**Discrimination could be a cause of increased risk of Covid death, says ONS**

Some of disabled people’s increased risk of death from Covid could be due to the discrimination they face, the Office for National Statistics (ONS) has concluded.

[A new study](https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/articles/coronaviruscovid19relateddeathsbydisabilitystatusenglandandwales/24january2020to9march2022) into disabled people’s Covid-related deaths in England through the three waves of the pandemic found – as previously estimated across waves one and two – that about 58 per cent of deaths between January 2020 and March 2022 were of disabled people.

The study, which for statistical reasons was only able to analyse those who died aged between 30 and 100, found there were about 78,000 deaths of disabled people\* out of about 136,000 deaths in that age group in which Covid was mentioned on the death certificate.

The ONS study estimated that, after adjusting for factors such as age, pre-existing health conditions, vaccination status, and the level of deprivation of their neighbourhood, more-disabled women\*\* were still 1.6 times more likely to die from COVID-19 than non-disabled women.

More-disabled men were 1.4 times more likely to die a Covid-related death than non-disabled men, after adjusting for all the factors.

ONS has told Disability News Service that it believes some of this extra risk of death could be due to factors such as disabled people’s different levels of access to health and transport services, information, and computers.

And it said that discrimination could have played a part in the increased number of Covid deaths of disabled people.

ONS has concluded that a large part of the overall heightened risk of death from Covid is because disabled people are “disproportionately exposed to a broad range of generally disadvantageous circumstances compared with non-disabled people”.

This is likely to include disabled people being more likely to live in deprived areas and in areas with a greater density of population, as well as being more likely to have pre-existing health conditions that make them more vulnerable to Covid.

The study found that disabled women who were less-disabled were still 1.3 times more at risk of death from Covid than non-disabled women, while less-disabled men were 1.3 times more likely to die from Covid than non-disabled men, after adjusting for the various factors.

The study also concluded that there was no statistically significant difference in the extra risk of death faced by disabled women and men through the three waves of the pandemic.

Julie Stanborough, ONS’s deputy director of health and life events, said: “Death rates involving coronavirus (COVID-19) decreased for both disabled and non-disabled people between second and third waves of the pandemic.

“However, today’s analysis shows a continued elevated risk of COVID-19 mortality in disabled people compared with non-disabled people, which remains largely unchanged across the three waves of the pandemic.

“No single factor explains this elevated risk and this analysis suggests it is down to a range of disadvantages experienced by disabled people.”

*\*ONS says its figures are likely to be conservative estimates because they take the disability measure from the 2011 census, so many older people who became disabled in the last decade will have been treated instead as non-disabled in its study*

*\*\*The study examines the deaths of those who had described themselves in the 2011 census as “limited a little” in their daily lives by a long-term impairment or health condition (less-disabled), “limited a lot” (more-disabled), or not limited by a long-term impairment or health condition (non-disabled)*

**12 May 2022**

**Access to Work in crisis as figures show ‘massive’ waiting-list**

The government’s Access to Work (AtW) scheme is in crisis, with new figures showing the number of disabled people waiting for decisions on their applications has more than quadrupled in a year.

By 22 March, there were 20,909 disabled people waiting for a decision on their claim for support through the disability employment programme, compared with just 4,890 a year earlier.

The waiting-list is also more than twice as high as it was at the start of the pandemic, in February 2020, when there were about 8,500 disabled people waiting for a decision.

Disability News Service (DNS) has also been trying to secure comparison figures from earlier years, but the Department for Work and Pensions (DWP) claims it is too expensive to provide statistics from before February 2020 because it would “require significant data cleansing”.

The new figures – which DWP warns are not official statistics – were provided to DNS in response to a freedom of information request.

They show that the waiting-list rose from 9,280 in August last year to about 15,000 in December, and then to nearly 21,000 by 22 March.

Vicky Foxcroft, Labour’s shadow minister for disabled people, said: “Disabled people are being let down by this government; these statistics clearly show ministers’ failure to tackle the long waiting-lists for the Access to Work scheme.

“A future Labour government would work closely with disabled people to develop bold ideas to ensure we have a scheme that works for disabled people, isn’t overly bureaucratic and reduces the disability employment gap.”

One disabled woman, Rebecca\*, who has faced months of delays with her application, has told DNS how she began her new job on 13 December 2021 and immediately applied for AtW.

She did not receive an acknowledgement and so applied again on 12 January.

She was finally told in mid-February that there was a 12-week delay and she would not be contacted about her claim until the middle of April.

After complaining to her MP, he was told on 6 April by the minister for disabled people, Chloe Smith, that her application had been received in December and was currently awaiting allocation to a case manager.

Smith claimed in the letter that DWP was using overtime to deal with delays, while it had been recruiting extra staff.

Last week, Rebecca was finally allocated a named case manager, nearly six months after she applied to AtW.

She has been worrying since last December that without the support she needs she would lose her job.

An employment support mentor has been able to offer a few hours of support but has not been paid since last year.

Rebecca said: “I studied for three years to get a qualification to start work because no-one would hire a disabled person, even in a junior position, without excessive qualifications and it was terrifying that it might all come undone because I couldn’t do my work due to the Access to Work delay.

“My boss has made not just reasonable adjustments but bent over backwards to help when Access to Work should have stepped in.”

Stephen Timms, the Labour MP and chair of the Commons work and pensions committee, [who secured figures in February](https://questions-statements.parliament.uk/written-questions/detail/2022-02-22/127254) showing that the waiting-list was then approaching 18,000, said: “I am very worried by the massive increase in the waiting-list for Access to Work.

“The programme provides vital support for people with a wide range of physical and mental health barriers to take up and stay in their jobs.  The need for help is often urgent.

