: Do you agree that there is a gap in the proposed legislative framework for people with mental capacity, which this power would address?

4.1 The Commission believes there is a need for legislation to address the absence of a power for local authority representatives to enter premises to speak to someone whom the local authority believes could be at risk of abuse and neglect, where a third party is preventing access to the person.

4.2 The Commissions' Disability Harassment Inquiry found that the greatest proportion of abuse and neglect of disabled people took place in their own homes and was perpetrated by people living with or visiting the victim. Evidence from the Commission's Home Care Inquiry revealed many instances of care that raised real concerns, including

⁴ 'Consultation on a new adult safeguarding power' Department of Health July 2012:
<http://www.dh.gov.uk/health/files/2012/07/Consultation-on-New-Safeguarding-Power.pdf>

⁵ European Convention on Human Rights (as amended by protocol 14) Counsel of Europe 2010

inadequate support to eat and drink. There was also some evidence of physical abuse.

4.3 The Commissions' Disability Harassment inquiry examined ten cases of very serious abuse where disabled people died or were seriously injured.⁶ Several of these cases involved the victim being abused by people they were living with and we believe it is possible that if the local authority had tried to intervene in some of these cases that without a power to enter it is likely that the abuse perpetrators would have denied access to the suspected victim.

4.4 Over half of 300 social workers surveyed⁷ by the College of Social Work said they had encountered situations where they would have used a power to enter over the last three years if it had been available. 46% said they would have used the power up to five times and 8% said they would have used it more than five times.

4.5 The Commission believes that legislating for a power to enter for local authority representatives, (together with the proposed duty to investigate) will address a gap in the law and clarify the role and responsibilities of local authorities in adult safeguarding investigations. It should lead to local authorities intervening more effectively in response to allegations or suspicions of abuse and neglect with the aim to prevent further abuse or harm.

5. Consultation question 2: What are your views on the proposal that there should be a new power of entry, enabling the local authority to speak to someone with mental capacity who they think could be at risk of abuse and neglect, if a third party prevents them from doing so?

5.1 Human rights framework: The Commission supports the introduction of a power to enter premises for local authority representatives to allow them to speak to someone with mental capacity that the local authority is concerned could be at risk of abuse and neglect, where a third party is preventing access.

⁶ Disability Harassment Inquiry: 'Ten Cases' <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-disability-related-harassment/ten-cases/>

⁷ <http://www.collegeofsocialwork.org/pressrelease.aspx?id=6442477478>

5.2 However we believe it is essential that a power to enter is explicitly linked to a human rights framework to support use of the power in an appropriate and proportionate way that ensures people's safety and security whilst not being over-protective.

5.3 The interventions of public bodies in response to allegations of abuse and neglect of adults on private premises raises complex human rights issues. We agree with the governments' view that relevant Articles of the European Convention on Human Rights (ECHR) in relation to a power to enter are the Right to life (Article 2); Right to not be tortured or treated in an inhuman or degrading way (Article 3); and Right to respect for private and family life, home and correspondence (Article 8)

5.4 In addition to the government's obligations under the Human Rights Act the government has responsibilities as a matter of international law under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)⁸ following ratification of the Convention by the United Kingdom Government in June 2009.

5.5 Relevant UNCRPD Articles are the Right to life (Article 10), Right to liberty and security of person (Article 14); Right to freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15); Right to freedom from exploitation, violence and abuse (Article 16) and Right to living independently and being included in the community (Article 19).

5.6 UNCRPD Article 16 is particularly relevant because it refers to protection from exploitation, violence and abuse within the home:

- 'States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

⁸ United Nations Convention on the Rights of Persons with Disabilities: United Nations 2006
<https://www.un.org/disabilities/default.asp?id=150>

- States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
- In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
- States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
- States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted'

5.7 The Commission commends the general principle on intervention on the face of the Adult Support and Protection (Scotland Act) 2007⁹ stating that a person may only intervene, or authorise an intervention in an adult's affairs if satisfied that the intervention:

'Will provide benefit to the adult which could not reasonably be provided without intervening in the adult's affairs, and is, of the range of options likely to fulfill the object of the intervention, the least restrictive to the adult's freedom.'

