**Mum and new baby face Christmas eviction after WCA ‘nightmare’**

A disabled woman with a new baby is set to be evicted a fortnight before Christmas because the Department for Work and Pensions stopped her benefits when she failed to attend a “fitness for work” test she had not been told about.

Jacqui Madonia was left “in despair” as she was told to survive on one foodbank voucher a week, a single hardship payment of £80, and the “occasional tenner here and there” from her family.

The assessment was supposed to take place just 13 days after Madonia gave birth to her second son Edward by caesarean on 4 July at Royal Gwent Hospital in Newport.

The former civil servant told the Department for Work and Pensions (DWP) in an employment and support allowance (ESA) questionnaire that she was due to give birth by caesarean before she went into hospital.

But she received a letter sent on 18 July which asked her why she had failed to attend a work capability assessment (WCA) the previous day.

She explained that she had not been told – either by letter or by text – about the appointment, but then received a further letter saying that her ESA had been removed because it “can be assumed [the letter] was delivered as there was no evidence to the contrary”.

She told Disability News Service (DNS) she had never missed an ESA appointment deliberately and never would.

Along with her ESA, her housing benefit and child tax credits were also removed, leaving her with almost nothing to live on as she appealed the decision through DWP’s mandatory reconsideration process.

She did not want to claim jobseeker’s allowance when her ESA was removed because she would have had to lie about being fit for work, when she knew she was not.

Because her rent was no longer being paid, her private landlord told her she would be evicted on 12 December.

She was also appalled that DWP subsequently claimed that the assessment she failed to attend had been booked for 17 August.

She believes the department changed the date because ESA rules say a woman cannot be asked to attend a WCA within 14 days of giving birth.

After DNS contacted DWP about her case, it reversed its position and placed her in the ESA work-related activity group.

The mother-of-two said last night (Wednesday) that she felt as though she had been living through a “nightmare”.

She had previously had seven miscarriages, before giving birth through IVF to her first son Harrison, who is now three, and Edward, who was conceived naturally.

She said the ordeal DWP had put her through felt like “someone is standing on your head and pushing you under water”.

She said: “I feel numb by the whole ease with which they can destroy somebody.

“I know that some people have committed suicide [in situations like this] and I can totally see how something like that can happen. The system is so cruel.

“They called me on Monday afternoon to say they were going to reverse their decision. They said they had simply made a mistake with the dates.”

She was told she would now be asked to attend a rearranged WCA, and would have both a letter and a text reminder sent to her.

But she said the civil servant who spoke to her told her he still could not guarantee if she would receive the text if the letter again failed to arrive.

Even though her ESA has been reinstated, and she will have her payments backdated to the middle of August, there is no guarantee that her landlord will reverse the decision to evict her.

She said: “It has just set me back so far when I should have been spending this really important time with Edward.

“My mental health has suffered significantly, and the most precious time with my new-born has been taken away from me. It’s unforgivable and so cruel.”

Her ex-partner is also in financial difficulties because he has had his own claim for ESA rejected, but is planning to move back in with her and their two children to try to support them.

A DWP spokesman said in a statement that the decision to reinstate her ESA was made on Monday (9 October).

He later tried to claim that the decision was made before DNS contacted DWP about the case, even though that contact was made on 6 October.

He also claimed that the department had not been told that she was about to give birth “and therefore could not put the right support in place, including deferring her WCA”.

He said: “A decision was made on 9 October to award ESA to Ms Madonia and place her in the work-related activity group.

“She has been notified and will receive payment ASAP, which will be backdated to 18 August. We have written to Ms Madonia to inform her of the outcome.”

He refused to comment on the failure to notify her of her assessment, or why the department had changed the date on which she was supposed to have been assessed.

He has also refused to say whether DWP would apologise to her for leaving her facing eviction two weeks before Christmas.

She contacted DNS after [reading about another benefit claimant](https://www.disabilitynewsservice.com/dwp-is-using-lost-benefit-assessment-letters-to-cut-spending/#prettyPhoto), Roy Bard, whose personal independence payment was stopped after he failed to turn up for an assessment he had not been told about.

Concerns were raised then that DWP was using lost appointment letters for face-to-face assessments as an excuse for turning down disabled people’s benefit claims, to help it cut spending on social security.

She told DNS: “I don’t want other parents to go through this. Anybody could end up in this position, and it is so, so wrong.”

**12 October 2017**

**Mordaunt misleads MPs… again**

The minister for disabled people has again misled MPs, after she claimed that the UK had “volunteered” to take part in a public UN examination which concluded that her government’s disability policies had caused a “human catastrophe”.

Penny Mordaunt [was responding to Labour’s new shadow minister for disabled people](https://goo.gl/4Wyehf), Marsha de Cordova, who told the Commons this week that the UN committee on the rights of persons with disabilities had “condemned” the government’s progress on disability employment.

