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The impact of Welfare Reform
on disabled people in Wales



April 2013



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Executive Summary



The welfare reforms that the UK Government are currently implementing will have a huge impact on disabled people in Wales. Disabled people across the UK will bear the brunt of cuts to the welfare budget, with disabled people in Wales being particularly hard hit.

The changes are vast and complex, as follows:

Disability Living Allowance (DLA) will be replaced with Personal Independence Payment (PIP). PIP has tighter assessment criteria than DLA, and there will only be two rates 'standard' and 'enhanced' rather than three for the care/daily living component. Many disabled people stand to lose their entitlement to PIP as well as any passported benefits, and the removal of indefinite awards mean many will no longer have the assurance of long-term support.

Employment and Support Allowance will be merged into Universal Credit from October 2013. Work Capability Assessments, used to determine ESA eligibility, are felt by many to be inaccurate and unfair. Time limits on eligibility for contribution-based ESA will mean thousands of disabled people lose ESA after one year.

Housing Benefit reform is an area of major concern. Very few disabled people, except severely disabled children, will be exempt from the under-occupancy rule, while the shared accommodation rate has been extended to all those aged under 35 with few exceptions. Disabled people, including those currently living in accommodation specially adapted to their needs, may have to move or meet a shortfall in rent from other benefits.

The Independent Living Fund is now closed to new applicants and will be abolished by 2015. The main concern for those that receive ILF is uncertainty as no decision has yet been made on any replacement.

Universal Credit has been welcomed because it is more flexible and focuses on what disabled people can do. However the disabled element of Child Tax Credit and the Severe Disability Premium are being abolished, and there is also very little assistance for disabled people with lower levels of impairment. Overall the financial impact of Universal Credit on disabled people in Wales is substantial.

The **benefit cap** will affect those who are not eligible for PIP or the support group component of ESA. Also, **carers** of disabled people could lose their allowance if the person they care for loses their entitlement to PIP. The switch of indexation of benefits from RPI to CPI and the 1 per cent limit on uprating will mean benefits increase more slowly than previously.

Recommendations: We call on the UK Government to seriously rethink some changes before they have a lasting and negative impact on thousands of disabled people across Wales. We welcome the Welsh Government's commitment to mitigate the worst of these effects, and recommend to them and other public bodies policies and actions they should take.

1

Introduction



Shortly after the Coalition Government took office in May 2010, Iain Duncan Smith, the Secretary of State for Work and Pensions, announced in his speech '*Welfare for the 21st Century*' one of the most radical and ambitious reforms of the welfare system for a generation. The Government pledged to cut £18 billion¹ from the benefits system in a drive to achieve what they termed 'making work pay'² and rid the system of unacceptable dependency.

Social security benefits paid to disabled people of working age quickly became an area of focus. It is estimated that disabled people have experienced a drop in income of around £500 million since the Emergency Budget of 2010,³ equivalent to a reduction in income received by disabled households of between £200 and £2,065 a year.⁴ It is estimated that further reforms to the benefit system will mean that disabled people across the UK will experience cuts of around £9 billion over the duration of this Parliament - half of all the cuts to the welfare budget.⁵

These reforms are very significant to disabled people in Wales, and will have a greater impact here than other parts of the UK not least because of the greater reliance of disabled people on benefits.

1.1 Context of Change

The changes to social security benefits are taking place in a social and economic climate that is already challenging for disabled people.

- Wales has a higher proportion of disabled people than other nations and regions of the UK.⁶
- Disabled people in Wales are less likely to work than disabled people in other UK nations and regions (other than North East and Northern Ireland).
- Disabled people are less likely to be in employment than non-disabled people.⁷ In 2012, across the UK 46 per cent of working-age disabled people are in employment compared to 76 per cent of working-age non-disabled people.⁸
- Disabled people in Wales earn less, on average, per hour than non-

disabled people, with those who are working full-time earning 7 per cent less than non-disabled people.⁹

- Disabled people in Wales are twice as likely as non-disabled people to live in a low-income household.¹⁰
- Disabled people face a higher cost of living than non-disabled people, a cost which is rising year on year.
- Cuts to Local authorities' spending and budgets will place considerable pressure on the level of resources they can dedicate to social care provisions for disabled people.
- There is an increase in the levels of disability-related harassment.¹¹

The pressure on disabled people comes at the same time as a rise in the negative portrayal of disabled people in the media. Words and phrases such as 'festering on benefits', 'scrounger', and 'shirker' are, unfortunately, frequently used to discuss the benefit claimants. Research commissioned by Scope found that 46 per cent of disabled people in Britain and their families and carers felt that attitudes towards disabled people had worsened over the past year. 83 per cent attributed this to the negative media coverage portraying disabled people as 'benefit cheats'¹². Research by the University of Glasgow demonstrated that the rise of media coverage about benefit and fraud affected public perceptions of claimants of disability-related benefit. Estimates of fraud – some as high as 70 per cent - were much higher than in reality which is at 0.8 per cent¹³, with the justification of the estimates being newspaper articles.¹⁴

The idea that benefit claims are a 'lifestyle choice' and that disabled people are a 'burden' is now widespread, and is having a negative impact on the experiences of many disabled people. It is adding to the already stressful experiences of many disabled people who are undergoing vast changes in benefit as well as making it increasingly difficult for many to overcome the barriers they face.



Alice, North Wales, in receipt of ESA

Alice experienced a long and emotional appeal process in order to secure her entitlement to ESA. Below she speaks of the impact of the media's portrayal of disabled people:

'The media portrayal at the time was 'benefit scrounging scum...' it made me doubt myself. Makes you question yourself, it's an emotional roller coaster, am I just a fraud?!'

1.2 Overview of Reforms

The Welfare Reform Act 2012 is an extensive piece of legislation that draws together the reforms announced in the 2010 Emergency Budget and Comprehensive Spending Review, as well as other welfare reform proposals announced in December 2010. In addition, there are other changes to benefits, notably Housing Benefit, which have been implemented through secondary legislation (i.e. regulations).

The changes are complex and involve a number of significant alterations to eligibility and entitlement to existing benefits in advance of them being replaced by a whole new benefit system, Universal Credit. In addition, the changes are being introduced in a piecemeal way, with different benefits having their own timetable for change as well as the implementation of Universal Credit being phased over four years. As a result disabled people face the prospect of considerable uncertainty and instability about their income as they are subjected to multiple changes in benefits.

It is impossible to underestimate the scale of the changes and their impact on disabled people. For example, over 245,000 people in Wales will be affected by the introduction of Personal Independence Payment and the eligibility of 163,570 people in Wales claiming Incapacity Benefit or Employment and Support Allowance is being assessed by the Work Capability Assessment. In addition, there are major changes to some benefits which, although claimed by a relatively small proportion of disabled people, are a lifeline for them. The table below shows the number of disabled people claiming each of the main welfare benefits.

