**Government’s pandemic failings caused us ‘horrendous’ challenges, say DPOs**

Disabled people’s organisations (DPOs) from across England have described the “horrendous” and “relentless” challenges they faced during the early months of the pandemic because of the failures of the UK government and local authorities.

The DPOs told researchers of the lack of “coherent and clear advice” provided by government about many aspects of the pandemic.

This included “vital” advice on direct payments (DP) and the employment status of personal assistants (PAs).

This left DPOs having to “both source accurate information and disseminate it” to disabled people in their communities.

But the report also highlights how central government’s failure to place disabled people’s rights at the centre of its response to the pandemic – for example through the lack of accessible information – created more work for DPOs.

The report is based on the experiences of 20 DPOs in England in the first six months of the pandemic, and was compiled by the disabled people’s and service-user network [Shaping Our Lives](https://www.shapingourlives.org.uk/) (SOL).

It is one of [four new reports](https://mailchi.mp/aa181e2c8387/the-impact-of-covid-19-on-ddeaf-and-disabled-people-3-further-reports), published by SOL and funded by the National Lottery Community Fund, on the impact of COVID-19 and the regional and national lockdowns on disabled people and their organisations.

One DPO told SOL: “We had a horrendous six weeks early March through to mid-April, swamped with calls from PAs and their employers wanting information that nobody had, wanting guidance that nobody could give us, on where to get PPE [personal protective equipment], information on shielding, ’what do I do about furlough’.

“It felt relentless and endless.”

Another said: “We lost our DP advice service when the contract was given to a larger agency, but still have a lot of clients on DPs and so we had a lot of interaction because that organisation sent out no communications.

“DP users were coming to us for help and advice about things like statutory sick pay and PPE.

“We have had quite a few battles with the local authority about getting good information to this group.”

The report adds: “This case study was echoed by organisations all over England.

“At a time when Disabled people managing their own care needed accurate and urgent advice as employers none was forthcoming from national or local statutory bodies.”

Because there was no single source of public information, DPOs spent their resources collating information on daily living support, and recruitment and retention of support staff, says the report.

DPOs also distributed food parcels, fielded calls on helplines, set up meal services, and distributed PPE.

At the end of six months, all the DPOs – which have remained anonymous in the report – said their staff teams had been left “physically tired and emotionally drained”.

One of the key recommendations to come from the DPO research was the need for a new national organisation to provide a voice for DPOs.

The report says DPOs were concerned that the voices of disabled people were getting lost, even while their “vulnerabilities” were mentioned almost daily in the news.

They were also concerned that the extra funding that many DPOs had secured during the crisis will now “hit a cliff-edge in March and disappear”.

A second report by SOL found that regional and national lockdown measures had led to many disabled people losing their confidence.

Three-quarters of the 131 disabled people who took part in a survey for the report said they had lost their confidence as a result of COVID-19 and the lockdown measures.

And nearly three-fifths (58 per cent) said they agreed that those measures had had a negative long-term impact on their ability to live independently.

More than half (57 per cent) of those surveyed said something good had come out of the crisis, such as having more spare time, and developing skills in the use of new technology and social media.

But one of the 21 disabled people who took part in in-depth interviews as part of the research said: “I feel badly damaged. Lost all my trust and faith in human nature.

“All that wasted money spent by the government on defective PPE is scandalous. Those with disabilities are an afterthought.

“The little equality we had has totally been eroded. The help is tokenism if at all. We are left to rot and die stuck in a no-man-land limbo.

“The government don’t care it’s an illusion that they want to help. They don’t even understand basic infection control.

“You have to fight for everything you need to live day after day after day.”

The third SOL report details findings from a survey about the use of remote technology by disabled people during the crisis.

About a tenth of those questioned for a survey said they had found all the remote technologies they were asked about – telephone calls, video calls and video meetings – were inaccessible to them.