De Cordova had asked Mordaunt if the government would respond to those concerns.

[The committee’s “concluding observations” report](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1158&Lang=en), in August, examined how the UK had implemented the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

Among more than 80 recommendations for improvements – a record number for any country being examined by the committee – it was heavily critical of the UK government’s failure to take action to close [the disability pay gap](https://www.disabilitynewsservice.com/election-2017-tories-snub-opportunity-to-address-disability-pay-gap/) and [the disability employment gap](https://www.disabilitynewsservice.com/mordaunt-misleads-mps-over-tory-disability-employment-gap-target/), as well as raising concerns about serious flaws in the work capability assessment process.

But Mordaunt told MPs on Monday that the Office for Disability Issues was looking at the UN report and that the UK government had “volunteered to put ourselves through this process”.

The process that led to the report is not voluntary, as is made clear [in articles 35 and 36 of the convention](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html).

Countries that ratify the UN convention, like the UK, have to send an initial report to the committee and then provide “periodic” progress reports every four years, which eventually lead – following various stages that include a public examination – to a concluding observations report.

It is not the first time that Mordaunt has been accused of misleading MPs.

Last November, [she misled the Commons work and pensions committee](https://www.disabilitynewsservice.com/mordaunt-misleads-mps-over-tory-disability-employment-gap-target/) about the government’s pledge to halve the disability employment gap, less than two minutes after she began giving evidence to MPs.

And last October, she told the Commons that under personal independence payment, compared with disability living allowance, “more people are entitled to use the Motability scheme”.

[Motability’s own figures](http://www.disabilitynewsservice.com/pip-reassessments-mean-35000-will-lose-motability-vehicles-in-2016/) showed that of their customers who had been reassessed for PIP at that stage, 44 per cent had lost their entitlement to the scheme and had had to return their vehicles.

She has also faced questions after telling a disability hustings event in May that a Conservative government would “dismantle” the work capability assessment (WCA), and that this pledge had been included in the party’s general election manifesto.

The WCA pledge was not in the Tory manifesto.

When asked why Mordaunt appears to have misled MPs and whether she would apologise for doing so, a Department for Work and Pensions (DWP) spokesman claimed she had been referring to a report published last November under UNCRPD’s optional protocol procedures.

He said: “We are one of the few nations that have ratified the CRPD’s optional protocol, which allows the UN Committee on the Rights of Persons with Disabilities to undertake an inquiry.”

This report found Mordaunt’s government guilty of “grave and systematic violations” of the convention’s articles on independent living, work and employment, and social protection, through policies introduced by Conservative DWP ministers between 2010 and 2015.

It was the first such high-level inquiry to be carried out by the committee, and was a result of years of research and lobbying by [Disabled People Against Cuts](https://dpac.uk.net/) and other disabled activists.

But again, the UK government’s involvement in the optional protocol was not voluntary.

The UK is also not “one of the few nations” to have ratified the optional protocol, as a UN document published last year shows [it has been ratified by at least 89 countries and regional organisations](http://www.un.org/disabilities/documents/2016/Map/DESA-Enable_4496R6_May16.pdf).

It was also [ratified by the last Labour government](https://www.gov.uk/government/publications/optional-protocol-to-the-convention-on-the-rights-of-persons-with-disabilities--2), rather than by the Conservatives.

When DNS told the DWP spokesman that de Cordova had clearly been referring to the August report and that even if she had been referring to the optional protocol it would still have been wrong to suggest that the UK “volunteered” to take part, a more senior DWP spokeswoman replied instead, and said: “There’s no evidence that MPs have been misled.

“We’ve nothing further to add to the response below.”

**12 October 2017**

**DWP ‘manipulated Access to Work figures to hide cuts and harassment’**

The Department for Work and Pensions (DWP) has been accused of manipulating statistics in an attempt to hide the ongoing barriers, cuts and harassment experienced by disabled people seeking support from a key disability employment programme.

The claims followed the release of new figures which showed the number of disabled people approved every year for support from the Access to Work (AtW) programme had fallen by 15 per cent under seven years of Conservative rule.

The scheme has been repeatedly praised as an effective way of supporting disabled people in work and ensuring they keep their jobs, and provides funding for work-related support such as aids and equipment, communication support, travel to work, physical adaptations to a workplace, and hiring support workers.

The government described the scheme as crucial to its previous goal of halving the disability employment gap, [and in the November 2015 spending review](https://www.disabilitynewsservice.com/spending-review-confusion-over-chancellors-access-to-work-pledge/) pledged to increase the number of people the scheme helped by 25,000 a year by 2020, increasing spending by nearly a quarter.

[The new “experimental” figures](https://www.gov.uk/government/statistics/access-to-work-statistics), which are believed to be first to be released on AtW for more than a year, do show that the number of people who had Access to Work support approved in 2016-17 was nearly 2,000 higher than the previous year.

