**Disabled high-rise leaseholders are living in post-Grenfell fear of fire and financial ruin**

Disabled people who lease their own flats in high-rise buildings have been left frightened for their lives, but also in fear of losing their homes, because of the government’s failure to address the growing post-Grenfell safety scandal.

A new campaign group, co-founded by two disabled leaseholders, called on the government this week to address the “very distressing” financial pressures and safety concerns that thousands of disabled leaseholders are facing.

In a letter to housing secretary Robert Jenrick, Georgie Hulme and Sarah Rennie say that they and other disabled leaseholders are experiencing an “unjust” series of concerns.

They say the government is failing to address these concerns, which have emerged in the months and years following the Grenfell Tower fire, on 14 June 2017, which led to the loss of 72 lives, including disabled residents who died after [public bodies failed to plan how they would evacuate their homes](https://www.disabilitynewsservice.com/disabled-grenfell-residents-were-repeatedly-failed-in-years-before-fire-inquiry-finds/) in the event of a fire.

The new [CladDAG](https://twitter.com/claddag) leaseholder disability action group was formed only last month, and aims to raise awareness of the “additional and multiple ways disabled leaseholders are impacted by this scandal”.

In their letter, they say they “live in fear” of being abandoned and left to die if there is a fire, as happened to disabled Grenfell residents, because their buildings do not meet fire safety standards.

But they also point to the “escalating costs” that many leaseholders are facing because of the government’s refusal to fund vital safety work, such as replacing flammable cladding and fixing other fire safety flaws, and rocketing insurance costs.

They are [particularly alarmed at reports](https://www.thefpa.co.uk/news/loans-proposed-as-solution-to-cladding-issues) that the government is considering asking many flat owners to take out 30-year loans to pay for the cost of fixing fire safety issues and avoid “burdening tax-payers”, rather than asking developers, builders and freeholders to meet the costs.

And they say the government’s decision only to support residents of buildings above 18 metres in height (about six or seven storeys) through its [£1 billion Building Safety Fund](https://www.gov.uk/government/news/new-1-billion-building-safety-fund-to-remove-dangerous-cladding-from-high-rise-buildings) – which will help fund the removal of dangerous cladding – will disproportionately affect disabled people, who are more likely to live in lower-height buildings.

They say in the letter: “Many disabled leaseholders have invested thousands of pounds in making their homes accessible, eg installing wetrooms, lowered kitchens, intercoms etc.

“Our ‘homes for life’ are now at risk.”

Rennie moved into her wheelchair-accessible, 13th-floor Birmingham flat in 2008 and is supported by a 24-hour care package.

Yesterday, she received a bill of more than £52,000 for her share of the removal of cladding from her building, in addition to a huge increase in the annual service charge, which means she will need to pay another £5,000.

She said last night (Wednesday): “When I saw the first bill I had to read it a few times to take it in. I laughed in disbelief. Now I just feel a bit numb.”

She has already spent much of her life savings making adaptations, with help from a disabled facilities grant from her local council, because, she says, it is her “home for life”.

She told Disability News Service: “It meant a lot to me and my family to know I’d have somewhere safe to live when I’m no longer able to work.

“Now I’m looking at potentially tens of thousands of pounds to fix the building’s problems and, if we don’t get grant funding for the cladding, the bill for the block will run into millions.

“On top of this, I’m terrified about evacuation.

“We recently heard that, due to issues with the lift shaft, neither residents nor the fire service can use the lift in an emergency.”

She said: “I used to be so happy, living in a safe flat for me and personal assistants and had a plan with the fire service to use the lift – now I discover that I live in a building wrapped in flammable cladding and my evacuation plan has been torn up.

“I feel let down by government, betrayed by developers I dealt with in good faith and frightened for my safety.”

Although her building is above 18 metres, she and her fellow lease-holders do not know if their application for a grant from the Building Safety Fund will be successful or if any grant they do secure will cover the full costs of cladding removal.

She added: “The fund is nowhere near enough to go around all the buildings who are eligible.

“In any event, the grants do not cover knock-on costs such as insurance (our premiums have skyrocketed).”

Hulme, also a wheelchair-user, lives on the third floor of a building in Hulme, Manchester, which has been found to have major fire risks, including with the cladding, as well as unsafe materials on the balconies.

