**Philippa Day: Disabled woman left note implicating DWP and its PIP failings in her death**

A disabled woman, who apparently took her own life in despair at the way her benefits claim was being dealt with, left a note that “directly implicated” the Department for Work and Pensions (DWP) in her death.

Philippa Day, who had agoraphobia, appears to have killed herself after hearing hours earlier that her repeated pleas for her personal independence payment (PIP) assessment to be held in her own home had been rejected.

Her death is the latest in a long line of tragedies linked to the failings of DWP and its private sector contractors, and follows years of repeated promises by the department to learn from the deaths of other disabled benefit claimants (*see separate story*).

Months before she died, Philippa’s benefits had been slashed when she tried to move from disability living allowance (DLA) to personal independence payment (PIP), and she began to experience significant financial problems as her life spiralled out of control.

Mental health professionals who worked with her had told both DWP and its private sector assessment contractors Capita of the risk to her life caused by the problems with her PIP claim.

She had requested a home assessment in two PIP claim forms – one of which was lost by DWP – and in a phone call to Capita, with her community psychiatric nurse also twice calling Capita to say that she needed to be assessed at home because of her significant mental distress.

She appears to have taken her own life after receiving a letter telling her that she would not be allowed a home assessment and would instead have to visit a Capita assessment centre to test if she was eligible for PIP.

Her body was found the next day, 8 August 2019, by her sister and father at her home in Nottingham, with a copy of the letter lying on the pillow next to her body.

Her sister, Imogen, told Disability News Service: “The letter was placed deliberately on her pillow. She wanted us to know very clearly that it wasn’t our fault.”

Philippa spent the next two months in a coma, and died in October 2019, aged just 27.

Even while she was lying in hospital, Capita – which had been told she was in a coma – told the family that if she failed to attend the face-to-face assessment, her benefit claim would be cancelled and she would have to start again from scratch.

A few days later, about £4,000 in PIP arrears was deposited by DWP in Philippa’s bank account without warning.

Imogen said: “What’s so frustrating is that my sister knew she was going to die because of this. We had multiple conversations prior to her death.

“She told me that if this killed her, I had to advocate for her, I had to fight for her and fight for justice.

“She knew before she died that this was going to kill her.”

Philippa was the oldest of three siblings, and had been diagnosed with diabetes when she was very young, and later, after years of experience of significant mental distress, with emotionally unstable personality disorder.

Imogen said that her sister “had such a kind heart” and was “the most fantastic mother” to her young son, who is now five.

She said: “She would do absolutely anything for anyone. She was so passionate about helping and supporting other people.”

Her problems had started when she was advised to move from DLA – she is believed to have been on the lower rate of the care component – onto the new PIP, which has repeatedly been linked since its launch in 2013 with [dishonest assessors](https://www.disabilitynewsservice.com/pip-investigation-200-cases-of-dishonesty-and-still-dwp-atos-and-capita-refuse-to-act/) and claimants [wrongly deprived of their support](https://www.disabilitynewsservice.com/the-shocking-truth-about-disability-benefits-successful-appeals-double-in-a-decade/).

Before her decision to start a PIP claim, Philippa and her family had been optimistic about the future, and she was hopeful of becoming a mental health support worker.

But the problems with her PIP claim – which led to her DLA being removed completely after her first PIP claim form went missing – saw her financial situation and mental health rapidly deteriorate, leading to a suicide attempt and two spells in psychiatric hospitals.

Imogen said that her sister, who is also believed to have been claiming jobseeker’s allowance, had had to fight for her “most basic rights” and had taken out payday loans, self-harmed and increasingly resorted to illegal drugs.

She struggled to collect all the written evidence she needed for her claim, and spoke to Imogen almost every day about her PIP application.

Although she received some DLA arrears from DWP in June 2019, the money went almost immediately to paying off debts, and she was told she would have to attend a face-to-face assessment in an assessment centre.

Her family knew she would not be capable of attending the centre because of her agoraphobia.

Philippa, known to her sister as Pip, became more angry and more depressed and considered cancelling her PIP claim.

Imogen said: “Pip felt that she was dehumanised, that her disabilities were ignored.

“She felt that they were pressuring her to kill herself, she felt that she didn’t matter because she was disabled.”

The day after receiving a letter telling her that her request for a home assessment had been rejected, her sister and father found her unconscious in her bedroom. Next to her body was the letter telling her she could not have a home assessment.

Imogen later found a note, titled “12.02.92 – 08.08.19” (the dates of her birth and her apparent attempt to take her own life), which said: “I’ve been so trapped for so long and then along comes the government who people would assume are there to help.

“Since January the 11th 2019 my benefits have been severely cut, this has caused me to get payday loans to simply live and that has escalated into a hole I can never get out of.

“Not just that having nothing has isolated me from the world, has effected my identity.”

A three-day inquest into her death is set to take place early next month, following a pre-inquest hearing last week.

Merry Varney, the family’s solicitor and a partner at [Leigh Day](https://www.leighday.co.uk/), said: “We shall be supporting Pip’s family through the inquest process and seeking on their behalf a full and fearless investigation into whether the acts and omissions of Capita and the DWP caused or contributed to Pip’s death.”

