

DISABILITY RIGHTS BULLETIN

KEEPING OUR MEMBERS UP TO DATE

JUNE 2023

Exclusive to members, our Disability Rights Bulletin covers issues relating to independent living, learning and career opportunities, welfare rights, disability equality and more.

We also keep members up to date on our activities aimed at mobilising Disabled people's leadership and control.

DISABILITY RIGHTS UK

We are the leading charity of its kind in the UK. We are run by and for people with lived experience of disability or health conditions.

Our key decisions are made through our members who elect the Board of Trustees: and by our Senior Management Team.

We work with our members to influence national policy on independent living, benefits, education, employment, transport, human rights and other issues – shaping policy through direct experience and expertise.

We also work with our local individual and organisation members to empower and to influence local policy and services.

To contact Disability Rights UK (DR UK) see www.disabilityrightsuk.org/contact-us



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DISABILITY RIGHTS UK – WHAT WE STAND FOR

Our vision

To create a society where Disabled people have equal power, rights and equality of opportunity.

Our mission

We campaign for the rights of all Disabled people to be included in every aspect of life. We bring the lived experiences of Disabled people to everything we do. We challenge policy makers, institutions and individuals to remove the barriers that exist for us.

Our priorities

- Building a movement to strengthen our collective voice
- Independent living – choice control and equality in everyday life
- Inclusive economic opportunities – a fairer benefits system and opportunities to work and flourish
- Influencing public attitudes and behaviours

Disabled people leading change

News

End Disability Hate Speech says DR UK

Living in a world of ableism, things seem to only be getting more harmful and targeted, especially from places such as the mainstream media. We all have a duty to combat this to make sure disabled people are not being scapegoated and we recognise the importance of living in a society where we support one another.

In recent weeks, we have noticed an increase in incitement of hatred against disabled people from some sections of our media.

For example, on 1 June The Telegraph has promoted a calculator to access how much of our personal taxes goes towards benefits for disabled people unable to work.

It's aim was to vilify people who are too sick to work by angering those who are paying taxes that go towards disability benefits.

But these things should never be about 'them versus us' – we all live together in community, with many people having disabled family or friends, or who may need disability support in the future.

Taxes going towards disability benefits should never be deemed a 'waste' – in fact, they hardly pay us a pittance to begin with.

We must resist these toxic narratives that only lead to further abuse and vilification of disabled people.

Toxic narratives only lead to further abuse and vilification of disabled people.

Kamran Mallick, CEO of Disability Rights UK said: *Disability hate speech is totally abhorrent and must stop. We urge The Telegraph to cease their campaign against disabled people unable to work. We are part of society, we are parents, brothers, sisters and friends.*



Disability hate speech is totally abhorrent and must stop.

When we can't work it's due to our impairments or health conditions, anyone can become disabled and it can happen anytime in our lives, that's why we as a decent society support each other.

Disabled people living on benefits or low wages have been the hardest hit by the cost of living crisis, we are the highest users of food banks and often need to use energy to run health and mobility equipment or just keep warm.

We experience cuts in public services such as social care and support for education and we often experience negative attitudes from employers and service providers and inaccessible streets and information."

We have the right to live fulfilling lives, as part of the wider community, free of ableism and hate speech."

See also these DR UK resources:

- [Disability Hate Crime Reporting](#);
- [Disability hate crime links](#).

Disabled mum takes her own life after actions of DWP and Capita ‘magnified’ anxiety

A young disabled mother who took her own life had been left with stress and “debilitating anxiety” by the actions of the Department for Work and Pensions (DWP) and its contractor Capita, an inquiry has found.

A safeguarding adults review into the death of Philippa Day in October 2019 describes how the actions of the DWP and Capita had a “profound impact” on the 27 year-old from Nottingham.

She received a high level of support from her family, and from local agencies, but the “stress” she experienced over her finances became “magnified” after she claimed Personal Independence Payment (PIP).

The review builds on evidence heard at an inquest into Philippa’s death, [which found in January 2021](#) that flaws in the disability benefits system were “the predominant factor and the only acute factor” that led to her taking her own life, and highlighted 28 separate “problems” with the administration of the PIP system.

The review highlighted 28 separate problems with the administration of the PIP system.

Philippa was described by her family as a “vibrant, bubbly person who once met, would not be forgotten”, and someone who was caring and had a “deep love” for her child.

She had a diagnosis of emotionally unstable personality disorder, as well as type one diabetes, had a long history of self-harm and suicidal behaviours, and used substances and alcohol as an unsuccessful coping mechanism. She had high levels of anxiety and agoraphobia and could become quickly overwhelmed by day-to-day stresses of life.

The safeguarding review, commissioned by [Nottingham City Safeguarding Adults Board](#), says that the interactions that Philippa had with the DWP and Capita as she tried to move from DLA to PIP had had a “profound impact” on her.

It highlights the stress caused by the high interest loans she had to take out when the DWP



Philippa Day



Errol Graham

stopped her DLA claim because the completed PIP form she posted went missing, and says it “significantly increased her episodes of self-harm and the risk of suicide”.

After her DLA award was eventually reinstated and backdated, Capita then insisted that Philippa had to attend a face-to-face appointment at one of its PIP assessment centres, even though it had access to substantial evidence of her mental distress and her need to be assessed at her home in Nottingham.

The review points to Philippa’s “sense of impotency that she could not affect change and that her mental distress was not recognised” and the “debilitating anxiety at the prospect of leaving her house to be assessed by unfamiliar professionals but untenable consequences if she declined”.

The DWP recognised that it “may not have considered the impact of [Philippa’s] disability on her ability to engage with the assessment process”, says the review, which was delayed by legal action and the pandemic.

The review repeats a key recommendation from the recent [Errol Graham safeguarding review](#), calling on the DWP to work with the national network of safeguarding adults boards to produce a “protocol” that would ensure they alert each other to relevant cases.

For more information see [Disabled mum took her own life after actions of DWP and Capita ‘magnified’ anxiety](#) available at www.disabilitynewsservice.com.