It is important to stress that some aspects of welfare reform are positive.

Table 1: Welfare Benefits

| Benefit Type | Number of Claimants in Wales¹⁵ |
|----------------------------------|--|
| Employment and Support Allowance | 61,570 |
| Incapacity Benefit | 102,050 ¹⁶ |
| Disability Living Allowance | 245,780 |
| Income Support | 46,480 ¹⁷ |
| Independent Living Fund | 1,089 (<i>December 2012</i>) |

Organisations representing disabled people have welcomed the greater simplicity that Universal Credit will bring and the focus on disabled people's abilities rather than their medical condition or impairment. They have also welcomed the incentive for disabled people to work a limited number of hours if they wish, and the exemption of disabled people from some aspects of the changes.

However, there are also serious concerns about other aspects of the changes which could see some individual disabled households lose significant sums a week and some disabled people lose all entitlement to disability-related benefits. This is a significant reduction that will hit people hard who are already disadvantaged in society and the labour market.

This report looks at the main changes to benefits received by disabled people of working age, and outlines the likely impact of change. It includes stories from disabled people living in Wales which show the high financial, social and emotional price disabled people are paying for change.

- 1 HMRC Comprehensive Spending Review, October 2010
- 2 'Making Work Pay', Welfare in the 21st Century, Rt Hon Iain Duncan Smith MP in a speech on 27th May 2010
- 3 'Disabled People in Britain Face Deteriorating Quality of Life' - <http://www.scope.org.uk/news/austerity>
- 4 Destination Unknown – Demos, June 2012, Pg.4
- 5 Destination Unknown – Demos, June 2012, Pg.4
- 6 Employment Rate of Disabled and Non-disabled people, UK Nations and Regions (Sept 2011), Annual Population Survey NOMIS
- 7 Disability and Work: A Trade Union Guide to Law and Good Practice (TUC) 2011
<http://www.tuc.org.uk/equality/tuc-20293-f0.pdf>
- 8 Disability Facts and Figures, Office For Disability Issues, <http://odi.dwp.gov.uk/disability-statistics-and-research/disability-facts-and-figures.php#imp>
- 9 EHRC (2011) 'An Anatomy of Economic Inequality in Wales'
- 10 Allen (2011) 'Disability Poverty in Wales' Leonard Cheshire Disability
- 11 EHRC (2012) 'Agencies Should Do More to Tackle Disability Related Harassment'
<http://www.equalityhumanrights.com/news/2012/october/agencies-should-do-more-to-tackle-disability-related-harassment/>
- 12 Scope (2012) Discrimination increases on back of 'benefit scroungers' rhetoric
<http://www.scope.org.uk/news/disability-2012/discrimination>
- 13 'Fraud and Error in the Benefit System 2010/2011 Estimates (2012) Department of Work and Pensions. Pg. 1
- 14 Briant, E., Watson, N., and Philo, G. (2011) Bad News for Disabled People: How the Newspapers are Reporting Disability. Project Report. Strathclyde Centre for Disability Research and Glasgow Media Unit, University of Glasgow
- 15 As of Feb 2012 unless otherwise stated
- 16 DWP Tabulation Tool -
http://83.244.183.180/100pc/ib/icdgpsumm/ccgor/a_carate_r_icdgpsumm_c_ccgor_feb12.htm
- 17 DWP Tabulation Tool -http://83.244.183.180/100pc/is/ccstatgp/ccgor/a_carate_r_ccstatgp_c_ccgor_feb12.htm

2

Disability Living Allowance (DLA)



Disability Living Allowance (DLA) is a non-means tested benefit payable to disabled people both in and out of work who require financial support to cover the costs of living with an impairment or long term health condition, such as transport, dietary requirements, aids and equipment or modified furniture. As well as providing additional money to pay for these necessities, many disabled people use the benefit to help meet everyday living costs, such as heating their home.

DLA has two components: the **care** component (which has three levels of award) and the **mobility** component (which has two levels of award). The amount of DLA received by a claimant depends on how their rating in both components.

Typically, DLA is calculated using a weekly rate, with the average amount paid being £69.90. Across the UK there are 3,243,530¹⁸ DLA claimants at a total cost of £11 billion. Wales currently has 243,840¹⁹ claimants, 122,950 females and 120,900 males. This is an above average compared to other regions/nations in the UK.

2.1 Main Changes

From the 8th April 2013 DLA will be replaced by the Personal Independence Payment (PIP). Like DLA, PIP has two components:

- a. **Daily Living Component:** for disabled people whose ability to carry out daily living activities is limited by their physical or mental condition (similar to the existing care component of DLA).
- b. **Mobility Component:** for individuals whose mobility is limited by their physical or mental condition (similar to the DLA mobility component of DLA).

Each component of PIP has two rates rather than DLA's three: the standard rate and the enhanced rate. PIP is to be introduced in stages over the next 5 years as the timetable in Table 2 shows.

Table 2: Introduction of PIP

| Date | Change |
|------------------------------|--|
| From 10 June 2013 | New claimants will be required to apply for PIP. |
| On or after 7th October 2013 | Claimants who experience a change in health condition or impact of impairment on or after 7th October, will be required to re-apply for PIP rather than DLA. |
| | Claimants whose DLA award is due to end or be reviewed on or after 7 October 2013 will be contacted in writing by the Department for Work and Pensions asking if they wish to claim PIP. |
| October 2015 | Claimants whose DLA has not been renewed or who have not reported a change in circumstances will be required to apply for PIP. |

The move from DLA to PIP involves four main changes:

2.1.1 Reassessment of all new and existing claimants

The assessment process for PIP is markedly different to that used for DLA. In the new process, claimants will be asked to complete a questionnaire about their impairment and/or long term health condition and of the impact it has. Claimants will be given the opportunity to supply any medical evidence, such as a letter from a consultant or a certificate of visual impairment. The majority of claimants will then have to undergo a 'face to face' assessment, in which their ability to carry out various activities will be questioned.

There will be ten activities included in the assessment for PIP's daily living component and two in the assessment for PIP's mobility component. Points will be awarded for a claimant's ability to carry out each activity. The rate at which PIP is paid depends on the number of

points scored. A score of between 8 and 12 overall in one or both of the components results in an award of PIP at the standard rate. A score of 12 points or more in one or both components results in award of PIP at the Enhanced Rate.

In Wales the DWP had awarded the contract to Capita. Capita has stated that they will follow the principles of: Empathy; Dignity & Respect; Reassurance; Accuracy, Consistency & Fairness; and Promoting Equality. They state that they will undertake continuous stakeholder engagement to ensure the assessments are conducted in a fair and professional manner.

