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Helen Whately MP
Minister for Care

Email: helen.whately.mp@parliament.uk

Dear Ms Whately,

Reasonable Adjustments under Staying Alert and Safe (Social Distancing) Guidance

Following the enactment of *The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020* and *Staying Alert and Safe (Social Distancing) Guidance*, I am writing to express concern about the disadvantage people who have a learning disability and autism will experience without adjustments to rules on contact with people outside of one's own household.

For some people who have a learning disability or autism, contact with a loved one in a public open space will not be feasible. There are a number of barriers people might confront on account of their disability, including but not limited to:

- Fear of dogs/children
- Difficulty with sensory inputs e.g. loud noises
- Difficulty in busy or crowded spaces
- Requiring significant support when out in public spaces e.g. 3:1 support worker ratio
- Requiring access to seating which may not be available in public spaces

For these reasons, I am urging changes in current guidance to permit people who cannot have safe contact in open public space on account of their disability to instead have socially distanced contact with loved ones outside their household in private open space. I believe this should be considered a reasonable adjustment under the Equality Act 2010.

Furthermore, I am confident that in many cases, contact in private open space will carry significantly fewer risks for people we support and social care workers supporting them than contact in public open space. There are a number of measures that are easier to implement to support social distancing in private open space, including but not limited to:

- Supporting someone to practice maintaining social distancing in preparation for visits
- Easier preparation of supportive resources, such as social stories to help someone understand social distancing

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- Avoiding having to wait for a loved one to arrive, which may cause the individual distress
- Avoiding barriers that may arise because support arrangements cannot be put in place to take someone to meet a loved one in a public open space
- Support staff having far more control over a private open space to support someone to maintain social distance, meaning they would not have to mitigate the risk of strangers' actions and willingness to maintain social distance
- Easier use of furniture and other items to support someone to observe and understand social distancing during a visit

Social care providers are constantly balancing individuals' rights against the risks presented by COVID-19, to the individual; their support workers; loved ones; and society more widely. Adjustments that reflect the needs of those who receive support will help providers to implement arrangements that keep people safe, whilst at the same time offering people the opportunity to enjoy elements of the easement that those who don't have disabilities are currently able to enjoy.

These adjustments are particularly relevant to people who have a learning disability and/or autism alongside challenging behaviour, as well as people who have additional physical disabilities that can make public open space difficult to access. I believe firmly that everyone should have the opportunity to enjoy the contact with a loved one that is now possible under the amended regulations. It is vital to maintaining wellbeing in what has been and continues to be a very testing time for us all.

I hope that this adjustment will be swiftly recognised in guidance and that future amendments to the public health restrictions will be implemented following consultation with people who have protected characteristics. The insight and contribution of people with lived experience is invaluable when it comes to ensuring that people who have protected characteristics are not unfairly and unnecessarily disadvantaged.

Yours sincerely,



Steve Scown
Chief Executive

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