See also our news stories:

- [Philippa Day’s family wins ‘substantial’ compensation over benefits death](#)
- [Cross Party MPs call for public inquiry into benefit related deaths](#)

Disabled children disproportionately affected by UK cost of living crisis

A new report released by the Childhood Trust has revealed the escalating poverty felt by disabled children across the UK because of the cost-of-living crisis.

The Childhood Trust is a London based child poverty charity, which is dedicated to alleviating the impact of poverty on children and young people living in the capital.

The trust surveyed social workers, other charities, and the parents of children with special educational needs and disability (SEND), and found that children had been missing meals because of the cost-of-living crisis or that they had struggled to keep the heating on at home. These factors caused by the surge in inflation, affected the families of children with SEND greater than other families.

The Social workers questioned in the report said that they were less able to arrange day trips for children or provide personal care or medical equipment for them. More than half said that it had become harder for parents to simply secure a diagnosis for their children.

The financial impact on SEND children comes after the recent report from SCOPE which found in its latest [disability price tag report](#) that disabled households (with at least one disabled adult or child) now need an additional £975 a month to have the same standard of living as non-disabled households

Laurence Guinness, chief executive of the Childhood Trust said: *“We know everyone’s been disadvantaged, but I think the data tells us that kids with Send are suffering disproportionately, which is alarming because they are our most vulnerable.”*

During Covid old people were disproportionately affected – they were dying in care homes at alarming rates. This is another scenario akin to that where the weakest, the most vulnerable, the ones who should get the most support and protection are in fact massively lacking support and are invisible.”



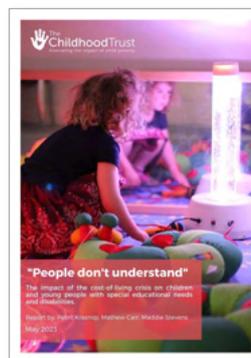
Dan White policy and campaigns officer at DR UK and one of the leads at the Disability Poverty Campaign Group said: *“So much evidence is now pointing in the same direction, that it is impossible, surely, for Government and public services not to act.*

Poverty is bad enough, but when children who have additional needs that can only be supported through good diet, warmth and essential equipment are experiencing hardship, it speaks volumes about the morals and ethical soul of a country.

Life costs more when you are disabled, and it is painfully obvious that the financial support and services are insufficient, weak, and ineffectual.

The Government should instigate an independent review of benefit levels including extra cost benefits, provide financial support for disabled people with higher energy costs and tackle barriers to accessing food, in advance of the UN inspection this autumn.”

[“People don’t understand”: The impact of the cost-of-living crisis on children and young people with special educational needs and disabilities](#).is available from www.childhoodtrust.org.uk.



To support the Childhood Trusts newly launched Champions for Children appeal go to [BigGive website](#).



Government pledges sea change for air travel after #RightsOnFlights campaign

The Government has announced that it will legislate to make airlines more accountable when dealing with disabled passengers and to remove the cap on compensation for wheelchairs or mobility aids damaged on domestic UK flights.

The news comes after [#RightsOnFlights campaign](#) work by DR UK, TV presenter and author Sophie Morgan, industry specialists Roberto Castiglioni and Josh Wintersgill, and Marion Fellows MP which saw a petition presented to Number 10 demanding change.

The campaign has highlighted the barriers disabled people, especially wheelchair and mobility aid users face when using air travel, after Sophie's wheelchair and mobility aids were damaged multiple times on long haul journeys.

The Government undertook a consultation with airlines, campaign groups and individuals in the first quarter of 2022, [the response](#) to which it has finally published.

In its response, it said:

"We will work with industry to move to a standard of voluntarily waiving the cap for compensation on both domestic and international flights.

We will also continue to explore with the CAA, industry and consumer groups other options to improve accessibility and, thereby, increase the confidence of passengers.

Measures include those suggested in consultation responses including:

- better information provision for disabled passengers and those with reduced mobility.
- improving accessibility training for staff assisting disabled passengers and those with reduced mobility.
- more broadly, continuing to work with stakeholders to ensure we can engage directly with passengers with personal experience and seek their views on further options for improvement.

"If damage or loss does occur, it is obvious that the disruption and distress caused can be significant. We want passengers to receive sufficient compensation, appropriate to the value of the item and damage caused, and in good time.

We will work with industry to encourage voluntary uptake of such waivers, and public commitment to fair and prompt compensation, for both domestic and international flights. We will legislate when parliamentary time allows to remove the cap for UK domestic flights.

Government is committed to ensuring that the aviation sector is putting passengers first. While most operators already do the right thing and meet their obligations to consumers, these reforms will ensure that, where behaviour falls short, consumers have the protections they need and the CAA has sufficient enforcement powers to effectively uphold consumer rights."



DR UK's Media and Communications Manager, Anna Morell said: *"This is good news, and has been a long time coming. Airlines now need to act swiftly to implement the gold standard practices outlined in the consultation and Government needs to ensure that it does indeed make time to ensure that new legislation is passed.*

Airlines and Parliamentarians also need to take note that access for disabled people goes beyond wheelchair use. For example, many airlines during the pandemic withdrew free oxygen canisters for people with respiratory conditions who are forbidden from using their NHS equipment while travelling in the air.

Airlines need to realise that such measures are not nice to haves, they are necessities for disabled people to have parity of access to air travel.

We will be watching to ensure that the pledges made today become action to enable parity for disabled air travel passengers."

Guidance ‘will boost confidence’ of employers who want to recruit disabled people

New guidance that stresses that employers are allowed to reserve jobs for disabled people should help narrow the disability employment gap, say the Disabled People’s Organisations (DPOs) that asked for the legal advice to be published.



Inclusion Barnet’s Chief Executive, Caroline Collier realised there was a “genuine hole” in people’s knowledge of the law on recruiting disabled people, even among those who specialised in

employment law. She approached the independent employment advice and conciliation service Acas to ask if it would produce new guidance.

With support from Collier and Inclusion London’s Chief Executive Tracey Lazard, Acas has now produced new guidance for employers, which makes it clear that they can “specifically advertise for and recruit a disabled person without the risk of disability discrimination”.

