

Written evidence from Inclusion London (COV0196)

1. Introduction

Inclusion London

Inclusion London is a London-wide user-led organisation which promotes equality for London's Deaf and Disabled people and, provides capacity-building support for over 70 Deaf and Disabled People's Organisations (DDPOs) in London. Through these organisations, our reach extends to over 70,000 Disabled Londoners.

Disabled people

- Twenty-two per cent (13.9 million) of people reported being Deaf or Disabled in 2016/17, an increase from 19 per cent (11.9 million) in 2013/14. Most of the change over the three years came from increases in the percentage of working-age adults (16 to 19 per cent) and State Pension age adults (42 to 45 per cent) reporting 'a disability'.¹
- Fifteen per cent (1.3 million people) of London's population report being Deaf or Disabled.²

Sources of Information

This submission is informed by our experience as Deaf and Disabled people. It is also informed by our knowledge of supporting 70 Deaf and Disabled People's Organisations in London which provide front line support to thousands of Deaf and Disabled people in our communities.

Our submission is further informed by data gathered from our report, "Forgotten, Abandoned and Ignored: The Impact of the Coronavirus Pandemic on Disabled People³", which was compiled using data from our survey which had over 300 responses from Disabled people across the country.

Summary

Disabled people's human rights have already been disproportionately detrimentally affected by the government's response to the coronavirus pandemic, across different spheres of our lives. These have exacerbated previously existing structural inequalities that marginalize, discriminate, exclude and put at risk Deaf and Disabled people. The measures taken has shown that when it comes to government policy, the rights of Disabled people have been an afterthought – and the rationing of resources has starkly revealed the way Deaf and Disabled people are viewed at best as second class, expendable citizens. This feeling has been backed up by figures showing that Disabled people make

¹ <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-201617>

² <https://www.gov.uk/government/statistics/family-resources-survey-financial-year-201617>

³ <https://www.inclusionlondon.org.uk/wp-content/uploads/2020/06/Abandoned-Forgotten-and-Ignored-Final-1.pdf>

up 2/3rds of Coronavirus deaths⁴, and deaths have been particularly prevalent in residential institutions such as nursing homes where Disabled people make up a large proportion of the population⁵. These figures alone point to the threat to Disabled people's right to life in the way that the Government responded to the Coronavirus Pandemic.

The measures in the Coronavirus Act have weakened Deaf and Disabled People's rights. In particular, the suspension of Care Act duties, duties towards Disabled children in education and weakening already very fragile safeguards under the Mental Health Act. At the same time, there has been a systematic failure to ensure the safety and wellbeing of Deaf and Disabled people in the community ranging from the current inability to provide PPE and testing to a lack of support to ensure people receive social care support they need in the community. There is very little accessible information in a range of format about the virus and the Government's policies. The Government refuses to ensure the daily briefings from Number 10 include a BSL interpreter (the Government wrongly states this is the duty of the broadcasters), and there is very little information produced in Easy Read. The lack of accessible information contributes to the feeling of anxiety and abandonment that many Deaf and Disabled people are experiencing. There has been inconsistent and often confusing information about shielding and who needs to shield.

It is also important to remember that this situation comes on top of a period of sustained retrogression of Deaf and Disabled people rights, inclusion and quality of life over the last ten years⁶. Disabled people are extremely concerned that significant public spending triggered by the Coronavirus emergency may lead to new austerity and reduction in public services in the future. This is why it is extremely important to ensure any future policies at the recovery stage comply with the UNCRPD and uphold Disabled people's human rights. The UN has already published the "Joint Statement: Persons with Disabilities and Covid-19" in order to provide states with a list of recommendations on how best to ensure Disabled people's human rights during and coming out of the pandemic⁷.

2. Key Issues - What will the impact of specific measures taken by Government to address the COVID-19 pandemic be on human rights in the UK?

Although far from exhaustive, these key issues were raised repeatedly in our survey and by Deaf and Disabled people we have contact with through our various forums and member organisations.

