**Government’s ‘shocking’ list of pandemic rights shame**

The minister for disabled people has refused to apologise for as many as 24 breaches of disabled people’s rights – and probably even more – by the government in the 12 months since the first COVID-19 lockdown.

Disabled people’s organisations (DPOs) and activists this week described the list as “shocking” and said that each example represented a “profound injustice done to disabled people by the UK government”.

It provides fresh fuel for calls for an independent inquiry into the disproportionate number of deaths of disabled people during the pandemic.

The list includes the government’s decision – early in the pandemic – to discharge hospital patients [into care homes without testing them](https://fullfact.org/health/coronavirus-care-homes-discharge/) for COVID-19, causing the loss of thousands of lives of disabled and older people.

This was later mirrored by the decision of the Department of Health and Social Care (DHSC) to draw up a strategy that allows patients infected with COVID to be discharged from hospitals into residential homes, as part of a [so-called “safe discharge” scheme](https://www.disabilitynewsservice.com/regulator-fails-to-record-key-details-from-scheme-sending-covid-patients-into-care-homes/) regulated by the Care Quality Commission.

The list also includes [the decision](https://www.disabilitynewsservice.com/government-questioned-over-unforgivable-failures-on-vaccine-priority/) to place those disabled people seen as clinically extremely vulnerable to the virus as low as sixth on the initial list of priority groups to be vaccinated.

There have also been several examples of government delays in releasing life-saving guidance, such as taking five months to produce advice to protect disabled people in supported living services.

Another breach of rights was the repeated refusal to extend the £20-a-week benefit increase handed to those on universal credit to disabled people on employment and support allowance (ESA) and other “legacy” benefits.

Another saw the minister for disabled people, Justin Tomlinson, fail to carry out meaningful engagement with DPOs during the early months of the pandemic, while his Disability Unit failed to provide updates on its website for months at the height of the pandemic, while thousands of disabled people were dying from COVID-19.

There is also growing evidence – some of it revealed [at this month’s TUC Disabled Workers’ Conference](https://www.disabilitynewsservice.com/disabled-workers-have-had-to-choose-between-lives-and-livelihoods-during-pandemic/) – of government departments refusing to allow many disabled staff to work from home during the crisis, forcing them to attend potentially infectious workplaces, and refusing other reasonable adjustments.

Another major breach of disabled people’s rights came with the government’s repeated failure to provide vital COVID-related information to Deaf and disabled people in an accessible format, including the refusal to provide an on-stage British Sign Language interpreter at televised ministerial briefings.

The list\* – compiled by Disability News Service (DNS), and building on an earlier version published last July – is likely to underestimate the true scale of breaches of disabled people’s rights during the pandemic, and only attempts to list those directly attributable to the UK government.

Ellen Clifford, a member of the national steering group of [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/), said that each breach “represents a profound injustice done to disabled people by the UK government”.

She said: “Despite the hardships and tragedies of austerity and welfare reform, at no point in my lifetime has it been so clear as it has become through this pandemic, how dispensable disabled people’s lives are held to be and how quickly and easily our rights can be cast aside when it becomes politically expedient to those in power.”

Clifford said disabled people needed to add their voices to calls for the prime minister to honour his promise to hold a public inquiry into the government’s handling of the pandemic, “and to be clear and loud in our expectation that this include a thorough investigation into breaches of disabled people’s rights and discrimination”.

Professor Peter Beresford, co-chair of the disabled people’s and service-user network [Shaping Our Lives](https://www.shapingourlives.org.uk/), said the list was “shocking in its own right”.

He said: “But what is no less shocking is that it is part of a much bigger generalised failure on the prime minister’s part which seems to have no come-back.

“This is catastrophe in plain sight and yet there are no signs of Johnson being held to account.”

He said that those “undoubtedly suffering the worst in this failure are again disabled people.

“There is something rotten in the state of our politics, victimising some of the most powerless of our people.”

Fazilet Hadi, head of policy for [Disability Rights UK](https://www.disabilityrightsuk.org/), said: “This list is not even exhaustive when it comes to the ways in which the government has failed disabled people during the pandemic.

“As our bodies have piled up, so too have the mistakes which have led, not just to a diminishing in the quality of our lives, but to the loss of our lives.

“The vast majority of deaths during this pandemic have been disabled people’s. This virus has also increased our numbers as a demographic.

“All of these points, and more, must be addressed in an Inquiry.

“Lessons must be learned, and moreover, action must be taken, to ensure that we never again have to face such stark, manufactured, inequality – inequality which has led to the greatest loss of disabled people’s lives since World War Two.”

Jumoke Abdullahi, communications and media officer at [Inclusion London](https://www.inclusionlondon.org.uk/), said: “It has been a year since the first UK lockdown during the COVID-19 pandemic and disabled people are still being disproportionately impacted.

“Considering that nearly 60 per cent of all COVID related deaths were disabled people, we should expect and are demanding more.

“However, there continue to be significant breaches of disabled people’s rights by the government.”

She added: “We demand that the government engage meaningfully with Deaf and disabled people’s organisations; it is needed now more than ever.”

Mark Harrison, a member of the [Reclaiming Our Futures Alliance](https://www.rofa.org.uk/) steering group, said: “The most disturbing thing about the government response to COVID-19 and disabled people is that every measure taken has disproportionately impacted on us in a negative way.

“The litany of policy and service failures illustrates that, for this government, disabled people are expendable.”

Mark Williams, founder of the grassroots disabled people’s organisation [Bristol Reclaiming Independent Living (BRIL)](https://twitter.com/BrilLiving), said the government’s failure to produce accessible and timely information and guidance had put disabled people at risk of harm, and that “all the way through the pandemic disabled people have been an afterthought for the government”.