Caroline Collier said the law that allows employers to treat disabled candidates more favourably by reserving roles for disabled people – under the Equality Act – could help narrow the disability employment gap, which still hovers at around 30 per cent.

The guidance makes it clear that employers can also seek to recruit a disabled person with a specific impairment if there is a “genuine occupational requirement” for them to do so.



Tracey Lazard said: *“We welcome the clarified guidance from Acas. They have made clear that you can specifically advertise for and recruit disabled people to any role, without the risk of disability discrimination and without the need to demonstrate that there is an occupational requirement for a disabled person.*

You can also treat a disabled person more favourably compared to a non-disabled person in the hiring process.

This guidance gives organisations confidence that they can prioritise people with lived experience of disability for any job role, and is something that the government should be promoting and supporting, to reduce the disability employment gap and disability pay gap.”

The ACAS Guidance [Using protected characteristics in recruitment](#) is available from acas.org.uk.

acas working
for everyone

Source and for more information see [Guidance ‘will boost confidence’ of employers who want to recruit disabled people](#) available from disabilitynewsservice.com.

Support our work by giving a regular monthly amount

Help us build a fighting fund to underpin our core work supporting disadvantaged disabled people. Monthly direct debits, whatever the amount, are the single most helpful and efficient way you can support the work of our charity.

- **£3** a month can provide a disabled person with life-changing advice and guidance
- **£10** a month will fund updating a DR UK factsheet to help thousands of disabled people get the support they need
- **£20** a month can fund our policy team to influence the protection or extension of a key right in the daily lives of millions

Please sign up to give a regular monthly amount [here](#)



EHRC Outlines Nine Principles for Social Care Equality

The Equality and Human Rights Commission (EHRC), the non-departmental public body responsible for promoting and enforcing equality and non-discrimination laws, has published a new report on equality and human rights in social care.

The organisation wants to see equality and human rights be built into social care and those principles to guide decision-making, as well as reform in the sector. They hope the new report will be used by:

- Governments and parliamentarians: when making decisions about social care frameworks, funding and reform.
- Social care commissioners, providers, and social workers: to help embed equality and human rights into policy and practice.
- Regulators: to help guide their important work to improve standards in the social care sector.
- Those with care needs and carers (and those who advise and support them): as a resource to help them understand and realise their rights.

The EHRC outlines nine principles for social care in their new report.

- Available – the system should be sufficiently and sustainably funded to be available to everyone.
- Accessible – services should be easy to navigate and must anticipate disabled people's needs.
- Person-centred – care should be tailored to individuals' needs.
- Choice and control – people should get control and selection over what care they get and how it is provided.

- Community and connection – people should be supported to live in their own homes.
- Effective redress – routes to challenge decisions should be effective and accessible.
- Robust regulation – human rights and equality should be the focus of regulators.
- Support for unpaid carers – services should work in partnership with unpaid carers.
- A valued workforce – caring should be a valued profession with fair pay and treatment.



Mikey Erhardt, Policy and Campaigns Officer said: *“For many of us, the social care system is failing to uphold our human rights under the Care Act, equality act and Human Rights Act. Moving forward, we want to see those involved in commissioning, decision-making and regulating social care services focusing on creating a system that works for us.*

The social care system is central to enabling us to live independent, fulfilling, active lives. The EHRC's new report outlines clear routes to ensuring social care promotes dignity, supports us to live how we want and be part of our local community, no matter our age or circumstance.”

[Equality and human rights in social care](#) is available from equalityhumanrights.com.



Make a donation to Disability Rights UK while you shop

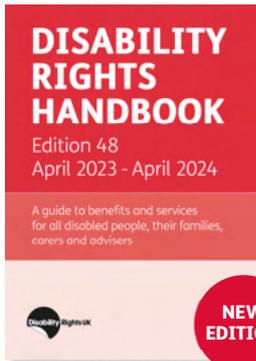
Easyfundraising: You spend, brands donate

Sign up to easyfundraising and see your favourite brands donate to the cause you care about whenever you shop with them. Every time you shop with a variety of retailers, (such as Amazon, M&S, Vodafone, eBay, Tesco, Viking) a donation will be made to Disability Rights UK.

It costs you absolutely nothing.

[Sign up](#) for Easy Fundraising
Donate while you shop





NEW EDITION

Published April 2023
£43 including P&P
£20 if you're on benefits



Disability Rights Handbook – New Edition

Throughout 2022, many changes affected the way that the benefit system operates in the shadow of the coronavirus pandemic. The ways that benefits can be claimed are changing, as are the responsibilities that you must meet to keep getting paid.

The support and protections put in place during the pandemic have been stripped away. As a consequence, the Universal Credit sanction rate is now more than double the pre-pandemic level.

The cost of living crisis has put even more pressure on a social security system already battered by over a decade of cuts. Keeping up with the changing rules is more crucial than ever.

Benefits, Tax Credits and Social Care

The handbook provides in-depth information and invaluable guidance on the benefits system and social services. It covers Universal Credit and the six working-age means-tested benefits it is replacing. It explains the three key disability benefits (PIP, DLA and AA) and the new devolved Scottish benefits including Adult Disability Payment and Child Disability Payment, devolved. It also sets out how social care operates around the UK, how support needs should be met and how to complain if they are not.

Fully updated for 2023/24 and easy to find your way around, it has the answers you need, to claim what you're entitled to, or to challenge an unsuccessful application for benefits or social care.

Full of tools and tactics to help you make a successful claim.

Handbook Updater

Get page-by-page updates to your handbook as legislation changes through the year. Published bi-monthly from June 2023-February 2024, it will arrive in your email inbox in a convenient, easy to print A4 PDF format.

Add our [Handbook Updater](#) to your order for **£7.00**.

Order your Disability Rights Handbook now from our [online shop](#)



Disability Rights Handbook ONLINE

Created to support remote working, this enhanced digital version of our flagship publication is an essential resource for all professional advisers.

Written and published by Disability Rights UK, our digital service sits on the well-established AskCPAG platform.

