HOUSE OF COMMONS LIBRARY

DEBATE PACK

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Backbench Business Debate: impact of changes to disability support

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Summary

This House of Commons debate pack briefing has been prepared in advance of a Backbench Business Debate entitled "Cumulative impact assessment of changes to disability support." This will be led by Debbie Abrahams MP and will take place in Westminster Hall on Wednesday 19 December 2018.

The full motion to be debated is "That this House calls on the Government to commission an independent cumulative assessment of the impact of changes in the social security system, on sick and disabled people, their families and carers." A similar motion was the subject of a Backbench Business Debate led by John McDonnell in February 2014 (HC Deb 27 February 2014 cc423-474), which followed a petition started by the campaigning group War on Welfare (WOW) in 2012.

This debate pack contains background information on changes to disability support and calls to undertake a cumulative assessment of their impact. It also provides parliamentary and press material, as well as further reading suggestions which Members may find useful when preparing for this debate.

1. Background

1.1 Disability support

The benefits and tax credits systems provide support for disabled people and their families in various ways:[1]

- In 2018/19, 2.2 million adults in Great Britain are expected to receive incapacity benefits (principally Employment and Support Allowance) totalling £16.5 billion.
- Extra-costs disability benefits (Disability Living allowance, Personal Independence Payment and Attendance Allowance) are received by 5.3 million people, at a total cost of £23.9 billion.
- Over 800,000 people receive Carer's Allowance for caring full-time for a person receiving a qualifying disability benefit, at a total cost of £2.9 billion, plus an additional £900 million in means-tested support for carers.
- Further support is provided via the disability and carer premiums payable with means-tested benefits such as Housing Benefit.
- Other schemes include the Industrial Injuries Scheme (paying benefits totalling £924 million to 292,000 claimants); and the Armed Forces Compensation Scheme which, alongside its predecessor the War Pensions Scheme, provides support for disabled veterans.
- In the tax credits system, additional help for disabled children is provided by the Child Tax Credit disabled child elements; and for disabled adults, the disabled worker element in Working Tax Credit.

Families with disabled people are more likely to be in receipt of state benefits compared with families with no disabled people. In 2016/17, 78% of families in the UK with at least one disabled adult and no disabled children were in receipt of state support, and 33% claimed an income-related benefit.[2] 92% of families with a disabled child (and no disabled adult) received state support, and 30% received an income-related benefit. For families with no disabled adult or disabled child, the percentages were 42% and 9% respectively.[3]

The 2010 Government embarked on a major programme of welfare reforms, some of which will not be implemented fully for a number of years.[4] Major elements include the introduction of Universal Credit, which is replacing means-tested benefits and tax credits for working age

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1 All figures from the DWP Benefit Expenditure and Caseload Tables, Autumn Budget 2018

2 Disability defined as in the *Equality Act 2010.* A person is considered to have a disability of they have a long-standing illness, disability or impairment which causes substantial difficulty with day-to-day activities.

3 DWP, Family Resources Survey 2016/17, Table 4.p

4 The National Association of Welfare Rights Advisers (NAWRA) has compiled a Welfare Reform Changes Chart (updated 2 May 2018) which covers policy measures introduced since 2011 and future changes planned up to 2023. The chart includes details of each change and provides analysis and an assessment of the likely impact.

families, and Personal Independence Payment, which is replacing Disability Living Allowance, again for people of working age.

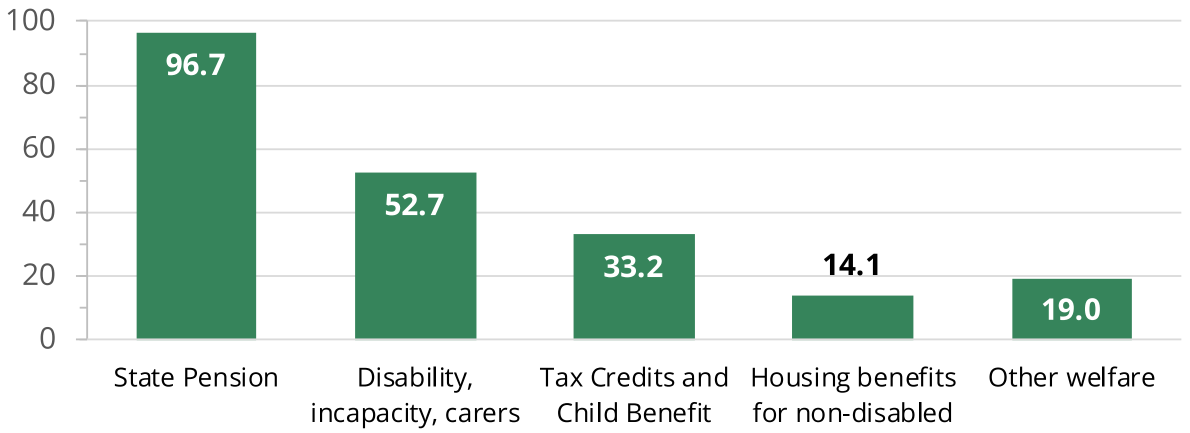
There have also been significant changes to incapacity benefits, including the continued rollout of Employment and Support Allowance (ESA), and changes to the structure of ESA and "conditionality" for ESA claimants. Other measures not exclusively affecting people with disabilities but which may impact on families with disabled people, include changes to benefits uprating policy and capping of the total amount of benefits the household can receive.

The 2015 Conservative Government announced further welfare measures affecting disabled people including a four-year freeze for most working-age benefits, reductions in the Benefit Cap, changes to tax credits and to Universal Credit, and abolishing the "Work-Related Activity Component" for new ESA claims from April 2017.

