

**COVID-19 INQUIRY**  
**M8 SECOND PRELIMINARY HEARING**

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**SUBMISSIONS ON BEHALF OF DISABLED PEOPLE'S ORGANISATIONS (DPO):  
DISABILITY RIGHTS UK, DISABILITY WALES and  
DISABILITY ACTION NORTHERN IRELAND**

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DPO express their gratitude for the obvious consideration the CTI has given to Disabled children and young people (“**CYP**”) in preparation for Module 8. DPO welcome the confirmation that in each of the areas covered there will be consideration of whether the most significant decisions had a disproportionate impact on any specific group of children and the measures put in place to mitigate their effects: LOI p.1. Disabled CYP are a specific group which will require careful consideration.

Further to the Chair’s Ruling of 17 September 2024 following the First Preliminary Hearing on 6 September 2024, Counsel to the Inquiry’s Note for the Second Preliminary Hearing dated 16 May 2025 (“**CTI Note**”), the Provisional List of Issues (“**LOI**”) and the proposed hearing agenda, the following brief submissions address: **[I]** EDUCATION; **[II]** HEALTH and **[III]** SOCIAL CARE SERVICES.

**[I] EDUCATION**

- 1.1. ‘IMPORTANT SERVICES’: DPO welcome the confirmation that Module 8 will consider the impact of the pandemic and key decisions on education for CYP with special educational needs and/or disabilities (“**SEN/D**”): CTI Note 25.A. In keeping with this, DPO observe that special educational provision and therapy services accessed by CYP with SEN/D (e.g. occupational therapy, speech and language therapy) are “*important services*” that fall to be considered under Issue 1.A.ii when addressing pre-pandemic planning and preparedness.
- 1.2. PLANNING: DPO invite the Inquiry to consider what, if any, planning was in place to ensure special educational provision and therapies were maintained for CYP with SEN/D in the event of school closures and lockdowns. Similarly, when considering the plans made between January and mid-March 2020 for the delivery of education in the event of closure of schools under Issue 1.B.ii, DPO invite the Inquiry to address what, if any, planning there was for the delivery of special educational provision and therapy services for CYP with SEN/D. Available evidence is clear that these important services fell away during the pandemic: for example, a study by the Disabled Children’s Partnership found 84% were no longer accessing speech and language therapy and 81% were no longer accessing

occupational therapy.<sup>1</sup> DPO invite the Inquiry to explore why essential support required by CYP with SEN/D to access education was not provided during the Covid-19 pandemic and what lessons can be learned for any future pandemic.

1.3. EASEMENTS: When the Inquiry considers relaxation of certain statutory obligations owed to children (see Issue 5.B) this should include the relaxation of duties in respect of special educational provision, in accordance with The Coronavirus Act 2020, s.38 and Schedule 17 Part 1, and the Special Educational Needs and Disability (Coronavirus) (Amendment) Regulations 2020. Even at the time, these easements gave rise to significant concerns.

1.3.1 The Children's Commissioner issued a statement on 12 May 2020 (updated on 10 June 2020) that the "*downgrading of key duties towards children with SEND is disproportionate*" and "*could further exacerbate the 'postcode lottery' in SEND provision*" and lead to "*children [facing] even longer delays before they access support*."<sup>2</sup>

1.3.2 The Equality and Human Rights Commission wrote to the Secretary of State for Education on 21 May 2020 that "*many children with [SEN/D] are now at home without support they need to access education. This situation is likely to deteriorate following modification of the duties of local authorities and health bodies to secure provision for children with Education, Health and Care Plans*".

1.3.3 On 29 May 2020, 50 sector bodies, including Contact, Council for Disabled Children, Mencap and the National Autistic Society, wrote to the Parliamentary Under Secretary of State for Children and Families highlighting reports of "*therapeutic interventions not being provided*" and raising concerns as to "*the potential impact of this on children's physical and mental health and wellbeing now and in the longer term*".<sup>3</sup>

DPO invite the Inquiry, in considering the relaxation of statutory obligations owed to children, to consider these easements, their impact and what lessons can be learned.

