**Letter shows ‘appalling’ DWP misled two watchdogs over benefit deaths**

The Department for Work and Pensions (DWP) has been failing to track recommendations made by its own secret reviews into benefit-related deaths, it has told the spending watchdog, three years after claiming it had corrected the same failings.

The “appalling” revelation that DWP appears to have misled both the National Audit Office (NAO) and – three years ago – the Information Commissioner’s Office (ICO) will add to mounting evidence of the need for an independent inquiry into deaths caused by the department over the last decade.

NAO is now examining a letter provided by Disability News Service (DNS) and has asked for permission to share it with parliament and government departments.

Meanwhile, DWP has refused to provide assurances that its failure to track progress on implementing recommendations from its secret internal reviews has not caused any further deaths.

It is just the latest evidence to emerge of DWP refusing to act to close loopholes in its safeguarding systems that have caused the deaths of numerous benefit claimants, including flaws linked closely to the work capability assessment (WCA) process.

The evidence emerged in [a briefing document published by NAO](https://www.nao.org.uk/report/information-held-by-the-department-for-work-pensions-on-deaths-by-suicide-of-benefit-claimants/), which revealed that DWP has carried out secret internal process reviews (IPRs) into 69 suicides of benefit claimants since April 2014.

And in the seven-and-half months between 1 April 2019 and 13 November 2019, it carried out 21 IPRs into suicides linked to the benefit system, compared with 13 in the whole of 2018-19.

DWP told NAO that it had “recently begun to more actively monitor intelligence about deaths by suicide from the media”.

But the NAO report said it was “highly unlikely that the 69 cases the Department has investigated represents the number of cases it could have investigated in the past six years”.

Previous research by DNS and others suggests DWP carried out about 15 internal reviews a year into suicides of benefit claimants from 2012 to 2014.

DWP also admitted to NAO that not all its staff were aware of guidance telling them when they need to carry out an IPR, while its own internal guidance on IPRs was inaccurate.

IPRs should be completed when DWP becomes aware of any suicide of a benefit claimant, “regardless of whether there are allegations of Department activity contributing to the claimant’s suicide”, the department told NAO.

But its guidance says an IPR is mandatory only where there are allegations that DWP activity may have contributed to the suicide of a claimant.

DWP told NAO that the recommendations made in its IPR reports were “the main mechanism through which the Department would share any lessons from individual cases and seek to make improvement”.

But it admitted that there was “no tracking or monitoring of the status of these recommendations” and so it “does not know whether the suggested improvements are implemented”.

This confession came nearly three years [after DWP admitted to the information commissioner](https://www.disabilitynewsservice.com/government-admits-failing-to-record-actions-after-benefit-suicide-inquiries/) that from February 2012 to September 2015 it kept no records of what happened to recommendations made by its internal reviews into the deaths of claimants.

It told the information commissioner in 2017 that the review process lacked “robust governance” during this period but claimed that it had “identified changes to improve accountability and responsibility and ensure that recommendations were identified, logged centrally and followed up so that outcomes were tracked, audited and understood”.

The information commissioner, Elizabeth Denham, told DNS in 2017 that she “found it unusual that a Central Government Department would dedicate resources to a process of case reviews and recommendations but not require the relevant departments to report back or record the actions taken in response to those recommendations”.

Now – nearly three years on – DWP has made almost the same confession to the National Audit Office, telling the watchdog that “there is no tracking or monitoring of the status of these recommendations” and, as a result, “the Department does not know whether the suggested improvements are implemented”.

NAO this week said it had not been aware of the existence of the ICO letter – which was sent to DNS during an investigation into DWP’s failure to provide information on whether it had implemented improvements made by its reviews – and had been “interested” to see it when it was forwarded to the watchdog by DNS.

The team that put together this week’s briefing is now examining the letter, while NAO has secured DNS’s permission to share it with parliament and government departments.

Debbie Abrahams, Labour’s former shadow work and pensions secretary and a member of the work and pensions select committee, who has led parliamentary calls for an inquiry and has also seen the ICO letter, told DNS: “Every time I’ve asked for an inquiry I’ve been told by a government minister that they have carried out their own internal investigations and improved their service.