⁹ Adult Support and Protection (Scotland Act) 2007:
<http://www.legislation.gov.uk/asp/2007/10/contents>

5.8 The Commission recommends that a similar principle to that on the face of the Scottish Act should be incorporated if legislation is introduced to provide a power of entry in England.

5.9 Abuse and neglect of disabled and/or older people and the response of public authorities: The Commission support for a power to enter is based on evidence from our Disability Harassment and Home Care Inquiries.

5.10 Our support for a power to enter is also influenced by official statistics on abuse and neglect of adults¹⁰, case studies produced by Action on Elder Abuse¹¹, and anecdotal evidence from the Association for Real Change 'Mate Crime' project¹².

5.11 Evidence from our Disability Harassment Inquiry showed that, harassment abuse and neglect of disabled people often occurs in their own homes 'behind closed doors'. Our findings regarding the locations of harassment, abuse and neglect of adults align with the governments' statistics which show that in 2010-11: the greatest proportion of alleged abuse, 41% (39,565 cases), took place in the home of the alleged victim.

5.12 Evidence from our Disability Harassment Inquiry indicated that abuse and neglect is often perpetrated by relatives and 'friends' who are living with or visiting the disabled person or carers. Our findings are mirrored by the government's statistics that perpetrators of alleged abuse were 18% family member (16,905 cases), 7% partner (6,925 cases), 6% neighbour/friend (6,145 cases) and 6% social care domiciliary workers (about 5,862 cases).

5.13 The Commission believes that available alleged abuse statistics are likely to substantially under-represent the scale of harassment, abuse and neglect experienced by older and disabled people in their homes perpetrated by those living with or visiting them.

¹⁰ Abuse of Vulnerable Adults in England 2010-11: Final Report Experimental Statistics. Published by the NHS Information Centre, March 2012 <http://www.ic.nhs.uk/pubs/abuseva1011>

¹¹ Action on Elder Abuse Consultation Document on Safeguarding Consultation: <http://www.elderabuse.org.uk/Documents/AEA%20Adult%20Safeguarding%20legislation.pdf>

¹² <http://www.arcsafety.net/>

5.14 We believe much abuse ‘behind closed doors’ goes unreported because of the fear and isolation of victims. Limited mental capacity and communication ability, together with mental distress are likely to make it more difficult for some victims of harassment, abuse and neglect to seek assistance, resulting in the official statistics on abuse and neglect of adults in their homes being under-representative.

5.15 The Commission recognises that rates of under-reporting of harassment, abuse and neglect are inevitably difficult to quantify. However, anecdotal evidence received during the Department of Health funded, Association for Real Change ‘Mate Crime’ project indicates that as much as 98% of exploitation and abuse of people with learning disabilities is unreported and/or unrecorded. The project lead told the Commission that every social care professional who had been interviewed during the project was able to ‘reel off five or six examples of people with learning disabilities being exploited and/or abused by ‘friends’ without thinking about it’

5.16 The Commission’s Disability Harassment Inquiry found that local authorities often failed to intervene following reports received of suspected abuse and neglect of disabled people. Reasons for inaction included failures to share information, failures to co-ordinate action, confusion about the applicability of safeguarding legislation in certain circumstances, including in relation to the statutory definition of a ‘vulnerable adult’, and because of a lack of clarity and understanding by local authorities of roles, duties and powers in relation to adult safeguarding.

5.17 The failures of authorities to intervene when people are being abused and neglected, as evidenced by our Disability Harassment Inquiry, leads us to believe that there is a need for a duty on local authorities to investigate suspicions or allegations of abuse and neglect as well as a power to enter. The Commission therefore recommends that forthcoming adult care and support legislation places duties to investigate abuse and neglect allegations and suspicions on local authorities as well as providing them with a power to enter.

5.18 The Commission also welcomes the governments’ commitment to reframe forthcoming adult safeguarding legislation around vulnerability

of individuals' circumstances rather than intrinsic individual vulnerability associated with thresholds of levels of impairment.

5.19 The Commission recommends that the use of a power to enter by local authorities should not be dependent on the person suspected to be at risk of abuse and neglect being required to meet any definition of vulnerability. We believe the criteria for initiating safeguarding investigations and interventions should consider wider aspects of risk, including their environment, situational vulnerability¹³ and circumstances that the person is experiencing.

