**Call for second Jodey Whiting inquest increases pressure for DWP deaths inquiry**

A mother who has asked the attorney general for permission to seek a second inquest into her disabled daughter’s suicide says it would boost growing calls for an inquiry into all deaths linked to the Department for Work and Pensions (DWP).

Jodey Whiting took her own life in February 2017, 15 days after she had her out-of-work disability benefits mistakenly stopped for missing a work capability assessment (WCA).

[The Independent Case Examiner (ICE) concluded last year](https://www.disabilitynewsservice.com/jodey-whiting-dwp-ignored-five-safeguarding-chances-before-wca-suicide/) that DWP was guilty of “multiple” and “significant” failings in handling her case.

Now her mother, Joy Dove, has told attorney general Geoffrey Cox that the original inquest in May 2017, which lasted less than an hour, failed to investigate DWP’s potential role in her daughter’s death, and that new evidence has since emerged.

This new evidence includes the ICE conclusions, and a report from a consultant psychiatrist who found that DWP’s failings would probably have had a substantial effect on Whiting’s mental state at the time she took her own life.

Her family had no legal representative at the inquest and were unaware that they could have been entitled to public funding to ensure they had one.

Dove, from Stockton-on-Tees, told Disability News Service that she believed a new inquest would “open the floodgates” and increase pressure for an independent inquiry into all deaths linked to DWP’s failings.

She said she was “determined to continue to fight for justice”.

She said: “The link between the failings by the DWP and my daughter’s death have never been investigated despite years of trying.

“I believe that seeking a new inquest is our only avenue to ensure that a thorough investigation is conducted, in which my family and I can participate, into the circumstances of Jodey’s death and the role played by the DWP failings.

“This has the potential to help not just my family, but also all the others badly affected by poor decision-making by the DWP.”

Her call for a new inquest has been backed by grassroots groups of disabled people which last year supported [a petition in her daughter’s name](https://petition.parliament.uk/petitions/243337?fbclid=IwAR2Flmh0wE_Z1N4RelPfWgiMJa8Rqson3hQgwXTwqDNttm-GQ11PPyblzQo) that demanded an independent inquiry into her death and the many others linked to DWP failings, and was signed by more than 55,000 people.

Claire Glasman, from [WinVisible](https://winvisibleblog.wordpress.com/), which supports and campaigns for disabled women, said Jodey Whiting had been “treated appallingly” by DWP and the “profiteer company” Maximus, which carries out WCAs on behalf of the government.

She said: “We helped her mum Joy Dove with her legal case, from our experience supporting Gill Thompson [the sister of David Clapson, another claimant [whose death was linked to DWP failings](https://www.disabilitynewsservice.com/sister-launches-judicial-review-claim-in-bid-for-sanctions-death-inquest/)], and we want the attorney general to agree to a new inquest.

“Joy Dove is brilliant, she is determined to get Justice for Jodey and to help others.

“The DWP made assurances to her about improvements, while in reality, things are getting even worse.”

Glasman said that disabled people “live in fear of losing benefits and daily living services, and being left destitute”, while women “face discrimination from decision-makers on mental distress, being single mothers, racism and all kinds of prejudices”.

She said: “We’re a self-help group and support many disabled women terrified they are going to get cut off in the benefit assessment process, or who contact us after it has happened, who are suicidal.”

Michelle Maher, from [WOWcampaign](https://twitter.com/WOWpetition), said she heard [Joy Dove speak about her fight for justice at a fringe event](https://www.disabilitynewsservice.com/labour-conference-ovation-for-justice-for-jodey-mum/) at last September’s Labour party conference.

She said: “I hope with all my heart that the lives destroyed by the hostile environment created by Tories have their day in court. For Jodey and countless others.”

Carole Ford, also from WOWcampaign, said the inquest into Jodey’s death had been “perfunctory” and the way it was conducted had been “astonishing”, and that coroners in future cases “need to be mindful of their duty to seek the truth, without favour or fear”.

