COVID-19 INQUIRY
MODULE 9

SUBMISSIONS OF DISABLED PEOPLE'S ORGANISATIONS (DPO):
DISABILITY RIGHTS UK, DISABILITY ACTION NORTHERN IRELAND

INTRODUCTION

1. COVID ECONOMICS: Government witnesses will tell the Inquiry that the economic interventions in response to the pandemic were unprecedented,[1] groundbreaking,[2] perhaps "*on the generous side*".[3] There is an official narrative in which government acted in remarkable, creative, bold and agile ways to support millions of people, including those 'most vulnerable' to the economic and financial impacts of the pandemic.[4] It is indisputable that billions were spent and loaned.[5] For Disabled people, however, this amounted to maintaining the pre-pandemic status quo of financial and material disadvantage, disabling social barriers and failure to respect rights. Covid economics involved entrenching not assuaging Disabled people's precarious economic and financial situation, overlooking the financial pressures newly created by both the pandemic itself and by the non-pharmaceutical interventions implemented in response to it and missing the opportunity to structure funding to effect co-production with DPO.

2. HUMAN RIGHTS: In substance and frequently also in form, the economic response also overlooked the tools of human rights analysis by reference to the UK's obligations under the UN Convention on the Rights of Persons with Disabilities[6] ('UNCPRD') as a means of understanding what action the state should take to plan for, respond to, and recover from emergency. Those tools covered PLANNING (Art. 11); CONSULTATION (Art. 4(3)); INDEPENDENT LIVING (Art. 19); WORK AND EMPLOYMENT (Art. 27(1)); STANDARD OF LIVING (Art. 28); and DATA USE AND COLLECTION (Art. 31).

3. OUTLINE: In consequence, far from benefitting equitably from the economic interventions in accordance with human rights focussed budgeting, Disabled people and DPO were left worse off during the pandemic, with the resulting distribution of resources and benefits largely going elsewhere. DPO therefore view the Covid-19 economic response as a case

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[1] Sunak [INQ000263374/47 §§156, 185] York-Smith [INQ000215049/56 §167] Ridley [INQ000652792/47 §§3.89, 3.239] Dowden [INQ000588159/21 §§87, 158]
[2] Dowden [INQ000588159/40 §158]
[3] Johnson [INQ000661414/43 §144] Coffey [INQ000588238/6 §18]
[4] Couling [INQ000655625/9 §1.28] Russell [INQ000588226/147 §521] Davies [INQ000661480/22 §§78, 203] Roxburgh [INQ000659746/7 §8.2] Lister [INQ000653969/103 §4.117] Tomlinson [INQ000656295/29 §102] Coffey [INQ000588238/3 §§9.1, 18]
[5] E.g. Sunak [INQ000661483/67 §250(d), 378, 430, 804-805, 1178] Couling [INQ000655668/38 §6.55]
[6] UN Convention on the Rights of Persons with Disabilities and Optional Protocol (2007) (UK ratified 2009)

study in how economic and financial solutions to the pandemic, like other aspects of the response, were encumbered by disabling social barriers and attitudes, which are outlined below by reference to [I] Context, [II] Interventions, [III] Structures and [IV] Outcomes.

[I] CONTEXT

4. PRECARITY: Disabled people were one of the financially most at-risk groups at the start of 2020, facing disproportionately high levels of poverty and deprivation,[7] including among Disabled children and children living in a household where someone is disabled.[8] Nearly half of all individuals living in poverty in the UK were Disabled or living with a Disabled person.[9] Disabled people faced the disability employment gap,[10] the disability pay gap,[11] the digital exclusion gap,[12] and extra costs and expenses associated with disability and impairments (i.e. higher cost of living) *even after disability-specific benefits (where available) were taken into account*,[13] meaning poverty also had a disproportionate *impact* on Disabled people.[14] Prior to the pandemic, Disabled people were struggling to afford basic essentials, including food and heating.[15] Early in 2020, two-thirds (66%) of households (and 62% of working-age people) referred to a food bank included at least one Disabled person, with the majority (80%) not in receipt of disability benefits[16] and this group suffering the highest levels of material deprivation.[17] Among young people referred to foodbanks in early 2020, a far higher proportion had a disability.[18] Households with a disabled person were in greater levels of debt than non-disabled households,[19] and Disabled people did not have the financial reserves, income and support networks to cope with financial shocks.[20] Disabled adults were over-represented in lower paid labour sectors which were subsequently the most affected by the pandemic, namely health and

7 Mallick [INQ000652758/6 §§15-16] Scorer [INQ000615254/2 §4]
8 Howes [INQ000648237/10 §20] F Black [INQ000650934/3 §9] NIHRC Aug 20 [INQ000184786/5 §2.5]
9 Mallick [INQ000652758/3 §9] DR UK article 06.02.20 [INQ000509880] Scorer [INQ000615254/2 §4]. See also JRF Report 01.02.20 [INQ000546942/9]
10 Mallick [INQ000652758/3 §§10, 14] Black [INQ000650934/3 §10] McKillop [INQ000615083/2 §7] Brewer [INQ000588132/10 §21-21.1] TUC Gaps 12.11.20 [INQ000365999/1] JRF [INQ000546942/9] Scorer [INQ000615254/2 §3] Matthews [INQ000613077/3 §12] Kirkpatrick [INQ000655686/19 §60(h)]
11 Mallick [INQ000652758/3 §§10, 14] Brewer [INQ000588132/10 §§21, 21.2] TUC Gaps 12.11.20 [INQ000365999/3] McKillop [INQ000615083/2 §7] JRF Report 01.02.20 [INQ000546942/9]
12 Mallick [INQ000652758/35 §96] Watson & Shakespeare [M2/INQ000280067/8 §25]
13 Mallick [INQ000652758/3 §§8-9, 17-18] Black [INQ000650934/4 §12] Matthews [INQ000613077/3 §11] Scorer [INQ000615254/3 §7] Watson & Shakespeare [M2/INQ000280067/6 §19] Scope Price Tag Report 2019 [INQ000509877/3] Equality Hub 19.10.20 [INQ000083956/5] HMT Presentation 22.06.20 [INQ000609809/10]
14 Watson & Shakespeare [M2/INQ000280067/6 §19]
15 Mallick [INQ000652758/6 §15] TUC Experiences Jun 21 [INQ000119194/18]
16 Personal Independence Payment or Disability Living Allowance
17 Bristol Financial Impact Report Dec 21 [INQ000620410/64]
18 Trussell Trust Report 01.05.21 [INQ000620411/39]
19 Bristol Financial Impact Report Dec 21 [INQ000620410/64]
20 Mallick [INQ000652758/47 §130] Scorer [INQ000615254/2 §3]

social care, wholesale and retail.[21] Compounding this economic precarity, DPO faced longstanding and drastic funding problems, which undermined the active involvement of Disabled people in policy and decision-making as required by Art. 4(3) UNCRPD.[22]

