

The impact of the COVID-19 pandemic on equalities and human rights

How have groups of people been affected by the virus?

The Mobility and Accessibility Committee for Scotland (MACS) is very aware that COVID19 and the necessary response to it has affected all of us in some way.

Disabled people and older people have been particularly affected in many different ways. Perhaps young disabled people have been amongst the worst hit. Examples:

- We know young people (16-29) are the age group most likely to use buses so they will be disproportionately affected by any reduction in services and reduced capacity.
- We know that young people are the group likely to be hit hardest in terms of unemployment as a result of the crisis. Lack of public transport will make it more difficult for them to keep their jobs and to access new jobs.
- Young people are more likely to work in sectors that have been furloughed such as retail, hospitality etc and as lockdown eases some of these workers will return to work and need public transport to do so at a time when public transport will be running at a capacity of 10%-25% of the norm.

The above factors will certainly have had a major impact on their chances of finding employment or further education.

It is not just young disabled people that have been affected. Many people have lost care and support as they needed to keep themselves safe. This has resulted in disabled people being more socially isolated and lonely without the necessary support and social connections.

They are disproportionately more likely to be asked to “shield” themselves at home – at the same time as their care packages and support has been reduced. This may have had a serious impact on their mental health and wellbeing and may also have added to the stress and anxiety of unpaid carers and other household members who have had to also shield too (although not showing in the shielding numbers) to protect other household members.

Disabled people's confidence in exercising or getting fresh air in shared public spaces has significantly reduced as many have reported poor experiences of physical distancing leading to them feeling more stressed and anxious about going outside and in some cases making the choice not to go outside to reduce their stress and anxiety.

Evidence of this can be found within the Disability Equality Scotland (DES) Poll on physical distancing which attracted **933** responses in the week it ran with **99%** of respondents confirming they had encountered problems with physical distancing. The summary report of the poll can be found here: bit.ly/2MsCHxn

Disabled people feel that they have had their freedom and ability to use public transport severely restricted in the response to the virus.

Which groups have been disproportionately affected by the virus and the response to it?

MACS is an advisory non departmental public body whose role is to offer advice to Scottish Minister on the travel and transport needs of disabled people and in doing so, to engage and consider matters about the needs of disabled persons in connection with transport. So we will concentrate on disabled people and older people having their personal mobility and access to public transport disproportionately affected by the virus and the response to it.

We will discuss concerns around:

- 1) Lack of engagement with Disabled people
- 2) Shared spaces and pathways
- 3) Lack of accessible information and advice
- 4) Access to medical treatment and transport to health
- 5) Reduction of community transport services
- 6) Unintended consequences - lack of EQIAs

Have there been specific equality or human rights impacts on groups of people as a response to the virus?

Arguably, the effect of some responses to the virus have impacted on disabled people and older people's right to freedom/liberty and the right to have contact with family.

However, we consider that a major impact has been on their right to travel and exercise on an equal basis compared to other groups.

We have noted examples of concerns below and, in the later sections of this response we will suggest changes and actions that the Scottish Government, Local Authorities and Public Bodies can make.

1) Lack of engagement with Disabled people when planning interim arrangements

We believe disabled people and older people have been disproportionately affected when interim public transport and passenger assistance plans were developed without engagement with disabled people and or their representatives to understand their needs and firm up what would work and wouldn't work for them. This approach runs contrary to "Nothing about us, without us", the Democracy Matters agenda and misses the opportunity to use opportunities through coproduction and learning from the lived and direct experience of disabled people who are finding ways and solutions to respond and navigate a public health crisis.

2) Disabled people have been prevented from using shared spaces and pathways

MACS recognises the value for the whole community of promoting Active Travel and how this will assist with the climate emergency and the need to reduce emissions, particularly from traffic and congestion.

However, we think there has been a lack of consideration of the needs and interests of disabled people and older people when promoting this, leading to a widening inequality gap and exclusion.

It is good to see more people on bikes on the roads – but not on pavements and unsegregated park paths without the supporting infrastructure to make this safe for all.

We have heard that many disabled people and older people are not undertaking their daily outdoor exercise due to anxieties over physical distancing as a result of the increased number of cyclists and joggers sharing pavements and pathways. This has left disabled and older people feeling that they do not have an equal right to exercise in some shared spaces.