There was also support for Jodey Whiting’s family from [Disability Rights UK (DR UK)](https://www.disabilityrightsuk.org/).

Kamran Mallick, DR UK’s chief executive, said DWP’s failure to follow its own procedures “highlights the need for a root and branch change to our system of social protection for disabled people”, which should “meet the needs of disabled people and provide safety and support” in how it is run.

He said an independent inquiry into deaths linked to DWP’s actions “would create the opportunity to gather robust evidence on the way the benefits system is administrated and how it impacts on people who need to use it”.

Marsha de Cordova, Labour’s shadow minister for disabled people, said on Twitter: “Sending solidarity to Jodey Whiting’s family.

“There is an urgent need for an independent inquiry into these deaths. It is not enough for [DWP] to be its own judge and jury.”

Dove’s legal team has requested permission for an application to the high court for a second inquest.

The attorney general is likely to acknowledge the request within a week, but his office said that reaching decisions in such cases “takes considerable time” as they had to be considered “with the utmost care and attention”.

Merry Varney, from legal firm Leigh Day, which is acting for the family[, said there was now “clear evidence](https://www.disabilityrightsuk.org/news/2020/january/family-jodey-whiting-seeks-fresh-inquest-her-death-examine-role-played-dwp) that the decision-making by the DWP which led to her benefits being terminated was completely flawed”.

She said: “Jodey’s family have never had any doubt the DWP decisions contributed to Jodey’s death and now that view is supported by the opinion of an independent consultant psychiatrist.

“Neither the expert report nor the independent report into the DWP decision-making was available at the first inquest.

“The consent being sought by my client from the attorney general is the first step to achieving a fresh inquest and ensuring there is a full public investigation into the role played by the DWP in Jodey’s death.

“Against a backdrop of other families suffering due to flawed DWP decisions, achieving this fresh inquest is also of wider public importance given the role of coroners to consider risks to future lives and Joy’s longstanding objective not just to get justice for her daughter, but also to better protect others from similar harm.”

A caseworker in the Attorney General’s Office will now review the file, request any missing information, invite submissions from the coroner and others with an interest in the case, then seek comments from Dove and her legal team, before a decision is made on her request.

DWP refused to comment, although it referred to previous statements it had made “on this issue”\*.

*\*These statements can be accessed by searching on the DNS website for “Jodey Whiting”*

**9 January 2020**

**Pub that replaced its accessible toilet with a kitchen faces council action**

The owner of a pub who ripped out an accessible toilet and replaced it with a kitchen has been compared by a disabled campaigner to a business putting up a “whites only” sign in its window.

Darren Nolan, the owner of the Finborough Arms, near Earl’s Court, London, is believed to have replaced the toilet – intended only for the use of disabled customers – without Kensington and Chelsea council’s permission.

Now disabled customers are unable to access toilet facilities unless they can use a set of stairs that lead to an inaccessible toilet in the basement.

Nolan told a disabled campaigner in an email that the accessible toilet had been “in a terrible state” and out of order for more than a year when he took over the pub, and as no-one seemed to be missing it, he said, “we took a view the space would be much better used as a kitchen”.

This week, the Finborough Theatre, which operates in a 50-seat space above the pub, was premiering a new play about the discrimination faced by disabled people.

The play, [Scrounger](https://www.finboroughtheatre.co.uk/productions/2020/scrounger.php), is written and performed by disabled actor, writer and campaigner Athena Stevens, and is partly based on her experiences of [taking legal action against British Airways and London City Airport](https://www.disabilitynewsservice.com/airlines-have-moral-duty-on-wheelchair-damage/) after her electric wheelchair was badly damaged when she tried to take a flight to Glasgow.

Stevens, a writer in residence at the theatre, told Disability News Service (DNS): “I laughed outright when I learned that the pub’s owner was foolish enough to rip out the pub’s only accessible bathroom with the excuse that it was not being used that much.

