

## **New and concluded legal matters: October & November 2019**

## New legal matters – October and November 2019

### Priority aim: Institutions

Legal name	Issue	Our involvement
ER (Scotland)	<p>A resident of a private care home argues she is being unlawfully deprived of her liberty.</p> <p>There is demand for action on this issue by solicitors and advocacy workers acting in this field and this case is also related to other ongoing work we are doing on this issue.</p> <p>The Scottish Government has also announced it will consult on a review of mental health legislation in 2020.</p>	<p>We are providing funding to intervene as part of our work to protect people in the most vulnerable situations, while making sure entry into, exit from and treatment in institutions respect equality and human rights standards.</p> <p>Determination of this legal matter could be influential in reform of the law in the years to come.</p>

## New legal matters – October and November 2019

**Priority aim: Core** (upholding the Equality Act and Human Rights Act)

**Legal name**

**Issue**

**Our involvement**

We intervened in a High Court challenge of the removal of the SDP Severe Disability Premium (“SDP”) and Enhanced Disability Premium (“EDP”).

The High Court found that the implementation of Universal Credit and the absence of any ‘top up’ payments for this vulnerable group as compared to others constitutes discrimination contrary to the European Convention on Human Rights.

SSWP has now been given permission to appeal to the Court of Appeal, we are intervening to query the way the SSWP has implemented the High Court decision.

For further context:

Disabled claimants who have already moved onto Universal Credit are called natural migrants. Clients who have yet to be moved onto Universal Credit are called managed migrants. Regulations by the SSWP mean that natural migrants receive £80/month, managed migrants receive £170/month for the same element of their benefits. This is despite the fact they have the same needs. See TP and AR v SSWP for related case.

SSWP  
v TP &  
AR &  
XSC  
(TP2)

We are **intervening** with the aim of clarifying if SDP and EDP should have been removed following the introduction of Universal Credit

Priority aim: Education

Legal name	Issue	Our involvement
<p>X and Y v Nursery</p>	<p>A young autistic boy’s parents had some concerns about the way in which his nursery was treating him.</p> <p>The concerns included lack of SEN involvement to meet his needs.</p> <p>When Ofsted inspected the nursery the parents inputted into the inspection by sharing their views, which follows normal protocol for parents to complete a survey.</p> <p>Directly after that the nursery terminated the child’s placement, which we are concerned could be due to the parents feeding back on how their son was being treated.</p>	<p><b>We are providing legal assistance</b> to this case by funding pre-action correspondence and for the claim to be issued protectively.</p> <p>It fills part of our work to reduce discriminatory exclusions for children with special educational needs.</p>

## Concluded legal matters – October and November 2019

Priority aim: **Core** (upholding the Equality Act and Human Rights Act)

Legal name	Issue	Our involvement	The impact
JD and A v UK	<p>A was at risk from her violent ex-partner, and the attic in her home had subsequently been adapted into a 'safe room' so she and her son could seek sanctuary if needed.</p> <p>When new housing benefit regulations were introduced, this 'safe room' was deemed to be a spare room and she was threatened with eviction by her local authority.</p> <p>In a similar case, J.D.'s daughter is severely disabled and their house was specifically designed to accommodate her needs, but when new housing benefit regulations were implemented she was found to have a spare bedroom and her housing benefit was penalised accordingly.</p>	<p><b>We intervened in both cases</b> with the aim of changing the law so that it has less discriminatory effect on groups sharing a particular protected characteristic – e.g. women and disabled people.</p>	<p>The European Court of Human Rights ruled that A had been discriminated against by the UK state under Article 14 of the European Convention on Human Rights, as she had been deprived of her right to 'peaceful enjoyment of her possessions' (Article 1 Protocol 1 of the Convention) due to her sex (as a victim of gender-based violence).</p> <p>In J.D.'s case, the European Court of Human Rights ruled that there was no violation of Article 14 in conjunction with Article 1 Protocol 1 of the Convention.</p> <p>Although the European Court of Human Rights recognised the devastating and discriminatory impact this 'bedroom tax' has had on women, we are saddened that the court failed to find in favour of the disabled claimant which in our opinion was also unlawful discrimination</p>

## Concluded legal matters – October and November 2019

Priority aim: Core (upholding the Equality Act and Human Rights Act)