A BRIL spokesperson added: “The inequality and human rights breaches disabled people already face have only increased under the government’s response to COVID.”

He said that 10 years of cuts and privatisation had left the mental health, social care, education and voluntary sectors “dangerously unprepared”.

He said: “Disabled people of all ages have told us about being ignored, forgotten and unvalued by the current government.

“One BRIL member said: ‘We will not forget. We cannot let this happen again.’”

Dorothy Gould, from the new user-led, rights-based organisation Liberation\*\*, said: “During this last year, it has seemed clearer than ever that disabled people are thought of as second-class citizens.

“The government has not kept disabled people safe during the COVID pandemic – I’ve been shocked and hugely distressed by the high numbers of deaths among disabled people, still more so because government actions have actually contributed to these.”

She said the government’s “continued focus on maintaining large numbers of institutions” had “fed into this tragedy”, while the government had “failed yet again to involve user-led organisations in its planning”.

Claire Glasman, from [WinVisible](https://winvisibleblog.wordpress.com/), which supports and campaigns for disabled women, said: “The biggest crime of the UK government has been the breach of the right to life of older and disabled people, mostly women, mainly in care homes [where at least 30,000 residents have died](https://www.theguardian.com/world/2021/jan/19/covid-related-deaths-in-care-homes-in-england-jump) attributed to COVID.

“After a year of campaigning, disabled people have just won the restoration of Care Act rights (*see separate story*), but services should have been prioritised.

“Instead, the living conditions of thousands of disabled and older people supposed to be getting care, plummeted.”

The government’s Disability Unit refused this week to say how Tomlinson explained so many breaches of disabled people's rights over the last year, or what action he planned to take to ensure such breaches did not happen again if there was another pandemic.

And it refused to apologise for the way the government had treated disabled people during the pandemic.

But a spokesperson for the Disability Unit said in a statement: “Throughout the pandemic the government has prioritised support for vulnerable people across the UK.

“We have ensured that disabled people have access to disability benefits, financial support, food, medicines, as well as the latest public health information and guidance.

“As we look to build back better, we will ensure that the day to day needs of every person will be at the heart of our policy making.

“That’s why our forthcoming National Strategy for Disabled People takes on an even greater significance as it will ensure disabled people have consistent access to the support that they need.”

*\*Here is the full list compiled by DNS:*

*1 Ministers failed to offer recipients of so-called legacy benefits such as ESA the same £20-a-week benefit increase* [*given to those on universal credit*](https://www.disabilitynewsservice.com/legal-action-launched-over-blatant-discrimination-of-dwps-20-a-week-uplift/)*.*

*2 The Department of Health and Social Care* [*took five months to produce guidance*](https://www.disabilitynewsservice.com/minister-defends-taking-five-months-to-produce-supported-living-covid-guidance/) *that aims to protect disabled people in supported living services during the pandemic.*

*3 Justin Tomlinson, the minister for disabled people,* [*failed to carry out meaningful engagement*](https://www.disabilitynewsservice.com/tomlinson-held-just-a-handful-of-external-meetings-every-month-early-in-pandemic/) *with disabled people’s organisations during the early months of the pandemic.*

*4 DHSC drew up a strategy that allowed patients infected with COVID* [*to be discharged from hospitals into residential homes*](https://www.disabilitynewsservice.com/regulator-fails-to-record-key-details-from-scheme-sending-covid-patients-into-care-homes/)*, as part of a so-called “safe discharge” scheme regulated by the Care Quality Commission.*

*5 DHSC* [*released new guidance*](https://www.disabilitynewsservice.com/disabled-people-treated-as-afterthought-again-as-england-heads-into-second-lockdown/) *for those seen as clinically extremely vulnerable to the virus, less than 24 hours before the England-wide lockdown that began in November.*

*6 Disabled people seen as extremely vulnerable to coronavirus were initially only placed* [*sixth in the priority list*](https://www.disabilitynewsservice.com/sickening-vaccine-priority-list-shows-disabled-people-are-disposable/) *for a COVID-19 vaccine when it was first published in November.*

*7 After the priority list was altered, following pressure from disabled campaigners,* [*there were further concerns*](https://www.disabilitynewsservice.com/government-questioned-over-unforgivable-failures-on-vaccine-priority/) *that hundreds of thousands of disabled people with underlying health conditions were still not being treated as a priority for the vaccine.*

*8 The government failed to provide shielding information in an accessible format to visually-impaired people, as well as failing to provide other information and guidance in an accessible format,* [*including for BSL-users*](https://www.disabilitynewsservice.com/coronavirus-bsl-users-launch-mass-legal-action-over-government-discrimination/)*.*

*9 Government departments**, including the Ministry of Justice and the Department for Work and Pensions (DWP), refused to allow many disabled staff to work from home,* [*forcing them to go into work*](https://www.disabilitynewsservice.com/disabled-workers-have-had-to-choose-between-lives-and-livelihoods-during-pandemic/)*, and also refused other reasonable adjustments.*

*10* [*The emergency Coronavirus Act*](https://www.disabilitynewsservice.com/coronavirus-disabled-people-say-shocking-new-laws-will-strip-away-rights/)*restricted rights to care and education and the rights of people in mental distress.*

*11 The first official statistics showing how many disabled people were dying with coronavirus*[*were not published until late June*](https://www.disabilitynewsservice.com/coronavirus-call-for-inquiry-and-urgent-action-after-shocking-disability-death-stats/)*, even though disabled people were being disproportionately affected by the pandemic.*

*12 Many disabled people who receive direct payments to pay for their personal assistants*[*were unable to access personal protective equipment*](https://www.disabilitynewsservice.com/coronavirus-kendall-promises-to-challenge-minister-over-lack-of-pa-guidance/) *in the early months of the pandemic.*