5. AUSTERITY INDUCED "VULNERABILITY": Pre-pandemic austerity choices had resulted in particularly severe consequences for Disabled people.[23] The very substantial cuts to the social security system during the 2010s meant that, immediately prior to the pandemic, any large negative economic shock would be damaging for millions of families, with disproportionate impacts on particular groups.[24] Financial pressures on local authorities followed on from previous cuts to funding.[25] Benefit payments had been reduced far more for Disabled people than for non-Disabled people, and the disparity only increased for individuals with a higher number of conditions.[26] The 'Bedroom Tax' penalised Disabled people for the extra space they required either for equipment – such as wheelchairs or hoists – or else for sleeping, or personal assistance. It also aggravated pre-existing housing insecurity for those who had to move because they could not pay rent for homes that had taken years to acquire.[27] Social care funding cuts had resulted in high levels of unmet need, with cuts also to funding for the voluntary and third sector organisations that attempted to plug the gaps left by the state.[28] This economic and financial reality created risk and "*vulnerability*"[29] to financial disruption for Disabled people before the pandemic, which was then reinforced and exacerbated by inadequately tailored economic interventions from Government.

6. WARNINGS: His Majesty's Government ('HMG') appreciated *from the outset* that the economic costs of the pandemic would not be felt equally.[30] In March 2020 DPO warned Ministers that benefit systems needed to be less intrusive, more agile and to distribute benefits to new claimants within one week, and that funding for grassroots organisations and communication networks was needed.[31] The Secretary of State for Work and Pensions ('SSWP'), Thérèse Coffey MP, was similarly reminded that Disabled people tend to have lower real incomes and higher costs than the general population, that years of benefit freezes left claimants facing financial challenges and economic shock.[32] This

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21 Brewer [INQ000588132/13 §§24.4, 42]
22 Mallick [INQ000652758/11 §33] Elliott [INQ000656193/14 §55]
23 Watson & Shakespeare [M2/INQ000280067/10 §§30-31] Mallick [INQ000652758/15 §41]
24 Howes [INQ000648237/12 §26]
25 Phillips [INQ000588134/88 §176.2]
26 Mallick [INQ000652758/7 §20] DBC Welfare Report Jul 19 [INQ000620413/3-4]
27 Watson & Shakespeare [M2/INQ000280067/7 §§20-21], Mallick [INQ000652758/6 §§16-17]
28 Watson & Shakespeare [M2/INQ000280067/10 §§31-32, 35]
29 DPO M2 Written Opening 26.09.23 §§1.9 DPO M2 Written Closing 15.01.24 §58
30 York-Smith [INQ000588227/10 §32.3]. See also MacDougall [INQ000657746/21 §50]
31 DR UK Letter 16.03.20 [INQ000238504/4-5]
32 DBC Letter 27.03.20 [INQ000238540/1-2]

was even before the increased daily costs *arising directly from the pandemic itself*, which included increased household outgoings, Personal Protective Equipment and cleaning equipment for themselves and carers, changes to care arrangements (including expensive privately-sourced care), taxis to avoid public transport, online deliveries for essentials and higher food shopping and utility bills.[33]

7. HARDSHIP: Surveys carried out by the Office of National Statistics ('ONS') on opinions and lifestyle from May 2020 showed that household finances of Disabled people were affected with a higher proportion reporting reduced income and struggling to pay bills.[34] By June 2020, evidence of economic impacts on Disabled people included higher use of food banks and less ability to work from home[35] and His Majesty's Treasury ('HMT') understood that based on previous recessions, Disabled people would be slower to get back into employment.[36] From July to September 2020 the Disability Unit ('DU') commissioned research from the Policy Lab which established that the pandemic had exposed and exacerbated existing inequalities experienced by Disabled people, creating new social barriers to inclusion. In relation to work and finance, the study found that "*COVID-19 has brought up a whole new set of experiences of being disabled. In some cases, it has presented additional challenges to contend with. In others, it has reformulated and reframed existing barriers*". This included negative impact on Disabled people's options to seek additional sources of income.[37] By late November 2020, the Cabinet Office noted that financial difficulties for families raising Disabled or seriously ill children were further evidenced by the increasing debts they were facing.[38] In early December 2020, COVID-O were advised that Disabled people had been disproportionately affected by job losses and were overrepresented in the hardest hit sectors,[39] that household finances had deteriorated at a greater rate among Disabled families and that the financial position of Disabled people had been affected more by the pandemic than for non-Disabled people.[40]

[II] INTERVENTIONS

[A]. EMPLOYMENT

8. OVERVIEW: Despite clear indications of financial hardship that Government knew to be directly aggravated by the pandemic, its economic interventions were not sufficiently

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[33] Inclusion Scotland Report 01.10.20 [INQ000142277/19] Care Knowledge 01.12.20 [INQ000620481/2-3] DANI ECNI Report 01.02.22 [INQ000142173/499]
[34] ONS Coronavirus and the social impacts on disabled people in Great Britain, Opinion and Lifestyle survey May 20 [M2/INQ000089755/Table 5]
[35] DHSC Equality Analysis [M2/INQ000050379/4 §11]
[36] HMT Presentation Jun 20 [INQ000655301/3]
[37] HMG Final report Dec 21 [M2/INQ000089757/11-12] Bell [M2/INQ000198850/26 §62]
[38] CO Data paper 24.11.20 [M2/INQ000090975/11]
[39] See also Brewer [INQ000588132/13 §§24.4, 42]
[40] COVID-O SRO paper 04.12.20 [INQ000090976/3 §7 and fn.3]

creative or radical enough to mitigate them. The limitations of those interventions are considered in the paragraphs below.

9. DELIVERY: When it was deemed necessary, Government could deliver money in radical ways and through novel mechanisms. Unlike the benefits system, where the pre-pandemic mechanisms and set annual cycles were said to prevent delivery of modest pandemic financial relief to legacy benefit recipients, for furlough His Majesty's Revenue and Customs ('HMRC') managed to undertake delivery of emergency support schemes even though paying out support grants was not one of its usual functions.[41] HMRC attributed the successful, quick delivery of economic support to "*focussing on a simple and deliverable design, and then building and adding complexity over time*".[42] Where there was *a will* to deliver novel interventions, it turned out there was a way. Nonetheless, Government's commitment to preserving a pre-pandemic status quo meant that each of the major employment-related interventions failed to fulfil its potential for improving the lives of Disabled people.

10. FURLOUGH: With NPIs suppressing demand and supply, Government intervened "*to sustain otherwise viable economic activity until NPIs were lifted and normal economics could fully resume*".[43] The Coronavirus Jobs Retention Scheme ('CJRS'), also known as "*furlough*", and the Self-Employment Income Support Scheme ('SEISS') supported incomes of workers and the self-employed respectively, in order to maintain as many existing employer-employee relationships as possible.[44] £70 billion was claimed under the scheme with an overall net cost of £54 billion,[45] to support 1.3 million employers and 11.7 million 'employments' through CJRS, which paid out a flat rate of 80% of an individual's income.[46] The net cost of SEISS was £19.5 billion.[47] At its peak CJRS subsidised the wages of approximately a third of the workforce.[48] By their very design as wage subsidies, the schemes benefited those who had been *enabled* to work, but were *able* to do so no longer.