We have also heard of incidents of disability hate crime during this pandemic, which is unacceptable and of great concern. (DES Poll on Physical Distancing : bit.ly/2MsCHxn)

We were pleased to see the recent guidance in the Transport Transition Plan stating that cycles should not be used on pavements, but we feel that the TTP should be stronger in their wording and messaging that pedestrians have right of way and cyclists should slow down or stop if necessary and ensure they do not pass too closely. We also feel that, where possible, and for any new designs the additional space for pedestrians and cyclists needs to be separate, preferably using physical separation such as a kerb or raised boundary.

We raise the above because evidence suggests that, unfortunately, there are already common behaviours from some cyclists (passing too fast and too close and not giving way) that effect disabled people and older people – particularly those with vision and hearing impairments and with poor mobility. We are concerned that they will be even more reluctant to use shared spaces. As a result, there is a danger that many “shared” spaces and pathways will be “out of bounds” to disabled people.

This has an unequal impact on the Health and Wellbeing of disabled people and older people. If wheelers, walkers and visually impaired people, fear that the outdoors is becoming an even less safe space to navigate and enjoy, due to the behaviour of some cyclists, there is a potential for increased stress and isolation at home, resulting in a deterioration of their mental health and wellbeing - exactly the opposite that we want to achieve.

We also think there has been an absence of central messaging to “**be considerate and give disabled people space**” and as such disabled people are being put at risk by others passing too close and too fast.

We are concerned that while Active Travel initiatives such as bike hire and e-bike hire schemes have been offered at reduced cost or free to people to give options other than public transport or private car for essential journeys, these schemes do not offer options for disabled people. This has led to further inequalities as active travel initiatives for many (including key workers) are not offered to disabled people who would require adapted bikes and hence the inequality gap has been further widened.

A recent Disability Equality Scotland poll found that **99% of 933** respondents had experienced issues with physically distancing during their daily exercise, or when undertaking essential journeys. This included infrastructure barriers such as the width of pavements, pavement clutter and/or public transport barriers such as difficulty receiving the assistance they needed to board, seating layout, too many passengers boarded, or people not giving them a 2m space when passing or queuing at bus stops

Specific concerns related to narrow pavements, uneven surfaces and a lack of dropped kerbs, making it difficult for wheelchair users to get on and off pavements. Disabled people also found it challenging to maintain 2 metres when queuing at pedestrian crossings.

These concerns were exacerbated by pavement parking and street clutter, further narrowing the space in which to manoeuvre.

3) There has been a lack of information and advice about availability of public transport and assistance available for disabled people as lockdown has impacted on services

Disabled people and/or older people with mobility needs have found the huge reduction in public transport services to be particularly difficult to deal with. They often don't have access to reliable and accurate information when they are trying to make travel plans.

Many disabled people cannot use the Scottish Government flagship Traveline App as it is not accessible, not easy to navigate for people with a learning difficulty and does not have a facility to plan a journey as a wheelchair user. Likewise the Scotrail Passenger Assistance app is not accessible to those using screen readers.

These are issues that have already been identified to the providers with a request that these areas of inequality and be addressed. This is more important than ever as we deal with this crisis.

Information/communication on travel arrangements for disabled people has been poor and left a lot of disabled people feeling anxious and overlooked. Providers are increasingly relying on the provision of service information through digital means. This excludes those disabled people or older people who may be less likely to have access to or the skills and confidence to use digital technology and those who cant afford to be digitally connected (cost of connections and data use and cost of equipment).

A recent Disability Equality Scotland (DES) poll evidences that people didn't know what to do or what services were/are in place.

Respondents reported incidences of being refused assistance – contrary to the guidelines set and published by transport providers.

For example, some respondents had been told that no physical contact, such as pushing of wheelchairs or sighted guiding for visually impaired passengers, would be available. In other cases disabled people were advised to travel with a companion, as transport staff would be unable to assist them, or worryingly often told that disabled people should not be travelling at all.

4) Access to medical treatment and transport to health – ambulance services

We are aware that many non-emergency and routine medical appointments have been postponed during lockdown and on easing these measures they will need to be rescheduled to allow people to recommence treatments and access diagnostic and screening services. This will result in an increased demand (over the normal) on the Scottish Ambulance Services (SAS) due to routine appointments and catching up with back logs at a time when the vehicle carrying capacity will be reduced to comply with physical distancing guidelines.