“The NAO report blows that assertion out of the water and even goes on to say the department does not even know whether any of its suggested improvements have been implemented and accepts not all its staff are aware of their own internal process guidance.

“Given the department admitted via [a freedom of information] request that it failed to keep a track of what actions it took after internal reviews and has done nothing to fix this in the three years since that admission is appalling.

“Once again, I demand that the government activates a full, independent inquiry into the deaths of social security claimants linked to the actions, and decisions, of the DWP.

“No more excuses and prevarication; people are dying, enough is enough.”

NAO produced the briefing document after being asked by former MP Frank Field during the last parliament to inspect DWP’s apparent failure to collect data on how many benefit claimants were taking their own lives.

[The scandal of DWP’s failure to learn from the deaths of benefit claimants](https://www.disabilitynewsservice.com/dwp-the-case-for-the-prosecution/) dates back to shortly before the May 2010 general election, which brought the Conservative-led coalition to power, when a coroner told the department that it needed to make urgent improvements to the WCA system, or other claimants would die.

It failed to make those changes, and claimants continued to take their own lives as a result of the flawed WCA throughout the next decade.

A DWP spokesperson refused this week to answer any questions from DNS about the ICO letter and its responsibility for the deaths of benefit claimants.

She refused to explain why DWP misled both the information commissioner and NAO; refused to say which senior civil servants and ministers would be taking responsibility for the department’s actions, and if anyone would be resigning; and refused to say if the department could be sure that the failure to implement and track recommendations from its IPRs had not caused any further deaths.

She also refused to say if it was now time for an independent inquiry into links between DWP and the deaths of claimant; and if there should be a criminal investigation into alleged misconduct in public office by ministers and senior civil servants, as demanded by [grassroots groups of disabled people](https://www.disabilitynewsservice.com/mps-must-speak-out-on-criminal-probe-into-dwp-death-links-say-activists/) and [relatives of claimants](https://www.disabilitynewsservice.com/errol-graham-family-demand-criminal-probe-into-former-dwp-ministers/) who have died.

But she said in a statement: “Suicide is a devastating and complex issue. We take these matters and the NAO’s findings extremely seriously.

“We are urgently working to drive forward improvements and learn the lessons from these tragic cases.

“We will now carefully consider the NAO’s findings as part of our ongoing work.”

**13 February 2020**

**Government faces legal action over failure to stop ATU ‘atrocities’**

Disabled campaigners have welcomed the human rights watchdog’s decision to begin legal action against the government over its repeated failure to address the “distressing and horrific” treatment of people with learning difficulties and autistic people in mental health hospitals.

The Equality and Human Rights Commission (EHRC) has lost patience with the failure of the Department of Health and Social Care (DHSC) to move disabled people out of “inappropriate and unlawful” inpatient care and into homes in the community.

It said this suggested “a systemic failure” to protect the right to a private and family life, and the right to live free from inhuman or degrading treatment or punishment, under the European Convention on Human Rights (ECHR).

It has now begun a legal challenge against health and social care secretary Matt Hancock, more than seven years after the government first promised to provide personalised care and support to all those in inappropriate inpatient assessment and treatment units (ATUs).

EHRC also repeated its call for [a new legal right to independent living](https://www.disabilitynewsservice.com/ehrc-proposals-on-new-right-to-independent-living-dpos-welcome-draft-plans/), which would protect the ability of disabled people to live independently and as part of the community.

Kat Humble, director of [Autistic UK](https://autisticuk.org), which is run by and for autistic people, said: “Autistic UK has been working behind the scenes for years in an effort to stop these atrocities and we are heartened to see the EHRC take action to bring the responsible parties to account.

“We remain, as ever, ready to assist in any way we can.”

Andrew Lee, director of [People First (Self Advocacy)](http://peoplefirstltd.com/), which is run by and for people with learning difficulties, said it was “a scandal” that so many autistic people and people with learning difficulties were still in mental health assessment and treatment units, often “a long way from home and for long periods of time with little or no contact with family and friends”.

