



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Welfare Reform Bill: Northern Ireland
Commissioner for Children and Young
People Briefing

25 October 2012

NORTHERN IRELAND ASSEMBLY

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Welfare Reform Bill: Northern Ireland Commissioner for Children and Young People
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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Mickey Brady (Deputy Chairperson)
Ms Paula Bradley
Mrs Judith Cochrane
Mr Michael Copeland
Mr Sammy Douglas
Mr Mark Durkan
Mr Fra McCann
Mr David McClarty

Witnesses:

Mrs Patricia Lewsley-Mooney	Northern Ireland Commissioner for Children and Young People
Ms Colette McIlvanna	Office of the Northern Ireland Commissioner for Children and Young People
Ms Goretti Horgan	University of Ulster

The Chairperson: We will now have a briefing from the Commissioner for Children and Young People. With us are Patricia Lewsley-Mooney, Colette McIlvanna and Dr Goretti Horgan. You are very welcome. We appreciate the fact that you have, once again, taken the time out to come and brief the Committee. You have presented a paper, which is in members' packs. The Floor is yours.

Mrs Patricia Lewsley-Mooney (Northern Ireland Commissioner for Children and Young People): I thank the Committee for the opportunity to come before you and present our evidence on the Welfare Reform Bill. I want to introduce Dr Goretti Horgan from the University of Ulster and Colette McIlvanna, who is part of my legal and casework team. I will give a brief presentation and then take any question members might like to ask.

As you will be aware, under the legislation set out by the Assembly that created my office, I have a duty to keep under review the adequacy and effectiveness of law practice and services relating to the rights and best interests of children and young people. In determining how to carry out the functions of my office, my paramount consideration is the rights of the child. It is my duty to remind the Assembly of its commitment to the United Nation Convention on the Rights of the Child, or the UNCRC as we commonly know it.

Any reform to the welfare system is recognised as having a particular impact on the lives of children and young people. The Welfare Reform Bill is accepted as having the furthest reaching consequences for children and young people. Children's rights should be considered at an early stage

to ensure that they are embedded in policy and legislation. The UNCRC should be the starting point when considering any law, policy or decision in determining the impact on children's rights. It is with that in mind that I have called for the Bill and the subsequent regulations that will hold the detail of the practical application of the Bill, to be scrutinised against the standards set out in the UNCRC. I will renew that call to the Committee later in my presentation.

You will have seen my written briefing to the Committee along with the evidence in my two reports on welfare reform, which assess its impact on children and the question of parity. I listened with great interest to the Minister's statement to the House on Monday, and I want to begin by welcoming four significant aspects of his statement.

First, the issue of the regularity and timing of payments to families has been of concern to me and others who work with and support families. I welcome the confirmation from the Minister that he has negotiated a concession to allow for operational flexibility on that issue, which will allow the IT systems to be developed to split a payment for a family into two smaller payments, rather than the single full monthly payment. That will, no doubt, assist vulnerable claimants who find budgeting difficult, and it will, in turn, benefit the children in their families.

Although I welcome that, I am concerned that the Minister has asked his officials to develop a set of guidelines for determining the circumstances when a universal credit payment should be made on a twice-monthly basis and consult with public and voluntary sector representatives. I believe that the choice of payment options should lie with the claimant, who should be able to choose whether to accept the default position of a monthly payment or opt into the option of having fortnightly payments, without having to meet any additional set criteria. I believe that that will protect the most vulnerable claimants and their children. To require them to meet a set of criteria when there is no risk to parity on the issue simply complicates the matter unnecessarily and could serve to stigmatise claimants further.

Secondly, I welcome the Minister's confirmation that he has negotiated flexibility regarding who in the family can receive the benefit. The original proposal was that the universal credit would be paid to the main claimant, which, in most households, is likely to be the male and which could have resulted in a breach of children's rights under the UNCRC. Research has shown that when money goes directly to the mother, it is more likely to be spent on children than when it goes to the father. Therefore, I ask that, when the Minister is looking at the implementation of that operational flexibility, he makes sure that the child element of the benefit is paid directly to the primary carer of the children. I believe that that will better serve the rights and lives of children.

Thirdly, I welcome the flexibility on direct payments to landlords. The issue of changes in the housing elements of benefits has the potential to have a vast impact on the lives of children. The issues of segregated housing in Northern Ireland, the definition and application of the rules on underoccupancy and the impact of the new rules on children with disabilities cannot be underestimated.

