



**Briefing Paper for Social Development
Committee – Welfare Reform Bill Call for
Evidence
October 2012**

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BRIEFING PAPER FOR SOCIAL DEVELOPMENT COMMITTEE OCTOBER 2012

WELFARE REFORM BILL – COMMITTEE STAGE RESPONSE

About Us

- 1 Disability Action is a pioneering Northern Ireland charity working with and for people with disabilities. We work with our members to provide information, training, transport awareness programmes and representation for people regardless of their disability; whether that is physical, mental, sensory, hidden or learning disability.
- 2 21% of adults and 6% of children living in private households in Northern Ireland have a disability and the incidence is one of the highest in the United Kingdom.
- 3 As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community. In pursuit of our aims we serve 45,000 people each year.
- 4 Our network of services is provided via our Headquarters in Belfast and in three regional offices in Carrickfergus, Derry and Dungannon.
- 5 Disability Action welcomes the opportunity to respond to the Social Development Committee Call for Evidence. As requested we have provided a Clause by Clause response.
- 6 Disability Action's Information and Advice team have dealt with over 12,927 queries from disabled people, their families, carers and professionals in the last year.

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

- 7 On 1 March 2012, the Joint Committee on Human Rights, published its findings and recommendations of its parliamentary inquiry. Of relevance to this briefing, the JCHR found that:

- reforms to benefits and services risk leaving disabled people without the support they need to live independently;
- restrictions in ...eligibility criteria for social care support, the replacement of the Disability Living Allowance with Personal Independence Payment, ... and changes to housing benefit risk interacting in a particularly harmful way for disabled people;
- the Government had not conducted an assessment of the cumulative impact of current reforms on disabled people

It stated that the Committee “Received evidence that impact assessments of current reforms were not adequately carried out, and did not take into account the likely cumulative impact of reforms on disabled people. We therefore argue that the Government should publish a unified assessment of the likely cumulative impact of the proposals on independent living”.

The crucial point the Committee considered was the implementation of the Right of Disabled People to Independent Living. The Government has legal obligations under Article 19 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Article 19 requires states to take effective and appropriate measures that will facilitate full enjoyment by disabled people of key rights to independent living and their full inclusion and participation in the community.

Disability and Welfare Reform

8 Disability Action would highlight the following key statistics in relation to disability and welfare reform.

- Approximately 117,000 people will be impacted by changes to DLA/PIP (DSD)
- Estimated 207,000 carers in Northern Ireland. Despite contributing an estimated £4.4 billion to the NI economy with unpaid care they provide, the vast majority are worse off financially as a result of becoming carers. (Carers NI)

- As it currently stands the weekly income of a disabled person who relies solely on benefits is approximately “£200 below the amount required to live an acceptable and equitable quality of life”. (Low Incomes Tax Reform Group)
- Disabled people’s day-to-day living costs – for basic items such as mobility aids, care and transport – are 25% higher than those of a non-disabled person. (Papworth Trust)
- Statistics show that just over 10% of NI population is in receipt of DLA. In the last decade the proportion of working age population in receipt of DLA has risen from 8% to 9% and it is twice the rate of GB. Research evidence would suggest that ‘part of the explanation for higher recipiency of DLA in Northern Ireland lies in the worse levels of ill health. (Disability Living Allowance Recipients in NI – Poverty)
- Disabled people are twice as likely to live in poverty as other citizens and are more likely to be hit first, hardest and longest by the current recession. (Disability Alliance The Coalition)
- For disabled people there has been a decline in the number of work placements available and increased insecurity for those in work. (Equality Commission – Employment Inequalities in the Economic Downturn, July 2010)
- Employers are twice as likely to offer a non-disabled candidate an interview as an equally qualified disabled candidate. (Leonard Cheshire Disability, Discrimination Doesn’t Work, 2006)
- 12% of children living with a disabled adult are in severe poverty compared to 8% of those children who aren’t living with a disabled adult. (Save the Children, Severe Child Poverty in Northern Ireland, 2011)
- Three in five disabled children were poor under the Consensual Poverty Measure (OFMDFM Child and Family Poverty, 2006)

- 38% of parents/guardians of children with disabilities under the age of 15 stated that benefits were their only source of income (NISALD, 2009)
- Disabled people who are in employment are more likely to be in low skill, low paid jobs earning less than non-disabled people. (Disability Poverty in the UK – Leonard Cheshire Disability.