1.2 Disability benefits expenditure in context

Total spending on all benefits and tax credits in Great Britain (including the State Pension) is £215.6 billion in 2018/19. Of this, **£52.7 billion (24%)** is spent on disability, incapacity and carers' benefits.

Total benefits and tax credits expenditure
DWP and HMRC spending, GB, 2018/19, £ billion



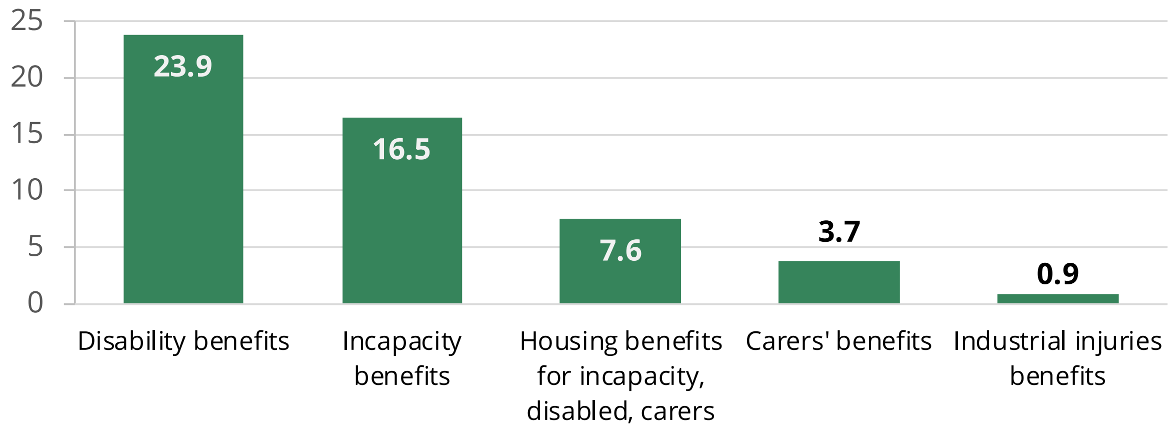
Source DWP Benefit Expenditure and Caseload Tables, Budget 2018 and HoC Library calculations

The £52.7 billion spent on support for disability, incapacity and carers amounts to 6.5% of total Government expenditure and 2.5% of the UK's Gross Domestic Product.[5] The table below breaks down the £52.7 billion total into the main categories of support provided:

[5] DWP Benefit Expenditure and Caseload Tables 2018: Budget 2018 edition, table 4

DWP expenditure on support for people with disabilities / health conditions and carers

Great Britain, 2018/19, £ billion



Source DWP Benefit Expenditure and Caseload Tables, Budget 2018

- **Disability benefits** (DLA, PIP, Attendance Allowance and Armed Forces Independence Payment) total £23.9 billion;
- **Incapacity benefits** for working-age claimants whose conditions prevent them from working (comprising ESA, its predecessor benefits Incapacity Benefit, SDA and Income Support, plus successor expenditure for incapacity within Universal Credit) total £16.5 billion;
- **Carers' benefits** (Carer's Allowance and Income Support for carers) total £3.7 billion
- **Housing benefits** paid to recipients of the above benefits total £7.6 billion, and
- **Industrial injuries benefits** are £0.9 billion.

Tables 1a and 1b below show actual and forecast expenditure on these benefits since 2009/10 in cash and real (inflation-adjusted) terms, with a breakdown of disability benefits category to show how much is spent on children, working-age and pensioner claimants.

In real terms (2018-19 prices), total expenditure on the above forms of support for disability, incapacity and carers has grown by 19% since 2009/10, from £44.2 billion in that year to £52.7 billion this year. Expenditure is forecast to grow by a further 6% by 2023/24, to £55.9 billion.

Note that this does not include expenditure on the disabled child and disabled worker elements of the Tax Credit system, which are separately administered by HMRC.

Table 1a - Benefit expenditure to support people with disabilities / health conditions															£ billion, nominal (cash) terms
									Outturn	Forecast					
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Total	**38.1**	**39.3**	**40.9**	**42.6**	**43.5**	**46.7**	**49.1**	**50.0**	**52.1**	**52.7**	**54.9**	**56.1**	**57.7**	**59.5**	**61.4**
of which:															
Disability benefits (a)	16.6	17.1	17.9	18.9	19.3	20.8	21.7	22.2	23.6	23.9	26.1	26.8	27.8	29.1	30.5
of which:															
DLA for children	1.2	1.2	1.3	1.4	1.5	1.7	1.8	1.9	2.0	2.1	2.3	2.4	2.6	2.8	3.0
DLA/PIP for working age	6.3	6.5	6.9	7.4	7.7	8.5	9.4	9.6	10.8	11.1	12.7	13.0	13.5	14.2	15.2
DLA/PIP for pensioners	4.0	4.2	4.4	4.6	4.8	5.1	5.0	5.2	5.3	4.9	5.2	5.3	5.4	5.5	5.4
Attendance Allowance	5.1	5.2	5.3	5.5	5.4	5.4	5.5	5.5	5.5	5.7	5.9	6.1	6.3	6.6	6.9
Incapacity benefits (b)	13.3	13.3	13.4	13.4	13.5	14.3	15.1	15.4	16.1	16.5	15.6	15.6	15.7	15.7	15.9
Housing benefits for incapacity, disabled, carers (c)	5.6	6.0	6.5	6.9	7.1	7.7	8.1	8.1	7.9	7.6	8.5	8.7	9.0	9.2	9.3
Carers' benefits (d)	1.8	2.0	2.2	2.4	2.6	2.9	3.2	3.3	3.6	3.7	3.8	4.0	4.3	4.6	4.7
Industrial injuries benefits	0.9	0.9	0.9	1.0	1.0	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	0.9	1.0
Total expenditure as % of:															
Gross Domestic Product (GDP)	*2.5%*	*2.4%*	*2.5%*	*2.5%*	*2.4%*	*2.5%*	*2.6%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.4%*	*2.4%*
Total government expenditure	*5.5%*	*5.5%*	*5.7%*	*5.8%*	*5.9%*	*6.2%*	*6.5%*	*6.5%*	*6.6%*	*6.5%*	*6.5%*	*6.5%*	*6.5%*	*6.5%*	*6.4%*