She said the family’s concerns about the “devastating and foreseeable impact on Pip of the decisions made by the DWP and Capita” echoed those made by other bereaved families about the “serious and substantial consequences of failures in decision-making by the DWP and its agents”.

She said the coroner had heard evidence on why Philippa’s family were seeking an inquest that would look at the wider circumstances of her death and would allow the coroner to make “judgmental findings”.

Varney added: “The DWP and Capita, both with legal representation, argued against this and we await a decision from the coroner.”

Imogen said DWP had made serious errors with dealing with her sister’s PIP claim at every stage of the process.

Now she and the rest of the family are determined to fight for an end to the outsourcing of benefit assessments, for a complete overhaul of DWP policies and practices, and for those responsible for Philippa’s death to be held accountable for their actions.

Imogen said: “We need her son to know that we fought for his mother.”

Capita said it could not answer questions about Philippa Day’s death because of the ongoing inquest, but a spokesperson said: “We extend our deepest condolences to Philippa Day’s family over her tragic death.

“We are one of several parties assisting the coroner in relation to the inquest into these sad circumstances and we will continue to cooperate fully with this inquiry.”

A DWP spokesperson said: “Our condolences are with Miss Day’s family. As the inquest process is ongoing it would be inappropriate to comment at this time.”

*\*The following organisations are among those that could be able to offer support if you have been affected by the issues raised in this article:* [*Samaritans*](https://www.samaritans.org/how-we-can-help/contact-samaritan/)*,* [*Papyrus*](https://papyrus-uk.org/hopelineuk/)*,* [*Mind*](https://www.mind.org.uk/need-urgent-help/using-this-tool) *and* [*Rethink*](https://www.rethink.org/aboutus/what-we-do/advice-and-information-service/get-help-now/)

**12 November 2020**

**Philippa Day: Sister says DWP must be held accountable for multiple deaths**

A disabled woman’s sister who blames her sibling’s apparent suicide on the Department for Work and Pensions (DWP) has called for ministers and senior civil servants to be held accountable for their repeated failure to learn from similar deaths.

Philippa Day had agoraphobia and left a note on her laptop that “directly implicated” DWP in her death because of the way it dealt with her benefit claim.

She appears to have taken her own life hours after receiving a letter refusing permission to have her face-to-face benefits assessment carried out in her own home, and telling her she would instead need to attend an assessment centre run by the private sector contractor Capita.

Her body was found the next day, 8 August 2019, by her sister and father at her home in Nottingham, with a copy of the letter lying on the pillow next to her body. She spent the next two months in a coma, and died in October 2019, aged just 27.

Her family have pointed to repeated promises by DWP to learn from the deaths of other benefit claimants linked to its failings, [reported over the last six years](https://www.disabilitynewsservice.com/dwp-the-case-for-the-prosecution/) by Disability News Service (DNS).

Philippa’s sister, Imogen, has researched some of those other deaths – including those of [Faiza Ahmed](https://www.disabilitynewsservice.com/dwp-ignored-coroners-call-to-take-action-to-save-claimants-from-suicide/), Jodey Whiting and [Michael O’Sullivan](https://www.disabilitynewsservice.com/wca-death-doctor-dwp-put-immense-pressure-on-atos-to-find-claimants-fit-for-work/) – and believes they show that ministers and senior civil servants have failed in their duty to protect the lives of Philippa and other claimants.

Imogen highlights the repeated warnings made to DWP and its contractor Capita by mental health professionals – and Philippa herself – that her sister was at risk because of their actions.

Yesterday, the family of Jodey Whiting won a significant legal victory by securing permission from the solicitor general to ask the high court to order a second inquest into her death (*see separate story*).

Jodey’s family hope this will lead to a “full and fearless investigation into whether the DWP, and its flawed decision-making regarding Jodey’s benefits claim, caused or contributed to her death”.

As with Philippa Day, Jodey had had a request for a home assessment rejected, in her case relating to her claim for employment and support allowance.

The Independent Case Examiner concluded last year that DWP [failed five times](https://www.disabilitynewsservice.com/jodey-whiting-dwp-ignored-five-safeguarding-chances-before-wca-suicide/) to follow its own safeguarding rules in the weeks leading up to Jodey’s suicide, 15 days after she had her out-of-work disability benefits stopped for missing a work capability assessment.

After Jodey’s death in February 2017, [DWP said it was reviewing its procedures](https://www.disabilitynewsservice.com/jodey-whiting-dwp-apologises-but-no-word-on-preventing-future-deaths/) “to ensure this doesn’t happen again”.

Imogen also [points to the case of Faiza Ahmed](https://www.disabilitynewsservice.com/dwp-ignored-coroners-call-to-take-action-to-save-claimants-from-suicide/), who took her own life on 7 November 2014, several hours after telling a jobcentre work coach that she had been “busy trying to kill myself”.

The work coach failed to contact the emergency services after discussing Faiza’s written comment with a manager.

DWP ignored a coroner’s call for it to take action to prevent future deaths, following an inquest into Faiza’s suicide, and simply reminded its staff of existing guidance.

Imogen Day said: “Faiza died five years before my sister did and nothing was done, and they were very similar cases, with very similar circumstances, and no change was made that would safeguard my sister.