Clause by Clause Response

9 Universal Credit

9.1 Entitlement and Awards

9.1.2 Clause 4

The regulations must take into account the definition of ‘receiving education’ to ensure that it offers an understanding that people with a disability may have missed part of their education or be receiving education later in life due to their disability.

9.1.3 Clause 6

Regulations must ensure that if the time-limiting of those who receive Contributory ESA and are in the Work Related Activity Group is to be applied then no waiting time should be applied.

9.1.4 Clause 10

Under the new benefit there will be a ‘disability addition’ and a ‘higher addition’ for disabled children. Children who are in receipt of higher rate DLA (Care component) will get the ‘higher addition’, which will be paid at a similar level as now. However, those children who are currently receiving the lower level of support through the ‘disability element’ (because they receive low or middle rate DLA care component) will now receive the new ‘disability addition’ which will be worth only £27 instead of the current £54.

The NICCY report¹ found that “Large families where there is a severely disabled child are at risk of being affected by the benefit cap and this could potentially impact on the lives of 6,500 children in Northern Ireland”.

In Northern Ireland we have the additional impact in relation to childcare costs and the availability of childcare for children with disabilities. Without the existence of a child care strategy which specifically considers the needs of disabled children and their parents then mitigating measures will need to be considered.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Provide additional support to provide for the extra cost of childcare for families with disabled children,
- and, at the very least extend the protection for additional financial support for children who receive the mid-rate care component of DLA.

9.1.5 Clause 11

The EQIA² states that “the impact of the measure on households containing a disabled claimant or partner suggests that a higher proportion of households containing a disabled person would be more likely to be affected by the introduction of the size criteria”.

It further states that “households containing a disabled adult and with a non-residential carer will be assessed as having a reasonable requirement for an additional room. This will have the effect of reducing the number of disabled claimants affected by the measure”.

The mitigating measure only takes into account the need for an overnight carer and does not take into account the extra space that may be needed for aids and equipment, medical equipment or to provide therapies in the home.

¹ A child’s rights impact assessment of the impact of welfare reform on children in Northern Ireland, April 2012, G Horgan and M Monteith (NICCY)

² Welfare Reform Bill (Northern Ireland) 2011 Completed Equality Impact Assessment, April 2012, Department for Social Development

It also does not take into account other factors in living in a particular area, for example, being close to family or friends that provide support, accessing community service, transport and being part of the community. The provision of accessible housing options may already significantly reduce the choice a disabled person has over where to live. By implementing the housing criteria as it currently stands disabled people may not have the opportunity to live independently in their own community.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Ensure that in the case of disabled person or families with a disabled child(ren) that where an adaptation is in place, additional space is needed for treatment or equipment or services are only available in a specific area that they will not be required to move and will not have their benefit reduced.

9.1.6 Clause 12

Severe Disability Premium (SDP) is presently available to adults who either live on their own, with another disabled adult or only with dependant children. It is intended to help with the additional costs of living alone as a disabled person without someone to assist them.

The removal of SDP under UC is a key concern. Extra support for disabled adults is built into the Universal Credit differently to the current system of premiums and tax credits. In some instances the loss of the SDP will lead to some people being less well off under the Universal Credit.

It is estimated that the reduction for some people will be up to £58 per week and even the most disabled adults will lose £28 a week.

The EQIA states that the additional cost of disability is accounted for through DLA/PIP. However, PIP/DLA does not take into consideration whether the person is living alone or with support. SDP has assisted many disabled people to live independently.