5.20 Personalisation and safeguarding: The Commission welcomes the governments' stated commitment in the Care and Support White Paper¹⁴ to greater self determination and control for disabled and older people through the increasing provision of personal budgets and direct payments. However, the Commission's view is that safeguarding of adults must be fully incorporated into the delivery of the government's personalisation agenda to ensure older and disabled people's independence is maximised at the same time as maintaining their safety and security.

5.21 The Commission supports the provision of direct payments and personal budgets to older and disabled people due to the increased autonomy that they provide. Support provided by relatives, friends and other informal carers who are being paid through direct payments from a local authority can be excellent and meet the individual needs of disabled and older people.

5.23 However, the Commission is concerned that some people using direct payments have been targeted by abusers¹⁵. Evidence shows that informal carers such as relatives, neighbours and friends sometimes abuse and neglect older and/or disabled people. We therefore believe that it is inevitable that some people being paid through direct payments to provide support will fail to provide adequate support to meet the

¹³ Situational vulnerability - Recognition that the risk of experiencing harassment is influenced by the circumstances in which someone lives their life including wider social, economic and community conditions.

¹⁴ Caring for our future: reforming care and support: H.M Government, July 2012

¹⁵ Review of 'In Safe Hands': A review of the Welsh Assembly Governments Guidance on the protection of vulnerable adults in Wales. September 2010 Welsh Institute for Health and Social Care | University of Glamorgan

needs of the disabled or older person and in some cases will be actively abusing and/or neglecting the person they are being paid to care for.

5.24 Evidence from the Commission's inquiries and research¹⁶¹⁷¹⁸ and other sources¹⁹ indicates that good quality, accessible support services such as brokerage and independent advocacy can support people to utilise personal budgets or direct payments to increase their autonomy whilst maintaining their safety and well-being. However, Commission research into the availability and accessibility of independent advocacy services for people with protected characteristics has indicated that the availability of independent advocacy services was a postcode lottery.

5.25 Our evidence indicates that government needs to ensure local authorities are required to commission services to support people to manage direct payments and personal budgets. Support services that have been proven to help people to access and utilise direct payments or personal budgets include brokerage, independent advocacy, personal assistant registers, reference checking and voluntary Criminal Record Bureaux checks on informally recruited personal assistants. Evidence from the Home Care Inquiry identified a need for more advocacy, guidance and brokerage schemes to support older people considering personalised care options. The Commission believes provision of appropriate, accessible support for people to manage direct payments and personal budgets should help to maximise their autonomy whilst contributing to protecting them from abuse and neglect.

¹⁶ Research report 67: Advocacy in social care for groups protected under equality legislation. EHRC 2010:
http://www.equalityhumanrights.com/uploaded_files/research/research_report_67_advocacy_in_social_care_for_groups_protected_under_equality_legislation.pdf

¹⁷ Advocacy in social care for groups protected under equality legislation: Supplementary report: Case studies: EHRC, 2010.
http://www.equalityhumanrights.com/uploaded_files/research/advocacy_in_social_care_case_studies.doc

¹⁸ Survey report: Making the personalisation of care and support work for all communities in the English regions: EHRC 2010:
http://www.equalityhumanrights.com/uploaded_files/research/making_personalisation_of_care_and_support_work_for_all_communities_in_er.pdf

¹⁹ 'Evaluation of the Individual Budgets Pilot Programme, Final Report: University of York 2008
<http://www.york.ac.uk/inst/spru/pubs/pdf/IBSEN.pdf>

5.26 Evidence from our inquiries shows that some older and/or disabled people do not know how to access local authority complaints procedures. We believe the lack of awareness of how to complain amongst some care and support recipients indicates that local authorities need to do more to ensure people know how to access local authority social services complaints procedures and that support is available to enable them to do so if they need it.

5.27 The Commission believes increased awareness of how to use local authority complaints procedures will contribute to people being more empowered to challenge and seek redress if they are subjected to abuse and/or neglect by people they have employed to provide care and support through direct payments or personal budgets.

6. Consultation question 3 (for care and support professionals working in adult safeguarding): How many times in the last 12 months, have you been aware of a situation where, had this power existed, it would have been appropriate to use it? What were the circumstances?

6.1 The Commission has no operational mandate or inspection role and is reliant on evidence provided by others. However the inaction of public authorities in some of the cases of harassment examined by the Disability Harassment Inquiry indicates the need for a power to enter in conjunction with a duty to investigate.