“It’s a systemic issue that is killing disabled, vulnerable people on a very regular basis.”

This year, DWP has also faced mounting questions over the death of [Errol Graham](https://www.disabilitynewsservice.com/errol-graham-family-win-right-to-court-challenge-of-dwp-safeguarding/), who starved to death after his out-of-work disability benefits were wrongly removed.

His family have won the right to have DWP’s safeguarding policies examined by the high court in January.

Asked for her message to ministers and senior civil servants responsible for these failings and those that led to her sister’s death, Imogen said: “They will be held to account for their actions.”

An inquest into Philippa’s death will be held in Nottingham next month.

Capita said it could not answer questions about Philippa Day’s death because of the ongoing inquest, but a spokesperson said: “We extend our deepest condolences to Philippa Day’s family over her tragic death.

“We are one of several parties assisting the coroner in relation to the inquest into these sad circumstances and we will continue to cooperate fully with this inquiry.”

A DWP spokesperson said: “Our condolences are with Miss Day’s family. As the inquest process is ongoing it would be inappropriate to comment at this time.”

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**12 November 2020**

**‘Sickening’ vaccine priority list ‘shows disabled people are disposable’**

Furious disabled activists have questioned the “sickening” and “utterly bizarre” decision to put disabled people seen as extremely vulnerable to coronavirus far down the queue for a life-saving vaccine, when it eventually becomes available.

They have begun to speak out after [the government announced](https://www.gov.uk/government/news/uk-government-response-to-pfizerbiontechs-publication-of-efficacy-data-of-their-covid-19-vaccine) that one vaccine, developed by Pfizer and BioNTech, has been found to be more than 90 per cent effective in preventing COVID-19.

The vaccine has not yet been approved, but the government said that if and when it was the NHS “stands ready to begin a vaccination programme for those most at risk, as currently recommended by the independent Joint Committee on Vaccination and Immunisation (JCVI), before being rolled out more widely”.

But [the current advice by the JCVI](https://www.gov.uk/government/publications/priority-groups-for-coronavirus-covid-19-vaccination-advice-from-the-jcvi-25-september-2020/jcvi-updated-interim-advice-on-priority-groups-for-covid-19-vaccination) shows disabled people at serious risk from COVID-19 are well down the list of priorities for a vaccine, [even though three-fifths of COVID-related deaths](https://www.disabilitynewsservice.com/devastating-covid-deaths-figures-show-government-breached-disabled-peoples-right-to-life/) have been of disabled people.

JCVI’s provisional ranking for priority for a vaccine means older people in care homes and care home workers would be first to be vaccinated, followed by over-80s and other health and social care workers.

The third group on the list of priorities is the over-75s, then those 70 and over, followed by those 65 and over.

But adults under 65 who are at high risk from the virus are only sixth on the list of priorities.

The disabled crossbench peer Baroness [Jane] Campbell, who spent months shielding during the pandemic because she has spinal muscular atrophy and is clinically extremely vulnerable (CEV) to the virus, is set to raise concerns about the priority list in the House of Lords.

She told Disability News Service that the list “does not seem right, as people like myself who are one of the most at risk of becoming seriously ill if I caught the virus are deemed a lower priority than somebody healthy aged 65 and over”.

She said: “I would put us alongside category two, personally.

“Obviously, I do not have a scientific evidence-base behind my view, however it seems common sense to me.”

She has now submitted a request to ask a “topical question” of the government in the Lords on why the guidance currently prioritises adults aged 65 and over, including those who are healthy, above high-risk adults under 65.

[Disabled activist Lisa Egan](https://twitter.com/lisybabe) was among the first to raise concerns about the JCVI document.

She said: “After more than 59 per cent of people who’ve died of COVID have been disabled, it’s sickening that the very highest risk groups aged under 65 will not be vaccinated until every single perfectly healthy person over 65 has been vaccinated.

“It’s especially heinous that only senior residents of care homes will be vaccinated initially rather than all residents.

“This is the government clearly stating that within the same environment, the older residents are worth protecting, but disabled residents under 65 can just die.”

She pointed out that those disabled people who are clinically extremely vulnerable (CEV) to the virus [are not being asked to shield from COVID-19](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19), as they were in the first months of the pandemic – although they are still being “strongly” advised to stay at home, apart from taking exercise and for doctors’ appointments – which already puts them at greater risk.

She said the current plans show “exactly how disposable” disabled people are by being based on age rather than risk level.

Egan said it was the latest in [a long line of attacks on disabled people’s rights](https://www.disabilitynewsservice.com/coronavirus-how-the-government-breached-disabled-peoples-rights-17-times-during-the-pandemic/) during the pandemic, including [the deliberate discharge of patients with COVID into care homes](https://fullfact.org/health/coronavirus-care-homes-discharge/) in the early weeks of the pandemic, which is believed to have caused thousands of deaths of older and disabled people.

Another disabled activist, [David Gillon](https://twitter.com/WTBDavidG), said: “We know from the government’s own statistics that disabled people have borne the overwhelming brunt of COVID deaths.

“It’s utterly bizarre that the government’s vaccine task force is not proposing a prioritisation scheme based on clinical need and vulnerability, but as things stand a marathon-running 65-year-old is a higher priority for vaccination than an immuno-suppressed and ventilator-dependent 20-year-old.