*13 The government only published guidance to help*[*people on direct payments more than five weeks after*](https://www.disabilitynewsservice.com/coronavirus-pa-guidance-is-finally-published-five-weeks-late/)*it had published guidance for the wider social care sector.*

*14 NHS England guidance on banning visitors to patients*[*discriminated against disabled people*](https://www.disabilitynewsservice.com/coronavirus-nhs-faces-legal-action-over-unsafe-and-discriminatory-visitor-policy/)*with high support needs, while NHS England then failed to consult disabled people* [*on a new version*](https://www.disabilitynewsservice.com/coronavirus-new-nhs-guidance-leaves-door-open-to-dangerous-discrimination/)*of the guidance.*

*15 The government’s test and trace programme*[*was not accessible to many disabled people*](https://www.disabilitynewsservice.com/coronavirus-nhs-england-faces-legal-action-over-test-and-trace-access-flaws/)*.*

*16 Direct payments users*[*were given only two days*](https://www.disabilitynewsservice.com/coronavirus-employers-of-pas-given-just-two-days-to-digest-vital-new-furlough-guidance/)*to digest new government guidance if they wanted to take advantage of the government’s COVID-19 job scheme for their personal assistants.*

*17 Shielding MPs were* [*not able to take part remotely*](https://twitter.com/EHRC/status/1269956381874032641)*in House of Commons debates.*

*18* [*Delays in testing social care staff*](https://www.mirror.co.uk/news/politics/coronavirus-tests-been-given-only-21865558)*led to thousands of disabled and older residents of care homes becoming infected with COVID-19 and losing their lives.*

*19* *Hospital patients were*[*discharged into care homes without being tested*](https://fullfact.org/health/coronavirus-care-homes-discharge/)*for COVID-19, causing the loss of thousands of lives.*

*20 The government’s Disability Unit*[*stayed silent on its web page*](https://www.disabilitynewsservice.com/coronavirus-scandalous-silence-of-governments-disability-unit-as-thousands-die/)*from 2 April to 20 July, while thousands of disabled people were dying from COVID-19.*

*21 DWP*[*re-introduced benefit sanctions*](https://www.disabilitynewsservice.com/coronavirus-return-of-benefit-sanctions-in-middle-of-pandemic-is-barbaric/)*in early July, while millions of disabled people were shielding from the virus.*

*22 Social care workers*[*were omitted from a list of workers*](https://www.disabilitynewsservice.com/coronavirus-government-travel-exemptions-ignore-needs-of-disabled-people-again/)*exempt from having to self-isolate for two weeks after entering the country, ignoring the support needs of disabled people.*

*23 Health and social care secretary Matt Hancock*[*refused to provide guidance*](https://www.disabilitynewsservice.com/coronavirus-hancock-refuses-to-publish-treatment-guidance/)*that would ensure disabled people had the same rights as non-disabled people to life-sustaining treatment if they contracted COVID-19.*

*24 The government*[*introduced lockdown guidance*](https://www.frylaw.co.uk/wp-content/uploads/2020/07/DLA-Briefings-vol-70-935-947-disabled-impact-CF.pdf)*(PDF) that discriminated against many disabled people who needed to exercise more than once-a-day.*

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

**25 March 2021**

**Disabled student’s ‘five years of sheer hell’ at university**

A disabled law student has spoken of the “sheer hell” he has been put through by the repeated and prolonged discriminatory actions of his university over the last five years.

So far, an ombudsman has upheld nine separate complaints made by Gary Copland against the University of Glasgow, with another 11 decisions pending.

Most of the complaints made by Copland, who is visually-impaired and autistic, concern a failure by the university to make reasonable adjustments under the Equality Act, and they now involve failings by nearly 100 members of staff.

They include a failure to ensure that books and articles he needed to read for his course were put in digital format – he says he was provided with just one of 600 legal texts he needed to read in his first year in an accessible digitised format, and in the second year just four out of 500.

Other upheld complaints concerned a failure to provide him with appropriate IT support, a failure to deal with his complaints in a reasonable way, and a failure to make reasonable adjustments for his exams.

One upheld complaint related to the university ushering Copland’s support worker from the room just as an exam was about to start, which left him humiliated, confused, and angry.

The university then refused to interview the support worker when Copland lodged a complaint.

During his five-and-half years at the university, he has had to respond to about 20,000 emails about his attempts to secure the reasonable adjustments he needed, and complaints of discrimination, while still having to manage his law studies.

He has often been forced to spend eight hours a day just reading and responding to the university’s emails.

And despite the ordeal, he still cannot graduate because of ongoing appeals over his results.

He has only been able to survive with the support of his uncle, Professor Simon Harding, a lecturer in criminology, who has spent 20 hours-a-week on his nephew’s case for the last five years.

Copland won a place at the prestigious university because of the A grades he secured at Motherwell College – now part of New College Lanarkshire – which had provided him with “fantastic” support that allowed him to show his full potential.

But from the beginning of his law course at Glasgow, the support he had been promised did not materialise.

He told Disability News Service: “It has just been awful, really, really awful.

“It has been a very, very difficult, stressful experience. It has been completely unbearable.

“I wouldn’t wish it on anyone. It has been a completely horrendous experience from start to finish.”

Copland said the university had appeared to be “more interested in being defensive and covering their backs and not actually solving the problems.

“It has taken an enormous toll on everyone who is involved. Even for the university it has been quite challenging.”

He said the university treated disabled students “dreadfully”.

He said: “My uncle is aware of other students who have had problems with disability support at Glasgow University. It’s not just me.”