Along with the Children's Commissioners in the other UK jurisdictions, I met with Lord Freud in September and he told us of the research he was conducting into the Northern Ireland housing situation. I note that Lord Freud will visit Northern Ireland in November. We have written to ask whether we can meet him when he is here to raise that issue and the other matters I raised with him in September.

Finally, the Minister confirmed that the implementation date for universal credit will be April 2014, which is six months after the implementation in the rest of GB. Hopefully, that will mean that Northern Ireland can benefit from lessons learned in other jurisdictions as they roll out welfare reform in October 2013. That is, again, to be welcomed.

However, notwithstanding those concessions, a lot of work remains to be done to ensure that the Bill meets the standards outlined in the UN Convention. The issue of the benefit cap and the impact that will have on larger families remains. It has been remarked that I have raised a warning that the benefit cap will be like social engineering and will force families to have fewer children. I was, in fact, warning that the benefit cap will punish larger families. In addition, as Members know all too well, a lack of childcare infrastructure in Northern Ireland also hampers our families in seeking work or increasing their hours of work. Childcare provision here is among the lowest in Europe.

The proposed conditions and sanctions have the capacity to cause breaches of children's rights. Even with the Westminster commitment to continue to pay the child element of benefits to sanctioned parents, that does not go far enough to protect the rights and best interests of children in sanctioned

families, as the removal of any income from a household budget will have a severe impact on the children living in it.

The social fund and the availability of crisis funding for families has long been a mechanism that has assisted families in urgent hardship. If the social fund is not replaced by a ring-fenced alternative that is protected in the Northern Ireland Budget as an emergency fund for families, I feel that it will result in a failure to provide the best interests of a child in accordance with article 3 of the UNCRC. It is also likely to result in a breach of other articles, including the right to enjoy the highest attainable standard of health under article 24.

I am deeply concerned that, in the proposals, claimants who seek emergency funding and who have a certain level of debt or rental arrears will be refused assistance. It is the families that are already at breaking point who will be most in need of emergency crisis funding. Therefore, I call on the Assembly and the Committee to make sure that enough money is allocated to meet the basic material needs of children, and that the money that is available for crisis funding is ring-fenced and not made conditional on the solvency of the claimant.

I also want to advise the Committee of the many potential problems that I and others foresee for children with disabilities as a result of the change from disability living allowance (DLA) to personal independence payments (PIPs). Due to the high rates of disability and ill-health in Northern Ireland, many children may suffer from a decrease in their family's income due to the changes.

As you may be aware, my remit extends to young people up to the age of 21 who are disabled. Around 5,000 of those young people aged between 16 and 20 currently receive DLA. The mobility element of DLA, in particular, is vital for the additional transport costs of many of these disabled young people. So, this could result in the reduction of a young person's independence, if changes as currently envisaged are implemented.

The rights of disabled children or the children of disabled parents are under threat. The Assembly and the Committee, through scrutiny of the Bill and the regulations, has the power to protect the rights of those children and young people under a varying number of articles, which are set out in the submission that you have already received. I call on you to make sure that those rights are respected.

I previously called for the setting up of an expert group to examine the work capability assessments (WCA) being carried out in regard to the new assessments for PIPs. We suggest that that expert group should include psychiatrists who work with people with post-traumatic stress disorder (PTSD) due to the legacy of the conflict, as well as paediatricians and other experts in childhood disability.

Through my engagement with other agencies and families, I have heard concerns about the transition from DLA to PIP, and I am aware that there is concern that recipients of DLA are not aware that they will, in fact, have to apply for PIP, as it is a new benefit and will not automatically be an opportunity for transition to the new system.

Further concerns have been expressed about the procedure that will ensure claimants are invited to apply for PIP and the associated time frames for applications. Clearly, the advice sector in Northern Ireland, along with MLAs' constituency clinics, will feel the effects of that, with an increase in claimants needing assistance. We understand that some MLAs have already reported that their constituency offices have been inundated for advice. I call for funding to be made available to the advice sector to meet this need. Perhaps many members around this table may wish to seek training for their constituency staff as the effects of welfare reform bite.

