**Activist wins historic election to new Labour role and calls on party to end discrimination**

Labour’s first elected representative of its disabled members on its national ruling body has called on the party to take the opportunity to address the years of discrimination they have faced.

[Ellen Morrison](file:///C:\Users\John\Desktop\Documents\Disability%20News\2020\November%202020\ellenfornec.com) won an historic but narrow victory on Friday (13 November) to become the first disabled members’ representative on Labour’s national executive committee (NEC).

Now, as one of 39 NEC members, she will be calling on Labour to put an end to the years of frustration felt by disabled members at the discrimination they have experienced from their own party\*.

She said: “We have never had any formal representation on Labour’s ruling body ever before in their 120-year history.

“I really think we have such a big chance for transformative change with this role.

“I am going in there very optimistic that we can make the changes that we need.”

But she added: “It will absolutely be a battle.

“Historically, speaking to so many other disabled activists, I don’t think we have ever, ever prioritised disabled members.

“How is it we have got to the point where, in the history of the Labour party, we have never had formal representation on its ruling body?

“How have we ever got to the point where anybody thought that was OK? I need to believe that it’s ready to prioritise us.

“There is a real historic under-valuing of disabled members. That was also clear in the general election. I spoke to a lot of disabled people who did feel let down by Labour and I think they have felt for a long time that Labour takes them for granted.

“People assume that because they are not the Tories, and the Tories have done us immeasurable harm, that disabled people will always vote Labour, but we need to be doing better than that.

“We need to be earning the trust and earning the support of disabled people.”

She said she was sure she would feel outnumbered as just one of 39 NEC members, but she believed that the party accepted that it was “well overdue” that disabled people had a representative on the NEC.

She said: “I don’t think anyone can really argue with the changes that we need to make at this point.

“It is very clear that Labour has deprioritised what disabled members need for a long time for both policy and access, so I think now really is the time.”

She said that thousands of disabled people were now counting on her to “be positive and build relationships with people across the party” but also to “hold Labour to account”.

She said she would always “challenge the party” when it was needed.

Morrison said: “They didn’t want someone who was going to just sit there quietly.

“They want me to be heard and they want their voices to be heard… and I have thousands of disabled members who will hold me to account as well.”

The election led to more than 16,000 party members registering as disabled members, which she said was “a really big opportunity” for Labour to discover how many of its members were disabled people.

But she said the party had also missed an opportunity, by not asking them at the same time what their access needs were and how Labour could support their future involvement.

One of her priorities now is to push Labour to carry out a party-wide accessibility review, following [years of growing concerns](https://www.disabilitynewsservice.com/rayner-calls-for-disabled-members-to-help-her-tackle-discrimination-within-labour/) among disabled members.

She said: “What was just so clear in this party was how bad the experience has been for Deaf people in particular, [who] face some of the biggest barriers to participation.

“I think that has to be one of the priorities.”

One key idea she wants to push is for the party to set up a central access fund that poorly-funded local parties, which may not be able to afford to pay for British Sign Language interpreters, for example, can draw on.

Morrison stressed that – although she was elected on her own campaign priorities – she wants to ensure that she consults with disabled and Deaf party members on everything she does, asking them constantly: “Is that the right way forward?”

She said: “But I think we do have to, as a priority, establish something in writing in the rulebook that guarantees their right to participate in Labour spaces without challenge.

“Deaf members are shut out of the party more than any other group, to my understanding.”

Morrison [campaigned on 12 pledges on](https://ellenfornec.com/policy/) accessibility, party democracy, and policies such as scrapping universal credit (UC) and work capability assessments, introducing a new National Independent Living Support Service (NILSS) and enshrining the UN Convention on the Rights of Persons with Disabilities into UK law.

On UC, she believes the party’s shadow work and pensions secretary, Jonathan Reynolds, has committed to scrapping a benefits system widely criticised as deeply flawed, [even by Department for Work and Pensions civil servants](https://www.disabilitynewsservice.com/civil-servants-ashamed-to-work-for-dwp-over-pigs-ear-universal-credit/).

She said her conversations with disabled party members during the campaign, including through a questionnaire and the results of a poll, have given her a clear picture of their priorities.

One is to ensure that Labour allows those members who cannot attend party meetings in person to attend remotely – particularly as this has been shown to work during the pandemic crisis.

Another is for Labour to introduce new structures for disabled members that allow them to play a role in the party at local, regional and national level, including disabled members’ branches in each Constituency Labour Party (CLP).

She said: “This would give us more power to organise and it would really strengthen our structures.”

She is hoping the party will introduce genuine co-production with disabled party members on drawing up policy, so there is a process where “shadow ministers are working with disabled members to produce policy.

“Currently it is done on an ad hoc basis, so I think we really need something set in stone that really guarantees this.”

Morrison was introduced to activism as a disabled person through membership of the Unite Community union and the grassroots anti-cuts movement [Disabled People Against Cuts](https://dpac.uk.net/), experiences she says “made me as an activist”.

She also worked previously in a part-time role for [Inclusion London](https://www.inclusionlondon.org.uk/), and is currently acting co-chair of the service-user-led [Commission on Social Security](https://www.disabilitynewsservice.com/expert-benefit-claimants-devise-social-security-system-no-longer-guided-by-stereotypes/), as well as being a “proud DPAC activist”, disability officer for her CLP, and chair of Unite London eastern young members’ committee.

She became politicised, she says, after becoming very ill while travelling in south-east Asia, which exacerbated an undiagnosed health condition.

She said: “I feel ashamed that it was politicising and that I really wasn’t aware of how awful things were until that point, but that’s when I started to try and navigate the benefit system and trying to get the help I needed from the NHS, and it was all incredibly difficult and I felt I was just left with no support.”

She said she had not expected to win the contest because her nearest opponent – Sheffield city councillor [George Lindars-Hammond](http://democracy.sheffield.gov.uk/mgUserInfo.aspx?UID=417) – had the block support of several of the largest unions, including Unison, GMB and USDAW.