11. DISABILITY: It is right that furlough allowed clinically vulnerable individuals to shield,[49] and without it, labour market inequality for Disabled people is likely to have been much worse.[50] Nevertheless, on its own, it was not as effective at protecting the livelihoods of

[41] Harra [INQ000614156/5 §§19, 537.1]
[42] Harra [INQ000614156/132 §522.1]
[43] Russell [INQ000588226/71 §262]
[44] Russell [INQ000588226/59 §§220, 264] Harra [INQ000614156/71 §261]
[45] Harra [INQ000614156/115 §443]
[46] Russell 'A' [INQ000661263/1 §1] Harra [INQ000614156/62 §233]
[47] Sunak [INQ000661483/117 §430]
[48] Russell [INQ000588226/59 §220]
[49] Mallick [INQ000652758/36 §98]
[50] Brewer [INQ000588132/5 §5]

Disabled employees through the pandemic as it was for non-Disabled employees: Disabled workers were more likely than non-Disabled workers to be furloughed or to have their hours reduced,[51] the employment rate for Disabled people fell by more than it did for non-Disabled people, and Disabled people were more likely to have experienced a negative labour market outcome.[52] There is limited data on take-up of CJRS or SEISS by disability, because HMRC does not routinely collect data on disability status.[53] But given those on lower incomes were more likely to be furloughed[54] and that this cohort was more likely to include Disabled people, *ending furlough* carried the risk of disproportionate impact on Disabled people.[55] That disproportionality was appreciated and acknowledged by the Treasury from the outset.[56]

12. <u>SICKNESS/SELF-ISOLATION</u>: Furlough was not permitted for those who were off sick or self-isolating unless they were clinically vulnerable which left employees reliant on statutory sick pay – paid at a low, flat rate – or unpaid leave. This affected low paid workers in particular and may have contributed to workers, including those in the social care sector, feeling under pressure not to self-isolate.[57] While a change was made to statutory sick pay so that it was made payable from day 1 rather than day 4, this was only applied to those claiming for Covid-19 related illness.[58] Statutory sick pay, as it stood, was also a poor mechanism for those with Long Covid and others who have to reduce their working hours or cannot work at all, or have fluctuating conditions.[59]

13. <u>KICKSTART</u>: The Kickstart scheme was implemented to support 16-24-year-old Universal Credit ('UC') claimants at risk of long-term unemployment by paying their employers a grant to cover start-up costs, "*employability support*" and the cost of wages and overheads for six months.[60] It was considered the Department for Work and Pension's ('DWP') "*flagship employment support programme for young people*" and said to be its most expensive intervention, on a per-person basis, across the full range of employment support schemes then offered.[61] Formally announced by the Chancellor on 8 July 2020 as part of the Government's *"Plan for Jobs*", the SSWP was responsible for overseeing its design, development, delivery and implementation.[62] accessibility issues for Disabled

[51] Harra [INQ000614156/96 §360.2] Mallick [INQ000652758/36 §§98-99]
[52] Brewer [INQ000588132/20 §41] Mallick [INQ000652758/36 §98]
[53] Brewer [INQ000588132/23 §§49, 52] Harra [INQ000614156/148 §§558-559, 704-705, 832, 965]
[54] Russell [INQ000588226/71 §264(c)]
[55] HMT Briefing [INQ000583341/19 §56] HMT Submission 31.10.20 [INQ000397190/5 §23]
[56] HMT Submission [INQ000583341/19 §56] CJRS FDR Annex 18.02.21 [INQ000583714/20 §§15-17]
[57] Brewer [INQ000588132/32 §72] Mallick [INQ000652758/42 §§113-114]
[58] Russell 'G' [INQ000661269/2 5(b)]
[59] Brewer [INQ000588132/55 §131.2]
[60] Russell [INQ000588226/81 §289]
[61] NAO Kickstart report 22.11.21 [INQ000578207/7 §2]
[62] Coffey [INQ000588238/54 §§213, 231]

participants were, surprisingly, not anticipated based on the experience of the (by then historic) Future Jobs Fund from as long ago as 2008-2010.[63] (Later engagement with stakeholders including Disability Rights UK only took place between April and June 2021, well into the delivery of the scheme.[64])

14. EXCLUSION: Officially there was no 'cap' or limit on the number of Kickstart places but eligibility was confined to young people on UC who were considered to represent "*strong value for money*".[65] However, In terms of eligibility, the Minister for Disabled People, Justin Tomlinson MP, belatedly became concerned that it was not open to Disabled young people who were under 25 and who claimed Personal Independence Payments ('PIP') but were not eligible for UC.[66] But having raised the point Tomlinson did not pursue it, even though the DWP submission drafted in response did not directly address his specific concern.[67] Bafflingly, in February 2021 the DWP recommended that the extension to groups of claimants with disabilities and health conditions should be deferred for consideration *at a later stage after 21 December 2021*, the date when the last job was set to start, "*for a potential further phase of Kickstart to run beyond the life of the current Scheme*".[68] Expanding the scheme to young people on legacy benefits was also not taken forward, even though uptake of Kickstart was lower than expected, and in some areas there were more vacancies than young people then eligible for Kickstart.[69] The likely low numbers eligible via legacy benefits were even put forward as *a reason not to extend it*.[70] Evaluation of the scheme did not include DPO.[71] Ultimately Kickstart was made available only for a very specific group, and the number of people who actually used the scheme significantly undershot what had been budgeted for.[72] The exclusion of those receiving legacy benefits was unfair.[73] It was also contrary to the recognition of the barriers faced by Disabled people including young people with a listed health status who according to the August 2020 DWP Kickstart Equality Analysis were already disadvantaged in the labour market with a disability employment gap of 28.6% and three times less likely than non-Disabled people to move into work.[74]

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63 Coffey [INQ000588238/56 §§222, 224]
64 Coffey [INQ000588238/56 §223] Couling [INQ000655668/91 §6.246]
65 Davies [INQ000661480/23 §§81, 87] Coffey [INQ000588238/74 §290] Farrington [INQ000657741/28 §83] DWP Kickstart Eligibility briefing 24.07.20 [INQ000592929/2 §6]
66 Tomlinson [INQ000656295/22 §§69-70]
67 Farrington [INQ000657741/29 §87]
68 Davies [INQ000661480/24 §84] Farrington [INQ000657741/28 §§85, 116] Kickstart Access briefing 19.02.21 [INQ000592945/1]
69 Coffey [INQ000588238/69 §271] Farrington [INQ000657741/28 §85] Davies [INQ000661480/25 §86]
70 Couling [INQ000655668/94 §6.258] Coffey [INQ000588238/73 §287] Davies [INQ000661480/25 §85]
71 Coffey [INQ000588238/66 §§254-257.5]
72 Joyce [INQ000588131/16 §53.2]
73 Brewer [INQ000588132/54 §128.5]
74 DWP Kickstart Equality Analysis 12.08.20 [INQ000592938/6-7]