“While prioritising care home residents and staff over everyone else is obviously defensible given the devastating death tolls many suffered during the first wave, the proposal to limit this to elderly residents, but not disabled younger residents confined to care homes due to the deficiencies in adult care, simply does not make sense, either medically or logistically.

“Explicitly specifying ‘older adults’ makes it clear that this was a deliberate decision, rather than… simply forgetting about disabled younger residents.”

Gillon pointed to [a study published last month](https://royalsociety.org/-/media/policy/projects/set-c/set-c-vaccine-deployment.pdf) (PDF) by The Royal Society and The British Academy which noted the concerns with the JCVI recommendations, and proposed an alternative scheme that would give first priority to healthcare workers and second priority to care home residents and people with conditions that meant they were at “significantly higher risk”.

Implementing this alternative scheme, he said, “would be no more complex” than the one proposed by JCVI.

The Department of Health and Social Care had not responded to a request for a comment by noon today (Thursday).

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

**12 November 2020**

**DDA 25 years on: ‘Phenomenal activism… but deeply flawed legislation’**

Disabled campaigners this week celebrated the activists whose efforts helped lead to the Disability Discrimination Act (DDA), while highlighting the continuing flaws in equality legislation and the need to continue the fight for comprehensive civil rights.

They were speaking out on this week’s 25th anniversary of the introduction of the DDA, which was later replaced by the Equality Act 2010.

But many leading disabled figures spoke this week of the fundamental flaws in the DDA and the Equality Act, and of the need for a new push for rights, including through a new wave of peaceful civil disobedience.

Many of them accepted that the DDA was a “milestone” but pointed out that – a quarter of a century on – the UK was far from having equality and inclusion legislation that complies with the [UN Convention on the Rights of Persons with Disabilities (UNCRPD)](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).

Many also criticised the Equality Act for its reliance on individual disabled people taking legal action to enforce their rights.

And some highlighted the failure of the disabled people’s movement to recognise the intersectional discrimination faced by its own members, including black disabled people.

Disabled activists also said the 25th anniversary was a time to highlight how the COVID-19 pandemic had “starkly highlighted” the “deep structural inequalities in society”, and the government’s repeated failure to address the needs and rights of disabled people.

The disabled-led campaigning organisation [Reasonable Access](https://www.reasonableaccess.org.uk/), which aims to empower disabled people to enforce their right to access, praised the “phenomenal” campaigners who helped secure the DDA with their direct action protests.

But Reasonable Access said the DDA and the Equality Act were not the “civil rights legislation disabled people campaigned for, need, and are entitled to”, and that the Equality Act remained “fundamentally flawed”.

A Reasonable Access spokesperson said: “Relying on individual disabled people to enforce the act through individual legal action against multinational and government organisations was always going to fail.

“There are too many ways an organisation can avoid legal liability and leave the disabled complainant with tens of thousands of pounds of costs for nothing. As a result, it hasn’t delivered equality.”

They highlighted how the pandemic had exposed the “wholesale disregard” of many public bodies for their Equality Act duty to promote disability equality.

The spokesperson said: “Enforcement has become more difficult, with less [legal] costs protection, closure of law centres and severe curbs on legal aid.

“This historic and historical piece of legislation isn’t fit for purpose and should be replaced with something more far-reaching and better enforced.

“Progress has stalled, and we believe there does need to be a fresh push for legal rights 25 years on.

“In the meantime, however, we’re intent on supporting people to enforce their rights as best as possible in the current flawed system.”

Disabled campaigner and access consultant [Tracey Proudlock](https://twitter.com/TraceyProudlock), who was involved in the direct action and other protests that called for disability discrimination legislation (particularly around accessible transport) in the late 1980s and early 1990s, said the DDA was “a milestone in our history”.

But she said she was disappointed that, a quarter of a century later, “so little has changed for disabled people when it comes to some goods and services”.

She said that “many coffee shops, gyms, clubs and their toilets do not provide an inclusive welcome” while “considerable numbers of small to medium-sized businesses still have physical barriers at their premises and operators provide no other reasonable adjustments, leaving ordinary, everyday activities beyond the reach of many disabled people”.

Linda Burnip, co-founder of [Disabled People Against Cuts](https://dpac.uk.net/), was deeply critical of the DDA and the Equality Act, and the concept of “reasonable adjustments” that was key to both pieces of legislation.

She said: “Disabled campaigners should never have accepted anything less than a full bill of rights, as doing so has led to two useless pieces of legislation that can be ignored simply by the use and misinterpretation of the word reasonable.

“It seems the only way we will ever get our rights enshrined in law will be through more peaceful civil disobedience.”

Tracey Lazard, chief executive of [Inclusion London](https://www.inclusionlondon.org.uk/), said the DDA was a high-water mark in “shifting society’s perception of disability from a medicalised and individual issue to an issue of human rights, discrimination and exclusion”.

But she said it was “far from the full human and civil rights our movement demanded”.

And she said that, during the years of austerity, “all these advances in our inclusion and equality have been undermined, hollowed out or dismantled.