But they also show that the figure for 2016-17 (23,630) was still more than 4,000 lower than in the final year of the last Labour government (27,760).

And Deaf and disabled campaigners cast grave doubt last night (Wednesday) on the figures and suggested DWP was attempting to camouflage continuing cuts to people’s support.

Although the figures show the number of people who had support packages approved in each year, they do not include those who continue to receive AtW support without the need for reassessment, or show how many people lost their support or had it cut after being reassessed.

This means it is impossible to know how many disabled people are currently receiving AtW compared with previous years, or how the average level of support packages have risen or fallen.

The figures also show that funding for adaptations to workplaces was only approved 50 times in the whole of 2016-17, compared to 380 such cases in 2009-10, while the number of times funding was approved for aids and equipment fell from more than 18,000 in 2009-10 to about 12,500 in 2016-17.

The number of support workers funded by the scheme did increase, though, from 5,700 a year to 8,450 in the seven years between 2009-10 and 2016-17.

DWP [has previously refused to release](https://www.disabilitynewsservice.com/dwp-silence-over-figures-that-would-reveal-scale-of-access-to-work-cuts/) figures that would show how many people have had their AtW support cut after being reassessed.

Ellen Clifford, [Inclusion London’s](https://www.inclusionlondon.org.uk/) campaigns and policy manager, said DWP’s document “takes creative use of statistics to a whole new level of unreality”.

She said the motivation for changing the way the statistics were collated could only be to disguise what was really happening “because they now provide a much less clear picture of how many people the scheme is benefiting”.

She said the figures do not show the number of existing customers whose support continued without a reassessment, but do include existing customers who went through re-assessment.

She said: “The manipulation of figures in this way suggests the DWP has something to hide.

“The last published figures for 2015-2016 showed a small decrease in numbers helped from the year before and the continuing evidence we are seeing on the ground is of cuts and support being refused.”

Geraldine O’Halloran, [from the StopChanges2AtW campaign](https://stopchanges2atw.com/about/), which is led by Deaf professionals, said: “The increase in numbers of people for whom ‘Access to Work provision was approved’ does not necessarily mean that the numbers of disabled people who received support from Access to Work went up last year – in fact we suspect the opposite may well be the case.

“The new statistics are more notable for what they leave out than what they tell us.

“The research due to be published by StopChanges2AtW later this month shows a picture of increasing barriers to Access to Work for Deaf and disabled people, yet the DWP will not disclose information about how many individual awards have been cut or reduced.

“Meanwhile, existing customers are constantly harassed to provide information and to go through constant reviews and re-assessments.

“It is no wonder that the numbers of those for whom Access to Work provision was approved has increased within this context.”

A DWP spokesman said: “In 2010-11, the guidance for Access to Work advisors was updated to clarify the distinction between provision that can be approved by Access to Work and the reasonable adjustments that employers are required to make under the Equality Act 2010.

“Since then Access to Work has refocused taxpayer funding on supporting those who have the greatest remaining workplace needs.

“These figures show that 25,000 people with disabilities and health conditions had their request approved by Access to Work to get the support they need to do their job, an increase of eight per cent from 2015-16.

“This includes a record number of young people since the scheme has been made available for people on supported internships and apprenticeships.

“The number of people with mental health conditions who successfully applied to Access to Work has also increased by almost 400 per cent since the introduction of the Mental Health Support Service in 2011.

“It’s also worth noting that almost 600,000 disabled people have entered work in the last four years.”

Deaf and disabled campaigners have consistently warned of the “weekly battles” many claimants are facing to continue receiving support through the scheme.

They have also been warning since 2015 that a cap on the scheme, which limits annual AtW awards to one-and-a-half times the average salary, would hit Deaf users of British Sign Language (BSL) hardest, with BSL services accounting for about four-fifths of the highest-value AtW awards.

The cap [was introduced for new AtW claimants in 2015](http://www.disabilitynewsservice.com/marchers-to-warn-pm-that-access-to-work-cap-will-discriminate/) and is due to affect existing claimants from April 2018.

**12 October 2017**

**SNP hears ‘justice for the dead’ demand as it backs call to implement UN report**

The SNP’s annual conference has unanimously called on the UK government to implement the findings of a UN committee of disability rights experts, after a disabled activist demanded “justice for the dead” and “rights for the living”.

The motion proposed by disabled party activist Fiona Robertson called on the UK government to stop using “meaningless platitudes” to hide from its responsibility for the “immense human suffering” it has caused disabled people across the UK through its policies.

The conference in Glasgow unanimously passed the motion, which criticised the Conservative government for ignoring the findings of the report by the UN’s committee on the rights of persons with disabilities.

And it demanded that the government implement all the 80-plus recommendations [made by the committee in August](https://www.disabilitynewsservice.com/uk-is-going-backwards-on-independent-living-says-un-committee/), when its report detailed the UK’s progress on implementing the UN Convention on the Rights of Persons with Disabilities.

