

# THE UNITED KINGDOM COVID 19 INQUIRY

Witness Name: Justin Tomlinson MP

Statement No.: First

Exhibits: 67

Dated: 7 August 2023

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## WITNESS STATEMENT OF JUSTIN TOMLINSON MEMBER OF PARLIAMENT FOR NORTH SWINDON

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I, **JUSTIN TOMLINSON**, will state, as follows: -

### Introduction

1. I am providing this witness statement to explain my role as Minister of State for Disabled People, Health and Work during the period January 2020 and 16 September 2021<sup>1</sup>. This witness statement is provided in response to a Rule 9 Request which was addressed to me through the Equality Hub in the Cabinet Office. Accordingly, the statement focuses on my work overseeing the Disability Unit ("DU") rather than my wider portfolio of work within the Department of Work and Pensions ("DWP").
2. My responsibilities as Minister of State for Disabled People, Health and Work included **[JT/1 - INQ000187661]**:
  - a. some specific disability policy and cross-government responsibility for disabled people;
  - b. oversight of the DU, and convenor of Ministerial Disability Champions;
  - c. work and health strategy, including sponsorship of the joint DWP / Department for Health and Social Care Work and Health Unit, and disability benefit reform;
  - d. disability employment, and disability employment programmes;
  - e. financial support for those at risk of falling out of work, and disabled claimants including Statutory Sick Pay (SSP), Disability Living Allowance (DLA), Personal Independence Payment (PIP), Employment and Support Allowance (ESA) and Carer's Allowance (CA);

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<sup>1</sup> I left the Government in 2021, returning to the Backbenches (as outlined below).

- f. Serious Case Panel in conjunction with Thérèse Coffey, Secretary of State for DWP;
  - g. Devolution Framework.
3. I make this statement from information and documents within my personal knowledge; information provided to me by colleagues within the DWP and Equality Hub; and my own experience of the functions and operation of government. The content of this statement is true to the best of my knowledge and belief. Within the limited time and using those resources made available to me, I have endeavoured to give an accurate account of the key aspects of my involvement, through the Equality Hub, in the core political and administrative decision-making relating to the UK's response to Covid-19. It has not been possible for me to undertake a comprehensive review of all my emails and documents. I recognise that further documents and emails might be brought to my attention at a later date and I would, therefore, welcome the opportunity to supplement, clarify and / or to amend my evidence (if necessary) in the light of any such documents.
4. During the relevant period, I exchanged very few WhatsApp or SMS messages relating to Covid-19. I have provided these threads to the inquiry legal team. I did not use a government issued phone.

### **Political Career**

5. I was elected as the member of parliament for North Swindon in the 2010 General Election. I had previously served as a councillor in North Swindon for ten years, including four years in the council's cabinet as the lead member for culture, leisure and recreation.
6. Following the 2015 General Election, I was appointed by the then Prime Minister, David Cameron, to serve as the Parliamentary Under Secretary of State for Disabled People. I carried out this role for fourteen months before returning to the backbenches in July 2016.
7. In July 2018, I re-joined the Government as a Minister within the DWP, first as Parliamentary Under Secretary of State for Family Support, Housing and Child Maintenance and then as Minister for Disabled People, Health and Work in April 2019 a role I held until 16 September 2021 when I became Deputy Chairman of the Conservative Party, I remained in that role until 10 July 2022 when I joined Kemi Badenoch's team as part of her campaign to lead the Conservative Party. I have been on the backbenches ever since.

## Disability Unit and the Equality Hub

8. I note that Marcus Bell (Director of the Equality Hub) has dealt, comprehensively, in his corporate statement, with the make-up and role of the Equality Hub. To avoid unnecessary duplication, and in the interests of brevity, I defer to Mr. Bell's statement in this regard. Nevertheless, I set out briefly below my understanding of the formation of the DU and the Equality Hub.
  
9. The DU was formed in November 2019. It brought together the Office for Disability Issues and other experts from across government. In September 2020, the Equality Hub in the Cabinet Office was created, when the Race Disparity Unit (RDU), the DU and the Government Equalities Office (GEO) were brought together. As minister responsible for the DU, I led the DU through its transition from the Office for Disability Issues into a standalone unit in the Cabinet Office and then into the Equality Hub. The stated aim of the DU was to: *"break down the barriers faced by disabled people in the UK. We're creating an evidence-based disability strategy that understands the lived experience of disabled people."* [JT/2 - INQ000187662]. The DU was responsible for:
  - a. the national strategy for disabled people (renamed National Disability Strategy on publication (NDS));
  - b. bringing the views, insights and lived experience of disabled people to the centre of policy making;
  - c. helping departments to develop and monitor policies that remove barriers faced by disabled people;
  - d. supporting me as the Minister for Disabled People, Health and Work;
  - e. the coordination of cross-government engagement on policies relating to disabled people;
  - f. co-ordinating the implementation of the UN Convention on the Rights of Persons with Disabilities across government [JT/2 - INQ000187662]; and
  - g. Helping to ensure businesses support their disabled customers by appointing Disability and Access Ambassadors.
  
10. The priorities for the Unit in during my tenure were:
  - a. "Publishing the new national strategy for disabled people by the end of 2020 (renamed NDS on publication);
  - b. developing a positive and clear vision on disability which is owned right across government;

- c. making practical changes to policies to strengthen disabled people's ability to participate fully in society;
- d. ensuring disabled people's lived experience underpins policies by identifying what matters to disabled people;
- e. strengthening the ways in which we listen to disabled people and their organisations, using their insights to drive real change;
- f. improving the quality of evidence and data and using it to support policies and how they are delivered;
- g. maintaining and building relationships with disabled people and their organisations, stakeholders and colleagues across government." [JT/2 - INQ000187662].

The Director of the DU was Marcus Bell. The Deputy Directors during the period I was in post were Hannah Rignell and Sarah Baker.

11. I am aware that a number of the Equality Hub staff were redeployed in the early months of Covid-19 and I recognise that this may have had an impact of the DU's ability to respond to their work. However, from my perspective, this did not have an impact on the DU's ability to respond to the Covid-19 workstreams which I was involved in.