Disabled people have some concerns over how this will be managed to negate the impact on disabled people and older people, who rely on ambulance transport.

Already, the current level of transport provision to medical facilities is failing disabled and older people and the changes introduced by the Scottish Ambulance Service have exacerbated these issues. These changes include changes to the escort criteria, the Patient Needs Assessment to be eligible for transport and the introduction of quotas. Further information on the issues for disabled people and older people around Transport to Health and Social Care can be found at:

[MACS November 2019 Transport to Health event Briefing Paper.](#)

[MACS 2020 Transport to Health Development Day: Working together to deliver improvements.](#)

5) Reduction in community transport services

Many Community Transport services have suspended their operations entirely, for example the Dial-a-Bus service in the Lothians. Most of their passengers may be shielding during this crisis, but many services are currently withdrawn entirely, even for those who are not.

We are concerned that, in the longer term, the future viability of some such services is in question (as indeed it may be for some commercial bus firms, particularly smaller bus operators providing services in rural and island areas).

As lockdown measures ease and people need to travel for healthcare appointments etc there will be a lean towards Community Transport as disabled people and older people may be more confident in their compliance with physical distancing than on bus services, where passengers number may mean disruptions waiting for the next bus/train to comply with physical distancing on board.

In rural areas where there is limited public transport – Community Transport has been shown to be flexible lifeline services, keeping people and communities connected during this public health crisis.

Unfortunately, Community Transport is not covered by the concessionary travel scheme (bus pass), which is viewed as an inequality. People living in areas not serviced well by accessible bus provision (rural and Island) do not get any use from the bus pass, while others (urban areas) can travel for free.

As public transport services have been reduced and in the need to physical distance during essential journeys, disabled people have been left in limbo and have had to rely on expensive and unaffordable ways such as Private Taxi or reimbursed Community Transport (charged at per mile and for many disabled people on low incomes of living in poverty unaffordable) for journeys which would normally have been covered by bus and using their bus pass.

6) Unintended consequences for Disabled and older people resulting from lack of EQIAs

We note that Historic Environment Scotland responded to concerns about excessive traffic in Holyrood Park, Edinburgh by closing two car parks, while keeping the roads open. Although we recognise that people should exercise locally, the closure of car parking has disproportionately affected disabled and older people who may need to use a car for even relatively short distances. With car parks closed, these people will not be able to access parks for exercise and fresh air. Similarly, blind or partially sighted people need to access car parks near suitable areas to exercise their guide dogs in a safe, open space.

Similarly, the relaxation of parking enforcement has made more inconsiderate parking and more parking on pavements at a time when people need to use them more to take exercise while physically distancing or get to the shops.

Disabled and older people have been disproportionately affected by parking and street clutter on pavements.

When Local Authorities have made “crisis” changes to services – like patterns of refuse collection - without assessing the impact on disabled people – there have been adverse unintended and unexpected consequences for disabled people – preventing them from completing their journeys - like bins left on the street over lowered kerbs at crossing places, for example.

Disabled people have also raised concerns that pop up cafes to restart the economy and reopen businesses will present further pavement and infrastructure barriers if disabled people and/or their representatives are not involved in the designs.

Likewise with the increase in Active Travel, as well as being excluded, disabled people have been reporting additional stress and anxiety when using now crowded and shared (not segregated) pathways.

As Ferry Services have been reduced to a skeleton service on the Islands, disabled people and older people have missed out on medical and hospital appointments.

What do the Scottish government and public authorities need to change or improve as a matter of urgency?

- Dealing with our concerns in turn:

Transport providers should consider ensuring that accurate information is syndicated through to major travel planning services (such as Google Maps and Move-it) which disabled people may find easier to use than trawling through individual operators' sites, and the myriad of formats used to communicate that information. The syndicated information should reflect the situation on the ground to allow disabled people who are able to use these technologies to both prepare for their journey, and make changes to it en-route in the event of disruption etc.

However, Transport providers should not be relying on the provision of service information through digital means only. This excludes many disabled or older people, who may be less likely to have access to or the skills and confidence to use digital technology and may be less likely to afford digital connection and smart phones etcetera.

Transport providers should consult with disabled people's organisations when making decisions about the provision of information and ensure alternative means of accessing information are available, including phone lines and text services.