He said the university needed to “take the issue seriously” and admit: “Yes, we accept we have got it wrong and we want to try and fix it.”

He said: “We accept that sometimes they will get things wrong, but they should be able to listen to criticism and put things right.

“I don’t think they are that familiar with the Equality Act because we keep telling them, ‘You need to do this and that and if you don’t you’re in breach of the Equality Act,’ but they don’t seem to really care.

“They are more interested in protecting their own reputation.

“I think they need to completely review how they manage disabled students and how they provide all their reasonable adjustments.

“It’s an ancient university, they are stuck in the past, not wanting to catch up with modern times.”

Copland was not able to graduate alongside his class-mates last year because the university had failed to provide him with a laptop and the necessary software for 33 weeks of his final year.

On one occasion, he attended a jobs fair for law students, and asked the university to put eight leaflets he had collected from potential employers into digital format, so he could apply for jobs.

Staff refused to digitise the leaflets and then failed to return them to Copland.

This resulted in one of the many complaints that has been upheld by the Scottish Public Services Ombudsman.

Copland began his law degree in September 2015 but since then his efforts to secure the reasonable adjustments he needs to complete his degree have taken over his life.

Harding said: “I cannot understand or fathom their behaviour, other than to think it is absolutely personalised and malicious from start to finish and that it is under-pinned by a cavalier culture towards disabled people. They are just thought to be trouble-makers.

“I think the university has a culture of denial. They have just had published a review of provision of support for disabled students.

“It shows there are multiple areas to fix and many, many issues that have been raised by the students who responded.

“There is enormous cultural failure here, systemic failure that comes from the top all the way down.

“They pay lip-service to many of these issues around disability and reasonable adjustments.”

He added: “Staff behaviours go unaddressed and unchallenged even when it amounts to bullying and harassment and victimisation.

“They seem to be complete strangers to the Equality Act.”

Over the last year, Copland has lost nearly five stone in weight because of the ongoing struggle with the university, and is experiencing post-traumatic stress disorder, as are his mother and uncle, as well as anxiety and panic attacks.

Harding said: “My sister will drive miles out of her way when driving across Glasgow, because she feels physically sick when she passes the university.

“She will run from the room when somebody mentions the university.

“That’s the impact it has had on her. It has impacted the entire family.

“It is the worst experience of our adult lives. It is absolutely devastating.”

A University of Glasgow spokesperson refused to say what so many upheld complaints demonstrated about the university’s treatment of disabled students and its understanding of the Equality Act; and whether it was embarrassed at such prolonged and repeated discrimination.

But the spokesperson said in a statement: “The University of Glasgow is committed to promoting and implementing equality of opportunity in the learning, teaching, research and working environment.

“Our students are able to draw on the expertise of our disability advisers and IT professionals, along with a team of dedicated support workers.

“We are able to and do make bespoke adjustments to both teaching and assessments with the needs of our students in mind.

“The University’s Disability Service and its distributed network of disability co-ordinators, who are operational in each of our academic areas, provide a dedicated service for students with disabilities and/or impairments, assessing and putting in place appropriate provision to assist with their learning.

“We do all we can to support our students to be effective learners and continually seek to improve.

“Since Gary successfully completed his degree programme last year, we have undertaken two reviews of our disability provision for students with disabilities – one by external advisers and one led by a vice-principal. We are implementing the findings of both.”

The university has this week refused to offer an apology to Gary Copland.

As a result of the discrimination he experienced during his degree, Copland is not sure if he will be able to continue on the path towards a legal career, as the next step is another year at university, and his experience at Glasgow has damaged his confidence.

He said: “It has kind of messed up my ambitions.

“At the start I was really, really keen to do this. Now I just feel I am not actually that motivated anymore.

“What if these problems re-occur? And if I come back to Glasgow, it would be another year of sheer hell.”

**25 March 2021**

**Government’s shielding decision ‘will have chilling impact on disabled workers’**

Disabled activists have warned of the “chilling” impact on disabled workers of the government’s decision to end shielding from the end of this month.

The Department of Health and Social Care (DHSC) last week began sending letters to those on the shielded patients list – those considered to be clinically extremely vulnerable (CEV) to the virus – telling them they will no longer be advised to shield from 1 April.

But the move will put disabled workers at “real risk” at a time when the pandemic is still not under control, a year after the first lockdown was introduced, disabled activists have warned.

It will mean that the 3.8 million people on the shielded patients list will no longer be eligible to receive statutory sick pay (SSP) or employment and support allowance (ESA) on the grounds of being advised to shield.

Although everyone is still being told to continue to work from home where possible, DHSC has told shielders that if they cannot work from home, they should attend their workplaces from 1 April.

CEV pupils and students are also being advised to return to their schools, colleges and universities from 1 April.

Supermarkets will continue to provide priority access to delivery slots for shielders until 21 June, [DHSC said](file:///C%3A%5CUsers%5CJohn%5CDesktop%5CDocuments%5CDisability%20News%5C2021%5CMarch%202021%5Cprovide%20priority%20access%20to%20delivery%20slots%20for%20shielders%20until%20the%2021%20June).

Despite ending its shielding protections, DHSC said it was still important that shielders “continue to keep the number of social interactions that you have low and try to reduce the amount of time you spend in settings where you are unable to maintain social distancing”.

More than nine in 10 CEV people have now been vaccinated, but only with their first dose.

Ellen Clifford, a member of the national steering group of [Disabled People Against Cuts (DPAC)](https://dpac.uk.net/), said: “I find it chilling to think that from 31 March there will be no legal protections for disabled workers on the CEV list in situations where their employers are forcing them back into workplaces.

“These are people most at risk of contracting COVID, most at risk of serious and long-term cases of COVID and among those most likely to be denied life-saving treatment in situations where the NHS is over-stretched.