“We now have a mountain of evidence that shows retrogression across all our rights and areas of life.

“The global shock of the COVID-19 pandemic has starkly highlighted once again the government’s apparent complete disregard of the needs and rights of our community and the deep structural inequalities that have directly resulted in the huge number of disabled people dying from COVID.

“The silver lining is that this time of retrogression and targeted marginalisation has also been the time when our community has re-discovered campaigning and protest inspired by the direct action that brought about the DDA 25 years ago.

“We simply need to continue this necessary fight because we owe it not only to ourselves, but to those that we have sadly lost along the way.”

Fazilet Hadi, head of policy for [Disability Rights UK](https://www.disabilityrightsuk.org/), said the DDA had led to some “practical changes to the physical environment”.

She said: “Public transport has improved its physical accessibility but there is still a long way to go.

“The accessibility of public buildings is a pick and mix.

“There is still a massive lack of on-the-ground awareness about what reasonable adjustments mean.”

She added: “Business still fails to employ disabled people equally as a default, fearing extended sick leave, rather than recognising the benefits of employing a diverse workforce which reflects its audiences and markets.

“Our government and justice systems and buildings are too often inaccessible.

“Information services do not take into account people who need information in plainer language or different formats.”

She said there was a need for a “new push on rights” and that the government’s forthcoming national disability strategy must “extend rights and make them easier to enforce”, and ensure the UNCRPD was incorporated into UK law.

Laura Welti, manager of [Bristol Disability Equality Forum](http://bristoldef.org.uk/contact/), said the DDA had initially supported disabled people and their organisations “to take some great strides forward in disability equality and human rights”.

But she said the situation over the last 12 years, since the Disability Rights Commission was replaced by the Equality and Human Rights Commission, had seen “one step forward, two steps back”, including cuts to funding for disabled people’s organisations, cuts to social care, and the portrayal of disabled people as “benefit scroungers”,

Michelle Daley, director of [The Alliance for Inclusive Education](https://www.allfie.org.uk/) (ALLFIE), was another to praise the activists who took to the streets in the 1980s and early 1990s.

She said: “I am thankful for the disability movement and every disabled person that joined in the protests and campaigned tirelessly for an equality act, the DDA.”

But she said: “While the act has brought about many changes, for example, placing duties on public services such as education around access, disabled people continue to be disproportionately under-represented in all areas of live.

“We have to continue the campaigning for equality law that is based on human rights. We need the UNCRPD and intersectionality in our laws.”

She said that government reports such as the [Timpson Review of School Exclusion](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf) (PDF) found multiple intersectional issues, with the report finding that a disabled black boy from a disadvantaged family with an education health and care plan had a 58 per cent chance of receiving a fixed period exclusion at some point in his secondary school career.

Daley said: “These deep levels of inequalities in education experienced by disabled people will continue to be repeated until our laws address the injustice and inequality.”

Yewande Akintelu-Omoniyi, a member of ALLFIE’s Disabled Black Lives Matter group, said: “It is great to be able to celebrate the anniversary [of the] Disability Discrimination Act, especially all the disabled people that fought to make it happen.

“However, the disability rights movement needs to acknowledge that black disabled people can also experience discrimination based on race. Both inside and outside the movement.”

Dr Armineh Soorenian, another member of the group, added: “As we celebrate the 25th anniversary of the DDA, it is paramount for the disability movement to recognise the silent and intersectional voices of its members.”

Andrew Lee, on behalf of the COVID-19 Support and Action Group, which is co-run by [People First (Self Advocacy)](https://peoplefirstltd.com/), said the DDA had been “a ground breaking piece of legislation and campaigning by self advocates with learning difficulties made sure our rights were included and recognised within it”.

But he added: “We were an after-thought then, and sometimes we feel like we are an after-thought now.

“It boils down to stigma and how we‘re perceived. Too often society doesn’t see us as having the same rights as others.

“People with learning difficulties often feel isolated and forgotten about, and cut off from society.

“Although our rights are enshrined in law, the law is inaccessible and unaffordable for us to use. We are also concerned that it isn’t always enforced.

“It’s about human rights and we are human beings. We will continue to fight for our rights to live full and independent lives in the way that we choose for the next 25 years and beyond.”

Dorothy Gould, co-founder of the new user-led, rights-based organisation Liberation\*, said: “It was a huge tribute to unremitting efforts by disabled people that disability discrimination was finally recognised legally in the DDA.

“The act also contained important, if slowly implemented provisions. However, even then, there were specific issues for those of us given mental health diagnoses; to have our rights met under the act, we had to accept these diagnoses, that is accept the medical model on which they draw.

“Large numbers of us find this model totally inadequate for understanding mental distress and trauma which we experience.

“It is also closely linked with stereotypes of us as ‘out of our minds’ and so incapable, a risk to ourselves and others, and with mental health law which authorises detention in psychiatric hospitals and forced treatment, contrary to our rights under the UNCRPD.

“The situation remains unresolved even now; the Mental Health Act review recommendations [themselves fall well short of the UNCRPD](https://www.disabilitynewsservice.com/mental-health-act-review-falls-significantly-short-on-human-rights/).”