Transport providers should review their passenger assistance arrangements to ensure that staff are supported to safely provide passenger assistance, consistent with physical distancing measures, and that this is communicated to passengers who may require assistance to travel and in various communication formats and platforms.

1) Access to medical treatment and transport to health – ambulance services

Disabled and older people who rely on ambulance transport need to be reassured that the ambulance service have plans to ensure adequate resourcing to meet transport demand levels while complying with physical distancing guidelines and to ensure people are not put at risk and feel safe during their journey.

They should be involved in the development stage of these plans, to ensure the needs of disabled people are central.

Steps should be taken to ensure disabled people and older people have available, accessible and affordable transport options to get to medical appointments. The failure of transport to medical facilities is a long standing problem for disabled people and older people (see MACS reports from their stage one work and round tables and the Audit Scotland Reports of Transport to Health and Social Care – link supplied below).

There needs to be a particular focus on meeting the transport requirements for disabled people and older people to assist them with getting to health and social care services as we move through the stages of the route map out of lock down and beyond. This should cover the transport needs in rural, urban and Island areas.

Access to health care is a basic human right and has also been cited within the 5 ambitions of A Fairer Scotland for Disabled People.

2) Lack of engagement with Disabled people when planning interim arrangements

- i) Public Bodies should undertake meaningful Equality Impact Assessments and consult with local groups when making plans. Local Access Panels are ideally placed to assist with this in all 32 Local Authority areas and should be part of this process.
- ii) Public Bodies should further develop ways of involving disabled and older people in the planning of services, which affect them – especially in the transition period and when planning for the future. This is particularly important for stage three of the route map of our lockdown, as more disabled people (including those who have been shielding) need to use public transport and public spaces.

3) Disabled people have been prevented from using shared spaces and pathways

The wording of the guidance in the Transport Transition Plan should make clear that cyclists do not have priority on shared pathways and where possible pathways should be segregated with physical separation such as a kerb or raised boundary.

There should be stronger messaging from the Scottish Government and Local Authorities stressing the need for cyclists **“be considerate and give disabled people space”** and highlight that pedestrians - disabled and older people in particular - are being put at risk by others passing too close and too fast.

4) Access to information about public transport

Transport guidance should recognise that many disabled and older people are reliant on public transport to obtain food and other essentials, provide support as carers, or to travel to and from their jobs as key workers.

Providing accurate and accessible information regarding what services are running is critical. For disabled people and older people.

As a priority the Traveline app and Scotrail Passenger Assistance apps should be made accessible for all to use, including people using screen readers and for people with learning difficulties. The Traveline Scotland App should also support the journey planning for wheelchair users to allow them to plan their journey in advance through the app like everyone else.

The above actions would address current inequalities and also assist with journey planning and advanced bookings to reduce the need for cash transactions.

Again eliminating the inequalities these apps present would give disabled people equal access to information and journey planning functions in line with the need for improved inclusive communication on all communication platforms. Actions in this area would align with the proposed amendment to the Coronavirus Bill:

Mark Griffin MSP, Convenor of the Cross-Party Group on Deafness agreed to take forward an amendment to the Coronavirus (Scotland) (No.2) Bill on inclusive communication:

“Amendment 51 seeks to ensure that, in using its powers under the bill, the Government does so in a way that is inclusive and communicates appropriately with all people, particularly those who have a disability or communication needs. The amendment, which is sponsored by deafscotland **would align the duties on Government under the bill with those in the Social Security (Scotland) Act 2018 and the recently passed Consumer Scotland Bill.**” Information is on the Scottish Parliament website.

5) Community and rural transport services

Funding and services must be protected and reviewed to allow these lifeline community services to recover from the impact of the response to COVID19 and to meet demand from more disabled and older people who are nervous about using other public transport services. The Community Transport Association need to be involved in transport planning.

Consideration should be given to including Community Transport Services and Private Taxi travel to be included in the Concessionary Travel Scheme (National Entitlement Card) – or comparable schemes.

Consideration should be given to support the Community Transport Association and their schemes in Scotland (financially and to ensure sustainability) which ensure these critical lifeline services continue to keep people and communities connected and where they “step up” to fill the gap where health and public transport options are failing to provide the service people need. Their vital work is reflected in a survey carried out in 2019, findings of which can be found on page 9 of the [MACS Transport to Health Report](#).