2.1.2 Abolition of Lower Rate

The introduction of PIP means that the lower rate of help with care paid by DLA is abolished.

People who currently receive DLA's care component at the lower rate and are eligible for the standard rate of PIP's Daily Living allowance will see their benefit increase albeit very slightly. However as the criteria for receiving an award under PIP has been tightened, it is expected that a substantial number of disabled people will lose benefit.

Table 3: Differences between DLA and PIP

| Disability Living Allowance | | Personal Independence Payment | |
|------------------------------------|--------|--------------------------------------|--------|
| Care Component | | Daily Living | |
| Lowest | £20.55 | - | - |
| Middle | £51.85 | Standard Rate | £53.00 |
| Highest | £77.45 | Enhanced Rate | £79.15 |
| Mobility Component | | Mobility | |
| Lower rate | £20.55 | Standard Rate | £21.00 |
| Higher rate | £54.05 | Higher Rate | £55.25 |

2.1.3 Loss of Passported Benefits

Disabled people who lose eligibility for PIP altogether, or who receive a lower level award than before, will not only lose that benefit but are also likely to lose other benefits to which receipt of DLA / PIP is a passport. These include exemption from the benefit cap, exemption from the limit on Housing Benefit claims by under 35 year olds to the

shared accommodation rate, eligibility for a 'blue badge'²⁰, disabled persons rail card/bus pass and access to a mobility vehicle.

For example, someone who is in receipt of the Higher Rate Mobility Component (HRMC) of DLA is entitled to a mobility car and that eligibility will continue if they qualify for the Enhanced Rate of the Mobility Component of PIP. However the criteria to qualify for the Enhanced Rate of PIP is tighter – claimants must now be unable to walk 20 metres without stopping, whereas it was previously 50 metres.



Mark, aged 59, Cardiff, works part-time

Mark currently receives the HRMC of DLA and therefore has access to a mobility car. Due to Mark's condition he is unable to walk at great length and uses crutches. He relies on his mobility vehicle to get him into work. Mark is soon to undergo a reassessment as he moves from DLA to PIP. Mark is worried that he will not get rewarded the enhanced rate under PIP and therefore lose his mobility car. This would leave Mark unable to get into work, and would therefore potentially have to leave a job that he not only loves but also financially relies on.

2.1.4 Introduction of Regular Award Renewals

PIP is based on individuals' abilities, with the benefit being awarded for a fixed period and being subject to regular re-assessment (except for those with a terminal illness), whereas some claimants were eligible for DLA because they have a specific condition or impairment. There will no longer be indefinite awards.

2.2 The Impact of Changes to DLA

Many organisations representing disabled people welcome some aspects of PIP, for example the focus on what disabled people can do rather than what they cannot and the increase in the rate paid for some disabled people. However there are also many concerns about the new arrangements.



**Jayne, aged 36,
in receipt of DLA**

'The fear of having to apply for PIP fills me with dread, and is already affecting my health even before the letter has arrived. I remembered all too well the stress that would come year by year as I would apply for DLA, until 4 years ago I was awarded it indefinitely, and I know it is only going to get worse with this latest application. I have read of people's health with the cuts and introduction of PIP and I can echo that.'

First, disabled people will no longer have the assurance of knowing that they are entitled to help with their living or mobility costs for the foreseeable future. Even disabled people whose condition has no prospect of improvement or who are terminally ill with a life expectancy of more than six months will face regular re-assessment of their eligibility for help. The prospect of re-assessment can be very stressful for disabled people, and could even make their

condition worse if it is stress-related. Organisations are worried that PIP will adopt the same assessment process as the Work Capability Assessment in relation to Employment Support Allowance, which has caused much controversy.

Second, many organisations representing disabled people are concerned to ensure that the assessment process will be fair and take proper account of people with fluctuating conditions, who rely on aids or friends for help, or who have mental health conditions. The experiences of those undergoing Work Capability Assessments have increased concern that the PIP assessments (to be undertaken by a different contractor in Wales, Capita) will be fair and appropriate.

Third, there is concern that many disabled people previously entitled to DLA will not be eligible for PIP, or will not be eligible for the same rate of

benefit. The UK Government has estimated that about 500,000 people will no longer be eligible to receive PIP under the new system, which pro-rata could mean about 25,000 disabled people in Wales losing benefit.

Similarly, some disabled people may be awarded PIP at a lower rate than DLA they previously received. The loss of benefit could have serious financial consequences. Disabled people may be unable to afford to pay for essential support or to meet their mobility requirements. For example, many disabled people in employment rely on DLA to help with additional costs – research by the Disability Alliance in 2010-2011 found that 56 per cent of those questioned stated that a loss of DLA would mean they would have to stop work.²¹ Loss of eligibility for PIP or a change in rate will also affect people's access to other benefits. For example someone who no longer qualifies for the Enhanced Rate of the Mobility component of PIP would lose their access to the mobility scheme.

This is a worrying situation as disabled people will have less money available due to the reduction of benefit entitlements. Disabled people will have limited funds available to purchase their own car; cover the cost of insurance; cost of the vehicle maintenance and any adaptations that the vehicle requires, which are currently covered by the mobility scheme.

This may leave many individuals in a similar position as Mark – isolated and potentially unable to get to work.

18 (2,781,010 excluding nil rate people)

19 (204,180 excluding nil rate people)

20 This does not mean that you are not eligible for a 'blue badge' as there are other routes to entitlement.

21 End of a Lifeline? Ending Disability Living Allowance to Introduce Personal Independence Payment. DLA Reform Consultation Response, Disability Rights Partnership, February 2011

3

Employment and Support Allowance (ESA)



Employment and Support Allowance (ESA) replaced Incapacity Benefit in 2008 and provides financial support to those who are unable to work as a result of impairment or long term health condition. There are two types of ESA:

- a. **Contribution-Based ESA:** A non-means-tested benefit which is payable to people who are deemed to be unable to work who have made sufficient National Insurance contributions to qualify.
- b. **Income-Based ESA:** A means-tested benefit which is available to people who deemed to be unable to work but who do not have sufficient National Insurance contributions. Claimants must have household savings of under £16,000, and their partner cannot be in employment for more than 24 hours per week.

3.1 Main Changes

Changes to ESA/IB have been underway for some time, with the main changes being set out below. The timetable of changes is in Table 4.