But it found there were many positives for other disabled people, including saving time and energy, helping people avoid the stress of travel, and providing a safer way for people to meet and communicate during the COVID-19 crisis.

The report also warns that these technologies should not be seen in the future as an alternative to face-to-face contact, while most of them require people to have access to equipment and a reliable internet service that may be too expensive for them.

The fourth SOL report discusses interviews with members of NHS patient participation groups.

It raises concerns that COVID-19 has been used as an excuse to “terminate patient engagement altogether, implement planned changes badly or revert to simple consultations as a substitute”.

Becki Meakin, SOL’s general manager, who wrote two of the four reports\*, said the research showed that disabled people “will not just get back to normal” when the virus becomes less of a threat.

She said: “The longer-term impacts mean people will need services to get back their independent living skills and confidence.

“Even then, some disabled people may never get back to life as it was before the pandemic.”

Meakin said the research showed that many DPOs believed they would be “back to fighting for survival in a hostile funding environment” once the crisis was over, but with many more disabled people needing their support.

*\*The other two reports were written by Joanna Matthews, a member of Shaping Our Live’s National User Group*

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

**23 December 2020**

**Watchdog has approved care settings for COVID patients in only three-fifths of areas**

Only three-fifths of council areas have a care setting that has been approved to receive hospital patients infected with COVID-19, despite ministers demanding every one of them should have at least one such setting by the end of October.

The Department of Health and Social Care (DHSC) [told local authorities](https://www.nationalcareforum.org.uk/wp-content/uploads/2020/10/DHSC-Letter-_-Designated-Settings-13Oct20.pdf) in the autumn that it wanted each of them to have access to “at least one CQC designated accommodation” by the end of October.

But the Care Quality Commission (CQC) [released figures](https://www.cqc.org.uk/news/stories/designated-settings-covid-19-patients-leaving-hospital) this month which showed that, on 8 December, just 90 of 151 local authority areas in England had at least one “designated setting” for patients who are well enough to be discharged from hospital, but are still infected with coronavirus.

Some local authorities will now be forced to share a designated setting located within another council area.

CQC and DHSC have failed this week to say how many of the settings “designated” by the care watchdog are in care homes which have “separate zoned accommodation and staffing” for service-users with coronavirus, and other parts occupied by residents who have not been infected.

DHSC made it clear in October – with CQC backing – that designated settings could be either “stand-alone units”, where only service-users with coronavirus would be admitted, or care homes with separate zoned accommodation and staffing.

This policy has been described as “abhorrent” by disabled activists, because it risks repeating the outcome of the scandal that occurred early in the pandemic, when hospital patients were [discharged into care homes without being tested](https://fullfact.org/health/coronavirus-care-homes-discharge/) for COVID-19.

That government failing was believed to have caused the loss of thousands of lives.

DHSC and CQC have also failed this week to identify which individual care settings have been approved by CQC as designated settings, and which of them are offering zoned accommodation and staffing.

The CQC figures show that, in London, just 14 of 33 local authority areas had an approved designated setting on 8 December.

In the north-west, 14 of 23 local areas had an approved setting, and in the south-east just eight of 19 areas.

In the south-west there were only seven of 15 and in the West Midlands eight of 14 local authority areas.

Across the whole of the south-west of England, there were just 110 beds available in approved settings – including “alternative settings” provided by local NHS partners – for patients being discharged from hospital with COVID-19.

In all, across the whole of England, there are just 2,194 beds approved by CQC, or provided in alternative NHS settings, that are available for patients infected with COVID who have been discharged from hospital.

CQC says reasons for areas having different levels of designated settings include “the location being unsuitable, the location not being ready and staffing issues”.

It adds: “We’re in discussion with the Department of Health and Social Care, and system partners to address issues of capacity across [the] country, particularly in areas where there is a shortage or lack of designated settings.”

DHSC has previously refused to say why it does not ensure that all COVID-positive patients are discharged from hospital into well-resourced facilities that are only used for people already infected with the virus.