### **Department of Work and Pensions**

12. Outside of my involvement with the DU, I had numerous other Covid-related responsibilities as Minister for Disabled People that sat within DWP. These included:
  - a. Maintaining the disability benefit system to ensure payments continued to process and computer systems did not fall over. When Covid-19 hit, there was a significantly reduced work force due to illness, the inability of people to physically go into work, and the redeployment of many benefit assessors to the NHS. We needed to work out how we could make sure, with what limited capacity we had, that people with or needing benefits did not drop out of the system. To do this, we automatically extended benefits, consulted with stakeholder groups to ensure our online forms were not causing issues, and used effective communication to lessen public panic around benefits. We were also able to rapidly design a system for new claimants which switched the process from a one hour assessment, to a telephone assessment, and then to a video assessment. To undertake this, we had a huge

amount of stakeholder engagement for feedback which was overwhelmingly positive.

- b. Supporting Access to Work. This is a government scheme that helps with the financial cost that goes beyond what an employer would have to do under the law. If a person had needs beyond this, DWP would have to step in to assist so we sped up the process and allowed money to be spent on home working. This system worked so well it became the new norm. It allowed a cohort of people who had never been able to work because of a lack of access to a physical workplace get a job, and change their future.
- c. Ensuring unpaid carers would be able to continue to claim Carer's Allowance if they had a temporary break in caring, because they or the person whom they were caring contracted Covid or if they had to isolate because of it. Under the normal rules, there are restrictions on breaks in care, however these were lifted until 31 August 2021. Restrictions were also lifted until 31 August 2021 for emotional support, including by phone or video call, which would count towards the Carer's Allowance threshold of 35 hours per week. Previously, only traditional face-to-face care would count towards the threshold. This allowed carers to continue to receive payments when they were unable to provide face to face care, due to shielding, whilst also making sure that the vulnerable would continue to receive the necessary emotional support. This change for emotional support was not introduction by legislation, but was introduced via guidance, and was well received.

### **Coronavirus Pandemic Related DU Workstreams**

13. The DU was crucial in working with others across Government to ensure the Covid-19 response took account of the needs of disabled people. This involved constructing an evidential foundation explaining the effect of Covid-19 on disabled individuals/ groups and bringing this to the attention of high-ranking officials in the Covid Taskforce to shape reports, suggest measures or interventions to lessen Covid-19's impact on disabled individuals. In this statement, rather than provide a chronology of my work during the period 2020 to 2021, I have chosen to address each of the key workstreams in which I was involved. These were:

- a. Stakeholder Engagement;
- b. DU Influence on Policy;



- c. Data and Statistical Collection;
  - d. Relevant Officials Covid-19 meetings on Disproportionately Impacted Groups;
  - e. Inclusive Communications;
  - f. The Development of the National Strategy for Disabled People.
14. Other than as set out below I did not attend any Covid-19 related COBR, Cabinet, MIGs, Covid-S, the Covid-19 Daily Meeting and four nation forums, as my two departments were represented by the then Secretary of State, Thérèse Coffey. Insofar as these meetings touched on issues in which I was involved, either myself or my officials would brief the Secretary of State in advance to ensure where necessary, the issues affecting disabled individuals were brought to the attention of high-level officials in these meetings.
15. I cannot recall how I first became aware of Covid-19, and I do not have a sufficient evidence base upon which to make my own assessment of whether the Government appreciated the seriousness of the threat of Covid-19 and was making the necessary preparations to respond. I was not directly involved in the UK Government's initial strategy in relation to Covid-19 in the period from January to March 2020, including the decision to use lockdown to limit the spread of Covid-19.
16. I was not involved in the early strategies including community testing of discharge of patients into care homes; however as set out below, I was involved in arranging stakeholder engagement with Helen Whately to facilitate visitor access to care homes as the pandemic went on.
17. To the best of my knowledge, I had no direct engagement with the Equality and Human Rights Commission in relation to the Covid-19 response. Insofar as it was necessary to engage with them, officials in the Equality Hub were doing so directly.
18. I do not recall being involved in any work nor am I aware of any specific data captured or analysed concerning the risk of long term covid sequelae, including the condition known as long covid. Additionally, as my understanding was that the impact of long covid was not yet established at the time I left my role on 16 September 2021, I am not well placed to provide comments on lessons learned in relation to long covid. That being said, as outlined at paragraph 51, I was not directly involved in engagement with ONS data so am unable to comment on whether or not that data was captured and analysed.

19. My only involvement in relation to long covid was that in the latter period of my appointment, stakeholders began to raise questions about whether long covid will be recognised in the benefits system, which it was.

### **Stakeholder Engagement**

20. A focus of my work during 2020 and 2021 was to understand the lived experience of disabled people, together with relevant evidence and data. To do this, the DU worked across government, with disabled people, their organisations, charities and other stakeholders to gain their valuable insight. The objective was to reach as many people as possible, including those who may not usually engage with the government, providing a variety of ways to engage with us according to people's preference or accessibility requirements. In a news story dated 2 April 2020 the DU provided examples of the engagement that was taking place [JT/3 - INQ000187660].

21. During the relevant period I met a wide range of stakeholders both through organisations and consortia (as vehicles for engagement) and directly. These may be divided into four: a) Disability Charities Consortium, b) the Disabled People's Organisations (DPO) Forum, c) the Regional Stakeholder Network and d) a large number of other organisations and individuals. I have provided examples of engagement carried out in each of these four categories, below.

22. Using the information which we gained during the stakeholder meetings / engagements, I then raised these issues with other government departments and ministers in an attempt to effect real and immediate change to minimise the impact of Covid-19 on disabled people. An example of this would be when during a stakeholder engagement, concerns about access to supermarkets and delivery slots for vulnerable people was raised as an issue. I escalated this to Victoria Prentis, the then Parliamentary Under-Secretary of State for Farming, Fisheries and Food. This led to the establishment of the Access to Food Taskforce and ultimately to the establishment of quiet hours for vulnerable consumers. I explain this example in more detail below.

