

Reasonable Access

Charitable Incorporated Organisation (CIO)
in England and Wales: 1186271

www.reasonableaccess.org.uk
hello@reasonableaccess.org.uk



Reasonable Access
C/O Inclusion London
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hello@reasonableaccess.org.uk

11th June 2020

Open letter asking about accessibility of the entire COVID-19 Test and Trace system.

Dear NHS England,

Copied to: Public Health England (PHE) and Department for Health and Social Care.

Having seen the recently announced information about the COVID-19 NHS Test and Trace services in England as outlined at <https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>, we are concerned that no mention has been made of disabled people and the specific needs we may have during the test and trace processes (including the app, communications, information and tests implementation).

The signatories to this letter are deaf and disabled people, parents and carers of disabled people and supporters who have a number of questions about accessibility that we would like answered to reassure us that the NHS testing and tracing is accessible as required by law.

Several people have fed back to Reasonable Access that they do not know how they would access the test and trace process because of apparent access barriers and would not know where or how to find out.

NHS Legal obligations.

When answering the questions below, please consider the NHS's legal obligations under the following :

- **Equality Act 2010.**
 - Section 20, the anticipatory duty to make reasonable adjustments, especially 20(6). <http://www.legislation.gov.uk/ukpga/2010/15/section/20>
 - Section 149, the Public Sector Equality Duty:
<http://www.legislation.gov.uk/ukpga/2010/15/section/149> to pay due regard to the need to
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

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- Advance equality of opportunity between people who share a protected characteristic (disability, age) and those who do not.

- **The Services, Public functions and Associations: Statutory Code of Practice.** at <https://www.equalityhumanrights.com/en/publication-download/services-public-functions-and-associations-statutory-code-practice>
 - Paragraphs 7.3, 7.4, 7.20, 7.21.

- **Accessible Information Standard (SSCI1605) Accessible Information Guidance v1.1.** at <https://www.england.nhs.uk/wp-content/uploads/2017/08/implementation-guidance.pdf>
 - Sections 7.3, 7.4, 8.2, 11.1, 11.6.2, 15.3.

- **Human Rights Act 1998.**
 - Article 2 - Right to life.
 - Article 8. - Respect for private and family life, home and correspondence.
 - Article 14. - Protection from discrimination.

Please note: Responses which suggest that a disabled person:

- provides their own adjustments,
- communication support or
- asks a family member or friend to help them

are all unlawful under Section 20 of the Equality Act. The duty to make reasonable adjustments belongs to the service provider or organisation carrying out a public function.

Questions about access barriers.

Has any information been published which tells disabled people how their access needs will be met and how they can disclose access needs, have access needs recorded and complied with? If so, where is this information and how has it been publicised and promoted?

Accessible information and communication

Is there any way a deaf or disabled person can alert the Covid19 testing services of their access needs for communications? For example:

- Requesting the use of SMS or email only communications.

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- Opting out of voice telephony, SMS or postal communications.

If not, how are deaf and disabled people expected to access test and trace services in accordance with their legal rights?

Is the proposed test and trace app going to be fully accessible to all disabled users? Including:

- Screen-reader and text to speech users.
- Magnification users.
- People who need to change colours to read text.
- People with dexterity impairments.
- People with cognitive impairments.

Can people access the NHS 119 telephone service in British Sign Language (BSL) free at the point of use?

What effort has been made to liaise with BT's Relay UK text-relay (formerly TypeTalk) service to ensure NHS 119 calls are prioritised? Prioritisation is vital to ensure Relay UK operators are not taken off 119 calls to deal with other priorities.

Accessing Information and instructions.

Are the instructions around testing and tracing available in different accessible formats for disabled people who require it? Including:

- Braille.
- Audio.
- Large print, or.
- Word format.

Is there any government or NHS hosted information about Covid19 test and trace available in British Sign Language (BSL)?

Are instructions relating to all elements of testing and tracing provided in British Sign Language (BSL)?

Is there high quality British Sign Language information about testing and tracing which is freely and easily available to any Deaf BSL user who wishes to access it?

Has information about test and trace been translated into Easy Read format, commonly provided for people with learning disabilities?

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Drive-thru or other test centres.

For people who cannot drive or have access to a private vehicle in their household. Can you ensure that they are not disadvantaged by having to wait longer for home or other test options?