Despite being approached more than two days ago, DHSC had not responded to questions about the figures by noon today (Wednesday).

CQC refused to comment on how many local authorities still did not have an approved designated setting.

Asked how many of the approved settings were “zoned” accommodation, CQC said the watchdog does “not break down designated settings into zoned/standalone settings”.

Meanwhile, DHSC [has released new guidance](https://www.gov.uk/government/news/advice-for-clinically-extremely-vulnerable-in-new-tier-4-areas) for those who are “clinically extremely vulnerable” to COVID-19 and live in London, the south-east and the east of England after these areas were moved into the new “tier four” set of restrictions.

They are now being “strongly advised” to stay at home at all times, except for exercise or medical appointments, and not to attend work, even if they cannot work from home.

The guidance is the same as that which was in place during the national lockdown in November.

DHSC said it would ensure that support was available for those who need it, such as “access to food and medicines and signposting to local support or befriending services”.

Letters will be sent to all those affected by these new shielding rules this week, although they “may take slightly longer than usual to arrive due to the Christmas period”, while the letters will be sent by email to those who have registered an email address with their GP.

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

**23 December 2020**

**High court is asked to order fresh inquest into death of Jodey Whiting**

The mother of a disabled woman who killed herself after her benefits were wrongly stopped has asked the high court to order a second inquest into her death.

Joy Dove wants to see the “heartless and cruel” actions of the Department for Work and Pensions (DWP), which she believes caused her daughter’s death, to be thoroughly investigated.

The first inquest into the death of Jodey Whiting, which took place in May 2017, lasted just 37 minutes.

The coroner had turned down Dove’s request to examine the actions of DWP.

Now she wants the high court to quash the results of that first inquest and order a second one by a different coroner.

Whiting, a mother-of-nine and grandmother from Stockton-on-Tees, took her own life in February 2017, 15 days after she had her employment and support allowance (ESA) mistakenly stopped for missing a work capability assessment (WCA).

Dove’s legal team have gathered detailed evidence that they believe shows that DWP ignored the risks involved in terminating Whiting’s benefits.

Four months before she died, Whiting had told the department: “I have suicidal thoughts a lot of the time and could not cope with work or looking for work.”

She requested a home assessment, but that was turned down, and she then 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, after years of significant physical and mental health conditions.

Six weeks after her death, DWP overturned the decision to terminate her ESA.

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 her case, and that it had failed five times to follow its own safeguarding rules in the weeks leading to her suicide.

Dove has told the high court that the first inquest failed to investigate the role that DWP played in her daughter’s death.

She said: “I believe my Jodey would still be here today if it had not been for the way she was treated by the DWP.

“It was heartless and cruel and a breach of their own rules to treat Jodey in the way they did.

“They knew she was vulnerable, but they took no notice of her pleas for a home visit for a WCA and then just cut off her ESA. It was too much for her to bear.

“I think they must be made to answer for their actions towards my daughter.”

Dove’s legal team have summed up the case against DWP, in documents supporting the high court application.

They say: “The DWP had, in effect, terminated the benefits of a housebound woman with severe physical and mental health conditions, who had been in receipt of benefits since 2006, due to one missed appointment (for which Ms Whiting had provided a clear and cogent explanation), in circumstances where the DWP had not arranged a home visit to Ms Whiting, had not telephoned Ms Whiting, had not arranged a safeguarding visit to Ms Whiting, had not sought up to date information on her health and the impact of terminating benefits on her, and had not given any consideration to Ms Whiting’s known mental health conditions – including depression – before terminating her benefits.”

Barrister [Jesse Nicholls](https://www.doughtystreet.co.uk/barristers/jesse-nicholls), of Doughty Street Chambers, who is representing Dove, told the high court that DWP’s “substantial and highly concerning” failings “require public exposure to ensure accountability and lesson learning in order to prevent future such deaths”.

