**Minister praises retailers facing discrimination class action from disabled shoppers**

A minister has praised supermarkets for the actions they took to support disabled shoppers during the pandemic, despite them facing a mass legal action for disability discrimination.

Victoria Prentis, junior minister at the Department for Environment, Food and Rural Affairs, repeatedly defended retailers this week, even though about 750 disabled people are seeking damages for discrimination.

They say that supermarkets failed to make the reasonable adjustments they needed to be able to shop safely during the COVID-19 crisis.

Prentis [was giving evidence](https://www.parliamentlive.tv/Event/Index/f1af734d-131c-4e13-baaf-0f1927cf8638) on Wednesday to the Commons women and equalities committee, as part of its inquiry into access to services for disabled people during the pandemic.

She was speaking just hours before the equality watchdog called on retailers to do more to help their disabled customers during the pandemic.

[The Equality and Human Rights Commission (EHRC) said](https://www.equalityhumanrights.com/en/our-work/news/new-guidance-calls-retailers-do-more-help-disabled-customers) it was sending out guidance to the chief executives of supermarkets and retail consortiums “to help the industry better assist disabled customers during the pandemic”.

Rebecca Hilsenrath, EHRC’s chief executive, said shopping had become “almost impossible” for some disabled people during the pandemic.

She said: “We have heard of a range of concerns, from long queues with no rest places, to lack of awareness about particular health conditions that mean people are exempt from wearing a mask.

“Coronavirus has exposed some of the worst inequalities in our society and disabled people are facing particular hardship.

“No matter what decisions and actions are made, all retailers have a legal duty to abide by equality law.

“It is essential that disabled people are not left behind as retailers continue to meet the challenges of the ongoing pandemic.”

But Prentis had told the women and equalities committee that retailers should be praised for how they supported disabled people during the crisis.

She the government had been “alive” to the problems disabled people were facing in securing food and other vital supplies “from the beginning” of the pandemic.

She said she had asked earlier this year if she could “bang heads together” and “facilitate” [discussions between EHRC and the British Retail Consortium](https://www.disabilitynewsservice.com/coronavirus-industry-brushes-off-ehrc-concerns-over-discrimination-by-supermarkets/), and that discussions with a group of 24 disability charities had helped DEFRA draw up its own “helpful” guidance for retailers.

Under questioning from Labour MP Alex Davies-Jones, Prentis said: “I cannot thank the British Retail Consortium enough for what they did to feed the nation during the pandemic.

“The supermarkets really stepped up and I think we should all be very, very grateful for the way that they did adapt and make adjustments to the needs of our population.”

Prentis was then asked by Davies-Jones whether supermarkets should “face the full force of the law” if they failed to comply with the Equality Act during the pandemic.

She replied: “What the law wants them to do is make reasonable adjustments.

“I felt that they were going above and beyond, truthfully, and really trying hard to meet the needs of their communities.”

Justin Tomlinson, the minister for disabled people, who was also giving evidence to the committee, was seen nodding in agreement as she made these points.

In April, [Disability News Service reported](https://www.disabilitynewsservice.com/coronavirus-supermarkets-face-biggest-class-action-of-its-kind-over-discrimination-claims/) that hundreds of disabled people had told solicitors [Fry Law](https://www.frylaw.co.uk/) that they wanted to take cases for discrimination against supermarkets for their failings during the pandemic.

Many had found it impossible to order home deliveries online, others had been prevented from shopping safely in-store by their local supermarkets, for example, by having to queue to enter the store – with no seats while they were waiting – or not being allowed to bring a companion with them to help them shop.

There are currently about 750 disabled people taking discrimination cases against supermarkets.

It is thought to be the biggest legal case ever taken in the UK on disability discrimination in the provision of services.

But Prentis told the committee on Wednesday that the list of adjustments made by supermarkets for disabled shoppers during the pandemic was “enormous”.

She said: “Sainsbury’s were fantastic with my elderly father… and helped a whole group of people that wouldn’t have been helped otherwise.