#### *Disability Charities Consortium*

23. I had several meetings with the Disability Charities Consortium ("DCC"). As I outline below, these meetings were of considerable use and allowed stakeholders to share experiences of the impact of Covid-19 with me and DU and enabled us to learn from their experience.

A brief on the DCC, dated 26 April 2020 sets out the format of the Consortium and its work [JT/4 - INQ000187627].

24. On 27 April 2020, I met with the DCC. As can be seen from the list of attendees, the meeting was well attended with CEOs from a range of charities and organisations, as well as staff from the DU, DWP and No.10. We discussed a range of issues including their funding; the impact of furlough; social care issues; reasonable adjustments for disabled people working at home; access to food and supermarkets, and more [JT/5 - INQ000187628].
25. One positive I was pleased to hear about was the strong sense of collaboration and inter-charity working which had been noticed and championed in the response to Covid-19, with people working together to help each other.
26. I had further meetings with the DCC on 20 July 2020, 18 November 2020 and 23 March 2021 [JT/6 - INQ000187666], [JT/7 - INQ000187652] and [JT/8 - INQ000187654].
27. I found these meetings particularly valuable, as recorded in the note of the meeting of the Regional Stakeholders Network Chairs meeting on 24 February 2021 (see paragraph 34.e below) where I highlighted the role the DCC meeting played in championing the issue of vaccination priority for those with learning disabilities.

#### *Disabled People's Organisations (DPO) Forum*

28. On 23 July 2020, I chaired the first virtual Disabled People's Organisations (DPOs) Forum [JT/9 - INQ000187659]. The membership of the new forum included national disabled people's organisations, regional organisations and chairs of our Regional Stakeholder Networks. Forum members were from DPOs, and had lived experience of disability themselves, or represented others that do.
29. We used the DPO Forums to enable a high-level group of DPOs and influential disabled individuals to have regular conversations with myself as the Minister for Disabled People, Health and Work and other government officials. As well as providing forum members with an opportunity to meet with myself, the meetings played an important role in bringing the voices and expertise of disabled people into the heart of government policy making. These meetings allowed me to understand different issues outside the most common health conditions that the large charities work with. The forum also included welfare advisors who



would often be the first to let us know when there were issues, for example in accessing disability payments.

30. The Forum met four times whilst I was Minister, and I was pleased to attend two of their meetings on both 23 July 2020 (as mentioned above) and 20 November 2020 **[JT/10 - INQ000187650]** and **[JT/11 - INQ000187651]**. I found the meetings to be an invaluable source of information and inspiration. Information gained from these meetings with the Forum was quickly fed back into the heart of government policy making and I have no doubt that it influenced key decisions. Examples of the DU's influence on policy in areas such as vaccines, masks, access to food, visits to care homes etc are discussed later in my statement.
31. These DPO Forums allowed us to hear a diverse range of voices across the UK, including from smaller organisations which may not have previously had immediate access to the minister most concerned with their particular issue. I found these particularly helpful as it was often the engagement with these smaller organisations which got to the heart of the issues which were causing the most disadvantage within the community. I personally found these meetings informative and these were the starting point to material changes to policy for example in relation to the automatic renewal of disability benefits for certain groups of people where this had not previously been implemented, the introduction of a BSL interpreter and changes that were made for access to food provisions as outlined in more detail at paragraph 68a below.

#### *Regional Stakeholder Network*

32. The Regional Stakeholder Network ("RSN") was a particularly successful and instructive forum for change. In essence the DU has set up a Regional Stakeholder Network to help it reach out to disabled people across England. Each region in the network was tasked with: (i) amplifying the voices of disabled people and disability organisations in their regions; (ii) reporting back to the government on a range of issues including transport, housing and employment; (iii) helping to develop the new National Strategy for Disabled People. Each region was led by a chair who is independent of government and was selected based on their understanding of disability issues specific to their regions, their expertise in disability policy and its effects at grassroots level. In April 2020 the Chairs were **[JT/12 - INQ000187663]**:

- a. East of England: Naomi Tomkys OBE, CEO, Sky Badger

- b. Greater London: Ruth Owen OBE, CEO, Whizz-Kidz
- c. North East: Michael Potts, Board Member, Veterans Advisory and Pension Committee
- d. North West: Lynne Turnbull, CEO, Cheshire Centre for Independent Living
- e. South East: Barry Ginley, Director, Tamstone Consulting Ltd
- f. South West: Samantha Everard, CEO, Support and Mentoring Enabling Entrepreneurship (SAMEE)
- g. West and East Midlands: Louise Mckiernan, CEO, Birmingham Disability Resource Centre
- h. Yorkshire and the Humber: Liz Leach Murphy, Founder/Managing Director, Imagineer CIC

33. Each region would have their own regular meetings which would then shape the issues the chairs would raise in the meetings with me. Officials from DU would attend these meetings. I felt this was important so that the real issues could be identified by the groups and raised with me at the meeting, rather than DU setting the agenda and missing the important issues.

34. The RSN was set up to make it easier for individual disabled people, as well as DPOs and other disability organisations across the whole of the country to link up and feed in their lived experience and insight directly to the Government. In 2020 the Network was working with over 200 organisations and individuals, and greatly expanded the range of voices we are able to hear from on a regular basis. These meetings included:

- a. On 30 September 2020, I met the Chairs of the RSN to hear about the progress they have been making in their regions [JT13 - INQ000187667]. They explained that despite the constraints in place around being able to hold meetings physically, they had been keeping in touch with their members in a variety of ways (including telephone and email), reflecting the communications needs of individual members. This has enabled them to provide the DU with feedback on important issues such as Covid-19 impact and the National Strategy for Disabled People.
- b. On 15 and 16 December 2020, I attended virtual meetings of the RSN in the North East and the South East. The briefing I received, which includes the agendas and speaking notes for the two meetings are here: [JT/14 - INQ000187668].