Documents submitted by Dove’s legal team include evidence uncovered by Disability News Service that links DWP’s actions to the deaths of other disabled claimants, including [Stephen Carré](https://www.disabilitynewsservice.com/wca-death-scandal-dwp-and-atos-killed-my-son/) and [Michael O’Sullivan](https://www.disabilitynewsservice.com/wca-death-doctor-dwp-put-immense-pressure-on-atos-to-find-claimants-fit-for-work/).

Merry Varney, a partner at [Leigh Day](https://www.leighday.co.uk/), solicitors for Jodey Whiting’s family, said there needed to be a second inquest so that the family’s concerns about DWP’s failings “can be fully and fearlessly investigated in a public forum, in a manner in which they can participate”.

She said: “Since the first inquest, Jodey’s family have learned how the DWP did have safeguards in place yet failed to implement these, despite Jodey’s mental and physical ill health and how her request for a home visit was simply ignored.

“It is hoped that both for Jodey’s family and other individuals vulnerable to similar treatment by the DWP that the high court will agree it is necessary in the interests of justice and on human rights grounds for the first narrow inquest to be quashed and a second inquest take place to consider whether Jodey’s death was caused or contributed to by the DWP.”

Asked for its response, a DWP spokesperson said: “Our condolences are with Jodey’s family.

“It would not be appropriate for me to comment further as this is now a matter for the high court.”

**23 December 2020**

**MPs call for inquiry into government’s role in COVID deaths of disabled people**

MPs have called for an independent inquiry into why so many disabled people have died from coronavirus, and the role the UK government and other public bodies have played in causing those deaths.

Members of the Commons women and equalities committee say in a new report that an independent inquiry into the causes of the “starkly disproportionate and tragic” death rates should be held as soon as the country has gained control of the pandemic.

They also say that the crisis has had “profoundly adverse affects” on disabled people’s access to services across England.

The report, [published yesterday (Tuesday)](https://committees.parliament.uk/committee/328/women-and-equalities-committee/publications/), says the inquiry should be “wide-ranging” and should investigate the causes of these “adverse outcomes”.

The report says: “Disabled people who already faced substantial barriers to full participation in society, for example because services were inaccessible or they had additional health, care and support or special educational needs, have suffered a range of profoundly adverse effects from the pandemic, including starkly disproportionate and tragic deaths.

“There must be a discrete independent inquiry into the causes of adverse outcomes for disabled people, including the decisions and policies of the Government and public authorities.”

[Research from Public Health England](https://www.disabilitynewsservice.com/shocking-figures-on-deaths-of-people-with-learning-difficulties-show-need-for-vaccine-action/) last month found that 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.

And [previous Office for National Statistics (ONS) figures](https://www.disabilitynewsservice.com/devastating-covid-deaths-figures-show-government-breached-disabled-peoples-right-to-life/) showed that about three-fifths of COVID-related deaths in England and Wales had been of disabled people, while ONS admitted that this was likely to be an under-estimate.

The cross-party committee points in its new report to a series of “adverse effects” experienced by disabled people during the pandemic.

These include [problems securing access to food](https://www.disabilitynewsservice.com/coronavirus-supermarkets-face-biggest-class-action-of-its-kind-over-discrimination-claims/); the use of “potentially discriminatory” and “deeply concerning” [critical care guidelines](https://www.disabilitynewsservice.com/coronavirus-anger-over-terrifying-and-discriminating-intensive-care-guidance/) in the NHS and doctors’ [blanket use of do not attempt resuscitation (DNAR) notices](https://www.disabilitynewsservice.com/coronavirus-activists-shock-at-intensive-care-doctors-resuscitation-warning/); and the impact of the pandemic in worsening the existing crisis in education for disabled children.

It also highlights inaccessible government communications during the pandemic, including the [failure to provide a British Sign Language interpreter](https://www.disabilitynewsservice.com/vast-majority-of-important-government-covid-information-is-inaccessible-to-bsl-users/) during its live televised briefings, and other inaccessible public health information.