Source: DWP Benefit expenditure and caseload tables 2018, Budget 2018 edition, table 4

Notes:

(a) Disabiliy benefits comprises Disability Living Allowance (DLA), Personal Independence Payment (PIP), Attendance Allowance and Armed Forecast Independence payment.

(b) Incapacity benefits comprises Employment and Support Allowance (ESA) and predecessor benefits (Incapacity Benefit/SDA), plus successor expenditure in Universal Credit.

(c) Includes all housing benefits going to members of incapacity, disability or carers client groups.

(d) Comprises Carer's Allowance and Income Support paid to carers.

Table 1b - Benefit expenditure to support people with disabilities / health conditions															£ billion, real terms 2018-19 prices
									Outturn	Forecast					
	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Total	**44.2**	**44.8**	**46.0**	**47.0**	**47.1**	**49.9**	**52.0**	**51.9**	**53.1**	**52.7**	**54.0**	**54.0**	**54.5**	**55.2**	**55.9**
of which:															
Disability benefits (a)	19.2	19.5	20.1	20.8	20.9	22.2	23.0	23.0	24.0	23.9	25.6	25.8	26.3	27.0	27.8
of which:															
DLA for children	1.4	1.4	1.5	1.5	1.6	1.8	1.9	2.0	2.0	2.1	2.2	2.3	2.4	2.6	2.7
DLA/PIP for working age	7.3	7.4	7.8	8.2	8.3	9.1	9.9	10.0	11.0	11.1	12.5	12.5	12.8	13.2	13.9
DLA/PIP for pensioners	4.6	4.8	4.9	5.1	5.2	5.5	5.4	5.4	5.4	4.9	5.1	5.1	5.1	5.1	4.9
Attendance Allowance	5.9	6.0	6.0	6.0	5.8	5.8	5.8	5.7	5.6	5.7	5.8	5.9	6.0	6.1	6.2
Incapacity benefits (b)	15.4	15.2	15.1	14.8	14.6	15.3	16.0	16.0	16.4	16.5	15.4	15.0	14.8	14.6	14.5
Housing benefits for incapacity, disabled, carers (c)	6.5	6.8	7.3	7.6	7.7	8.3	8.6	8.4	8.1	7.6	8.3	8.4	8.5	8.5	8.5
Carers' benefits (d)	2.1	2.2	2.4	2.7	2.9	3.1	3.4	3.4	3.7	3.7	3.7	3.9	4.1	4.3	4.3
Industrial injuries benefits	1.0	1.1	1.1	1.1	1.0	1.1	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	0.9
Total expenditure as % of:															
Gross Domestic Product (GDP)	*2.5%*	*2.4%*	*2.5%*	*2.5%*	*2.4%*	*2.5%*	*2.6%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.5%*	*2.4%*	*2.4%*
Total government expenditure	*5.5%*	*5.5%*	*5.7%*	*5.8%*	*5.9%*	*6.2%*	*6.5%*	*6.5%*	*6.6%*	*6.5%*	*6.5%*	*6.5%*	*6.5%*	*6.5%*	*6.4%*

Source: DWP Benefit expenditure and caseload tables 2018, Budget 2018 edition, table 4

Notes:

(a) Disabiliy benefits comprises Disability Living Allowance (DLA), Personal Independence Payment (PIP), Attendance Allowance and Armed Forecast Independence payment.

(b) Incapacity benefits comprises Employment and Support Allowance (ESA) and predecessor benefits (Incapacity Benefit/SDA), plus successor expenditure in Universal Credit.

(c) Includes all housing benefits going to members of incapacity, disability or carers client groups.

(d) Comprises Carer's Allowance and Income Support paid to carers.

An alternative way of presenting Government expenditure on people with disabilities is provided by HM Treasury's Public Expenditure Statistical Analyses (PESA), which breaks down total government expenditure in the UK by function using an internationally recognised categorisation. This shows total expenditure on '**social protection**' for people with sickness and disabilities, covering cash benefits and benefits in kind provided specifically for this purpose. On this basis, in 2017-18**,**

total public expenditure on social protection for sickness and disability in the United Kingdom was £55.2 billion, of which:

- **£10.5 billion** was expenditure on **personal social services**; and
- **£44.7 billion** was expenditure on **incapacity, disability and injury benefits** (not including housing benefits, which are counted separately in PESA).[6]

Between 2013-14 and 2017-18, spending on sickness and disability grew as a proportion of total government spending: from 6.4% in 2013/14 to 7.0% in 2017/18.

1.3 Key policies

Personal Independence Payment

Personal Independence Payment (PIP) is replacing Disability Living Allowance (DLA) for people of working age. Like DLA, PIP is non-means-tested and is intended to help with the extra costs arising from ill health or disability. It has two components: a mobility component, based on an individual's ability to get around; and a "daily living" component, based on ability to carry out various day to day activities. Each component has two rates.