“I am so grateful for the work that supermarkets did during the pandemic, I really am, and I hope very much that we needn’t get too legalistic about this.

“Of course the law is important and of course it’s important that reasonable adjustments should be made, but they have to be reasonable ones.”

**4 September 2020**

**Minister defends taking five months to produce supported living COVID guidance**

A health minister has been asked why her department took five months to produce guidance that aims to protect disabled people in supported living services during the COVID-19 pandemic.

Helen Whately, the social care minister, was challenged over why her department did not produce COVID-19 guidance for providers of supported living services [until 6 August](https://www.gov.uk/government/publications/supported-living-services-during-coronavirus-covid-19/covid-19-guidance-for-supported-living).

The government guidance aims to ensure that procedures can be put in place “to minimise risk and provide the best possible support to people in supported living settings” during the pandemic.

But Labour’s Kate Osborne asked Whately this week: “How can you justify taking so long to publish this crucial guidance?”

Whately, [who was giving evidence to the Commons women and equalities committee](https://www.parliamentlive.tv/Event/Index/f1af734d-131c-4e13-baaf-0f1927cf8638), told Osborne: “I would have liked… that guidance to have gone out earlier.”

But she said that pulling the guidance together had been “a substantial piece of work”.

She said that “stakeholders… very much wanted to be involved in the production of [the] guidance in a co-production model, so rather than having guidance rushed out that then wasn’t as helpful as it might be, we worked very much with the stakeholders to try and produce a really good quality guidance.”

Whately said the pandemic was “placing completely new demands on a government department” and that putting out “this scale of complexity of guidance” had required “a huge amount of resource” to be “redirected” into “the social care part” of the Department of Health and Social Care.

She added: “In the face of criticisms that everything should have been faster and sooner, those involved in this and the civil servants worked incredibly hard to produce robust, helpful guidance as quickly as possible.”

But Osborne said: “I certainly wouldn’t doubt that the civil servants, etc, worked extremely hard and you wouldn’t want it to be rushed out but I don’t think that the sixth of August could be classed as rushing it, that’s for sure.”

[Six weeks ago](https://www.disabilitynewsservice.com/coronavirus-how-the-government-breached-disabled-peoples-rights-17-times-during-the-pandemic/), Disability News Service published research which showed that the government had breached the rights of disabled people in at least 17 different ways during the coronavirus pandemic.

This included only publishing guidance to help [people on direct payments more than five weeks after](https://www.disabilitynewsservice.com/coronavirus-pa-guidance-is-finally-published-five-weeks-late/) it had published guidance for the wider social care sector; [delaying testing social care staff](https://www.mirror.co.uk/news/politics/coronavirus-tests-been-given-only-21865558), which led to thousands of disabled and older residents of care homes becoming infected with COVID-19 and losing their lives; and discharging hospital patients [into care homes without being tested](https://fullfact.org/health/coronavirus-care-homes-discharge/) for COVID-19, again causing the loss of thousands of lives.

Osborne asked Whately why the government’s response to the impact of the pandemic on social care “seemed to come relatively late”.

Osborne said that [all social care workers had only been eligible for testing](https://www.bmj.com/content/369/bmj.m2375) for the virus from 28 April and that guidance on the use of personal protective equipment had “seemed to be ever-changing”.

She also pointed out that the government’s social care action plan was not published until 15 April, “a month after the start of the crisis”.

She asked Whately, as the responsible minister, whether she could understand why disabled people and the social care sector felt ignored at the start of the pandemic, and asked why the response had taken so long.

Whately claimed that the government’s response had begun in February and that the government had been “communicating regularly with the sector” from the start of the crisis, including setting up “stakeholder engagement groups” and working closely with local authorities and the Care Quality Commission.

She said the social care action plan had “brought together a lot of the actions which were already being taken” and that ministers had published it because they had been told it would be “helpful to have it all in one place”.

**4 September 2020**

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