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Solicitor Team
UK Covid-19 Public Inquiry

15 December 2022

C19 Public Inquiry – Rule 9 Response

Your reference: M2/R9R/IS/TJS

We write further to the Inquiry's Rule 9 request dated 7 November 2022. We set out our responses to the Inquiry's request for information below. In accordance with the Inquiry's email of 16 November 2022 we have prepared our responses without substantive legal advice and, in particular, have not yet provided to our legal team all documents we consider relevant for them to review and advise accordingly whether these, or other documents, ought to be provided to the Inquiry team. However, we trust the following assists and we are able, in due course, to provide a statement to the Inquiry and further submissions on the issues raised in the Inquiry's Rule 9 questionnaire.

- 1. A brief overview of the history, legal status and aims of the organisation or body. Please explain whether the work of the organisation or body is UK wide, or is instead confined to England, Scotland, Wales or Northern Ireland only.**

Established in 2001, Inclusion Scotland is a registered charity (SC031619) and 'Disabled People's Organisation' (DPO) – meaning led by Disabled people ourselves. Inclusion Scotland works to achieve positive changes to policy and practice, so that we Disabled people are fully included throughout all Scottish society as equal citizens. The

majority of Inclusion Scotland's work is confined to Scotland, but we do engage at a UK level on reserved issues impacting Disabled people in Scotland.

We are an independent, non-party political, representative organisation of Disabled people across Scotland with a network of over 50 DPO members and partner organisations, alongside our individual members. We reach thousands of Disabled people across Scotland, many of whom experience profound exclusion and intersectional barriers to participation in society.

Inclusion Scotland leads on the development and delivery of projects designed to promote and involve the voice and choices of Disabled people in public policy to create a more equal society. These projects include, but are not limited to:

- (a) Informing disabled people of their rights and working with them to gather, and share their lived experience and solutions for change with policy makers;
- (b) Empowering Disabled people to use their experiences to inform the Scottish Government as to how Social Care Support can be improved;
- (c) Working with employers to make their recruitment and operational practices more accessible and inclusive for Disabled people; and
- (d) Offering advice and support to Disabled people to become more involved in political life, from joining a political party to running for elected office.

2. A brief description of the group(s) which the organisation or body supports or represents.

Inclusion Scotland represents our members which include Disabled People's Organisations and individual Disabled people. Beyond our membership, we also support Disabled people to take part in employment, politics, policy-making and influencing, and research through our projects, some of which are described above.

3. A brief overview of the work of the organisation or body in supporting or representing the relevant group(s) between January 2020 and Spring 2022 as it relates to the response to Covid-19 of (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive.

Since the onset of the pandemic in March 2020, Inclusion Scotland has worked to support and represent Disabled people's lived experience across Scotland and to advocate for their voices to be heard by policy and decision makers. We gathered and represented the views and lived experiences of Disabled people of the impacts of the steps taken to address the pandemic and used this to influence government and other decision-makers, while also providing support to our members and beyond. We did this in a variety of ways including:

- (a) Carrying out surveys to gather the experiences of Disabled people across a range of issues including shielding and social care support;
- (b) Writing reports based on our survey findings;
- (c) Producing briefings for Members of the Scottish Parliament (MSPs);
- (d) Responding to calls for written evidence from parliamentary committees;
- (e) Giving oral evidence to Scottish Parliament Committees;

- (f) Sign-posting individuals to support services;
- (g) Producing guidance on remote working;
- (h) Speaking to the media to raise awareness of the issues impacting Disabled people (speaking on radio and television, providing quotes for news articles);
- (i) Attending meetings with decision-makers, including Scottish Government Ministers;
- (j) Sitting on advisory groups; and
- (k) Hosting and presenting at our own and others online events to raise awareness of our key messages.

4. A list of any articles or reports the organisation or body has published or contributed to, and/or evidence it has given (for example to Parliamentary Select Committees) regarding the impact on the group(s) which the organisation or body supports or represents of the response to Covid-19 by (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive. Please include links to those documents where possible.

Below is a non-exhaustive list of the evidence Inclusion Scotland has produced over the course of the pandemic. Copies of these documents are available on request. Inclusion Scotland's website has gone through some changes and not all publications were preserved online.