PIP was introduced for new claims from April 2013, and DWP is reassessing all existing working age DLA claimants for the benefit. Young people in receipt of DLA are also reassessed for PIP when they reach 16.

The PIP assessment is intended to provide "a more holistic assessment of the impact of a health condition on an individual's ability to participate in everyday life." It covers sensory impairments, developmental needs, cognitive impairments and mental conditions, as well as physical disabilities. PIP was intended to target support more closely on those most in need and significantly fewer people were expected to qualify for PIP than would have qualified for DLA, but the Office for Budget Responsibility believes that PIP will not in fact deliver savings relative to DLA.

The Department for Work and Pensions is responsible for handling claims for PIP and making decisions on entitlement to benefit. Contracted assessment providers are however a key element in the claims process. Atos Healthcare holds the contracts for undertaking assessments in Northern England and Scotland; and in London and Southern England. Capita Business Services Ltd holds the contracts covering Wales and Central England; and Northern Ireland.[7] These are separate from the contract under which Maximus assesses ESA claimants.

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6 Ibid. Table 5.2

7 For further information on PIP see Commons Library briefing CDP-2018-0020, Claimant experience of the Personal Independence Payment process, 30 January 2018

At October 2018 just under 2 million people in Great Britain were receiving PIP. By the end of October 2018, 1,227,000 DLA claimants had been reassessed for PIP. Of those:[8]

- 482,000 (39%) had their benefit increased
- 169,000 (14%) received the same amount as before
- 268,000 (22%) were awarded PIP but with a decreased award
- 253,000 (21%) were not awarded PIP following an assessment
- 49,000 (4%) were disallowed PIP before the assessment
- 8,000 (1%) withdrew their PIP claim

In total therefore, 47% of DLA claimants who registered a claim for PIP received a lower level of award or no award. However, of those who registered a claim, 349,000 (28%) were awarded PIP at the highest rate (i.e. enhanced rate daily living and mobility components). This is a higher proportion than under DLA. Of the DLA claimants who were reassessed for PIP, 191,000 (16%) were receiving the highest rate (higher rate care and higher rate mobility).

Changes to awards following reassessment for PIP can affect entitlement to "passported" benefits such as the Motability scheme. Figures on the number of people who have lost their Motability car as a result of the introduction of PIP are not routinely published, but giving evidence to the Work and Pensions Committee on 5 March 2018 the Director of the Motability charity said that of the 175,000 Motability customers who had been reassessed for PIP, 75,000 had not been awarded the enhanced rate mobility component and no longer qualified for the scheme. Motability has established a Transitional Support Package is intended "to help customers who are no longer eligible for the Motability Scheme following an unsuccessful Disability Living Allowance (DLA) to Personal Independence Payment (PIP) reassessment."[9]

PIP mobility component and psychological distress

In March 2017 the DWP introduced regulations to reverse the effect of two Upper Tribunal judgments relating to the PIP eligibility criteria – for background to these changes see Commons Library briefing CBP-7911, Changes to the Personal Independence Payment eligibility criteria. The most significant change made by the regulations was to tighten the rules on access to the mobility component for people unable to undertake journeys due to "overwhelming psychological distress." This would potentially affect people with a wide range of conditions including learning disability. Disability organisations called on the Government not to proceed with the changes. Some questioned how the changes fit with the Government's stated commitment to "parity of esteem" between physical and mental health issues.

In its judgment on 21 December 2017 in *RF v the Secretary of State for Work and Pensions & Others*,[10] the High Court ruled that the

[8] DWP, Personal Independence Payment: Official Statistics, 11 December 2018
[9] For further information see Commons Library briefing SN00473, Motability scheme, 22 June 2017
[10] [2017] EWHC 3375 (Admin)

regulations introducing the March 2017 changes were unlawful because they discriminate against people with disabilities in breach of *Human Rights Act 1998* obligations, and declared that the Secretary of State did not have lawful power to make the regulations (i.e. they were "ultra vires'") and should have consulted before making them.

On Friday 19 January 2018 the Government announced[11] that it would not contest the High Court's decision, and that it would also drop its appeal against the original Upper Tribunal decision that had prompted the change to the regulations.[12] The Secretary of State for Work and Pensions said that her Department would now "take all steps necessary to implement the judgment in MH in the best interests of our claimants, working closely with disabled people and key stakeholders over the coming months."

The DWP is reviewing all 1.6 million existing PIP awards, and PIP claims submitted since the original Upper Tribunal judgment in November 2016, to see who could be affected. On 25 June the Government announced that the review was underway and that new guidance required to implement the change had been published.[13] Further details of the review process are given in a Deposited Paper.[14]

It is expected that the review will result in around 25,000 claimants by 2022-23 receiving a PIP award who would not have done so otherwise and around 165,000 receiving a higher award than would otherwise have been the case.[15]

Disability benefits in Scotland

The Scotland Act 2016 gives the Scottish Parliament powers over certain categories of benefits. These include Disability Living Allowance and Personal Independence Payment. The Scottish Parliament will have the power to determine the structure and value of these benefits, or replace the existing benefits with new benefits.

In relation to disability benefits, the Scottish Government has proposed that, among other things-

- Profit-making companies should not be involved in carrying out assessments.
- Children receiving DLA will have an automatic extension of the award up to age 18.
- Automatic awards will be available in certain circumstances, and longer-term or lifetime awards for people whose condition is unlikely to improve.
- Claimants will have the right to have a "supporter" with them during assessments, and the right to access "advocacy support" to ensure they can access the benefits they are entitled to.

