

27 April 2020

By email [Private.Office@health-ni.gov.uk](mailto:Private.Office@health-ni.gov.uk)

Mr Robin Swann MLA  
Minister of Health  
Department of Health  
Castle Buildings  
Stormont  
Belfast  
Northern Ireland  
BT4 3SQ

Dear Minister Swann

**Re: The rights of disabled people in Northern Ireland during the COVID-19 pandemic**

I appreciate that you will have many pressing issues requiring your attention at this time, as you and your Department work to tackle the COVID-19 pandemic in Northern Ireland. I would like to record my gratitude for the work that you and your colleagues in the Executive are doing to lead us all through these difficult times.

There has been much public focus on age and health issues over recent weeks, rightly, and I wanted to draw your attention also to issues related to disability. I write to set out our key concerns and to seek assurances from you in relation to health and social care provision for disabled people during the current COVID-19 pandemic.

Our concerns can be summarised into three main areas. We wish to highlight the need to ensure:

- that health support or social care for disabled people is not adversely impacted by the current crisis, in compliance with anti-discrimination laws and international obligations;
- that equality-disaggregated data, including on disability, is being collected, analysed and used to inform decision making in relation to COVID-19; and
- the involvement of disabled people in decision making, both at a personal level and in the development of legislation, public policy or service provision in response to COVID-19, including through their representative organisations.

In the context of COVID-19, disabled people in Northern Ireland have voiced fear and anxiety to the Commission about ensuring non-discriminatory access to treatment if they become ill; about how they might, and should, be treated if they are immobilised or admitted to hospital; and the risk that decisions may be made about their support or care without their input.

Fears have also been expressed regarding the continuity of access to essential support services and appropriate care in the home (including due to potential shortages of resources or carers because of redeployment, illness, or a lack of personal protective equipment),

Family carers have expressed concerns regarding the impacts of isolation on those in supported living or institutional settings, who might become even more isolated or unwell without family visits and without the daily routines on which they depend.

You will be aware that disabled people's access to services, including health and social services, is protected from discrimination under the Disability Discrimination Act 1995. In addition, there are a number of obligations on Government under the UN Convention of the Rights of Persons with Disabilities in relation to health care. The Department is also under a duty to pay due regard to the need to promote equality of opportunity, including in relation to disability, and this duty continues to apply.

The Commission recognises that policymakers may need to make quick and often challenging policy decisions in these unprecedented times. That said, equality characteristics, such as disability, should not be a barrier to obtaining access to the highest standard of care. Nobody should be unfairly disadvantaged because of who they are; and protected equality grounds or characteristics should not be a determinant of outcomes.

The Commission would welcome your assurance that the concerns about health and social care provision for disabled people highlighted in the bullet points above are being addressed and also information on the particular steps being taken by the Department in this regard.

I look forward to receiving your response. In the meantime, I trust you and your families and colleagues will keep safe and well.

Yours sincerely

**Personal Data**

**Geraldine McGahey OBE**  
**Chief Commissioner**

📞 Direct line: **I&S** (PA)  
✉ Email: **NR** [@equalityni.org](mailto:NR@equalityni.org)