Briefings, written submissions and oral evidence

- Inclusion Scotland publishes MSP briefing on the 'Legislative Consent Motion: Coronavirus Bill' on 24 March 2020.
- Inclusion Scotland publishes MSP briefing on the Coronavirus (Scotland) Bill on 1 April 2020.
- Inclusion Scotland publishes MSP briefing on the 'Coronavirus Update' for Scottish Parliament Meeting on 1 April 2020.
 - Inclusion Scotland publishes MSP briefing on Coronavirus Update for Members of the Scottish Parliament on 16 April 2020.
- Scottish Independent Living Coalition (SILC) issues press release and statement named 'Disabled people's rights to health and life under threat, warn Disabled People's Organisations' on 21 April 2020.
- Inclusion Scotland publishes written submissions to the House of Commons Women and Equalities Committee relating to Coronavirus and the impact on people with protected characteristics in the UK on 30 April 2020.
- Inclusion Scotland publishes MSP briefing to the Scottish Parliament Debate on 'Suppressing COVID: The Next Phase' on 12 May 2020.
 - Inclusion Scotland publishes briefing on 'Coronavirus Update for Highland MSP's and Councillors' on 13 May 2020.
- Inclusion Scotland publishes written submissions to the Scottish Parliament Equalities and Human Rights Committee: on the 'Impact of COVID-19 pandemic on Equalities and Human Rights' on 19 May 2020.
- Inclusion Scotland publishes written submissions to the Scottish Parliament Covid-19 Committee on 'Options for refining or reducing the current lockdown arrangements' on 29 May 2020.
 - Inclusion Scotland gives evidence to [Scottish Parliament Covid-19 Committee](#) (this was reported on [BBC news](#)) on 10 June 2020.¹
 - Inclusion Scotland gives evidence to the [Scottish Parliament Equalities](#)

[and Human Rights Committee](#) on 18 June 2020.

- Inclusion Scotland publishes written submissions to the UK Parliament's Joint Committee on Human Rights on 'The Government's response to COVID-19: human rights implications' on 22 July 2020.
- Inclusion Scotland responds to the Scottish Government's request for comments from Stakeholders on the DWP consultation on 'Access to Work – COVID-19 easements' on 5 August 2020.
- Inclusion Scotland publishes written submissions to the Scottish Parliament's Health and Sport Committee on 'How has Covid-19 impacted on care and support at home in Scotland?' on 7 September 2020.
- Inclusion Scotland responds to the Scottish Parliament's Covid-19 Committee consultation on 'Covid-19 legislation: next steps' on 17 February 2021.

Reports

- [Initial findings of Inclusion Scotland's Covid-19 survey](#) (7 May 2020)
- [Disabled people's lived experience of shielding: key survey results](#) (8 July 2020)
- [Rights At Risk - Covid-19, Disabled people and emergency planning in Scotland - a baseline report from Inclusion Scotland](#) (October 2020)
- ["We have been completely abandoned": Experiences of social care during the 2020 lockdown](#) (July 2021)

5. The view of the organisation or body as to whether the group(s) it supports or represents was adequately considered when decisions about the response to Covid-19 were made by (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive. Please also explain the reasons for the view expressed by the organisation or body in this respect.

We provide these comments to assist the Inquiry with our views which are formed on the basis of our experience and knowledge of events to date and with only limited legal advice. However they are only preliminary comments provided without sight of disclosure or evidence.

Inclusion Scotland takes the view that Disabled people were not adequately considered when decisions about the response to Covid-19 were made by the UK and Scottish Governments. We make the following points:

¹Inclusion Scotland's video evidence is available from the 1:27:50 mark on <https://www.scottishparliament.tv/meeting/covid-19-committee-june-10-2020>

- (a) The UK and Scottish governments were underprepared for the pandemic.²
- (b) Disabled people were not meaningfully involved in planning for emergencies such as the pandemic.
- (c) The experiences highlighted by Inclusion Scotland and others evidence the consequences of not considering Disabled people's

- needs in decision-making:
- i. Removal/reduction of social care support which left people unable to get out bed, wash and eat (and continued charging for this care);
 - ii. Issues with shielding and priority shopping lists which left people unable to get food and medicine;
 - iii. Lack of access to PPE which put Disabled people at risk of contracting Covid-19;
 - iv. Medical appointments were cancelled which caused Disabled people's health to deteriorate;
 - v. Move to providing digital services excluded some Disabled people from accessing essential services like doctors;
 - vi. Disabled people's mental health and wellbeing suffered due to isolation and exclusion, and feeling unsupported.
- (d) There was evidence that Disabled people were targeted for Do Not Attempt Resuscitation (DNAR) notices. The guidance on treatment prioritisation in [Scotland](#) and [England and Wales](#) were forced to be revised due to the criticism. Furthermore, the data on this was not routinely gathered.
- (e) There was a lack of consideration for people with multiple characteristics (i.e. intersectionality) e.g. Disabled people living in poverty who were unable to afford minimum spend for supermarket delivery slots; Disabled people in rural areas who were unable to travel to shops without support; and Disabled people excluded from digital services due to accessibility, capability and affordability.
- (f) Accessible and inclusive communication was not used consistently in Government communications e.g., there was no BSL interpretation during the Prime Minister's briefings. Furthermore, the Scottish Government did not always publish alternative formats at the same time as the standard document was published.
- (g) The Government did not carry out any meaningful impact assessment on the impact of the Coronavirus Bill on Disabled people's access to social care.
- (h) The Scottish Government delayed publishing figures for a number of Disabled people who died with Covid-19. In England and Wales, the figures were published on 19 June 2020. Equivalent Scottish statistics were published on 24 March 2021. No further updates have been released for Scotland.