15. ACCESSIBILITY: As for accessibility, the Kickstart scheme was designed to support young people who could *move directly into work* with *some* employability support. DWP openly admit that the scheme would have needed re-design in order to support Disabled young people who encountered additional barriers to the labour market or who needed more up-front support.[75] The DWP makes no apologies that the scheme was not designed from the outset so that it included "*enhanced support for employers and young people with disabilities*"; rather, it considers that this would have required longer time and "*a tailored strand*", which was apparently not feasible.[76] Kickstart's design also required employers to be able to take on 30 placements which precluded smaller community businesses that often already had links with Disabled young people.[77]

16. END: Despite support from the Minister for Employment to extend Kickstart as the "*pandemic was still ongoing and there was a need for young people to be in employment*",[78] after one brief extension of three months beyond the originally scheduled end date, this "*bold and urgent intervention*"[79] came to a close in March 2022.[80] With this, the deferred consideration of extending the scheme to groups of Disabled claimants never came to pass. The SSWP knew that Kickstart provided, for some [*sic*] employers, "*a useful route to proactively support young people with disabilities*".[81] But there was evidently less concern about the risk of long-term unemployment and 'scarring' (namely the long-term, negative impact on career prospects and future earnings due to early career experiences[82]) for these young people even in the face of the disability employment gap. Ultimately, beyond that which had been conducted in August 2020, no further equality assessments were undertaken in respect of amending, extending or ending Kickstart.[83]

17. TAKE-UP: In the event Kickstart participants usually had fewer health-related employment barriers[84] so it did not, after all, address the barriers faced by Disabled young people. It performed less well for young people with health issues, a high proportion of whom left the scheme.[85] In its design, the scheme relied heavily on employers and did nothing to prevent employers' unconscious or even conscious biases influencing which young

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[75] Farrington [INQ000657741/29 §§87, 119]
[76] Farrington [INQ000657741/50 §164]. In March 2021 Farrington became Acting Director General for Disability, Health and Pensions at DWP and was formally appointed into the role in January 2022: Farrington [INQ000657741/51 §165]
[77] Mallick [INQ000652758/38 §102] Farrington [INQ000657741/32 §97]
[78] Davies [INQ000661480/29 §102]
[79] Davies [INQ000661480/22 §78]
[80] Coffey [INQ000588238/77 §274] Sunak [INQ000661483/276 §1052]
[81] Coffey [INQ000588238/77 §304]
[82] Coffey [INQ000588238/53 §208] Couling [INQ000655668/84 §6.230]
[83] Couling [INQ000655668/112 §6.336]
[84] Couling [INQ000655668/122 §6.378]
[85] Brewer [INQ000588132/33 §74]

people were offered a Kickstart position.[86] The National Audit Office found that very few Kickstart participants were Disabled (using a proxy of people claiming Disability Living Allowance or Personal Independence Payment). Perhaps of greatest significance, the exclusion of Disabled young people claiming Employment and Support Allowance from Kickstart prevented around 11,000 young people from potentially benefitting from the scheme.[87]

[B]. BENEFITS

18. UPLIFT: Universal Credit and Working Tax Credit recipients received an automatic uplift of £20 per week, announced by the Chancellor on 20 March 2020 and which came into effect on 6 April 2020.[88] An equivalent uplift was not made for those on so-called "legacy benefits", such as Jobseeker's Allowance and Employment and Support Allowance, notwithstanding, as recognised by the Chancellor, that other existing legacy benefits claimants might also "*experience a drop in incomes or unemployment*" and that "*people who the policy was intended to target may have been in receipt of these benefits instead of UC*".[89]

19. LEGACY: Purported justifications for this plainly inequitable and anomalous approach to legacy benefits vary from operational constraints[90] (apparently not possible to overcome, notwithstanding the agility of HMRC and others to deliver large scale pandemic economic interventions such as CJRS and SEISS); to the assertion that the policy was only ever intended to support those who faced *the most significant financial disruption* due to the pandemic, in particular those who lost or were at risk of losing, employment or significant earnings and were making a new benefit claim for the first time.[91] There was no logical or evidential basis at the time (and there is none now) for supposing that those on legacy benefits faced less significant economic and financial hardship, disadvantage, exposure, shock or 'disruption', including from additional costs and risks as a result of the pandemic and from the restrictions imposed. Neither could it be said that Disabled people on legacy benefits needed any less the support and safety net or "*reassuring message*" which Government witnesses, including the Chancellor both at the time and now, say the UC

[86] Brewer [INQ000588132/33 §74]
[87] NAO Kickstart report 26.11.21 [INQ000578207/53 §3.16]
[88] Sunak [INQ000661483/266 §1010] Coffey [INQ000588238/34 §130]
[89] Sunak [INQ000661483/266 §1011] Russell 'H' [INQ000661270/5 §16]
[90] Russell 'H' [INQ000661270/5 §16] Sunak [INQ000661483/266 §1011] Farrington [INQ000657741/6 §§20-21] Coffey [INQ000588238/47 §§183, 185] Couling [INQ000655625/24 §§3.38, 6.162] Smith [INQ000657740/9 §38]
[91] Coffey [INQ000588238/35 §§134, 176-77] Couling [INQ000655668/64 §6.154] Quince [INQ000588240/43 §112]

uplift was intended to strengthen and reinforce.[92] In so far as the exclusion is minimised on the basis that those (in England and Wales) on legacy benefits could switch to UC,[93] the Government knew that individual claimants may be *worse off* if they switched to UC and that in practice DWP did not advise individual claimants about whether they should make the switch or not.[94] Due to the delayed transition arrangements promulgated belatedly under the Welfare Reform (Northern Ireland) Order 2015 due to suspension of the Northen Ireland Assembly, this was not even a technical option for most NI claimants (see §22 below). Consideration of alternatives, including a one-off payment for those on legacy benefits which was not disputed to be within DWP capability, were not pursued.[95]