She said: “It was built unsafe. The developers went bankrupt, so we have no recourse to challenge them.”

Her block is about a metre shorter than the minimum for funding from the Building Safety Fund, but she and her fellow lease-holders are still applying because part of the building is above 18 metres, although they are not hopeful of securing a share of the £1 billion.

She said: “I really love my flat, the location and the community, but I am stuck in a building that’s extremely unsafe, with no options.

“My mum died in the comfort of thinking that she’d left me with home security for life, in an accessible flat that I love. It’s heart-breaking that this isn’t the case.

“It’s also impacting on my health – I was recently hospitalised and unresponsive for 12 hours, which my consultants put down to stress.

“I am no longer able to work due to my complex needs, so I’m reliant on state benefits, which means it’s unfeasible for me to pay such a huge amount of money or access credit for such sums.

“This housing scandal is an injustice of immeasurable proportions and the government is not dealing with it fairly.”

Hulme and Rennie are already set for a virtual meeting with Vicky Foxcroft, Labour’s shadow minister for disabled people, and have asked in their letter to meet Jenrick.

Foxcroft said this week: “Every person has a right to feel safe in their own home; the concerns raised by disabled leaseholders are very worrying.

“Lessons must be learnt from Grenfell; the government needs to ensure proper fire safety is in place as a matter of urgency so disabled people are clear that they will be evacuated safely.”

An MHCLG spokesperson said: “We understand many people feel helpless which is why our priority is to remove unsafe materials as quickly as possible – backed by £1.6 billion of funding.

“Building owners should make all buildings safe without passing on costs to leaseholders where possible – as has happened with more than half of the private sector buildings with ACM\* cladding.

“We are considering a range of options to fund future remediation work on high-rise buildings.

“We continue to work with a range of stakeholders, including leaseholders and the finance industry. Further details will be set out in due course.”

MHCLG said that about 95 per cent of the highest risk buildings identified at the start of last year now have safety work completed or underway.

*\*Aluminium composite material, the kind used on Grenfell and* [*blamed by the inquiry*](https://www.insidehousing.co.uk/news/news/grenfell-inquiry-acm-cladding-was-primary-cause-of-fire-spread-and-tower-did-not-comply-with-regulations-judge-rules-63929)*for being the primary cause of the fire spreading*

**7 January 2021**

**Disabled people highlight scores of lockdown concerns**

Disabled people have highlighted gaps in social security support, flaws in the shielding system and worries about access to vaccines, after they were asked to describe their concerns as England entered its [third national coronavirus lockdown](https://www.gov.uk/guidance/national-lockdown-stay-at-home)\*.

They raised scores of different issues, ranging from worries about the accessibility of the vaccination programme to the need to expand the shielding scheme and the government’s failure to provide sufficient financial support through disability benefits.

The most frequently raised single concern was the failure of ministers to match the £20 per week uplift given to universal credit claimants early in the pandemic with a similar sum for those who remain on “legacy” benefits such as employment and support allowance.

[One of those raising concerns on Twitter](https://twitter.com/whitevanwoman/status/1346741298749960192) said of this failure: “It’s blatant disability discrimination and DWP has now had 10 months to make the necessary changes to their IT to make this happen.

“That it hasn’t happened is clearly a political choice.”

The area that sparked most responses was the shielding system, and particularly concerns about access to food through the new lockdown, with many others calling for the health conditions and impairments that qualify someone to be included in the shielding group to be expanded.

Disabled writer and musician [Nicole Eloise](https://twitter.com/nicoleloisee) said on Twitter that many disabled people had been “left out of shielding measures when we shouldn’t have been”, which meant neither she nor her father – who are both at enhanced risk from the virus – had had any support through the pandemic.

And disabled campaigner [Aisha Malik-Smith](https://twitter.com/avocadamn) said: “Ultimately it seems shielding households have been forced to chose between retaining an income to survive and their… lives.

“Can only imagine how impossible the situation has been for young shielders in house shares or [houses in multiple occupation].”