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11 Written Statement HCWS414
12 *MH v Secretary of State for Work and Pensions* [2016] UKUT 0531 (AAC)
13 Written Statement HCWS793
14 DWP, PIP: Implementation of legal judgments: FAQs, DEP2018-0644
15 Office for Budget Responsibility, Economic and fiscal outlook, March 2018, para 4.112

- Claimants may be offered alternatives to cash in lieu of disability benefits.[16]

Employment and Support Allowance

Employment and Support Allowance (ESA) replaced incapacity benefits for new claimants from 27 October 2008. It replaced both Incapacity Benefit, and Income Support for people judged incapable of work.

Eligibility for ESA is determined by the Work Capability Assessment (WCA). Claimants are assessed to determine whether they have a "limited capability for work", and also whether they are capable of engaging in "work-related activity." This second part of the assessment determines whether the person is placed in the "Support Group" or the "Work-Related Activity Group" (WRAG). Maximus – which operates as the Health Assessment Advisory Service – holds the contract to undertake assessments for the Department for Work and Pensions, but the decision on entitlement to ESA and on the relevant group is ultimately one for a DWP "Decision Maker."

ESA claimants in the Support Group are not required to undertake any activities as a condition of receiving their benefit. For claimants placed in the WRAG, access to the full rate of benefit may be conditional on participation in Work-Focused Interviews and undertaking work-related activity. "Work-related activity" is activity that makes it more likely that the person will get a job or remain in work. The exact activity is at the discretion of the work coach, and could include a wide range of activities such as skills training, drawing up a CV, work placements, or work experience (although the latter is voluntary). Any requirement must be "reasonable," taking into account the person's circumstances. A person cannot be required to apply for a job, undertake work or undergo medical treatment. All work-related activity must be recorded in an "action plan," which must be in writing and specify the activity the claimant is required to undertake.

As a result of measures in the Welfare Reform and Work Act 2016, the additional Work-Related Activity Component (WRAC) worth £29.05 a week payable to ESA claimants in the Work-Related Activity Group – and the equivalent element in Universal Credit – was abolished for new claims from April 2017. The changes were introduced to "remove the financial incentives that could otherwise discourage claimants from taking steps back to work". The changes were widely criticised by disability charities. The idea that the WRAC incentivises claimants to not look for work has been particularly disputed.[17] Alongside the changes, the Government promised a package of measures to provide additional help people with health conditions and disabilities get into work.

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16 See Scottish Government, Disability and employment injury assistance: position paper, 27 October 2017; Right to advocacy extended, 19 April 2018

17 See Commons Library briefing CBP-7649, Abolition of the ESA Work-Related Activity Component, 7 March 2017

Further details were given in the November 2017 policy document Improving Lives: The Future of Work, Health and Disability.[18]

Future of the Work Capability Assessment

In a speech given on 24 August 2015, the then Secretary of State for Work and Pensions, Iain Duncan Smith signalled possible future reforms to both ESA and the Work Capability Assessment, suggesting that the WCA should be reformed to focus "on what a claimant can do and the support they'll need - and not just on what they can't do." No specific proposals were put forward however.

In October 2016 the DWP and the Department of Health Improving Lives: The Work, Health and Disability Green Paper (Cm 9342). 3 covered assessments for benefits for people with health conditions. No proposals were put forward to reform the basic structure of the Work Capability Assessment itself, but the Green Paper sought views on proposals for separating the assessment for the financial support an individual receives from the discussion a claimant has about employment and health support. It also sought views on how DWP might "share information more effectively across health and welfare systems" in order to streamline the assessment process, on stopping reassessments for people with severe and lifelong conditions, and on sharing information between ESA and PIP assessments.

The Government's response in light of the subsequent public consultation (Cm 9526) was published on 30 November 2017. It noted that responses to the consultation "gave multiple and differing views on what the WCA should look like in the future".[19] No commitment was given to fundamental reform of the WCA; the Government would instead "focus on building our evidence base so that we get it right".[20] The following extract from Annex B summarises how the Department proposed to take this forward:

> Although many consultation responses welcomed our overall aim to personalise our employment support offer for individuals, some concerns were raised. We recognise the importance of getting any further reform in this area right, and therefore intend to focus on testing new approaches to build our evidence base for future reform. This includes the activity set out to:
>
> • Improve information sharing;
>
> • Continuously improve the assessment process; and
>
> • Improve our personalised employment support offer.
>
> To support this activity, working with our WCA provider, we plan to test different approaches as to how we deliver assessments over the next two years. We will work with external stakeholders to help inform future changes.

18 Cm 9342; see also Commons Library briefing CBBP-7540, People with disabilities in employment, 29 June 2018
19 para 68
20 Ibid.

Contracted-out assessments

Disability bodies have long voiced concerns about the assessment processes for both incapacity and disability benefits. In its report on PIP and ESA assessments published on 7 February 2018[21], the Work and Pensions Committee said that failings in the assessment and decision making processes for PIP and for ESA had resulted in the "pervasive lack of trust" that risked undermining the entire operation of both benefits. It set out a series of recommendations including:

- recording face to face assessments and providing a record and a copy of the assessor's report to claimants;
- measures to improve understanding about what constitutes good evidence to support PIP and ESA claim, and ensuring assessors use evidence effectively;
- improving the accessibility of the process at every stage, from the application form, to information about home visits and about accessing reconsiderations and appeals; and
- improving contractor performance through more effective use of contractual "levers" and ensuring assessors are given feedback, including from the appeals process.