“These delays will be making the disability employment gap even worse.”

The scheme – which provides disabled people with funding to pay for some of the extra disability-related expenses they face at work – has faced years of complaints and concerns about “bureaucratic incompetence”, delays and errors.

A report commissioned by Inclusion London [found in 2017](https://www.disabilitynewsservice.com/access-to-work-schemes-future-in-jeopardy-through-cuts-and-incompetence/) that the scheme was “a cornerstone of the movement for equality and civil rights for Deaf and disabled people in the UK” but had been “beset with so much bureaucratic incompetence and obstructionism in recent years that, in many respects, Access to Work is no longer fit for purpose”.

[More recently](https://www.disabilitynewsservice.com/access-to-works-12-week-backlog-as-dwp-offers-work-for-free-advice-to-pas/), DNS has been hearing of disabled people being told by AtW of a 12-week backlog of applications waiting to be allocated to a case manager.

Information about the delays facing AtW claimants has often been difficult to secure from DWP.

As far back as October 2015, the then minister for disabled people, Justin Tomlinson, [told Labour’s Kate Green](https://questions-statements.parliament.uk/written-questions/detail/2015-09-16/10486) that providing official statistics for AtW waiting times “would incur disproportionate cost”.

DWP this week declined to say if Chloe Smith, the minister for disabled people, accepted that the scheme was in crisis, and explain why she had taken so long to act when the steep rises began 12 months ago.

It also declined to say if the figures showed that the prime minister’s promises when the National Disability Strategy – since declared unlawful by the high court – was published “to build a better and fairer life for all disabled people living in the UK” and to “build back better and fairer, for all our disabled people” had now been exposed as empty rhetoric.

But a DWP spokesperson said in a statement: “As more disabled people are starting new jobs, there has been an increased number of people applying for support through Access to Work.

“We’re working hard to make sure their applications are progressed as soon as possible, by recruiting additional staff and introducing overtime working to help meet the increase in demand.”

DWP also said that, following regular reviews of its processes as AtW applications have increased, the department was now treating those applications that are classified as renewals of claims as a priority group.

*\*Not her real name*

**12 May 2022**

**Queen’s speech: Activists’ message to Patel over new protest bill: ‘We fight on’**

Disabled activists have pledged that new government plans to criminalise many of those who take part in direct action protests will not stop them taking to the streets to fight oppression.

[Disabled People Against Cuts (DPAC)](https://dpac.uk.net/), which has embarrassed successive governments with repeated direct action protests over the last decade, promised that it would be “business as usual”, despite [threats issued by home secretary Priti Patel](https://www.gov.uk/government/news/home-secretary-stands-firm-on-tackling-guerrilla-protest-tactics).

And it said it would both challenge the new proposals and continue to fight on “our issues”, adding: “It will not stop us, 100 per cent.”

The new [public order bill](https://bills.parliament.uk/bills/3153), affecting England and Wales, had its first reading yesterday (Wednesday), on the second day of the new session of parliament.

It was one of 38 new pieces of legislation included in this week’s Queen’s speech, which describes the UK government’s parliamentary plans for the next 12 months.

The public order bill introduces a new criminal offence of interfering with “key national infrastructure”, with a penalty of up to 12 months in prison\*, and up to six months in prison for a new offence of locking-on (a protester attaching themselves to a person, object or land)\*.

The bill will also allow police officers to stop-and-search suspected protesters for “articles related to protest-related offences”.

And it will give the courts the power to impose serious disruption prevention orders (SDPOs) on people with protest-related convictions or a history of causing serious disruption at protests, with a breach of an order leading to a prison sentence of up to six months\*.

Andy Greene, a member of DPAC’s national steering group, said the bill was “a full-frontal attack on disabled people and the poorest communities and the most marginalised in the country” and “a deliberate tactic to silence not just activists but communities”.

He said: “The Tories, this is what they do, they are nothing if not consistent.

“They don’t want people speaking back to them, they don’t want people speaking up for themselves.

“We will have to get a little bit sharper and a little bit smarter, but we are not going to stop protesting, we are not going to stop going on the streets.

“There is a whole armoury of things we can do to push back, and we will be utilising everything that we possibly can.”

Asked if there were concerns about the new prison sentences, he said: “You can get an accessible jail cell quicker than you can get an accessible house in this country now.”

He said this was the government’s “21st century version” of inclusion.

He added: “We are seeing preparation for a head-on collision with communities who are being oppressed and have something to say about that, and the state and the institutions that are doing that oppressing.”

Greene insisted that there had always been the threat of criminal action being taken against protesters, but the government had now “tightened the screw”.

He said: “The threats have always been real. Every single protest, we have always been told: move or you get arrested.”

And he said that disabled people had only been able to make significant progress against the oppression they faced when they were able to present a “counter narrative” and “be disruptive”, as grassroots groups like DPAC and the [Disabled People’s Direct Action Network (DAN)](https://twitter.com/DAN_Disabled) have done.

He said DPAC would “continue to fight on our ground and our issues” but also oppose the new bill “in its entirety in every way that we can”.

Grassroots groups like DPAC have used direct action as a key tool in bringing the public’s attention to government policy they have considered unfair, discriminatory, or even lethal, over the last decade.

Among their protests was [a major action at Oxford Circus](https://www.disabilitynewsservice.com/oxford-circus-protest-activists-had-nothing-left-to-lose/) in London’s West End in January 2012, which saw about 20 wheelchair-users lock themselves to a chain across Regent Street and completely block one of the major routes into London’s shopping heartland for more than two hours, in protest at the government’s welfare reform bill.