He said it was a “sorry state of affairs” when legal action was needed to pressure the government to do what it had committed to do through targets set in the Transforming Care and Building the Right Support programmes.

People First’s [#CloseATUs](https://twitter.com/hashtag/closeATUs?src=hash) campaign calls for the closure of mental health ATUs for autistic people and people with learning difficulties and for people to have the advocacy and support they need in their local communities.

Lee said: “We know that with community advocacy and local services being cut back over the last few years there just isn’t the alternatives and provisions there should be locally.

“Also, self-advocacy groups continue to close across the country due to loss of funding.”

He said People First [had made similar recommendations](https://www.nsun.org.uk/Handlers/Download.ashx?IDMF=3db3706a-18fd-4fad-9357-ca2c9b34ce08) to those issued by EHRC this week in the wake of last year’s [Whorlton Hall abuse scandal](https://www.disabilitynewsservice.com/activists-call-for-closure-of-all-long-stay-hospitals-after-whorlton-hall-scandal/).

[Inclusion London](https://www.inclusionlondon.org.uk/) also welcomed the legal action and said it was “easier for the government to stick disabled people in institutions than support us to live in the community”.

The pan-London disabled people’s organisation said it was “great” to see EHRC “challenging this systemic and persistent violation of our human rights”.

EHRC said it had “longstanding concerns” about the rights of more than 2,000 people with learning difficulties and autistic people who were being detained in secure hospitals, often far from home and for many years.

These concerns “increased significantly” after the BBC’s exposure of “shocking violation of patients’ human rights” [at the private Whorlton Hall hospital last May](https://www.disabilitynewsservice.com/activists-call-for-closure-of-all-long-stay-hospitals-after-whorlton-hall-scandal/).

[In November](https://www.disabilitynewsservice.com/anger-as-hancock-offers-string-of-seven-year-old-policies-on-institutional-care/), Disability News Service revealed that measures introduced by Hancock to address the treatment of autistic people and people with learning difficulties in ATUs were strikingly similar to failed government measures announced in December 2012, following the Winterbourne View abuse scandal.

EHRC has now sent a pre-action legal letter to Hancock, arguing that his department has breached the convention by failing to meet targets set in Transforming Careand Building the Right Support.

Following discussions with DHSC and NHS England, the watchdog said it was not satisfied they would meet new deadlines for reducing the number of inpatient admissions set out in the [NHS Long Term Plan](https://www.england.nhs.uk/long-term-plan/).

Rebecca Hilsenrath, EHRC’s chief executive, said: “We cannot afford to miss more deadlines. We cannot afford any more Winterbourne Views or Whorlton Halls.

“We cannot afford to risk further abuse being inflicted on even a single more person at the distressing and horrific levels we have seen. We need the DHSC to act now.

“These are people who deserve our support and compassion, not abuse and brutality.

“Inhumane and degrading treatment in place of adequate healthcare cannot be the hallmark of our society. One scandal should have been one too many.”

A DHSC spokesperson said: “We are committed to protecting the rights of everyone with a learning disability or autism, and are determined to continue reducing the number of people with these conditions in mental health hospitals.

“Abuse of any kind against patients in care is abhorrent and we take any allegations very seriously.

“We have received the pre-action letter from the EHRC today and will respond in due course.”

**13 February 2020**

**Errol Graham: Coroner urged to act on evidence that DWP hid links to deaths**

A coroner who heard the inquest into a man who starved to death after his benefits were wrongly removed has been urged to act on information showing the government failed to pass her evidence linking its actions with other deaths.

The family of Errol Graham have called on Nottingham’s assistant coroner Dr Elizabeth Didcock to reopen the inquest so she can write an official report that would call on the Department for Work and Pensions (DWP) to take urgent action to prevent further deaths.