The responses came in reply to [a social media message](https://twitter.com/vickyfoxcroft/status/1346558393327214594) sent out by Labour’s shadow minister for disabled people, Vicky Foxcroft, who had appealed for disabled and shielding people to suggest issues they would like her to raise in yesterday’s House of Commons debate on the government’s new lockdown regulations.

More than 250 people responded with suggestions via Twitter.

Disability News Service has analysed the responses that appeared to come directly from disabled people in an attempt to sketch a picture of the continuing gaps in the government’s COVID-19 response.

The biggest area of concern appears to be around the vaccine programme, with more than 30 disabled people highlighting issues, particularly over the speed of the rollout to those who are clinically extremely vulnerable to the virus.

Disabled activist [Caroline Richardson](https://twitter.com/Hossylass) asked Foxcroft to try to confirm whether everyone who was on the shielded list [would be in the first four groups to be vaccinated](https://www.disabilitynewsservice.com/vaccine-priority-decision-is-campaigning-victory-but-concerns-remain/), and therefore “eligible for the first batch of vaccinations timetabled for January and February”.

She said: “Many have been isolated for 10 months, and suffering physical and mental deterioration.”

There were 28\*\* concerns raised by disabled people about benefits, nine about the government’s failure to provide accessible information throughout the pandemic, seven about education (although further concerns were raised by parents with disabled children).

There were 14 comments about the need to provide more protection for disabled people who need to shield through the “furlough” scheme and for self-employed disabled people.

Another five asked how the new rules on exercising outside would affect disabled people, and a similar number raised concerns about the accessibility of NHS services and whether disabled people would face discrimination in accessing medical treatment as pressure on the NHS increases.

There were concerns raised about social care, including the shortage of support workers, the failure of councils to support disabled people on direct payments, and a call to suspend charging for council care services during the pandemic.

Six disabled people raised concerns about the services provided by supermarkets, particularly with their home deliveries.

Yesterday’s Commons debate lasted four hours and 20 minutes, and Foxcroft appears to have been one of just six MPs to mention disabled people, although a number of others referenced the impact of the pandemic on mental health.

[In her allocated three minutes](https://hansard.parliament.uk/commons/2021-01-06/debates/06F079A7-0E76-4320-997D-61ABB2F5A441/PublicHealth#contribution-54C20D01-55B0-47C5-BA89-71479E547E79), and speaking virtually from her home, Foxcroft, who herself has a long-term health condition, told MPs that disabled people had “felt forgotten throughout this pandemic”.

She said: “In reading the updated regulations, I can see that no assessment of the impact of lockdown on disabled people has taken place. That must change.

“Disabled people must be central to our decision making, not an afterthought.”

Among the other issues she raised were the failure to provide an on-platform British Sign Language interpreter at government briefings; delays in sending out shielding letters; and the failure to provide updated and accessible guidance for shielders.

She also highlighted the continued failure to uplift legacy benefits by £20 a week.

*\**[*Mainland Scotland*](https://www.gov.scot/coronavirus-covid-19/) *and* [*Wales*](https://gov.wales/coronavirus) *have also introduced their own lockdowns*

*\*\*These figures are approximate as it was not always clear whether those replying to Foxcroft identify as disabled people*

\*\*\**For sources of information and support during the coronavirus crisis, visit the*[*DNS advice and information page*](https://www.disabilitynewsservice.com/advice-and-information/)

**7 January 2021**

**Regulator investigates DWP over universal credit ‘cover-up’**

The Department for Work and Pensions (DWP) is claiming not to possess documents that show estimates for the eventual impact of universal credit on disabled people, despite telling both the statistics regulator and MPs that they exist.

In the latest stage of an apparent attempt to hide estimates of how many disabled people will lose out financially through the introduction of universal credit, DWP has told Disability News Service (DNS) that no such written equality impact assessments (EIAs) exist from 2012 onwards.

The freedom of information response contradicts a statement made to MPs by the minister for disabled people, Justin Tomlinson.

It also contradicts information passed by DWP to the Office for Statistics Regulation (OSR).

This week, OSR promised DNS that it would investigate the apparent discrepancy.

The existence of any fresh EIAs is important because ministers, including work and pensions secretary [Therese Coffey](https://www.gov.uk/government/news/10-million-fund-to-help-vulnerable-people-claim-universal-credit) and [Tomlinson](https://bit.ly/3jYLiHO), have stated on several occasions that around one million disabled households will receive a higher entitlement under UC than they would have received under the previous “legacy” benefits system.