Deborah King, co-founder of [Disability Politics UK](https://www.disabilitypolitics.org.uk/), said the DDA and the Equality Act “did not change the basic political situation which faces disabled people when they want to speak for themselves instead of having others always speaking for them”.

She said the government needed to change the law to achieve greater equality for disabled people and grant candidates the right to stand as job share candidates for parliament.

George Baker, founder of [The Disability Union](https://www.disabilitynewsservice.com/disability-union-will-build-power-and-a-national-voice-for-disabled-people/), said the DDA was “an incredible milestone in the quest for equality and inclusion”, although that quest was “still ongoing”.

He said: “Every day, The Disability Union is contacted by disabled people whose rights are being ignored, or are simply not covered by existing legislation.

“Due to the cutbacks on legal aid, it is now much harder to access justice.

“In many situations, people find the law becomes near irrelevant because it is so difficult to get it respected or enforced.

“The next steps in disability rights are to make access to justice under existing legislation available to all by ensuring compliance and redress, and to add needed legislation on key areas including independent living.”

*\*Liberation can be contacted via email at:* *Liberationrights@gmail.com*

**12 November 2020**

**Legal victory is step towards fresh inquest into Jodey Whiting’s death**

The mother of a disabled woman who took her own life after her benefits were wrongly stopped has won a legal victory that could lead to a full examination of whether the Department for Work and Pensions (DWP) caused her daughter’s death.

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).

She had had a request for a home assessment turned down, and later failed to open a letter asking her to attend the face-to-face assessment, and so missed the WCA.

She had been ill with pneumonia and receiving hospital treatment for a cyst on the brain and had been taking painkillers which affected her ability to cope with correspondence.

The Independent Case Examiner [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 Jodey’s case, and that it failed five times to follow its own safeguarding rules in the weeks leading to her suicide.

Her mother, Joy Dove, believes DWP’s failings caused Jodey’s death and has spent more than three years fighting for justice for her daughter, and for a safer social security system that will prevent other deaths.

The original inquest in May 2017 lasted less than an hour and failed to investigate DWP’s potential role in her daughter’s death.

Now the solicitor general, Michael Ellis, has granted Joy Dove permission to ask the high court to order a second inquest into Jodey’s death.

The decision came in the same week that DWP faced allegations that its failings had led to the death of another disabled benefit claimant.

The family of Philippa Day told Disability News Service (DNS) this week that they believe her death was clearly linked to DWP failings, and the department’s repeated refusal to protect benefit claimants from harm (*see separate story*).

Philippa is also believed to have taken her own life, and like Jodey Whiting was refused permission for a home assessment.

Joy Dove told DNS last night that she had cried when her solicitor, Merry Varney, told her they had won this stage in their legal battle.

She said: “It has been a nightmare and it should never have happened. They are being found out now.

“They put her through torture. She shouldn’t have been put through that.

“I just want to carry on the fight for Jodey and for others.”

Asked why the legal battle was so important to her, she said: “Because my daughter’s death won’t be in vain and it’s going to help others and they are going to change the system.

“They promised to change it but there’s been a lot of cases since.”

She pointed to the deaths of Philippa Day, who died in August 2019, and Errol Graham, who died in June 2018 and whose family [are engaged in their own legal battle with DWP](https://www.disabilitynewsservice.com/errol-graham-family-win-right-to-court-challenge-of-dwp-safeguarding/) over its safeguarding policies.

Dove said the solicitor general’s decision meant the family were one step closer to justice for her daughter and to holding those responsible accountable for her death.

She said: “It has been a nightmare but I want to thank the hard work of Merry Varney and all the team at Leigh Day and everyone who has been helping me with the [Justice for Jodey campaign](https://www.facebook.com/groups/338612933431362). This is a big step forward.”

Varney said the solicitor general’s decision was “very welcome”.

She said: “It is the first completed step in the long journey by Jodey’s family to seek a full and fearless investigation into whether the DWP, and its flawed decision-making regarding Jodey’s benefits claim, caused or contributed to her death.

“We must now apply to the high court and seek to persuade the court a fresh inquest is necessary.”

A spokesperson for the attorney general’s office said: “I can confirm the solicitor general has granted his permission for the family of Jodey Whiting to apply to the high court for a fresh inquest into her death.”

DWP had not commented by noon today (Thursday).

**12 November 2020**

**Concerns growing over Rees-Mogg’s ‘shocking’ comments on shielding MPs**

Concerns are growing over comments made by a government minister who told MPs shielding from coronavirus that it was their “duty” to return to the House of Commons, even though that could put their lives at risk.

One MP who has been shielding from the virus has described the comments of Jacob Rees-Mogg as “shocking” and said he had “offended every individual across the UK who is unable to go to work because they are at high risk from COVID”.

Concerns about his comments, and the safety of MPs who are clinically extremely vulnerable (CEV) to the virus, have also been raised this week by both the Equality and Human Rights Commission (EHRC) and the Health and Safety Executive (HSE).

There are thought to be scores of MPs who are shielding at home because they or close family members are in the CEV group.

Many of them will have been told of concerns, reported last month by Disability News Service (DNS), that fellow MPs are [flouting social distancing rules](https://www.disabilitynewsservice.com/mps-risking-the-lives-of-disabled-colleagues-and-staff-by-flouting-covid-rules/) in the House of Commons.