Disability News Service (DNS) has passed information to Dr Didcock which shows how DWP hid from the inquest its [decade-long history of failing to act on evidence](https://www.disabilitynewsservice.com/dwp-the-case-for-the-prosecution/) that its “fitness for work” assessment process was linked to the deaths of benefit claimants.

The evidence includes reports written by two other coroners, in 2010 and 2014, following the deaths of two benefit claimants that each took place in similar circumstances to those that led to Errol Graham losing his life.

In both 2010 and 2014, the coroners told DWP to take urgent action to improve its WCA system to avoid further deaths of people living with mental distress.

But on both occasions, DWP ministers and senior civil servants failed to act, and even later covered up evidence linking the work capability assessment (WCA) process with claimant deaths.

Last month, [DNS revealed](https://www.disabilitynewsservice.com/the-death-of-errol-graham-man-starved-to-death-after-dwp-wrongly-stopped-his-benefits/) how Dr Didcock concluded at the end of last June’s inquest that the “safety net that should surround vulnerable people like Errol in our society had holes within it”.

She said then that DWP should have obtained more evidence from his GP at the time his employment and support allowance (ESA) was stopped so it could “make a more informed decision about him”.

But she concluded that she did not need to write what is known as a regulation 28 report – also known as a prevention of future deaths report – to demand changes to DWP’s safeguarding procedures because the department promised her it was already completing a review of its safeguarding and that it would focus on “support and safety for vulnerable people”.

That review was supposed to conclude last autumn.

Alison Turner, the partner of Errol Graham’s son, who has led the fight to secure justice, this week called on Dr Didcock to revisit her decision not to write a prevention of future deaths report.

She said: “I am asking her to look again at her original decision, based on the information that is out there and based on the fact that DWP have been reported twice already by coroners.

“Errol’s death would have been avoided had DWP addressed what they were told in the past.”

Turner said that, when the coroners warned in 2010 and 2014 that other claimants would die in the future if DWP did not address the flaws in the WCA process, “Errol is the person that that coroner is speaking about”.

She added: “I think that link is quite serious: the coroner [at Errol’s inquest] should have looked into that.

“She was a really nice woman, but I think she let [DWP’s] manipulative ways get the better of her.

“She should look at what evidence is available now and relook at her original decision not to write a report.

“She has a duty to Errol to relook at that decision.

“I don’t hold any ill-will against her, and I can’t hold her responsible for the decision at the time.

“She did what she had to do at the time, based on the information she had, but given the information we now know, I would expect her to revisit the decision that she made.

“I would be upset if she didn’t.”

She spoke out after scores of people attended a vigil in the centre of Nottingham on Friday to remember Errol Graham and to call for justice.

Diana Burton, his ex-partner, who stayed on good terms with him after they split up more than 10 years ago, spoke at the vigil, although Turner was not well enough to attend.

Burton said afterwards: “I was overwhelmed by the support and kindness of everyone who came to the vigil for Errol.

“I thanked them all for coming and went on to say that no one should [die] again in the same circumstances that led to Errol’s death.

“I said this system needed to change and that it is unacceptable what happened to Errol in this day and age.”

She was handed a bunch of flowers and a card expressing sympathy for the family’s loss and ordeal by members of the Socialist Equality Party.

Errol Graham starved to death two years ago after DWP removed his ESA, leaving him without any income.

A civil servant told an inquest into his death last summer that DWP staff followed departmental guidance and had acted “appropriately” by leaving him with no income.

They had stopped his benefits when they were unable to contact him to discuss why he had not turned up to a WCA.

Deprived of all financial support, experiencing significant mental distress and unable or unwilling to seek help, the 57-year-old slowly starved to death.

Over the last decade, the deaths of disabled people like Errol Graham have been linked repeatedly to DWP’s failure to secure further medical evidence about claimants, and to confirm the welfare of claimants seen as vulnerable, before removing their benefits, with at least one other claimant starving to death after being found “fit for work”.

These include the deaths of Stephen Carré, Jodey Whiting, Mark Wood, Paul Donnachie, Michael O’Sullivan, David Barr and a woman known only as Ms DE, as well as many others.