But Morrison still managed to win the election because she performed so well among wider disabled party members.

She said: “I was overwhelmed and quite shocked on Friday night that we had done it.

“Now I am just really excited by it.

“Yes, I have been cynical and disappointed in Labour for a long time, but I think there is a chance this is a real opportunity and I do feel excited by it and I feel ready to throw myself into the role.”

Even though she is currently unwell, she added: “For someone who is chronically exhausted, I feel emotionally re-energised by this.”

*\*There will be regular updates on her progress on* [*www.ellenfornec.com*](http://www.ellenfornec.com)

**19 November 2020**

**‘Shocking’ figures on deaths of people with learning difficulties ‘show need for vaccine action’**

Disabled activists have spoken out over “absolutely shocking” new figures which show that younger people with learning difficulties in England were more than 30 times more likely to die from coronavirus than non-disabled people of the same age.

Two leading campaigners with learning difficulties said this week that the figures provide further evidence to show why many younger disabled people should be higher on the list of priorities for a coronavirus vaccine when one becomes available.

Last week, [Disability News Service reported](https://www.disabilitynewsservice.com/sickening-vaccine-priority-list-shows-disabled-people-are-disposable/) how disabled activists had questioned the “sickening” and “utterly bizarre” decision to put younger disabled people seen as extremely vulnerable to coronavirus far down the queue for a life-saving vaccine, when it eventually becomes available.

The [report from Public Health England (PHE)](https://www.gov.uk/government/news/people-with-learning-disabilities-had-higher-death-rate-from-covid-19), which looked at figures from the early months of the pandemic – between 21 March and 5 June – said the death rate for people with learning difficulties was 4.1 times higher than the general population, after adjusting for factors such as age and sex.

But because the databases used for the research do not register all deaths of people with learning difficulties, PHE said the true rate may have been as high as 6.3 times higher than the general population, or 692 deaths per 100,000.

And the death rate for people aged 18 to 34 with learning difficulties was 30 times higher than non-disabled people in the same age group.

Disabled activists with learning difficulties this week spoke out about the figures.

Simone Aspis, director of [Changing Perspectives](https://www.simoneaspis.co.uk/index.php/about), said the figures were “absolutely shocking”, even when accepting that some people with learning difficulties would be more at risk from the virus because of underlying health conditions.

She said the figures were “not surprising given that people with learning difficulties face the biggest amount of prejudice as regards ‘do not resuscitate [orders]’, having care removed, having support removed, the closure of services.

“People with learning difficulties are bottom of the queue for vaccination, for testing, for healthcare… for education support.

“Is there not a clear message there that [there is] a social eugenics programme going on here?”

She added: “It is pretty dire out there, with people not getting the support they need, the testing [for COVID] is inaccessible and people are not being able to access the testing.”

One woman with learning difficulties has described to a support group how COVID-19 testing was inaccessible to her, but at the same time her support had been withdrawn because of the pandemic, said Aspis.

She said the figures showed that younger people with learning difficulties should be one of the priority groups for a COVID-19 vaccine when it is available.

But Aspis said she was pleased that the PHE information [had been released in an easy read format](https://www.gov.uk/government/publications/covid-19-deaths-of-people-with-learning-disabilities) so more people with learning difficulties could understand it.

Andrew Lee, director of [People First (Self Advocacy)](https://peoplefirstltd.com/), said he was “alarmed and appalled” by the figures.

He said: “I’m concerned how little attention our politicians have given to this health inequality.”

He said he believed that some deaths could have been avoided.

He said People First was also concerned that people with learning difficulties “will be at the bottom of the list for access to vaccination”.

Lee said: “The figures published on 12 November are a shocking indication of the health inequalities we face.

“I hope that we can all work together to make sure that the rates of death for people with learning difficulties are significantly reduced.”

Part of the reason for the higher death rates, according to PHE, is that people with learning difficulties are more likely to have underlying conditions such as obesity and diabetes, or to be more vulnerable to respiratory infections.

PHE also said they may have found it more difficult to recognise symptoms of COVID-19, or to follow government advice on testing, self-isolation, social distancing and infection prevention and control.

Professor Irene Tuffrey-Wijne, professor of palliative care for people with learning difficulties at Kingston University and St George’s, University of London, said the “worrying” report showed the need for “urgent” action.

She said she believed the figures showed that more support should have been provided to help people with learning difficulties understand and cope with lockdown restrictions, and to ensure they had access to regular testing.

She suggested that shortages of personal protective equipment in the early stages of the pandemic was another cause of the higher death rate.

Professor Tuffrey-Wijne also called for people with learning difficulties to be prioritised when rolling out a COVID-19 vaccine.

And she questioned why the report was only released in mid-November (12 November), when some of the figures had been available earlier in the year.

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

**19 November 2020**

**Government online ban is discriminating and risking lives, says shielding Tory MP**

The government is risking lives and discriminating against MPs with health conditions by refusing to allow them to perform vital parliamentary duties online, according to a Conservative MP who has been shielding from coronavirus for months.

Sir Roger Gale, who has a long-term health condition, told Disability News Service (DNS) this week that he was appalled at his own government’s refusal to ensure that MPs who were shielding, or self-isolating, could play a full part in parliament’s work during the pandemic.

Since early June, virtual participation in the Commons chamber for shielding MPs has been limited to asking oral and urgent questions and responding to ministerial statements, and they have been unable to take part in debates on motions and legislation.

Sir Roger, who is 77, will soon be able to take part in debates himself, following a U-turn this week by the leader of the Commons Jacob Rees-Mogg that should allow those seen as clinically extremely vulnerable (CEV) to the virus to take part virtually in debates, although his plans have not yet been approved by MPs.

But Sir Roger told DNS this would only help those seen as CEV, and not the many other MPs who are being forced to shield at home because they have relatives who are vulnerable to the virus, or who because of their age or health conditions are more at risk but are not seen as CEV.