And it says that the way the government has communicated with disabled people, such as those categorised as clinically extremely vulnerable, “has, on occasions, caused confusion and compounded already keenly felt anxiety”.

The report says: “Disabled people’s experiences of inaccessible public health information from the Government during this pandemic have been unacceptable.

“Disabled people have been put at risk through lack of access to vital information.

“Their communication needs should have been anticipated as a matter of course.

“Everyone should have the right to receive public health information in a format they can understand.”

Among the committee’s recommendations is a call for the government to strengthen the public sector equality duty, which imposes duties on public bodies under the Equality Act.

A government spokesperson said: “During this unprecedented time, the government has ensured that disabled people have had access to employment support, benefits, financial support, food, medicines, as well as accessible communications and guidance.

“We regularly engage with disability stakeholders and people with disabilities to ensure their needs are considered as part of our response to COVID-19.

“We welcome the committee’s examination of the effects of the pandemic on disabled people and will respond in the new 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/)

**23 December 2020**

**Tomlinson misleads MPs twice about pandemic contact with disability network**

The minister for disabled people has misled a Commons committee for the second time about his engagement with disabled people during the pandemic.

The actions of Justin Tomlinson emerged as the Commons women and equalities committee [published its report](https://committees.parliament.uk/committee/328/women-and-equalities-committee/publications/) into the impact of the COVID-19 crisis on disabled people (*see separate story*).

The Conservative chair of the committee, Caroline Nokes, failed to address the concerns this week, despite having them drawn to her attention by Disability News Service (DNS).

They emerged in a letter Tomlinson wrote to Nokes about concerns that had been raised by DNS earlier this year following [evidence he gave to the committee on 2 September](https://committees.parliament.uk/oralevidence/794/pdf/).

Tomlinson had told the committee, in response to criticism of his lack of engagement with disabled people and their organisations during the pandemic, about the success of the nine regional networks created by ministers to “amplify” the voices of disabled people.

He told the committee that the network allows “all voices, particularly of all sizes of disability organisation, [to] share their real lived experience and help us improve our policies and our communications”, adding: “I find it a very rewarding part of my role.”

But what Tomlinson failed to tell the committee was that at that point – nearly a year [after he had named their chairs](https://www.gov.uk/government/news/chairs-appointed-to-network-to-give-disabled-people-stronger-voice) – only two of the nine networks had held their first meeting.

Concerns about his comments were passed to Department for Work and Pensions (DWP) press officers, and to the women and equalities committee.

Nokes wrote to the minister to ask him to respond to those concerns.

But in his reply, Tomlinson again misled the committee.

He claims in the letter that he was referring in his evidence to a different disability forum set up by the government, and not the regional network.

He refers in the letter to a different comment he made to the committee about engagement, and not to the comment that led to DNS passing on the concerns.

The transcript and audio recording of the 2 September meeting clearly show Tomlinson made the comments about the regional network.

Nokes had refused to comment on the concerns by noon today (Wednesday), other than claiming that Tomlinson had “further explained his comments” in the letter.

Despite her silence, the report does highlight the “very clear divergence of opinion” about the government’s engagement with disabled people during the pandemic.

The report says: “Ministers [including Tomlinson] described a very positive, inclusive approach with open lines of communication.”

But it adds: “Most witnesses had a very different perspective.

“A disabled individual told us he had seen ‘no evidence’ of the Government listening to disabled people’s concerns during the pandemic.

“A group of disability law academics believed that ‘the voices of disabled people have been largely excluded’.”

It is just the latest in a series of concerns that have been raised about Tomlinson’s conduct as an MP and minister.

[In July 2019](https://www.disabilitynewsservice.com/tomlinson-misleads-abrahams-over-cover-up-as-mps-debate-dwp-deaths-cover-up/), he misled Labour MP Debbie Abrahams about DWP’s cover-up of links between its “fitness for work” test and the deaths of disabled people.