The regulations that will follow the Bill will shed further light on how it will impact on children and young people. I urge the Assembly and the Committee to make sure that the Bill complies with children's rights and that the regulations are scrutinised against the standards set out in the UNCRC. It is not enough for the Bill and the regulations to be human rights-compliant, they must be UNCRC-proofed too in order to uphold the rights of some of the most vulnerable members of our society.

I acknowledge that in all reform there are, to put it bluntly, winners and losers. I fear that the real losers will be the most vulnerable in our society. So, when you sit in your constituency offices tomorrow, I hope that you will pause for a moment and reflect on how the Welfare Reform Bill, in its current state, will hit the most vulnerable of your constituents and, most importantly, their children.

The Chairperson: Thank you very much for that. As you said, members already have your written submission.

Mr Brady: Thanks very much for the presentation. I have to say that I have been pausing and reflecting since 2007, when the initial stages of welfare reform were introduced and, it has to be said, given accelerated passage, because of threats that people's benefits would be stopped. That is a point worth making.

In relation to children, nothing in this so-called welfare reform legislation will really be of any benefit to families. I have a couple of issues. First, for tax credits, the disability premium for a child will be halved from £58 to approximately £27. The rationale for that is that it will be spread wider. Surely that means that they are taking away from the most needy and vulnerable.

There are a couple of other things. ESA for young people is important, given that severe disablement allowance has been abolished. It was targeted at young people who would never be able to work in the normal sense. In my experience, most of those people have learning disabilities or other disabilities. They are now going to be sucked into this "employment pool" — I say that because there are no jobs. Young people are already being exploited in my constituency, where some stores get them in on schemes — one particular place has eight — and people who work there are going part-time or are being let go. That has to be considered as well, but I am sure that you do not need me to tell you about it.

I want to talk about lone parents and childcare issues. You are quite right; about 12 years ago, when I was involved in welfare rights in my constituency, a survey indicated that Newry and Mourne had the worst childcare provision in western Europe as regards registered childminders. I know that this is a complex issue, but have you thought about addressing the issue of the childcare element and registered childminders? Historically, children would have been looked after by members of the extended family, but if members register as childminders they have to take other children on board. Have you thought about that aspect of it?

I know that there are social services and child protection issues involved, but there is no reason why a granny or a sister cannot go through the protection of children and vulnerable adults (POCVA) check or whatever. I have not heard that being addressed, I have to say.

The other issue is to do with the availability of childcare for a lone parent with a one-year-old. We were told before that — it happened initially and then did not happen afterwards — that lone parents would not be sanctioned because of the lack of childcare. That was my experience in the constituency office. However, what happens if such sanctions are put in place.

There is another issue around universal credit and looking for work — the job search. Apparently, you have to be looking for a job for 35 hours a week. That is the equivalent of working full-time. You would nearly want to get paid for looking for a job, considering the time involved. I am not being facetious when I say this. It is crazy.

In your report, you mentioned the issue of raising the hours of childcare provision from 16 to 24. The other thing that will impact on children is the ESA contributory for one year, at the end of which, if your partner is working and there is no income-based ESA, children in that family will be affected, because, apparently, it is all going to be subsumed into universal credit. You go in at one end really badly off and, apparently, you come out the other end in great shape. No one has been able to explain the mechanics of that.

I wonder what your thoughts are.

Mrs Lewsley-Mooney: There are quite a few things there, and I would like the others to come in on them, too. Perhaps I will start with the childcare issues.

We have been raising that issue for a long time. First, neither the Assembly nor the Executive have produced a childcare strategy, which is a great need. We do not have the childcare infrastructure here, and that is one of the issues that I raised with Lord Freud when I met him in September. I have had conversations with the Minister and his advisers have told me that he is going to provide 70% of childcare costs. That has dropped from 80% for a start. That is OK; he can give 100% of the costs, but if there is no provision in the area how do they deal with that?

For me, the issue of the ability of an extended family to facilitate that centres particularly on women who are in part-time employment and who rely specifically on family members to mind their children for that 16 hours. What will happen here is that they are now going to have to find an extra eight hours'

work. That is eight hours' of childcare that they are going to have to find. Very often, the person who is minding the children is on benefit. If that person now is going to be in a position where they are going to have to find employment, the person who is working part-time is going to be hit twice. There needs to be a huge recognition of that.