Later in the conference, [SNP leader Nicola Sturgeon](https://www.snp.org/nicola_sturgeons_speech_to_the_snp_conference_2017) used the example of the UK government’s “treatment of disabled people [being] so appalling that the UN brands it a human catastrophe” as a sign of the “bankruptcy at the heart of this Tory government”.

Robertson, a member of the executive of the party’s disabled members group, told the conference that the UK government had also been the first to be investigated for breaches of the convention – under its optional protocol – which was “a shameful mark on our history”.

This investigation concluded last November that the government had committed “grave and systematic violations” of disabled people’s human rights, she said, but the UK government had “responded with a shrug of the shoulders”.

That investigation was triggered by disabled activists from [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/), party members were told in a written supporting statement.

Robertson, who works with DPAC and its Scottish sister organisation [Black Triangle](http://blacktrianglecampaign.org/), told the conference: “Disabled people began this process and saw it through and will hold the government to account.”

When the UK’s overall progress in implementing the convention was examined this year, she said, the UN committee concluded that the government was responsible for a “human catastrophe” because of the impact of its policies on disabled people.

Robertson said the committee also concluded that the Westminster government had “systematically misled the public about the impact of government policy, refusing to answer questions and misusing statistics to create a false impression” and that it had “demonised” disabled people with the use of “dangerous rhetoric”.

But she added: “Again, it has been met with a shrug.”

She pointed to [research from Oxford University](http://www.ox.ac.uk/news/2017-02-20-30000-excess-deaths-2015-linked-cuts-health-and-social-care), which suggested earlier this year that cuts to health and social care were likely to be the main cause of 30,000 excess deaths in England and Wales in 2015.

Robertson also pointed to a prevention of future deaths report written by a coroner following the [death of Stephen Carré](https://www.disabilitynewsservice.com/stephen-carre-wca-scandal-tory-ministers-knew-their-policy-was-lethal/) – a report discovered by Disability News Service two years ago – which was ignored by work and pensions ministers Iain Duncan Smith and Chris Grayling when they came to office after the 2010 general election.

That report would have saved disabled people’s lives if it had been acted on, she said.

She told the conference: “We demand justice for the dead and we demand rights for the living.”

Robertson said that a failure to engage with the UN committee’s recommendations would confirm “that international law is not something the UK cares very much about” and that “they have no interest in meeting their obligations”.

John McArdle, co-founder of Black Triangle, who co-authored the motion, said after it was passed: “It is now a matter of public record that both nationally and internationally the Tory government is in flagrant violation of international law and is behaving like a rogue state.”

He pointed out that one of the local SNP parties that adopted the motion was Edinburgh North and Leith, the constituency of the writer Paul Reekie, who took his own life in 2010 following a work capability assessment, and whose death was the catalyst for the formation of Black Triangle.

McArdle said: “We just want to appeal to the British public to pay attention to the UN report and ask themselves, ‘Is this really what defines me as a British citizen and what defines us as a nation? Is this the kind of country we want to be?’

“If we want to be a civilised country that abides by international law and the UN convention, there can be only one answer and that is to get rid of this government as quickly as possible.”

**12 October 2017**

**Court’s assisted suicide ruling ‘confirms growing resistance’ to law change**

A court’s rejection of the latest bid to legalise assisted suicide shows that a group of disabled activists, and the medical profession, are now leading the opposition to a change in the law, according to a disabled peer.

Noel Conway, who is terminally-ill with motor neurone disease, wanted the high court to find that the Suicide Act – which makes it illegal to assist someone to take their own life – was incompatible with the [European Convention on Human Rights](http://www.echr.coe.int/Documents/Convention_ENG.pdf).

But three high court judges found against Conway, although he is now seeking permission to take his case to the court of appeal.

The disabled people’s campaign group, [Not Dead Yet UK](http://notdeadyetuk.org/) (NDY UK), had intervened in the court case – the first time it had taken such a step – with its evidence including a witness statement submitted by the disabled crossbench peer Baroness [Jane] Campbell.

In her statement, she had told the court that a ruling in favour of Conway would “damage beyond repair the way in which society views the elderly, sick and disabled to the point where the Equality Act itself and the protection which it provides becomes fundamentally defective”.

Her statement added: “I (and the hundreds of disabled and terminally ill members of NDY UK), want people to understand that it is perfectly possible to have a fulfilling and enjoyable life whilst living with a substantial, progressive condition.”

She had told the court that continuing cuts to health and care services would mean that disabled and terminally-ill people “may become more inclined towards considering desperate options such as assisted suicide” if it was legalised.

NDY UK’s barrister, Catherine Casserley, who was acting pro bono, said after the ruling that it was “significant” that Baroness Campbell’s statement, and the contribution by NDY UK, were recognised in the high court’s judgment.