Last week, the government [told people seen as CEV](https://www.gov.uk/government/publications/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19/guidance-on-shielding-and-protecting-extremely-vulnerable-persons-from-covid-19) that they should work from home and should not visit their workplaces.

But it is still refusing to allow shielding MPs to play a full role in parliamentary proceedings, including taking part in debates on new bills.

Last week, [Rees-Mogg rejected a request by Vicky Foxcroft](https://bit.ly/2I0PSqP), Labour’s shadow minister for disabled people, who herself has shielded during the pandemic because of a long-term health condition, to “commit to setting a good example” by allowing her and other MPs who are CEV to take part in debates remotely.

But Tory MP Mike Wood then asked Rees-Mogg that, as he had been “encouraged to lead by example during this lockdown… what example does he think it would set to those teachers and other key workers whom we are asking to go to work on the frontline if members of parliament decided that they could do just half their job elsewhere?”

Rees-Mogg, the leader of the House of Commons, told Wood that he had put it “absolutely brilliantly” and that MPs must “lead by example”, like the House of Commons cleaners and security staff.

He said: “We should be proud to be doing the same as them and working here physically.

“Duty may not be a fashionable word, but it is the right word to use. It is our duty to hold the government to account and to legislate, and to do that properly, we need to be here.”

Dr Philippa Whitford, who spent 33 years as an NHS surgeon and is shielding because of a long-term health condition, told Rees-Mogg last week that she took “great offence” at his suggestion that she was “somehow shirking my duty” by not attending parliament in person.

He declined to apologise.

This week, Dr Whitford told DNS that Rees-Mogg’s comments had been “shocking” and “offended every individual across the UK who is unable to go work because they are at high risk from COVID or has a vulnerable family member who is.

“It is also highly irresponsible suggesting such individuals should travel, in many cases, hundreds of miles on planes, trains and other forms of public transport just to get to work when provision to fully engage from home could easily be provided.

“Indeed, we saw earlier in the year the incredible work achieved by the House of Commons digital service to launch full virtual participation for MPs.

“The position of the UK government is untenable; they are actively excluding MPs who are at high risk from COVID and those who have a vulnerable family member at home, but they are also sending out a message that it is okay to exclude those who are vulnerable from the workplace.”

She added: “Full virtual participation must be restored for MPs to ensure those who need to be protected can still fully represent their constituents in parliament and to set the right example that when the default is to work from home that MPs, along with other workers, are not making journeys which are unnecessary and perhaps spreading COVID further around the UK.

“It is crucial that MPs are able to participate fully in all parliamentary business during the COVID crisis and as the EU transition period comes to an end.”

Concerns about the position in the House of Commons and the comments of Rees-Mogg have also received support this week from both EHRC and HSE.

An EHRC spokesperson said: “MPs who need to shield, self-isolate or who otherwise struggle to attend parliament in person should follow the same advice the rest of the country is being given.

“They should not have to put their health at risk to represent their constituents when such important decisions for our country are being made every day.

“Parliament should look very hard at how they can remain fully inclusive during the coronavirus pandemic, like many other workplaces, and allow these MPs to safely take part in the democratic process.”

HSE told DNS that it was “aware of concerns” about the safety of MPs.

Asked about the comments by Jacob Rees-Mogg and the reports of MPs failing to comply with social distancing rules, an HSE spokesperson said: “We are aware of concerns.

“While we have no jurisdiction at the Palace of Westminster, all places of work are expected to adhere to the government’s working safely guidelines.”

Rees-Mogg declined a second opportunity to apologise for his comments this week, but a government spokesperson said: “The government firmly believes that constituents are best served when parliament meets physically to the fullest extent possible.

“The House [of Commons] has agreed measures to ensure that members who cannot be in parliament physically can vote by proxy and participate in interrogative proceedings.”

The spokesperson said the government believed that the scrutiny of legislation was not as effective when MPs were not present in parliament in person, and that the government had taken significant mitigating actions to assist those MPs who cannot be present in person.

This included allowing them to take part in oral and urgent questions and responding to ministerial statements, to take part in select committees, and to vote via a proxy system.

But Rees-Mogg is refusing to make the changes necessary to allow them to take part online in debates on motions and legislation.

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

**12 November 2020**

**DWP unlawfully blocked support for disabled students for seven years, says court**

The Department for Work and Pensions (DWP) unlawfully prevented thousands of disabled students from trying to claim the benefits they needed to pay for essential living costs for seven years, a court has found.

In the latest in [a lengthy line of blunders by DWP](https://www.disabilitynewsservice.com/dwps-pip-letter-blunder-shows-its-careless-cruelty/), the high court concluded that DWP had misunderstood the relevant law.

It found that the department had unlawfully rejected disabled students’ claims for universal credit (UC) without allowing them to undertake a work capability assessment (WCA).

[Disability Rights UK (DR UK)](https://www.disabilityrightsuk.org/), which has been campaigning against DWP’s unlawful policy since 2017, has previously said that 30,000 disabled students could have been affected.

The court has now found that two of those students – Sidra Kauser, who is studying for a masters in psychology at the University of York, and JL\*, whose identity has been protected by the court – should not have had their claims refused.