**13 February 2020**

**Labour leadership: Starmer backs calls for free social care**

The MP leading the race to be Labour’s next leader has become the first candidate to back calls by disabled people’s groups for the introduction of free social care, funded by national progressive taxation.

Sir Keir Starmer, Labour’s shadow Brexit secretary, said he supported [the motion passed at last autumn’s national conference](https://www.disabilitynewsservice.com/labour-conference-activists-set-for-fight-to-persuade-leadership-on-independent-living/), which called for a new National Independent Living Support Service (NILSS) for England that would provide a universal right to independent living that was “enshrined in law”.

NILSS would be designed by service-users and carers in partnership with local authorities and the NHS, and it would be delivered “as far as possible” by service-users.

The motion originated with the disabled people’s movement and a document drawn up by [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/) and the [Reclaiming Our Futures Alliance (ROFA)](https://www.rofa.org.uk/).

Although the motion became party policy as a result of the conference vote, Labour failed to include it in its general election manifesto and [called only for free personal care for older people](https://www.disabilitynewsservice.com/election-2019-labour-pledges-to-make-independent-living-a-reality/).

Now Sir Keir has said he supports the party conference motion and that he would want to work with members to further develop that policy position.

He told Disability News Service (DNS): “Everyone has the right to the support they need to live independently no matter where they live in the country.

“I believe that principle should be hardwired into everything we do.

“Unfortunately, our social care service is in crisis and mental health provision is chronically underfunded, so it is only through radical action that we can deliver the change that is needed.”

The new policy came as he responded to all six of the questions sent by DNS to the four candidates last month, following [a briefer response to some of the questions he provided last week](https://www.disabilitynewsservice.com/labour-leadership-starmer-dodges-questions-on-housing-care-and-rights/).

Sir Keir’s mother-in-law died in hospital on Saturday, after spending two weeks in intensive care following an accident.

But despite receiving significant criticism for failing to answer all the questions in depth last week, his team declined to offer his mother-in-law’s accident as an explanation for the late response.

The other leading candidates, [Rebecca Long-Bailey](https://www.disabilitynewsservice.com/labour-leadership-long-bailey-promises-policy-partnership-with-disabled-people/) and [Lisa Nandy](https://www.disabilitynewsservice.com/labour-leadership-nandy-pledges-truth-and-justice-fight-for-dwp-victims/), answered the questions in depth last week, while Emily Thornberry has still not provided any answers.

In this week’s responses, Sir Keir added to the backing he gave last week to calls for an independent inquiry into deaths linked to the actions of the Department for Work and Pensions.

He said: “I fully support the calls for a comprehensive, genuinely independent investigation.

“The cases that Disability News Service has reported are deeply disturbing and the families of those affected deserve justice.

“Under this government, disabled people have been subjected to the most appalling indignity and they have been robbed of the support to which they have a right.

“We need an inquiry to address the fundamental flaws in the social security system and ensure the necessary reforms are implemented.”

The former human rights barrister also said he would push as prime minister for the government to “fully resource” the Equality and Human Rights Commission (EHRC), to ensure it can “more effectively enforce” the Equality Act and stop discrimination against disabled people.

Like Nandy and Long-Bailey, he backed the idea of incorporating the UN Convention on the Rights of Persons with Disabilities into UK law.

He said: “Before I was elected as an MP, I was a human rights lawyer and I spent a career championing human rights and the work of organisations, including the United Nations.”

He also gave a similar commitment to Nandy and Long-Bailey on accessible housing, which he said “must be a priority for any future Labour government”.

He said: “The poor provision of accessible housing is a national scandal and it is a disgrace that the number of people with disabilities and medical conditions on the housing waiting list in England has risen by almost 11,000 in the last two years.”

He said that, as a Labour prime minister, he would want to see a “significant increase in investment in social housing” and a guarantee that everyone can live in a “decent, affordable and accessible home”.

He also said he would examine building regulations to ensure that all new housing developments were accessible to disabled people, with all publicly-funded homes expected to meet the Lifetime Homes standard on accessibility and adaptability as a minimum.

