



deafscotland
equality & integration through communication for all

Submission to the UK Parliament's Joint Committee on Human Rights Inquiry on the 'UK Government's COVID-19 Response'¹

All services related to COVID-19 crisis, including remote/telephone medical advice, quarantine facilities, public information, including information on essential supplies and services should be accessible for persons with disabilities on an equal basis with others and provided on accessible platforms in various alternative formats, modes and methods of communication. **Chair, UN Committee on Rights of Persons with Disabilities and the Special Envoy of the UNSG on Disability and Accessibility²**

Context

deafscotland is the national specialist organisation promoting equality, access and citizenship for those affected by hearing and sensory loss. We support the social model of disability, promote a rights - based, person-centred approach to reflect our diversity: Deaf/Deaf Sign Language users (12,500); Deafened (355,000); Deafblind (4,000); and Hard of Hearing (700,000). Communication is a human right and a gateway to the equal enjoyment of all rights. Over 1 million people are impacted by hearing loss in Scotland, a significant proportion of the population, whose needs need to be understood, considered, planned for and met. deafscotland can supplement this submission with individual stories from across Scotland and also provide oral evidence to the Committee.

deafscotland's response to Committee's questions

¹ Terms set out at <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/145641/covid19-response-scrutinised-to-ensure-human-rights-are-upheld/>

² Para 9 Joint Statement: Persons with Disabilities and COVID-19 by the Chair of the United Nations Committee on the Rights of Persons with Disabilities, on behalf of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility
<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25765&LangID=E>

1. Which groups will be disproportionately affected by measures taken by the Government to address the COVID-19 pandemic?

In July 2020, we can report that people with a hearing and sensory loss have been particularly badly hit by Government actions to mitigate COVID-19. Whilst unintentional it was predictable. Inclusive communication is not yet understood, acknowledged as essential and mainstreamed therefore, for example, funding given to national helplines has not been conditional on making them practically accessible. The COVID-19 response has amplified existing institutional failings of policies and behaviour which communicate exclusively.

Hearing and sensory loss are repeatedly overlooked. People with hearing loss do not always consider themselves to be disabled' rather it is society that disables them by failing to meet their needs. Also, many people associate hearing loss with age and consider it inevitable. If the UK Government acknowledge that hearing loss is commonplace then strategies to manage its impact would be routine.

2. What will the impact of specific measures taken by Government to address the COVID-19 pandemic be on human rights in the UK?

Human rights compliance is too often an afterthought rather than hotwired into the design and delivery processes.

People's right to receive and impart information is provided for under Article 10 of the European Convention on Human Rights (ECHR) and given domestic effect through the Human Rights Act 1998. That two-way process is key to enable evidence led decision making by people and by institutions of Government and those delivering services of a public nature. Delivering inclusive communication will improve the quality and relevance of decision making and enable economic, social, cultural, civil, political and environmental rights with equal outcomes.

Right Holders

- Many audiology services were closed as not classed as an 'emergency service', which prevented people getting their hearing aids repaired or obtaining weekly battery supplies. National telephone helplines are inaccessible to those with a hearing loss and most do not offer another method of access apart from an email address. SMS works better for most people with a hearing loss. The use of PPE in front line services means that people with a hearing loss lose the ability to lip read and read facial

expressions which supplement what they can hear and their understanding of what is being said. This leads to people not having the information they need to make informed choices and give informed consent. It can also lead to misunderstandings. A solution is the use of iPads for real-time translation.

Duty Bearers

- There does not appear to be anything in the funding agreements requiring 'helplines' to be accessible and inclusive such as through SMS or webchat. Email addresses are often provided but they are not "real time" information services which makes the process clunky. PPE is required but the presumption should be visitors so that staff and the public can communicate effectively and accurately.

MSPs at the Scottish Parliament have approved a series of laws to address institutional and systemic failures to communicate inclusively.

- Section 6 of the Coronavirus (Scotland) No 2 Act 2020³.
- Section 6 (7)(b) of the Consumer (Scotland) Act 2020⁴
- Section 4(2) of the Social Security (Scotland) Act 2018⁵.
- British Sign Language (Scotland) Act 2015⁶
- Gaelic Language (Scotland) Act 2005⁷

The Inclusive Communication Hub, funded by the Scottish Government⁸, is underused but offers a model to be nationally replicated.