Table 4: Changes to ESA/IB

| | |
|-----------------------------|---|
| February 2011: | Work Capability Assessments of Incapacity Benefit claimants and disabled people claiming Income Support begins. |
| April 2012 | Contribution-Based ESA limited to one year for those who are not in the Support Group. |
| October 2013 onwards | ESA merged into Universal Credit. |

3.1.1 Work Capability Assessment

People making a claim for ESA or being transferred from Incapacity Benefit onto ESA are assessed to determine their fitness for work by the

Work Capability Assessment. Claimants are either found to be fit for work and therefore not eligible for ESA, or if not fit for work are placed in either the '**work-related activity group**' (WRAG), or the '**support group**' for ESA. Those in the WRAG are expected to take part in work-focused interviews to help them prepare for work in due course. People in the support group are not expected to work due to the severity of their impairment and/or long term health condition.

3.1.2 Time Limit on Contribution-based ESA

People who claim ESA based on their National Insurance contributions and who are in the Work-Related Activity Group can now only claim ESA for 365 days. People who have already received contribution-based ESA for more than 365 days received their last ESA payment on 30th April 2012. These claimants face losing all their income unless they are eligible for another, means-tested, benefit. For example, a disabled person whose contribution-based ESA runs out after a year is only eligible for income-based ESA if they have a low household income and savings less than £16,000.

It is worth noting that the duration of a contribution-based ESA claim is assessed cumulatively – an individual who is in receipt of ESA for seven months in the WRAG and is then transferred to the Support Group, would only have 5 months left to claim contribution-based ESA if their condition improved and they were transferred back to the WRAG.

3.2 The impact of changes to ESA

Wales has a significantly high proportion of people receiving ESA. As of February 2012, 61,570 people in Wales claimed ESA (28,230 female and 33,330 male).²² Of those who have been assessed by the Work Capability Assessment (i.e. excluding those at the assessment/unknown phases) 69 per cent of women and 65 per cent of men are in the WRAG. Just 31 per cent of women and 35 per cent of men are in the support group.

The changes to ESA have a multiple impact.

Many organisations representing disabled people have expressed grave

concerns about the way in which Work Capability Assessments, undertaken by ATOS, have operated to date. Although the process has been reviewed in 2010, 2011 and 2012 following serious difficulties, especially in the early years of the WCA, the most recent review of WCA noted progress implementing some but by no means all of the recommendations of earlier reviews.

As a result many disabled people are still experiencing considerable problems with the WCA. There are particular concerns about the ‘tick-box’ approach to assessment which many disabled people feel does not adequately take account of the complexity of their condition or impairment, and which focuses on medical conditions rather than the social determinants of disability. The problems are especially acute for people with mental health, cognitive or fluctuating conditions.

To date of the claimants that have currently undergone the WCAs, 837,600 have been found ‘fit-for-work’²³. Up until July 2012, 41 per cent of all ‘fit-for-work’ decisions in the UK have been appealed.²⁴ 40 per cent of these appeals are successful, resulting in the decision being overturned.²⁵



**Karen, aged 58,
from Bridgend**

‘My tribunal hearing was held in the local Law Courts. I was asked to walk through a scanner on arrival where I was greeted by a security guard. I was then directed towards the stairs and told to go to the first floor. I find stairs difficult so I asked to use the lift. The lift took me through a very busy waiting room where people were waiting to go into court – people who were there because they had committed some form of crime. I felt like a criminal myself! I was told to try and forget the surroundings – how could I possibly ignore that fact that I was in a court room environment.’

The whole process of undergoing the Work Capability Assessment and, if necessary, the appeal process can be deeply worrying and stressful for disabled people. In addition, those who are found fit for work lose all eligibility for ESA and are either transferred to another benefit such as JSA or move out of the benefit system altogether.

In Wales some tribunal hearings are being held in court rooms, which is far from ideal. This situation and environment further exacerbates the stress that disabled people encounter through the appeals process. The time-limitation of contribution-



Ryan,
from Cardiff

'I left my job in March 2010 and was put on ESA, within a few months I was asked to attend a WCA. Even though I told them I have KFS, blood pressure issues and anxiety. My results came back a few months later and I scored zero points. Naturally my support worker and I tried to get the decision overturned but after a total refusal by the DWP adjudicator we went down the tribunal route.'

'From the submission we sent in August 2010 it took until March 2011 for a hearing date to arrive. When it did, my hearing was put back as the board didn't get my notes from the DLA appeal that I also submitted at the time. So I had to wait well over a month again. Eventually in May my ESA appeal was heard. And I was awarded 18 points and given the Work Related Group element backdated from August 2010. It was a huge relief but it was short lived.'

'In September 2011 I was ordered to re-attend another WCA hearing. Obviously I panicked at the thought of what was to happen if I scored zero again. During the appeal period I was in huge financial difficulty as bills couldn't be paid, food couldn't be bought and I was at times unable to get a regular supply of gas during the winter months.'

'Predictably enough I had another WCA and scored 15 points this time. Also, I must say the HCP was very pleasant and understanding this time. But again I was worried of what might happen if history repeated itself. I'm now in temporary part-time employment which I enjoy immensely. But I know another appointment with ATOS is going to be inevitable at some point. And in the meantime there are many disabled people worse off than myself declared 'fit' by this organisation every day and I sympathise with them greatly.'

based ESA is having a significant impact. The DWP's own Impact Assessments estimate that 90 per cent of contribution-based ESA claimants in the WRAG will be affected by the one year limit on the benefit.²⁶ Of these, 40 per cent will not be eligible to claim income-based ESA and will therefore have to move onto another benefit, if eligible, or out of the benefit system altogether. By April 2013, 400,000 disabled people in the UK will have lost some, if not all, of their ESA entitlement as a result of the change.²⁷ In Wales there were 5,450 people in Wales as at February 2012 who received contribution-based ESA in the work-related activity group, and who have been claiming for over a year. These people will have lost their eligibility to claim contribution-based ESA, and will either have been transferred to a means-tested benefit or lost benefit altogether.

Many individuals who have been found fit for work or who exceed their time limit for claiming contribution-based ESA may consider claiming Jobseekers Allowance. However it is unlikely that someone who has been claiming ESA will have sufficient National Insurance contributions to claim contribution-based Jobseekers' Allowance and, as with ESA may have savings or other household income that prevent them from making a claim for income-based JSA.

In addition, the requirements associated with JSA may prove difficult for disabled people to meet. Whilst the guidelines suggest that the requirements can be relaxed for those undergoing treatment, they cannot be altered for those who are disabled. Disabled people may, for example, be unable to travel as far to work as non-disabled people or may need adjustments to be made at work. Many of those who may move off ESA onto JSA have been out of the labour market for a very considerable time, lacking recent skills and experience to help them to find a job. DWP statistics show that 94 per cent of disabled people in the WRAG take longer than a year to obtain employment.²⁸

22 DWP Tabulation Tool, Employment Support Allowance <http://83.244.183.180/100pc/tabtool.html>

23 Employment and Support Allowance: Outcomes of Work Capability Assessments, GB – New Claims, DWP: Quarterly Statistics Bulletin, Issue: 22 January 2013

24 Employment and Support Allowance: Outcomes of Work Capability Assessments, GB – New Claims, DWP: Quarterly Statistics Bulletin, Issue 24: 2012

25 Employment and Support Allowance: Outcomes of Work Capability Assessments by Health Condition and Functional Impairment; Official Statistics, DWP 2011.