“The government says that nine out of 10 of those on the CEV list have had the first vaccine but that means that one out of ten haven’t, while none of them are fully protected from catching coronavirus; the chances for each person have just been reduced.”

Clifford, whose book examining the impact of a decade of government austerity measures, [The War on Disabled People](https://www.zedbooks.net/shop/book/the-war-on-disabled-people/), was published last year, added: “We have been warned by the government’s scientific advisors of a third wave and that there are at least [another 30,000 deaths to come](https://news.sky.com/story/covid-19-scientists-predicted-at-least-30-000-more-coronavirus-deaths-under-most-optimistic-model-for-lifting-lockdown-12226058).

“I am literally shuddering when I think of what proportion of these are going to be disabled workers who needed to shield but were effectively sent to their deaths by a decision made by government that their lives were dispensable.

“It would be perfectly straightforward to take less of a blanket approach to the guidance and to advise that everyone on the CEV list – which in itself is actually too narrow – should shield until a few weeks after their second vaccine.

“The government have decided against this.”

Dave Allan, speaking on behalf of the TUC and as the TUC General Council member for disabled workers, said it was “deeply irresponsible” of the government to change its advice to all shielders, regardless of their vaccine status.

He said this “puts the lives of disabled workers at even greater risk”.

He called on the government to rethink its decision on shielding, and to offer a guarantee that no shielding worker should be forced to return to workplaces outside their home, with a guaranteed right to furlough for CEV workers.

Allan said: “Right now there are hundreds of thousands of workers in the shielding group who are anxious about being forced into a workplace that will increase their risk of infection with potentially deadly consequences.

“Setting an arbitrary date of 1 April to send workers back does not match with the science-based approach set out in the [government’s] roadmap.

“I advise these workers to speak to their union rep, who can help ensure their exposure is minimised.”

Ann Galpin, co-chair of the TUC disabled workers’ committee, added: “COVID has significantly worsened life and outcomes for disabled people – and many businesses.

“The need to shield is not going to disappear just because the government wants to stop supporting those people who are at high risk if they contract COVID.

“Workers who need to shield should not have to choose between their life and livelihood.”

She said the government needed to review its approach and issue new guidance which “ensures all employers know they cannot force these workers to work outside their home and which reminds them to fulfil their obligations to provide reasonable adjustments to support disabled workers to remain in their jobs (or find a suitable alternative role)”.

Another to raise serious concerns about the move this week was Elane Heffernan, from the University and College Union (UCU).

Earlier this month, she told the TUC Disabled Workers’ Conference that, for disabled workers, the pandemic had “deepened the prejudice and inequality that we face at work every day”.

She said this week that the end of shielding puts disabled workers and CEV relatives “at real risk at a time when we have already endured so many unnecessary deaths in our community”.

She said: “It is not good enough to end shielding, to deny SSP and end priority slots for delivery of food and necessities and instead to rely on vaccinations as the sole means of safety, not least because some disabled people are not able to take the vaccine and many younger disabled people are still awaiting a first dose.”

She said far too many universities and colleges do not have entirely COVID-secure workspaces.

UCU is campaigning for on-line learning to remain the default position, while disabled members are pushing for a right to work from home at all colleges and universities and a continuation of paid time off where this is not possible, and for the right to work from home to become a permanent right.

Heffernan said: “While some universities and colleges will allow working at home, many will not.

“The situation in prison education is especially difficult, because of the continuing difficulty in securing reasonable adjustments, and ending the right to shield creates a serious risk in this sector.

“There is also the risk that those who request to continue shielding become the first to be selected for any proposed redundancy.

“We will be resisting blanket returns that put disabled people at risk and are resisting compulsory redundancies and discriminatory redundancies.

“Our members in Birmingham City University are currently in dispute over safety [relating to COVID-19], including fighting for the right for those with family members in the CEV group to stay home.”

Dr Jenny Harries, deputy chief medical officer for England, said this week: “Shielding has always been an advisory measure to safeguard those who are the most clinically vulnerable in our communities.

“We recognise how difficult this period has been for so many and the impact it has had on people’s wellbeing.

“With the prevalence of the virus in the community continuing to decrease now is the right time for people to start thinking about easing up on these more rigid guidelines.

“If you have been shielding, we strongly urge you to take extra precautions following 1 April to keep yourself as safe as possible, such as continuing to observe social distancing and working from home.

“We will continue to monitor all of the evidence and adjust this advice should there be any changes in infection rates.”

**25 March 2021**

**Care Act easements set to be scrapped, but SEN measures will stay**

The government is to abandon measures that ran “a coach and horses” through the right to social care during the pandemic, but similar restrictions imposed on disabled young people’s right to education are set to remain.

The measures were all part of the government’s emergency Coronavirus Act, [which became law a year ago today, on 25 March 2020](https://www.disabilitynewsservice.com/coronavirus-disabled-people-say-shocking-new-laws-will-strip-away-rights/), and will remain in place for at least two years from March 2020, unless suspended or repealed by ministers.

The act is due to be reviewed and voted on in parliament today (Thursday).

[Last week](https://www.inclusionlondon.org.uk/disability-in-london/coronavirus-updates-and-information/campaigns-news-during-coronavirus-crisis/support-our-campaign-to-switch-off-care-act-easements/), more than 20 disabled people’s organisations wrote to health and social care secretary Matt Hancock to ask him to suspend the so-called “Care Act easements”.

These measures have allowed councils to suspend their legal duty to carry out detailed assessments of disabled people’s care and support needs, and their legal duty to meet all eligible care and support needs.

Ministers said earlier this week that they wanted to end the Care Act easements, which were used temporarily by just eight local authorities, and not by any council since last June.