Casserley told NDY UK: “This is significant because the other interveners are not mentioned, and it puts you on the map as having made a valuable contribution on the subject which will be useful for future cases.”

NDY UK points out that there is no organisation run by or for disabled and terminally-ill people that supports the legalisation of assisted suicide, while the medical profession, including the British Medical Association, the Royal College of General Practitioners and the Association for Palliative Medicine, also opposes a change in the law.

Among those supporting Conway are the organisations Dignity in Dying (DiD), formerly known as the Voluntary Euthanasia Society, and Humanists UK.

Baroness Campbell told Disability News Service yesterday (Wednesday): “I think this entire outcome confirms that NDY UK, along with the majority of the medical profession, are now the foremost opposition to DiD.

“We are more resilient than ever and this legal judgement proves we are improving our resistance capabilities all the time.

“This is not funded by money; we haven’t any. We are fuelled by our supporters’ generosity of spirit, passion and commitment to resist this assisted suicide campaign, which threatens our lives and our right to equal treatment as non-disabled people under the law.”

NDY UK believes that Conway and his supporters are attempting to “override” the decision of the House of Commons, which [voted against legalisation of assisted suicide two years ago](https://www.disabilitynewsservice.com/elation-relief-and-dread-as-mps-throw-out-assisted-suicide-bill/).

Juliet Marlow, a spokeswoman for NDY UK, said: “We welcome the decision by the high court to reject this attempt to treat terminally-ill and disabled people differently by removing vital legal protections.

“We are looking forward to the national conversation now focussing on the real issue here, which is a lack of adequate social care being provided to people with disabilities.

“Similarly, we need a proper discussion on ensuring adequate palliative care is provided for the terminally-ill.”

Conway said he was “deeply disappointed” by the high court’s decision.

He said: “This decision denies me a real say over how and when I will die.

“I am told the only option I currently have is to effectively suffocate to death by choosing to remove my ventilator, which I am now dependent on to breathe for up to 22 hours a day.

“There is no way of knowing how long it would take me to die if I did this, or whether my suffering could be fully relieved. To me, this is not choice – this is cruelty.”

The retired college lecturer added: “Knowing I had the option of a safe, peaceful assisted death at a time of my choosing would allow me to face my final months without the fear and anxiety that currently plagues me and my loved ones.

“It would allow me to live the rest of my life on my own terms, knowing I was in control rather than at the mercy of a cruel illness.”

But Phil Friend, a co-founder of NDY UK, said: “A change in the law is a terrifying prospect to the vast majority of disabled and terminally-ill people who work hard towards achieving equality for all.

“Until we have reached that objective, assisted suicide will remain a dangerous and prejudiced option, likely to increase suffering and distress.”

And actor and fellow NDY UK supporter Liz Carr added**:** “Disabled and terminally-ill people want support to live – not to die.

“As a long-standing supporter of Not Dead Yet UK, I am keen to take an active role in making that happen.”

**12 October 2017**

**Concerns over criteria for ‘fitness for work’ reassessment exemptions**

Disabled campaigners have criticised new Department for Work and Pensions (DWP) rules that explain which benefit claimants will no longer have to be repeatedly put through the much-criticised “fitness for work” test.

DWP [announced last month](https://www.gov.uk/government/publications/employment-and-support-allowance-and-universal-credit-changes-to-the-work-capability-assessment/employment-and-support-allowance-and-universal-credit-changes-to-the-work-capability-assessment-from-29-september-2017), on the eve of the Conservative party conference in Manchester, that some claimants in the support group of employment and support allowance (ESA) – and the equivalent universal credit group – would no longer need to attend “routine reassessments”.

Only those with “the most severe and lifelong health conditions or disabilities” will be exempt from reassessments, and they will be told of their exemption when they receive the results of their next work capability assessment (WCA), the test which assesses ESA eligibility.

Although DWP [declined to release the eligibility criteria](https://www.disabilitynewsservice.com/tory-conference-silence-on-eligibility-means-wca-announcement-is-meaningless/) for exemptions, the guidelines have now been published by Disability Rights UK, one of the disability organisations that took part in discussions with the government as it developed the policy.

[Among the new criteria](https://www.disabilityrightsuk.org/news/2017/october/guidance-work-capability-assessment-reassessment-published), it states that a condition must be “lifelong” and “unambiguous” and that the claimant must have “no realistic prospect of recovery”, while their “level of function” must always meet the criteria for being placed in the support group.

The ruling on whether a claimant should be exempted from further reassessment will be made by DWP decision-makers, following advice from the healthcare professionals who carry out the WCA and work for the discredited US outsourcing company Maximus.

But DWP has made it clear that, although a claimant can ask the department to reconsider a decision not to provide an exemption if they believe their case has not been dealt with correctly, there is no formal right of appeal.

Ken Butler, DR UK’s welfare rights officer, said the refusal to introduce a right of appeal was not fair on disabled people, while the criteria failed to address the “fundamental problems” of the WCA.