7. Consultation question 4: 'What safeguards would we need to ensure local authorities use such a power effectively and appropriately?'

For example, would the following provide adequate safeguards?

- *A warrant would be applied for from a circuit judge (e.g. a nominated judge of the Court of Protection).*
- *The local authority would present the court with evidence of the need for the warrant.*
- *The local authority would ensure that there is a process by which the occupiers of the premises understand that they can complain about the way in which a power has been used. The*

local authority would have to verbally inform the affected persons how they might access that process.'

7.1 The Commission agrees the above suggested safeguards are appropriate but we believe they are not sufficient in themselves to ensure the power is used proportionately and in a way that protects the human rights of all parties. The Commission believes the following additional safeguards are needed:

7.2 Local authorities need to establish if the person they are concerned about has specific communication needs and ensure any needs are provided for.

7.3 Local authorities should consider using independent advocates to make contact with people they are concerned about. This may be particularly appropriate where the person of concern has a historically bad relationship with the local authority. An independent advocate may be able to establish more effective contact and advise the local authority whether the person is being subjected to abuse and neglect or not.

7.4 Local authority representatives undertaking visits using the power to enter should be knowledgeable and experienced in adult safeguarding.

7.5 When using the power to enter, local authority representatives should consider involving an independent advocate whose principal role should be to support the person the local authority is concerned about to communicate their feelings and wishes. An independent advocate can help to ensure that a person's wishes are clearly articulated and that proper consideration is given to balancing the person's human rights to ensure the least restrictive course of action is taken.

7.6 Relevant regulatory and Inspection organisations should incorporate assessment of proportionate use of the power to enter into their regulatory and inspection frameworks.

8. Consultation question 5: Do you have any other comments?

8.1 The Public Sector Equality Duty requires public authorities, in the exercise of their functions, to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; advance equality of opportunity and foster good relations between people with different protected characteristics.

8.2 Proportionate and effective use of a power to enter to address discrimination, harassment and victimisation of people with protected characteristics will support local authorities to meet the aims of the Public Sector Equality Duty.

9. Annex: Relevant recommendations from the Commission's Disability Harassment Inquiry (DHI) and Home Care Inquiry (HCI)

9.1 Human rights framework

National governments should: Introduce and develop human rights-based approaches to safeguarding. (DHI)

The Law Commission's proposal²⁰ for a single statutory scheme for adult social care, an approach that we broadly support, should be implemented as soon as parliamentary time is available. The new statute should be expressly underpinned by human rights principles, putting social care on the same footing as NHS services. (HCI)

9.2 Abuse and neglect of disabled and/or older people and the response of public authorities

Regulators, inspectorates and ombudsmen should:

Ensure that comprehensive data is collected and shared which spells out the scale, severity and nature of disability harassment within localities. The Ministry of Justice should encourage the publication of accessible performance statistics. that clearly identify:

- number of reported incidents recorded as crimes
- numbers of above resulted in prosecution
- harassment crime and harassment incidents levels within crime figures
- performance of local agencies and partnerships in addressing harassment
- service guarantees. (DHI)

Authorities should:

- Collect and share data about victim(s), alleged perpetrator(s), the nature of incident (s) and repeat offending. (DHI)

²⁰ 'Adult Social Care (LAW COM No326) Law Commission 2011

- Pro-actively work with disabled people and their representative organisations to identify where risks of disability related harassment are higher and take appropriate action to address it. (DHI)

Staff responding to harassment should be trained in how to better gather and record personal information about disability in an appropriate and sensitive manner. (DHI)

Staff delivering health and social care services to the public should be trained in safeguarding adults and children, including how to refer to appropriate services. (DHI)

Authorities should refer disabled victims of harassment, anti-social behaviour and crime to support services (specialist services if appropriate). (DHI)

Safeguarding Boards and Community Safety Partnerships should ensure that accessible information and advocacy services are available to enable disabled people to understand and exercise their rights. (DHI)

Local agencies and partners should review the priority they give to eliminating harassment, and their information sharing systems; using joint intelligence to identify and stop repeat victimisation or perpetrators and prevent further escalation. (DHI)

Local authorities should play a lead role in driving local partnerships to deliver on preventing and tackling disability-related harassment and all authorities should develop approaches for effective joint working. (DHI)