I know that there are some Department for Employment and Learning (DEL) training programmes that will allow family members to provide the childcare for that short space of time without it affecting benefit or otherwise. That needs to be looked at, and we need to know whether it can be extended.

There are issues concerning disabled young people in particular. Some families will lose up to £1,400 a year or more. I ask the Committee to look at the cost benefit analysis of that. If such families lose £1,400 a year out of their budget, with a child who is disabled, what is the impact of that on the child's need for further help and support through health and social services, doctor's appointments, medication and all that, never mind the stress that it is going to put on the parents.

Mr Brady: Displaced cost is one issue that we mentioned. It is not just a loss to the family; it is a loss to our local economy. People spend benefit where they live. We need to address that.

Mrs Lewsley-Mooney: Goretti will talk about ESA or universal credit.

Ms Goretti Horgan (University of Ulster): It is important for the Committee to emphasise to the rest of the Assembly the extent to which all those things are linked. You made a point about the contribution-based ESA and the fact that it will be limited to a year. That means that some families will lose £100 a week almost overnight, and that will be people who very often have paid national insurance contributions for decades. Some will be grandparents, because an overwhelming number tend to be in the older age group. Those same grandparents may be helping with childcare for their daughters or sons who live somewhere nearby in an underoccupied house, and they are getting moved out. We talk about lone parents but an awful lot of married young parents depend on their parents for childcare given how little childcare there is across the region.

So, all of those things interact, and the question of displaced costs, which you mentioned, needs to be flagged up to the Department for Social Development (DSD) officials and the Minister so that you can say to them that they really need to think about how much it will cost if they do implement them. That cost will be to the block grant. More children may come into the care system, for example. Patricia talked about the £1,400 that a lot of families with disabled children are likely to lose. Families with disabled children are very likely to be in fuel poverty, and have to keep the heating on an awful lot more if they have a child who is not mobile. If they do not have that level of heat, the child will be in hospital with pneumonia, which leads to costs for the health service.

The huge levels of displaced costs involved need to be considered. I realise that this is very far away from contribution-based ESA, but it seems as if there is a drive at Westminster to get rid of anything to do with national insurance. That is a shame because that made the difference between the workhouse and the system that we have today.

Mr Copeland: Once again — I have said it twice today already unfortunately — I am sorry that I missed the early part of your presentation, but I have read it with interest. Patricia, in your capacity as the Northern Ireland Commissioner for Children and Young People, have you been approached directly by the Department as part of its process to assess the impact that the reforms will have on children and young people?

Mrs Lewsley-Mooney: Yes, we had ongoing discussions with departmental officials after one of our meetings with the Minister. Again, it was very much a case of, "This is what is happening", and we are arguing about what we can do to get that changed to secure operational flexibilities and other flexibilities to alleviate some of the hardship. We have the argument around the cost-benefit analysis, but officials will say, "I am being told to do this and I have to implement it."

Mr Copeland: I do not want to put words in your mouth, but would you say that you were presented more or less with a fait accompli?

Mrs Lewsley-Mooney: Something like that.

Mr Copeland: Secondly, we hear a lot about a number of strategies, but we do not tend to hear much about them after much time. You can call it child poverty or family poverty, but it is basically poverty. Have you any notion or gut feeling about the effect that the reforms will have on child poverty?

Mrs Lewsley-Mooney: My feeling is that it will raise the levels of child poverty. It will certainly not reduce them.

Mr Copeland: Marginally or greatly?

Mrs Lewsley-Mooney: Greatly. Look at some of the statistics in the report that Goretti did: somewhere in the region of 6,500 children could be affected by one of the benefits, and that is only the one that we talk about. We could also talk about children with disabilities and children who are affected because of the childcare issue. So, the number could be greater. The Minister says that 10,000 children will be taken out of poverty through universal credit, but that is dependent on whether a parent can get a job. We heard about the number of jobs that have gone here: over 750 from FG Wilson and the others that have gone over the last number of months. There is also the whole issue of placing sanctions on parents if they cannot find work, which could be because they cannot find childcare. There will be a knock-on effect from that.

I do not think that we will see a huge decrease in our child poverty figures at all in the next few years after this reform is implemented. In fact, I think we will see an increase. The Assembly has signed up to a poverty Act — it is supposed to produce an action plan that we still have not seen. It will be interesting to see what that action plan says when the welfare reform goes ahead.