“It’s 2020! Get with the programme! Making your business less accessible than it already is is the equivalent of putting a ‘whites only’ sign on your shop front.”

Michael Gannon, who drew the attention of Kensington and Chelsea council to Nolan’s actions, said the pub’s owner had showed “indifference” to the rights of disabled people and the barriers they faced.

Gannon, who was a member of the [ground-breaking Disabled People’s Commission](https://www.disabilitynewsservice.com/ground-breaking-co-production-report-creates-blueprint-for-national-change/) in neighbouring Hammersmith and Fulham and is a trustee of the disabled people’s organisation [Action on Disability](https://www.aod.org.uk/), discovered the pub’s actions when visiting the theatre last month.

He told Nolan in an email: “I find this a retrogressive step that has clearly been taken with no thought for those who have a disability.

“Did you realise that it makes using the pub extremely difficult for us as a group? Or is it a case that you don’t really care?”

Nolan claimed in the email exchange that the change of use for the toilet space had been agreed by the local council.

But Gannon was told last week by an officer in Kensington and Chelsea council’s building control department that Nolan’s decision to rip out the accessible toilet “would not be permitted” under building regulations because “it makes the existing situation worse”.

He was also told the council had not received an application from the pub to change the use of the accessible toilet to a kitchen and so the move was “unauthorised”, and the toilet would have to be reinstated.

The Finborough Arms had not responded to requests to comment from DNS by 11am today (Thursday).

A council spokesperson said: “We are aware of an allegation regarding the removal of accessible toilet facilities at the Finborough Arms.

“Our building control team have written to the owners to give them the opportunity to either refute the allegation or submit an application to bring the premises in line with regulations. We are awaiting their response.”

Stevens said that Neil McPherson, Finborough Theatre’s artistic director, “bends over backwards” to make the “theatre welcoming and accessible under less than ideal circumstances”.

McPherson said: “I should stress that we have an excellent and close working relationship with the pub (the theatre and the pub are two entirely separate businesses), and it’s only fair to point out that they have been hugely helpful and supportive of the special requirements needed for Athena’s show.

“We did, however, very strongly disagree with their fait accompli of removing the ground floor toilets which has cost us many long-standing customers.”

He said the theatre had spent “a great deal of time and not a little expense” in sourcing a stairlift that could be used in the 152-year-old building, and was now seeking funding to pay for its installation.

**9 January 2020**

**Seven years on, and still no new form for universal credit free prescriptions**

The government has failed to issue a form that would allow disabled people claiming universal credit (UC) to show their pharmacist they are entitled to free prescriptions, more than two years after it promised to do so.

It is now nearly seven years since the much-criticised UC was introduced by the coalition government – [with even Department for Work and Pensions (DWP) staff now attacking the new benefit system](https://www.disabilitynewsservice.com/civil-servants-ashamed-to-work-for-dwp-over-pigs-ear-universal-credit/) – and there is still no box that claimants can tick on the back of their NHS prescription form to show they are entitled to free prescriptions.

Instead, they are told to tick the box for income-related jobseeker’s allowance, even if they have been found not fit for work.

The failure to update the form – despite concerns repeatedly raised in the media – means some disabled claimants are still paying for vital medicines when they should not have to, because they do not think they are entitled to free prescriptions.

There are also continuing reports of UC claimants being wrongly fined for falsely claiming entitlement to free prescriptions because they have ticked the wrong box.

One disabled UC claimant who raised concerns about the issue with Disability News Service this week said it felt as though all government departments were “out to trip us up” so they could profit from the vulnerable situations faced by disabled people.

The National Audit Office (NAO) [reported last year](https://www.nao.org.uk/report/investigation-into-healthcare-penalty-charge-notices/) that the NHS Business Services Authority (NHSBSA), an arms-length body of the Department of Health and Social Care (DHSC), was issuing a “significant” number of fines in cases involving exemptions from prescription charges that were later challenged successfully.

The NAO report said there was “no option to indicate receipt of Universal Credit on NHS prescription forms”.