Whenever repeat perpetrators or repeat victims are identified, the priority given to solving the case should always be increased to urgent. (DHI)

Crimes motivated in part or in whole by hostility/prejudice to disability need to be recognised, investigated and prosecuted as such. Where there is evidence of hostility/prejudice police should gather evidence

to support prosecution as an aggravated offence utilising s 146 of the Criminal Justice Act ²¹ where appropriate. (DHI)

National governments should take the lead in developing collective understanding of the motivations of perpetrators of disability related harassment, including for the purposes of prevention, profiling and early intervention. All authorities should identify and implement interventions to prevent harassment occurring in the first place and develop responses to prevent escalation. This should include using legal and non-legal sanctions as deterrents to would-be perpetrators, such as provisions against disability-related harassment within tenancy agreements. (DHI)

All authorities should ensure that perpetrators of harassment face consequences and that these are properly implemented. (DHI)

Regulators, inspectorates and ombudsmen should: ensure that application of section 146 of the Criminal Justice Act 2003 is monitored evaluated and reported on to ensure appropriate application is considered in all cases. (DHI)

Police should review their rates of “no-criming”²² where the victim is disabled across all crime types and address any issues (i.e. disbelief) that may emerge as a result. (DHI)

Regulators, inspectorates and ombudsmen should limit judgements of inspection and regulation by performance on equality objectives, including measures taken to prevent and tackle disability related harassment. Poor performers should be identified and sanctioned if no improvement is apparent within a reasonable period of time. (DHI)

Regulators, inspectorates and ombudsmen should ensure a proportionate intervention when a serious or repeat case of disability harassment emerges within their sector. (DHI)

²¹ ‘Criminal Justice Act: H.M Government 2003 <http://www.legislation.gov.uk/ukpga/2003/44/contents>

²² ‘No criming’ is a term used to describe where an incident reported is recorded as motiveless

Leaders of authorities and elected representatives should show strong personal commitment, ownership and determination to deliver change. (DHI)

In fulfilling its commitment to implement the Law Commission's recommendation that adult safeguarding boards be placed on a statutory footing and led by local authorities, the government should ensure that there are clear lines of accountability when agencies other than local authorities conduct investigations. As part of this legislative change, consideration should also be given to strengthening and broadening the role of Directors of Adult Social Services in relation to adults not receiving publically funded community care services who may be at risk of harm. (HCI)

9.3 Personalisation and safeguarding

Given that the Care Quality Commission has no regulatory remit over personal assistants who are not supplied by a care provider, local authorities should develop ways of supporting those who employ their own personal assistants, to ensure older people's human rights are protected. This could include steps such as funding advocacy and advice services and facilitating voluntary registers for personal assistants. (HCI)

We welcome the steps being taken by the Social Care Institute for Excellence, Skills for Care, National Centre for Independent Living, Social Care Association and others to develop tools such as voluntary personal assistant (PA) registers in order to support those older people using direct payments looking for a better understanding of the workforce. However, in order that more older people can, if they choose, benefit from the greater autonomy inherent in personalised home care, an increased focus is needed by government and local authorities on developing advocacy, guidance and brokerage schemes. (HCI)

9.4 Additional safeguards

Authorities should remove barriers to all disabled people reporting crime, anti social behaviour or bullying, including "cyber-bullying". Authorities should also consider how they communicate with disabled people and use terminology that service users identify with. (DHI)

Public authorities should use the public sector equality duty as a framework for helping promote positive images of disabled people and

address the low representation of disabled people across all areas of public life. (DHI)

All authorities should:

- develop, implement and review awareness raising campaigns to encourage victims and witnesses of disability harassment to come forward
- encourage all individuals and organisations to recognise, report and respond to any incidences of disability-related harassment they may encounter
- identify and implement interventions to prevent harassment occurring in the first place and develop responses to prevent escalation. This should include using legal and non-legal sanctions as deterrents to would-be perpetrators, such as provisions against disability-related harassment within tenancy agreements.
- ensure that perpetrators of harassment face consequences and that these are properly implemented. (DHI)

Authorities should proactively engage with disabled people to improve services and practice on preventing and tackling disability related harassment ensuring the provision of reasonable adjustments to aid involvement and participation. (DHI)