3. *What steps need to be taken to ensure that measures taken by the Government to address the COVID-19 pandemic are human rights compliant?*

The Human Rights Act 1998 is now over 20 years old but enjoyment of rights and duties are still a 'niche' area which can explain why the response of the UK Government has amplified existing problems with compliance cutting across domestic, European and international ratified, human rights treaties including: Articles 8 and 14 of the ECHR, Article 13 of the UN Convention on the Rights of the Child and Article 25 of the International Covenant on Civil and Political Rights.

³ At <https://www.legislation.gov.uk/asp/2020/10/contents/enacted>

⁴ Available at <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/consumer-scotland-bill/stage-3/bill-as-passed-consumer-scotland-bill.pdf>

⁵ Available at <http://www.legislation.gov.uk/asp/2018/9/section/4/enacted>

⁶ Available at <http://bslscotlandact2015.scot/>

⁷ See <http://www.legislation.gov.uk/asp/2005/7/contents>

⁸ At <https://inclusivecommunication.scot/>

The use of online services and smart technology have amplified problems and limited the impact of chosen approaches to deal with COVID-19. Disabled people are significantly less likely than non-disabled people to have internet access (65% compared to 88%).⁹ The Scottish Affairs Committee's Inquiry report on 'Digital Connectivity in Scotland', published in July 2018, prompted the UK and Scottish governments to commit to improving broadband speeds and access as 'Digital connectivity is an essential utility—everyone should have affordable access to a high-quality connection'.¹⁰

The assumptions behind a "digital-first" response to COVID-19 resulted in exclusive communications as well as other problems. However unintentional, it is critical that policy and services are informed by the evidence and by people who experience the broad range of hearing loss to ensure a rights respecting approach and value for money. This is consistent with Article 33 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD).¹¹

The economic perspective is grim too despite Article 6, the right to work, of the International Covenant on Economic, Social and Cultural Rights¹². Employers report that 92% of the positions they recruit for require at least basic level IT skills, which helps explain why 46.7% of disabled people are employed compared to 80.3% of non-disabled people.¹³

The UK benefit 'Access to Work'¹⁴ is a gateway to increasing employment amongst deaf and hard of hearing people. There needs to be greater take up of this right and understood better by employers. Given rising unemployment it needs reformed to include volunteers, people on work placements and those with a communication support need not currently included.

Conclusion

Given the above, deafscotland recommends that:

⁹ 'Doing Digital Inclusion: disability handbook' pub by The Good Things Foundation
https://www.goodthingsfoundation.org/sites/default/files/research-publications/disability_handbook-with_links-final.pdf

¹⁰ Para 1 pg. 40 at <https://publications.parliament.uk/pa/cm201719/cmselect/cmsscota/654/654.pdf>

¹¹ At

<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#33>

¹² At <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

¹³ 'Doing Digital Inclusion: disability handbook' pub by The Good Things Foundation
https://www.goodthingsfoundation.org/sites/default/files/research-publications/disability_handbook-with_links-final.pdf

¹⁴ At <https://www.gov.uk/access-to-work>

- Whilst Scotland has made legislative progress on inclusive communication, the UK Parliament must act too on reserved powers.
- Equality and Human Rights Impact Assessments must be mainstreamed across Government. Increasing knowledge on human rights and capacity building on the completion of EqHRIAs may avoid a tick box exercise.
- Better oversight is needed of compliance with human rights duties and enjoyment of rights. In Scotland there is a pressing problem due to a gap in enforcement as the Scottish Human Rights Commission is specifically barred from undertaking casework¹⁵ unlike the EHRC.
- The UNCRPD offers a framework for action which has not yet been realised especially the duty to gather statistics under Article 31 and the need for an enforcement body under Article 33.
- ‘Access to work’ needs to be better publicised to increase take-up.
- Enabling inclusive communication is a business requiring skills, qualifications, accreditation, CPD, and an infrastructure to recruit, promote, manage payments for salaries and invoice for services delivered. State funding to kick start an inclusive communication enterprise is key to making inclusive communication happen.
- Digital connectivity, individual access to equipment and ability to use it plus high-quality broadband, is problematic. Given the UNCRPD Article 31 duty, will COVID-19 learning impact on the UK 2021 Census as data gathering helps to decide public spending, plan services and understand future needs?

Deafscotland invites the Committee to call for immediate, strategic action so that failings are addressed before second and third waves of COVID-19 occur. We would also invite MPs to identify examples of good practice within their constituencies so that they can be celebrated and championed across the UK.

For further information contact:

Janis McDonald, Chief Officer

chiefofficer@deafscotland.org Mobile: 07815311479

¹⁵ Section 6 of the Scottish Commission for Human Rights Act 2006 at <https://www.legislation.gov.uk/asp/2006/16/contents>