It also raised concerns about the “particularly confusing” rules on eligibility for free prescriptions and dental treatment for those receiving UC.

In November 2017, [the Pharmaceutical Journal reported](https://www.pharmaceutical-journal.com/news-and-analysis/news-in-brief/new-nhs-prescription-form-being-designed-to-include-universal-credit-criteria/20203853.article?firstPass=false) that a new NHS prescription form was being designed that would include a tick box for people on UC to confirm they were exempt from prescription charges.

But that form has still not been issued, more than two years later, and nearly seven years after UC was introduced.

The Department of Health said two years ago that it was aware of the issue and was “working with contractors and stakeholders to ensure a new prescription form is introduced”.

Brendan Brown, NHSBSA’s director of citizen services, said today (Thursday): “A revised version of the FP10 prescription form, featuring a dedicated exemption tick-box for use by UC claimants who meet the criteria for free NHS prescriptions, will be in circulation early this year.

“Any change to the form involves major system and software updates across the NHS to allow the re-designed form to be used and processed and we need to ensure it is compatible with the scanners used by NHSBSA.

“The gradual roll out of UC also had to be considered.

“Until the revised version of the FP10 is in circulation, current guidance remains unchanged and states that (if a UC claimant’s earnings are below the prescribed earnings thresholds) the claimant should tick the box on the back of the prescription form stating that they are on income-based jobseeker’s allowance instead.

“This was agreed with DHSC and NHSBSA. Communications and guidance were issued nationally to pharmacists when this was decided.”

A DHSC spokesperson said: “We recognise the concerns this issue has caused.

“NHSBSA has been working hard to implement these changes and a new form will be released shortly.”

DWP declined to comment because it said prescription forms were the responsibility of DHSC.

**9 January 2020**

**Action on Hearing Loss to sell entire care and support portfolio**

A disability charity has insisted that it is not selling out Deaf people, after announcing the sale of its entire portfolio of care and support services.

The sale will see Action on Hearing Loss (AHL) – formerly known as RNID – off-loading all 23 of its care homes in England and Wales, as well as its supported living, community, outreach and domiciliary care services across England, Wales and Northern Ireland.

AHL said there were no plans for any closures of services, and no indication that any of its care homes would close under their new owner.

[The charity’s website says](https://www.actiononhearingloss.org.uk/how-we-help/support-and-care/care-and-support-services/) it has been supporting people who are Deaf, deafblind or have hearing loss to live independently by providing care and support services since 1929.

The strategy is being carried out under chief executive Mark Atkinson, [who said just 12 months ago](https://www.thirdsector.co.uk/action-hearing-loss-begins-recovery-plan-amid-financial-concerns/finance/article/1523943) that the charity had no plans to carry out the same kind of mass sale of services [that he oversaw in his previous position](https://www.disabilitynewsservice.com/scopes-radical-plans-will-see-it-compete-with-dpos/), as chief executive of the disability charity Scope.

An AHL spokesperson told Disability News Service this week: “This was true at the time of writing, but the Board of Trustees made the decision at a later date.”

AHL also admitted this week that it had not consulted its service-providers before taking the decision to sell its care and support portfolio.

And it denied that the sale would see it move further away from supporting culturally-Deaf people and towards a focus on medical and hearing loss issues and research into cures for deafness.

The charity said it would “continue to work with the Deaf community through our community and information service and through our influencing work”.

It insisted that the sale of the services was a “strategic decision to enable us to focus our resources on fewer – but more wide-ranging – activities”.

A spokesperson said: “These will include community services and influencing which will positively impact people with all levels of deafness and hearing loss.

“While we’re incredibly proud of our heritage as a care provider, we believe a different provider can deliver the same excellent and culturally appropriate service we do – but also offer more investment. This will benefit our staff and the people we support.”

She said the charity was now talking to service-users and their families and supporters about its plans, and that they now “have the opportunity to tell us what they think so that we can ensure the new provider is aware of what is important to them about their service”.