20. EXCLUSION: The Government therefore excluded those on legacy benefits from its economic intervention knowing the likely disproportionate impact, which was identified at an early stage, in the equality analysis of 25 March 2020.[96] This stated that "*Disabled people with existing legacy benefit claims are significantly more likely to qualify for a SDP, and thus would be barred from claiming UC for the duration of these regulations. Since the standard allowance is not being increased for IS/JSA/ESA, [D]isabled people are therefore more likely not to benefit from the increase*".[97] The conclusion drawn was that despite this disparity, no claimant with a protected characteristic would be adversely affected, a conclusion accepted at face value by the Chancellor and the Parliamentary Under-Secretary of State for Welfare Delivery.[98] The Government was repeatedly urged to redress the inequity and to extend the uplift to legacy benefits. On 27 May 2020 the Social Security Advisory Committee told the SSWP that it was "*increasingly untenable for this group of claimants to be excluded and to continue to have a lower level of income*" and recommended that the Government "*finds a way to ensure that this group of claimants, that includes some of the least well off, are brought up to the same level as those in receipt of Universal Credit as soon as it is possible to do so*".[99] In September 2020 DR UK and others wrote to the Chancellor urging him to follow the advice of the Social Security Advisory Committee by applying an equivalent uplift to those on legacy

[92] Sunak [INQ000661483/264 §§1003, 1005] Sunak 20.03.20 [INQ000065234/5] Coffey [INQ000588238/35 §§134, 178] Russell 'H' [INQ000661270/4 §13] Couling [INQ000655668/60 §6.145] Quince [INQ000588230/7 §20] Farrington [INQ000657741/7 §24] Johnson [INQ000661414/12 §32] *Cf.* Mallick [INQ000652758/39 §§105-108] Brewer [INQ000588132/50 §§124-125]

[93] Russell 'H' [INQ000661270/5 §16] Smith [INQ000657740/9 §40]

[94] Howes [INQ000648237/38 §§111-113, 129, 450] Davies Letter 30.03.21 [INQ000608572/2] DBC Pandemic report [INQ000509881/10] Mallick [INQ000652778/41 §110] Stronge [INQ000613185/12 §§52-53] Social Security Advisory Committee Letter to Coffey 27.05.20 [INQ000620525/3] Brewer [INQ000588132/49 §120]

[95] Quince [INQ000588240/23 §59]

[96] *Cf.* Sunak [INQ000661483/266 §1012]

[97] Quince [INQ000588240/18 §48] DWP Equality analysis 26.03.20 [INQ000592916/7 §31]

[98] Sunak [INQ000661483/266 §1012] Quince [INQ000588240/18 §§48, 60] DWP Equality analysis 26.03.20 [INQ000592916/9 §46]

[99] Social Security Advisory Committee Letter to Coffey 27.05.20 [INQ000620525/2]

benefits.[100] In October 2020 the Equality Hub in the Cabinet Office asked "*What can be done to rectify the unfairness that UC claimants have had a £20 uplift in benefits but those on 'legacy' disability benefits have not?*" and noted that Disabled people in particular received legacy benefits.[101] By early November 2020 the Cabinet Office specifically commissioned DWP and HMT to "*consider and put forward a package of financial support to address the disproportionate impacts on disabled people, including those on 'legacy' benefits not covered by Universal Credit*".[102] The Inquiry will wish to secure from DWP and HMT and then examine the product of that request. The annual uprating process which began that same month[103] was not used to apply an equivalent uplift for those on legacy benefits, and the proposals disclosed to date which resulted from the Cabinet Office commission were silent about how the disproportionate impact on Disabled people on legacy benefits was to be addressed[104] and a 'Disproportionately Impacted Groups Steering group' briefing note of the same date was similarly silent on the issue.[105]

21. IMPACT: The impact of the decision not to increase legacy benefits was profound. The Disability Benefits Consortium's survey of legacy benefit recipients revealed what an extra £20 a week would mean: "*I could put the heating on for a start. I've had to choose between heating or medication*"; "*an extra £20 a week would mean the difference between debt or no debt, having to cut back on essentials to survive or being able to have all my basic needs covered*".[106] As set out by CPAG, for context and to appreciate the scale of this issue, there were around 1.2 million low-income households with children in receipt of Child Tax Credits (but not WTC nor UC) at the point the uplift was introduced.[107] The Disability Benefits Consortium calculated that the decision not to apply the uplift to legacy benefits affected 2.4 million people, the vast majority of whom were Disabled.[108] As the Inquiry's labour market expert Dr Brewer concludes, this lack of action affected those in receipt of the main benefits for carers and for people with disabilities or long-term health conditions. This was "*harsh justice*" and yet the reality that *it was* logistically possible to pay, for example, a one-off sum was demonstrated by subsequent actions to deliver Cost of Living Payments. HMG "*could have used a mechanism like this during the pandemic to provide equivalent support to recipients of benefits other than UC and WTC*".[109] As Dr

[100] DR UK Letter 30.09.20 [INQ000620450] CPAG Letter 28.09.20 [INQ000608258]
[101] CO Disproportionate impacts briefing Oct 20 [INQ000083956/5 §§15-16]
[102] CO Commission 05.11.20 [INQ000083917/3]
[103] Quince [INQ000588230/10 §26] Coffey [INQ000588238/35 §§135, 140]
[104] DU Disabilities Measures Submission 28.01.21 [M2/INQ00083896]
[105] Briefing Note regarding disproportionately impacted groups 28.01.21 [INQ000182286]
[106] DBC Benefits article 27.04.20 [INQ000508218/9] Mallick [INQ000652758/31 §85]
[107] Howes [INQ000648237/38 §109]
[108] Mallick [INQ000652758/38 §103] DBC 02.12.20 [INQ000620523] DBC Millions report 26.08.21 [INQ00596841/3]
[109] Brewer [INQ000588132/49 §§119-121.1]

Brewer concludes, "*arguably the best policy to support households for the additional financial costs imposed by the pandemic would have been a generalised increase in the amount of support provided by the social security system, ideally done in a way that was proportional to their needs or their entitlement*"[110] – but this did not happen.

22. NORTHERN IRELAND: In respect of how the system worked in Northern Ireland there was a slower transition of individuals from 'Legacy Benefits' to Universal Credit than in other parts of the UK. Those claimants were more likely to be disabled.[111] The failure to apply the uplift to legacy benefit claimants therefore had a substantial impact on a greater proportion of Disabled people in NI than elsewhere.[112] Although by long standing convention Northern Ireland retains parity with social security provided by the UK Government, even where the Northern Ireland Executive had greater autonomy, it often failed to provide adequate financial support. This was shown when Scotland and Wales introduced supplementary payments for unpaid carers during the pandemic but similar payments could not be made in Northern Ireland due to outdated administrative systems.[113]

23. CARER'S ALLOWANCE: As with legacy benefits, there was no £20 uplift to Carer's Allowance, notwithstanding that this is the lowest benefit of its kind[114] and notwithstanding the huge impact on carers of the pandemic, including that 2.8 million carers, including new carers, were juggling work and care, with 9% of carers having to give up paid employment altogether and 11% having to reduce their hours.[115] In order to receive financial support through Carer's Allowance in 2020, unpaid carers had to provide at least 35 hours unpaid care, often so much they could not hold other jobs, and earn £128 or less a week after tax, National Insurance and expenses. Even after they met these restrictive criteria, £67.25 a week was considered sufficient to support them in undertaking their caring responsibilities.[116] Each devolved nation took a different approach, leading to unequal treatment and deep concern about the inequity across the four nations.[117] Sporadic and localised initiatives to support unpaid carers were not systematic and did not deliver funding, state benefits or improvements to flexible working hours for unpaid carers.[118] In a whole-society emergency where the number of unpaid carers and the amount of care they gave increased substantially due to enhanced needs,