He said the government’s actions were discriminating against people with health conditions, adding: “And it’s discrimination against people with relatives with health conditions.”

And not allowing a full “hybrid parliament”, which would allow as many MPs as necessary to play a full part remotely without visiting the parliamentary estate, was putting people’s lives unnecessarily at risk, he said.

The North Thanet MP said: “It’s not only the lives of MPs. I know there is this ‘Blitz spirit’ thing – we went through the war and we’ve got to carry on – but this pandemic is very insidious, it’s not like a bomb falling and it’s got your number on it and it gets you.

“It is not just us. It is inevitable that if MPs are there, they have got to have staff there, some people will have to have staff in the House, the catering staff, the cleaning staff, the police, we will need more police there if the House is sitting.”

Sir Roger, who has a long-term lung condition that means he has been told he is CEV to COVID-19, told DNS: “I am incensed by the fact that people like [Conservative MP] John Baron, for example, whose wife is ill and high risk, can’t participate in a debate because he’s not high risk and he can go into the House.

“But he can’t go into the House because he can’t risk transmitting the disease to his wife.

“Mogg says it’s the most [COVID-] secure building in the world. If that’s so, why have so many members of parliament got COVID?”

Sir Roger has been shielding from the virus and has not entered parliament since 24 March.

He says he would have liked to have spoken in the debate on the government’s [internal market bill](https://services.parliament.uk/bills/2019-21/unitedkingdominternalmarket.html) – he was one of two Conservative MPs who voted against it, because it would allow the government to break international law – but instead had to make his points through the media.

He said he accepted that the government had to be seen to be continuing and doing its job and being held to account.

But he added: “I think we are taking an unnecessary and unwarranted risk by insisting that only those who are in the chamber are able to participate in debates, which by implication drives people back [to Westminster] when maybe they shouldn’t be back.”

He said that MPs were not “special” but were still key workers and “do an important job” but “the overwhelming chunk of that job can be done remotely”.

Sir Roger said the risk of attending parliament, including the process of travelling to Westminster and entering the estate, was “fairly high”, although there were people who were “either brave or foolish” and in their 70s, who were “fighting their way in”.

He said it was “anachronistic nonsense” of the government – and an “aversion to technology” – to say it could not re-introduce a “hybrid” parliamentary system, where some MPs can contribute virtually and a smaller number do so in person.

He said: “It is perverse beyond belief to me that you’re allowed to take part in question time, you’re allowed to take part in urgent questions and statements, but you can’t participate in a debate for three minutes.

“Where’s the difference? It’s the same technology.”

Sir Roger said that [suggestions by Rees-Mogg](https://www.disabilitynewsservice.com/concerns-growing-over-rees-moggs-shocking-comments-on-shielding-mps/) that MPs who are refusing to attend parliament were not doing their “duty” were “offensive”.

He said: “The idea that we are not working! We are working flat-out.”

He has not had a full day off since 24 March, and during that time has answered more than 20,500 emails.

He said: “We have all got people with really harrowing problems, people who have been made homeless, people who are losing their businesses that they worked a lifetime for, and then people with health problems, people who can’t get dental treatment.”

And he said that, apart from their time speaking in the chamber, those MPs attending parliament were “sitting morosely in their offices doing exactly what I am doing in my conservatory in Kent”.

He added: “I have to act responsibly, in the interests of the people I represent, because I don’t want to cause a by-election [by dying from COVID-19].”

He said it was “scandalous” and “a glaring injustice” that the government had not allowed a fellow MP, Tracey Crouch, to take part virtually in a debate on breast cancer, even though she is receiving treatment for breast cancer herself, because of the current restrictions.

Sir Roger said: “I think my colleagues ought to be allowed to decide for themselves as honourable members whether they are fit and able to go into the House of Commons and whether it is proper to, for their own safety and for the safety of their families.”

He has not backed a 10-minute rule bill (*see separate story*) that would force parliament to allow equal participation rights to all MPs who need it, by contributing online, because he said it had no chance of becoming law.

But he insisted that he would continue to pressure the government to alter its position.

He said: “All we can do is pressure the government to see sense.

“The only people who can change this are the government. The leader of the house should say, ‘this is ridiculous.’

“I just think what we have to do is persuade the prime minister that this really is silly, and it’s discriminatory.”

Meanwhile, the Commons procedure committee [has supported calls to extend virtual participation](https://committees.parliament.uk/committee/126/procedure-committee/news/132731/procedure-committee-calls-on-government-to-listen-to-mps-and-extend-virtual-participation-effectively/).

In a report, the committee said there was “no justifiable case for eligibility for virtual participation in debate to be determined by reference to clinical vulnerability to COVID-19” and that it did not consider it appropriate to “determine eligibility on a basis different from that for virtual participation in scrutiny proceedings”.

Karen Bradley, the committee’s chair, said: “Virtual participation must be extended to those who need it, so the government faces the full scrutiny of all members of the House of Commons, and not just those members it wants to scrutinise it.

“The procedure committee report calls on the government to recognise the concerns of many colleagues and extend virtual participation effectively, so MPs who cannot attend debates due to reasons arising from the pandemic can continue to represent their constituents and participate virtually.”

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

**19 November 2020**

**Shielding MPs hope new bill will force government to act on COVID discrimination**

Opposition MPs are supporting a bill that would force the government to allow all MPs who have been shielding from coronavirus to take a full part in parliamentary proceedings.

The ten-minute rule bill was devised by Labour’s Geraint Davies but had to be presented in parliament by his colleague Dawn Butler as he has been shielding to protect a family member.

The [remote participation in House of Commons proceedings bill](https://bills.parliament.uk/bills/2780), which is due to receive its second reading in January, would ensure that all MPs unable to attend Westminster could vote and take part in debates and other proceedings remotely.

Since early June, virtual participation in the Commons chamber for shielding MPs has been limited to asking oral questions and urgent questions and responding to ministerial statements, and they have been unable to take part in debates on motions and legislation.