DAN and the Campaign for Accessible Transport had begun using such tactics in the late 1980s and early 1990s.

But some of these tactics – such as locking or gluing themselves onto street furniture and obstructing “key infrastructure” such as public transport – are now set to be criminalised through the new public order bill.

Disabled artist-activist Dolly Sen [has previously said](https://www.disabilitynewsservice.com/disabled-activists-are-prepared-for-prison-after-clampdown-on-right-to-protest/) that she was “expecting to go to jail” for her fight against injustice, due to changes being introduced by the government through its [Police, Crime, Sentencing and Courts Act](https://bills.parliament.uk/bills/2839), which became law last month and which she believes will have a worrying [impact on the right to protest](https://www.theguardian.com/world/2021/dec/03/this-draconian-policing-bill-must-be-fought-tooth-and-nail%20).

Yesterday she told DNS that the government’s latest attack on human rights and democracy had not changed her mind.

She said the UK was “not a great place for many groups of people”, including disabled and poor people.

She said: “In fact, people are suffering directly from government policy, including people dying. I use my creativity to highlight this and try to change things.

“Just because this government wants to attack human rights and democracy in this way, it won’t mean I will stop. It is unethical and something Putin would be proud of.

“I will still act like a free person even if this governments stops that being the case. Jail doesn’t scare me, this country sliding into fascism does.”

Some measures already passed through the Police, Crime, Sentencing and Courts Act come into force today (Thursday), including a new criminal offence of wilfully obstructing a highway, with a prison sentence of up to six months\*.

Home secretary Priti Patel said in a statement accompanying the publication of the public order bill: “What we have seen in recent years is a rise in criminal, disruptive and self-defeating guerrilla tactics, carried out by a selfish few in the name of protest.

“Not only do these anti-social protests cause untold delays and misery for the law-abiding public wanting to get on with their lives, it tears police away from communities where they are needed most to prevent serious violence and neighbourhood crime.

“This bill backs the police to take proactive action and prevent such disruption happening in the first place.

“These measures stand up for the responsible majority and it is time that parliament got behind them.”

But Dennis Queen, who has taken part in DPAC and DAN direct action, but was speaking personally, said she was “utterly disgusted” with the government’s proposals, which feel “deeply personal to those of us who have quite literally put our lives on the line to fight for emancipation”.

She said: “All of the social improvements disabled people now enjoy, and have enjoyed, were achieved by a combination of campaigning tactics.

“These include all kinds of gentle, polite campaigning as individuals and organisations, as well as a (far smaller) amount of legal protests and some non-violent civil disobedience protests via networks that include Campaign for Accessible Transport and Disabled People’s Direct Action Network – and now Disabled People Against Cuts.

“I truly believe it takes all of these kinds of campaigning to create the social change we have seen.”

She said the government’s proposals were “infuriating and disheartening” but that disabled people and allies should “use our anger as energy to continue to support campaigns against the government’s proposals”.

She said: “There is a reason we have a right to protest – this is supposed to be a democratic society where we can show our disagreement.

“If we lose what’s left of it, what hope do our rights have?”

*\*Sentences for these offences will also include possible fines, which in some cases are potentially unlimited*

**12 May 2022**

**Queen’s speech: Six bills that may change disabled people’s lives, for better and for worse**

At least six pieces of legislation proposed by the government this week are likely to have a life-changing impact on hundreds of thousands of disabled people if they become law over the next year.

The Queen’s speech, delivered by Prince Charles on behalf of the UK government, included details of 38 new pieces of proposed legislation, and describes ministers’ parliamentary plans for the next 12 months.

Although all the 38 bills will affect disabled people in some form, if they become law, six of them already seem likely to have a particularly significant impact.

One of the most prominent is the new public order bill, which will introduce new offences and tough prison sentences for those taking part in direct action protests (*see separate story*).

Another is the draft Mental Health Act reform bill, which is likely to include many measures that will be widely welcomed, but also looks unlikely to ensure full human rights for people in mental distress (*see separate story*).

The social security (special rules for end of life) bill will extend new rules that make it easier for people who are terminally-ill to claim benefits.

The government has already introduced rules that allow fast-track applications for those believed to have up to 12 months to live – rather than the previous six months – for people applying for employment and support allowance and universal credit.

But in [a briefing paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074106/Lobby_Pack_9_May_2022.pdf) (PDF) published following the Queen’s speech, the government said it would introduce legislation that would also amend the “special rules” system for those claiming personal independence payment, disability living allowance and attendance allowance.

Among the most controversial of the proposed bills announced this week is the government’s new bill of rights, which will apply to the whole of the UK.

Disabled people [have previously warned of the risk](https://www.disabilitynewsservice.com/human-rights-act-review-must-not-lead-to-weakening-of-disabled-peoples-rights/) that the government’s bid to replace the Human Rights Act with a bill of rights could be used to water down protections.

The Equality and Human Rights Commission also warned in March, [in its response to a consultation](https://www.equalityhumanrights.com/en/legal-responses/consultation-responses) on reform of the Human Rights Act, that some of the government’s proposals risked reducing protections and lacked evidence.

The government said this week that the bill of rights was aimed at ending “abuse of the human rights framework” and “curbing the incremental expansion of a rights culture without proper democratic oversight”.

But Bethany Bale, policy officer for [Disability Rights UK](https://www.disabilityrightsuk.org/), said: “The lack of justification as to why the Human Rights Act needs abolishing and replacing with a new bill of rights is deeply concerning.

“The strengthening of ‘rights of wider society’ mentioned in the… consultation, without recognising that society is in essence made up of swathes of smaller groups with distinct needs which also need protection, could leave disabled people with less rights.