Sir Keir again stressed the need for greater resources for EHRC, to ensure that all bodies involved in the provision of housing, including government agencies, “comply with their duties under equalities legislation”.

And he said he would want to work with Labour-run councils in the build-up to the next election “to see how we could address the accessible housing crisis locally over the next four years”.

On schools, he was not as outspoken as Long-Bailey or Nandy, who both emphasised the importance of a more inclusive education system.

But he did say that children and young people with special educational needs and disabilities (SEND) were “all too often being left behind because of a lack of government funding and the perverse incentives brought about in our school assessment system”.

He said he wanted the government to ring-fence funding to plug the £500 million SEND funding gap.

He said: “This funding would be enough to put a SEND specialist teaching assistant in every primary school.”

He said he also supported measures proposed by Labour in 2018 to end the “off-rolling” scandal.

Survey evidence last year suggested that pupils with SEND were more likely to experience off-rolling – in which mainstream schools force pupils off their books to boost their academic results – than other children.

Asked for three ways in which he had fought for the rights of disabled people, he firstly highlighted his work as director of public prosecutions[, in which he had called for the criminal justice system](https://www.disabilitynewsservice.com/cps-wins-praise-over-disability-hate-crime-efforts/) to do more to tackle disability hate crime.

He said at the time that he was “deeply concerned” about the number of such cases that were going unreported, and invited disability groups to work with the Crown Prosecution Service to inform its guidance and policies on hate crime across England and Wales.

Secondly, he highlighted his work as shadow Brexit secretary to persuade the government to enshrine the Charter of Fundamental Rights into UK law after Brexit.

He said: “The charter prohibits discrimination on the ground of disability and recognises the right of people with disabilities to benefit from measures to ensure their independence and participation in the life of the community.

“I was – and remain – deeply concerned that without these protections in place the rights of disabled people could be weakened.”

He said he would continue to press the government to enshrine the charter into UK law.

Thirdly, he said he had worked as an MP to represent “numerous constituents who have been negatively affected by the government’s so-called welfare reforms.

“These are some of the most distressing cases I have had to deal with as an MP and it has informed my strong belief that we need a substantial overhaul to the social security system in this country.”

[In December](https://www.disabilitynewsservice.com/wca-death-doctor-dwp-put-immense-pressure-on-atos-to-find-claimants-fit-for-work/), DNS reported how Sir Keir had worked “tirelessly” for several years to support and seek justice for the family of his constituent Michael O’Sullivan, who took his own life in September 2013 after being wrongly found fit for work by the Department for Work and Pensions.

He said this week: “We need to create a social security system with dignity, justice and compassion at its heart.”

**13 February 2020**

**University leaves disabled student segregated at the back of lectures**

A disabled student has been left “isolated” and “segregated” by her university’s failure to make her lectures accessible to her.

Sarah-Marie Da Silva, a first-year zoology student and a wheelchair-user, has been trying since her first day on the course to persuade the University of Hull to make changes that would allow her to attend lectures alongside fellow students.

She said the university’s failure to act on her access concerns persuaded her to publish a photograph taken by one of her lecturers last Friday, which showed her being forced to sit alone at the back of a lecture theatre – segregated from fellow students – without a desk to take notes on.

The university later admitted the situation was “not acceptable”.

Now she has warned she will consider legal action against the university for breaching the Equality Act if it fails to take action.

Hull is just the latest university to face complaints from disabled students and staff over the last 18 months.

[Last month](https://www.disabilitynewsservice.com/disabled-students-accuse-leading-university-of-institutional-failings-on-discrimination/), Disability News Service (DNS) reported how disabled students had accused University College London of repeatedly failing to make reasonable adjustments and overcharging them for their accessible accommodation.

[Last summer](https://www.disabilitynewsservice.com/disabled-students-act-over-universitys-immoral-and-amoral-discrimination/), disabled students at London South Bank University said they were taking legal action over claims of disability discrimination.