Other Coronavirus Act powers, that could have been used to reduce the number of doctors’ opinions needed to detain someone under the Mental Health Act from two to one and to extend legal time limits on the detention of mental health patients, were scrapped last September.

In a review of the Coronavirus Act, published this week, the government set out 15 further measures which it hopes parliament will vote to scrap because they are “no longer essential to the national response to COVID-19”.

Although these 15 measures include the Care Act easements, there is no mention in the [review document](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/971529/coronavirus-act-one-year-status-report-final.pdf) (PDF) or [a government press release](https://www.gov.uk/government/news/legal-footing-for-national-unlocking-set-out-ahead-of-vote) of measures – also introduced through the Coronavirus Act – that have provided powers to restrict disabled children’s rights to education over the last year.

These measures gave the education secretary the power to amend parts of the Children and Families Act (CFA) 2014 so that a local council only had to use “reasonable endeavours” to provide the education, health and social care needs named in a disabled pupil’s education health and care (EHC) plan.

They also gave the education secretary the power to amend CFA so that a school would no longer have a duty to admit a disabled child if that school was named in the child’s EHC plan.

Disability News Service has been told that education secretary Gavin Williamson wants to keep these education powers as an “important contingency”, even though the government has decided it no longer needs the Care Act easements.

[The Alliance for Inclusive Education](https://www.allfie.org.uk/) (ALLFIE) has now written to Williamson to ask him to remove the CFA powers from the act.

Simone Aspis, ALLFIE’s policy and campaigns coordinator, said yesterday that the government’s decision to keep the education powers but scrap the Care Act easements was “absolutely inconsistent”, and she called on Williamson to “do the right thing and remove the CFA easements immediately”.

She said: “There should be a parity of esteem between upholding disabled adults’ rights and upholding the rights of disabled children and young people.”

Aspis said that some local authorities and schools had used the CFA easements last year when Williamson introduced them, but “some local authorities and schools are still acting as though those easements are still in place” even though they have not been switched on since last July.

She said the last year had been “dire” for many disabled children and young people and their families because they have not been receiving the support they need to access mainstream education, because of both the pandemic and the CFA easements.

She said: “We are hearing that whilst those measures are not being put in place, local authorities are still getting the message that they are able to depart from their duties by not arranging provision.

“It is very serious in terms of the impact. It could end up with more and more children being out of school, being denied access to education and falling behind in the progress they could be making, and not having the same opportunities.

“We could be finding ourselves with a lost generation of disabled people as a result of this.”

The Department for Education was asked why the CFA measures were not mentioned in the review of the Coronavirus Act, but it had refused to comment by noon today (Thursday).

**25 March 2021**

**Scottish government ‘must act over disproportionate deaths’**

The Scottish government is facing fresh calls to investigate why so many disabled people have died during the pandemic, after new figures showed for the first time that they accounted for nearly three-fifths of all deaths involving COVID-19 in Scotland.

The national disabled people’s organisation Inclusion Scotland responded with “extreme concern” yesterday (Wednesday) to the figures from National Records of Scotland (NRS).

But Inclusion Scotland also questioned why it had taken NRS so long to [publish the figures](https://www.nrscotland.gov.uk/files/statistics/covid19/covid-deaths-21-report-week-11.pdf) (PDF), when similar statistics covering the deaths of disabled people in England were [first published last June](https://www.ons.gov.uk/releases/coronaviruscovid19relatedmortalitybyreligionethnicityanddisabilityenglandandwales2march2020to15may2020).

The new NRS figures show that disabled people accounted for 4,333 of 7,490 deaths involving COVID-19 of those aged 30 and over in Scotland, between 16 March 2020 and 31 January 2021.

This means that 58 per cent of deaths of those aged 30 and over were of disabled people, even though they make up only 18 per cent of that population, while NRS suggested that this was still likely to be an under-estimate of the true number of disabled people who have died.

After adjusting for age, disabled women with higher support needs were 3.2 times as likely to die with COVID-19 compared to non-disabled women, while disabled men with higher support needs were 3.0 times as likely to die with COVID19 compared to non-disabled men.

These figures were slightly lower than [the most recent ONS figures for England](https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/coronaviruscovid19relateddeathsbydisabilitystatusenglandandwales/24januaryto20november2020#age-standardised-rates-of-death-involving-covid-19-by-self-reported-disability-status) (4.1 times as likely for women and 3.2 for men).

Heather Fisken, director of policy and research at Inclusion Scotland, said the figures were “sadly not surprising” because of the earlier ONS statistics.

But she said: “Our own research and that of other disabled people’s organisations has shown that the pandemic has had a devastating effect on all areas of disabled people’s lives.

“The loss of vital social care support, unequal access to healthcare, information and food, the misuse of Do Not Resuscitate notices and the lack of [personal protective equipment] for personal assistants and carers have all put disabled people’s lives at risk.

“Today’s figures clearly show that disabled people have been disproportionately impacted by COVID-19 and not properly protected during this crisis.

“The delay in publishing the Scottish figures is also further evidence of the lack of urgency with which issues affecting disabled people have been dealt with.

“Such data is essential to inform decisions on future prevention and planning and to ensure that disabled people’s lives are protected.

“This data should feature large in how the government responds to this crisis and future emergencies.”

She added: “Inclusion Scotland recently signed a letter to the Scottish government calling for it to commission a public inquiry into Scotland’s handling of the COVID-19 pandemic.

“We repeat this call and urge the Scottish government to ensure there is a full investigation into what happened to disabled people during the pandemic and the reasons why so many disabled people have died from COVID-19.”