“We are concerned that the bill of rights will make it even harder for poorer and marginalised groups to access justice, and easier for institutions to escape justice.

“Disabled people already face a David and Goliath challenge when we take on institutions which fail us under the Equality Act. This new bill could see our slingshot taken away.”

Other bills certain to have a significant impact on disabled people if they become law include a transport bill, and a levelling up and regeneration bill.

The transport bill will set up a new body to replace Network Rail, Great British Railways (GBR), which will act as the “single national leader of the railways”, with the aim of delivering a “customer-focused railway, including by improving accessibility and promoting open data”.

Transport for All (TfA), the user-led charity which campaigns for an accessible transport system, [said this week](https://www.transportforall.org.uk/news/queens-speech-2022-whats-in-it-for-accessible-transport/) that its vision for disabled people “to be able to travel freely and with independence, door to door” would require “seismic, sustainable change in how the nation’s rail network – and intermodal\* changes – are designed, delivered, and run”.

A TfA spokesperson said: “We hope that the creation of GBR will present an opportunity for accessibility to be foregrounded as a non-negotiable, and we look forward to working with rail industry colleagues to ensure disabled people are at the heart of these plans.”

The transport bill will also include measures on e-scooters, although the Department for Transport was unable yesterday (Wednesday) to say if it will legalise their use.

E-scooters are currently only legal to ride in England as part of live government trials in 30 areas, and on private land.

Sarah Leadbetter, from the National Federation of the Blind UK (NFBUK), [handed in an “emergency petition”](https://twitter.com/NFBUK/status/1523928016325382144) to 10 Downing Street on Monday, calling for action on e-scooters, which it says are “inherently dangerous by design”.

The petition, so far supported by 40 organisations, calls on the government not to legalise privately-owned scooters for use on public highways, to ban the sale of private e-scooters in the UK, and to shut down the government trials.

NFBUK believes the “safety and sanctuary of the pavement will be lost for ever if private e-scooters are legalised for use on the public highway”.

Its research has found legal and illegal e-scooters “being ridden on pavements, on pedestrian crossings, riders riding at people, riding in public areas, riding double and very young people riding them”.

NFBUK has also found dockless e-scooters causing obstructions and trip hazards on pavements, at pedestrian crossings and in public spaces, and it has compiled a list of train and bus operators that have banned e-scooters on their services because of the fire risk, after one “spontaneously combusted” on a London tube train.

Leadbetter said: “I have been to a number of the e-scooter trial areas and I have not felt safe, I have had both legal and illegal e-scooters whizz past me and my guide dog on the pavements and in pedestrian-only places.

“The riders had absolutely no care or thought for mine or my guide dog’s safety and wellbeing.”

She added: “It is already unsafe while they are illegal and it is terrifying to think this situation could become even worse [if they are legalised] as anybody will be able to get their hands on one.

“This will not be safe for me and many other blind, visually impaired people and other vulnerable pedestrians and it will affect our ability to be able to walk around our towns and cities independently.”

A DfT spokesperson said: “While riding a privately owned e-scooter on public land is currently illegal, we are considering how best to design future regulations.

“Our transport bill would enable us to take the steps we need to support innovation, robustly crack down on irresponsible use and make e-scooters safer.”

No decisions have yet been made regarding future use and legalisation of e-scooters, DfT said, although findings from an evaluation of e-scooter trials are due to be published later this year.

[Katie Pennick](https://twitter.com/KatiePennick), TfA’s campaigns and policy manager, said: “At a critical time for action on climate, and with disabled people being among the most severely impacted by the effects of climate change – particularly air pollution – we welcome any initiative that aims to provide people with more sustainable ways to travel.

“However, micro-mobility services must be accessible to and inclusive of Deaf and disabled people, while being delivered with minimal negative impact on other disabled street-users, including pedestrians.

“We know from our members that many people, particularly blind and visually-impaired people, are facing new barriers due to the introduction of e-scooters: from more cluttered pavements to safety concerns around collisions.

“We are concerned that, without in-depth empirical data from the trial showing the number of collisions and near-misses (broken down into impairment groups), the government cannot adequately ensure that disabled people will not be adversely impacted by this change.”

Meanwhile, the new levelling up and regeneration bill will include measures that ensure “everyone can continue to benefit from al fresco dining”, which saw temporary powers given to councils during the pandemic that allowed restaurants and bars to place furniture on pavements and serve guests outside.

The Department for Levelling Up, Housing and Communities [said yesterday](https://www.gov.uk/government/news/new-bill-to-level-up-the-nation) (Wednesday) that the “al-fresco dining revolution” would be “made permanent”, with the bill “making it permanently cheaper and quicker to get a licence for outdoor dining”.

TfA said it was “well aware of the concerns many disabled people hold around pavement licensing, having [campaigned last summer](https://www.transportforall.org.uk/campaign/soho/) to bring attention to the additional barriers many were facing – street clutter, crowded pavements, and blocked routes.

“We will be seeking to influence the direction of legislation to ensure any proposals properly consider and address the accessibility of pavement dining.”

*\*Transport that involves more than one type of carrier, for example a bus and a train, to complete a journey*

**12 May 2022**

**Queen’s speech: Campaigners raise concerns over ‘flawed’ Mental Health Act reforms**

Disabled campaigners have raised concerns about a Mental Health Act reform bill which the government plans to introduce in the new session of parliament.

Although many of the proposals to be included in what will be a draft bill were widely welcomed this week, there were concerns at the government’s refusal to push for “full human rights” for people with mental distress.

The bill is one of 38 included in this week’s Queen’s speech, which was delivered by Prince Charles on behalf of the UK government and describes its parliamentary plans for the next 12 months.