The leader of the House of Commons, Jacob Rees-Mogg, has been forced into a partial climbdown after [criticism of the current rules last week by Conservative MP Tracey Crouch](https://bit.ly/38DJiRX), who is receiving treatment for breast cancer.

[On Monday](https://hansard.parliament.uk/commons/2020-11-16/debates/5A282C48-FAE0-4214-8B3E-EE545E2C6DF7/ParticipationInDebates), Rees-Mogg announced that MPs who are seen by healthcare professionals as clinically extremely vulnerable (CEV) to COVID-19 would be allowed to take a greater online part in parliamentary proceedings.

But supporters of the remote participation bill say this concession does not go far enough.

Davies told Disability News Service (DNS) that Rees-Mogg was using “his iron fist in a velvet glove to stifle parliamentary free speech during the pandemic” and said it was “the most far reaching reduction in democracy we’ve seen in peacetime Europe and must be reversed”.

Butler said the government’s failure to act was “profoundly wrong”.

She said: “The consequence of the Leader of the House’s refusal to institute these measures is inherently discriminatory and in effect disenfranchises constituents across whole sections of the country.

“My remote participation bill is essential as it asserts the equal right of all members of the House of Commons to participate in all proceedings, fully, including for debates and votes.”

Among those supporting the bill is Vicky Foxcroft, Labour’s shadow minister for disabled people, who has herself been shielding from the virus, and told DNS: “It has been extremely frustrating not being able to participate fully in parliament.

“At the start of this pandemic, we had a hybrid system which worked well, which included electronic voting.

“This system opened up parliament, especially for those who were not able to be in the chamber for health or caring reasons related to COVID.

“Whilst I welcome there will be extra provisions for some MPs to take part in more debates, this bill rightly goes further and would allow those MPs who are unable to be in the chamber to actually get involved in all aspects of parliament once again.”

Another shielding MP, Dr Philippa Whitford, who speaks for the SNP on health at Westminster and is one of the sponsors of the bill, said she was “shocked” that Rees-Mogg was extending his concessions only to those MPs seen as CEV and not all those who have been shielding.

She said that Rees-Mogg’s decision to refer to the health conditions of some MPs “gave the impression that anyone applying for such access would have to justify publicly why they meet his very limited definition”.

She said: “With yet another outbreak in Westminster, the claim that it is completely COVID secure is simply not the case, as behaviour in the chamber often demonstrates.

“Mr Rees-Mogg also completely dismisses the exposure risks associated with very long journeys that have to be made by many MPs – using multiple forms of public transport.

“While some movement is welcome, he is simply continuing his discriminatory approach which means a significant number of MPs cannot fully represent their constituents in the critical Brexit-related legislation going through parliament.”

Liz Saville-Roberts, leader of Plaid Cymru at Westminster, also backed the bill.

She said: “The Leader of the House sends a clear message that only certain people may participate fully in parliament during a pandemic.

“This is inequality in action at the heart of government. Let’s not be hidebound by past practice, but lead the way with 21st century technology.”

Davies said the government’s actions were “outrageous”.

The bill is the latest in a series of attempts he has made to pressure the government to act, following [an early day motion](https://edm.parliament.uk/early-day-motion/57242/restoration-of-online-democracy-and-equal-rights-for-mps) and [a letter to the prime minister](https://twitter.com/GeraintDaviesMP/status/1316712579390201862) signed by 60 cross-party MPs, including shielding Tory MP Sir Roger Gale (*see separate story*).

Davies told DNS this week: “People should not be asked to take unreasonable risks with their own health to represent their own constituencies.”

The Swansea West MP added: “It’s completely unacceptable that when video conferencing and digital technology enables us to debate remotely… the government should deny the voices of so many voters at such an important time.

“It’s Jacob Rees-Mogg’s duty to facilitate democracy in parliament and this means allowing those who are shielding or self-isolating to continue to represent the voters who elected them.

“It’s a slap in the face for voters and those who they’ve elected to represent them to deny them a voice at this crucial time.”

Meanwhile, the Commons procedure committee [has supported calls to extend virtual participation](https://committees.parliament.uk/committee/126/procedure-committee/news/132731/procedure-committee-calls-on-government-to-listen-to-mps-and-extend-virtual-participation-effectively/).

In a report, the committee said there was “no justifiable case for eligibility for virtual participation in debate to be determined by reference to clinical vulnerability to COVID-19” and that it did not consider it appropriate to “determine eligibility on a basis different from that for virtual participation in scrutiny proceedings”.

Karen Bradley, a Conservative MP and the committee’s chair, said: “Virtual participation must be extended to those who need it, so the government faces the full scrutiny of all members of the House of Commons, and not just those members it wants to scrutinise it.

“The procedure committee report calls on the government to recognise the concerns of many colleagues and extend virtual participation effectively, so MPs who cannot attend debates due to reasons arising from the pandemic can continue to represent their constituents and participate virtually.

“Colleagues with caring responsibilities or who have family members who are clinically extremely vulnerable are not covered by the government’s current proposals.

“This is unacceptable. MPs should not be faced with a choice between representing their constituents in key debates and protecting their loved ones.”

[Last week](https://www.disabilitynewsservice.com/concerns-growing-over-rees-moggs-shocking-comments-on-shielding-mps/), DNS reported how Rees-Mogg was facing growing pressure after telling MPs shielding from coronavirus that it was their “duty” to return to parliament, even though that could put their lives at risk.

Later that day, Crouch [told Rees-Mogg of her frustration](https://bit.ly/38DJiRX) at not being able to take part in a debate on breast cancer services, and appealed to him to “stop thinking those of us at home are shirking our duties”.

Four days later, Rees-Mogg bowed to the growing pressure [and announced](https://hansard.parliament.uk/commons/2020-11-16/debates/5A282C48-FAE0-4214-8B3E-EE545E2C6DF7/ParticipationInDebates) that MPs who are seen by healthcare professionals as CEV would be allowed to take a greater part in parliamentary proceedings by virtual participation, although his plans have not yet been approved by MPs.