Ferry Services should be increased to meet the needs of islanders requiring to travel for medical and hospital appointments.

6) Unintended consequences for Disabled and Older people from lack of Equality Impact Assessments or consideration of their needs

Local Authorities need to consider that short term measures like the closure of car parks, suspension of parking bays for cycle lanes, or changing of normal patterns to services like bin collections, or which lead to increased street clutter, may disproportionately affect disabled and older people. They should carry out meaningful Equality Impact Assessments as appropriate as they respond to this crisis.

Instead of taking measures like closing a car park completely, they could consider making it available for Blue Badge holders only or relocating the accessible parking bays as close by as possible.

(MACS issued this Briefing Note, in order to encourage councils to take account of disabled people's needs when planning interim traffic and street management measures: bit.ly/3bwIBaT)

What do the Scottish Government and public authorities need to change or improve in the medium to long term?

1) Lack of engagement with Disabled people when planning interim arrangements

The Scottish Government and relevant public bodies should embrace their obligations under the Equality Act 2010, including through the Public Sector Equality Duty and the Fairer Scotland Duty. MACS believe that meaningful (not lip service) compliance with these duties will enable the Scottish Government and relevant public bodies to develop fairer and more inclusive responses to issues arising in relation to Coronavirus.

Public bodies, service providers and employers must all be aware of their obligations under the EA 2010 and seek to avoid discrimination of any form in the course of their work or business.

They should further develop ways of involving disabled and older people in the planning of services, which affect them – especially in the Transition period and when planning for the future.

Building in accessibility and inclusivity cannot be overlooked with the intention of revisiting or addressing this post crisis. This approach would create further inequalities and constitute direct discrimination.

2) Disabled people have been prevented from using shared spaces and pathways

Clear guidance should be advertised on the considerate use of shared space and where possible segregated paths for cyclists and pedestrians should be the norm.

The Scottish Government could consider a model of presumed liability on shared spaces and pathways, which includes including a hierarchy of responsibility, which protects disabled and older people. This is the norm in many other countries. Otherwise there is a danger that “shared” pathways will become de facto cycle lanes – to the detriment of disabled people and pedestrians generally.

3) There has been a lack of information and advice about availability of public transport and assistance available for disabled people as lockdown has impacted on services

Transport providers should consult with disabled people’s organisations when making decisions about the provision of information and ensure alternative means of accessing information are available, including phone lines and text services. Transport providers should review their passenger assistance arrangements to ensure that staff are supported to safely provide passenger assistance, consistent with physical distancing measures, and that this is communicated to passengers who may require assistance to travel.

4) Access to medical treatment and transport to health – ambulance services

Disabled People require reassurance that resilience planning is under way to safely manage the anticipated demand once our health service returns to “normal outpatient services”.

This needs to include transport provision in urban, rural and Island areas, including linking cross modal journeys (such as ferry services) into the plans.

5) Community and rural transport services

Funding and services must be protected and reviewed to allow these lifeline community services to recover from the impact of the response to COVID19 to remain sustainable and to meet demand from more disabled and older people who are nervous about using other public transport services. Again the need for this may be more prevalent in rural and Island areas. The Community Transport Association must be part of the overall transport planning process.

6) Unintended consequences for Disabled and Older people from lack of Equality Impact Assessments or consideration of their needs

The Scottish Government and relevant Local Authorities should embed a culture where those who are providing information about transport services consider the needs of disabled people and involve them in planning to make the information easily accessible to disabled people.

It is critical that the recovery from the public health crisis and economic crisis does not #BuildBackBetter at the exclusion of accessibility and inclusivity and that the needs of disabled people are central to these build back and recovery plans.

A robust approach to completing meaningful Equality Impacts Assessments would assist this and the Scottish Access Panel Network should be included in these assessments.

It is essential that the data that informs reporting on the use of powers to the Scottish Parliament is collected and disaggregated by protected characteristics and socio-economic status or background wherever appropriate and possible. This will allow a better understanding of In order to fully understand the impact of the emergency powers on people experiencing disadvantage and groups sharing protected characteristics – and the impact of the emergency powers on people experiencing disadvantage and groups sharing protected characteristics.

MACS believes that this will identify that disabled people – particularly young disabled people – and older people have been disproportionately affected by changes to the public transport system in response to COVID19.

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