Legal name	Issue	Our involvement	The impact
<p>AB v CPM; GMP</p>	<p>A complex set of rules exists concerning payment of costs in personal injury claims. This is known as qualified one-way cost shifting (QOCS).</p> <p>Generally, under QOCS if a defendant wins they cannot recover their costs from losing claimants. However, even if a claimant wins, they may have to pay high legal fees, especially in complex cases or in ones where the claim was against several different parties.</p> <p>AB appealed a decision of the High Court that applied a QOCS to her case.</p> <p>Although QOCS is usually there to protect the losing claimant from having to pay high fees, in this case, it was applied to a dual claim – which means the claimant could be exposed to pay higher than usual fees to the winning side.</p>	<p>We believe that QOCS may deter people with legitimate claims from pursuing them, which is why we intervened in the High Court proceedings and again when the case went to the court of appeal.</p>	<p>The court found that there was no automatic application of QOCS to mixed claims, meaning that it was up to the judge’s discretion to decide whether to extend QOCS to the non-PI element.</p> <p>The court did call for the accuracy of the civil procedure rule to be reviewed, which may be beneficial to similar cases in the future, as it will clarify the impact on a claimant where QOCS does not apply.</p>

## Concluded legal matters – October and November 2019

### Priority aim: Institutions

Legal name	Issue	Our involvement	The impact
BH v X and others	<p>Bethany has been detained under the Mental Health Act for more than 2 years, mostly in solitary confinement, in circumstances we consider to be unlawful.</p> <p>This case is not uncommon and an inquiry by the joint committee on human rights recently warned that the CQC and clinical commissioning groups are not protecting patients with learning disabilities and autism.</p>	<p>As part of our work to improve conditions in Institutions, we provided <b>legal assistance for Bethany's case with the goal of</b> ensuring she is treated with dignity and respect and her human rights are protected.</p>	<p>The case has settled. A joint media statement from NHS said: 'St Andrew's Healthcare and NHS England have put in place changes to improve the care of people with autistic spectrum disorder including new policies and systems for monitoring compliance with the Mental Health Act Code of Practice in relation to seclusion and long-term segregation; and improved equality training for staff.'</p>

### Priority aim: Work

RH v X and Y	<p>A woman brought employment tribunal claims, alleging that she was sexually harassed by her colleague and later victimised after she made a complaint.</p> <p>The grievance was not investigated and her manager instigated disciplinary proceedings against her that resulted in her suspension without pay.</p>	<p>We <b>provided funding for this case</b> as part of our work to reduce harassment in the workplace.</p>	<p>The case settled out of court, before the tribunal hearing, which was a success for the claimant.</p> <p>The case can be used as a case study in relation to our work on sexual harassment including the technical guidance we are writing for employers on how to deal with harassment in the workplace.</p>
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## Concluded legal matters – October and November 2019

### Priority aim: Core

Legal name	Issue	Our involvement	The impact
RR v SSWP	<p>RR lives with their disabled partner in a two bedroomed social housing property for which he claims housing benefit. The couple require separate bedrooms because of RR's disabilities and their need to accommodate medical equipment and supplies.</p> <p>RR and his partner had their housing benefits limited under the so-called bedroom tax, but a judge at a tribunal found that the regulations were in breach of the couple's rights under the Human Rights Act and dis- applied them.</p>	<p>We intervened in this case as it has potentially far-reaching implications that could apply to all areas of law where individuals' cases are heard by tribunals and where there are potential human rights breaches.</p>	<p>The case was successful; the Supreme Court ruling clarified that social security tribunals have the power to dis-apply regulations which breach the Human Rights Act.</p>

## Concluded legal matters – October and November 2019

### Priority aim: Work

Legal name	Issue	Our involvement	The impact
<p>W v X (a retailer)</p>	<p>W brought claims of Equal pay, sex discrimination and unfair dismissal against her employer. Equal pay laws are clear that women should be paid the same as men for work of equal value.</p> <p>Despite these laws having applied in the UK for almost 50 years, women are still consistently paid less than men for work of the same value.</p>	<p>We supported this case to clarify when historical ‘material factors’ can continue to justify lower pay.</p> <p>We <b>paid W’s legal costs</b> so she could defend her former employer’s appeal to the Employment Appeal Tribunal.</p> <p>Our objective was to make sure that the employment tribunal’s finding – that W should receive equal pay to that of her male counterparts – was upheld.</p> <p>Ultimately our aim is to protect other women from workplace discrimination in the future.</p>	<p>The results were mixed; the retailer won outright on the equal pay appeal. However, it lost its appeal against the finding of the ET that W was discriminated against because of her sex.</p> <p>W also lost on her cross appeal as the appeal tribunal ruled her dismissal was not an act of sex discrimination.</p> <p>We are now supporting a further appeal to the Court of Appeal by W.</p>