² See Audit Scotland's [statement](#) dated 17 February 2021 and the National Audit Office's report, '[The government's preparedness for the COVID-19 pandemic: lessons for government on risk management](#)' dated 19 November 2021.

- (i) Inclusion Scotland and other DPOs approached Scottish Government on a number of occasions with concerns about DNARs, shielding guidance, face mask exemptions and vaccinations.

Positive actions from the Scottish Government which demonstrated consideration of Disabled people, included:

- (a) Scottish Government provided BSL interpreter at daily briefings;
- (b) Scottish Government set up Equality Unit fortnightly meetings with DPOs;
- (c) Scottish Government asked DPOs to circulate information to disabled people; and

- (d) Scottish Government established an expert advisory group to drive progress towards a fairer, more equal Scotland in the wake of the pandemic - 'Social Renewal Advisory Board'. Glasgow Disability Alliance CEO was appointed to group. Inclusion Scotland was represented on 'age and disability circle' which fed into the advisory group.

6. Whether the organisation or body raised any concerns about the consideration being given to the group(s) which it supports or represents with (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive, when the Government(s) and/or Executive were making decisions about their response to Covid-19. Please provide a list of any such correspondence or meetings with the UK Government, Scottish Government, Welsh Government and/or the Northern Ireland Executive, including the dates on which the body or organisation wrote or such meetings were held, to whom the correspondence was addressed or with whom the meeting was held, and any response received from the UK Government, Scottish Government, Welsh Government and/or Northern Ireland Executive addressing such concerns.

- Inclusion Scotland repeatedly raised concerns about the failure of the UK and Scottish Governments to give consideration to Disabled people by:
- (a) Attending fortnightly meetings with Scottish Government and Equality Unit (beginning in May 2020 until around December 2020);
 - (b) Speaking to the media (via press release and by invitation) and using social media to raise awareness of issues affecting Disabled people and influence Scottish Government and other decision-makers to take action;
 - (c) Meeting with Ministers; and
 - (d) Emailing briefings and reports to Members of the Scottish Parliament.

Please see the enclosed non-exhaustive chronology.

7. A brief summary of the views of the organisation or body as to any lessons, if any, that can be learned from any consideration which was given to the group(s) that the organisation or body supports or represents by (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive when they were making decisions about their response to Covid-19.

We provide these comments to assist the Inquiry with our views which are formed on the basis of our experience and knowledge of events to date. However, they are only preliminary comments provided without sight of disclosure or evidence and with the benefit of only very limited legal advice.

Inclusion Scotland believes that a number of lessons can be learned from the lack of consideration given to Disabled people by the UK and Scottish governments, including:

- (a) Governments must meaningfully involve Disabled people in policy and decision-making at all times and particularly in relation to emergency planning. Disabled people and their organisations must

be involved in pandemic/emergency planning **before** future pandemic/emergencies take place. This is the only way to ensure that Disabled people's needs are addressed from the outset of the emergency/pandemic and includes making mainstream services fully accessible now, so they are accessible during an emergency/pandemic.

- (b) Governments must close the implementation gap between law and policy intention and reality. Laws and policies in place to protect Disabled people such as the Equality Act are not consistently applied.
- (c) Governments must improve the collection of data about Disabled people, particularly intersectional data, ensuring it is publicly available and regularly updated and useful.
- (d) Governments must recognise the legacy of exclusion experienced by Disabled people prior to the pandemic which meant that Disabled people were much less prepared and resilient, and our access and inclusion needs not understood or considered by decision-makers responding to the pandemic. Governments must address the systemic inequality which put Disabled people in this position.
- (e) Governments must recognise the value of Disabled People's Organisations and fund them appropriately. DPOs stepped in to provide services and support and were a lifeline for many Disabled people during the pandemic. Disabled people and their organisations have many of the solutions needed to address the barriers experienced by Disabled people and this must be recognised and valued by decision-makers.

If you require any further information at this stage, bearing in mind the above mentioned caveats, please do not hesitate to get in touch with us via our legal representative, Shamik Dutta at Bhatt Murphy Solicitors.

Yours faithfully

Inclusion Scotland