[Earlier that year](https://www.disabilitynewsservice.com/tomlinson-silent-after-lying-to-mps-about-benefits-freeze/), he was caught misleading the Commons work and pensions committee about the impact of the government’s social security cuts on disabled people.

[And in October 2016](https://www.bbc.co.uk/news/uk-politics-37613765), Tomlinson had to apologise to MPs and was suspended from the Commons for two days after leaking a confidential Commons report to payday lender Wonga.

DWP refused to comment.

**23 December 2020**

**High court care charging victory ‘highlights flawed social care system’**

A disabled woman’s high court victory has highlighted how the current social care system has a disproportionately negative impact on disabled people with the highest support needs, say campaigners.

[The high court has ruled](https://www.bailii.org/ew/cases/EWHC/Admin/2020/3436.html) that Norfolk County Council breached the rights of the woman – known as SH – by discriminating against her when it changed its care charging policy.

Like many other councils, Norfolk has been making up for cuts in government funding by reducing the minimum amount of income that SH and others must be left to live on after any charges – the minimum income guarantee – and by taking into account the daily living part of their personal independence payment, when deciding how much to charge them for their care and support.

But the council’s new policy meant that SH and other disabled people in her situation with high support needs had a higher proportion of their income taken by the council than disabled people receiving lower benefits and those who were able to do paid work.

The court heard that SH, who relies on benefits for her income and has Down’s syndrome and physical impairments and health conditions, has never been able to earn money and there was “no prospect of her doing so in the foreseeable future”.

The new council policy meant that the charges she would have had to pay the council from her benefits – for day services, respite care and a personal assistant – would have risen from £16.88 per week to £50.53 per week.

The court found that the new policy discriminated against “severely disabled” people under the European Convention on Human Rights because the council would be charging those with the highest support needs proportionately more than those with lower support needs.

The court said that this discrimination was “serious” and “directly contradicts” the council’s claim that it wanted to “encourage independence”, and was “irrational, unnecessary, and wholly out of proportion”.

The council will now have to change its charging policy to ensure it no longer discriminates against disabled people with high support needs.

[Inclusion London said the ruling](https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/equality-and-human-rights/important-legal-victory-for-disabled-people/) showed that the current system and the changes made by local authorities had had “a disproportionately negative impact on disabled people with the highest support needs”.

An Inclusion London spokesperson said: “This group of disabled people find it extremely difficult to get a job and maximise their income.

“Moreover, they usually need social care support to meet very basic needs.

“They are also the least likely and able to challenge local authority charging decisions. Consequently, they are often pushed into deeper poverty.”

Inclusion London warned that DPOs across the country were reporting that their local authorities were implementing similar policies.

It said the judgement should be a “wake-up call” for other councils, showing that it was “unfair, unjust and discriminatory to force people who can least afford it to pay more for the vital support they need”.

SH’s mother said: “We are delighted at the judgment. We have always said the new charging policy by Norfolk County Council was discriminatory and today we have been proved right.

“Now the council will have to think again, properly consider the needs of severely disabled people and make fair provision for them to be able to live their lives with the care that they need.

“My daughter’s care includes the provision of a pathway to prepare for independent life after I am gone. Today’s judgment restores our hope that this will be made possible.”

Rowan Smith, a solicitor at [Leigh Day](https://www.leighday.co.uk/), who represented SH and her mother, said: “Today’s judgment means that Norfolk County Council will have to rethink its discriminatory care charges policy.

“This is a complete vindication of the bravery our client and her mother have shown to bring this case, which we hope will have an immensely positive impact on the lives of people with disabilities and their families across Norfolk and the whole country.

“This case would not have been possible without the access to justice afforded to SH by legal aid.

 “As the judge said, the discriminatory effect of the measures they imposed was irrational, unnecessary, and wholly out of proportion.