Asked why it had taken so long to produce the figures, an NRS spokesperson said: “The ONS published valuable evidence on the impact of COVID-19 on disabled people in England in 2020.

“There was broad agreement that this evidence provided a robust indication of the situation in Scotland.

“Following discussions with disabled people’s organisations, NRS agreed to produce analysis based on Scottish data which would address the question of whether disabled people in Scotland were more likely than non-disabled people to have died with COVID-19 over the course of the pandemic.

“The NRS and ONS analyses both provide strong evidence that COVID-19 has had a disproportionate impact on disabled people.”

**25 March 2021**

**DWP faces another call to act over pandemic assessment unfairness**

The Department for Work and Pensions (DWP) is facing its second call to act in consecutive weeks over the impact of the pandemic on disabled people waiting for their benefit claims to be assessed.

[Last week](https://www.disabilitynewsservice.com/pandemic-backlog-means-pip-claimants-could-lose-support-while-waiting-in-queue/), Disability News Service (DNS) reported how some claimants of personal independence payment who successfully overturned decisions at tribunal are being told their support could soon be cut off, because of a shortage of assessment professionals and a backlog of claims caused by the COVID-19 crisis.

But last year’s decision by DWP to halt all face-to-face assessments is also causing financial difficulties for another group of claimants.

Many disabled people who have been seeking support through the contributory form of employment and support allowance (ESA) are still waiting for decisions on their claims.

This is because assessors from DWP’s private sector contractor Maximus have not been able to secure all the information they need on some claims through telephone assessments, and it has told those in this position that they will need to wait for the resumption of face-to-face assessments.

But contributory ESA claimants – who qualify for the benefit because of past national insurance contributions rather than on income-related grounds – can only receive payments for a maximum of 12 months if they have been placed in the work-related activity group (WRAG)\*.

All those claiming ESA are automatically placed in the WRAG until the assessment process has been completed.

This means that, even if they should have been placed in the support group and should therefore be entitled to continue to receive payments after 12 months, their payments will be cut off if their claim has not been decided by the time the year is up.

The last [pre-pandemic DWP figures](https://www.gov.uk/government/statistics/esa-outcomes-of-work-capability-assessments-including-mandatory-reconsiderations-and-appeals-june-2020/esa-work-capability-assessments-mandatory-reconsiderations-and-appeals-june-2020) showed that 64 per cent of those who had an initial work capability assessment (WCA) were assigned to the support group, and just 16 per cent to the WRAG.

One of those affected is David\*\*.

He submitted an application for the contributory form of ESA [now also known as New Style ESA] in May 2020, and took part in a telephone assessment by Maximus in November.

He later received a letter from Maximus telling him that the company’s assessors could not complete the assessment because they needed more information, which they could only obtain at a face-to-face assessment.

He was told he would have to wait for this assessment until DWP lifted the suspension on face-to-face assessments.

But in February, in a letter informing him of the annual increases to benefit payments to be introduced in April, he was told that his payments would cease in May when his year’s entitlement will expire.

He was told: “This is because you will have reached the maximum of 365 days that you can get contribution based ESA.”

Even though he believes he should and will be placed in the support group when his assessment is finally completed, his support will end – at least temporarily – on that date.

He has been told by welfare rights advisers that they have received many enquiries and concerns about the same issue, while his MP has raised the issue with work and pensions ministers.

He said: “I’m lucky. I won’t end up on the street or go hungry. My wife works and our house is paid for.

“What really riled me about the DWP’s approach was its callous indifference and injustice.”

Finn Keaney, welfare rights team lead for Mind in the City, Hackney and Waltham Forest, said: “The DWP’s insistence on withholding New Style ESA payments until claimants can go through a face-to-face assessment process that the department and their contractors are currently unable to administer has left many sick and disabled adults with no idea how they are going to pay their basic living expenses.

“Even those who are not excluded from claiming universal credit face an impossible choice: go without payments for an indefinite amount of time on ESA, or switch to universal credit and go without payments for a very definite five weeks.”

He added: “I first spoke to a DWP employee about this in July 2020 after I became aware of the issue.

“They confirmed to me that it had already been identified and taken ‘as high as it will go’... difficult to believe that eight months later it is still an issue.”

Ken Butler, welfare rights adviser with [Disability Rights UK](https://www.disabilityrightsuk.org/), said DWP’s own figures showed it was “likely that most people whose contributory ESA has stopped will in fact later be found to be eligible through being in the support group.

“Given the disability employment gap, there was no justification for limiting contribution-based ESA payment to only 365 days.

“Given the backlogs the pandemic has caused, this payment limitation should be lifted until the disabled claimant has had a successful WCA or until the appeal process has been completed.”

DWP declined to say how many claimants were affected by the issue, and whether it believed it was causing unfairness.

But it said that it had improved its capability and processes, which means it can now carry out a second telephone assessment for those claimants who have previously had a telephone assessment without a decision on eligibility.

This should reduce waiting times, it said, while claimants who cannot be assessed by telephone or video will be prioritised when face-to-face assessments resume.

As a result of this statement, David contacted Maximus this week to ask if he could have a second telephone assessment, but he was told he could not and that a face-to-face assessment was still necessary.

A DWP spokesperson said: “The vast majority of claimants can now be safely assessed over the telephone and we are working hard to make sure people get the support they are entitled to at the earliest opportunity.

“Contributory ESA claimants who have not had a WCA by the time their claim comes to an end can have it reinstated if they are placed in the support group when they do have their WCA, with money owed to them paid in arrears.

“They may also be eligible for support through universal credit.”

*\*DWP says the WRAG is for those considered “able to get back into work in the future”, while the support group is for claimants with higher support needs and barriers to work*

*\*\*Not his real name*

**25 March 2021**

**Government backs down over inaccessible shielding letters, hours before court case**

The government has been forced to make a series of promises aimed at improving the accessibility of the way it communicates with those shielding from coronavirus.