1.4. IMPACT: DPO welcome consideration of the impacts of disruption to education, on *inter alia*, school readiness for young children. DPO invite the Inquiry, in considering impacts on development (LOI 3.A.xiv) and further and higher education (LOI 3.C.i) to consider

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<sup>1</sup> Disabled Children's Partnership ("**DCP**") *Then There Was Silence – The Impact of the Pandemic on Disabled Children, Young People and their Families* ([Publicly available](#)) p. 27

<sup>2</sup> <https://www.childrenscommissioner.gov.uk/news/response-to-steps-taken-to-relieve-councils-of-certain-duties-to-children-with-special-educational-needs-and-disabilities-send/>;  
<https://www.childrenscommissioner.gov.uk/news/changes-to-send-duties/>

<sup>3</sup> The EHRC letter of 21 May 2020 and the sector bodies letter of 29 May 2020 will be exhibited to the DPO witness statement for Module 8.

impacts on readiness for further and higher education, or for work, for young people who were approaching this critical transition when the pandemic hit. For CYP with SEN/D, even prior to the pandemic, this transition could be difficult and was often complicated by a transition from children's services to adult services marked by a reduction in support. These difficulties were deepened for CYP with SEN/D during the pandemic. For some, not only did they lose out on educational provision and specialist support during the pandemic, but post-pandemic they found they no longer qualified for that support. Accordingly, to understand the disproportionate impact of disruption of education on CYP with SEN/D, the Inquiry is invited to consider, *inter alia*, the impact on those approaching this key transition.

## **[II] HEALTH**

- 2.1. PHYSICAL HEALTH: DPO welcome the focus of Issue 4 on the impact of the pandemic on, *inter alia*, CYP's physical and mental health, including the distinct challenges faced by Disabled children and clinically vulnerable children: LOI 4.B, 4.C. DPO agree with the distinction that has been drawn between Disabled children and clinically vulnerable children. Given that the virus did not have a significant impact on the physical health of the "*vast majority*" of children (CTI Note para 26.A), it is understood that Module 8 will not generally focus on the impact of Covid-19 on physical health. DPO observe that, in considering the "*distinct challenges*" faced by Disabled children and clinically vulnerable children it will still be necessary to consider their physical health. Disabled and clinically vulnerable children requiring regular support from health and allied professionals were particularly affected by the pandemic, because of difficulties accessing the treatment, medication, care and support they needed. For example, for CYP with degenerative conditions who did not receive therapies during the pandemic this could result in long term physical health impacts. Further, DPO reiterate the need for regard to be had to certain pre-existing conditions of Disabled CYP which made them particularly exposed to the effects of the virus, unlike the rest of their population of their age, of which those with Down's Syndrome is an example.

## **[III] SOCIAL CARE SERVICES**

- 3.1. ESSENTIAL SUPPORT: DPO welcome the proposed careful consideration of children's safety (CTI Note para 26.C) and also the more broadly drawn focus of Issue 5, which extends to include children whose families receive support from social services and young carers. For Disabled CYP, the role of social care services is often not a matter of safeguarding, but of providing essential support (for both CYP, and their families/carers).

Accordingly, in considering the impact of the pandemic on CYP in relation to access to, and engagement with, social care services (LOI 5), it will be important to consider the changes to social care provision for Disabled CYP and their families. For example, the lockdown and self-isolation policies greatly reduced the ability of families to receive support from personal care assistants<sup>4</sup> and the closure of respite and day care centres prevented families from accessing much needed caring breaks. 70% of families previously accessing overnight short term breaks no longer could and that number increased to 84% for those previously accessing residential stays.<sup>5</sup> These changes had a profound impact on Disabled CYP and their families.

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**30 MAY 2025**

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<sup>4</sup> DCP *Then There was Silence* op. cit., p. 30

<sup>5</sup> DCP *Then There was Silence* op. cit., p. 31