- c. I attended a further meeting of the RSN Chairs on 30 September 2020 and again passed on my thanks for their work and for their key role in assisting the Government with the development of both the DWP Green Paper (covering assessments, accessing the benefits system and employment support) and also the National Strategy for Disabled People. I heard updates from the Regional Chairs and listened to their feedback, concerns and comments (both the positive and areas where they could see the need for improvement) **[JT/13 - INQ000187667]**.
  - d. On 11 January 2021 I attended a virtual meeting of the East of England RSN. **[JT/15 - INQ000187669]**.
  - e. The following month (on 24 February 2021) I attended another RSN Chairs meeting where I heard updates from each of the regions **[JT/16 - INQ000187653]**.
35. Following an announcement from the Prime Minister of the publication of the Government's 'Living with COVID' document on 21 February 2022, Katy Owen from the DU met with RSN Chairs on 23 February 2022, to provide an update on the announcement and to hear their feedback on it **[JT/17 - INQ000187641]**. A follow up document addressing questions raised in that session was then produced **[JT/18 - INQ000187642]**.

*Ad Hoc meeting & engagement with other organisations and individuals.*

36. I hosted a series of ad hoc engagement sessions with national disability stakeholders including the Royal National Institute of Blind People ("RNIB") and Macmillan Cancer Support, to discuss the Department's upcoming Green Paper and the National Strategy for Disabled People **[JT/19 - INQ000089813]**:
- a. On 23 September 2020 I hosted a Green Paper workshop with 21 disability organisations including 4 DPOs as part of my wider portfolio as Minister for Disabled People **[JT/20 - INQ000187637]**.
  - b. On 29 September 2020 I held a similar event for Scottish disability stakeholders.
37. I am aware that the Women and Equalities Committee report entitled: "Unequal impact? Coronavirus, disability and access to services" **[JT/21 - INQ000089817]** concluded that:

*“While Ministers described their engagement with disabled stakeholders during the pandemic as very positive, open and effective, some disabled people and their organisations felt excluded and ignored.”* This is not a characterisation which I recognise, indeed I wrote to the Rt Hon Caroline Nokes MP, Chair, Women and Equalities Committee explaining that: *“It is inaccurate to suggest that no work or engagement has taken place. Of course, once public health guidance allows, we will again hold face to face meetings...”* [JT/19 - INQ000089813].

38. It is right to record that there a wide number of stakeholders with competing interests and funding needs and opinions and whilst in my position as Minister for Disabled People, Work and Health, I did my best to operate a broad an inclusive engagement process, I recognise it is never possible to meet the expectations of every stakeholder but I did the best that I could to listen to all voices from a variety of sources.

#### *Disability and Access Ambassadors*

39. In January 2021, I announced that the Cabinet Office was seeking fourteen new Disability and Access Ambassadors to help to ensure businesses were doing all they could to support their disabled customers [JT/22 - INQ000187658]. Disability and Access Ambassadors are senior business leaders. They drive improvements in the accessibility and quality of services and facilities in their sector for disabled people, helping to ensure businesses are doing all they can to support disabled customers. The roles are voluntary. They serve for up to 3 years, and are managed by the DU (part of the Equality Hub). The Ambassadors cover a full range of private sector industries [JT/23 - INQ000187664].

40. These new posts were to join existing Ambassadors who had been helping industry and the Government in the management of the Covid-19 crisis, and supporting work to develop the National Strategy for Disabled People, which I explain below. I met with DAAs on the 21 July 2020 and 17 November 2020.

#### **The DU’s Influence on Policy**

41. The DU worked closely with departments to translate the stakeholder engagement I have outlined above (the lived experience of disabled people), into influence on policy. I have set out below some examples of our work which supplements the work set out by Marcus Bell in his corporate witness statement. I was regularly updated by DU colleagues about

the measures and interventions which the DU was feeding into the Covid Taskforce and to lessen the impact of covid on disabled people. In the following paragraphs I have set out examples which were subsequently adopted at least in part as a result of DU's input. During this unprecedented time, it is worth noting that officials were particularly motivated to develop policy and progress issues in a timely manner and as such it was often unnecessary for a Minister to directly intervene as issues instigated by me as a result of stakeholder engagement meetings could be resolved by discussion with officials.

### *Vaccine Policy*

42. I worked with the Equality Hub to influence and support vaccine policy. In particular on 10 December 2020, I wrote to Professor Andrew Pollard, Chair of the Joint Committee on Vaccines and Immunisation ("JCVI") [**JT/24 - INQ000083878**]. My letter was copied to The Secretary of State for Health and Social Care, Rt Hon Matt Hancock MP and the Minister for Covid-19 Vaccine Deployment, Rt Hon Nadhim Zahawi MP. My letter followed the advice from the JCVI on 2 December 2020 on the prioritisation of groups for the vaccination roll out. I was keen to share with them the work being done by the DU and the understanding we had gained from data gathered on Covid-19 health disparities for disabled people for example the article titled "Updated estimates of coronavirus (COVID-19) related deaths by disability status, England: 24 January to 20 November 2020" [**JT/25 - INQ000089756**].
  
43. I further wrote to the Minister Zahawi on 15 December 2020 (see Annex A of [**JT/26 - INQ000083879**]) offering the support of the DU in assisting him in ensuring that the operational roll out of the vaccine should give full regard to the needs of disabled people. Minister Zahawi replied on 24 December 2020 (see Annex B of [**JT/26 - INQ000083879**]). Further to that letter I was invited to meet with the Minister on 4 January 2021 to discuss how the existing stakeholder networks (outlined above) could be utilised by the Minister's teams in Department of Health and Social Care (DHSC) to drive vaccine uptake and build confidence among at risk groups including disabled people. See the note prepared ahead of that meeting [**JT/26 - INQ000083879**]. Following the meeting, on 4 January 2021 I facilitated a meeting between stakeholders and Minister Zahawi where issues surrounding vaccine uptake and prioritisation of carers could be raised directly.

### *Visitor access to care homes*



44. Through stakeholder engagement, I became aware that there was a particular focus on the speed at which visiting access returned as the lockdown was lifted, particularly for those residents who may have struggled to comprehend the absence of visitors under the circumstances of a lockdown, i.e. those with a learning disability. As a result of stakeholder engagement, I would have been in touch with officials at DHSC who escalated this issue to Helen Whately MP who ensured visitor access was reinstated.