The Department of Health and Social Care (DHSC) made the concessions hours before it was due to face a judicial review hearing brought by disabled campaigner Sarah Leadbetter.

Leadbetter, who is blind, took legal action against the department after receiving inaccessible shielding letters during the pandemic.

She did not know she had received any of the four letters about shielding that were sent to her during 2020 until she was told about them by her mother.

She argued that the failure to provide these letters to blind and partially-sighted people in an accessible format was unlawful disability discrimination, a breach of their human rights, and a failure to comply with the government’s accessible information standard.

Now DHSC will have to reconsider the way it communicates with those on the shielding list, and must start to introduce any changes within four months.

Health and social care secretary Matt Hancock will also continue to work with GPs and hospitals to improve the recording of communication needs in patients’ records.

DHSC has promised to “reconsider” its practice of sending out hard copy letters to those on the shielding list that are not “tailored to their communication preferences”; to consider how this information can be given in an accessible format; and to investigate how to address “shortcomings” in identifying people’s communication needs.

Leadbetter, from Narborough, Leicestershire, was not sent any information about shielding in a format that was accessible to her, and only found out she was on the list of shielded patients when her mother read a letter she had been sent.

She said: “I am very happy that the DHSC has agreed to change its practices following my legal action.

“It has been a long battle for me to get important information about my health in accordance with my communication needs and I hope these changes will mean that I, and other disabled people, will now start getting information in an accessible format.”

Solicitor Kate Egerton, from Leigh Day, who represents Leadbetter, said: “I am very pleased that the DHSC has agreed to reconsider how it provides information to disabled people who are shielding.

“Sarah’s case raised important issues about the accessible information standard which requires health bodies to identify, record and then act on communication needs, and there is no greater time to ensure this is implemented than in a global pandemic.

“I am confident that the work the DSHC has commissioned will mean that a system will be put in place that automatically means that disabled people will get information in their preferred format, without having to ask for this basic right over and over again.

“I also believe that this case will send an important reminder to GPs and hospitals that they are legally required to proactively ask patients what their communication needs are, and then record and act upon this information.”

Alastair Pringle, executive director at the Equality and Human Rights Commission, which intervened in the case, said: “Receiving health information in a way in which we can access and understand it is always important.

“During a pandemic, it is vital, especially when it contains information about the need to shield.

“We welcome the news that the DHSC has now agreed to change the way that they communicate with disabled people during the pandemic.

“This is essential for Sarah and the many other disabled people who may have found themselves in a similar situation.”

DHSC confirmed the details of the agreement.

A DHSC spokesperson said in a statement: “We are doing everything we can to protect the most vulnerable in our society.

“The government has supported disabled people throughout this pandemic and we continue to assess what further support can be offered, including options for providing accessible shielding information to patients directly.

“It is vital that people have access to the right materials, and we’ve made a range of public health information, including guidance for the clinically extremely vulnerable, available in a variety of formats including easy read, British Sign Language, audio and braille.

“Letters summarising shielding advice for the clinically extremely vulnerable are also available in a number of formats and languages, and are also sent electronically by email where an individual has registered an email address with their GP practice.”

**25 March 2021**

**DPO’s community journalist project ‘will amplify voices’**

A disabled people’s organisation is hoping that its community journalism project will help amplify the voices of disabled people and empower them to tell their own stories.

The Camden Disabled People’s Voices project is training disabled people as community journalists, who can then use their mobile phones to post reports on a website in audio, video and written formats.

The scheme is run by [Camden Disability Action (CDA)](https://camdendisabilityaction.org.uk/), and eight disabled people have so far completed the course.

CDA hopes the “raw and real reports” will provide a public record of the challenges and barriers faced by disabled people in the borough, as well as the solutions they want to see.

And it hopes the reports will “start conversations with service providers, celebrate successes and push for positive changes”.

Both the trained community journalists and – eventually – disabled members of the public will be able to file reports.

CDA staff review all the reports and post the best ones [on the project’s website](https://camdendisabledvoices.org/).

Most of the initial reports have focused on the impact of [the “streetscape” changes brought in as a response to the COVID-19 pandemic](https://www.disabilitynewsservice.com/councils-face-calls-to-re-think-covid-streetscape-changes/), including new cycle lanes, traffic-calming measures and wider pavements.

One of the reporters, Mary, said: “As a registered blind woman I am unable to go out alone without support if the streets are not accessible; but with the community journalism project I can help foster change in Camden’s streets which means I will be able to go out independently.

“It’s also given me a chance to air my anger about my local area where shopping is made difficult with inaccessible crossings and signage for motorists that aren’t clear.”

Another reporter, Jill, said: “It’s taught me a lot of things I didn’t know before. It gives you knowledge and it gives you confidence to speak up.

“Also, because I have a learning disability, I’m not good at writing so being able to send in reports via a phone is really great.”

The training is delivered by CDA and community journalism organisation [On Our Radar](https://onourradar.org/about-us/), and offers three classes and mentoring support.

Colin Brummage, CDA’s chief executive, said: “Our stories largely go untold and even when we do speak, there is no guarantee the person listening has the empathy or life experience to understand where we’re coming from.

“Disabled people’s real-time everyday experiences must be known so we can lift the lid on the thousands of social injustices taking place, every single day.”

He added: “We wanted to cast the net wider than just the trained reporters because we want disabled people across the borough to use this as a vehicle to get their voices heard.

“We’re replacing the old ways of engaging, which we did through forums and questionnaires. This is a more direct and powerful way to have your say.”

**25 March 2021**

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