# Use of our powers 2019

Power used under Equality Act 2010	Apr		May		Jun		Jul		Aug		Sep		Oct		Nov		Dec		Jan		Feb		Mar		TOTAL	
	18	19	18	19	18	19	18	19	18	19	18	19	18	19	18	19	18	19	19	20	19	20	19	20	18/19	To date: 19/20
Inquiry	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	1	0	3	0
Investigation / Assessment launched	0	0	0	1	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	7
No. of Investigations / Assessments leading to Agreements	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	5*
Other Legally Binding Agreements	0	0	1	0	0	0	1	2	1	0	0	0	0	5	0	0	2	0	2	2	2	0	0	9	7	
Legal Assistance	3	1	1	1	0	1	1	1	0	2	2	1	1	1	3	1	3	0	5	0	4	0	8	31*	9	
Intervention	2	3	2	1	4	2	1	1	2	0	1	0	2	1	1	1	1	0	2	0	3	0	0	21	9	
Judicial Review Proceedings	0	0	0	1	0	1	1	0	0	0	0	0	2	0	0	0	0	0	0	0	1	0	0	4	2	

These totals do not include legal matters at scoping / investigation stage where we have not yet approved the use of an enforcement power.

\*5 legally binding agreements have been secured as a result of the 7 Investigations or Assessments launched so far in 2019

## Ongoing legal action: October & November 2019

## Inquiries and Investigations - ongoing

Inquiry or Investigation	Summary
Investigation: Elite Care Plus	<p>We are investigating care agency, Elite CarePlus Ltd, after receiving evidence that it was asking pre-employment health questions during its recruitment and registration process. The Equality Act 2010 makes it unlawful for employers to ask about an applicant's health or disability before they have been offered the job, or before including them in a pool of successful candidates to be offered a role at a later date, except in specified situations. This ensures that all candidates are given the opportunity to demonstrate that they have the relevant skills and abilities to do the job, without being screened out.</p>
Investigation: Labour Party	<p>We received a number of complaints about allegations of antisemitism in the party. After careful consideration, we are using our powers under the Equality Act to conduct an investigation. The deadline for submitting information or evidence was 31 July 2019.</p>
Investigation: BBC	<p>Following complaints that female employees were not being paid the same as men for equal work, the BBC has voluntarily provided us with a large amount of information about its pay policies and practices. After looking at all of the information, we suspect that some women at the organisation have not received equal pay for equal work. Our investigation will look at whether BBC staff experienced unlawful pay discrimination from 1 January 2016. We hope to finish our investigation by the end of 2019. We will publish a report once the investigation is done, setting out our findings, any action we have taken and recommendations for the BBC.</p>
Inquiry: Treatment of disabled people in the Criminal Justice System	<p>We want to understand the experiences of disabled defendants or accused in the criminal justice system. People who are charged with a criminal offence are called 'defendants' in England and Wales, and 'accused' in Scotland. Our inquiry covers the 'pre-trial' stage, which is after a person has been charged, but before a trial begins. We use the evidence we collect during our inquiries to make recommendations for change. Our aim for this inquiry is to improve access to justice for this group of defendants or accused.</p>

## Core (upholding the Equality Act and Human Rights Act) legal matters - ongoing

Legal name	Issue	Our involvement
<p>W v X (estate agents)</p>	<p>An Estate Agency has a 'no DSS policy' which means it could be imposing a blanket ban on renting to tenants on benefits. A DSS (Department of Social Security) tenant is someone receiving 'housing benefits' from the council due to financial difficulties, normally because they're either unemployed, disabled, and/or a single parent.</p> <p>We consider that the policy may amount to unlawful indirect discrimination.</p>	<p>We are providing <b>legal assistance</b> to help clarify the law and prevent unlawful discrimination against thousands of people on disability benefits.</p>
<p>Mander v Royal Borough of Windsor and Maidenhead</p>	<p>Mr. and Mrs. Mander were born and have always lived in GB and their culture is British.</p> <p>Their families were originally from India. The council refused to process their application to adopt because only white British children were available and white British couples would be given priority because of cultural background.</p>	<p>We are providing <b>legal assistance</b> to clarify the law on how adoption agencies and local authorities should deal with prospective adoptive parents who are British but whose racial heritage may not be.</p> <p>We want to secure a finding that the treatment of the Manders was unlawful discrimination. This would help ensure other prospective parents seeking to adopt are not discriminated against on grounds of race.</p> <p>This concluded successfully in December and a full summary of the impact will be provided in January.</p>