But every time they repeat the figure, they fail to say how many disabled households are expected to receive a lower entitlement under UC.

DNS has been trying to secure updated figures showing the impact of universal credit on disabled benefit claimants from DWP for more than 14 months.

The latest freedom of information request submitted by DNS asked for copies of all equality impact assessments carried out by DWP relating to the introduction of UC.

But DWP’s response says the information has already been published by the government, and points to three websites: an initial assessment [published in November 2010](https://www.gov.uk/government/publications/universal-credit-welfare-that-works--2), an assessment of the impact of the welfare reform bill, [published in October 2011](https://www.gov.uk/government/publications/welfare-reform-bill-2011-equality-impact-assessments-general-introduction), and a series of assessments carried out through 2011 and 2012.

The latest published equality impact assessment [is dated November 2011](https://www.gov.uk/government/publications/universal-credit-equality-impact-assessment), and suggests that the number of disabled households gaining financially from UC would be at least matched by the number losing out (with about 800,000 households in each group), with disabled people who are out of work particularly likely to lose out.

But Tomlinson [told Labour MP Neil Coyle on 1 October 2020](https://questions-statements.parliament.uk/written-questions/detail/2020-09-28/96079) that DWP had published an EIA for UC in 2011, “which stands overall, although in line with ministers’ legal duties equality impacts have been considered on all major changes to universal credit”.

DWP has also told OSR that there is “an unpublished impact assessment that was written before the roll out of Universal Credit was complete”, and which it used to estimate the “one million disabled households” figure.

DNS expected this unpublished assessment to be released by DWP in response to the freedom of information request, but DWP only included links to previously published assessments.

The latest published impact assessment on universal credit – although it is not an equality impact assessment – [was released in December 2012](https://www.gov.uk/government/publications/universal-credit-impact-assessment) and admits that “some disabled people could be entitled to less under Universal Credit than under the current benefits scheme”, although it provides no details.

Asked what had happened to any further EIAs and why DWP would not release them, the department refused to comment, but it did not deny that it had been untruthful.

A DWP spokesperson said DNS could now complain to the information commissioner.

**7 January 2021**

**Tomlinson held just a handful of external meetings every month early in pandemic**

The minister for disabled people took part in just a handful of meetings with “external” organisations during each of the first four months of the pandemic, government figures have revealed.

Analysis of [Department for Work and Pensions (DWP) data](https://www.gov.uk/government/collections/dwp-ministers-hospitality-and-gifts) shows that Justin Tomlinson attended only seven such meetings during March 2020, four in April, three in May and six in June.

Office for National Statistics (ONS) data [would later show](https://www.disabilitynewsservice.com/coronavirus-call-for-inquiry-and-urgent-action-after-shocking-disability-death-stats/) that three-fifths of coronavirus-related deaths during the pandemic were of disabled people, with [more than 27,500 coronavirus-related deaths](https://www.disabilitynewsservice.com/devastating-covid-deaths-figures-show-government-breached-disabled-peoples-right-to-life/) of disabled people between 2 March and 14 July 2020.

The new analysis came as [a report from the government’s own benefits advisers](https://www.gov.uk/government/publications/ssac-occasional-paper-25-how-dwp-involves-disabled-people-when-developing-or-evaluating-programmes-that-affect-them/how-dwp-involves-disabled-people-when-developing-or-evaluating-programmes-that-affect-them-occasional-paper-25), the social security advisory committee (SSAC), called yesterday for “culture change” across DWP in the way it engages with disabled people.

But it also emerged last night (Wednesday) that the government’s Disability Unit – headed by Tomlinson – cancelled both last month’s and this month’s meetings of its new Disabled People’s Organisations Forum, [which it launched last July](https://www.gov.uk/government/news/disabled-peoples-organisations-dpos-forum-launches-this-month) to “strengthen its engagement with disabled people”.