He said: “The WCA causes stress, fear and anxiety to many disabled people and any effective reform to reduce this must be welcome.

“The previous longest gap between WCAs [for] those who will be included in the new policy was just three years.

“But it is an indictment of the DWP that it has taken a year for the new policy to be finalised and after nine years of the WCA being in operation.

“It’s still unclear how well the new policy will operate and how many disabled people will be exempted from further reassessment by the criteria.”

He added: “Disabled people would have more confidence in the WCA if assessments were carried out by doctors or specialists who had experience of their disability or health condition.”

Linda Burnip, a co-founder of [Disabled People Against Cuts](https://dpac.uk.net/), said: “It’s a typical government fudge which is basically meaningless and at best will only help a very few people avoid reassessments.

“The other really damning feature of this is it appears that a medically unqualified decision-maker will be able to overrule both GP and specialist advice and opinion.

“In short, it’s not worth the paper it’s written on.”

Tom Hendrie, head of policy and communications at [Cheshire Centre for Independent Living](http://www.cheshirecil.org/), also raised concerns about the lack of a formal appeal structure, and said he hoped the exemption would eventually also be applied to those claiming personal independence payment.

John McArdle, co-founder of [Black Triangle](http://blacktrianglecampaign.org/), said it was “absurd” that “unqualified bureaucrats” who were not medically-trained would be deciding whether someone should be exempt from reassessments.

He said: “It’s ridiculous. How on earth can they be trusted to make such important decisions?”

Meanwhile, DWP has released the names of the organisations which have been awarded contracts to provide employment support services under the government’s new Health and Work Programme.

The aim of the programme is to support disabled people, those who are long-term unemployed, and other groups such as ex-carers, ex-offenders, homeless people and those with drug or alcohol dependencies.

Although there were no contracts awarded to G4S or People Plus (formerly known as A4E) – two much-criticised companies that had been in the running – the contract to provide services across Wales was awarded to Remploy, the formerly government-owned business now mostly owned by the US company Maximus.

Maximus has a disturbing track record of [discrimination, incompetence and fraud in the US](http://www.disabilitynewsservice.com/incompetence-discrimination-and-fraud-the-us-company-that-could-take-over-from-atos/), while Remploy slashed the pay of service-users who were taking part in inspections of health and care facilities, after taking on three Care Quality Commission contracts.

[DNS revealed in May](https://www.disabilitynewsservice.com/remploy-refused-to-give-disabled-experts-support-workers-for-care-inspections/) that disabled people helping to deliver a vital part of the CQC inspection programme were refused support workers by Remploy, while one was bullied into resigning.

CQC was forced to write “formally” to Remploy three times over its concerns, while a CQC report in May 2016 found there had been “multiple issues with Remploy’s performance”, although CQC said its performance later improved.

Remploy had been hit almost immediately by accusations of incompetence when it took on the CQC contracts in February last year, with [claims of resignations and confusion](http://www.disabilitynewsservice.com/life-under-maximus-for-cqcs-service-user-experts-chaos-cuts-and-playschool-id-cards/).

DWP declined to release further details of the contracts, including the names of the smaller organisations that will be working as sub-contractors on the six contracts, which are expected to include a number of disability charities.

A DWP spokeswoman said: “The Work and Health Programme will use the expertise of private, public and voluntary and community sector providers to deliver sustained employment for disabled people, disadvantaged groups and the long-term unemployed.

“It brings a different and refreshed energy and approach by offering: more intensive, tailored support than can be provided by Jobcentre Plus; contacts so that providers can offer unique support to claimants; [and] strong links to national and local employers to identify employment needs, identify roles and provide more individual training to better match people’s skills to jobs.”

The other organisations to win contracts are the charity Shaw Trust in central England; Reed In Partnership in north-east England; Ingeus in the north-west; Pluss in the south of England; and Shaw Trust in the home counties.

**12 October 2017**

**DPAC shortlisted for human rights award after parliament direct action**

Disabled activists who carried out a direct action protest in the heart of parliament have been shortlisted for a prestigious human rights award.

The human rights organisation Liberty has named [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/) as one of just three nominees for its new Courageous Voices award, which recognises activists who have taken “bold action to stand up to those in power”.

DPAC has been shortlisted for July’s Summer Of Discontent week of action, which included a protest about cuts to social care [in parliament’s central lobby](https://www.disabilitynewsservice.com/mcdonnell-calls-for-disabled-led-solution-to-care-crisis-as-dpac-occupies-parliament/).

Linda Burnip, co-founder of DPAC, said she hoped the awards would be “another opportunity to reach people who we do not normally reach”, and might raise DPAC’s profile with MPs.

She said: “Our direct actions are designed to make sure that disabled people do have a voice and aren’t ignored.”

She said parliament was “where decisions about our lives are made so it seemed the most sensible place to take our complaints, and obviously we plan to keep doing it”.