In its response to the Committee's report issued on 23 April, the Government made a number of commitments including:

- Producing an Easy Read version of the notes which accompany the PIP "How your disability affects you" form.
- Launching a series of videos which outline the PIP claim process in a simple and clear way, and explain the types of relevant information that are useful in support of a claim, in order to better prepare claimants for an assessment. The PIP assessment providers also supply information to claimants ahead of their assessment appointment via their websites and direct mail sent to the claimant.
- Addressing improvements to application forms by commissioning external research to identify whether, how and what aspects of the PIP (and ESA) claim forms could have the potential to cause distress; revising and amending the forms in light of these findings; and testing the revised forms with applicants to determine if improvements made result in the forms being more claimant-friendly and less likely to cause distress. This work would commence in summer 2018.
- Working closely with the PIP assessment providers around requests for home visits to ensure their processes align with guidance and claimant needs are being met.
- Working with PIP providers to enhance GP engagement – all providers to foster a greater level of engagement and source information from a broader range of health and social care professionals.
- Pilot enhancements to the PIP telephony script to remind claimants to submit medical evidence and the types of evidence that are useful.
- The Department recognises that the complexity and potential costs of recording makes it difficult for claimants—of PIP

[21] HC 829 2017-19

especially—to record their assessment. It intends "to make recording the PIP assessment a standard part of the process". The Department would explore "potential options to test the recording of assessments, including video recording."

- Gathering more information on companions accompanying claimants to PIP assessments. In recognition of the fact that a family member, friend, carer or other advocate to support claimants in the assessment, and can be "particularly helpful where a claimant has a mental, cognitive or intellectual impairment and may not be able to give an accurate account of their daily living and mobility needs." DWP will consider how assessments where companions attend with claimants can be specifically examined in audit.

In a written statement on 5 June 2018, the Government announced further measures to "improve the experience" of those claiming PIP, including looking at how to enable more providers to deliver PIP by developing a DWP-owned IT system.[22]

In September 2017, the Department for Work and Pensions announced new ruled for "switching off" reassessments for ESA claimants who have a severe, lifelong disability, illness or health condition, and are unlikely to ever be able to move into work. The Department is also introducing revised guidance to provide that PIP claimants awarded the highest level of benefit and whose needs are not expected to improve will receive "ongoing" awards with a "light touch review" every 10 years. Further information can be found in Commons Library briefing CBP-7820, ESA and PIP reassessments, 13 July 2018

Universal Credit

Universal Credit (UC) is replacing tax credits and means-tested benefits (including income-related ESA and Housing Benefit) for working age families. UC is not expected to be fully introduced until December 2023, and claimants of income-related ESA are expected to be one of the final groups to be migrated to UC.

UC rationalises support for disabled people by replacing the existing disability premiums and additions in means tested-tested benefits and tax credit. Originally, additions for disabled adults and children in UC were to be payable at two rates, but following the abolition of the ESA Work-Related Activity Component and the UC Limited Capability for Work element for new claims from April 2017, disabled adults will only receive an additional amount if they qualify for the Limited Capability for Work-Related Activity element (support for disabled children continues to be paid at two rates).

A 2012 report by a coalition of disability and welfare rights organisations highlighted the possible negative impact of UC on three groups in particular:[23]

22 Written Statement HCWS733
23 Citizens Advice, Holes in the safety net: the impact of universal credit on disabled people, October 2012.

- Disabled children who currently get the disabled child element of Child Tax Credit
- Disabled workers who would currently qualify for the disability element of Working Tax Credit, but who have been found "fit for work" by the Work Capability Assessment
- Severely disabled adults who live alone who would currently qualify for the Severe Disability Premium

Part 6 of Commons Briefing, Draft Universal Credit Regulations 2013, looks in more detail at the implications of UC people with disabilities.

Disabled children

At present, families with disabled children may get additional means-tested support through Child Tax Credit (CTC). The disabled child element of CTC is payable for a child getting Disability Living Allowance or Personal Independence Payment, or who is certified as blind or severely sight impaired. A further severely disabled child element of CTC is also payable if the child gets the highest rate DLA care component or the enhanced rate PIP daily living component.

UC also includes additions for disabled children, payable at two rates. The higher rate disabled child addition in UC is worth slightly more than the CTC disabled child and severely disabled child elements combined. The lower rate disabled child addition in UC is however lower than the CTC disabled child element (£1,513 a year, compared with £3,275 a year under tax credits). The difference is currently £1,762 a year, or £147 a month, or £34 a week.

The Coalition Government justified the reduction in support for disabled children not qualifying for the higher rate addition on the grounds that it aligned support for disabled children with the help available for disabled adults – disabled children would not suffer a sudden drop in support when they reached adulthood. It also emphasised that support for disabled people overall was not being reduced as a result of the introduction of Universal Credit. Disability organisations pointed out however that even if this were true, the changes still entailed a transfer of funding away from disabled children to disabled adults. In the event, as the Government subsequently announced the abolition of the lower rate addition for disabled adults.

128,200 children in working families currently get only the CTC disabled child element. HMRC does not publish figures for out of work families.

Disabled workers

At present, disabled people working 16 hours a week or more are entitled to the disability element of Working Tax Credit if they are receiving, or have recently received, a qualifying sickness or disability-related benefit, and have a physical or mental disability which puts them at a disadvantage in getting a job.

There is no equivalent of the WTC disability element in Universal Credit – only those found to have a "limited capability for work-related activity" will receive an additional amount in their UC award, and only those meeting the threshold for "limited capability for work" will have a (newly increased) work allowance (unless they qualify because they have dependent children).