Robert Halfon, the disabled Tory MP and former minister, who has been shielding, welcomed the announcement but asked Rees-Mogg in the future “to ensure that the government do not give the impression, however unwittingly, that sometimes they care just about the survival of the fittest”.

Labour’s Barbara Keeley, who has recently had treatment for breast cancer, told Rees-Mogg that it was “just wrong” that his new measures would not apply to people like her who were not CEV, even though she has been told by her oncologist to reduce her contacts with others as much as she can.

She said: “I call on the Leader of the House to do the right thing and confirm that all MPs who are not able to travel to Westminster safely for a health reason or a reason related to the pandemic can participate remotely.”

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

**19 November 2020**

**Apple could face multiple legal actions after ‘ignoring’ government face mask guidance**

Tech giant Apple could be facing multiple legal cases by disabled people who have been ejected from its shops for failing to wear a face mask, despite government guidance stating that they were exempt from the rules.

Two legal firms – one in England and one in Scotland – told Disability News Service (DNS) this week that they had each received multiple complaints about Apple.

Coronavirus guidance from both the [UK government](https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own) – applying in England – and the [Scottish government](https://www.gov.scot/publications/coronavirus-covid-19-public-use-of-face-coverings/#Face%20covering%20exemptions) makes it clear that people who cannot wear face coverings for impairment-related reasons do not need to do so when visiting shops and other service-providers, and do not need to provide evidence of their exemption.

But despite these rules, Apple and other retailers and service-providers are still preventing disabled customers from entering their premises if they refuse to wear a face covering.

Some disabled customers appear to have been offered temporary use of a transparent face shield in Apple’s shops, but this might not be an effective or accessible option.

Discrimination law experts Fry Law have been contacted by about 20 disabled people in the last week with complaints about retailers refusing to allow them into their shops without a face covering, even though they were exempt for impairment-related reasons.

Several of them even came with written medical proof of their impairment, but they were still prevented from entering.

Chris Fry, the disabled founder of [Fry Law](https://www.frylaw.co.uk/), said that one disabled person who has contacted his team described how he told Apple staff in a shopping centre that he could not wear a mask because of claustrophobia, and even provided two pieces of proof of his impairment.

He tried to wear the face shield he was offered, but when it began to mist up and he felt claustrophobic, he lifted it up for a moment and was told by staff to leave the shop if could not wear it properly.

He was eventually manhandled from the shop and was also escorted from the shopping centre by security guards.

Fry said he understood that retailers have a duty of care to their staff, but he said they also have a duty not to discriminate against disabled customers and not to expose them to public humiliation.

Fry Law has now added a free template letter that can be [downloaded from its website](https://www.frylaw.co.uk/#wpcf7-f172-o1) for anyone who needs to lodge a facemask complaint.

It has also [launched a survey](https://bit.ly/2UFrePf) that aims to find out how widespread the problem is.

In Scotland, disabled shoppers are being confronted with retail staff who fail to follow Scottish government guidance.

But [Disability Law Centre (DLC)](https://www.facebook.com/DisabilityLawCentre) in Glasgow says it believes the problems are caused not only by retail staff but also by confusing and frequently-changing advice from the Scottish government.

DLC has dealt with numerous complaints, and again says that Apple appears to be a frequent offender.

It is receiving as many as five enquiries a day from disabled people who believe they have faced discrimination because they cannot wear face coverings.

DLC has heard about 10 complaints about Apple during the pandemic.

DLC’s own principal solicitor, Daniel Donaldson – who has invisible impairments – has himself faced discrimination from a series of service-providers for refusing to wear a face mask, [and recorded video footage](https://www.facebook.com/DisabilityLawCentre) during and after repeated incidents over the summer, including at a transport provider, a fast-food chain, a high street chain, and an Apple shop.

DLC is hoping to take a discrimination test case with one of its clients and could also link up with Fry Law to address the face mask issue.

The Scottish government runs the [Face Covering Exemption Card Scotland](https://exempt.scot/) scheme, for those who would feel more “safe and confident” with a card to show they are exempt if challenged in public.

But Pauline Barr, a paralegal with DLC, said: “We don’t believe the government has done enough to mitigate any harm caused to people who may not be able to wear a face covering.

“The guidelines have not been outlined effectively or communicated effectively.

“It is disabled individuals who are really feeling the brunt of this.

“People are in a beleaguered position. They want to protect themselves and others by following the regulations but physically they cannot.”

She added: “The Scottish government’s exemption card has created a hostile platform for those individuals who choose not to use it or indeed do not have access to the internet or phone to acquire one.

“No account was made for those people who are not able to access the required technology either through disability, poverty or indeed both.

“These people exist in our society despite rhetoric to the contrary.”

Apple refused to answer questions about its failure to follow government guidance this week.

It refused to say how it defended breaching government guidance, whether it accepted its policy was discriminatory, what action it would take to address the concerns, and whether it would apologise to the disabled customers it had discriminated against.

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

**19 November 2020**

**Letter to BBC tells of ‘outpouring of hurt and distress’ over benefit fraud drama**

Campaigners have written to the BBC to express the “outpouring of hurt and distress” felt by disabled people over its decision to broadcast a disabled-led drama that mirrored years of deeply damaging government rhetoric about benefit cheats.

The Real Deal was broadcast on BBC Four earlier this month as part of the CripTales series of monologues.

It starred disabled actor Liz Carr, was written by a disabled playwright, Tom Wentworth, and had a disabled director, Ewan Marshall, while another leading disabled actor, Mat Fraser, was “curator” of the series.

Carr’s character is seen spying on a neighbour she suspects of benefit fraud, before being persuaded by the neighbour to exaggerate her own impairment for her own personal independence payment (PIP) assessment, and then eventually informing the Department for Work and Pensions.

But its broadcast led to a wave of anger and frustration from horrified disabled activists, many of whom have spent years highlighting and fighting against the efforts of Tory ministers to paint disabled people as benefit frauds, fakers and scroungers.