Claimants are generally not allowed to receive UC if they are in education, but there was an exemption to this if they already received attendance allowance, disability living allowance or personal independence payment (PIP) and had limited capability for work (LCW).

Both claimants receive PIP, but they and other disabled students had their claims rejected because DWP would only allow disabled students already found to have LCW to qualify for the exemption and apply for UC.

[DR UK has previously described](https://www.disabilityrightsuk.org/news/2020/june/disabled-student-launches-legal-action-right-be-able-claim-universal-credit) how, thanks to DWP’s refusal to allow her to apply for UC, Kauser was left with just £122 a month to live on, including the costs of food, clothes, travel and her social life.

Thanks to the court’s decision, Kauser and JL will now be allowed to undergo a work capability assessment to decide their eligibility for universal credit.

The judge, Mr Justice Fordham, [ruled on the judicial review last month](https://files.gcnchambers.co.uk/wp-content/uploads/2020/11/10110115/CO009872020-0009.pdf) and found the department had been behaving unlawfully, but his decision was only revealed this week.

[Piers Wilkinson](https://twitter.com/Piers42), the last disabled students’ officer for the National Union of Students before the post was abolished this summer, said disabled students had known they would face “unfair access barriers” when universal credit was introduced seven years ago.

Wilkinson said DWP’s refusal to listen to disabled students had led to thousands of them being unlawfully barred from accessing support and the government being “made to listen through a costly, time consuming, and stressful legal case”.

They said: “It is clear the government’s priority isn’t saving money, but making disabled students jump through hoop after hoop to access our rights to support.

“It is imperative that the government publicly recognise the result of the court case, and apologise for the extra hardships they caused to the thousands of disabled students the government denied and ignored.

“The government must engage with and listen to disabled people’s organisations, and can’t be allowed to sweep this defeat under the carpet yet again.”

Ken Butler, DR UK’ s welfare rights and policy officer, said: “In over 30 years as a welfare rights officer I can’t ever recall before a DWP minister straightforwardly admitting they acted unlawfully, let alone over a seven-year period.

“The judicial review victory is significant and will hopefully lead to very many disabled students being awarded the universal credit they were wrongly denied.

“Given it acted unlawfully, the DWP should rightly carry out a review exercise to ensure that all such disabled students are identified.

“It should not be left to individual students to seek to challenge refused benefit decisions themselves.

“Unfortunately, the high court victory is a bitter-sweet one as the secretary of state immediately introduced new regulations to more effectively bar disabled students from universal credit.

“Let’s hope that the effect of these will also be cancelled out by a future legal challenge.”

Michelle Maher, from [WOWcampaign](https://twitter.com/WOWpetition), who spent time as a mature disabled student until she had to stop through ill-health, said the government was “putting education beyond our reach by numerous cuts to support”.

She said: “Denying disabled students universal credit for seven years demonstrates the difficulty disabled students have.

“I applaud the people who brought this case to court. It shouldn’t be needed, it’s another cut, another attack.”

She said disabled students had to fight for their rights at every stage over those seven years, facing cuts to PIP, employment and support allowance and disabled students’ allowance, as well as the closure of the Independent Living Fund.

Maher said the government had removed many disabled people’s chances to remove themselves from poverty “by blocking our pathways to qualifications”, which she said was “obscene” and “cruel”.

Despite the legal victory, disabled students making a new claim for universal credit will not be able to rely on the court ruling, as work and pensions secretary Therese Coffey has already changed the relevant regulations.

She made [the change to the regulations](https://www.legislation.gov.uk/uksi/2020/827/made) on 3 August, the first working day after she told the court she would not be defending the judicial review.

This means that, from 5 August 2020, DWP decision-makers are not required – as they would have been if the regulations had not been changed – to refer claimants for a WCA if they already receive attendance allowance, disability living allowance or PIP but have not previously been found to have limited capability for work.

Barristers [Tom Royston](https://gcnchambers.co.uk/barrister/tom-royston/) and [Ciara Bartlam](https://gcnchambers.co.uk/barrister/ciara-bartlam/), of Garden Court North Chambers, who represented the two students, [advised other disabled students](https://gcnchambers.co.uk/secretary-of-state-for-work-and-pensions-operated-unlawful-policy-for-years-of-refusing-universal-credit-claims-from-disabled-students-r-kauser-and-jl-v-secretary-of-state-for-work-and-pensions-co/) who could be affected by the old or new versions of the regulations to contact a welfare rights adviser.

They said they hoped Coffey would “urgently review” the past incorrect decisions.

And they said that disabled students who need UC in the future may be able to be referred for a WCA by claiming the contributory form of employment and support allowance, and then seeking universal credit once they have been found to have limited capability for work.

A DWP spokesperson said: “The department is currently considering the outcome of the litigation in relation to claims to universal credit by disabled students.

“The department has laid regulations to maintain the current policy for new claims.”

DWP said that disabled students can access support for fees and living costs through various student loans and grants, and that it was important that this system was not duplicated by universal credit.

DWP also said that the current policy allows claimants entitled to PIP or DLA who have already been assessed as having LCW to enter or remain in education, with the hope that this will improve their prospects of finding work in the future.

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