The draft reform bill will be based on a white paper published in January 2021, which was put out to consultation, with the government [publishing its response](https://www.gov.uk/government/consultations/reforming-the-mental-health-act#full-publication-update-history) last July.

The white paper aimed to deliver “major reform” of the Mental Health Act (MHA), providing service-users in England and Wales with more control over their care and treatment, and ensuring the act’s powers are “used in the least restrictive way”.

It also aimed to address the disproportionate detention of people from black, Asian and minority ethnic communities, and the use of the act to detain people with learning difficulties and autistic people, as well as [improving the treatment of people with mental distress](https://www.gov.uk/government/speeches/lord-chancellor-its-time-for-action-on-mental-health-in-prisons) within the criminal justice system.

In 2020-21, black people were four times more likely than white people to be detained under the Mental Health Act, and more than 10 times more likely to be placed on a community treatment order.

Rates of detention under the act have nearly doubled since 1983.

Details in [a briefing paper](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074106/Lobby_Pack_9_May_2022.pdf) (PDF) published alongside the Queen’s speech this week showed the draft bill will mirror the aims of last year’s white paper.

The briefing paper includes references to personalised care, advocacy, choice and control for service-users, addressing the “disparities” faced by people from minority ethnic backgrounds, improving the treatment of offenders, and ensuring that “detentions only happen where strictly necessary”.

Although many of last year’s white paper’s proposals were welcomed, it built on recommendations made by Sir Simon Wessely’s independent review of the Mental Health Act in 2018, which [was criticised](https://www.disabilitynewsservice.com/mental-health-act-review-falls-significantly-short-on-human-rights/) for falling “significantly short” of recommending full human rights for people in mental distress.

Dorothy Gould, co-founder of the user-led, rights-based organisation [Liberation](https://dpac.uk.net/2020/12/join-newly-established-rights-based-group-liberation/), said the “underlying problem” with the government’s plans was that it had opted to make “improvements” rather than attempting “root and branch reform of the current, fundamentally flawed system”, which will mean service-users will “continue to experience injustice and oppression”.

She said: “The proposals [laid out in this week’s briefing paper] fail to address the need for a radical resolution of the social ills so strongly underpinning acute distress and trauma.

“Instead, the proposals draw on a flawed, medical model approach which (conveniently for the government) attributes ‘mental illness’ to individual brain disorders.

“The focus on expanding clinical services instead of introducing the full range of badly-needed, holistic and societal resources compounds the problem.”

Gould said that a reduction in the number of patients detained under the act would be “a move forward”.

But she warned that the government “still plans to use risk assessments to make decisions about detention and forced treatment”, even though “there is no accurate way of assessing risk”, while it still plans to authorise detention and forced treatment despite them representing a “fundamental breach of human rights”.

She said: “Greater choice for patients will be important, if it genuinely happens.

“However, all patients should have an equal right to this, regardless of supposed ‘capacity’.”

She added: “The recognition of major inequalities for racialised communities is vitally important.

“But there will only be real change if the government also addresses the flaws of a mental health system based on a white, western, medical model with all its links to colonialism, and acknowledges, instead of denying, the reality of institutional racism.”

Mary Sadid, policy officer at [National Survivor User Network](https://www.nsun.org.uk/), said: “There are many questions that remain about the shape our mental health system should take.

“For some, the answer lies in the UNCRPD (UN Convention on the Rights of Persons with Disabilities) and the abolition of detention.

“As the government moves towards gutting the Human Rights Act in favour of a bill of rights, the [‘implementation gap’](https://insights.doughtystreet.co.uk/post/102f6xv/how-has-the-wessely-review-grappled-with-the-crpd) between the UNCRPD and our reality becomes wider still.

“Our current context in mental health care is one of coercion and also of [exclusion](https://www.cambridge.org/core/journals/bjpsych-bulletin/article/magical-thinking-and-moral-injury-exclusion-culture-in-psychiatry/E41B47079D935213DCC074A03A351712/share/0732402fc62f2886f04c7121c7cef51c9975f3cb).

“When we contextualise this with the current suite of legislative changes, we can see that those who are already marginalised will continue to bear the brunt.

“The path ahead is not straightforward, and there are many who are deeply impacted by the system who are not part of conversations about reform.”

She added: “Some of the changes cited in yesterday’s Queen’s speech regarding the draft Mental Health Act reform bill are welcome and necessary, including the introduction of a nominated person\*, statutory care and treatment plans and a time limit for transfers from prison to hospital for acutely ill prisoners, something that is [urgently needed](https://www.theguardian.com/society/2022/may/10/hundreds-mentally-ill-prisoners-denied-urgent-treatment-england).

“However, what underlies the bill is a lack of substance and ambition, and we are concerned about how many of these proposals will be operationalised without significant resourcing.

“In the current climate of limited access to care and unsafe staffing levels, it is difficult to imagine these changes making a material difference to those being detained under the act.

“In particular, on institutional racism, it is unclear how and if the bill will address disproportionality in detention under the Mental Health Act and community treatment orders.

“We are left with the same problem we started with – an unclear path to genuine care for those experiencing mental distress.”

\**The briefing paper says the bill will allow patients to choose their own ‘nominated person’, rather than have a ‘*[*nearest relative*](https://www.mind.org.uk/information-support/legal-rights/nearest-relative/about-the-nearest-relative/)*’ assigned for them*

**12 May 2022**

**EHRC refuses to apologise over ‘shameful’ long Covid blunder**

The equality watchdog has again refused to apologise for failing disabled people, after suggesting publicly that people experiencing symptoms of long Covid should not be entitled to protection from the Equality Act.