- Over 60% of Disabled people questioned said they had struggled to access food, medicine and necessities. The issues are wide-ranging and interconnecting, including inaccessible websites, spending hours searching for on-line delivery slots and confusing guidance and

⁴ <https://www.bbc.co.uk/news/uk-53221435>

⁵ <https://www.theguardian.com/society/2020/jun/07/more-than-half-of-englands-coronavirus-related-deaths-will-be-people-from-care-homes>

⁶ This was documented by the UN Committee on the Rights of Persons with Disabilities, see their Concluding Observations. See also the report from the EHRC Being Disabled in Britain: <https://www.equalityhumanrights.com/en/disability-report-being-disabled-britain>

⁷ https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/04/Joint_Statement_Persons_with_Disabilities_COVID19.pdf

information. Some Disabled people, for example, who are visually impaired, no longer feel safe going out to shops as there is a lack of social distancing infrastructure in place. Supermarkets and shops have, in many cases, failed to make reasonable adjustments such as supporting people who cannot stand in queues or reach items on shelves.

- Nearly half of the respondents talked about inaccessible information, confusing guidance and lack of advice. Public health information and government guidance have to be accessible, unambiguous and concise. If it is confusing Disabled people cannot take the necessary decisions to isolate safely, purchase food or access health and public services. The government has failed to provide information in alternative and accessible formats. For example, despite repeated requests and the threat of legal action the government has refused to provide British Sign Language Interpreters at its televised daily coronavirus briefings⁸. This not only disadvantages Disabled people but puts lives in danger.
- The coronavirus pandemic has thrown into stark relief the extent of the discrimination and exclusion Disabled people face. The failure of the government to publish guidance on how doctors will decide which patients will receive life-saving treatment during the covid-19 pandemic has raised fears that Disabled people will be discriminated against and left to die. For example, the National Institute for Health and Care Excellence was threatened with legal action for telling doctors they should assess patients with learning difficulties, autism and other impairments as scoring high for frailty⁹. Though now changed, the effect would have been to deny some Disabled people critical care and life saving treatment. Furthermore, the cancellation of routine medical appointments and rationing of key medical equipment¹⁰ to Disabled people with long term health conditions demonstrates the unequal right to healthcare Disabled people experience.
- The right to life and rationing of resources. Disabled people have told us that they feel valued less. Several respondents explained that they had been asked to sign Do Not Resuscitate (DNR) notices. The wide use of DNR notices on Disabled people has been further noted by the HSJ¹¹. Others have expressed fears of being denied access to emergency treatment and being left to die if they contract covid-19.
- Social care is being cut, reduced or failing to provide protective equipment. The coronavirus pandemic has exposed and amplified many existing structural and systemic flaws within the social care system. The consequences are stark. Over one in four respondents have had problems getting hold of personal protective equipment. Nearly 40% have had issues with Personal Assistants, Direct Payments, housing benefits, and care packages.

⁸ <https://www.disabilitynewsservice.com/coronavirus-bsl-users-launch-mass-legal-action-over-government-discrimination/>

⁹ <https://www.independent.co.uk/news/health/coronavirus-nhs-treatment-disabled-autism-nice-covid-19-a9423441.html>

¹⁰ <https://www.disabilitynewsservice.com/coronavirus-second-nhs-trust-accused-of-respiratory-roulette-discrimination/>

¹¹ <https://www.hsj.co.uk/coronavirus/unprecedented-number-of-dnr-orders-for-learning-disabilities-patients/7027480.article>

3. What steps need to be taken to ensure that measures taken by the Government to address the COVID-19 pandemic are human rights compliant?

- In order to avoid the further marginalization of Deaf and Disabled people and our rights as we come out of lockdown, policies in all areas must take into account our rights, promote inclusion and dismantle the barriers we face in our daily lives.
- It is vital that Deaf and Disabled People's Organisations (DDPOs) and Disabled people are involved in developing the policies which will affect us at a local, regional and national level.
- The Government should adopt all of the recommendations of the UN's "Joint Statement: Persons with Disabilities and Covid-19"¹²
- Immediate measures should be taken to ensure that Disabled people are able to access goods and services, such as online shopping slots, so they have access to food and medicines.
- Immediate action should be taken to ensure that all information from the Government about Covid-19 and any measures put in place should be made accessible, including in BSL and Easy Read format.
- The easements in the Coronavirus Act pertaining to the Care Act, Education Health and Care Plans and the Mental Health Act should be repealed.

21/07/2020

¹² https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/04/Joint_Statement_Persons_with_Disabilities_COVID19.pdf