26 DWP Impact Assessment, 'Time Limit Contributory Employment and Support Allowance' (20/04/2011).

27 DWP Impact Assessment, 'Time Limit Contributory Employment and Support Allowance' (20/04/2011).

28 DWP, House of Commons Written Parliamentary Answers, May 2011 referenced in Tipping Point Hardest Hit Campaign, 2012



Housing benefit

Housing Benefit provides help for anyone on a low income, whether or not they are disabled, with the costs of renting a home. Housing Benefit is means-tested with the amount payable depending on the combination of income, rent and household needs.

A number of changes to Housing Benefit have already been made, with further changes due to be implemented in the very near future. The main changes are outlined below.

4.1 Under-Occupancy

The so-called 'Bedroom Tax' which will be introduced in April 2013 is likely to have a profound impact on a large number of Housing Benefit claimants. Under the new rules set out by the DWP, families of working age who live in social housing will only be able to claim benefit for the number of bedrooms they are deemed to require, which is calculated as one bedroom for each of the following:

- each adult couple,
- any single person aged 16+,
- two children of the same gender under 16,
- two children of either gender aged 10 or under
- a carer providing overnight care.

There are virtually no exceptions to this rule. There is no exemption for disabled people whose



Andy, 49 from Ceredigion

Andy has a degenerative spine condition. He is paralysed from the waist down and a wheelchair user.

Andy lives in a two bedroom bungalow through 'Tai Ceredigion' with his partner/carer Sarah. He has lived here for 2 years following his release from Hospital after 8 months.

Andy has had adaptations made to his home in order to meet his access requirements. Through a Disabled Facilities Grant/s Andy has had a wet room installed, doors widened, and new doors fitted. He recently had further adaptations approved and is currently waiting for a new kitchen to be fitted. A kitchen with lower work surfaces, sink and cooker to

accommodation has been adapted in some way, even significantly; no exemption for disabled people who have a carer who stays overnight occasionally rather than regularly, none for a disabled person whose partner who sleeps in a separate room or who have a spare room to store disability aids or equipment.

The only shift in position follows the decision by the Court of Appeal in 2012, which ruled that severely disabled children may be entitled to their own bedroom

providing that they can demonstrate that their impairment and/or long term health condition/s are genuinely such that it is inappropriate for them to share. This ruling is incorporated into guidance on Housing Benefit,²⁹ which requires families to prove to their local authority the nature and severity of the child's impairment, the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. Even so, the UK government is appealing the Court of Appeal decision and so the guidance may change again.

Disabled people who have one bedroom more than they are deemed to require will lose 14 per cent of their Housing Benefit and people who have two bedrooms or more than they are deemed to require will lose 25 per cent of their Housing Benefit.

enable him to cook independently.

The council has spent a significant amount of money to adapt Andy's home.

Andy will lose £10.15 a week from the 1st of April. He will need to find this shortfall by reducing his heating bill.

He has considered whether he should handover his mobility car in return for the weekly income to help cover the cost of 'bedroom tax'. If Andy does this he will be unable to get out and about as easily, which will significantly reduce his independence. As Andy states public transport is not easy to come by in rural mid Wales let alone 'accessible' public transport. Losing his mobility car would cause great difficulty.

Andy is in receipt of Disability Living Allowance higher rate mobility and higher rate care; and receives Employment Support Allowance (in the support group).

Some disabled people who face a short-fall in Housing Benefit may apply for Discretionary Housing Payment. £25 million of this fund has been earmarked for disabled people from 2013/14³⁰ to avoid instances whereby disabled people who live in “significantly adapted” properties have to move to a smaller property. The Discretionary Housing Payment may also be used to make up the shortfall in benefit of a disabled family or individual who rely heavily on a local support network.

Whilst the additional funding for DHP is welcome, there is also reason to be concerned. It is, above all, not an entitlement but granted at the discretion of the local authority that administers the fund. The amount of DHP funding allocated to local authorities varies considerably, not according to local need but to reflect historic use of the DHP, and there is substantial variation between authorities’ use and interpretation of the DHP guidelines. In addition, the funding is cash-limited i.e. when the funding allocated for the year runs out, no more payments can be made.

4.1.2 Under-35s Shared Accommodation Rate

From 1 January 2012, single people aged under 35 (without dependents) living in the private rented sector are only entitled to Housing Benefit at the 'shared accommodation rate' (before this only people under 25 were affected).

This provision applies to disabled people **unless** they receive the middle or highest rate care component of DLA (or the daily living component of PIP), receive Severe Disability Payment or if they require an extra bedroom for a non-resident overnight carer. It is not clear what will happen when the SDP disappears as part of the replacement of DLA with PIP.

People who are deemed to be ‘vulnerable’, which might include some disabled people, can apply for help with the shortfall in Housing Benefit from Discretionary Housing Payment, although there is no clarity over the definition of ‘vulnerable’. In addition, many disabled people would consider their definition as ‘vulnerable’ to be offensive.

The difference between the shared accommodation rate and actual rent paid is estimated to be £23.40 per week.³¹

4.1.3 Non-dependent Adult Deduction

A deduction is made from Housing Benefit if an adult non-dependant lives in the same accommodation. An adult non-dependant is someone other than a partner, child, lodger or sub-tenant who lives in the same household.

However deductions are not made from disabled people who are (amongst other factors):

- registered blind
- receive middle or high rate DLA care component or the daily living component of PIP
- receive Attendance Allowance

Deductions will also not be made if the non-dependent person (amongst other factors):

- receives middle or high rate DLA care component or the daily living component of PIP
- receives Attendance Allowance
- receives Carer's Allowance.



Potential Scenario

**Liam aged 31,
from Newport**

Liam currently has lived in his one bedroom flat in Newport since 2006. Liam is currently claiming ESA (Work Related Group) and receives the lower rate of DLA. The extension of the shared accommodation rate will lead to a cut in Liam's housing benefit of £36 a week. Liam is unable to pay make up this cut therefore is forced to leave his one-bedroom flat and entered shared accommodation. Liam has Asperger's Syndrome, a form of autism; he also has anxiety and depression.

His condition makes it increasingly difficult for him to live with others and he anxious around strangers. Liam has anxiety and depression and a move to shared accommodation is likely to have a negative impact on his condition.