This clause also needs to consider how the circumstances of parents of a disabled child will be taken into consideration. There

is little detail in the Bill and further clarification is required in this area.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- SDP should be retained in full. If this is not possible then consideration must be given as to how the legislation and regulations can ensure that no-one is worse off due to this change.
- Ensure that the circumstances of parents of disabled children are taken into consideration and in particular access to childcare.

9.2 Claimant Responsibilities

Under UC, the work related requirement will be extended, where appropriate and dependent on the particular circumstances of the individual claimant. For example, people with regular and substantive caring responsibilities, limited capability for work and work-related activity will not have any work related conditions placed upon them. All claimants will be required to accept a 'claimant commitment'.

However, the draft regulations don't appear to recognise that disabled people can themselves be carers. For example, under Universal Credit claimants will only be able to receive either the LCW/LCWRA element or the carer element which is overly restrictive. This means that claimants will have to choose between their disability and their caring responsibility to establish their eligibility for UC.

9.2.1 Clause 14

At present clause 14 does not recognise the individuals' role in developing the claimant commitment. Disability Action, through the services we deliver, is aware of the many barriers disabled people face in accessing the workplace. Disabled people are the experts in their own conditions and lives and therefore there should be amendment to the clause to recognise this.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Adding an additional line in the clause that states that the Claimant Commitment shall be drawn up in partnership with the claimant and take into account their individual circumstances.
- An agreement of support and a minimum guarantee agreement must be in place to ensure that the person receives the required level of support.

9.2.2 Clause 15

There is little detail in the regulation as to how disabled people will be supported in relation to clause 15. The regulations must ensure that disabled people are given the appropriate support to ensure that these measures are accessible.

9.2.3 Clause 16

In relation to section 5 it is clear that the WRB does not take any account of the physical and attitudinal barriers which disabled people face in gaining and retaining employment.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Adding an additional line in the clause that states that the work preparation requirement will take into account the barriers which a disabled person may have in accessing the workplace such as location, number of hours and flexible working requirements.

9.2.4 Clause 17

This clause does not take any account of the physical and attitudinal barriers which disabled people face in gaining and retaining employment.

For example, section 3 (C) states, creating and maintaining an online profile. This takes no account of the fact that disabled people are less likely to have access to the internet than a non-disabled person and that disabled people face barriers in accessing websites due to accessibility issues.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Adding an additional line in the clause that states that the work search requirement will take into account the barriers which a disabled person may have in accessing the workplace.

9.2.5 Clause 18

Clause 18 may be of particular issue for those people who are finding they are not entitled to ESA but still have a level of disability or ill health that impact on them being able to be available for work. If they apply for JSA presently they have to be available for work but if they have been turned down for ESA applying for JSA is their only option. Disability Action, through our advice work are already aware of cases where people have been found 'fit to work' but when they turn up to apply for JSA they are being told by Job Centre staff that as they are not 'available for work' they are not entitled to apply for JSA.

Disabled people are also less likely to have qualifications, work experience and work history and these factors need to be taken into consideration.

Disability support in Universal Credit should be provided to working disabled people who are found to be fully 'fit for work' but are at significant disadvantage in the workplace as a result of an impairment of health condition. Loss of in work financial support

for many disabled people could severely affect their ability to move into and retain a job.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Ensure that the situation of a person found fit to work through the Departments work capability assessment but who still have a disability or health condition is provided with the appropriate support.

9.2.6 Clause 19

There is little detail of how conditionality will work in practice and we await further details on the regulations to better understand how it will impact on people with disabilities.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Ensure that conditionality requirements are clearly set out for carers and disabled people and that individual circumstances are considered at all times.

9.2.7 Clauses 20, 21, 22, 23

The regulations must ensure that disabled people are given the appropriate support to ensure that these measures are accessible.

9.2.8 Clause 26

The sanctions outlined in Clause 26 require further detail that will be available under regulation. Disability Action is concerned as to how the term 'with good reason' is to be interpreted in the regulations. For example, if someone has a disability or ill health and cannot attend a work placement will this be taken as 'good reason' and what will be the evidential requirement.