Mr Copeland: Lastly, among the most vulnerable groups of young people are those who are in short-term or long-term care or short-term or long-term fostering. Have you given any thought to the way the Housing Executive, for example, would treat a couple with a child who are applying and have a history of fostering in the short term?

Mrs Lewsley-Mooney: We asked that question, even of Lord Freud. We asked him to consider foster care and even kinship care with regard to the tax on housing benefit. We said that such people should be exempt.

There is also an issue for parents who have two children, one of whom has a disability; they are now supposed to share the same room, so if they have a three-bedroom house, they should now only need a two-bedroom one, even though the child with a disability may disrupt everybody's sleep. It will be worse for the child who is in the same room, and that could pull that child's health down as well, which has cost implications for the National Health Service.

Mr Copeland: I also note your request that the expert group that you were talking about setting up involves psychiatrists. Are you content with the current contract as it is on offer? The only thing we can look at is the Atos cutback with regard to ESA, where the level of medical expertise is, in my view, seriously unreflective of the type of cases that they come across. Child psychiatry is a different field from psychiatry. Do you believe that, in order for this system to be discharged justly and fairly, child psychiatrists should also be available, and that people with such disabilities should be seen by people who are medically qualified to judge their conditions as opposed to ticking boxes on a computer screen?

Mrs Lewsley-Mooney: I agree with that, and I would go further by saying that, before any assessment is made, any medical practitioner who is in the life of a child or an adult should be taken into consideration rather than somebody who will meet somebody for one day and decide, based on that initial conversation or assessment, to make a lifelong decision for that young person or even for an adult.

Mr Copeland: It strikes me that young people are slightly different. In many cases, these are young people who have difficulties communicating, and I cannot for the life of me see how the system will be enacted in any way that remotely approaches the need.

Ms Horgan: DLA is continuing for children at the moment, so we are talking about only —

Mr Copeland: For a small group.

Ms Horgan: We are really talking only about people of working age, but, as Patricia said, the impact that the change from DLA to personal independence payment will have for their parents is what is worrying us at the minute. As a region, we are emerging from conflict. I heard the Minister talking about the welcome attempt to bring mental health issues into the assessment for PIP in England, but they do not have PTSD, except perhaps for soldiers coming back from Afghanistan and Iraq. Overwhelmingly, our population has very high levels of PTSD, and that —

Mr Copeland: I just wanted to come back at you on that last point that DLA may be paid to a parent in respect of a child. Is that on the basis of the impact of the condition on the child or the impact on the parent?

Mrs Lewsley-Mooney: No, it is solely on the child. That remains the same.

Mr Douglas: Thank you, Patricia, Goretti and Colette, for coming. Patricia, your briefing says:

"the Westminster commitment to continue to pay the 'child element' of benefits to 'sanctioned' parents will not go far enough".

We had the Housing Executive in here earlier and their representatives talked about sanctions as well. Everyone is talking about sanctions, evictions and the trauma that that involves. Can you elaborate a bit more on that? You say that it does not go far enough. What should it be? Or how can we help in this situation?

Mrs Lewsley-Mooney: The issue here is that, if a parent is sanctioned, they say that the child benefit element of that will be protected. However, that element can be a minimal amount of the overall amount that goes into the household. So, while the child element is given to the parent, that money will still go to pay the rent, heating or electricity. It will not go directly to feed the child. Therefore, we are saying that the sanction will have a ripple effect on the children and the family as a whole. How the sanction is brought into play, and how it is played out needs to be looked at. If there are children in the household, we think that sanctions really should not happen, rather than it should happen but as a last resort.

Mr Douglas: I have a final question. Your submission also states:

"The numbers who receive 'Youth ESA' are small enough to cost relatively little".

Have you costed it? If the Assembly decided to do something along those lines, how much would it cost? Have you done any work done on that, Goretti?

Ms Horgan: We have not. We just looked at the numbers involved, and they are quite small.

Mr Brady: The figure given for that was about 390,000.

I have two more points. The first relates to passported benefits. Many children rely on school meals as their only proper meal of the day. It is very unclear how those are going to be worked out through universal credit.