[110] Brewer [INQ000588132/51 §126]
[111] Black [INQ000650934/4 §14]
[112] Black [INQ000650934/12 §41] Carers UK Jan 23 [INQ000099707/10]
[113] Black [INQ000650934/16 §51] Carers UK Jan 23 [INQ000099707/10]
[114] Carers UK Caring report Apr 20 [INQ000176237/10]
[115] Mallick [INQ00652758/27 §§73, 118]
[116] Mallick [INQ00065278/7 §19]
[117] Mallick [INQ00065278/43 §118]
[118] Mallick [INQ00065278/43 §118]

withdrawal of state services and the fear of allowing outside carers into the home due to the risk of transmission, the economics of care remained a private matter and not one which the State, including HMT or DWP, sought to address.[119]

24. CARE WORKER ECONOMICS: Nor did the State ultimately solve the problem of how economically to intervene to reduce low paid and in particular bank and agency staff moving among care settings, as part of the social care sector's reliance on a temporary and insecure labour market. The Inquiry has heard the health and social care perspective on this in Module 6, including evidence of the nature of this economy, which included both large corporations and smaller providers.[120] For HMT, the proposal by Ministers in the Department for Health and Social Care that providing a certain level of income was necessary to prevent transmission through care worker movement was a bridge too far.[121] For all their 'creativity' and 'boldness', HMT's pandemic economic interventions did not touch this fundamental aspect of the labour market. While Scotland, Wales and Northern Ireland introduced schemes of enhanced sick pay to try to incentivise people not to work while symptomatic, the UK did not.[122]

25. INFECTION CONTROL: Of potential relevance to the economics of care worker labour, was the Infection Control Fund, established initially as a £600 million ringfenced sum for two months but then extended throughout the pandemic. Although formally delivered as financial support available to local authorities to tackle the risk of transmission in care homes, it suffered from several limitations and it remains unclear as to how much the funds were actually used to pay staff to stay away from work, or limit their labour to one setting, especially with regard to domiciliary care, and the problem of staff movement and staff transmission continued.[123] Later the Workforce Capacity Fund was created for local authorities to administer upon application from the care providers to finance labour problems themselves, but this scheme only ran between January to March 2021,[124] the funds were under applied for[125] and staff movement while symptomatic continued.[126] A further scheme entitled the Workforce Recruitment and Retention Fund was later granted in October 2021, again to be delivered through local authorities.[127]

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[119] See DPO M6 Written Opening 17.06.25 §48
[120] See DPO M6 Written Opening 17.06.25 §§20-29 DPO M6 Written Closing 19.09.25 §6(4)
[121] Smewing [M6/INQ000587862/17 §§52-64, 90-98, 99-100] *Cf.* Whately [M6/INQ000587788/39 §§150-152, 155-162] Smewing [M6/INQ000587862/17 §§52-64, 90-98, 99-100]
[122] Swann [M6/INQ000615082/29 §73] Freeman [M6/INQ000606530/64 §244] Heaney [M6/INQ000551798/72 §§248-254]
[123] Smewing [M6/INQ000587862/18 §§54, 57, 60]
[124] Whately [M6/INQ000587788/84 §§335-337] Smewing [M6/INQ000587862/27 §99]
[125] Dyson 'C' [M6/INQ000587737/106 §§414-415]
[126] Whately [M6/INQ000587788/44 §172]
[127] Smewing [M6/INQ000587862/28 §102]

[C]. ORGANISATIONS

26. <u>PACKAGE</u>: The voluntary, community and social enterprise ('VCSE') sector received a £750 million support package which ran from April 2020 to March 2021.[128] This was less than the £1 billion initially sought, which had taken into account issues such as likely financial damage from the pandemic for organisations and increased levels of demand for their services,[129] with opposition from the Chancellor due to his focus on "*pan-economy schemes*".[130] Of the £750 million, £199 million went to the Coronavirus Community Support Fund ('CCSF'), which ran for a shorter period from 22 May 2020 to 17 August 2021 and of which £187 million was disbursed via the National Community Lottery Fund.[131] The Department for Community, Media and Sport ('DCMS') considered some organisations "*absolutely critical to supporting the most vulnerable people*" and pre-selected them for support (for example, St John Ambulance and Citizens Advice).[132] Departments were also able to "*put in their own bids for charities operating across their sectors, based on their superior intelligence and understanding of these organisations*".[133]

27. <u>PROCESS</u>: While any support was important, distribution of the support package was criticised for repeated delays and a lack of transparency, that many organisations providing essential community work were ineligible for support, that the application processes were arduous, time-consuming and unnecessarily bureaucratic, and that the speed with which funding became available was disappointing.[134] Grant holders had only six months to spend their grant.[135] CCSF staff guidance indicated that priority should be accorded to "*organisations that are primarily led by people with lived-experience, this applies throughout the whole organisation, including senior management and board representation*" and "*organisations that are currently and historically underfunded, e.g… Disabled People's Organisations (DPOs)*". However, this did not find its way into the description of the three priority organisation categories in the guidance.[136] The NLCF states that it "*delivered communication activity to proactively promote the programme to organisations <u>coming from and working within</u>*" communities, such as Disabled people.[137]

[128] Dowden [INQ000588159/24 §98] Lister [INQ000653969/62 §§3.87, 4.1] McPherson [INQ000549322/10 §38]
[129] Dowden [INQ000588159/21 §85] Lister [INQ000653969/89 §§4.55. 4.60]
[130] Dowden [INQ000588159/21 §87]
[131] Lister [INQ000653969/86 §§4.38, 4.40, 4.108, 4.111] McPherson [INQ000549322/14 §§50, 63] Knott [INQ000653038/11 §55]
[132] Lister [INQ000653969/91 §4.62]
[133] Lister [INQ000653969/91 §4.62]
[134] Elliott [INQ000656193/43 §166]
[135] Knott [INQ000653038/12 §57]
[136] NLCF CCSF guidance [INQ000606636/23-24] Knott [INQ000653038/14 §§70, 72]
[137] Knott [INQ000653038/15 §71]

The evaluation report of the fund does not distinguish the type of grant-holder when citing examples of services and support provided to Disabled people.[138]

28. REPRESENTATIVE: Combined with the long-standing lack of funding for DPO, the approach to funding organisations during the pandemic overlooked the pre-existing barriers and financial instability facing DPO to accessing funding, that Art. 4(3) UNCRPD requires active involvement of *representative organisations*, not charities,[139] and that DPO had filled gaps in services for Disabled people during the pandemic.[140] DPO appreciate that some efforts w*ere made* to fund DPO and other voluntary organisations providing vital services to Disabled people. For example, Disability Wales distributed Covid-19 Emergency Grants on behalf of the National Emergency Trust and Welsh Government to DPO in Wales. These grants enabled grassroots DPO to provide information, advice and peer support to local Disabled people and provided a valuable source of intelligence regarding how the pandemic was impacting Disabled people and the role of DPO in tackling these issues.[141] But overall, DPO were left unfunded and under-resourced, and were not engaged in planning or implementing the economic response to a pandemic which acutely and disproportionately affected Disabled people.