9.2.9 Clause 30

Disability Action has concerns about delegation and contracting out and how the Department will ensure that contractors will have the specific skills and experience to work with disabled people in gaining and retaining employment. Disability Action has concerns over the payment by output related funding model for contractors and the negative impact that this can have on disabled people. This has been demonstrated through the experiences of disabled people in the work programme in England.

Part 2 – Working Age Benefits

10 Job Seekers Allowance

10.1 Clause 45

It is clear that the WRB does not take any account of the physical and attitudinal barriers which disabled people face in gaining and retaining employment.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Adding an additional line in the clause that states that the claimant contract will take into account the individuals requirements and ensure that the persons has access to the appropriate support to enable them to comply with the claimant commitment.

11 Employment and Support Allowance

11.1 Clause 52

The Welfare Reform Bill will make changes to ESA. For people who are in the Work Related Activity Group (WRAG) for Contributory ESA then there will be a 365 day time limit on claiming for this group. This will come into affect straight away. So if people in this group have already received this benefit for 365 days then they will lose this benefit and will have to apply for other benefits.

The time limiting of Contributory ESA for those in the Work Related Activity Group will have significant impact, particularly because the time limiting is effective straight away. There is little evidence to show what support has been given to those on the WRAG group in the time period and how effective support has been in people gaining and retaining employment. Evidence needs to be provided to demonstrate that effective support will be available for those people in the WRAG group.

The average loss in net income for Contributory ESA cases subject to time-limiting is £30.50 per week for men and £32 per week for women³.

It is expected that 53% of those losing their contributory ESA will be wholly or partially compensated by income-related ESA⁴.

The mitigating measures proposed by the Department in its EQIA⁵ are:

- Individuals with low or no other income may apply for income-related ESA. This will in effect act as a safety net to support those who have no means for supporting themselves.
- In addition individuals who do not qualify for income-related ESA will still be able to access the support offered by the Work Programme to help them continue to move towards work.

The proposal move towards alignment with contributory JSA but with a longer 'time-limit' to recognise some disability-related barriers to work.

Currently there is no 'Work Programme' in Northern Ireland. The Steps 2 Success Programme is currently out for consultation by DEL. Furthermore, the Steps to Work evaluation found that "Consultation findings suggest that not all Employment Service Advisors are using the more flexible and tailored support needed by those with significant barriers to employment". The report notes that less than one third (31%) of respondents with a disability

³ Welfare Reform Bill (Northern Ireland) 2011, Completed Equality Impact Assessment, April 2012, Department for Social Development, (Page 66)

⁴ Ibid

⁵ Welfare Reform Bill (Northern Ireland) 2011, EQIA, (Page 68)

indicated that they had been asked about their additional needs. It further states that the issue of having a disability is important as “results from the StW Leavers’ Survey suggest that those with a disability are less likely to be in employment than those without a disability (14% compared to 26%)”.

Under the current proposals the only option available to those receiving Contributory ESA in the WRAG after the 365 day time limit will be to apply for Income Based ESA or JSA. If the case is that JSA is to be applied for then when that person presents to apply for JSA and the details of their health condition or disability are made known that they are deemed not available for work and therefore not entitled to apply for JSA. This will lead to many people being in a situation where they cannot apply for with ESA or JSA (or the equivalent under Universal Credit).

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Remove the time-limiting of Contributory ESA for those in the WRAG Group
- Exclude the time spent on the assessment phase (should time-limiting go ahead)
- The Executive must demonstrate that those who receive contributory ESA and are in the WCAG group have been given effective support to move into work. Evidence must be provided on how many people having gained and sustained employment in the WRAG before any change is made to the legislation.
- For the 47% that will not be eligible for income-related ESA then additional supports must be made available to ensure that these people are not pushed further into poverty by these measures (should time-limiting go ahead). This includes making provision to ensure that claimants are not in limbo between ESA and JSA or their equivalent under Universal Credit.

11.2 Clause 54

Disability Action is concerned that Contributory ESA Youth will also no longer be available under the legislation.