*Mask exemption messaging*

45. Through our networks, I was alerted to the issue that disabled people reported receiving abuse when using public transport without wearing face coverings. We used this information and made sure that government departments emphasised the necessary exemptions for some disabled people for the requirement to wear a face covering within their general messaging. I was pleased to support schemes such as the Sunflower Lanyard scheme for those with hidden disabilities. Whilst the Government does not normally endorse 'commercial' schemes, I felt it was both important and necessary that public support was offered, which it was **[JT/27 - INQ000187631]**.

*Access to Food (Supermarkets)*

46. Through stakeholder engagement I was aware that access to food was an immediate concern for many disabled people as the implications of the pandemic unfolded and lockdown restrictions were introduced. Issues that I was engaged with included: (i) Access to online delivery slots for the broader disabled population. This was an issue raised with me by a stakeholder, and I was able to engage with DEFRA. As a result, the access to food taskforce was established, which our stakeholders helped design on the back of our suggestion, (ii) Reasonable adjustments for disabled people to supermarkets hours; (iii) raising awareness amongst supermarket staff that some disabled people were unable to wear masks for reasons associated with their disability and (iv) Shielding and the availability of food packages.

47. The DU engaged with NHSX around test and trace in order to ensure all disabilities had been considered including the need for there to be non-digital means of engagement for people with disabilities to access services **[JT/28 - INQ000187647]**.

48. The DU worked with DCMS to explore options for reaching the 'digitally excluded' and address loneliness – another impact of Covid-19 (during lockdown periods) both of which

had a disproportionate impact on disabled people. This included putting forward a DU Disability Champion to sit on the award panel for DCMS grant funding [JT/29 - INQ000187646].

49. Other examples of the DU's work influencing policy included:

- a. Working with the DHSC to ensure that the interests of the disabled and vulnerable people were being considered in relation to lockdown and shielding policy. For example, through stakeholder engagement meetings, we found that disabled and vulnerable people wanted people to continue to wear masks so that they felt safe to leave the house which contrasted with the rest of the population who wanted full freedom without wearing masks. Another example, with respect to lockdown policy, we used stakeholder feedback to advise DHSC to relax lockdown rules to allow people with autism and certain other disabilities to exercise more than once per day.
- b. Identifying funding opportunities and representing the interests of disability charities to department and partner budget holders. An example of this was when DCC members raised concerns about the impact of Covid-19 on their fundraising and so sought additional direct financial support from the Government. Officials from the DU engaged with the Treasury department who requested specific information evidencing the financial loss sustained by the DCC members. The DU provided assistance to the stakeholders in order to speed up the process and formalise the request in a letter from the DCC sent on to the Treasury.
- c. Ensuring consistency between each sector by compiling a core list of good practices, e.g. for use of face coverings and social distancing for disabled people.
- d. Working with the Joint Intelligence Organisation and the Government Office for Science to provide input on the development of the 6 to 24 month recovery scenarios.
- e. Working with the Department for Business, Energy and Industrial Strategy (BEIS) in the development of a Public Sector Equality Duty assessment for workplace guidance.

- f. As part of the easing of lockdown requirements, the MHCLG and DfT developed plans to allow restaurants and cafes to put out tables and stands on pavements and other pedestrian areas (in order to maximise trade in an outdoor environment). In doing so there was a proposal to have an accelerated process for consultation and approval. The DU worked with the teams involved to ensure that the potential barriers to engagement in consultation for disabled people were considered and that the impact of the proposals on disabled people was properly factored into the process. See the email chain in May / June 2020 at **[JT/30 - INQ000187643]**.
50. I had no direct involvement in the drafting of coronavirus legislation or regulations save that officials working to me would have ensured that issues like continued access to carer's allowance and disability benefits were dealt with in regulations, along with exemptions from mask wearing.

#### **Data and Statistical Collection by the DU**

51. The DU was tasked with presenting a variety of proposals regarding potential interventions. These were presented to me and the Secretary of State for Work and Pensions and we approved two of them **[JT/31 - INQ000083918]**. The first proposal was to work with the Office for National Statistics ("ONS") to better understand factors which drove an increase in mortality risk. The second was the establishment of a National Centre for Digital Access (this was not taken forward in the end, due to funding).
52. The DU gathered data relating to the impact of the pandemic on disabled people. I am aware that, in around May 2020, ONS was requested to obtain and scrutinise data through the lens of disability and impairment status by the DU. The results of this assessment can be found in:
- a. The May 2020 Opinion and Lifestyle survey which focused on the social impact of Covid-19 and provided an assessment of the impact on different groups of disabled people broken down via impairment **[JT/32 - INQ000089755]**.
  - b. The data released by the ONS on 19 June 2020 which reflected the instances of deaths as it relates to disability **[JT/25 - INQ000089756]**.

53. The very significant impact of the Covid-19 pandemic on our economy and society affected us all. However, disabled people felt the impact more than most and these ONS documents helped us to explain and advocate the impact on an evidential footing. In particular, the data was used to inform Equality Hub contributions to the Covid Taskforce and General Public Sector Ministerial Implementation Group (**GPSMIG**). A further example was that the information gathered through the ONS data to inform the letter I wrote to Nadim Zahawi. Over the following months the ONS continued to produce data analysis to help better understand the very significant additional impact the pandemic was having on disabled people.
54. The DU collaborated with the ONS to improve the collection and presentation of the evidence and data relating to the impact of Covid-19 on disabled people. I was not directly involved with the DU's engagement with the ONS, although I supported and understood this work was ongoing. This was official led, principally by Marcus Bell and his team. However, I was confident that as far as this data was important, it was effectively distributed across government.
55. Although I was not directly involved with the DU's engagement with ONS, my perception is that the ONS data was helpful and informative to those in a position to make decisions. It was not brought to my attention that there were any deficiencies in the data collected.