“There is no lawful basis for the council continuing with its policy, and we fully expect our client’s human rights to be properly respected when the council comes to changing it.”

Cllr Bill Borrett, cabinet member for adult social care and public health for Norfolk County Council, said: “In his judgment, the judge said that our charging policy was discriminatory but in an ‘unintended and unforeseen’ way.

“We are sorry for the distress this has caused. The council is committed to working with the claimant and her family to resolve the issues raised in this judgment as quickly as possible.

“We had already paused implementation of our charging arrangements that had been due to come into effect from last April, and will now bring forward new proposals to cabinet as soon as possible to rectify the situation.”

**23 December 2020**

**Campaigner’s research shows rail access information is often ‘wildly inaccurate’**

Information used by disabled passengers to check if a rail station is accessible is frequently “wildly inaccurate”, and often leads them to book travel to and from stations they cannot access, according to new research.

The research by disabled campaigner and access expert [Doug Paulley](https://twitter.com/Doug_Paulley) shows that the accuracy of accessibility information has worsened in the two years since the problem was highlighted by the regulator, the Office of Rail and Road (ORR).

Paulley’s research shows that for more than half of stations (51 per cent) across England, Scotland and Wales, the information used by the National Rail Enquiries (NRE) website on the level of step-free access is different from that held by the operators of those stations.

When it comes to the availability of staff to assist disabled passengers, the two sources differ on two-fifths of stations (38 per cent).

And when it comes to whether there is an accessible toilet at a station, the information differs for about one in six stations (16 per cent).

Two years ago, ORR said in its [Improving Assisted Travel report](https://www.orr.gov.uk/sites/default/files/om/improving-assisted-travel-consultation-november-2018.pdf) (PDF) that the accuracy of this information was “critical” and that “inaccurate, incomplete or unclear information” can lead to assistance being booked for a disabled passenger for a journey that involves a station which is inaccessible to them.

It warned then that there were “significant issues” regarding differences between the information held by station operators and that available through the NRE website, which meant some bookings were “designed to fail”.

Paulley said such information had a “direct and significant impact on disabled people’s rail travel experiences”.

He has told ORR that he sees no sign of “any significant push to improve the accuracy of this data”, and he has offered to help it improve the data.

He told the regulator: “It bothers me greatly that there is so much inaccurate station accessibility information [on the NRE website]… that there has been no improvement in such… and there are no apparent initiatives designed to improve the quality of information it contains.”

He added: “The differences are wild – and who can know which are really true for any given station, if any?”

As a keen and regular user of the rail system, Paulley has confirmed much of the inaccurate information from visits he has made to stations across the network.

He has contacted all the rail operators to inform them of the inaccuracies.

He told one of the operators that 30 of its step-free stations were described as not having step-free access on the NRE website, even though its own database showed they were step-free.

He added: “I have personally been to some of these and can confirm that they do actually have full access.”

He reminded the operator that it was an obligation of its license to ensure that station information was accurate and up-to-date.

Paulley told Disability News Service: “There have been too many occasions when I have struggled to find out station accessibility information, where I have been told inaccurate accessibility information, and where assisted travel departments have booked ‘impossible’ journeys for me.

“This shouldn’t be possible.

“The fact that station accessibility info is so poor, enough to make this happen, demonstrates a significant practical problem, but I also think it shows a systemic contempt for disabled passengers.

“The industry knows that this information is lamentably inaccurate, knows that it is under a moral and licensing obligation to ensure it is right – but it doesn’t do so, despite much work and this being drawn to their attention over years.”

He said he believed that the Rail Delivery Group (RDG) – which represents the companies that run Britain’s railways – needs to scrap the database NRE uses, and develop a new one.

And he said that train operating companies should resurvey their access information, providing accurate information about routes – with photographs of access features – across all their stations, with the results feeding into the new database.