The government published its [Coronavirus Action Plan](https://www.gov.uk/government/news/coronavirus-action-plan-launched) on 3 March, but the DWP data shows that during that month, Tomlinson held only seven meetings with external organisations, including just one that involved a disabled people’s organisation (DPO), [Disability Rights UK](https://www.disabilityrightsuk.org/) (DR UK). Four of those meetings are believed to have taken place virtually.

The following month, at the peak of the crisis, he held just four virtual meetings, including only one with a DPO, again DR UK.

In May, there were just three meetings – including one joint online meeting with six English and Scottish DPOs – and in June just six, including a solitary meeting with a DPO, [Action Disability Kensington and Chelsea](https://www.adkc.org.uk/).

Disability News Service (DNS) [has previously reported](https://www.disabilitynewsservice.com/tomlinson-faces-fresh-pressure-over-pathetic-engagement-with-dpos/) on criticisms of Tomlinson’s lack of meaningful engagement with DPOs during the early months of the pandemic, but it has not previously been clear just how few meetings he held with any individuals or organisations other than government colleagues.

Tracey Lazard, chief executive of [Inclusion London](https://www.inclusionlondon.org.uk/), said: “Justin Tomlinson has been criticised before about his inadequate and seemingly tokenistic levels of engagement with disabled people and disabled people’s organisations.

“With the news today that the Disability Unit has cancelled the January meeting of the DPO Forum (after cancelling the December meeting too – all without explanation) it’s looking like the minister and the government cannot be bothered to carry out even the most basic engagement with DPOs.

“Considering we are still in an ongoing pandemic in which nearly 60 per cent of COVID-related deaths were disabled people, we should expect and are demanding more.

“Deep structural inequalities that have gotten worse after a decade of austerity have eroded the quality of life experienced by our community and put back our rights and inclusion.

“Disabled people, especially those that are multiply marginalised, need real change.

“Meaningful engagement between DPOs and the government is key to getting our quality of life, rights and inclusion back on track.

“Rather than cancelling meetings, now more than ever the minister should be working with us.”

Linda Burnip, co-founder of [Disabled People Against Cuts](https://dpac.uk.net/), said: “As disabled people lay dying in their thousands, just where was our minister and what was he doing for us?

“These figures, which show a dwindling of engagements with any organisation representing disabled people during the crucial months of the first lockdown, reflect the disdain and disinterest of this pathetic government of clowns in our rights and wellbeing.”

Ian Jones, from [WOWcampaign](https://twitter.com/WOWpetition), pointed out that [last July he had said](https://www.disabilitynewsservice.com/coronavirus-ons-defends-delay-to-updated-disability-death-stats/) how events that month, including the failure of Tomlinson’s Disability Unit to announce any measures to support disabled people during the pandemic, suggested that disabled people do not “matter as much to society” as others.

He said: “It seems we need to add that it is apparent from Justin Tomlinson’s disinterest in engaging with us that disabled people do not even seem to matter to the Tory minister for disabled people.

“I challenge him to call for a police-led investigation into how care homes for disabled, elderly and other people [were seeded with COVID-19 by his government](https://www.disabilitynewsservice.com/watchdog-has-approved-care-settings-for-covid-patients-in-only-three-fifths-of-areas/).

“Show us he cares.”

Speaking before it emerged that the Disability Unit had cancelled the two meetings of the DPO Forum, a DWP spokesperson refused to explain why there had been so little engagement with external organisations by Tomlinson in the early months of the pandemic.

She pointed instead to Tomlinson’s [initial response to the SSAC report](https://www.gov.uk/government/publications/ssac-occasional-paper-25-how-dwp-involves-disabled-people-when-developing-or-evaluating-programmes-that-affect-them/minister-response-how-dwp-involves-disabled-people-when-developing-or-evaluating-programmes-that-effect-them-occasional-paper-25), which includes a claim that he has “personally led significant engagement with both national and local charities for disabled people and disabled people’s organisations, as well as from disabled people themselves” over the last 18 months.

The SSAC report says the level of trust between DWP and disabled people has clearly “deteriorated over a period of successive administrations”.

But SSAC – which is now chaired by Stephen Brien, the “architect of universal credit” – also claims that there is “clear evidence that DWP is not just ‘talking the talk’, but is beginning to ‘walk the walk’ in terms of engaging disabled people around the UK”.