People who would qualify for the Severe Disability Premium

The Severe Disability Premium (SDP) is not a benefit in its own right, but is an additional amount (currently £64.30 a week) payable with certain means-tested benefits including Income Support and income-related Employment and Support Allowance. SDP is intended to give additional help to those severely disabled people who, because they live independently and do not have someone caring for them who receives Carer's Allowance, are most likely to need to rely on bought-in care. Over half a At November 2017, 518,000 people of working age were in receipt of SDP, of whom 500,000 were getting income-related Employment and Support Allowance.[24]

Universal Credit does not include an element equivalent to SDP. The Government maintains that UC will simplify means-tested support for disabled people and make it easier to understand, but disability organisations point out that the abolition of SDP will result in people with care needs losing more than £3,000 a year, and that their needs are unlikely to be met in other ways.

Existing benefit claimants getting SDP who move onto Universal Credit at the final "managed migration" stage – which for most claimants is not due to start until late 2020 – will have "transitional protection" so that they do not lose out in cash terms at the point of transfer. In addition, if draft regulations currently before Parliament[25] are agreed, from 16 January new rules will come into force to prevent claimants getting SDP from moving onto UC until the managed migration stage, so they can receive transitional protection. For people who had already moved onto Universal Credit and lost their SDP, there will be retrospective transitional protection – both backdated and on an ongoing basis – although there have been criticisms from welfare rights organisations that under the DWP's proposals people in this situation will not necessarily receive full compensation for the amounts lost.

On 14 June the High Court gave its judgment in TP and AR, R (On the Application Of) v Secretary of State for Work And Pensions [2018] EWHC 1474 (Admin). This concerned two men in receipt of income-related ESA who had to claim Universal Credit following a move to a Full Service area, and as a result experienced a sudden drop in income due to there being no equivalent to SDP (and Enhanced Disability Premium) within UC. The claimants sought to challenge what had happened on three separate grounds, one of which was that the implementation arrangements for Universal Credit (in the *Universal Credit (Transitional Provisions) Regulations 2014*) gave rise to unlawful discrimination contrary to article 14 read with article 1 of the First Protocol (A1P1) to the European Convention on Human Rights (ECHR), because of the absence of any element of transitional protection to

24 DWP ad hoc statistical analysis, People on income-related ESA and Enhanced or Severe Disability Premium, or both, 7 June 2018

25 Draft Universal Credit (Managed Migration) Regulations 2018

reflect the difference between the amount they received in legacy benefits and what they received under Universal Credit.

The High Court allowed the appeals on these grounds. Mr Justice Lewis held that the regulations did not strike a fair balance between the interests of the individual and the interests of the community in bringing about a phased transition to Universal Credit. The impact on the individuals was clear – their cash payments were now significantly lower than the amounts they previously received. There appeared to have been no consideration given to the desirability or justification for requiring the individual to assume the entirety of the difference between their previous benefits and Universal Credit; this was all the more striking given Government statements over the years that such persons could need assistance and there was a need to define precisely the circumstances in which persons would not receive assistance. In this case, the operation of the implementation arrangements was "manifestly without reasonable foundation" and failed to strike a fair balance (para 88). The differential treatment was based on status and had not been objectively justified.

Mr Justice Lewis did not however find that the absence of any additional payment in Universal Credit for those who were previously eligible for Severe Disability Premium and Enhanced Disability Premium constituted unlawful discrimination. He held that the policy decision not to pay additional disability premiums (such as the SDP and EDP) was objectively justifiable. It was a "conscious and considered decision by the legislature and the executive in the context of the allocation of resources in the context of social and welfare policy" (para 72).

"Managed migration" to Universal Credit

Currently, people move onto Universal Credit by making a new claim (when not already receiving "legacy" benefits/tax credits), or following a change in circumstances which would have meant that previously they would have had to make a new claim for a legacy benefit/tax credit. Existing claimants of legacy benefits/tax credits who do not experience a change in their circumstances will transfer to Universal Credit via "managed migration." Managed migration is expected to begin in mid-2019, but only around 10,000 people will be contacted in the first year. Managed migration proper is not expected to get underway until late 2020, and be completed by the end of 2023. Around 2 million households (containing around 2.9 million people) are expected to move to Universal Credit at the managed migration stage; of whom 745,000 will be households receiving Employment and Support Allowance.

Initial proposals for regulations providing for managed migration were the subject of a consultation launched in June 2018 by the Social Security Advisory Committee. The Committee's report was published on 5 November, alongside the final Draft Universal Credit (Managed Migration) Regulations 2018, which are subject to the affirmative procedure.

The final draft regulations incorporate changes which have been welcomed, including extending the notice period within which legacy benefit claimants must make a claim for Universal Credit to three months, and giving all claimants a further "grace period" of one month. Additional measures aimed at easing the transition to UC were also announced in Budget 2018 including two-week "run-ons" of income-based JSA and income-related ESA. There is however continuing concern that the DWP's proposed approach placed the burdens of arranging the move to UC, and the financial risks associated with it, almost entirely on claimants themselves.