## Core (upholding the Equality Act and Human Rights Act) legal matters - ongoing

Legal name	Issue	Our involvement
J and B v X	<p>X has a ‘disclosure policy’ which requires victims of crime to agree to a complete search of their mobile phones. Those investigating can refuse to investigate if a victim doesn’t give consent. We know the policy deters women from reporting sexual crimes and pursuing them through the courts and could be a breach of equality and human rights laws.</p> <p>Data from RapeCrisis highlights that 85,000 women will be victims of sexual violence each year but only 15% of those will report it.</p> <p>The approach of X, is that a woman’s history – especially her sexual history – must be subject to scrutiny if her case is to be investigated or prosecuted.</p>	<p>We are providing legal assistance for <b>a potential judicial review</b> of this policy to clarify if the policy breaches human rights and the Equality Act 2010.</p> <p>This policy could be one of many things that deter women from reporting.</p> <p>We know from our work with the Centre for Women’s Justice that many rape survivors want to challenge it.</p> <p>Our aim is to make sure that X understands the impact of this policy on victims and abolishes it; whether than means using our influence or providing legal assistance.</p>
C	<p>Potential claim concerning prohibition on the award of compensation by First Tier tribunals in successful education disability discrimination cases.</p>	<p>We are providing <b>legal assistance</b>.</p>

## Core (upholding the Equality Act and Human Rights Act) legal matters - ongoing

Legal name	Issue	Our involvement
JCWI vs SSHD	<p>Landlords of properties throughout England must check that someone has the 'right to rent' before letting them a property.</p> <p>Landlords can face criminal penalties if they fail to make documentary checks to establish a person's 'right to rent' before entering into a tenancy agreement.</p> <p>Last year the Joint Council for the Welfare of Immigrants (JCWI) amassed evidence to suggest that private landlords were discriminating against ethnic minorities by preferring to rent their properties to people who 'look and sound British'.</p> <p>The evidence was taken to the courts in a judicial review and it was ruled that this impacted not only on ethnic minorities and immigrants in terms of unlawful discrimination, but also breached their right to a private family life.</p> <p>It was argued that the rules for landlords are dangerously unclear and not robust enough to prevent racial discrimination.</p>	<p>It should never be assumed that someone from an ethnic minority is an immigrant, or that someone born abroad or who speaks with a particular accent is not allowed to be in the UK.</p> <p>We <b>intervened</b> in JCWI's judicial review against the SSHD and will again provide our expert opinion by <b>intervening at the Court of Appeal</b>.</p> <p>The Secretary of State for Home Department (SSHD) is now appealing the decision in the court of appeal.</p>

## Core (upholding the Equality Act and Human Rights Act) legal matters- ongoing

Legal name	Issue	Our involvement
O v Home Office	<p>The claimant is a disabled woman who is a UK resident with four children. She has a hearing impairment, mobility problems and was the victim of a domestic abuse, leading to long-term sick leave. After arriving at Heathrow on a flight from Nigeria, she was strip searched, x-rayed and forced to undergo a CT scan at hospital. During this time she was very unwell, fell and was injured, collapsed, and an ambulance was called. It does not appear any adjustments were made for her disabilities.</p>	<p>The claimant was released when all tests and searches were negative. We are now providing <b>legal assistance</b> to clarify if the claimant was subjected to race, gender and disability discrimination.</p>
EHRC v H and ors	<p>Potential unlawful deprivation of liberty of adults with incapacity.</p>	<p><b>Judicial Review</b> proceedings</p>

## Core (upholding the Equality Act and Human Rights Act) legal matters - ongoing

Legal name	Issue	Our involvement
S v S	<p>This company is contracted by the Home Office to provide homes for people seeking asylum.</p> <p>If people are refused asylum, they are evicted and notified of a locks change.</p> <p>A recent judgement clarified that the company has obligations under human rights laws when it comes to providing this accommodation and that the Government cannot simply ignore its human rights obligations by outsourcing the provision of public services to private providers.</p> <p>This particular legal matter involves a disabled asylum seeker who, like many people, could soon be made homeless as a result of the policy.</p>	<p>We continue to have concerns that the policy fails to comply with people's human rights including their <b>right to a private and family life</b>.</p> <p>Our evidence by <b>intervening</b> in this case will show the court the importance of Public Sector Equality Duty and protect the rights of disabled people.</p>
EHRC v 11 Clinical Commissioning Groups	<p>Many NHS Continuing Healthcare (NHSCHC) policies of Clinical Commissioning Groups (CCGs) in England are unlawful. This is because they restrict the cost of NHSCHC which could result in disabled people with substantial health needs being moved from their homes and into residential care against their wishes.</p>	<p>We have commenced <b>Judicial Review</b> proceedings to clarify the law and ensure that disabled people's rights are better protected when they want to receive care at home.</p>