The protest took place near the main Commons chamber, as Theresa May was taking part in prime minister’s questions, and saw police officers barring the path of activists – including several affected by the government’s decision to close the Independent Living Fund – to prevent them approaching the Commons chamber.

The protest was supported by Labour leader Jeremy Corbyn, shadow chancellor John McDonnell and Green party co-leaders Caroline Lucas and Jonathan Bartley.

It led to McDonnell calling for disabled people to be given the job of designing the solution to the social care funding crisis.

He told Disability News Service as the protest was taking place that it was “exactly what people have the right to do, to demonstrate, to make sure MPs are aware what they are experiencing, what disabled people are experiencing”.

And he said the direct action was “perfectly justifiable in the light of what is happening, with people’s suffering as a result of austerity”.

Courageous Voices is one of several awards that will be presented at Liberty’s 2017 Human Rights Awards on 24 October at London’s Royal Court Theatre.

Martha Spurrier, director of Liberty, said: “Disabled People Against Cuts embody the spirit of the Courageous Voices award and, as their Summer of Discontent campaign shows, their work is needed now more than ever.

“Equality and human rights for disabled people aren’t a commodity that [can] be rationed or reduced as a money-saving exercise.

“DPAC have been fearless and creative in getting that message across – standing up to those in power, challenging injustice and getting their voices heard.”

**12 October 2017**

**DPOs call on transport secretary to restore Access for All funding**

Disabled campaigners and their allies have called on the transport secretary to restore “vital” government funding for projects to improve access to rail stations across England, Wales and Scotland.

In a letter signed by more than 50 organisations, [Transport for All (TfA)](http://www.transportforall.org.uk/) – which campaigns for an accessible transport system – calls on Chris Grayling to restore tens of millions of pounds of funding for the [Access for All scheme](http://archive.nr.co.uk/improvements/access-for-all/stations?status=all&category=all&location=all) that has been deferred by the government.

The letter says that deferring half of all planned Access for All projects means that the “already slow progress on rail access has all but ground to a halt”.

The decision by the chair of Network Rail – later rubber-stamped by Grayling – to cut Access for All funding for 2014-19 from £102 million to £55 million, with the rest carried over to 2019-24, was [first revealed by Disability News Service last year](http://www.disabilitynewsservice.com/rail-access-improvements-set-for-delays-along-with-nearly-50-million-funding/).

The letter has been sent as Grayling is due today (Thursday) to announce future levels of Network Rail funding, which TfA says provides an “opportunity to get things back on track”.

But the department’s [Accessibility Action Plan](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/638404/accessibility-action-plan-consultation.pdf), published in August, pledges only that the government will deliver funding already announced – including the deferred funding – in full, and that it will “continue to seek to extend the Access for All programme further in the future”.

The letter calls on Grayling to instead “invest in the potential of Deaf and disabled people” and reverse the decision to defer the Access for All funding, as well as commit to further Access for All funding after 2020 through “an ambitious long-term plan for making our railways fully accessible”.

It tells Grayling that it is an “injustice” for Deaf, disabled and older people to be “locked out of our rail network”, and that accessible stations also benefit parents with buggies, dog-owners and people with luggage.

The letter says government figures show that any money spent improving rail accessibility pays back nearly three times that amount in economic benefits, while an accessible station can mean “the difference between work and unemployment, a lifeline to friends and family or isolation”.

The Transport for All letter has been signed by disabled people’s organisations including [Inclusion London](https://www.inclusionlondon.org.uk/), [Disability Sheffield](http://www.disabilitysheffield.org.uk/), [Ealing Centre for Independent Living](http://www.ecil.org/), [Kingston Centre for Independent Living](http://kcil.org.uk/), [People First (Self Advocacy)](http://peoplefirstltd.com/), [Regard](http://regard.org.uk/), [Shaping Our Lives](http://www.shapingourlives.org.uk), [Asian People’s Disability Alliance](http://www.apda.org.uk/) and [Real](http://www.real.org.uk/).

They say that nearly 80 per cent of rail stations across the UK do not have full step-free access, while many others do not have the other necessary access features such as tactile paving, audio-visual information and induction loops that enable Deaf and disabled people to use them.

A Department for Transport spokeswoman said: “We take the issue of accessibility across all modes of transport very seriously and are continuing to improve station access through the Access for All programme and other major projects.

“By 2019 at least 75 per cent of all journeys will be from stations with step-free access.

“The Accessibility Action Plan is the next step in a much-needed dialogue with disabled people, carers, transport providers and local authorities to identify new ways to improve travel.

“We also secured commitments from the rail industry earlier this year to help make journeys better for disabled people.”

**12 October 2017**

**Welsh train access fears over 2020 deadline**

A significant number of local Welsh trains will almost certainly not be accessible to many disabled people by the legal deadline of 2020, according to a new report.