The Equality and Human Rights Commission (EHRC) sparked outrage on Saturday when [it stated on the social media platform Twitter](https://twitter.com/EHRC/status/1522912810963021838) that it “does not recommend that ‘long covid’ be treated as a disability”.

Although it said in a follow-up tweet that employers “should continue to follow existing reasonable adjustment guidance based on individual circumstances”, disabled campaigners said its statement suggested that those with long Covid should not be protected under the Equality Act.

The [government says](https://www.gov.uk/definition-of-disability-under-equality-act-2010) someone is described as disabled under the Equality Act 2010 if they have “a physical or mental impairment that has a ‘substantial’ and ‘long-term’ [at least 12 months] negative effect on your ability to do normal daily activities”.

A person also automatically meets the disability definition under the Equality Act from the day they are diagnosed with HIV infection, cancer or multiple sclerosis.

Catherine Hale, founder and director of [Chronic Illness Inclusion (CII)](https://chronicillnessinclusion.org.uk/), said the tweet was “inaccurate and misleading”.

She said: “Whether this was due to incompetence on the part of the staff member writing the tweet, or a deliberate message to undermine the rights of disabled people living with long Covid to support and protections under the law, is not clear. Either way it’s alarming.

“Activists have been alarmed by the tweet and suspicions have been raised about a government agenda to restrict access to disability benefits for people with long Covid.

“If there is an agenda to discredit long Covid as a disability it is completely wrong-headed because it will result in people with long Covid finding it harder to claim reasonable adjustments, facing disability discrimination, falling out of work and needing to claim benefits.”

Writer [Sasha Saben Callaghan](https://twitter.com/SabenCallaghan) suggested on Twitter that EHRC should re-read the Equality Act, and said its tweet was “another reminder of how disastrously inadequate the pathetic, craven and inept [@EHRC](https://twitter.com/EHRC) has been in upholding the rights of disabled people.”

Disabled artist-activist [Jess Thom](https://twitter.com/touretteshero) described the commission’s statement as “very wrong and deeply damaging” and “drenched in medical model thinking, exclusionary, dismissive and out of step”.

Another prominent disabled campaigner and consultant, [James Lee](https://twitter.com/jamhanlee), said it was “sad to see how the EHRC has become increasingly ineffective and irrelevant over the years”.

Others described the tweet as “extremely strange behaviour”, “nonsense”, “terrible advice” and “utterly, utterly shameful”.

A string of people with long Covid expressed their anger and confusion at the EHRC tweet, describing the substantial and long-term impact the condition has had on them.

One of them, paralegal Ruth Langford, [tweeted](https://twitter.com/EHRC/status/1522912810963021838): “Long covid has put me in a wheelchair as I can’t walk unaided, and no further than 20 yards.

“Please explain to me how I’m not disabled?”

The commission later issued a statement to clarify its position, which this time suggested that people with long Covid could be entitled to protection under the Equality Act.

But EHRC had still not apologised for its original tweet by noon today (Thursday).

The commission said in its statement: “There continues to be discussion of the various symptoms related to Covid-19 that are often referred to as ‘long Covid’ and whether they would constitute a disability under the Equality Act.

“Given that ‘long Covid’ is not among the conditions listed in the Equality Act as ones which are automatically a disability, such as cancer, HIV and multiple sclerosis, we cannot say that all cases of ‘long Covid’ will fall under the definition of disability in the Equality Act.

“This does not affect whether ‘long Covid’ might amount to a disability for any particular individual – it will do so if it has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

“This will be determined by the employment tribunal or court considering any claim of disability discrimination.

“To support workers affected by ‘long Covid’ and avoid the risk of inadvertent discrimination, we would recommend that employers continue to follow existing guidance when considering reasonable adjustments for disabled people and access to flexible working, based on the circumstances of individual cases.”

Asked to respond to the scores of critical responses to its original tweet, and concerns that it had again given the impression that it was not interested in fighting for disabled people’s rights against the government, an EHRC spokesperson said the commission had “issued a statement to provide clarity on our position and equality law” after receiving “enquiries regarding ‘long Covid’, disability and the Equality Act”.

He insisted that the commission had “a strong track record of protecting and advancing the rights of disabled people and this remains a key element of our work”.

Catherine Hale, from CII, said the “disbelief and invalidation” shown to people with long Covid and other energy limiting conditions was “systemic”.

She said: “Chronic Illness Inclusion’s research shows that people with energy limiting conditions and medically invisible disabilities like long Covid face additional barriers to employment, social care and social security because of disbelief of their symptoms and lack of understanding that chronic illness often constitutes a disability.”

She said there was evidence of certain psychiatrists and other medical professionals “acting as gatekeepers to disability rights and support”, for example by “advising the Department for Work and Pensions against considering ME/CFS [chronic fatigue syndrome] as a disability and making it harder for people with ME to access benefits”.

The controversy follows a series of public actions which have left disabled people questioning EHRC’s commitment to challenging government attacks on disability rights.

[Only last week](https://www.disabilitynewsservice.com/treasury-hides-documents-that-show-equality-impact-of-sunaks-spring-statement/) it declined to criticise the Treasury for refusing to release information that would show the impact on disabled people and other equality groups of the chancellor’s spending decisions in March’s spring statement.

[Last month, EHRC confirmed](https://www.disabilitynewsservice.com/trio-of-disabled-women-say-ehrc-has-failed-them-and-other-families-over-benefit-deaths/) that it was refusing to follow through on plans for an inquiry into multiple [deaths linked to failings](https://www.disabilitynewsservice.com/the-department-for-work-and-pensions-deaths-cover-up-and-a-toxic-30-year-legacy/) by the Department for Work and Pensions.