The other thing is about the change from DLA to PIP. You have a remit for disabled children up to 21 years of age. Presumably, when such children hit 16, under the current legislation, they become claimants in their own right. We are unclear —

Mrs Lewsley-Mooney: That is only in some circumstances. It is for mild learning disability, but for severe learning disability, it is 18 or 19. That transition from education into adult —

Mr Brady: Yes, but I am thinking of 21 years of age, because it is unclear at what stage such children will be reassessed as adults. I have dealt with cases where Down's syndrome children got two-year awards, as though they would wake up some Monday morning and not have Down's syndrome. It is crazy. However, other Down's syndrome children got lifetime or indefinite awards, which are not going to happen anymore. So I just wonder what will happen as such children reach adulthood. It is very unclear. This is enabling legislation and, presumably, the regulations will come sometime, God knows when. That is when you will have the nuts and bolts of this. There are inherent difficulties ahead, apart from just the Bill that we are scrutinising.

Mrs Lewsley-Mooney: That is what we are trying to outline. Some of the difficulties are not visible on the face of this. There are going to be huge problems around the regulations and guidelines, how they are developed, what assessments are put in and how that is done. You are right. Even young people with severe learning disabilities, who are 18 and at school today, do not lose that tomorrow because they are 19 and in adult services. They still have those.

We have just done a huge report on transitions. Very often, on entering adult services, children lose quite a number of the services and support that they were getting while they were in the education system, so there is going to be more pressure on families and those young people in order to live in the future.

Mr Brady: I will just finish off by saying that, in his statement on Monday, the Minister talked about Freud coming over in November to assess the impact. I am not sure how he can assess the impact if it has not yet happened. We were told that all this has to be in place, otherwise we lose the timescale. However, now we are told that, instead of October next year, we can put it back to April 2014.

Mrs Lewsley-Mooney: There are lots of ways around this if you want to find them. That is probably one way that was found. For me, the particular issue around housing is the cap or tax on housing benefit and how it will affect families. What will the impact be on children if families have to be evicted? We met the Minister recently and he said that he was using the fact of how few houses were now being repossessed as an indication of the slowdown of everything. I am saying that I really would not use that as an indication because the families who I meet are making the roof over their heads the priority. They are not eating or heating. That is why there has been a huge increase in the number of food banks. It is the families who have been in employment, lost their jobs and know how traumatic it would be if they had to move their children out of their homes into hostels, bed and breakfasts or wherever else. They are trying to keep the roof over their head — particularly people who are in low-income households. Of course, when some of those benefits kick in and they lose money from their household, it will become more difficult. Obviously, banks have become wiser; it is better to get some money off them than none. So I would not take the lower number of house repossessions as an indication that things are getting better. If you speak to families who are going through that hardship, they will tell you that it is getting worse, not better.

Mr Brady: On that point, Advice NI has a debt advice centre in Newry. They have just moved into Ballybot House, where I used to work. If you talk to a worker there, you will be told that they are inundated. They are able to give advice along the lines of what you are saying: to avoid repossession. However, people are losing out on something else. The passported benefits need to be clarified in the meantime.

Mrs Lewsley-Mooney: Very much so.

Mr Brady: There is the particular issue of school meals. Although it is through education, someone has to have a qualifying benefit in order to get them. Therein lies a major problem.

Ms Colette McIlvanna (Office of the Northern Ireland Commissioner for Children and Young People): That will also impact on access to justice because a lot of legal aid, especially for children's cases, would be contingent on passport benefits. Therefore, not only this Committee, but the Committee for Justice may need to have input into that.

Mr Durkan: Thanks for the presentation, ladies. A lot of stuff has been covered. I will focus on one area, which is the benefit cap. I have, probably, raised that issue here ad nauseam. Given that child benefit is included in the benefit cap and that that will have a direct detrimental impact on children here, we should look at some sort of amendment that will exclude child benefit from it, particularly if we consider the noises that are coming from Iain Duncan Smith today that child-related benefit may now be restricted to and capped at two children. I would like to hear more of your thoughts on that.

Mrs Lewsley-Mooney: We have an issue with its being frozen for three years and, of course, with George Osborne's announcement a few weeks ago that the Government will look at families who are on benefit and have a far larger number of children, as well as the fact that, if you have any more than two children, you will not get any more money for them. Therefore, there are many knock-on implications, not only for child benefit, but for the childcare allowance and all of that. So, a lot of those issues will have a ripple effect on that one thing.