[And in August 2018](https://www.disabilitynewsservice.com/union-backs-claims-of-widespread-discrimination-by-hostile-university/), DNS reported how the University of Liverpool was facing claims that it forced a disabled member of staff to scour the campus for accessible rooms in which she could deliver her lectures, and even told her that it might be considered “reasonable” for her to go down stairs on her bottom in some circumstances rather than be timetabled into ground floor or fully accessible rooms.

In some lectures, Da Silva has been forced to sit at the back in isolation because of a flight of steps, while in others she has had to sit at the front near the lecturer, separated again from her fellow students.

Sometimes, after arriving to see a set of stairs that prevent her from joining other students, she has left before the lecture begins after finding the access barriers she was facing too distressing.

On other occasions, she has been able to access the front of the lecture theatre, where there has been a moveable desk.

But these desks have a brake on their wheels that she cannot reach because of her impairment, so she can only use the desk if she arrives early enough and the lecturer is able to help her adjust it.

Even if there is a desk and she can use it, she is still left isolated from her fellow students at the front of the class.

She told Disability News Service yesterday (Wednesday): “I have experienced access issues in pretty much every building I’ve been in and some of the buildings are like three years old – I’ve been told this by several staff members.

“I feel segregated from everyone, I’m isolated and I feel abandoned by the university.

“It has severely impacted my mental health. It is degrading and inhumane.”

She has had support since September from lecturers, her tutor, the student union and the university’s disability team, as well as her boyfriend and her university wheelchair basketball team.

But she said the university had “done nothing except move to slightly more accessible lecture theatres and then ignore us”.

She added: “I’ve gone through many departments, lecturers, my tutor and tried to suggest temporary and long-term solutions and nothing has been done.

“I don’t blame my lecturers or the disability team because they’ve been trying their best, but it’s the people higher up who are refusing to do anything, other than move me about.

“I won’t consider legal action until Hull university comes forward with a solution.

“If it’s not good enough then I will consider legal action.”

The university has only commented on the access failure shown in the photograph, and it has refused to comment on the other concerns Da Silva has raised throughout her course.

A spokesperson said: “We are very sorry that this has happened, clearly it is not acceptable.

“We take these matters very seriously and a colleague from our student services team is looking into what has happened now.

“We are committed to working with our students to put in place any additional support or adjustments where needed. Unfortunately, it is clear this hasn’t happened in this case.

“We carry out independent accessibility surveys and audits across our estate and make every effort to ensure the campus is accessible for all.

“As a university we are continuing to invest in and develop our campus and ensuring our buildings are accessible forms a large part of this.

“This particular building is listed and as a result we are unable to make structural alterations to this room.

“A rigorous process is undertaken to ensure rooms allocated for teaching sessions take into account students’ additional requirements but unfortunately it is clear a mistake has happened on this occasion.

“We will immediately look into what happened and ensure that we take necessary steps to make sure this does not happen again.”

But when asked to comment on the other concerns raised by Da Silva, a spokesperson said: “We will continue to work with Sarah-Marie to offer the support that she needs.

“It would be inappropriate for us to comment any further on individual cases.”

**13 February 2020**

**News round-up: Restraint, mental health, early deaths, poverty, and PIP back-payments**

**The human rights watchdog** [**has launched an inquiry**](https://www.equalityhumanrights.com/en/inquiries-and-investigations/inquiry-how-schools-are-monitoring-use-restraint)into how schools are monitoring the use of restraint on their pupils.

The Equality and Human Rights Commission (EHRC) inquiry will discover whether primary, secondary and special schools in England and Wales are collecting information on restraint, and if they are, “whether they are using it to inform any improvements to how they use restraint”.

[In November](https://www.disabilitynewsservice.com/staff-forced-autistic-pupils-into-tiny-cupboard-after-meltdowns-school-admits/), Disability News Service revealed that staff at an academy school repeatedly forced autistic pupils as young as five into a tiny cupboard and then held the door shut after they had “meltdowns” in class.

David Isaac, EHRC’s chair, said: “Our schools must be safe places for all children and restraint should only be used as a last resort for the safety of any child and those around them.