[Now a letter](https://inclusionproject.org.uk/blog/real-deal-letter), backed by at least eight disabled-led campaigning organisations, and allies, has told the BBC how the drama has been described as “horrifying”, “sickening” and “terrifying”.

The letter particularly focuses on the damage caused to members of the chronic illness community, and it was drafted by the [Chronic Illness Inclusion Project (CIIP).](https://inclusionproject.org.uk/)

It says the drama has left people with invisible and fluctuating impairments “extremely distressed at how they are represented in the media and more fearful than ever of being targets of harassment or fraud reporting”.

Disabled people’s organisations and grassroots groups who have signed the letter include [Shaping Our Lives](https://www.shapingourlives.org.uk/), [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/), [Recovery in the Bin](https://twitter.com/RITB_ITB), and the [National Survivor User Network](https://twitter.com/NSUNnews).

They welcome the BBC’s decision to commission the CripTales series, and highlight the “excellent work and long-standing activism” of those involved, particularly Liz Carr.

But although the letter praises the way the drama exposes the “farcical nature of PIP assessments”, it says its treatment of the neighbour, Nigel, was “terribly ill-judged” and appeared to “conflate invisible disability with benefit fraud”.

The letter says: “This depiction has been deeply wounding, not only to people with chronic illness, but those living with mental distress and other forms of hidden impairment.”

It adds: “Much of Nigel’s supposedly suspicious behaviour is in fact common for people with chronic illness or other hidden impairments.

“Many have fluctuating conditions, with both good and bad days. They might be able to go out one morning and appear ‘fine’, but then later be struggling with so much pain and fatigue that they are unable even to move around their home.”

Responses to the drama from those with chronic illness included: “Nothing undid the ideas from the beginning that going out everyday or carrying your mobility aid (or shock maybe not even having one) is indicative of lying about ability.”

CIIP points in the letter to its own research, [published earlier this year](https://www.centreforwelfarereform.org/uploads/attachment/681/energy-impairment-and-disability-inclusion.pdf) (PDF), which found that many people with energy limiting chronic illness experience significant fear and hostility over the threat of being placed under surveillance and being accused of faking their impairment.

Fraser has previously defended the drama, arguing that it was supposed to be a “satire” and that it showed how “an able bodied fraudster can scam the system easily, but a woman with genuine impairments is only able to get the support she needs, by being forced to play up to an ignorant and clumsy view of what a disabled person should be”.

But the letter says that “instead of satirising the trope of disabled fakery, by failing to present alternative explanations for Nigel’s behaviour, people with chronic illness feel that this episode merely reproduces ignorance and prejudice and reinforces oppressive stereotypes”.

Those signing the letter say it is not intended as “a personal attack on those involved in its making, nor to divide different groups of disabled people” but as “a plea for mutual understanding, in the furthering of unity and solidarity among disabled people as a community”.

They also call in the letter for dialogue with the production team behind CripTales, and for the BBC in future programmes to ensure “inclusion and representation of all impairment types, including energy limiting chronic illness and mental distress”.

The BBC said it had received the letter and was preparing a response.

It said that CripTales was “part of a wider focus on disability across the BBC to mark the anniversary of the Disability Discrimination Act and the BBC is committed to improving representation of – and opportunities for – disabled people on and off air”.

**19 November 2020**

**DWP repeatedly failed to provide data requested by DNS and others, says regulator**

The Department for Work and Pensions (DWP) has repeatedly breached data protection regulations by failing to provide benefit claimants and others – including Disability News Service (DNS) – with the information it holds about them.

The huge backlog dates back months before the start of the COVID-19 pandemic, and DWP has repeatedly been informed by the Information Commissioner’s Office (ICO) that its failure to provide this information is a clear breach of the General Data Protection Regulation (GDPR).

The existence of the backlog has emerged while DNS has been trying for more than 16 months to obtain copies of emails and letters exchanged among DWP communications staff about DNS editor John Pring, through what is known as a subject access request (SAR).

Despite DNS twice narrowing its SAR to make it easier and less time-consuming for DWP to respond to, the department is still refusing to provide the information.

The latest request was submitted on 23 January – well before the onset of the pandemic caused a significant increase in the department’s workload – and it now relates solely to emails sent or received by staff on the disability desk\* in DWP’s press office through 2019.

Data protection regulations state that DWP should provide the information requested through a SAR within just one calendar month in most cases.

But DWP has so far refused to communicate with DNS by email, or even acknowledge the 23 January request.

The last letter – sent by post to Pring’s previous home address – was sent by DWP’s “right of access manager” more than six months ago.

ICO has told DNS it is sending fresh batches of overdue SARs to DWP every month.

The DNS request was included in the batch sent by ICO to DWP on 27 March, a few days after the country began its first national lockdown.

In that batch of SARs, DWP was told by ICO that it appeared to have used the excuse that DNS’s request was “excessive” when the ICO said it “doesn’t appear to be”.

It also pointed out that DWP had “incorrectly” used the Freedom of Information Act to justify refusing to provide information requested by DNS, when the relevant legislation was the Data Protection Act and GDPR.

An ICO case officer told DNS in March: “I have considered the information available in relation to this complaint and I am of the view that DWP has not complied with its data protection obligations.

“This is because it did not provide you with an appropriate response to your SAR within one calendar month.

“Also DWP have incorrectly quoted extracts of the Freedom of Information Act (FOI), when in fact your request was for a SAR, which comes under the Data Protection Act (DPA)/and General Data Protection Regulation (GDPR).

“I also consider that you have been willing to limit and reduce your SAR and that DWP have not made any attempt to work with you and provide at least some readily available data, but instead applied a seemingly blanket response.”

He said in March that ICO would be “contacting DWP about your complaint, and asking it to deal with your SAR as a matter of urgency”, and then said again in early October that he had asked DWP to look at the DNS complaint, and promised to do so yet again earlier this month.

He also said: “By sending details of your complaint we have informed DWP of a breach in late SAR response, as they are receiving complaints in batches each month from us.