4.2 The Impact

Changes to Housing Benefit are likely to have a very significant impact on disabled people. While those receiving the middle or highest rate of DLA / PIP are exempt from some of the provisions, even the most severely disabled people are affected by the 'bedroom tax' whilst people with lower-level impairments get no relief from other changes either.

According to the DWP's Impact Assessment, households containing a disabled person are more likely to be affected by the introduction of the size criteria than non-disabled claimants. This is partly because disabled claimants are on average older than non-disabled claimants (and so have a spare bedroom because their children have left home) and also because disabled claimants are less likely to live in households with children.³²

DWP estimate that across the UK of a total of 670,000 households affected by this change about 420,000 (63 per cent³³) will contain a disabled person. Currently there is no breakdown of the numbers of disabled people affected in Wales. Households affected by the under-occupancy rule will see their Housing Benefit income cut by an average of £13 per week, although for some households the loss could be much greater.

Many disabled people under the age of 35 are also likely to be affected by the shared accommodation rule if they are not entitled to Severe Disability Premium or the middle or higher level of DLA.

Disabled people whose Housing Benefit no longer meets their needs may in limited circumstances apply for Discretionary Housing Payment as outlined earlier. However the vast majority of disabled people will not fulfil the criteria for DHP and so will have to meet the shortfall in rent or move home.

Research shows that many people, disabled or not, do not want to move and will try to make up the shortfall in Housing Benefit from their own resources. The change for DLA to PIP or the loss of ESA is likely to make it increasingly difficult for those already on a small income to find

the additional money needed to cover the cost of rent.

The Department for Work and Pensions suggests that people faced with a cut in Housing Benefit might consider asking their employer if they can work extra hours, find a job or take in a lodger. These suggestions are particularly difficult for a disabled person to comply with – a disabled person's impairment may mean he or she is unable to work long hours even if they were available, disabled people face much greater difficulty getting employment than non-disabled people, and some disabled people may feel too vulnerable to accommodate a lodger in their home.

The alternative is that disabled people move home, to accommodation that matches their benefit entitlement. The prospect of relocating to new accommodation raises significant issues. There is an acute shortage of smaller properties in the social housing sector, and very few are likely to have in place any adaptations needed by a disabled person. Smaller rental properties in the private sector are also in short supply and are also unlikely to have adaptations in place or to have the landlords agreement for adaptations to be made.

Disabled people required to live in shared accommodation face risks of living with unsuitable co-tenants, with crime, drug use and anti-social behaviour all associated with housing in multiple occupation. Some disabled people may find living in intimidating or hectic environments exacerbates mental health conditions. There are some concerns about the risks of hate crimes in shared housing, which not only impact on disabled people but people with other protected characteristics.

There may also be circumstances in which disabled people are forced to move outside the area in which they live and have a support network. Day to day living without help or in unfamiliar surroundings could be considerably more difficult.

29 Department for Work and Pensions (2012) Housing Benefit and Council Tax Benefit Circular HB/CTB A4/2012. Available at: <http://www.dwp.gov.uk/docs/a4-2012.pdf>

30 DWP Impact Assessment: Housing Benefit – Under Occupation of Social Housing (2012) <http://www.dwp.gov.uk/docs/social-sector-housing-under-occupation-wr2011-ia.pdf>

31 Unfair Shares – Centre for Housing Policy, Sheffield University, July 2011, pg. 26

32 DWP Equality Impact Assessment: Renting in the Social Renting Sector (2012) <http://www.dwp.gov.uk/docs/eia-social-sector-housing-under-occupation-wr2011.pdf>

33 DWP Impact Assessment: Housing Benefit – Under Occupation of Social Housing (2012) <http://www.dwp.gov.uk/docs/social-sector-housing-under-occupation-wr2011-ia.pdf>



Independent Living Fund

The Independent Living Fund (ILF) provides financial support to severely disabled people so that they can live independently outside of residential care. Recipients receive on average £300 a week to employ personal assistants, maximize their independence and choice, increase their participation in activities which increases their quality of life, and make a contribution in society.

Latest figures show that there are 1,809 ILF claimants in Wales. The majority being in Carmarthenshire, RCT, and Gwynedd.³⁴

5.1 Main changes to ILF

From June 2010 the ILF has been closed to new applicants, with the Fund being closed completely from 2015. After that date, responsibility will be transferred to the Welsh Government.

The Welsh Government is currently considering all options for the transfer of ILF funds in Wales. There will be a consultation process involving those affected and key stakeholders across Wales.



Mrs Jones, commenting on the situation of her eldest son (aged 50, Wales valleys) who has aggressive MS and is paralysed from the neck down.

'He couldn't have managed without ILF, which has provided the care that Carl needs, and enable him to stay at home, see his daughter and have a sense of family life.'

Mrs Jones states that the proposed scrapping of ILF is likely to see Carl unable to live independently.

'This would very likely lead to a complete loss of independence, choice and control.'

5.2 Impact

It is difficult to estimate the impact of the changes in the absence of information about the arrangements from 2015. At best, recipients of ILF payments face uncertainty about what might happen to their

support in just two years time. At worst, they face losing help if the arrangements and eligibility criteria of the successor to the Fund change. Meanwhile disabled people who might have claimed since 2010 have had to rely on help with care from their local authority.



Universal Credit

From October 2013 the Government will begin a big structural transition of bringing together working-age income-based benefits into a single new benefit, Universal Credit. Universal Credit will replace income-based Employment and Support Allowance, income-based Jobseekers Allowance, Income Support, Housing Benefit and Working Tax Credit. It will not incorporate PIP, Carer's Allowance, contribution-based ESA or contribution-based JSA.

Universal Credit is intended to simplify and streamline the benefits system, to incentivise work and to provide help to those that need it most. It provides benefit to households for a number of aspects of their needs, as shown in Table 5.

Table 5: Aspects of Universal Credit Rates³⁵

| | | Rate |
|---|--|-------------|
| Basic/Standard Allowance | Single Person under 25 | £246.81 |
| | Single Person 25 and over | £311.55 |
| | Joint claimants, both under 25 | £387.42 |
| | Joint claimants, both 25 and over | £489.06 |
| Child element | First child | £272.08 |
| | Second and subsequent child | £226.67 |
| Additional amount for disabled child | Lower rate – child receives DLA except at highest rate of care component | £123.62 |
| | Higher rate – child receives DLA at highest rate for care component | £352.92 |
| Capability for work | Limited capability for work | £123.62 |
| | Limited capability for work and work-related activity | £303.66 |

Table 5: Aspects of Universal Credit Rates (continued)

| | | Rate |
|----------------------------|--|-------------|
| Carer element | Carers for a severely disabled person for more than 35 hours a week. Cannot be combined with a work capability payment | £144.70 |
| Child costs element | For lone parents in work and couples who are both working (unless one parent has limited capability for work or is a carer), 70% of eligible costs of registered child care up to a maximum of one child | £532.29 |
| | up to a maximum for two or more children | £912.50 |
| Housing element | For claimants who are renting, entitlement is the same as the new arrangements for Housing Benefit | |

6.1 Main changes to ILF

Many groups representing disabled people have welcomed the move to a simpler system, and have also welcomed the increased flexibility in Universal Credit to combine a limited amount of paid work with receipt of benefit. However, there are also aspects of Universal Credit that have caused concern, notably the loss of many elements of the old system that, whilst complex, addressed specific needs.