The EQIA states “Removing the youth provisions will affect young disabled people. The Executive is committed to promoting employment prospects for younger people, with and without health conditions, by investing in employment support, apprentices and further education.”

However, there is little detail about the provisions that are being made or the number of people that will be impact by this change. It may result in a person no longer having access to their own income and being financially dependent on someone else.

The removal of this benefit will have an impact on those young people leaving care and we would ask that the Department gives further information on what provisions are being made to mitigate the impact.

11.3 Clauses 55, 56, 57, 58

It is clear that the WRB does not take any account of the physical and attitudinal barriers which disabled people face in gaining and retaining employment.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Adding an additional line in the clause that states that the claimant commitment will take into account the individuals requirements and ensure that the persons have access to the appropriate support to enable them to comply with the commitments.
- Ensure that the work placement element will have a specific need for the person to be supported and the placement effectively monitored to ensure the person is receiving the appropriate support.

12 Income Support

12.1 Clause 60

Please see previous comments in relation to the claimant commitment (9.2)

13 Other Benefit Changes

13.1 Clause 69

Please see comments in section 9.5 (Clause 11)

13.2 Clauses 70 – 73

Social Fund Reform

The Department for Social Development recently consulted on a new Discretionary Support Policy for Northern Ireland.

The EQIA on the Welfare Reform Bill states that “figures for disability are not available from the social fund data scans”. However, given the nature of Community Care Grants a significant proportion will be people with disabilities, their families and carers.

Until such time as the new discretionary support policy is made available for consultation we have no further comment. A copy of Disability Action’s response to the high level policy consultation is available by contacting us or from our website.

14 Personal Independence Payment (PIP)

14.1 The Bill lacks specific detail on PIP with much of the detail being left to regulations. Disability Action has already provided a briefing for the Committee in relation to the detailed design of PIP and has responded to a number of consultations in relation to how PIP will work including the descriptors and thresholds. We would seek confirmation that all the subsequent regulations are fully scrutinised before the Bill is passed into law.

Disability Action has a number of key concerns in relation to the introduction of PIP.

- Lack of modelling to ascertain how many people will be affected by the changes in Northern Ireland.
- The proposed descriptors and thresholds for PIP have not yet been finalised and it is our understanding that the final versions will be available in November. Disability Action highlighted our key concerns in a response to the initial consultation (available on request).
- The face-to-face assessment will cause considerable stress to disabled people, their families and carers.
- “Life-time” or “indefinite” awards will no longer be available, even for those with progressive conditions. There may be 5-10 year awards but review periods will be set.
- Linking rules: these are rules which currently allow people who have come off DLA to reclaim the benefit within 2 years if they need it again, without having to ‘requalify.’ The Government plans to limit this to one year for PIP. Inevitably this will hit people with fluctuating conditions, for example, mental health conditions or multiple sclerosis, who might have reduced symptoms for twelve months but then need DLA again and have to go through the needlessly bureaucratic and stressful process of making a whole new claim.
- Motability: Under PIP, families will lose the right to retain Motability vehicles if they spend 28 days or more as a hospital in-patient in any 365 day period. This fails to recognise just how families depend on these vehicles, often as their only vehicle in the family, and just how often many disabled people with complex needs have to stay in hospital. Losing their Motability vehicle could be devastating for families.
- Neither the knock-on impact on carers’ finances or the likely increase in caring responsibilities has been assessed in the existing impact assessments.
- Carers currently depend on the person they look after receiving DLA to be eligible for receipt of Carers Allowance. Therefore the loss of PIP/DLA will directly impact on carers’ income. As

disabled people become less able to stay independent because of a loss of income from DLA/PIP they will require more support from family members, increasing the pressure on carers with risks to their health, social inclusion and ability to juggle work and care.

- For families already struggling to make ends meet, often in debt and where caring is already taking a serious toll on their health there is the real risk that the loss of disability benefits could push them to breaking point, and making caring financially and physically impossible.