- Fully searchable
- Create your own bookmarks, make notes, and cite in different formats
- Clickable weblinks
- Accessible (works with screen readers)
- Regular bi-monthly updates throughout the year
- Mobile-ready (you can even read it on your phone)
- Access to articles on the AskCPAG website

12-month subscription: £41

Buy your subscription from our [online shop](#).

Individuals on benefits should contact us for a concession coupon code to use at checkout. Email tony.stevens@disabilityrightsuk.org



DR UK projects

Leadership Academy Programme

A career development programme for disabled employees



The Leadership Academy Programme (LAP) was developed after a group of disabled senior leaders found that, whilst disabled employees were managing to gain employment, their ability to excel up the corporate ladder appeared limited. LAP Project Manager Katrina Morris invites applications for the 2024 course.

We have seen LAP run successfully now for nine years and a vast array of testimonials from both delegates and mentors, indicates the impact that participating in LAP has had on them, personally and professionally. We are always interested in forging new partnerships, with organisations who are keen to include a robust leadership programme, for disabled employees, within their Diversity & Inclusion Strategy.

LAP aims to:

- Address the need for greater equality in the workplace;
- Improve the employment position of disabled people, enabling them to fulfil their potential;
- Provide employers with access to the widest possible pool of talent at management and senior level;
- Increase the visibility of capable, confident disabled leaders, to contribute to a more balanced view of disabled people across UK society;
- Build recognition of the qualities disabled people contribute in terms of resilience, problem-solving, empathy and creativity;
- Impact workplace culture and help to bring about genuine inclusivity for disabled employees.

Our programme equips participants with the tools to make the transition to leadership positions.

Our training content is co-produced with and by disabled leaders and other key stakeholders and is unique in its design. The years of expertise and experience included in the design and delivery of LAP, is unparalleled in the current marketplace.



Programme Delivery

The 2024 course comprises 13 sessions (of 2-4 hours) plus a graduation ceremony and runs from February to September 2024. It has been updated to include content which is reflective of the changing environment we are now faced with and includes a mix of core leadership modules.

The programme is now delivered online. The benefits include providing a modular format to encourage sustainable growth for LAP and being able to provide tailored options for employers. Participants can access the programme flexibly, without travel barriers.

“What DR UK have created is an incredible platform which allows people to develop new skills and grow, personally and professionally. Taking part in LAP has an incredible impact both for delegates and those who volunteer as mentors. It is well organised, well supported, and clear in its direction and purpose.” Andy Horne – mentor

The Programme options:

Option 1 – Main cohort: Employers can sponsor an individual employee(s) onto the main cohort. This is a mixed cohort, where our partnering organisations such as The Ministry of Justice, The Foreign and Commonwealth Office, Care Quality Commission, Devon & Cornwall Police, and many others annually send employees onto the programme. These delegates return to their place of work, with increased confidence and leadership skills and this ultimately impacts their working practices and culture of the business/organisation, ensuring greater inclusivity for disabled employees.

Option 2 – Private cohort: We can design a bespoke programme, tailor-made to meet the needs and aims of the organisation. Employers can place 10 or more staff, into a private cohort and we’ll help to manage all the administration, mentoring relationships, and programme schedules, affording the delegates the best possible opportunity to succeed and for the greatest impact on the business/organisation.

I decided to attend the LAP because I always felt that I had not quite realised my potential and that being disabled had impacted on my self-belief and behaviours at work for progression. I found the content of the course and the trainer interesting and engaging. Delegate

The Programme includes:

- Career aspirations, setting objectives and goals
- Communication, leadership and management skills
- Self-development and confidence-building
- Accessibility, reasonable adjustments and your rights as a disabled employee
- Applying new techniques to live projects and presentations related to a current workplace challenge (providing a great resource for their place of work)
- One-to-one mentoring from an experienced senior leader
- Sharing experiences with other aspiring managers and learning from their success strategies
- Conflict resolution and managing relationships
- Creation of an ‘Inclusive Leadership Charter’
- Membership of our Disability Alumni Network, offering exceptional networking events with inspirational keynote speakers

Whilst being on the course, a combination of the learning itself and discussions with other participants have really helped me and provided me with tools to improve and think about leadership differently. Delegate 2021 cohort

Working as a mentor on the LAP programme matters a great deal to me as it gives me the opportunity to share my experience as a disabled professional with others on a similar path and work together to create a more empowering and inclusive working world. Mentor – Breandan Ward

We’re starting our recruitment drive again

This year we were oversubscribed, and we are likely to be in the same position for our 2024 cohort. Places are offered on a first come first served basis, so please apply early, by requesting an application form.

You will need to share the information with your line manager, L&D Team, or Disability Network, to explore ways to get sponsored onto the programme by your employer. You can self-fund (please enquire about discounts available if you are thinking of taking this route).

For more information

You can find out more about LAP on our [website](#). To request an application form, email our LAP Project Manager Katrina Morris on: katrina.morris@disabilityrightsuk.org



Katrina was shortlisted for the ‘Rising Star Award’ for our equality, diversity and inclusion (EDI) Programme at the inaugural Board Awards of Diversifying Group. The award celebrates the people on a journey to make the biggest impact through their work in inclusion and belonging, which Katrina has been doing with Disability Rights UK for almost 10 years.



Bespoke solutions from the experts

Does your organisation have specific needs in relation to disability equality?

We offer a wide range of support to businesses of all sizes as well as organisations in the public and voluntary sectors. We can provide innovative solutions and guidance to your organisation on all elements of disability equality and best practice, tailored to your needs and objectives.

For more information or to book an initial conversation, email training@disabilityrightsuk.org



Get Yourself Active

Disabled people and people with long-term health conditions are one of the most inactive groups in society. We know that more needs to be done to understand their barriers to physical activity and how best to overcome them.

The Get Yourself Active team works alongside disabled people and Disabled people’s user led organisations (DPULO’s) to lead change in the social care, health and sport sectors, in order to improve health and wellbeing outcomes for disabled people and to help them to get active in a way that is right for them.



Get Yourself Active is funded by Sport England and led by Disability Rights UK

You can read our stories on our website:

www.getyourselfactive.org

We regularly post news, updates and links to other information on our Twitter page. Follow us:

[@GetYrselActive](https://twitter.com/GetYrselActive)



Get Ahead

Get Ahead is a toolkit and resource co-produced with and for disabled young people.