Ms Horgan: It is clearly a particular issue for Northern Ireland because we have larger families. That is generally not the case for people who are on benefits; our working families are larger. What happens if somebody loses their job? There is an assumption that certain families just have children and live on benefits their entire lives. They actually forget that people move in and out of work. How many former FG Wilson workers, for example, have more than five children in their family? Will we tell them that, after years of paying their national insurance, they will not get any benefit at all for some of their children? So, I think that you are right: it would be good for you to put up a fight to get child benefit, at any rate, excluded, although it has to be said, of course, that the House of Lords did that and it got sent back. There is the issue of how much it would cost. I know that you have to take all of that into account. However, something has to be done, otherwise, we are sending out a very bad message to families.

Mr Durkan: I am just looking at the numbers, Goretti. The submission states:

"6,500 children in Northern Ireland will see their families lose money as a result of the benefit cap".

How did you reach that figure? I asked departmental officials how many families would be affected. I think that they said that it would be 260.

Mrs Lewsley-Mooney: Those figures actually came from the Department. When we asked officials — Goretti can verify this — they were talking about 1,500 families with five children or more. We worked out that 1,500 by five gives you 6,500. The figure is probably more than that because some families have more than five children.

Mr McClarty: It is 7,500.

Ms Horgan: It is actually about 1,150 children or something like that, but they were DSD's own figures.

Mr Durkan: I think the most recent figure they gave here excluded child benefit, even though the cap will include child benefit.

Mr F McCann: Thanks for the presentation. It was interesting. A number of the presentations that we have had since we started the scrutiny have had the same strong message about the impact that the welfare reform is going to have on families and people. It was interesting to listen to Iain Duncan Smith on the radio this morning. I think you are right, Patricia. When he speaks of people having children when they cannot afford them, it is about social engineering. I think it is disgusting that you can only have children if you are rich enough to be able to afford them. That needs to be tackled.

One of the things that concerns and baffles me is that there has not been the same type of protest as some of the huge protests that have taken place in England. I can only put it down to the British Government's attempt to criminalise those who are anything. On a certain TV programme that he was on last week, Alex touched on the fact that very few people out there actually realise that, if they are in work and happen to fall into sickness, they will only get benefit at a higher rate for a year. I think that is lost on people out there. More and more people who lose their jobs will fall foul of that. It is all right for people saying now that they understand why it is being introduced, but if they have a change of circumstances, they will be impacted upon.

The presentation that we got from the Housing Executive was interesting. It has estimated that 26,168 people will be impacted upon by underoccupancy. That obviously begs the question: is it geared up to be able to deal with that? The answer is no. That needs to be taken into consideration.

Over the past few weeks, we have had two amendments discussed in the Assembly and then defeated, and one at this Committee. Two of them were in and around human rights and equality. I know that you referred to the UN charter. Have you considered taking legal action — there are probably other groups that have — on the grounds that the implementation of the Bill will seriously impact on the rights of families and children?

Mrs Lewsley-Mooney: At present, we are working with the Equality Commission. I will let Colette answer that one.

Ms McIlvanna: As Patricia said, we are working with the Equality Commission in relation to that. I will go back to one of your earlier points about the lack of information. It is accepted that the Bill is an enabling Bill and, as Patricia said in her presentation, the devil is going to be in the detail of the regulations. Unless and until we see the regulations and the outworkings, people on the street are not necessarily going to know the impact. That is a concern, especially in regard to families who may think that, as you say, they are in work, things seem to be OK and it might affect someone else. You do not know what is coming down the track for you. That is one of the big things that we are calling for in relation to the regulations. They must be scrutinised to be sure that they comply with human rights and the UNCRC, especially with the best interests of the child being the paramount consideration in respect of those.

Mrs Lewsley-Mooney: One of the issues for us — some of you may look at it when the review of our legislation comes before you — is that I do not have victim status, so I cannot take a case on behalf of all of the children who will be affected by it. I have to go out and find an individual child. That is something that we are working on at the moment.

It is also important, when you are talking about the benefits and the whole issue of having to move from incapacity benefit or DLA to PIP, that people understand that they have to reapply and that they do not automatically move from one to the other. It is going to be very difficult, particularly for people who have mental health issues, to fill in those forms and be constrained to a certain amount of time to do so. The stress of that, again, will have a knock-on effect on their mental health. If they do not get them filled in on time, they will not get any money. What impact will that have on children? How many of the 26,000-plus families who you talked about have more than two children? So, you are talking about a much larger number of people being affected by this.