And in March, disabled people’s organisations and disabled activists wrote to the watchdog [to express their deep concern](https://www.disabilitynewsservice.com/ehrc-decision-to-scrap-committee-shows-it-is-unaware-of-threat-to-disabled-people/) over its decision to scrap its disability advisory committee.

In the letter to EHRC’s chair, Baroness Falkner, they raised concerns about its ability to continue to protect the human rights of disabled people.

Hale said this week: “This episode shows just how out of touch the EHRC is with the disability rights community and with the wide-ranging nature of disability and impairment.

“We call on EHRC to reinstate its disability advisory committee and to ensure that energy limiting conditions (ELCs) and medically invisible disabilities are represented on it.

“There is so much work to do to challenge the stigma of disbelief and promote disability rights for people with long Covid and other ELCs.

“The EHRC should be leading this work, not hampering it.”

**12 May 2022**

**Concern from MP as DWP refuses to release websites access report**

The Department for Work and Pensions (DWP) has refused to release a report which would show which of its websites and other digital services are breaching its legal duties on accessibility.

[Last month](https://www.disabilitynewsservice.com/only-one-in-three-dwp-websites-complies-with-access-laws-says-internal-report/), DWP released a summary report from February which showed that fewer than one third of the websites and other digital services it runs complies with regulations.

That report showed that 36 of the 141 “live” digital services run by DWP were currently said to be “very high risk”, with another 23 considered “high risk”.

These services include websites, mobile phone apps and software used by the department.

But DWP has now made it clear to Disability News Service – in a response to a freedom of information request – that it will not release the full report, which details the digital services that are failing to comply with the law.

It claims that the report is exempt from being released under [section 35 of the Freedom of Information Act](https://ico.org.uk/media/for-organisations/documents/1200/government-policy-foi-section-35-guidance.pdf) because it “relates to the formulation or development of government policy”.

In its response to DNS, DWP’s central freedom of information team said: “On balance, DWP is satisfied that in this instance the public interest in maintaining the exemption outweighs the public interest in disclosure.

“Therefore, the information you seek will not be released.”

Stephen Timms, chair of the Commons work and pensions committee, told DNS that he was “concerned” by DWP’s failure to release the report.

He said: “The department has a very bad habit of hiding information which, according to government policy, should be public.

“This avoids, in the short term, ministers having to answer difficult questions.

“But, over time, it destroys people’s trust.”

Timms, a Labour MP and a former work and pensions minister, said: “The department’s long-term interests would be far better served by being open with the public.”

Of the 141 live services covered in DWP’s summary report, 24 are set to be “decommissioned”, but of the remaining 117, just 36 (31 per cent) were found to be compliant with the regulations.

Of those used by benefit claimants and other members of the public, only 24 of 56 services (43 per cent) are considered by DWP to comply with the [Public Sector Bodies Accessibility Regulations 2018](https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps).

The regulations came into force in September 2018, more than three-and-a-half years ago.

Cabinet Office guidance warns that public sector bodies like DWP that do not ensure their website or app meets accessibility requirements “may be breaking the law”.

The guidance says common problems include websites that are not easy to use on a mobile phone or cannot be navigated using a keyboard, inaccessible PDF forms that cannot be read out by screen-readers, and poor colour contrast that makes text difficult to read.

Earlier this year, Timms played a key role in ensuring the publication of another report that DWP had been fighting to keep secret.

That report – [The Uses of Health and Disability Benefits](https://committees.parliament.uk/publications/8745/documents/88599/default/) – found that many disabled people who receive disability benefits have been unable to afford essential living costs such as rent, heating or food, even before the current cost-of-living crisis.

DWP is also fighting a complaint lodged by DNS with the Information Commissioner’s Office (ICO) over its refusal to release secret reviews which would show the recommendations made by senior civil servants who have investigated deaths of benefit claimants linked to the department’s failings.

It is also refusing to release any details from [a report into the effectiveness of its support](https://www.disabilitynewsservice.com/dwp-blanks-out-entire-report-on-support-for-vulnerable-universal-credit-claimants/) for “vulnerable” claimants of universal credit, also subject to a complaint to ICO by DNS.

And it is refusing to [release a copy of internal analysis](https://www.disabilitynewsservice.com/information-commissioner-rules-dns-was-not-vexatious-in-dwp-universal-credit-request/) it carried out into the impact that universal credit would have on disabled people claiming benefits, another complaint being investigated by ICO.

**12 May 2022**

**Government’s access advisers set to publish long-awaited documents, after ABC pressure**

The government’s own advisory committee is set to publish a string of controversial reports that have previously been kept secret, and which could expose years of ministerial failings on accessible transport.

The reports and other documents drawn up by the Disabled Persons Transport Advisory Committee (DPTAC) have never been published on the committee’s website, in breach of guidance from the Information Commissioner’s Office.

But now, [thanks to work by the Association of British Commuters (ABC)](https://abcommuters.com/dptac-investigation/), DPTAC has promised to review its approach to transparency “as a matter of priority” and produce a “clear publishing policy”.

ABC said this could lead to the publication of a series of “controversial” documents, which would be “sure to become vital campaigning tools for disabled people and organisations across all forms of transport”.

This should include DPTAC’s response to the government’s consultation on its National Disability Strategy, and a statement on [driver-only operated trains and unstaffed stations](https://www.disabilitynewsservice.com/ministers-plans-on-toxic-impact-of-driver-only-trains-fall-way-short-says-dptac/).

Disability News Service (DNS) [reported last month](https://www.disabilitynewsservice.com/government-delayed-rail-report-after-it-called-for-billions-in-access-funds-emails-reveal/) that publication of one key DPTAC report, Working Towards a Fully Accessible Railway, which called on ministers to invest billions of pounds in removing access barriers to the rail system, had been delayed by more than a year.