The newsletter and magazine will help you navigate the wide range of information and resources that are available in post-16 education, training, and work.

It is a platform where young people can have their voice heard and share the many talents they have.

Get Ahead resources are available [here](#) where you can download current and previous editions of the Get Ahead newsletter.



The Disability Rights UK newsletter co-edited with and for young people

Genuine Radar NKS Key

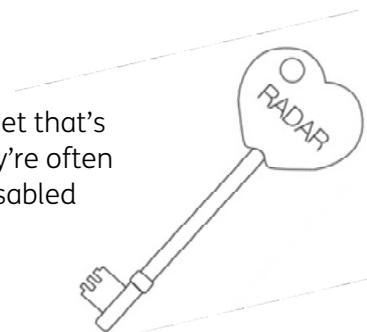
Get priority access to accessible public toilets

If you have a health condition or disability, finding an accessible toilet that’s clean, tidy and available for you to use can be a challenge. And they’re often kept locked. The Radar key gives you access to over 9,000 locked disabled public toilets around the UK.

Don’t risk buying a cheap copy that may not work.

Our keys are tested and guaranteed by our master locksmith.

Genuine NKS Radar Key: £5.00 inc P&P and VAT (if applicable). Available from our [online shop](#)



Helplines

Member Organisations' Welfare Rights Helpline



Ken Butler highlights recent queries answered by our [Member Organisations benefits helpline](#).

PIP claimant takes no medication and has no specialist input

Q: Our client was awarded PIP five years ago. He had a diagnosis of severe depression and anxiety, was taking medication and saw a Community Psychiatric nurse.

However, a year ago he refused to engage with his support and stopped taking medication as it says it made him feel worse.

His renewal claim for PIP as now been refused. Will the lack of any specialist input mean he is unlikely to succeed in challenging this?

A: There is clear case law that holds that the absence of treatment is not an adequate basis from which to infer someone's ability to carry out PIP descriptor activities. So the withdrawal of the client from treatment should not deter them from challenging their refused PIP.

In [CE/3496/2017](#), the appellant had multiple health problems including anxiety and rarely went out alone.

In his decision, Judge Poynter agrees with the appellant's representative's comments that:

“A current lack of treatment is not by itself [a reason] including the appellant did not meet the qualifying criteria. ... The appellant had had the conditions and symptoms for many years.

It may be that management by the GP was currently considered the most appropriate by the appellant's own health care professional, other treatments and interventions having taken place over [preceding] years. The tribunal made no findings about prior treatments and interventions the appellant had undergone.”

Members Organisations' Welfare Rights Helpline

Our member organisations' benefits and tax credits advice service is hosted by Ken Butler.

Ken is able to take calls on 0203 687 0779 Tuesday and Thursday, 10.30am – 12.30pm.

Or email Ken anytime at: ken.butler@disabilityrightsuk.org

Unfortunately, we are not resourced to answer benefit queries from individuals.

Judge Poynter goes on to highlight that medicine is a “broad church”, adding the following:

“As is recognised in other areas of the law, there is a wide spectrum of reasonable medical opinion and practice. And anyone who has ever sat as a judge or disability-qualified member in the Social Entitlement Chamber will probably be able to provide examples of medical members who hold widely differing views about the issues that commonly arise in appeals.

Moreover, it is not unknown for professional people to believe that their own views and practices are more universally held and followed than is in fact the case.

Furthermore, particularly in relation to prescribing, treatment is an art as well as a science. Or, at least, it is a matter of professional judgment that can be heavily influenced by the individual doctor's own experience.

To take the current case as an example, the Tribunal's medical member may well be correct to believe that, across the population as a whole, talking therapies are effective to improve the type of anxiety and loss of confidence that are described But the professional experience of the claimant's GP may be atypical. It may be that, for whatever reason, the results achieved by his patients from talking therapies in the past were disappointing and that he is therefore less inclined to refer his patients to such therapies than would otherwise be the case.

Alternatively, he may be aware of circumstances that are not known to the Tribunal, but which suggest to him that the claimant would not benefit from such therapies.

Finally, although I do not suggest that it is so in this case, some claimants will simply have a GP who is not very good at his or her job.

Assuming a normal distribution of medical excellence, a large proportion of the population will have a GP who is below average. That is not a reflection on the medical profession. It is also true by definition of most, if not all, fields of human activity. Not everyone can be above average.

There is therefore a real risk that drawing inferences about function from treatment will in some cases lead the Tribunal to conclude that claimants do not suffer from the loss of function they describe because they are not being correctly treated for it.”

In addition, the following DWP guidance to Health Care Professionals (HCPs), [PIP assessment guide part 1: the assessment process](#), clearly states that:

“1.6.36 When considering mental health medication HPs should remember that not all claimants with a mental health condition will be on medication or receiving therapy. Severity of a mental health condition does not necessarily correspond with the type or dosage of medication that the claimant is receiving.

There are a number of reasons why a claimant may be unable or choose not to take mental health medication, for example, but not limited to:

- poor compliance due to the nature of mental health condition
- side effects or difficulty tolerating medication
- lack of efficacy
- preference for psychological therapy instead of medication

- complicating factors, for example excessive alcohol consumption

Therefore absence of medication does not automatically mean that the health condition is not severe. However, HPs should consider the type and context of certain medications, for example use of depot antipsychotic injections in psychotic disorders.

HPs should also take into account that some medications are used to treat different conditions, for example some antidepressants are also licenced to treat anxiety. HPs must also consider the use of other treatments such as psychological therapies.”

Disability Rights UK Factsheets

Our series of over [70 factsheets](#) provides free, basic information about benefits, tax credits, social care and other disability related issues.

Our factsheets can be located in the [Guidance & Resources](#) section of our website.

You will find more detailed information in our Disability Rights Handbook, available to order in print or as a digital service which sits on the well-established AskCPAG platform. A 12-month online subscription can be purchased via our [online shop](#).