The introduction of Universal Credit will take place in three phases over a period of four years between 2013 and 2017, as shown in Table 6.

Table 6: Introduction of Universal Credit

| Time Period | Change |
|---|---|
| Pilot Phase: April 2013 | Limited launch in pilot areas to test capability and lessons learned. |
| Phase One: October 2013 - April 2014 | All new claims to current benefits will be phased out and new claims will come under Universal Credit. Claimants who experience a significant change of circumstances, such as starting a new job or birth of a child, will be migrated to Universal Credit in this period. |
| Phase Two: From April 2014 - end of 2015 | 3.5 million existing claimants (and their partners and dependents) will be moved onto Universal Credit. Less complicated cases will be prioritized, those who are single, non-disabled, with no dependents. New claims and 'natural migration' will continue. |
| Phase Three: From the end of 2015 - end of October 2017 | All remaining households will be transferred to Universal Credit (approx. 3 million households) (Less complicated cases will continued to be prioritized). This will be done geographically, by each local authority boundary under a 'managed migration' as the old benefit system winds down. New claims and 'natural migration' will continue. |

6.1.1 The Abolition of the Disability Element of Child Tax Credit

Under Universal Credit, support currently provided by the disability element of Child Tax Credit at £57 a week will be replaced by the 'disability additions' within the household benefit entitlement, of just £28 a week unless the child receives the higher rate of the care component of DLA or is registered blind.

6.1.2 The Abolition of the Severe Disability Premium

Severe Disability Premium provides additional support to disabled adults who receive the middle rate or higher rate of the care component of DLA and live on their own (or just with children) with no assistance from a carer who is paid carer's allowance. The additional support helps to cover the costs of living alone and having no carer. There is no equivalent payment in Universal Credit to help with care costs – the increase in the rate paid to people with limited capability for work and work-related activity will not compensate for the loss of SDP.

6.1.3 Lack of Assistance for Disabled People with Lower Levels of Impairment

People who are assessed by the Work Capability Assessment as having limited capability for work or limited capability for work and work-related activity will receive a capability for work element of Universal Credit, even if they do work. However some disabled people who are considered to be living with lower level impairments, e.g. a user of a self-propelled wheelchair, may be classed as fully capable of work and will not receive any financial help even though they face higher costs and other barriers to work.

6.2 Impact

The introduction of Universal Credit will have a significant impact on thousands of households that include a disabled person. It is estimated that in total 450,000 people in the UK will be worse off as a result.³⁶ Given that Wales has a higher proportion of disabled people to the rest of the UK, the impact will be substantial.

The loss of the disability element of child tax credit is estimated to result in the families of 100,000 disabled children in the UK losing up to £28 a week, equivalent to around a £1,500 per year drop in income.³⁷ Families with disabled children face significantly higher costs of living, from purchasing aids and adaptations, to additional travel costs to very high childcare costs. Two-thirds of families with disabled children fear that they would have to cut back on food expenditure and more than half said

they risked going into debt as a result. One in ten said they may have difficulty affording to live in their home.³⁸

In addition, the loss of Severe Disability Premium will mean that disabled adults who do not have another adult to assist them could receive between £28 and £58 a week less than at present. About 230,000 disabled adults in the UK are thought to be affected. Adults who do not have someone to assist them will be unable to pay for extra care, and face going without help with everyday tasks or being unable to get out of their homes. Eight out of ten disabled people who faced a cut in Severe Disability Premium said they would have to cut back on spending on food and the same proportion said they would have to cut back on heating.³⁹ Some disabled people feared they could no longer afford to buy care and would have to go into residential care. The same survey highlighted the effect on children and young people who live with an adult who loses SDP. These children may have to help their disabled parent in the absence of a paid carer. Many children with a disabled adult already undertake significant amounts of care – loss of SDP will increase the pressure on them still further.

Changes in support for disabled people in work are likely to mean a reduction in financial support of about £40 a week. Disabled people already face higher costs if they are working, and often do not seek support from or are eligible for help from the Access to Work scheme. More than half of disabled people said the reduction in support would make it harder for them to stay in work, and just under half thought they might get into debt. 116,000 people in the UK are estimated to be affected by these changes.⁴⁰

35 Disability Rights UK Factsheets <http://www.disabilityrightsuk.org/f55.htm>

36 Holes in the Safety Net: The Impact of Universal Credit on Disabled People and Their Families (2012) The Children's Society Pg. 5

37 Tipping Point – Hardest Hit Coalition, page 22

38 Holes in the Safety Net: The Impact of Universal Credit on Disabled People and Their Families (2012) The Children's Society Pg. 3

39 Holes in the Safety Net: The Impact of Universal Credit on Disabled People and Their Families (2012) The Children's Society Pg. 3

40 'Half a million disabled people could lose out under Universal Credit' (2012) https://www.citizensadvice.org.uk/macnn/press_20121017

7

Benefit Cap



From April 2013 a cap on the total amount of welfare benefits that can be claimed by people of working age will be introduced. The limits are:

- £500 per week for families with children
- £350 per week for individuals.

Most benefits are included in the cap, including Housing Benefit, Income Support, Job Seekers Allowance, ESA work-related activity group, Child Benefit and Child Tax Credit, Carers Allowance. It also applies to Universal Credit when that benefit is introduced.

Households are exempt from the cap if anyone in it receives any of the following benefits:

- Disability Living Allowance (DLA) or Personal Independence Payment (PIP)
- Attendance Allowance (AA)
- Support Group component of Employment and Support Allowance (ESA)
- Industrial Injuries Benefits.

These arrangements offer some protection from the benefit cap for a substantial proportion of disabled people. However, disabled people who are not eligible for PIP or the support group of ESA, for example because they have lower levels of disability, will be affected by it. For them, losing eligibility for the lower rate of DLA or being found to be fit for work or have limited capability for work has additional consequences beyond the immediate loss of benefit.