### **Covid-O meetings**

56. Although I was not routinely involved in Covid-19 related ministerial meetings as these were mostly attended by the Secretary of State at DWP Thérèse Coffey, I attended a meeting of Covid-O on 24 September 2020, at which a package of measures was agreed to target the impact of Covid-19 on disproportionately impacted groups (including those with a disability). Those measures are set out at sections 5 and 6 of the meeting papers **[JT/33 - INQ000090046]**. Minutes of that meeting are here: **[JT/34 - INQ000090183]**
57. On 5 November 2020 (following a Covid-O meeting on 29 October 2020), The Covid-19 Secretariat commissioned a paper on the disproportionate impacts from Covid-19 on disabled people. The emails setting out the commission are here: **[JT/35 - INQ000083917]**; **[JT/36 - INQ000187633]**. The paper provided Ministers with proposals for measures to address the disproportionate impact of Covid-19 on disabled people.

58. On 12 November 2020, Alex Fleming of the DU provided a submission: "Submission on DU's contribution to the COVID (O) commission on disproportionate impacts of covid on disabled people" **[JT/31 - INQ000083918]**. The submission was addressed to me as Minister of State and to The Secretary of State for Work and Pensions.
59. A paper was produced for the Covid-O meeting on 8 December, entitled: 'Disproportionately Impacted Groups – Disability' and 'Paper from the Senior Reporting Officer on disproportionately impacted groups and the Covid-19 taskforce' **[JT/37 - INQ000083877]**.
60. On 8 December 2020, I attended the Covid-O meeting where the measures set out in the paper titled "Disproportionately Impacted Groups" **[JT/38 - INQ000091238]** were discussed. A read out of that meeting is here: **[JT/39 - INQ000083942]** and the minutes, here: **[JT/40 - INQ000091044]**. A list of actions and decisions from the meeting included adopting the recommendations set out at paragraph 10 of the paper. These actions and decisions can be seen here: **[JT/41 - INQ000091234]**
61. Following this, on 28 January 2021, Katy Owen of the DU wrote to me (and to the Secretary of State for Work and Pensions). She submitted a paper seeking agreement to publish the package of cross-government measures to address the disproportionate impact of Covid-19 on disabled people **[JT/42 - INQ000083896]**. The table at Annex A of the document, sets out the measures that were agreed, alongside the lead department, funding / cost of implementation, a 'red / amber / green' marking the current status of the measure at that time and whether or not it had been made public.
62. On 25 January 2021, I attended a Covid-O meeting on vaccine uptake **[JT/43 INQ000091823]**.
63. On 11 February 2021, I attended a Covid-O meeting at which there was discussion about the end date for the current period of shielding and future advice and support that should be given to individuals on the Shielded Patient List **[JT/44 - INQ000091808]**.
64. On 11 March 2021, I attended a Covid-O meeting to discuss the clinically extremely vulnerable. Actions from the meeting are here: **[JT/45 - INQ000187635]**.

### **Communications**



65. The DU provides guidance on how to produce communications that include, accurately portray and are accessible to disabled people. This guidance aims to help people to: (i) communicate using inclusive language and know which words to use and avoid when writing about disability; (ii) include disabled people communications and campaigns and make sure that they're portrayed positively and realistically; (iii) make sure communications are accessible; (iv) choose and use appropriate communication channels to reach disabled people [JT/46 - INQ000187657].
66. The communications team within the Equality Hub worked with the DU to support the Cabinet Office's Covid Communications Hub to utilise stakeholder knowledge and expertise to improve government communications to vulnerable groups. This stakeholder group was set up in May 2020 and included representatives of the disability stakeholders, who reviewed and helped to shape government communications about Covid-19 guidance and regulations.
67. During these stakeholder engagement meetings, we discussed several issues and opportunities for improvement surrounding the government's use of communications to adequately disseminate messages of particular importance to vulnerable groups which were then raised with the Cabinet Office's Covid Communications Hub. Examples included:
- a. in one of our stakeholder meetings it was flagged with me that the British Government daily press conferences did not have the benefit of a BSL interpreter, whereas the Scotland press conferences did. I then raised this as an issue, and it was corrected through the inclusion of a BSL interpreter on the BBC news channel and online. In my view it would have been more advantageous for disabled people if this had been included on the primary BBC television as a given
  - b. Our work with the RNIB were a clear example of stakeholder engagement. They had been working with a number of Departments to help design communications to make sure that, as the Prime Minister issued letters in the future, they were put into Easy Read, in the correct font, and braille was available. We regarded this as really important. As these issues were being raised, we were quickly able to share them with each individual Department, which is responsible in its own right for following the Equality Act.

- c. Through the Cabinet Office equality team, we ensured that there was training available. I know over 300 communications representatives across Government took up that training from April 2020 and things have been rightly transformed. There was an opportunity here. We did not just want this to be a significant improvement as we navigated through Covid-19 but for it to become embedded and to become a given. As a direct result of these engagements, improved guidance on communications, titled “Accessibility standards – Covid-19 content” was produced and circulated which gave guidance on use of and choice of language [JT/47 - INQ000187625] and the DU and Government Equalities Office produced a guide titled “Accessible Communications during Covid-19” (sent out in April 2020) [JT/48 - INQ000187644]. These sat alongside an “Inclusive Communications Assessment” framework produced to help inform and guide communications [JT/49 - INQ000187626]. The Cabinet Office communications team also produced a guidance document titled “Accessibility of Covid Communications” [JT/50 - INQ000187645].
- d. We engaged with stakeholders and collaborative working across Government allowed the communication team and the DU to share information about issues faced by disabled people with both the Cabinet Office and DHSC. They could then improve and adapt public messaging and guidance to better reflect the needs of disabled people. An example of this as outlined at paragraph 46 above was ensuring that government departments emphasised the necessary exemptions for some disabled people for the requirement to wear a face covering within their general messaging.
- e. Disability Rights UK contacted me in July 2020 [JT/51 - INQ000187665] with concerns about the messaging that was going out and we worked to ensure that measures were taken to raise public awareness about people who were not able to wear facemasks. This culminated in the guidance on face covering exemptions being published by the Cabinet Office in July 2020: [JT/52 - INQ000187640].

68. To that end, on 23 October 2020, a document setting out options for increased communications on face covering exemptions was produced and circulated [JT/53 - INQ000187632].