Topics covered in our factsheets include:

- appealing against your benefits decision
- bedroom tax
- benefit cap
- carer’s allowance
- council tax help
- jobseeker’s allowance
- legacy benefits and universal credit
- permitted work
- personal independence payment
- universal credit and disability
- work capability assessment

EHRC HELPLINE FOR ADVISERS

The Equality and Human Rights Commission (EHRC) provides a telephone-based service for the advice sector, solicitors, other organisations that support individuals with their problems, trade unions, and ombudsman schemes.

- Do you work with people who may have been discriminated against?
- Are you unsure whether someone might be able to make a complaint about a human rights issue?
- Have you been asked to help with a discrimination or human rights issue?
- Do you want to talk through a case?

Accessibility: If you require reasonable adjustments to access EHRC Adviser Support, you can email us:

England:

Englandadvisersupport@equalityhumanrights.com

Scotland:

Scotlandadvisersupport@equalityhumanrights.com

Wales:

Walesadvisersupport@equalityhumanrights.com

BSL users can access [SignVideo](#).

Resources for advisers

For links to our current materials and other selected sources for advisers visit [EHRC Adviser Support: resources](#).

Contact EHRC Adviser Support

England: 0161 829 8190

Scotland: 0141 228 5990

Wales: 029 2044 7790

The service is available within core office hours.

Please note that we cannot accept bundles of documents, or the personal details of the individual you are advising.



THE EASS ADVICE LINE FOR INDIVIDUALS

The Equality Advisory Support Service (EASS) provides information advice and support on disability discrimination and human rights issues to individuals in England, Scotland and Wales.

You can contact the EASS by phone, textphone, webchat, letter or email. If you are a BSL user then skype. Welsh speakers available. If you are contacting the EASS by post, please do not send any documents with your letter.

Resources for individuals

For [information about how the equality act works](#), and how it may be relevant to your situation visit www.equalityadvisoryservice.com/app/help.

To contact the EASS by email go to www.equalityadvisoryservice.com

By telephone or textphone

Telephone: 0808 800 0082

Textphone: 0808 800 0084

Opening hours:

Monday to Friday 9am-8pm,

Saturday 10am-2pm

By post: Freepost, Equality Advisory Support Service FPN443



WORKING WITH



Personal Budgets Helpline



Banane Nafeh deals with enquiries for Disability Rights UK's Personal Budgets advice service.

Pay rate of Personal Assistant

Q: I am a Personal Assistant (PA) working for my employer. I am being paid a very low hourly rate by social services. My employer is also paying a contribution, which she is struggling to pay. How can I possibly complain about all this?

A: I understand from your email that there have been Direct Payment issues with social services, care needs assessment, financial assessment, disability related expenditure, hourly rate of PA's as well as problems with the payroll company.

You stated in your email that you and other PA's have been on the same hourly rate since 2010 which is actually surprising. The hourly rate normally increases every financial year due to increasing living costs and inflation or at least every two years following a review of your client's care needs support plan.

Care needs assessments are usually reviewed once a year to reflect any changes of the individual's circumstances but there may be some delay on the part of the local authority.

In addition, the hourly rate must not be below the [National Minimum Wage](#) as it would be considered illegal and in breach of employment law. Currently the national minimum wage is £10.42 for ages 23 and above. So, you cannot be paid less but you can be paid more within the budget allocated in your client's care package.

It seems to me that your client's needs have not been re-assessed except in 2023, but it is still not clear to me whether the care needs assessment has been adequately conducted this year. Even if your client's needs are not reviewed due to the impact of covid on social services' workload, her personal budget should have increased due to the increasing cost of services regardless of whether she requires additional needs.

Personal Budgets Advice Line Service

This service provides advice for individuals and organisations on self-directed support, personal budgets and direct payments.

Banane Nafeh deals with enquiries for Disability Rights UK's Personal Budgets advice service.

The advice line is open Tuesday and Thursday from 9.30am-1.30pm.

Telephone: 0330 995 0404 during our opening hours or contact Banane anytime on email: selfdirectedsupport@disabilityrightsuk.org

Kindly see below from the GOV.UK website: [The National Minimum Wage in 2023](#)

Independent living factsheets include:

- being in control: getting personal assistants
- non-residential charges: paying towards the cost of your care and support at home
- charging for residential accommodation
- complaining about local authority decisions
- assessment process for carers
- personal health budgets and NHS continuing health care
- assessment, eligibility and support planning
- employment contracts
- The role of brokers in relation to social care
- personal budgets: the right social care support

Give feedback on Care

The Care Quality Commission (CQC) is the independent regulator of health and adult social care in England. They would like disabled people to share their care experiences (including GP surgeries, dentists, care homes and services in your home).

Complete the form on the [CQC website](#) or give telephone feedback by calling 03000 616161.



Let's make care better together

Disabled Students' Helpline



Rundip Thind, DR UK's Student Helpline Adviser, responds to enquiries to our disabled students' helpline.

Help with the cost of specialist student accommodation

Q: I'm starting university in September and am a wheelchair user. I require accommodation with a wet room style shower, grab rails and adapted toilets.

I'm finding that the accommodation is significantly more expensive because of my needs. What support can I receive towards my accommodation costs? Without additional financial support I cannot afford to go to university.

A: If you need specialist accommodation because of your disability and have higher accommodation costs as a result, [Disabled Students Allowance](#) (DSA) can be used towards these extra costs as long as the accommodation is not owned and managed by the university or one of its agents.

If the specialist accommodation is owned by the university, and costs more than standard accommodation, under the Equality Act 2010 we would expect the university to make a reasonable adjustment to the rent charged.

The university should not pass any additional cost of specialist accommodation on to you.

The duty requires that only adjustments that are reasonable are made. The Equality Act does not define 'reasonable'. What is reasonable in one set of circumstances may not be reasonable in another. Our factsheet on the [Equality Act](#) covers this in more detail.

Each university will have their own approach to rent adjustment, and you should check the university's website for more on their scheme or contact the accommodations team for their written policy. The Disability Adviser at the university should also be able to provide this.

Disabled Students' Helpline

Our advice service can provide advice on education, training and employment.

