



Women and Equalities Committee

House of Commons London SW1A 0AA
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From the Chair

Helen Whately MP
Minister for Care
Department of Health & Social Care

Cc: Justin Tomlinson
Minister for Disabled People, Health and Work
Department for Work and Pensions

By email

15 March 2021

Dear Helen,

Coronavirus, disability and access to services

Thank you for contributing to the Women and Equalities Committee's inquiry into the effects of the pandemic on disabled people's access to services, including social care. We were grateful to receive the Government's response to our interim Report, on the effects on disabled people of temporary provisions in the Coronavirus Act, including Care Act easements, which we published without substantive comment in January.¹ We look forward to receiving the Government's response to our main Report no later than the agreed extended final deadline of close of play today.

Our interim Report, published ahead of the first six-monthly parliamentary review of the Coronavirus Act's temporary provisions on 30 September last year, came to a balanced view on the Care Act easement provisions, which had had, or could have, clear and obvious adverse effects on disabled people with care needs. We acknowledged that, in the context of a second wave of infections last autumn, it may have been necessary to keep the easement provisions available over the winter. Our recommendation was that, should the progress of the pandemic remain stable or improve in the spring, the Government should make clear its intention to suspend or repeal the provisions at or before the second six-monthly parliamentary review. We were therefore disappointed that the Government's response lacked a clear statement of intent to this effect.

Since then, the context and prognosis of the pandemic across the UK has improved considerably. We have seen a rapid and successful vaccination programme, falling infection rates and encouraging trends in relation to hospital admissions and deaths from Covid-19. The Government has set out a cautious but clear path to what it intends to be an irreversible

¹ Women and Equalities Committee, Second Special Report of Session 2019-21, *Unequal impact? Coronavirus, disability and access to services: interim Report on temporary provisions in the Coronavirus Act: Government Response to the Committee's First Report*, [HC 1172](#)



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return to much greater normality by mid-summer. In this context, and as we approach the end of the Coronavirus Act's second six-monthly review period, I would be grateful for an update on the Government's analysis of the necessity of keeping the Care Act easement provisions available to local authorities, including the data and professional advice on which your assessment is made.

Evidence to our inquiry, and data and reports from bodies including the Office for National Statistics and Public Health England, have very clearly shown that disabled people have borne the brunt of the pandemic.² Furthermore, disabled people's trust in the Government has been damaged by a perceived lack of consultation and sometimes poorly judged or inaccessible communications.³ Repealing the Care Act easements as early as possible, and making clear that disabled people's hard-won rights to have their care needs fully met have been unambiguously restored before the two year sunset provision of the emergency legislation, could go some way towards repairing that trust.

If temporary provisions are to remain in statute, they must be subject to effective scrutiny. As you know, my Committee concluded that the arrangements for the first six-monthly parliamentary review debate were inadequate. I remain entirely unconvinced by the Government's arguments to the contrary. The 90-minute debate on 30 September last year accommodated contributions from only seven backbench Members of Parliament, with contributions reaching only number 11 on a call list of 63. There was very limited time for debate on measures, including Care Act easements, that have the potential to profoundly affect disabled people's daily lives. Despite your assurances in oral evidence before us on 2 September, Think Local Act Personal's report on the effects of easements, and of the pandemic more broadly, on social care provision, was not published until 13 October, almost two weeks after the debate.⁴

I ask you to reflect again on whether the above represents a thorough consideration of the issues, or an acceptable level of representation of our disabled constituents. As you know, our Report called on the Government to arrange to test the view of the House on the individual provisions that disproportionately affect disabled people. I was disappointed that the Government did not accept this recommendation but hope you can now set out steps the Government will take to ensure the next debate is more satisfactory.

I have written in similar terms to Vicki Ford, PUS for Children and Families in the Department for Education, about the Government's powers to amend duties regarding children and young people with special educational needs and disabilities. Both letters are copied to Justin Tomlinson, the Minister for Disabled People.

² See, for example, Public Health England, [Deaths of people identified as having learning disabilities with COVID-19 in England in the spring of 2020](#), November 2020; ONS, '[Updated estimates of coronavirus \(COVID-19\) related deaths by disability status, England: 24 January to 20 November 2020](#)', accessed 10 March 2021

³ See Women and Equalities Committee, Fourth Report of Session 2019-21, [Unequal impact? Coronavirus, disability and access to services: full Report](#), HC 1050, chapter 5

⁴ Oral evidence taken before the Women and Equalities Committee, 2 September 2020, [Q156](#); Think Local Act Personal, [A Telling Experience: Understanding the impact of Covid-19 on people who access care and support – a rapid evidence review with recommendations](#), October 2020



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From the Chair

I would be grateful to receive your reply to this letter no later than 30 March. I would also be grateful for as much advance notice as possible of the date for the second six-monthly parliamentary review debate, which I understand must take place within seven House of Commons sittings days of 30 March.

A handwritten signature in blue ink that reads "Caroline".

Rt Hon Caroline Nokes MP

Chair, Women and Equalities Committee