69. On 24 July 2020 when the regulations were published confirming exemptions from wearing face coverings for people with disabilities, I was particularly pleased to note that the

concerns about exemptions which had first been raised with government through stakeholder engagement had been elevated to the status of formal regulations now recognising the exemptions. At the time I said [JT/54 - INQ000187630]:

*“The new regulations are an important step forward in our efforts to defeat coronavirus but I would urge the public and businesses to be mindful of people who are exempt from wearing a face covering – particularly those with disabilities and health conditions.*

*Some disabilities are hidden and not immediately obvious and everyone must play their part and act sensitively towards people who may need additional support.*

*I will continue to work across government to ensure our guidance and responses to the pandemic are as inclusive and accessible as possible.”*

70. I was pleased to support the RNIB launch of their ‘Please Give Me Space’ website which enabled people to buy items that help indicate to others that they could not obey the social distancing regulations. At the time I said:

*“As we continue to confront the pandemic, it remains vital that people maintain their distance. For those with sight loss or other disabilities, social distancing can be difficult to maintain yet is just as important for their protection. Being presented with an obstacle like this compromises their much-valued independence, and requires members of the public to show their support. This new campaign from RNIB, providing optional markers to disabled people that ask the public to give them extra space, is a fantastic way for us to keep ourselves and each other safe. It also speaks to this government's commitment to ensure our response to the pandemic is as inclusive and accessible as possible.” [JT/55 - INQ000187648].*

## **National Strategy for Disabled People<sup>2</sup>**

71. A key focus of the DU was the development of a National Strategy for Disabled People. This would put fairness at the heart of government work, to level up opportunity so everyone can fully participate in the life of this country. It was intended that the strategy

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<sup>2</sup> Implementation of the Strategy was paused following a successful judicial review challenge to the Strategy in January 2022, but the Unit continued to focus on policy to improve the lives of disabled people, including significant stakeholder engagement.

would build on evidence and data, and critically on insights from the lived experience of disabled people. The objectives for the National Strategy for Disabled People were to:

- a. *“develop a positive and clear vision on disability which is owned right across government*
- b. *make practical changes to policies which strengthen disabled people's ability to participate fully in society*
- c. *ensure lived experience underpins policies by identifying what matters most to disabled people*
- d. *strengthen the ways in which we listen to disabled people and disabled people's organisations, using these insights to drive real change*
- e. *improve the quality of evidence and data and use it to support policies and how we deliver them.” [JT/56 - INQ000187656].*

72. It is right to say that in April 2020 the pandemic was the priority for the government, and the DU reviewed plans for the development of the strategy. However, throughout the pandemic the DU continued to work to achieve practical changes for disabled people, which removed barriers and increased opportunity.

73. In a letter dated 16 July 2020 addressed to all of Cabinet, from the Secretary of State for Work & Pensions and myself, we updated our Cabinet colleagues on the progress of the National Strategy for Disabled People and sought each department to nominate a minister to be a disability champion within their department [JT/57 - INQ000187629].

74. Following delays brought about by Covid-19, on 15 January 2021, the DU launched a public survey to gather views and experiences for the National Strategy of Disabled People. We explained that the DU was working with government colleagues, disabled people, disabled people's organisations, charities and businesses to develop and deliver a National Strategy for Disabled People. It was anticipated that the strategy would be launched in Spring 2021. The intention of the strategy was to make practical changes to policies which strengthen disabled people's ability to participate fully in society and place fairness at the heart of government work on disability, to level up opportunity so everyone can reach their potential and participate in life in this country.

75. A huge range of organisations and individuals shaped the development of this strategy. The UK Disability Survey launched in January 2021 and ran until April. Approximately 16 thousand people responded to inform this strategy, including disabled people, families and

carers. The DU also worked with Policy Lab, which brings people-centred design approaches to policy-making to build a more in depth understanding of the everyday experience of disabled people. This work took place in 2020, both before and during the Covid-19 pandemic, and aimed to deepen Government understanding of the everyday experience of disabled people. Findings from the UK Disability Survey and our lived experience research were published on the gov.uk website, here: **[JT/58 - INQ000089757]**.

76. The UK Disability Survey and lived experience research complemented a wider programme of engagement which we ran from February 2020, including:

- a. meetings with our existing disability stakeholder forums:
  - i. 42 regional meetings of the nine Regional Stakeholder Networks (RSNs) involving disabled people, their organisations, parents and carers, totalling 225 members
  - ii. 10 meetings with the Disability Charities Consortium, a group of 10 of the UK's largest disability charities
  - iii. 4 meetings of the Disabled People's Organisation (DPO) Forum
- b. 11 roundtable discussions with a total of 98 disabled people about their experiences in daily life
- c. 6 cross-cutting thematic groups with a total of 130 attendees including disabled people and representatives from DPOs, charities, academia and think tanks.

77. The National Disability Strategy was presented to Parliament on 28 July 2021. It set out the actions the Government planned to take to improve the everyday lives of all disabled people **[JT/59 - INQ000187638]**. It had 3 core parts: Part 1: immediate commitments to improving disabled people's lives; Part 2: including disabled people in policy making and service delivery; Part 3: summary of actions each government department will take.

78. As foot-noted above, in January 2022, the implementation of the Strategy was paused following a successful judicial review challenge. The DU continued to focus on policy to improve the lives of disabled people, including significant stakeholder engagement.