Carers' Allowance

Carer's Allowance of £58.45 a week is paid to individuals who look after someone with substantial caring needs for 35 hours a week or more. The person they care for must receive DLA at the middle or higher rate or Attendance Allowance.

8.1 Main Changes

While Carer's Allowance is not directly affected by welfare reform, changes to DLA awarded to the person they care for could affect their entitlement to claim it. If someone loses eligibility for DLA at the middle or higher rate or loses eligibility for PIP then their carer also loses Carer's Allowance.

8.2 Impact

The number of people likely to be affected is not clear, as it is not known how many carers care for people at risk of losing DLA / PIP. However the loss of Carers' Allowance could be a serious blow, as the person they care for will still have care needs yet the carer will need to look for work themselves.



**Peter, 59,
from Blaengarw**

'On behalf of my son Adam who has learning difficulties – if he lost his eligibility to DLA it would have a knock on effect in our household as I would also lose my carers allowance. This would mean a massive reduction in the financial support that we currently receive and leave us with very little to cover all the extra costs that exist for someone who is disabled.'

9

The Change in Indexation



Last but by no means least is the change in the way in which most benefits for people of working age are uprated. The 2010 Emergency Budget changed the basis of uprating from the usually higher Retail Price Index (RPI) to the usually lower Consumer Price Index (CPI). It was estimated that this change would result in nearly £6 billion savings per year to the Government by 2015⁴¹ – equivalent to a £6 billion loss to claimants. The Welfare Benefits Up-Rating Bill 2012, currently proceeding through Parliament, will reduce the level at which benefits are uprated to just 1 per cent a year, irrespective of the rate of inflation.

A number of disability-related benefits are exempt from the up-rating bill,⁴² including DLA, the disability premiums paid to people who get certain benefits, Carer's Allowance and people in the support group for ESA. However the following disability-related benefits are affected by the up-rating bill in addition to general benefits claimed by disabled people such as Housing Benefit and Universal Credit:

- the contributory allowance of ESA
- the prescribed amounts for income-related ESA
- the work-related activity component of contributory ESA
- the work-related activity component of income-related ESA
- the additional amount of Universal Credit for a disabled child (but only the smaller or smallest of sums specified)
- the limited capability for work element of Universal Credit

The complexity of these changes makes it impossible to forecast the impact on disabled people. While most will be affected to some degree, how much disabled people feel the consequences of benefits rising faster than inflation depends on the precise mix of 'protected' and capped benefits they receive. Nevertheless, with inflation forecast to rise faster than benefits and disabled people facing a high cost of living than non-disabled people, disabled people's finances will undoubtedly be squeezed.

41 HM Government (2010) Budget, 2010

42 House of Lords (2013) Library Note: Welfare Benefits Up-rating Bill (HL Bill 78 of 2012–13). LLN 2013/004



UK Government

‘People who are sick, who are vulnerable, the elderly – I want you to know we will look after you’⁴³

In the strongest possible terms, we urge the UK Government to live up to this commitment given by the Prime Minister David Cameron MP at the Conservative’s Autumn Party Conference in 2010.

Disability Wales’s research has highlighted how the changes underway, as well as those that are upcoming , are certain to have a profound impact on the lives of many disabled individuals, and their households and wider community. The reforms will increase poverty and isolation as well as having a lasting negative impact on disabled people’s independence and standard of living. We note that the DWP has recently abandoned its appeal to the Supreme Court against the Gorry case thereby establishing that the size criteria used to determine housing benefit discriminates unlawfully against disabled children who cannot share a room because of their impairment and which furthermore will benefit disabled children affected by the “bedroom tax”.

Disability Wales is aware of other legal challenges against many of the UK Government’s Welfare Reforms including Work Capability Assessments, time limiting contribution based Employment and Support Allowance and removal of welfare from legal aid.

- We call upon the **UK Government** to take heed of these challenges as it has with Housing Benefit and bedroom tax for disabled children.
- We call upon the **UK Government** to implement in full the recommendations set out in independent reviews of Work Capability Assessment

- We call upon the **UK Government** to reconsider its policy on ‘under-occupancy’ for people living in social housing and ensure that disabled people who have had adaptations made to their home are exempt from ‘bedroom tax’.
- We call for **DWP** to undertake a Cumulative Impact Assessment of Welfare Reform on the lives of disabled people across the UK, including Wales.
- We urge the **Department of Work and Pensions** to stop using unsuitable and intimidating venues such as Courts of Law for tribunal hearings, which associate claiming benefits with criminal cases.

Welsh Government

We note the stated aim of Welsh Government to mitigate the effects of recent welfare reforms; however these discussions and reviews should be backed up with solid policy decision making and firm commitments. Below we highlight actions to be taken by the Welsh Government to prevent disabled people being pushed further into poverty, isolation and dependence.

We recommend that the **Welsh Government**:

- Act immediately on its findings from its recent *‘Information and Advice Review’* to strengthen current provision across Wales.
- Secure a level playing field for the funding and development of advocacy services across Wales and ensure these services are available on a pan impairment basis.
- Provide strong and clear guidance to **Local Authorities** on the use of Discretionary Housing Payments to minimise the variations in eligibility criteria between Local Authorities.
- Instigate a national publicity campaign on the availability of DHP’s aimed at disabled people.
- Take an active role in increasing public awareness of additional entitlements such as VAT relief on goods and services.
- Follow up its review of accessible housing registers and urge **that** it

ensure each and every **Local Authority** in Wales is encouraged to implement an accessible housing register of their own and thereby enable disabled people across Wales to access information relating to appropriately adapted existing properties.

- Encourage the promotion of positive images and representation of disabled people in the media and within communities, in the context of its National Framework to tackle hate crime, to counteract popular portrayal of disabled people as scroungers, fakers, and workshy.
- Both the **Welsh and UK Governments** ensure that the transition and longer term arrangements for ILF support do not result in reduced funding to existing ILF recipients.
- Fully implement its Framework for Action on Independent Living as a vital contribution to ensuring that disabled people with high support needs who may otherwise have been eligible for ILF are able to live independently in the community
- Use the opportunity of the Social Services and Wellbeing (Wales) bill to transform social services based on a system of Citizen Directed Support.

Public Bodies

Disability Wales recognises the role of local authorities, health boards and emergency services in providing both direct and indirect services to disabled people that tackle poverty, enable people to live independently and which support safe communities. In times of cutbacks and the need to make tough spending decisions, it is vital that public bodies fully assess the impact of their decisions including through a programme of engagement with disabled people.

We recommend that public bodies:

- Engage fully with disabled people and their representative organisations over plans on policies and services that affect them.
- Conduct thorough Equality Impact Assessments on policies and budgets to ascertain the effect they may have on disabled people and take mitigating action accordingly

Cap
in
hand?