It says this new approach is “relatively recent and exploratory” and that, despite DWP’s claim that it is committed to co-production with disabled people, it is “not clear that co-production is what the Department actually means, and it was not what we saw happening, in the sense of an equal relationship between the DWP and other players”.

SSAC also concludes that there is a need for “culture change” across DWP.

And it says there is a “need for greater consistency and ground rules” in engaging with disabled people, and that much of DWP’s engagement is with large national charities “for” disabled people, rather than user-led organisations “of” disabled people.

It adds: “However professional or well informed an organisation might be, it cannot be treated as speaking for disabled people unless it is set up to do so.

“There are also clear risks that disabled people’s voices will be filtered through the policies of the organisations.”

It recommends that DWP sets up a large panel of disabled people “with experience of social security that it can consult regularly, and draw from, to work on detailed projects”.

**7 January 2021**

**US retail giant faces legal action over new face covering rule**

Disabled campaigners have called on a multinational retailer to urgently withdraw a “totally unacceptable” policy that bans disabled people who cannot wear face coverings from its stores.

The American retail giant is now facing legal action from disabled people after introducing a new policy just two days before Christmas that only allows customers into the store if they are wearing a face mask or face shield.

This replaces a previous policy that provided an exemption to its face covering policy if the customer could not wear one because of a health condition, in line with government regulations.

But Louie Silveira, Costco’s vice president and country manager for the UK and Iceland, said [in an announcement on the company’s website](https://www.costco.co.uk/covid-updates) on 23 December: “This is no longer the case.

“If a member/guest has a medical condition that prevents them from wearing a mask, they must instead wear a face shield.”

He added: “Whilst this updated policy may seem inconvenient for some, we believe that the added safety is worth any inconvenience.”

But disabled campaigners and lawyers say this new policy is unlawful.

In November, [Disability News Service reported](https://www.disabilitynewsservice.com/apple-could-face-multiple-legal-actions-after-ignoring-government-face-mask-guidance/) how tech giant Apple was facing multiple legal cases being taken by disabled people who had been ejected from its shops for failing to wear a face mask, despite government guidance stating that they were exempt from the rules.

Coronavirus guidance from the [UK government](https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own) – applying in England – the [Scottish government](https://www.gov.scot/publications/coronavirus-covid-19-public-use-of-face-coverings/#Face%20covering%20exemptions) and [the Welsh government](https://gov.wales/face-coverings-guidance-public) makes it clear that people who cannot wear face coverings for impairment-related reasons do not need to do so when visiting shops and other service-providers, and do not need to provide evidence of their exemption.

But despite these rules, retailers and service-providers like Costco are still preventing disabled customers from entering their premises if they cannot wear a face covering.

One of those affected and set to take legal action against Costco through discrimination lawyers [Fry Law](https://www.frylaw.co.uk/) is Marco Naayem, who lives in south-west London, and has invisible physical impairments, as well as serious allergies and asthma that mean he cannot wear a face covering.

He was refused entry to his local Costco branch in Croydon last summer, even though the company’s policy in place at the time allowed medical exemptions.

He was later forced to queue to enter the store for more than 45 minutes – another apparent breach of the Equality Act – despite showing staff at the entrance a photograph of his blue parking badge.

He said the new policy, which he found out about through an email just before Christmas, was “outrageous”.

He said: “It’s going to cause me all sorts of problems. I don’t understand how they have been allowed to get away with it.

“They have tried to take the law into their own hands. It’s just ridiculous.”

He will now be forced to make more regular trips to supermarkets to buy items he would normally buy in bulk from Costco.

Fazilet Hadi, head of policy for [Disability Rights UK](https://www.disabilityrightsuk.org/), said: “Costco’s policy, which bars disabled people unable to wear face coverings/shields from their premises, is totally unacceptable.

“It goes against government regulations, which recognise that for some disabled people, face coverings will be impossible to wear due to breathing difficulties, learning disabilities or mental health conditions.

“Not making reasonable adjustments for disabled people unable to wear face coverings [or] shields is also unlawful under the Equality Act.

“We would ask Costco to have regard to the [Equality and Human Rights Commission guidance for retailers](https://www.equalityhumanrights.com/en/advice-and-guidance/retailers%E2%80%99-legal-responsibility-disabled-customers) and to withdraw this discriminatory policy as a matter of urgency.”