“We are of course monitoring their overall performance and retain details of all complaints on our system, to help with any potential future action we may take.”

An ICO spokesperson refused this week to provide an approximate figure for the size of the DWP SAR backlog, despite ICO’s role as the UK’s “independent body set up to uphold information rights”, because she said it “requires a certain amount of work which can’t be dealt with as a media enquiry”.

She suggested that DNS should submit a freedom of information request for that information.

But she confirmed that the backlog pre-dated the pandemic, although its “efforts to clear this have been impacted by it”.

She said ICO was continuing to work with DWP to ensure it responded to outstanding SARs “as soon as possible”, despite the “unprecedented demand for its services”.

She said: “The ICO takes all matters relating to people’s right to access their personal information under GDPR very seriously and works closely with organisations to help them meet their obligations.”

DWP refused to comment, or to say how large the backlog was, or why it was allowed to build up, and refused to explain the lack of communication with DNS over its SAR.

*\*There is no suggestion or evidence that any members of DWP’s disability desk have behaved unprofessionally in discussing the work of DNS or its editor. DNS is hoping instead to uncover a clearer picture of the department’s views of key issues around disability equality, benefit reform and how it views DNS’s coverage of those issues*

**19 November 2020**

**Round-up: £20 petition, Disability History Month, Motability… and BAFTA**

**A petition signed by nearly 120,000 people who want to see a £20 a week uplift given to universal credit claimants extended to those on other benefits has been handed to the chancellor, Rishi Sunak.**

The increase, which also applies to those receiving working tax credit, was part of the government’s early response to the coronavirus pandemic.

But the government has refused to extend the temporary increase to claimants of employment and support allowance, or to those on jobseeker’s allowance or income support.

[The petition](https://you.38degrees.org.uk/petitions/stop-leaving-disabled-people-behind) was organised by the Disability Benefits Consortium, a network of more than 100 disability organisations, including disabled people’s organisations [Disability Rights UK](https://www.disabilityrightsuk.org/) (DR UK), the [National Survivor User Network](https://www.nsun.org.uk/) and [Inclusion London](https://www.inclusionlondon.org.uk/).

It was handed over just days before Sunak is due to deliver his spending review on 25 November.

DR UK said: “By restricting the £20 week increase only to universal credit and working tax credit, the government continues to discriminate against the millions of disabled people on other benefits.”

One disabled woman, Karen Pickering, who has been shielding since March, said: “Being stuck at home for the last seven months has meant my cost of living has gone up.

“I can’t just pop out to get a loaf of bread, so I’m having to pay for regular food deliveries.

“I can’t get out to walk my dog every day and instead have to pay for a dog walker – it all adds up.

“I had no idea I was missing out on £20 a week, but it’s really upsetting to think my needs aren’t considered as important as others.

“The money might not seem a lot to the government, but it would make the world of difference to me.”

The government’s own benefits advice body, the social security advisory committee, [called in May](https://www.gov.uk/government/publications/covid-19-letter-to-secretary-of-state-from-ssac/covid-19-ssac-letter-to-the-secretary-of-state) for the increase to be extended.

It said that, despite “serious IT challenges”, it was “increasingly untenable for this group of claimants to be excluded and to continue to have a lower level of income than those in receipt of Universal Credit and Working Tax Credit”.

Work and pensions secretary Therese Coffey has said that doing so would risk the “safety and the stability of the benefit system”.

**The launch of the 11th annual** [**UK Disability History Month (UKDHM)**](https://ukdhm.org/) **took place last night, with this year’s theme examining the progress that has been made in improving access.**

Those set to speak at the launch included disabled campaigners Doug Paulley, Emma Dalmayne, Tara Flood and Micheline Mason, disabled MP and shadow secretary of state for women and equalities Marsha de Cordova, and 14-year-old disabled author Jonathan Bryan.

The launch came days after the 25th anniversary of the introduction of the Disability Discrimination Act (since replaced by the Equality Act 2010).

This year’s UKDHM will take place between 18 November and 18 December, and it will examine how much progress has been made in improving access and how much further there is still to go.

As part of UKDHM, coordinator Richard Rieser [has prepared background material](https://ukdhm.org/ukdhm-2020-broadsheet/) about this year’s theme.

Among those organisations marking UKDHM is the UK parliament, which has published a [downloadable book](https://learning.parliament.uk/en/resources/disability-illustrated-book/) that is suitable for teachers, home educators and parents to share with children aged seven to 11.

The book – designed by illustrator and chronic illness activist [Ananya Rao-Middleton](https://www.ananyapaints.com/about-me) – features the stories of six disabled people who have influenced disability rights and laws in the UK.

The six are Dame Anne Begg, one of the first wheelchair-users to be elected as an MP; Ben Purse, the first general secretary of the National League of the Blind; artist and campaigner [Deborah Williams](https://the-ndaca.org/the-people/deborah-williams/#:~:text=Deborah%20Williams%20is%20a%20writer%2C%20producer%20and%20digital%20composer&text=She%20became%20involved%20in%20disability,well%20touring%20with%20the%20company.); suffragette Rosa May Billinghurst; pioneering deaf parliamentarian Alf Morris; and the independent living activist and crossbench peer Baroness [Jane] Campbell.

**The government’s social security advisers have raised fresh concerns about the Motability\* car scheme for disabled people.**

[The report](https://www.gov.uk/government/publications/ssac-occasional-paper-23-the-use-of-public-funds-in-supporting-the-mobility-needs-of-disabled-people) by the social security advisory committee (SSAC) was commissioned to complement a critical report into Motability that was [published by the National Audit Office (NAO) in December 2018.](https://www.disabilitynewsservice.com/fresh-motability-criticism-after-watchdogs-report/)

It points out that only about one in three eligible disabled people take advantage of the scheme, for which only those on the higher rate of the mobility element of disability living allowance or personal independence payment (PIP) are eligible.