An ORR spokesperson said: “We agree this is an important area for improvement.

“There has been progress: train companies and Network Rail are now obliged to publish a wider range of station accessibility information on their websites as well as ensure the information on the National Rail Enquiries website is up to date.

“When it became safe to do so, ORR recently commenced its own detailed monitoring exercise, including station visits to check for accuracy of information and extensive information audits.

“This is a large piece of work that we will continue to take forward subject to travel restrictions.

“We are grateful to Mr Paulley for supplying us with the outcome of his own research, which will help inform our ongoing work.

“We will continue to hold train companies and Network Rail to account for meeting their accessibility obligations.”

Jacqueline Starr, RDG’s chief executive, said: “We want everyone to be able to access train travel easily and with dignity, including disabled people, and we are sorry when we fall short.

“We are taking steps to put things right, including committing £7 million to overhaul National Rail Enquiries and ensure we provide customers with the timely and accurate information that they want.

“We welcome feedback from customers and we will of course review these suggestions and make further changes where needed.”

**23 December 2020**

**Minister calls for evidence on neurodiversity in criminal justice system**

The justice secretary has launched a call for evidence on how the criminal justice system is supporting offenders who are autistic or have learning difficulties.

The call from Robert Buckland comes six months after the Equality and Human Rights Commission (EHRC) found that the system was failing many disabled people and needed reform to ensure they receive a fair trial.

EHRC [found that the system](https://www.equalityhumanrights.com/en/our-work/news/criminal-justice-system-failing-disabled-people) was not “systematically” recognising the needs of people with learning difficulties, autistic people and those with brain injuries.

And it concluded that many such people were not identified before their trial took place and so were not provided with the adjustments they needed to take part properly in the legal process.

Now Buckland has called for evidence – [a consultation which will last just four weeks](https://www.justiceinspectorates.gov.uk/hmiprisons/about-hmi-prisons/current-consultations/evidence-review-on-neurodiversity-in-the-criminal-justice-system/), across Christmas and the new year – on how many offenders are autistic or are affected by impairments such as learning difficulties, ADHD and dyslexia, and what support is provided for them in the criminal justice system.

Buckland said: “As a barrister, part-time judge and now as lord chancellor, I’ve too often seen people with conditions like autism and dyslexia struggle through their brush with the law.

“It might be that they get lost in the complex legal language or fall foul of it simply because it’s harder to see right from wrong.

“My family’s experience of autism has taught me that those with neurodivergent conditions have so much to offer when they get the right help.

“That is why I want to build a criminal justice system with better support that cuts reoffending and which keeps the public safer.”

His department said the courts, judiciary and legal sector all had a role to play, with some studies suggesting that more than “a third of all offenders have some form of learning disability or difficulty and over half of prisoners may have sustained acquired brain injuries”.

The call for evidence is being led by the prisons and probation inspectorates, and it closes on 15 January.

Charlie Taylor, chief inspector of prisons, said:“For many years the inspectorate has been concerned about the outcomes for neurodiverse prisoners and we are pleased to take on this commission from the lord chancellor.”

The Ministry of Justice said the evidence would help it develop a training package to educate frontline staff about neurodiversity and when someone might need extra support.

Next year, the National Probation Service will pilot a new screening tool to identify those with neurodiverse conditions and provide advice on how to support them.

An EHRC spokesperson said: “We welcome the review by the Ministry of Justice into the effective participation of offenders with neurodiverse conditions in the criminal justice system, which we hope will help to create a fairer justice system.

“Our inquiry into the experiences of disabled defendants and accused people in the criminal justice system, published earlier this year, found that the complex environment of the criminal justice system is not designed around the needs and abilities of disabled people.

“We are pleased to be working with the department on the findings and recommendations from our inquiry.

“This includes a recommendation calling for clear regulatory oversight to monitor the effective participation of defendants and accused people in the criminal justice system, which the department has committed to take forward.”

**23 December 2020**

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