At a drive-thru, many centres are reported to use verbal instructions from masked staff. What plans are in place to fully support a patient who cannot hear or understand those instructions?

At drive-thru or other testing centres there have been reports that systems are used where the patient has to:

- Receive a voice phone call to be alerted for their appointment or to move between areas.
- Make a voice phone call to talk to staff and receive instructions.

What alternatives are available for people who do not have a mobile phone, disabled and deaf people who cannot access voice telephony? What options are provided for Deaf people who need communication in BSL?

How are these alternatives advertised to people who may need them? Are these alternatives guaranteed to be available at every testing centre? Can it be guaranteed that no one will be turned away from any drive-thru or other testing centre because of their need for adjustments to verbal and voice telephony communications?

Some test centres require people to wait around outside. Has any provision been made for those who don't have a car to wait in, who may for example have difficulty safely social distancing or standing for any period of time?

Dealing with self-testing.

Is there tactile information on Covid19 testing items such as swabs, to enable someone with no sight or low vision to use them safely and effectively? Can it be guaranteed that visually impaired people will not have to wait longer to access accessible testing?

Some people will have difficulties doing swab testing for reasons related to their impairment or condition. Examples include:

- Arthritis or physical impairment affecting someone's dexterity skills.
- People experiencing tremors or uncontrolled movements from their impairments or medication side effects.
- People with impairments that have altered their ear nose and throat anatomy.

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What options are there to ensure prompt and appropriate testing is available to people who cannot self-test using throat and nose swabs?

Can it be guaranteed that people will not have to wait longer for testing which is appropriate for their needs?

Adjustments to testing processes

Some disabled people will need extra time to manage the sample acquisition process. Can this be guaranteed?

Some disabled people will be unable to tolerate the discomfort of nasal and throat swabs. Will alternative testing options which are less painful or difficult be readily available as quickly as needed?

Many disabled people have conditions with symptoms that mimic one or more of the key symptoms of COVID-19. Access to vital healthcare can require people to be COVID-19 symptom free or have proof of a recent negative COVID-19 test result.

Some people have reported being unable to access testing because they do not drive and or cannot test themselves safely. Will accessible testing options be made available to ensure these people can get access to appropriately accessible testing in a timely manner?

Response

As access to COVID-19 test and tracing services is an urgent public and individual health issue, it is vital that these questions are answered and public information is updated to provide disabled people with reassurance that we will have access to testing.

We can therefore only allow 10 working days for a full response to these questions and an update to the webpage <https://www.gov.uk/guidance/nhs-test-and-trace-how-it-works>.

The best response method is by email to hello@reasonableaccess.org.uk. Please use a sans-serif font of at least 12 point size to ensure it is readable to us.

If a satisfactory response is not received by 26th June 2020 we will have no choice but to seek legal advice with a view to taking urgent legal action against NHS England to enforce our legal access rights.

Yours faithfully.

Reasonable Access – and signatories as below:

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Signature/name	Role
Amy Mason	disabled person
Daisy Holder	Disabled person
K Swinton	Disabled person
Jen Slater	Reader in Disability Studies, Sheffield Hallam University
Karen McAtamney	Lawyer
Nicola Alloway	Trainee BSL/English Interpreter
Emily Wright	Supporter
Natalya Dell	Disabled and deaf person, trustee Reasonable Access.
Doug Paulley	Disabled person
Beth Oliver	Disabled person
Liz Ward	Deaf person with sight.
Kim Wall	
Lisa Egan	Disabled person
Vera Kubenz	Disabled person with mobility impairment
Tony Jennings	Disabled person and campaigner
Christiane Link	Disabled person
Francesca Di Giorgio	Disabled person
Peter Wouda	Supporter
Zara Bain	disabled person
Bruno Girin	Supporter
Ali Stangoe	disabled person
Kelly Sinclair	
Sam Pugh	Deaf campaigner
Anneka Owens	Disabled person
Catherine Wright	Activities in Care for Older People
Bristol Reclaiming Independent Living	
Marie Chadwick	Disabled person

