



# Women and Equalities Committee

House of Commons London SW1A 0AA  
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From the Chair

Vicky Ford MP  
Parliamentary Under Secretary of State for Children and Families  
Department for Education

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

By email

15 March 2021

Dear Vicky,

## **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 Education, Health and Care Plan (EHCP) assessments and provision for children and young people with special educational needs and disabilities (SEND). 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 the Secretary of State's power to issue notices modifying local authorities' duties under section 42 of the Children and Families Act in relation to EHCPs.<sup>1</sup> Our inquiry found that notices modifying the section 42 duty from an absolute duty to one of "best endeavours" in May, June and July of last year had profoundly adverse effects on the lives of many children and young people with SEND.<sup>2</sup>

We published the Government's response to our interim Report, without substantive comment, in January.<sup>3</sup> Since then, the context and prognosis of the pandemic have 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 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 in statute the Secretary of State's temporary power to modify section 42 duties. If it remains the Government's assessment that the availability of this power remains

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<sup>1</sup> Schedule 17, Coronavirus Act 2020

<sup>2</sup> Women and Equalities Committee, Fourth Report of Session 2019-21, *Unequal impact? Coronavirus, disability and access to services: full Report*, [HC 1050](#), chapter 4

<sup>3</sup> 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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From the Chair

necessary, I would be grateful if you could provide the data and professional advice on which this assessment is made. In the absence of such data and advice, I urge you to bring forward Regulations to remove section 42 of the Children and Families Act from the list of education provisions in schedule 17 of the Coronavirus Act.

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, including in much younger age groups than in the non-disabled population, have borne the brunt of the pandemic.<sup>4</sup> Furthermore, disabled people's trust in the Government has been damaged by a perceived lack of consultation and often inaccessible communications.<sup>5</sup> Removing the emergency power to modify section 42 of the Children and Families Act as early as possible, ahead of the two-year sunset provision of the Coronavirus Act, would send a clear signal of the Government's support for children and young people with SEND and their families, and may go some way towards restoring their trust.

I have written to Helen Whately, the Minister for Care, in similar terms in relation to the Coronavirus Act's Care Act easements, and both letters have been copied to Justin Tomlinson, the Minister for Disable People.

I would be grateful to receive your reply to this letter no later than 30 March.

**Rt Hon Caroline Nokes MP**

**Chair, Women and Equalities Committee**

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<sup>4</sup> 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

<sup>5</sup> 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