Mr F McCann: This morning, two other things that were raised were the legacy of the conflict and housing — people not being able to move. When the Department went through the clauses with us last week, it was interesting that its officials quoted that they had identified 520 families who would be affected by the cap on benefit. However, the big "but" was that there are over 13,000 families with members in receipt of DLA who they think could automatically fall into this. It will have a huge impact. When we take the benefit cap, the cuts in housing benefit and all the other stuff that is coming down the road, the impact will be huge.

Mrs Lewsley-Mooney: That was our worry around the passport to benefits; around taking the money that children got for free school meals and giving it back into the household. If you are going to lose money for housing and for something else, that money would be used for stuff other meals. All of us around this table know that a free school meal was often the main meal of the day for children, particularly when it came to the end of the week or the fortnight when benefits were being paid the next morning and there was no food in the house on a Wednesday night. Taking away the opportunity for such children to get at least one decent meal a day will have a long-term effect on those children's health and educational attainment.

Mr Brady: I have a couple of points to make. Both parties have to sign the claimant commitment. If one does not sign, they do not get their benefit. That may happen because of the claimant's mental health, because they had a run-in with somebody in the bureau or it could be a personal thing.

Fra mentioned that the media campaign. In Britain and here, if you listen to some of the stuff, you hear people on benefits being castigated. It amazes me that the state is abdicating its duty of care to children. There is no other way of describing it. We are being told on the radio, in print news and the rest of it that the Social Security Agency is some kind of philanthropic organisation that gives money out of charity. What about the duty of care that the state has? What happened to the Beveridge report? What happened to the welfare state? All of that seems to be going down the Swanee. As Fra said, when the poll tax came in, there was huge opposition because it affected everyone, particularly the middle classes because people were going to get penalised for the size of their house. There has not been that reaction with welfare reform because the media in particular have, for want of a better word, vilified people on benefit. In my long experience of working in benefits, that is not the case; I have never met anybody who loves being on benefit. It was not their ambition to spend the rest of their life on income support. It does not work like that.

Mrs Lewsley-Mooney: I agree, and the media portrayal is that there are all these people on benefit. We know that the majority of people in Northern Ireland who will be affected by this are couples and families who are on low-income wages. They are out working and trying to make a living.

Mr Brady: The statistics that we have for the single room rent for under-35s show that 37% of those people are working, so they are on low pay purely and simply because we live in a low-pay economy.

Mrs Lewsley-Mooney: For us, the other housing issue is multiple occupancy, and particularly its child protection implications.

The Chairperson: A last point from me for you and your colleagues, Patricia, concerns the discussions that you said you had Minister Freud and with the Minister and his Department here. You said that there has been a lot of talk about parity, and there has been, but, in my view, there has been a lot less understanding of it. Your submission questions:

"Whether statutory provisions require parity".

I presume that that is meant to raise the issue of whether they actually mean "parity", are parity or are relevant to parity. Even after my meeting with David Freud yesterday, I am no clearer on what "parity" is supposed to be. It is something that has to be fully tested. In any of your discussions thus far, and in looking at the Bill, have you been able to determine whether any of its provisions meet the test of parity, are relevant to the issue of parity, or do you detect any possible change?

Mrs Lewsley-Mooney: The only change is the —

The Chairperson: I do not mean by way of concessions.

Mrs Lewsley-Mooney: No, but flexible operations is the only one that we have been able to see.

The Chairperson: I am just saying that I do not like the word "concession", because I do not accept that it is a concession. Some of the provisions, in my opinion, do not cost money and are more policy issues or administrative issues. In any of your discussions, have you detected any of the suggested changes that you would make that the Minister or the Department would consider not to be a breach of parity?

Mrs Lewsley-Mooney: No.

The Chairperson: Fair enough. No other members wish to comment. Colette, Patricia, and Goretti, I thank you once again for your diligence in bringing these matters to our attention. Thank you for helping us to consider the Bill. For the record: this is the Committee Stage of the Bill, and we are due to complete our report by and on 27 November. For that reason, we are having evidence-gathering sessions three days a week. Thank for very much for your contribution.

Mrs Lewsley-Mooney: Thank you very much.