Rundip Thind, DR UK's Student Helpline Adviser, responds to enquiries to our disabled students' helpline. The helpline is open Tuesday and Thursday 11am-1pm.

Telephone 0330 995 0414 (freephone) during our opening hours or contact her anytime on email: students@disabilityrightsuk.org

Here are a few examples of the schemes adopted by a few of the universities in England:

- The university charges rent at an equivalent to the average weekly cost of a single bedroom with washbasin.
- If you have a disability and your accommodation needs incur an additional cost, you may be eligible for a 20% reduction in accommodation fees.
- A fixed rent reduction of £xxxx will be applicable for a 38-week undergraduate contract.

If the university is not making reasonable adjustments, you should raise this informally with the Disability Adviser and ask for their support in resolving this. If you aren't happy with their response, you will need to go through the university's complaints process.

Our education factsheets include:

- Adjustments for disabled students and apprentices
- Applying for disabled students' allowance (DSAs)
- Funding further education for disabled students
- Funding higher education for disabled students
- Funding from charitable trusts
- Postgraduate education for disabled students
- Telling people you're disabled – clear and easy guide for students
- Understanding the equality act: information for disabled students
- Making a complaint



Available to download in PDF and Word formats from the Guidance & Resources section of our website.

Into Higher Education

A guide to additional support in higher education

This guide is designed to help disabled students make the right decisions about studying in higher education. It deals with common questions: whether the college or university will be accessible, how to choose a course and what support will be available.

The guide includes:

- The student finance system, tuition fees and repayment methods
- Support that will be in place
- Case studies where disabled students write about their own experiences
- A resources section: helpful websites, publications and organisations

“A great resource focused specifically on the needs of disabled learners. Highly recommended” Undergraduate Recruitment and Widening Participation Co-ordinator, University of Manchester

[Download a PDF](http://www.disabilityrightsuk.org) from www.disabilityrightsuk.org



Available to download in PDF and Word formats from the Guidance & Resources section of our website.

Into Apprenticeships

The guide for disabled people

Doing an apprenticeship is a great way to earn a salary, get training and qualifications and develop your career. Into Apprenticeships is a guide for anyone living with a disability, health condition or learning difficulty thinking about applying for an apprenticeship. We hope it will help you make the right choices and get any support you need.

The guide includes:

- How to apply and find vacancies
- What support is available in the workplace
- Details of helpful websites, publications and organisations

There are stories written by disabled apprentices about their own experiences and the challenges they have faced. As well as taking advantage of the support on offer, the apprentices talk about the importance of their own creativity, perseverance and motivation.

[Into Apprenticeships](http://www.disabilityrightsuk.org) is available from www.disabilityrightsuk.org



PDF, Word and Easy Read formats.

Speaking from Experience

Getting it Right for Disabled Apprentices

If you're a young disabled person looking to develop your career, or an employer or training provider involved with supporting apprentices, this report produced by our Disabled Apprentice Network (DAN) is for you.

A follow-up to our 2022 report, it collects and analyses young disabled people's experiences of how they get information about apprenticeships, looks at their engagement with training providers and employers, and the support they have received. There is also a [video](#) on Youtube.

For information about DAN contact rabia.lemahieu@disabilityrightsuk
The report is available to download from www.disabilityrightsuk.org

Training

Benefit Essentials with Disability Rights UK and CPAG Thursday 13 and Friday 14 July 2023

Our benefits training courses are ideal for advice workers, support workers, advocates, volunteer advisers and anyone else supporting clients with welfare benefits issues.

Each course is run on Zoom in two parts over consecutive mornings. They are practical and interactive, delivered through a combination of trainer presentation, exercises, case studies and group discussion.

Benefit Essentials: 2 x half-day sessions

Introductory level: Ideal for professionals working in advice or advocacy, who need to know more about the benefits system.

Part 1: Thursday 13 July - 10.00am-1.00pm

Part 2: Friday 14 July - 10.00am-1.00pm

The course covers:

- The structure of the benefits system and the difference between contributory, non-contributory and means-tested benefits
- Who is eligible to claim each of the benefits
- Disability benefits for disabled people and those with health conditions that affect their everyday lives
- Getting work-related benefits for people who are unable to work due to a health condition or disability
- The impact of claiming or being migrated onto Universal Credit for people already in receipt of certain benefits
- The best way to ensure people are claiming everything they're entitled to

Through our partnership with CPAG, all courses include access to a host of other fantastic benefits, including:

- A free 1-month trial of AskCPAG with regularly updated online books, time-saving tools and templates, and the latest articles to keep your advice current and accurate
- 10% discount on [Disability Rights Handbook](#) (print and online)
- Access to a range of advice services, such as CPAG's advice line, Upper Tribunal assistance project, Judicial Review project and CPAG's unique service for advisers supporting people on Universal Credit in Greater London.

DR UK [organisational members](#) get 10% off the course price, as well as continuing telephone and email support through our own expert level [welfare benefits advice line](#) – a vital point of reference to help you to deal with complex cases and stay on top of the nuances of any new legislation as it is introduced.

Click [here](#) to read more about our benefits training or book a course



This course is delivered in partnership with CPAG.

To participate, you will need a Wi-Fi connection and a suitable device to access the internet.

Cost: £138

10% discount for DR UK organisational members

To find out more about our training and consultancy click [here](#).

2023 course dates

- Thursday 13 and Friday 14 July
- Monday 9 and Tuesday 10 October

[Book Now](#)



Disability Confidence Training for Managers

Taking a positive approach to diversity and inclusion is good for business. Common benefits include increased productivity, innovation, wellbeing and organisational reputation.

This course covers disability equality, your obligations as an employer and what this means in terms of managing and recruiting disabled staff. You will become more confident about identifying the needs of, interacting with and supporting disabled employees. The course is delivered in a jargon-free and open environment, is interactive, and involves discussion, group work, case studies and personal reflection.

"There is no one else quite like Disability Rights UK out there providing this sort of business solution from a position close to the disability landscape. Their understanding of disability employment and service provision issues is very good."