Stuart White, a consultant with Fry Law, which has a number of clients wishing to take legal action against Costco over the change in policy, said Costco had shown “a blatant disregard for the government guidelines on face coverings, by excluding customers who are exempt”.

He said the company was “misleading customers” by advising them that the exemptions no longer applied and was “in clear breach of the Equality Act 2010”.

Costco had not responded to a request to comment by noon today (Thursday).

Fry Law has a free template letter that can be [downloaded from its website](https://www.frylaw.co.uk/#wpcf7-f172-o1) for anyone who needs to lodge a facemask complaint.

It has also [launched a survey](https://bit.ly/2UFrePf) that aims to find out how widespread the problem is.

\**For sources of information and support during the coronavirus crisis, visit the*[*DNS advice and information page*](https://www.disabilitynewsservice.com/advice-and-information/)

**7 January 2021**

**Minister allows transport industry its fourth exemption from access laws**

A government minister has allowed the transport industry its fourth temporary exemption from access laws, allowing it to continue to use inaccessible vehicles for rail replacement services for another nine months.

[The concession came in a letter from transport minister Chris Heaton-Harris](https://www.gov.uk/government/publications/rail-replacement-vehicles-extension-of-non-accessible-period-30-september-2021) to the rail industry, released by the government on 30 December.

It will mean train operating companies (TOCs) will still be allowed to use older buses and coaches for rail replacement purposes until the end of September, even if those vehicles do not comply with the Public Service Vehicle Accessibility Regulations (PSVAR) 2000.

All such vehicles were supposed to comply with the regulations by 31 December 2019, more than a year ago.

The concerns were first raised in 2019 by disabled campaigner [Doug Paulley](https://www.kingqueen.org.uk/), who forced the rail regulator to take legal advice on whether rail replacement vehicles had to be accessible to disabled people.

The resulting advice from the Office of Rail and Road stated that, with a few minor exceptions, all rail replacement vehicles must be accessible, and the train companies, and their bus or coach providers, were at risk of criminal prosecution if they were not.

If TOCs are unable to source an accessible rail replacement vehicle, and have a “special authorisation” from a transport minister to use an older bus or coach through the temporary exemption, disabled passengers must still be offered an “appropriate alternative”, such as an accessible taxi.

But Paulley [has previously pointed out](https://www.disabilitynewsservice.com/rail-regulator-backs-down-on-access-to-replacement-buses/) that such alternatives are not as attractive as they seem as they “aren’t spontaneous, reliable, comfortable or sometimes even safe, and their segregated provision is problematic”.

He said this week that he was “unsurprised” by the latest exemption, but also concerned.

He said the rail industry had refused the government permission to release to his lawyers a report showing how many inaccessible rail replacement vehicles were still being used under the exemption.

And he said he viewed the latest announcement of an exemption with “a sort of weary fatalism”.

He added: “This is an unnecessarily long delay. I frankly don’t think that this eight-month exemption is necessary or proportionate.”

Kirsty Hoyle, chief executive of [Transport for All](https://www.transportforall.org.uk/), said: “This latest extension only prolongs the stress and anxiety faced by deaf and disabled people when services are inaccessible.

“The further delay is particularly disappointing given that TOCs were meant to transition to accessible vehicles by December 2019.

“How many more extensions are going to be granted?”

She added: “While the rest of the country is ‘building back better’, disabled people deserve more than indefinite extended deadlines and a longer ‘non-accessible period’.

“We must prioritise creating a legacy of accessibility so that disabled people can travel freely and with independence.”

A Department for Transport spokesperson said: “We are committed to ensuring that disabled people have the same access to transport as everyone else, enabling them to travel confidently, easily and without extra cost.

“While progress has been made over the last year, we remain disappointed that fully accessible vehicles cannot yet always be provided for all passengers.

“We have reluctantly agreed that coach and bus operators can apply for another short period of special authorisations to allow services to continue to run during the pandemic whilst we continue to work with the industry on developing longer term solutions.”

**7 January 2021**

**News provided by John Pring at** [www.disabilitynewsservice.com](http://www.disabilitynewsservice.com)