She said: “We don’t plan to close any services. All potential providers presented proposals to take on all services as well as care and support staff.

“There is no indication that any of our care homes will close. Indeed, everyone is committed to developing the services.”

And she said those organisations that had bid to run the services had to meet “strict criteria”, including “a clear commitment to continuity of care”; the ability to provide a “culturally appropriate service”; a commitment to invest in the services; and a track record of operating similar services to a “good regulatory standard”.

She said the board had also looked for a commitment to retain or deploy staff directly involved in delivering services, and added: “The expectation is that all staff working in our care and support services will continue to work in the services and transfer to work for the new provider via [a TUPE process](https://www.gov.uk/transfers-takeovers).”

As well as AHL and Scope, the disability charity Leonard Cheshire has also attracted controversy by selling off care homes.

In 2018, Leonard Cheshire was accused of making “a complete mockery” of its supposed commitment to service-user involvement after it suddenly told residents of 17 of its care homes [that it planned to sell them to other care providers](https://www.disabilitynewsservice.com/sale-of-17-leonard-cheshire-homes-makes-mockery-of-user-involvement-pledge/).

**9 January 2020­**

**Historic city seeks funding for ‘unique’ driverless shuttles for disabled people**

A local authority is seeking government funds for a “unique” £4 million project that would transport disabled people into the heart of a historic city via “on demand” electric, driverless shuttles.

The trial would allow disabled people with blue parking badges to request a shuttle service from park and ride facilities on the fringes of York to key amenities and tourist destinations in its pedestrianised city centre, using a kiosk in the carparks or via a mobile phone app, website, or phone.

The routes taken would be “flexible” and would depend upon requests made by disabled customers, with the shuttles running in addition to conventional bus services.

Although the shuttles would be automated and driverless, City of York Council plans for them to be staffed by “customer care assistants”.

The council believes there are about 20,000 potential customers with blue badges in the Greater York area, as well as many more from wider afield.

It says it would work with blue badge holders to design the details of the scheme if it secured the funding.

City of York Council is seeking funds for the project as part of a wider [£27 million bid for funding put together by West Yorkshire Combined Authority (WYCA)](https://www.westyorks-ca.gov.uk/media/3069/the-leeds-city-region-future-mobility-zone-bid-please-note-some-elements-are-redacted-due-to-commercially-sensitive-information.pdf) (PDF) under the government’s Future Mobility Zone scheme, as York moves towards a city centre that is car-free for non-essential journeys.

In its funding bid, WYCA says the scheme would “benefit users’ mobility and increase the opportunities for them to access amenities, services and locations for employment and education.

“This can improve their quality of life and meet their needs as existing commuters, prospective workers, job seekers, people on lower incomes or young people.”

It also says the scheme would reduce the need for people with mobility impairments to make private car journeys into the city centre and would lower their transport costs.

It adds: “We will develop the service offer, customer environment and interfaces with user groups to ensure that it specifically meets their needs and expectations and provides as frictionless as possible a journey to the heart of one of the UK’s premier tourist cities.”

James Gilchrist, the council’s assistant director for transport, highways and environment, said: “City of York Council is bidding for Department for Transport funding which seeks to promote innovations in transport which harness new technologies and support mobility for all.

“Our bid could create the opportunity for York to pioneer an innovative solution to support people with mobility issues in and around our historic and vibrant city.

“This involves trialling a new transport service for mobility-impaired users, registered under the blue badge scheme.

“This proposal is only possible due to our city’s advanced digital infrastructure and our [Smart Transport Programme](https://www.yorkpress.co.uk/news/17230075.this-is-how-technology-could-be-used-to-improve-yorks-roads/).

“The proposal follows positive conversations at city centre access workshops, where the idea of an ‘on demand’ shuttle service from outside of the city centre was widely well received.”

The Department for Transport said a decision on the WYCA funding bid would be made “in due course”.

**9 January 2020**

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