[III] STRUCTURES

29. CLOSED: The Covid-19 pandemic was a whole-society emergency, involving all parts of Government, with health, social *and economic* impacts. Yet no body equivalent to the Scientific Advisory Group for Emergencies ('SAGE'), which considered initial health impacts and, to a lesser extent, social impacts, was set up to consider *the impact of* economic interventions (which necessarily goes beyond "*economic advice*" narrowly construed) and to draw on relevant external expertise.[142] Insistence that even without such a group HMT's level of engagement outside the department was much higher than usual and even "*unprecedented*" during the pandemic[143] underlines how unnatural a habit this was for the government's economic and finance ministry, which was more attuned to protecting market sensitivities[144] than sharing information (even with other departments[145]) or engaging in consultation.

30. VOICES: This had the consequence of excluding external advisors from a diverse range of backgrounds, including Disabled people and DPO (and even academics with labour

[138] NatCen VCSE Evaluation report [INQ000623592/38, 66, 73]
[139] *Cf.* Mallick [INQ000652758/18 §51] DR UK Letter to Tomlinson 19.02.21 [INQ000238530]
[140] Elliott [INQ000656193/4 §§14, 55, 214]
[141] Mallick [INQ000652758/46 §126]
[142] See Harrison [INQ000656298/14 §§47-48]
[143] York-Smith [INQ000588227/27 §§89, 93, 100] MacDougall [INQ000657746/4 §§11, 101, 224]
[144] MacDougall [INQ000657746/44 §§107, 110, 223] Joseph [INQ000657982/17 §67]
[145] Benford [INQ000588207/18 §57]

market, disability or welfare expertise) who could provide detailed and real-world advice on the likely impacts of economic interventions. The narrow approach to advice resulted in what the Institute for Government has called 'optimism bias' amongst HMT officials.[146] Whatever recognition there may now be that wider voices could usefully be heard,it is not clear that the realisation extends to DPO or other civic input which could, crucially, inform decision-makers about the impact on Disabled people of economic interventions, including gaps in policies and problems in mechanisms for delivery.

31. TRANSPARENCY: Unlike the position with SAGE, whose minutes and background papers were made publicly available, "*very little of the social and economic evidence that informed ministers' decisions was published, particularly before 2021, and the Treasury shared almost none of its analysis externally, even with trusted experts*".[147] HMT was "*opaque*" with even those in the Cabinet Office at the centre of Government and did not share its analysis, methodologies, modelling or information.[148] Within the Cabinet Office HMT was perceived to find transparency uncomfortable but to demand a level of transparency from others which it did not reciprocate.[149]

32. EQUALITIES: The Chancellor was responsible for and led decision-making concerning socially and economically vulnerable groups, including those with protected characteristics.[150] The Chancellor states that he was "*routinely*" presented with equality impact assessments, which were informed by the pre-existing in-house equality tools available to HMT.[151] The tools disclosed to date reveal only limited and out of date information on disability matters, dependent on the 2011 census and reports from 2014 and 2015.[152] As for the central guidance (from the then-named Government Equalities Office) available to all HMT staff, this mentioned higher living costs of Disabled people in an Annex of "*context to consider*" for disability and age,[153] but was parsimonious about the dangerous and worsening economic and financial situation of Disabled people, about which the Government had been warned and repeatedly reminded. The guidance's "*useful advice and resources*" page contained nothing on disability. At some point *after* summer 2020, HMT realised it did not have adequate equalities capability and (at an unspecified date) created a new Equalities and Living Standards Analysis branch,[154] but how if at all this new in-house branch in fact shaped or influenced economic policy is

[146] Mallick [INQ000652758/22 §61] IfG Treasury Report Apr 23 [INQ000226497/7]
[147] IfG Treasury Report Apr 23 [INQ000226497/6] Benford [INQ000588207/34 §103]
[148] Warner [INQ000657617/34 §120] Harrison [INQ000656298/29 §§95, 124]
[149] Harrison [INQ000656298/36 §§125, 128] *Cf.* MacDougall [INQ000657746/44 §108]
[150] York-Smith [INQ000588227/34 §109] Joseph [INQ000657982/18 §71]
[151] Sunak [INQ000661483/309 §§1161,1168]. On in-house guidance: Joseph [INQ000657982/18 §72]
[152] Protected Characteristics Resources Spreadsheet [INQ000609447 rows 37-47]
[153] Russell [INQ000588226/127 §444] GEO "How to think" 22.06.20 [INQ000609809/10]
[154] Russell [INQ000588226/129 §449]

unclear: HMT does not refer to specific input by the branch in respect of any of the key economic interventions taken by the UK Government in its corporate statement,[155] and acknowledges that a specific modelling approach for equalities impact was not developed and that during the relevant period HMT drew mainly on external equalities analysis.[156] Ultimately, HMT considered that primary responsibility lay with the relevant lead department.[157] The Covid Response Board role was required to coordinate equalities impact work[158] with a remit to "*drive HMT strategy, analysis and policy development in response to Covid-19*", "*oversee effective collaboration and agreement on cross-HMT response*" and "*set HMT's strategic priorities through Covid-19 response team and policy teams*", and that its work was supported by sub-Boards covering vulnerable people response and public services, among others.[159] However, the Chancellor did not attend or receive readouts from the Board,[160] DPO had no dealings with it, and the extent to which it acted as genuine investigator of economic harms of the pandemic response, and what necessary mitigation were required, is seriously open to question.