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Signature/name	Role
Tina Hodgkinson	Disabled person and London Ambassador for Euan's Guide, disabled access charity
Di Gorton	Supporter
Kelly Sinclair	
Ian Lawson	Mobility & speech impediments
Chris Fry	Disability Rights Lawyer
Jeffrey Harvey	disabled person
Maja J Lewis	Disabled
Gwen Perkins	Carer for disabled person
Clare Nelder	Deaf Teacher of the Deaf
Ann Jillings	Parent of a Deaf child
Lynn Stewart-Taylor	Deaf BSL Consultant/Campaigner
Steve Lanys-Morris	TBI survivor
Sally Reynolds	Deaf
Craig Potheary	Disabled person and parent of disabled child
Craig Crowley	Disabled person (Deaf & Sign Language User) & Deaf Charity CEO
Euan McCutcheon	disabled person with a hearing impairment
Jay Bansal	Person on the Autistic Spectrum
Audrey Ludwig	Solicitor with hearing impairment
Yvonne Benson	Supporter
Harriet Clough	ambulatory wheelchair user
John Burgess	
Theresa Monaghan	Partner of deaf person and have deaf adult daughter. Also worked within deaf education for 20 years
Svetlana Kotova	Director of Campaigns and Justice at Inclusion London, disabled person with sight impairment
Katie Clarke	Director of Bringing Us Together and Visits Unlimited
Anne Collinson	Parent of young adult with autism

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Signature/name	Role
Jon Abrams	Inclusion London, Campaigns and Justice Coordinator
Steve Lanys-Morris	PWD
M Welch	Supporter
Helen McLean	Disabled person
Sam Gamblin	Charity Manager - University Mental Health Advisers Network and parent of autistic teenager
Linda Green	community volunteer
G. Tiley	disabled person
Jude Gibbons	
Rebecca Brown	Ally
Catherine Bailey	
Bristol Disability Equality Forum	Pan-impairment wholly Disabled people run organisation
Silvana Kelleher	Disabled Councillor
Jessica Glanz	
Adam Birchall	Person with chronic illness and mental health problems
Danielle Lavigne	Disabled Artist
Dr Sophie Meekings	Profoundly deaf disabled person
Alfred Chow	
Esther Leighton	Trustee, Reasonable Access
Karen Passmore	Wheelchair user
Steph Driver	Disabled Person
Liath James	Ehlers Danlos sufferer
Ria Foster	
MJ Black	Disabled person
Tina Hodgkinson	Disabled person
Sheila Donnan	Parent of adult with disabilities / supporter
Ria	Disabled person and supporter
Richard Fletcher	Supporter / Professional

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Signature/name	Role
S. Heyhoe	Supporter
Susan Pickford	Mother of deaf and disabled person
Alan Crombie	Retired professional, supporter and uncle and grand uncle
Victoria Tye	Disabled person
Dasi McGough	
Dr Ian G Donnan	Medical Practitioner
Bethan Griffiths	Supporter
Nicola Roome	Parent carer of an autistic adult
Lisa Gilby	Supporter
Ian Reynolds	Profoundly deaf person
Tricia Higgins	Disabled person, wheelchair user
G Sabini-Roberts	Parent of a disabled child
Katy Harrad	Supporter
Holly Matthies	disabled person with a sight impairment (also carer to other disabled adults)
Naomi Rowe	Disabled person
Sanji	Supporter
Louise Penman	supporter
AJ Eliot	Supporter
Susanne McGowan	Disabled person
Yvonne Lewis	
Sarah Cotterill	
Rowan Evenstar	Disabled person
Steve Ratcliff	
Maria Waldron	
Sarah Stephenson-hunter	Disabled person with a serious sight impairment
Fiona MacMillan	Disabled person
Harry Wright	

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Signature/name	Role
Nora Casey	Supporter
Phil Samphire	Disabled person
S M Platt	Parent of 2 disabled children
Emma Wileman	Disabled non-driver, live alone
Rachel Evans	Disabled person
Nila Gupta	Brown Disabled Person
Katharine Ratcliffe	Disabled person
Rachel George	Parent of a disabled child
Audrey Ludwig	Solicitor with hearing impairment
Anna Kaminska	Disabled person
Matthew Dell	Supporter
Gregory Burke	Disabled person and discrimination barrister
Natalie Burnapp	Deaf, Positive Behaviour Support Consultant
Melanie Crowley	
Alex Brett	disabled person