“There are specific safeguards in place in the youth justice system and mental health units, but these are not mirrored in the education system.

“It is essential that we find out whether appropriate action is being taken to understand how restraint is being used so that all children are protected, treated with dignity and able to reach their full potential through education.”

**The Department for Work and Pensions (DWP) has admitted** that far fewer claimants of personal independence payment (PIP) are being found eligible for back-payments following a lengthy review than they previously expected.

DWP announced in January 2018 that it would review 1.6 million PIP claims to see which of them would be entitled to increased, backdated payments.

It followed two upper tribunal rulings, one in 2016 on the impact of overwhelming mental distress on the ability to plan and follow a journey, and one from 2017 on whether claimants can carry out everyday activities safely.

But in an update on progress on the review, [DWP said this week](https://www.gov.uk/government/publications/pip-administrative-exercise-progress-on-cases-cleared-at-5-january-2020/pip-administrative-exercise-progress-on-cases-cleared-at-5-january-2020) that it had so far issued only £28 million in back-payments to about 5,900 claimants, after checking about half of the 1.6 million claimants.

Ministers had previously said that up to 220,000 claimants were likely to be entitled to back-payments.

But some campaigners [also raised concerns](https://www.benefitsandwork.co.uk/news/4166-dwp-goes-back-on-promise-to-review-1-6-million-pip-claims-as-back-payments-plummet) that, since last November, DWP has been focusing on those claimants “most likely to benefit” from the review, and will only write to other claimants to ask if they would like their cases reviewed.

**The care watchdog has warned** that health services are “frequently” failing to apply human rights principles to people detained under the Mental Health Act (MHA), and therefore are failing to ensure they are treated with dignity and respect.

It also found there were 39 deaths through “unnatural causes” in 2018-19 of service-users who had been detained under the act or were under community treatment orders.

In its [annual review of the use of MHA](https://www.cqc.org.uk/publications/major-report/monitoring-mental-health-act-201819) in England, the Care Quality Commission said it was “concerned” by the findings, which were based on 1,190 visits to mental health wards and meetings with 4,436 patients.

It said the use of the act continued to rise and that the overrepresentation of some black and minority ethnic groups was “a particular cause for concern”.

Kamran Mallick, chief executive of [Disability Rights UK](https://www.disabilityrightsuk.org/), said the number of deaths was “deeply disturbing”, and added: “We know that the mental health system in this country is in crisis.

“We know there is nowhere near enough service provision, both in the community, and in specialist facilities.

“This report, highlighting a shocking amount of denial of basic human rights for those with mental health conditions, should be a wake-up call to government to boost these critical services, now.”

**Nearly one-third (31 per cent) of disabled people in the UK live in poverty, compared with about 20 per cent of non-disabled people**, according to a new report by a poverty charity.

In its [annual report on poverty across the UK](https://www.jrf.org.uk/report/uk-poverty-2019-20), which relates to figures from 2017-18, Joseph Rowntree Foundation said poverty was even higher (33 per cent) among those families which include a disabled adult.

If the household also includes a disabled child, the rate is still higher, at 40 per cent, more than twice the rate of poverty in households that do not include a disabled person.

And of the more than 900,000 people who received both housing benefit and employment and support allowance – the out-of-work disability benefit – seven in 10 lived in poverty.

**The government yesterday** [**issued its response**](https://www.gov.uk/government/publications/leder-third-annual-programme-report-government-response) **to the third annual Learning Disability Mortality Review (LeDeR)**, which was published last May.

Last year’s review found that people with learning difficulties were dying, on average, 23 years earlier for men and 27 years earlier for women.

A Department of Health and Social Care spokesperson said this week: “We are determined to close the inequality gap and through the LeDeR programme we will reduce early deaths and drive up quality of care.”

He said the government had already committed to “mandatory training about learning disability and autism” for all health and social care staff.

But he said DHSC “must do more to build on the momentum of the programme and continue to learn from the past”.

**13 February 2020**

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