14.2 Clause 76

Under the proposed residential test DWP has proposed that after 4 weeks abroad PIP entitlement would end, with the exception of when a person is receiving medical treatment, when it would be extended to 26 weeks. Currently under DLA a person can be absent for up to 26 weeks.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Ensure that the impact of those who have family commitments, work or study across the border.

14.3 Clauses 77, 78, 79

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Ensure that the descriptors and thresholds are amended to reflect the true context in which people with disabilities live. Activities must be located in the context and environmental (both physical and attitudinal) in which the individual with a disability exists.

14.4 Clause 80

Under the regulations for DLA the person must satisfy the conditions with periods of three months before and six months afterwards. Under new proposals for PIP the person must satisfy the conditions for PIP three months before the date of the entitlement and nine months afterwards.

The rules which currently allow people who have come off DLA to reclaim the benefit within 2 years if they need it again, without having to 'requalify.' The Government plans to limit this to one year for PIP. This is dealt with in regulations.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- To what exists currently under DLA and leave the period at six months afterwards.
- Retain the current time limit of 2 years that exists with DLA.

14.5 Clause 87

Disability Action is concerned that the stress experienced by disabled people in having to undergo medical assessments and process will be further exasperated by the PIP procedure. In particular we are concerned that those with life long conditions that are unlikely to improve will have to be continually re-assessed.

The experiences for the WCA for ESA has demonstrated the problems with implementing this type of assessment, in particular the provision of additional information being provided to support a persons claim being taken into account by decision makers.

Disability Action would ask that the Committee considers amendments to the clause and/or the regulations to:

- Allow for people to avoid unnecessary face-to-face assessments when sufficient written evidence exists and ensure

that people are not financially penalised when sourcing additional medical evidence.

- Ensure that people with long-term conditions that are unlikely to improve are not subjected to unnecessary re-assessment or re-assessment which is too frequent.
- Ensure that ongoing medical assessments do not have a detrimental effect on a person's health and mental well being.

14.6 Clause 88

The time-frame for producing the first independent report is too short and should be reduced to one year. The clause or regulations should also ensure that the methodology for the independent report includes ensuring that disabled people are involved in the design and implementation of the research and report.

14.7 Other

Disability Action would further ask that the Committee presses the Department to:

- Publish policy simulation modelling results and clearly state mitigating actions where the impact on disabled people and carers is required.
- Ensure that customer journey must be based on a rights based approach and ensure that people are given the support that they require to complete the process including, where necessary advocacy and advice from external organisations.
- Put in place protections for those people who may not meet the criteria for PIP and their carers in relation to poverty and social exclusion.

15 Social Security: General

Benefit Cap

15.1 Clauses 95 and 96

Disability Action is concerned that there is little detail on the number of people that will be affected by the benefit cap and if disabled people or families where there is a disabled child(ren) will be disproportionately affected.

It has been stated that the impact of the benefit cap can be mitigated by people moving into employment. However, as we have already highlighted disabled people and families where there is a disabled child(ren) experience numerous barriers in accessing employment.

Disability Action would ask that further information is published by the Department on the number of people likely to be impacted by the cap and that is broken down by section 75 categories.

Appeals

15.2 Clause 101

Disability Action supports a number people successfully at appeal stage in relation to a number of benefits. This stage of the process is key to ensuring that disabled people have a right to access justice in relation to decisions which have been made in relation to benefits.

The addition of the initial stage of 'applications for revision' need to be further considered. The purpose of the additional stage is to resolve disputes internally before going to appeal. We are concerned that this will lead to a reduction in the number of appeals and that disabled people will have less access to justice where the decision is erroneous.

Disability Action is also concerned that the additional stage will leave people with no income or a severely reduced income and that there needs to be consideration given to how urgent cases can move straight to appeal.

Finally we would ask that consideration is given to the time limits applied for both 'application of revision' and further appeal to ensure that they are fair and that they are dealt with in a timely manner.