Parliamentary and Health Service Ombudsman

In house course: Delivered on Zoom or Teams. Ideal for around 10-12 delegates. Our standard training course can be adapted to meet your specific needs.

For more information, email tony.stevens@disabilityrightsuk.org



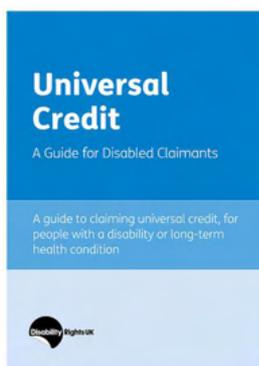
Bespoke solutions from the experts

Does your organisation have specific needs in relation to disability equality?

As well as providing a variety of training courses on disability confidence and welfare benefits, we can help you meet your objectives with a bespoke programme.

We can provide innovative solutions and guidance to your organisation on all elements of disability equality and best practice, tailored to your needs and objectives.

For more information or to book an initial conversation, email training@disabilityrightsuk.org



April 2023 edition
Printed copies £7
including postage



Universal Credit A Guide for Disabled Claimants

This guide is designed to help claimants find their way through the Universal Credit maze. Written in plain English by our in-house benefits experts, it will help people who are disabled or have a health condition get the rate they are entitled to, and minimise the risk of sanctions.

The guide includes:

- How you qualify, how to claim, how the amount gets worked out and how Universal Credit is paid.
- The assessment that decides whether you can get extra money because of your condition.
- Sanctions and what to do to avoid them.
- What happens when you get moved onto Universal Credit from another benefit.
- What you can do if you are unhappy with a decision.
- A handy glossary of words and phrases used in the guide.

Free to [download](#) in PDF and accessible Word format
Order printed copies from our [online shop](#)

Would you like priority access to over 9000 accessible toilets?



THE NATIONAL KEY SCHEME (NKS)

If you have a health condition or disability, finding an accessible toilet that's clean, tidy and available to use can be a challenge. And they're often kept locked.

Under Radar's NKS scheme, special locks are installed on public disabled toilet doors to give disabled people priority access. Local authorities have adopted the scheme and 'Radar toilets' can now be found in shopping centres, pubs, stores, bus and train stations, and other locations nationwide.

[Order your key](#) from our online shop.

£5.00 plus VAT

Includes delivery to anywhere in the UK

It's VAT-free if you meet HMRC's conditions

Radar's National Key Scheme
Managed and maintained by:

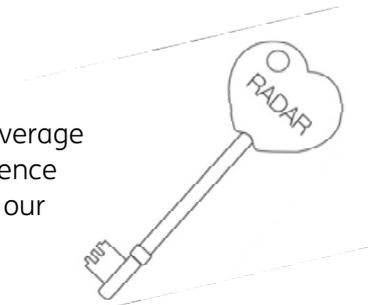


Opening doors to independent living

We sell Radar keys to people who need to use accessible toilet facilities due to their disability or health condition. The key gives you independent access to locked public toilets around the country. The provider of the toilet has a key – but with your own key there's no need to wait for a member of staff to unlock the door. You're in control.

Genuine Radar NKS keys

- One size fits all, blue steel key
- Ergonomically designed for grip and leverage
- Reliable keys you can trust with confidence
- Individually tested and guaranteed by our master locksmith



Don't risk a cheap copy!

Radar locks have tight tolerances which need accurate keys

With your own Radar key you can unlock most disabled toilets around the UK

Personal Independence Payment

A Guide to Making a Claim

A guide to claiming PIP for people with a disability or long-term health condition



April 2023 edition
Printed copies **£7** including postage



Personal Independence Payment

A Guide to Making a Claim

Personal independence payment (PIP) is a benefit for people aged 16-64 who need help taking part in everyday life or find it difficult to get around. It replaces disability living allowance for people between the ages of 16 and 64 inclusive.

This guide will help you decide whether to claim and take you through the claim process. It explains how the claim is assessed and what to do if it is unsuccessful.

The guide includes:

- Step-by-step guidance on how to complete the claim form.
- The daily living and mobility activities used to assess your claim.
- The scoring system used.
- How your claim is assessed.
- What to do if you're not happy with the decision.
- A handy glossary of words and phrases used in the guide.

Free to [download](#) in PDF and accessible Word format

Order printed copies from our [online shop](#)

Contact Disability Rights UK (DR UK)

DISABILITY RIGHTS UK

[Plexal](#), Here East, 14 East Bay Lane,
Queen Elizabeth Olympic Park, Stratford,
London E20 3BS

HOW TO FIND US

[Our location](#) on a map. Free shuttle buses run from Stratford train and bus stations from 7am to 10.30pm. There are two pickup points:

- Bus stop F outside Stratford International
- Bus stop X opposite Stratford City bus station

ENQUIRIES

General enquiries

Office number: 0330 995 0400
Open Monday to Friday
9am-12.30pm and 1.30-4.00pm
Please note this line is not an advice line.
Email: enquiries@disabilityrightsuk.org

Membership enquiries

Email: members@disabilityrightsuk.org

Sales enquiries

Phone: 0203 687 0790

Media enquiries (for journalists only)

Phone: 0203 687 0782

HELPLINES FOR INDIVIDUALS

Equality Advisory & Support Service (EASS)

Phone: 0808 800 0082
Textphone: 0808 800 0084
Open Monday-Friday 9am-7pm
Saturday 10am-2pm
(closed Sundays and Bank Holidays)
There is a [webcam portal](#) for BSL users via the Royal Association for Deaf people.
Website: www.equalityadvisoryservice.com

Disabled Students Helpline

Phone: 0330 995 0414
Open Tuesday and Thursday 11am-1pm
Email: students@disabilityrightsuk.org

Personal Budgets Advice Service

Phone: 0330 995 0404
Open Tuesday and Thursday 9.30am-1.30pm
Email: personalbudgets@disabilityrightsuk.org

HELPLINE FOR ADVISERS

Member Organisations

Welfare Rights Advice Service

Phone: 0203 687 0779
Open Tuesday and Thursday
10.30am-12.30pm
Email: ken.butler@disabilityrightsuk.org