ABC has now confirmed that the report’s publication was in fact delayed even longer than that, with a first draft completed by DPTAC in May 2019, but not published on DPTAC’s website until February 2022.

ABC’s co-founder Emily Yates has spent four years securing vital DPTAC documents that had not been published and were highly critical of government policy on accessible transport.

The secret documents ABC has published have included evidence of DPTAC’s continuing concerns about the impact on disabled passengers of staffing levels on Britain’s railways, including – in one 2019 letter to Department for Transport (DfT) ministers – alarm at the “potentially toxic combination of driver-only operated trains and unstaffed stations”.

ABC also published DPTAC’s Working Towards a Fully Accessible Railway report in July 2019, after obtaining it through another freedom of information request.

Earlier this month, ABC accused DPTAC of failing to meet its obligations under the Freedom of Information Act (FoIA), and of failing to follow guidance which requires public authorities to “publish information proactively” and “promptly”.

Information it should have been publishing includes minutes of meetings, contracts, reports, plans and policies, and ABC told DPTAC it had repeatedly failed to do this, and had failed to draw up its own publication scheme.

It wants such a scheme to include formal letters to the government, consultation responses and research reports.

DPTAC’s chair, Keith Richards, told DNS that the committee was now working on a publication scheme “as a priority”, and that this would set out DPTAC’s “high-level commitment to proactively publish information”.

But he said DPTAC had “always made information available quickly and easily” when asked for it under the Freedom of Information Act, and he said there had never been any pressure from government not to publish any documents.

He said: “There are a number of reasons why we do not and cannot publish everything we draft, often because it is for our own internal use, or because our advice is designed to inform early-stage policy thinking within the DfT, often in a very confidential environment and that is based on a relationship of trust established over many years which enables us to be privy to confidential information.

“If we lose that trust we lose the opportunity to perform our role through influencing the debates, and lose the opportunity to help improve access for disabled people and challenge the department robustly in key areas that you have highlighted in DNS over a number of years.

“Where we must be clearer and make sure our work is more transparent, is with the obvious documents such as minutes of meetings, responses to consultation documents, position statements, and formal correspondence.”

He added: “I admit that historically we have sometimes taken an overly cautious approach to publishing because of the highly confidential discussions we have with the department on a regular basis.

“And being too cautious may not have been helpful to our external stakeholder colleagues who would value and potentially benefit from knowing what advice DPTAC is providing on key transport accessibility issues.”

[Doug Paulley](https://twitter.com/Doug_Paulley), one of four disabled people who took a legal case against the government that led to the [National Disability Strategy being declared unlawful](https://www.disabilitynewsservice.com/disability-strategy-is-unlawful-court-confirms-and-denies-dwp-permission-to-appeal/), and a leading accessible transport campaigner, said he had always been “very impressed” with DPTAC’s advice to the government, which he said was “forthright and uncompromising but careful, detailed and irrefutable”.

He said he had also been “impressed at the very clear social model pressure” it had put on the government “on a consistent basis going back years”, and he said he wondered “what even worse excesses the government would have got away with if it wasn’t for DPTAC”.

He said he accepted that such a “small group with limited funding” did not have much of the resources and time needed to publish documents.

But he said he agreed with ABC’s concerns, and that DPTAC “could and perhaps should have done more proactively to put what they are saying out, for the benefit of other campaigners and groups.

“This could have amplified DPTAC’s voice and influence without undermining their independence; also, it could have facilitated campaigners to make more effective campaigns on issues that matter to disabled travellers (and to DPTAC).”

But he also said he was “very impressed that they have held their hands up and agreed that they could and should” take action, which showed “openness and accountability which I think eg the prime minister could do well to emulate”.

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**Other disability-related stories covered by mainstream media this week**

Ministers have been urged to halt plans to move people receiving legacy benefits onto universal credit that risk “pushing many of them into destitution”. From today (9 May), the Department for Work and Pensions will restart “managed migration” of people on benefits such as employment and support allowance and working tax credit on to the new system… More than 20 charities have written to work and pensions secretary Therese Coffey warning that plans to move legacy benefit claimants on to the new system are “too dangerous to continue”: <https://www.mirror.co.uk/news/politics/plan-move-legacy-benefit-claimants-26906266>

A woman whose care was withdrawn for two months during Covid said she lives in constant fear it will happen again. Jenna Kearns, from Newport, had received four care visits a day before they were suspended due to staffing issues. A new Senedd-commissioned study has found she was not alone: four in 10 people who needed social care during the pandemic did not access it. The report, from Swansea University, included more than 2,500 participants: <https://www.bbc.co.uk/news/uk-wales-61365375>

An investigation by BBC File on 4 has discovered that once people with serious mental health problems are in prison, it is often very hard for them to access the help they need. The BBC sent a freedom of information request to the 54 mental health trusts in England. The 19 trusts which responded said that 48 per cent (479) of just over 1,000 prisoners assessed as requiring hospitalisation were refused a transfer to a secure hospital in 2020. This was because of a shortage of beds: <https://www.bbc.co.uk/news/uk-61340634>

McDonald’s has apologised to a man who was denied access to an accessible toilet at one of their Cardiff branches. The 31-year-old man, who has Crohn’s disease and uses a stoma bag, told a security guard he had a disability but was told “you’re not disabled”. Sam, from Bristol, was diagnosed with the condition nearly 20 years ago and in that time has had to use a stoma bag for nearly seven years: <https://www.itv.com/news/wales/2022-05-10/mcdonalds-apologises-to-man-after-security-told-him-youre-not-disabled>

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