Recovery of Overpayment

Disability Action is concerned that if appropriate provision is not made to ensure that all the process for application are accessible to people with disabilities and that they are provided with the appropriate support to ensure that the application is correct.

16.3 Clauses 103 and 104

Disability Action is concerned that the application of this clause also would seem to allow overpayment to be reclaimed when it has been the Department at fault.

Disability Action would ask that further consideration is given as to which circumstances in which the recovery of an overpayment will not be made and what guidance will be available.

16.4 Clauses 109 – 111

The provisions in these clauses allow for a benefit payment to be introduced even where no overpayment has resulted and that the penalty will be £350 or 50% of the overpayment whichever is greater up to a maximum of £2000. Where no overpayment has arisen the benefit penalty will be £350.

Disability Action does not believe that the penalty of £350 is too high, particularly where there is no overpayment. The penalty for overpayment is also increasing and we do not feel that the increase is justifiable. Disability Action would recommend not introducing these charges.

Miscellaneous

17 Clause 70

Disability Action would ask that the Committee seek further information on the impact of those people in receipt of rate relief. It is our understanding that the rate relief scheme is going to be removed from the housing benefit scheme from 1 April 2013 and at present there is no indication of what will replace it. It is not clear how the scheme will relate to UC.

OTHER CONSIDERATIONS

18 **Getting the Support Right for Employment**

In Northern Ireland there has been a move away from Disablement Employment Advisors (DEA) to the generic Employment Support Advisor (ESA). This has resulted in a restricted service to people with disabilities. Whilst disabled people should be free to choose to access mainstream services, some people with significant disabilities benefited from support from specialist DEA's who had a role in advocacy and direct engagement with employers. Disability Action believes that the DEA role should be re-established in line with practice in GB. This would go some way to ensuring equitable inclusion for people with disabilities in any new employment programme.

19 **Digital Inclusion**

The matter of IT and process for application are dealt with in regulations and some areas of the Bill. Disability Action would like to make specific comment on the requirement for UC to be applied and managed using an online system.

A report⁶ in 2011 found that internet use is linked to various socio-economic and demographic characteristics, such as age, disability and location. Groups of adults who were more likely to have never used the Internet included people over 65, people who have been widowed and people with a disability.

⁶ Internet Access Quarterly Update 2011, Q1, Office for National Statistics, May 2011

There were 4.20 million disabled adults, almost half of all those who had never used the Internet. This represented 35.9 per cent of those who had a disability. Of those adults who reported no disability, 11.9 per cent of adults had never used the Internet.

The region where people were least likely to have used the Internet was Northern Ireland, where 28.6 per cent had never done so.

Whilst we are aware that the Department is considering other methods of application we would ask that the Committee seeks further information on how disabled people are going to be protected to ensure that they are not further disadvantaged by the Governments 'digital by default' position.

20 **Getting the Message Right**

20.1 Mind your Language

As organisations working for and with disabled people, their families and carers we are only too aware of the effect of 'the scrounger' message is having. Disabled people, families and carers already face negative attitudes on a daily basis. There is evidence that the language being used to gain public support for these welfare reforms is adding the stigma people face in their lives.

It is therefore essential that everyone when talking about welfare reform remembers that they have a social responsibility to ensure that they are not adding to the negative perceptions of disabled people. Public authorities are reminded of their duties under the DDO to promote positive attitudes to disability.

20.2 Communicating the Changes

It is essential that people are made aware of the significant changes that will impact on their lives. It is imperative that communication strategies are developed and resourced to ensure that everyone is made aware of the changes that will impact them. All communication strategies must ensure that they are accessible to people with disabilities. For example, provision must be made to communicate using Easy Read, audio, Braille and large print.

CONCLUSION

- 21 Disability Action would like to thank the Committee for the opportunity to provide evidence in relation to this important Bill and can provide further information on any element of this briefing if required.
- 22 This Bill will have a significant detrimental impact on the lives of disabled people and families with disabilities in Northern Ireland. We would ask that the Committee considers our amendments and advocates for the rights of disabled people to live independently in their own community.