All passenger rail vehicles have to meet strict access standards by 1 January 2020, but a report by the Welsh Assembly’s petitions committee says that about 70 per cent of the trains currently used on the Wales and Borders franchise – currently operated by Arriva – do not currently comply with these requirements.

Transport operators, politicians and civil servants have all been aware of the 2020 deadline to comply with the [European Union access regulations](http://orr.gov.uk/rail/health-and-safety/health-and-safety-laws/rail-vehicle-accessibility) since 2011.

Some of the Welsh trains are now nearly 40 years old, while even the newest are more than 20 years old.

The [petitions committee](http://www.assembly.wales/en/bus-home/committees/Pages/Committee-Profile.aspx?cid=430) wrote the report in response to [a petition collected by young disabled campaigners](http://www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=15979) from the charity Whizz-Kidz.

The Welsh government has been in discussions with four potential bidders to take over the Wales and Borders franchise, but the process has been held up by the UK government’s failure to devolve the necessary powers to Wales, despite agreeing to do so three years ago.

Ken Skates, the Welsh government’s cabinet secretary for economy and infrastructure, told the petitions committee: “The current contract does not compel the train operating company to provide new rolling stock.

“As a result, our newest trains are more than 20 years old and the oldest are fast approaching their 40th birthday.

“Most do not comply with our accessibility requirements, which in itself presents a major challenge.”

Arriva told the committee that it could not introduce new, accessible trains because it might not be awarded the new franchise.

The committee says in its report that the situation is “a major cause for concern”.

It adds: “Whatever course of action the Welsh Government, TfW [Transport for Wales, which is owned by the Welsh government] and the successful bidder choose to take – which could include new trains, leasing other units or refurbishing existing rolling stock – the timescale appears extremely daunting, if not impossible.”

And it concludes that it is “still unclear how the requirement for rolling stock to be accessible by 2020 will be achieved in practice”.

The committee criticised the UK government’s Department for Transport for failing to take earlier action to address the issue, which had been “compounded by the delays in transferring executive powers over the award of the new franchise to the Welsh Government, as originally agreed in 2014”.

A spokesman for the Welsh government said that its “frustrations [with DfT] around the delay in transferring executive powers are well documented”.

He added: “We welcome this report and will consider its recommendations carefully when looking at what more can be done to further improve access to public transport for all.”

He later said that the Welsh government’s “target” was “for all stock to comply by 2020”.

In July, [the Welsh government announced](https://arrivatrainswales-newsroom.prgloo.com/news/welsh-government-and-arriva-trains-wales-announce-additional-trains) that it had leased five four-carriage trains, with the help of £1 million financial support from Arriva, which will allow some of the inaccessible carriages to be taken temporarily out of service and upgraded on a rolling basis.

[Skates said in July](http://gov.wales/newsroom/transport/2017/170717-welsh-government-announce-extra-rolling-stock-to-improve-rail-services/?lang=en) that this was “one part of a number of agreements with rail industry bodies that ensure that the majority of the current Wales and Borders fleet will comply with Persons of Restricted Mobility regulations by 1 January 2020”.

But the committee’s report says it is “unclear how the requirement for rolling stock to be accessible by 2020 will be achieved in practice, even taking into account a recent announcement of extra trains being secured for the Wales and Borders services”.

Asked whether the delay in handing powers to the Welsh government was partly to blame for so many trains still being inaccessible, and whether it should have acted sooner to address the problem, a Department for Transport spokesman claimed that there had been no delay.

He said: “We are absolutely committed to accessible trains and have now put out the invitation to tender for potential operators to submit bids.

“There is now a process that must [be followed] before a new operator takes over, likely bringing new trains with them.

“We are committed to giving the Welsh government greater control over the Wales and Borders franchise and are working closely with them to facilitate their ongoing procurement process.”

In their petition, the Whizz-Kidz campaigners said they wanted “the right to accessible public transport when required without the need to plan assistance at least 24 hours in advance.

“This will then give us the ability to be independent, seek employment, travel to work and meet friends at short notice.”

They also said they wanted taxi and bus drivers and train staff to undergo compulsory disability equality training.

Ayesha, a Whizz-Kidz young ambassador from Cardiff, [told the committee](https://www.youtube.com/watch?v=HRm040aidNE&feature=youtu.be) in a video: “I’m 20 now, I would like to be like everyone else, go around without telling someone 20 times that I need this, I need that, to get what I need straight away, just go wherever I’m going and come back without no problem.”

Sam, another Whizz-Kidz Cardiff young ambassador, said: “If I want to go on the train at the last minute, I’m not able to because they want to know when I want the ramp, and I don’t get why I have to ring every time 48 hours ahead before actually travelling to tell them.

“I shouldn’t have to ring every time. It just makes me frustrated. It’s just frustrating that I have to make a 10-minute call every single time I want the ramp.”

**12 October 2017**

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