## Core (upholding the Equality Act and Human Rights Act) legal matters - ongoing

Legal name	Issue	Our involvement
<p>TP and AR v SSWP</p>	<p>Disabled claimants who have already moved onto Universal Credit are called natural migrants. Clients who have yet to be moved onto Universal Credit are called managed migrants. Regulations by the SSWP mean that natural migrants receive £80/month, managed migrants receive £170/month for the same element of their benefits. This is despite the fact they have the same needs.</p>	<p>We are <b>intervening</b> with the aim of clarifying if SDP and EDP should have been removed following the introduction of Universal Credit</p>
<p>XS (Pakistan) v SSHD</p>	<p>The claimant (XS) was trafficked to the UK as a child but was unable to get effective help through the courts and tribunal system owing to systemic problems with existing case law.</p> <p>External lawyers estimate this issue affects around 3,000 – 5,000 people every year who are some of the most vulnerable in society.</p> <p>If these individuals are unable to challenge the Home Office decision properly, a significant proportion who have no other basis to remain in the UK will be at risk of deportation and ultimately, put in danger of being re-trafficked.</p>	<p>After six years, XS cannot face further court proceedings. We have applied to be substituted for XS in the forthcoming <b>Judicial Review</b>.</p> <p>We want to clarify the law and ultimately challenge the Court of Appeal decision. We believe it poses a serious barrier to justice for a large and particularly vulnerable group of people.</p> <p>This is a wider issue, affecting 5,000 of the most vulnerable people in society each year. Having no effective means to challenge life-changing decisions by the Home Office puts them at risk of deportation and, ultimately, being re-trafficked. Our goal in challenging this is to change what we see as a major barrier to justice for victims of trafficking.</p>

## Work legal matters - ongoing

Legal name	Issue	Our involvement
A v X (company)	<p>B works for a 'gig economy' company delivering food.</p> <p>He has brought claims in the employment tribunal against a restaurant where he was picking up a delivery and the Company for disability discrimination, failure to make reasonable adjustments and disability/race harassment. The company deny that he is a worker protected by the Equality Act.</p>	<p>We are providing <b>legal assistance</b> for B's claims with a view to securing a reference to the Court of Justice of the European on the question of when an individual is a worker for the purposes of the Equality act.</p>
C v X (a gallery)	<p>This claim in the county court will identify if volunteers are protected under the services provisions of the Equality Act 2010.</p> <p>The claimant is a black volunteer guide at an art gallery. During a break in a meeting she visited the toilet and was told by another guide that the toilets were for whites only.</p> <p>The other guide apologised and resigned.</p> <p>Since the incident the claimant has experienced clinical anxiety and depression and has had to suspend her guiding responsibilities.</p>	<p>We are providing <b>legal assistance</b> by funding the claimants case in the county court.</p>
B v X	<p>B believes that she was demoted and overlooked for promotion whilst on maternity leave. Upon making an employment tribunal claim on that basis, B was then subjected to disciplinary proceedings, with her employer alleging that the statements she made are false. B then resigned and made a second claim for victimisation. The case was settled before the final hearing.</p>	<p>We <b>funded an external solicitor</b> to run B's case, and provided solicitor to represent B at tribunal, in order to highlight and challenge the discrimination that women on maternity leave face as revealed in the Commission's research.</p> <p>This concluded successfully in December and a full summary of the impact will be provided in January.</p>