## **Further involvement**

*Public Statement in March 2020*



79. On 31 March 2020, I issued a joint statement with Helen Whately MP (Minister of State (Minister for Care) at the Department of Health and Social Care) and Vicky Ford MP (Parliamentary Under Secretary of State for Children and Families at the Department for Education) outlining how the government planned to support disabled people, their carers, and their families during the coronavirus outbreak [JT/60 - INQ000187624]. The statement explained that: “...*there was cross-party support to pass emergency legislation to allow the government to respond to the coronavirus. This included vital measures to make sure we maintain frontline services and support, particularly for the vulnerable and for disabled people.*” The statement then set out some of the potentially relevant changes and impacts upon the Care Act 2014, Children and Young People with Special Educational Needs and Disabilities (SEND), the Mental Health Act 1983 and European Convention of Human Rights. The statement ended with a commitment that: “*We are taking decisive action in order to save as many lives as possible and also ensure the highest levels of support for disabled people, their carers, and their families during this challenging time.*”

#### **Debate in October 2020**

80. The disproportionate impact of the effects of Covid-19 on those with disabilities was appreciated by government as illustrated above and was the subject of Parliamentary debate. On 15 October 2020, I participated in a Westminster Hall debate on Disability-inclusive response to Covid-19 and following it my Assistant Private Secretary sent a brief read-out from the debate to the Private Secretary to the Secretary of State for Health, and to Private Secretaries in Education, and the Treasury [JT/61 - INQ000187649]. This noted that the key focus of the debate seemed to be on “*care act easements and the disproportionate impact of COVID on disabled people, particularly the ratio of disabled to able-bodied deaths*”. Both the DU and I recognised these as an important issue, however as these issues did not sit directly with the DU they were therefore referred to the relevant department (DHSC) for their consideration.

#### **Ministerial disability champion’s meeting**

81. The primary focus of the ministerial disability champions meeting is general cross-government working, sharing best practice, updates on the National Disability Strategy and ensuring each respective department meets the commitments made in the National Disability Strategy. However, it also regularly referenced best practice of utilising the

expertise of our stakeholder network for shaping Covid-19 related policy and how that could be extended beyond Covid-19.

### **Equality impact assessments**

82. On 28 July 2020 the Government Published the: "Coronavirus Act 2020: the public sector equalities duty impact assessment" [JT/62 - INQ000187670]. This document recorded the equality analysis undertaken for the Coronavirus Bill to enable Ministers to fulfil the requirements placed on them by the Public Sector Equality Duty ("PSED") as set out in section 149 of the Equality Act 2010. I was not involved in the drafting of this or any PSED relating to Covid-19 legislation.

### **Women and Equalities Select Committee**

83. On 10 June 2020, the Women and Equalities Committee launched three new inquiries covering:

- a. Coronavirus and BAME people
- b. Gendered economic impact
- c. Disability and access to services [JT/63 - INQ000187655].

84. On 2 September 2020, I attended the Women and Equalities Committee to provide oral evidence in the session relating to: "Unequal impact? Coronavirus, disability and access to services". I provided evidence alongside:

- a. Vicky Ford MP, Parliamentary Under-Secretary of State for Children and Families, Department for Education;
- b. Victoria Prentis MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs;
- c. Helen Whately MP, Minister for Care, Department of Health and Social Care;
- d. Martin Woolhead, Deputy Director for Vulnerabilities, Department for Environment, Food and Rural Affairs;
- e. Antonia Williams, Director of Mental Health, Dementia and Disabilities, Department of Health and Social Care; Sarah Baker, Deputy Director, DU, Cabinet Office.

85. On 25 September 2020, the Women and Equalities Committee published a report entitled: "*First Report - Coronavirus, disability and access to services: interim Report on temporary provisions in the Coronavirus Act*" [JT/64 - INQ000089815]. On 11 January 2020, the

Government responded to the First Women and Equalities Committee Report **[JT/65 - INQ000089816]**.

86. On 22 December 2020, the Women and Equalities Committee published a report entitled: "The Fourth report: Unequal impact? Coronavirus, disability and access to services." **[JT/21 - INQ000089817]**.

87. On 7 July 2021, I attended the Women and Equalities Committee to provide oral evidence in the session relating to: "One-off session: Covid reports follow-up" **[JT/66 - INQ000089819]**. I provided evidence alongside:

- a. Kemi Badenoch MP, Minister for Equalities, Government Equalities Office;
- b. Baroness Elizabeth Berridge, Minister for Women, Government Equalities Office;
- c. Mims Davies MP, Parliamentary Under-Secretary of State for Employment, Department for Work and Pensions;
- d. Marcus Bell, Director, Equality Hub;
- e. Paul Trenell, Deputy Director, Gender and Analysis, Equality Hub;
- f. Kerstin Parker, Deputy Director, Universal Credit Policy, Department for Work and Pensions.

### **Lessons Learned**

88. After reviewing the Equality Hub Corporate Statement of Marcus Bell, I understand that the Equality Hub held a lessons learned session on 18 November 2021 **[JT/67 - INQ000083904]**. However, I was not involved or aware of any lessons learned session arising from the pandemic prior to reading Mr. Bell's statement.

89. The process of preparing this witness statement has caused me to reflect on matters which went well and other areas which could be improved. On reflection, the following areas are ones which went well and are continuing post Covid-19.

#### *Ability to use stakeholder engagement*

90. During the pandemic, a positive was our ability to use stakeholder engagement to streamline the introduction of telephone and videoconferencing to facilitate assessments to ensure that disabled and vulnerable people could continue to be assessed in absence of face-to-face contact so that:

- a. Existing receivers of disability benefits continued to receive payments; and
  - b. So that new applicants could be assessed to access the disability benefits.
91. Prior to the pandemic, we had a plan in place to explore telephone/video assessments as part of the next Health and Disability White Paper. This would have involved lengthy tests and pilot studies. However, through stakeholder engagement we were able to streamline the process to not only have the systems up and running within a few weeks, but with the positive feedback continue their use after the pandemic.

*Strength in cross-government working*

92. By the success of our stakeholder engagement work, we were able to demonstrate to other Government departments that working with our stakeholder network would both speed up and improve policy development. This empowered disability voices across Government. We were able to put stakeholders in front of the decision-making officials to contribute to policy making and ensure that the real issues were being heard and decisions were made as quickly as possible.

*Areas for improvement*

93. I left my position as Minister of State for Disabled People, Health and Work on 16 September 2021, and as such can only comment on the issues which were raised during my time in post. Whilst we acted contemporaneously to ensure the issues raised by stakeholders were addressed, I have no doubt that there are a range of different views, many of which are reasonable, on the measures that were implemented and the ways in which they could be improved. As those views will be captured in the stakeholder meetings which continue to this day, those still involved will be best placed to comment.

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Personal Data

Signed:

Dated: 07/08/23