It says that many of those on the scheme have feelings of “mistrust, stress and anxiety” about being reassessed by the government for PIP, while others have concern about the levels of executive pay and profits within Motability Operations, which runs the scheme, in the wake of the NAO report, and the lack of transparency and engagement with disabled people.

Others felt it was unfair that those who became disabled after state pension age were not eligible for the scheme.

And many said the cost of leasing a vehicle was unaffordable, while others raised concerns about the lack of opportunity to buy a car – rather than lease it – under the scheme, the scheme’s inflexibility, and a lack of awareness of the scheme among those who were eligible but had not joined.

The report makes a series of recommendations for both the Motability scheme and to improve the public transport system for disabled people, as well as calling for changes to the PIP system.

*\*Motability, the charity that oversees the work of Motability Operations, is a Disability News Service subscriber*

**Three UK-based disabled people have been included in this year’s** [**BAFTA Breakthrough**](https://www.bafta.org/supporting-talent/breakthrough) **list of new creative talent in film, games and television.**

Film and television director Bim Ajadi, writer and performer Tim Renkow and director Jordan Hogg are among the 34 most promising future stars in both the US and UK announced this week by the British Academy of Film and Television Arts (BAFTA).

Bim Ajadi, who grew up in Yorkshire and lives in London, has worked for the British Sign Language Broadcasting Trust.

His breakthrough film was Here/Not Here, which connects the deaf and hearing communities through sport and dance.

He said: “A big positive is to have recognition of who I am and who I strive to be, that I am here in the mainstream industry.

“And another part is to be an inspiration to other deaf filmmakers, I want to show the next generation that there is an opportunity to cross over and have your voice heard.”

Jordan Hogg, who was born and lives in Scarborough, has directed soaps and television dramas for many years.

His episode of BBC’s Casualty won the hospital drama a BAFTA, while he has also directed several episodes of Channel 4’s drama Ackley Bridge, and directed The Evermoor Chronicles for Disney.

He said: “BAFTA is the best, it’s my holy grail. There are so many directors I want to speak to, from all walks of life.

“I’m a bit of a director geek and it feels like I’ve just got an invite to the prom!

“I can’t express enough what it means to me to be recognised by the British Academy.”

Renkow grew up in the US and now lives in London, and his entry into the television industry was through stand-up comedy, before his debut television show, BBC 3’s comedy Jerk.

He said: “It’s super flattering to be a BAFTA Breakthrough – it’s validating because I always feel as though my route into the industry was really weird so it’s nice to have people say they appreciate what you’ve done.”

**A user-led campaigning organisation is seeking further evidence from disabled people on the impact of new low traffic neighbourhood (LTN) initiatives that promote walking and cycling.**

LTNs are zones where clusters of residential streets are closed to through-traffic, and motor vehicles are diverted onto main roads, through physical obstructions such as bollards and banned turns, with the aim of discouraging car use and increasing walking and cycling.

Transport for All (TfA) has already raised its “real fear that disabled people would not be present in decisions relating to these transport schemes, or being consulted about changes which may affect them” and it says it has evidence that this has happened.

Kirsty Hoyle, chief executive of TfA, said: “This needs to change as these schemes are expanded, and while there is a potential move to permanency for some existing temporary schemes.”

Disability News Service [reported last month](https://www.disabilitynewsservice.com/councils-face-calls-to-re-think-covid-streetscape-changes/) how local authorities in England and Wales were facing calls to re-think the “streetscape” changes being made in response to COVID-19, amid concerns that new street infrastructure was making parts of towns and cities inaccessible to many disabled people.

TfA is carrying out in-depth research into the impact of LTNs on disabled people in London and how they have been consulted about such schemes, and it is set to publish a report in January.

The report will set out TfA’s findings from interviews with disabled people, and it will put forward their ideas for accessible and inclusive solutions.

The report is part of TfA’s [Pave The Way campaign](https://twitter.com/transportforall/status/1283689757944557568), which highlights the importance of building both environmentally-friendly and accessible street space.

Disabled people who want to share their views about LTNs for the research can email [katie@transportforall.org.uk](mailto:katie@transportforall.org.uk).

**The rail regulator has** [**issued a formal notice**](https://www.orr.gov.uk/search-news/regulator-rebukes-swr-lack-wheelchair-access-liphook-station) **to a train company that was refusing to provide a way for wheelchair-users to board and exit trains that stop at one of its stations.**

The Office of Rail and Road has “rebuked” South Western Railway and given it until May next year to comply with its legal duty at Liphook station in Hampshire.

Wheelchair-users are currently forced to use other stations or abandon their plans to travel by train.

Because of the station’s narrow platforms, SWR was unable to use standard ramps to assist wheelchairs onto and off the train, but it failed to provide an alternative, such as a ramp with a turning area or a mobile hydraulic lift.

Other possible solutions include carrying out work to reduce the gap between the platform and the train, although another is to seek an exemption from rail access regulations from the Department for Transport (DfT), although this is a lengthy process and ORR said there was no guarantee it would be granted and, if it was, exactly what action DfT might force SWT to take.

**More than three-quarters of disabled people (78 per cent) say they have had to avoid visiting a venue because it did not have an accessible toilet.**

The survey, by the access charity [Euan’s Guide](https://www.euansguide.com/), also found that many toilets that were designed to be accessible were not fit for purpose, with more than three-quarters of those surveyed (78 per cent) saying they had come across an accessible toilet they were unable to enter.

There were more than 750 responses to the survey, which was carried out pre-pandemic, but published this month.

Among discoveries disabled people have made inside an accessible toilet are staff holding a meeting; a walnut-cracking machine; an exercise bike; a fully decorated Christmas tree; and a four-foot plastic frog bin.

Euan MacDonald, the disabled co-founder of Euan’s Guide, said: “We need businesses to get involved and improve their access to create a safer environment for disabled people.

“Sometimes this means adding an accessible or Changing Places toilet when one is not available.

“Other times it can be as simple as making sure the toilet they provide is kept clean and tidy and in working order.”

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

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