## Access to Justice legal matters – ongoing

Legal name	Issue	Our involvement
X v Y	<p>The claimant is a prisoner with a severe cognitive impairment. Consequently he lacks capacity to participate in his parole review and equally to appoint a solicitor for the review.</p> <p>The problem we see is there is no statutory mechanism, policy or practice setting out how a prisoner who lacks capacity can instruct a solicitor and participate fairly and meaningfully in their parole review process. He has no friends or family who can act as his litigation friend, meaning there is no other process to enable him to instruct a solicitor to assist him with his parole review.</p> <p>Since the litigation began, the SSfJ has introduced a Parole Board rule that says the PB can appoint a representative if they consider it is in a prisoner's best interests. However this is a discretionary power, does not require a representative to be legally qualified, and still lacks a framework for the instruction of a solicitor without a litigation friend such as there is in the MHT or Court of Protection.</p> <p>It's argued this failure amounts to a systemic discriminatory violation of the right of prisoners with significant cognitive impairments to an effective review of the lawfulness of their detention.</p>	<p>By <b>intervening</b> in this case we will be tackling <b>barriers to justice for disabled people</b> in the criminal justice system and ensuring detention settings respect equality and human rights laws.</p> <p>A relatively high proportion of prisoners have cognitive impairments and serious mental health conditions; we consider there will be a wider benefit if the Court holds that there has been a systemic failure by the SSfJ and Parole Board to make adjustments for prisoners who lack capacity.</p>
EL v SSJ	*CONFIDENTIAL AT CURRENT STAGE*	*CONFIDENTIAL AT CURRENT STAGE*

## Education legal matters – ongoing

Legal name	Issue	Our involvement
A and B v X school	<p>A black child was being bullied in school and suffered racial abuse. When their parent removed them from the school, they too suffered racial abuse.</p> <p>We are concerned that the way the situation was handled by the school was potentially discriminatory.</p>	<p>We are providing <b>legal assistance</b> to prevent further <b>discrimination</b> and encourage better handling in schools.</p>

## Transport legal matters – ongoing

Legal name	Issue	Our involvement
MO v X (a train company)	<p>When passengers on a train were asked to change train, this individual was not given assistance, despite the transport operator being aware of her disability.</p> <p>This meant the individual remained on the train and went to the wrong destination.</p> <p>In a separate incident with same operator she was provided with inadequate assistance to get on a train.</p>	<p>When public transport is accessible and appropriate, it allows people to participate fully in all aspects of life – going to work, accessing education or health services and visiting family and friends.</p> <p>We are providing <b>legal assistance</b> in the early stages of this case, as part of our work to ensure public transport supports the inclusion of disabled people.</p>

## Institutions legal matters – ongoing

Legal name	Issue	Our involvement
ER	<p>ER has a learning disability and autism. They have been detained in a secure mental health unit for an inappropriately long time and subjected to disproportionately punitive corrective measures.</p> <p>The detainment has taken them away from their family and could be causing undue distress.</p> <p>This is a potential breach of ER’s rights under the Equality Act and a breach to their right to a family life under the Human Rights Act.</p> <p>Cases like these are legally complex; we know this from our work on a similar case (see BH v X and others) and our work to understand how people with learning disabilities are being treated in Assessment and Treatment Units (see Transforming Care).</p>	<p>Our <b>legal assistance</b> will provide ER with expert counsel’s advice on the merits of a possible legal challenge.</p> <p>By supporting these legal matters, we ensure the rules and practice in institutions respect equality and human rights standards, ultimately protecting the rights of people in the most vulnerable situations.</p>
Transforming Care	<p>A BBC Panorama documentary recently uncovered shocking evidence about physical and psychological abuse of people with learning disabilities and autism at Whorlton Hall, a privately run secure inpatient unit.</p> <p>The SSHSC/DHSC, NHS England and CQC separately have obligations to protect the human rights of people with learning disabilities and autism. The Whorlton Hall documentary suggested these rights were seriously breached.</p>	<p>We have long held concerns about the rights of people with learning disabilities and autism with challenging behaviour being routinely detained in secure inpatient units or Assessment and Treatment Units (ATUs).</p> <p><b>We are considering whether EHRC should use its powers</b> to address the ongoing failure to protect the human rights of those with autism and learning disabilities in ATUs.</p> <p>Our long-term aim is that conditions in institutions for people with learning disabilities and autism are improved.</p>

## Institutions legal matters – ongoing

Legal name	Issue	Our involvement
PH v X Hospital	PH is a man with learning disabilities and autism detained under the Mental Health Act in a secure hospital. The hospital are allegedly breaching his rights under the Equality Act.	<b>Legal assistance</b>
VC v SSHD	<p>The detention of people with serious mental health conditions and the absence of procedural safeguards to protect their interests, is a systemic, well evidenced and persistent problem.</p> <p>We want to see this discriminatory policy reversed and protect the rights of people who are disabled in immigration detention.</p>	We will write to the Supreme Court asking for <b>permission to appeal and apply to intervene</b> if permission is granted