

Disability Update, May 2020



Over the last ten years, the most vulnerable people in our society who need and deserve the greatest support, care and compassion have seen their rights and protections deliberately and systematically eroded by a callous and punitive Tory Government.

The global Coronavirus pandemic has shone a bright spotlight on these appalling levels of inequality but, instead of being prioritised due to the disproportionate risk of suffering severe illness from Covid-19 or further economic and care hardships, people with disabilities and their carers have had their precious few legal rights weakened or removed.

Across every area of critical need, we have witnessed services intentionally jeopardised; access to groceries, health and social care, education and basic information put at risk largely facilitated by changes to existing legislation (Care Act, 2014, Children and Families Act, 2014) by the controversial Coronavirus Act, 2020.

Adult Social Care

In April came news that at least 6 English Local Authorities had “switched on” measures allowed by the Coronavirus Act, which enabled them to suspend social care duties to disabled people; needs assessments, detailed care plans and the requirement to meet existing assessed needs – no longer a duty of care.

<https://www.lawgazette.co.uk/news/councils-move-to-ditch-adult-social-care-duties/5104011.article>

Faced with this frightening situation, key issues for those affected were lack of transparency around what was happening, the implications of the changes and how they could be challenged.

In Norfolk, there appear to be no planned changes to adult social care currently despite the £8 Million (and escalating) funding shortfall from government. Following a request from members of Disability Network Norfolk, families have recently received news that they can spend their direct payments budget in more of a flexible way during the pandemic. You can find more details about this [here](#).

CQC

Care Quality Commission (CQC) inspections of social care settings have been suspended nationally since 16 March; this decision is currently being challenged by charities and organisations who have stated that the CQC is in breach of its duties under the Human Rights Act, the Health and Social Care Act, the Equality Act and also the UN Conventions against Torture and Rights of Persons with Disabilities.

There is ongoing substantial and harrowing evidence that service users with autism and learning disabilities are at greater risk of exploitation, violence, abuse, inappropriate

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medication, restraint and seclusion in some care settings. The halting of CQC inspections has therefore undoubtedly put more disabled people at increased risk of harm during this crisis. You can read Disability News Service's article about the CQC's decision at <https://www.disabilitynewsservice.com/coronavirus-cqc-faces-legal-action-over-decision-to-halt-most-inspections/>

Access to information

Deaf campaigners have launched legal proceedings against the government over its failure to provide a sign language interpreter at daily Coronavirus briefings; clearly an act of disability discrimination denying those with hearing impairments immediate access to essential information. Campaigners have spoken of their heightened fear and anxiety during this incredibly difficult period, exacerbated by the inability to receive crucial advice as it is being delivered.

Children and Young People with SEND

At the end of April, the Secretary of State for Education gave notice, again under the Coronavirus Act, that children and young people with Education, Health and Care (EHC) Plans no longer had the right to all the provision set out in their plan.

We still await the outcome of the joint OFSTED/CQC Inspection of Norfolk's local area SEND provision which took place in March. During the week-long visit, families spoke powerfully and with sheer desperation about the stress and exhaustion of fighting with Norfolk County Council at all stages of the EHC process. They described a severe failure across Health, Education and Social Care to meet the needs of children and young people with SEND in the county.

Extensive Mental Health Service waiting lists, waiting lists for diagnosis of several years, lack of Speech and Language Therapy, lack of Occupational Therapy, problems accessing short breaks provision and poor life outcomes for young people were all common themes.

It is against this backdrop of drastic inequality that the government has given Local Authorities the devastating power to relinquish duties to provide the very services that families have fought so hard to secure for their children.

We currently wait to hear from Norfolk Children's Services as to the likely impact of these changes in this county.

Essential groceries

In early May, the Equality and Human Rights Commission (EHRC) wrote an open letter to the British Retail Consortium (BRC) "highlighting concerns that a large number of disabled people in the UK who fall outside the government's high risk groups, are facing additional

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barriers to essential shopping.." (EHRC) You can read the full letter and further information at <https://www.equalityhumanrights.com/en/our-work/news/equality-body-calls-retailers-do-more-disabled-customers-during-corona-crisis>

The Guardian had previously published an article in late April which revealed the many disturbing cases of people with disabilities going without food after having been missed off the Vulnerable List by the government. *Scope* has said that almost half of the 600 disabled adults it spoke to in a recent survey were experiencing difficulty getting essential items and that there is still a significant problem with booking supermarket delivery slots.

Last week, Consumer and Disability Rights groups asked the government to prioritise improving the delivery of essential groceries to the most vulnerable as a matter of absolute urgency.

<https://www.theguardian.com/business/2020/may/05/food-deliveries-to-vulnerable-in-uk-need-better-coordination>

Again, the lack of focus on the most vulnerable during this crisis and the absence of any understanding of needs and challenges has placed people with disabilities in situations of extreme stress and anxiety, some tragically going without basic food; levels of societal inequality that are grotesque and inhuman.

Earlier this month, a letter signed by 100 MPs and Peers was sent to Boris Johnson by the All Party Parliamentary Group for Disability. It called upon the Prime Minister to review the current courses of action detailed in this update and to ensure that the most vulnerable can obtain essential groceries and receive the information, care and support they need and deserve.

<https://www.disabilitynewsservice.com/coronavirus-mps-and-peers-ask-pm-for-a-disability-inclusive-response-to-pandemic/>

Neurodivergent Labour is also submitting evidence to the parliamentary Human Rights Committee on the human rights implication of the Coronavirus crisis. You can make your own views heard on this by sending them to info@ndlabour or directly to the call for evidence at <https://committees.parliament.uk/work/218/the-governments-response-to-covid19-human-rights-implications/> by Wednesday 22 July, 2020. You can also email your views to us at disabilityofficer@bclp.uk

If you need practical help, would like to chat or tell us about any issues you have had during this period, please contact me on 0759 564 2664 or at disabilityofficer@bclp.uk

Keep safe and in solidarity,

Cheryl Bould