33. <u>ROUTINE</u>: In lieu of responsive and rigorous rights-based policy and receptiveness to input from DPO, the consecutive Ministers for Disabled People were focused on the rudiments of business continuity of the DWP and the benefits system and only "*routine*" ongoing monitoring of the schemes and an "*operational*" role in the pandemic response.[161] While the rest of government were doing "unprecedented" things, the DWP considered that "*limiting policy change was a deliberate and necessary part of our response*".[162] The DWP itself performed limited analysis of the economic impact of the pandemic, seeing this as a matter primarily for HMT.[163] This was a problem seen in other devolved administrations, with benefit payments and telephone lines being essentially the only thing that the NI Department For Communities sought to plan for.[164] The focus on routine matters is starkly evident in the DWP and Minister for Disabled People's positive self-assessment of their own success: limited to the non-failure of service delivery systems.[165]

34. <u>MISSING</u>: As for substantive aspects of the economic response, the DU and Minister for Disabled People were missing, ineffective or obtuse in shaping pandemic economic policy

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155 Annexes A-J (total 418 pages) to Russell [INQ000588226]
156 MacDougall [INQ000657746/22 §50]
157 Benford [INQ000588207/37 §119]
158 York-Smith [INQ000588227/34 §110]
159 York-Smith [INQ000588227/5 §§15-16]
160 Sunak [INQ000661483/15 §62]
161 Tomlinson [INQ000656295/3 §§8, 100] Smith [INQ000657740/4 §14, 17]. See also Couling [INQ000657865/40 §7.13] <u>DPO M2 Written Closing</u> 15.01.24 §§22-23
162 Couling [INQ000655625/10 §2.2]
163 Smith [INQ000657740/4 §17]
164 <u>DPO M2C Written Closing</u> 06.06.24 §31
165 Couling [INQ000655625/9 §1.28] Tomlinson [INQ000656295/29 §100]

formation. This was the case even when it came to policies and programmes formulated by the DWP itself. In his statement, Tomlinson professes disquiet about several aspects of the economic response, in an apparent lament of his own powerlessness: sympathy with those on legacy benefits who did not receive an uplift equivalent to Universal Credit ('UC'), disagreement with the ineligibility to access Kickstart of Disabled young people who were under 25 and claimed Personal Independence Payments ('PIP') but were not on UC which he regarded as "*unacceptable*",[166] but did not pursue,[167] and declined an invitation to become involved in Kickstart and associated roundtables with charities and community groups. Tomlinson does not appear to have pressed his position in support of expansion of employment schemes to young Disabled people even where he regarded aspects of the DWP's stated policy position as "*nonsense*".[168] Despite both HMT and the Equality Hub having recognised in 2020 that Disabled people faced extra disability-related costs,[169] by April 2022, the DWP was asking for "*details on specific extra costs for those with higher costs through disability*" as "*We can't be throwing money away*".[170]

[IV] OUTCOMES

35. <u>BUILDING BACK 'WORSE'</u>: For all its professed "*transformational approach*",[171] '*Build Back Better*' continued pre-pandemic economic priorities, and their resultant inequalities, which even a global disaster could not dislodge. There was continued reliance on unpaid and low paid labour to provide care and other essential services through a largely commercial public service industry, combined with retrenchment of benefits and economic support for vulnerable people, including Disabled people across the UK. For DPO, this was *building back worse*.

36. <u>STATUS QUO</u>: Ultimately, this was about funding of the status quo (such that the Government's actual Covid economics were not radical at all, even if the circumstances were). Billions of additional spending during the Covid period was allocated predominantly to the in-work population, who were deemed temporarily unable to work, and by way of loans and other support to established businesses, including millions of pandemic Bounce Back Loans. Support for self-employed Disabled people, likewise their businesses, could often not attract the same support on the evidential basis required to secure the payments.

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166 Tomlinson [INQ000656295/16 §§52, 79]
167 Farrington [INQ000657741/29 §87]
168 Tomlinson [INQ000656295/20 §§64, 76-78] *Cf.* Davies [INQ000661480/25 §85]
169 Mallick [INQ000652758/3 §§8-9, 17-18] Black [INQ000650934/4 §12] Matthews [INQ000613077/3 §11] Scorer [INQ000615254/3 §7] Watson & Shakespeare [M2/INQ000280067/6 §19]] Scope Price Tag Report 2019 [INQ000509877/3] Equality Hub 19.10.20 [INQ000083956/5] HMT Presentation 22.06.20 [INQ000609809/10]
170 DCC CEOs meeting 20.04.22 [INQ000626337/1, 3]
171 HMT Build Back Better Mar 21 [INQ000510801]

Disabled people are not always able to show business continuity in the same way, because they have periods of not being able to work because of their conditions. Informed by the social model, the DPO see these economic choices as maintaining a status quo which hinders the full and effective participation of Disabled people in society on an equal basis with others.

37. <u>NO REDISTRIBUTION</u>: The Government's economic response did not redistribute money and resources. There was no proper safety net for those deemed 'unproductive', or recognition that those only just scraping by after a decade of cuts to benefits and services would face further financial hardship. These were not Treasury decisions reached under a genuine discipline of human rights focussed impact assessment budgeting, which is what the DPO say is needed,[172] including the duty to consider socio-economic disadvantage under section 1 of the Equality Act. DPO want all governments to practise co-production and co-design of economics with all its people, and not just more powerful and established forces in business and labour.[173] Had that been done before the pandemic, then Governments in all four nations would have had to acknowledge and risk assess the consequences of cuts to benefits and social services as part and parcel of their emergency planning.[174] More research needs to be done on schemes of payment in place of work and universal income in times of crisis that go beyond standard protection of those on salaried contracts, with the care sector being the key area to consider.[175] But cumulatively, the evidence of all the Inquiry modules, and not least this one, is that human rights will not be enough in a pandemic without social and economic rights.[176]

38. <u>WHAT COULD HAVE BEEN</u>: Writing in the Financial Times ('FT') in April 2020, Arundhati Roy observed that "*[h]istorically, pandemics have forced humans to break with the past and imagine the world anew. This one is no different. It is a portal, a gateway between one world and the next*". Published together with Roy, the FT editorial said "*Radical reforms – reversing the prevailing policy direction of the last four decades – will need to be put on the table. Governments will have to accept a more active role in the economy. They must see public services as investments rather than liabilities and look for ways to make labour markets less insecure. Redistribution will again be on the agenda; the privileges of the elderly and wealthy in question. Policies until recently considered*

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172 Locked Out [INQ000142176/ 71-72] SHRC [M2A/INQ000130421/9 §§11, /43 §6]
173 IfG, Decision Making in Crisis, 09.01.20 [IM2/INQ000075340/50] Sedwill [M2/INQ000182382/6] [M2/T20/151/16-153/20]
174 Watson & Shakespeare [INQ000280067/10 §§31-36, /12 §41] [M2/T5/31/6-35/2]
175 Reicher [M2A/INQ000370347/31 §§67-68, /64 §131] [M2A/T7/124/2-125/23] Smith [M2A/INQ000273978 §622] Vallance [M2/INQ000273901/164] Halpern [M2/INQ000391415/2 §§5-8]
176 DPO M2 Closing [INQ000399541/28 §§43-45] DPO M2A Closing 23.02.24 [§§28-29, 39]

eccentric, such as basic income and wealth taxes, will have to be in the mix".[177] All of the above speaks to the truth that it did not have to be like this, but during this pandemic it was, and the function of Covid economics was to avoid these types of choices at considerable human cost.

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10 NOVEMBER 2025

[177] Arundhati Roy and The FT View, both 03.04.20, quoted in SG Presentation 07.04.20 [INQ000302516/12]