In a report published on 22 November the Work and Pensions Committee said that it was "not yet persuaded that the improvements it has made to its Regulations go far enough to safeguard vulnerable claimants and to ensure a smooth transition to Universal Credit" and called on the Government to delay the decision on the regulations to allow for further scrutiny.[26] In a report published on 6 December the House of Lords Secondary Legislation Scrutiny Committee said that DWP "may have acted prematurely in seeking such extensive powers" in the regulations, concluding that the House had been given "insufficient detail to make an informed decision on DWP's proposals."[27] On 12 December the Chair of the Social Security Advisory Committee, Professor Sir Ian Diamond, wrote to the Secretary of State highlighting areas where the Committee thinks the proposal can be further strengthened. In particular, the Committee reiterates it belief that the risk associated with UC managed migration should rest with the state rather than with the individuals affected, and it remains "unconvinced" that it is necessary to ask all claimants on legacy benefits to make a claim for UC and to produce all the necessary supporting evidence.[28]

The Chair of the Work and Pensions Committee, Frank Field, and the Committee Member Heidi Allen also wrote to the Secretary of State for Work and Pensions on 12 December. The letter is below:

> **"Managed migration" to Universal Credit**
>
> On 22 November we published our report on the Government's plans for moving people claiming existing benefits to Universal Credit. At that stage, we were not yet persuaded that the Regulations—though better than the original version—contained adequate safeguards for vulnerable claimants. We called for a delay to allow for further scrutiny by the Social Security Advisory Committee (SSAC) and others.
>
> We have not yet seen any further advice that the SSAC may wish to offer. But we have had the benefit of a report from the House of Lords Secondary Legislation Scrutiny Committee Sub-Committee B (HLSLSCB). That Committee shares many of our concerns about the Government's proposals.
>
> The HLSLCB concludes that Parliament has been given "insufficient detail to make an informed decision on DWP's proposals". Where the Committee has been able to reach a view,

26 Universal Credit: managed migration, HC 1762 2017-19
27 8th Report of Session 2017-19, HL Paper 244, 6 December 2018
28 Universal Credit (Managed Migration) Regulations 2018: SSAC correspondence, 12 December 2018

it expresses concern about the DWP's capacity to deliver "managed migration"—and in particular identifies a risk that vulnerable claimants will be forced into hardship or debt by the Government's approach.

We are writing to propose a way forward.

The Department has argued that it is necessary for Parliament to approve these Regulations before the end of this year in order to provide transitional payments to people who are currently receiving Severe Disability Premium (SDP).

The HLSLCB was not persuaded by the Government's argument that "the various elements [of the Regulations] are "inextricably linked"". The HLSLCB suggests instead that "it would be better for DWP just to seek legislative cover for the pilot, which it, in any event, describes as a distinct phase. Information from that exercise could then be used to reassure the House of DWP's operational capacity and the welfare of the transferred claimants, before further powers to migrate the main group are granted."

We agree and propose the following:

- that the Government withdraw the Draft Universal Credit (Managed Migration) Regulations 2018 currently before Parliament;
- that it lay, as a matter of urgency, Regulations to provide only for transitional payments to people receiving Severe Disability Premium and for the 'pilot' phase of managed migration;
- that it only seek parliamentary consent to the further powers needed for the next stage of managed migration once it has demonstrated to Parliament, on the basis of the lessons learned from the pilot phase, that it has the necessary capability and safeguards in place.

With best wishes and we look forward to hearing from you[29]

The draft Regulations have not yet been agreed by either House.

Exchequer impact of measures since 2010

Measures announced since 2010 that specifically affect expenditure on disability-related benefits were forecast to generate in-year net savings to the Exchequer totalling **£4.6 billion** in 2018/19 (compared with a counterfactual of no measures) – see the table below.

These measures, and the forecasts of fiscal impact that appeared on the Treasury's Budget scorecards, are listed below. Measures which were announced but subsequently withdrawn prior to implementation are not included.

The **actual** fiscal impact of policy measures may differ from the original forecasts in the Budget scorecards. For example, while the Department for Work and Pensions forecast that Personal Independence Payment would deliver significant savings compared with Disability Living Allowance, the Office for Budget Responsibility subsequently concluded

[29] See also the Work and Pensions Committee press release, DWP must prove readiness before new UC powers granted, 13 December 2018

that PIP would not in fact deliver savings compared with the situation had DLA continued unreformed (see above).

These savings do not include the impact on disability-related benefits of the general switch from RPI to CPI uprating announced at the June 2010 Budget, nor the impact on people with disabilities of wider measures affecting benefit and tax credit expenditure, such as restrictions on the uprating of benefits, as these impacts cannot be separately identified from Treasury scorecards. Disability benefits have been generally exempted from the four-year freeze in working-age welfare benefits (2015/16-2019/20) and the three-year 1% uprating limit that preceded it), and recipients of disability benefits are exempt from the household benefit cap, but disabled people may still be affected by restrictions on spending on non-disability related benefits (such as tax credits and Child Benefit).

Measures specifically affecting disability, incapacity and carers' benefits announced from June Budget 2010 onwards

Positive figures are Exchequer savings; negative are Exchequer costs

		£ million, nominal (cash) terms								
Fiscal event	Measure description	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	*Source*
June Budget 2010	Disability Living Allowance: reform gateway from 2013-14	0	140	660	1,190	2,000	2,870	*2,870 **	*2,870 **	*(c)*
Autumn 2010	Contributory ESA: time limit for those in the Work Related Activity Group to one year	330	835	1,230	1,475	1,440	*1,440 **	*1,440 **	*1,440 **	*(b)*
Budget 2011	ESA Youth: abolish National Insurance concession	10	10	15	15	16	16	17	17	*(a)*
Budget 2014	ESA: waiting days	0	0	5	10	0	0	0	0	*(d)*
Autumn 2014	ESA: additional healthcare professionals	0	0	0	35	125	95	75	0	*(e)*
Autumn 2014	ESA: restricting repeat claims	0	0	0	25	25	10	10	10	*(e)*
Autumn 2014	Carer's allowance: higher earnings limit	0	0	0	-5	-10	-20	-20	-20	*(e)*
Summer Budget 2015	ESA: align Work-Related Activity Group rate with JSA	0	0	0	0	0	30	180	345	*(f)*
Autumn 2016	Disability benefits: eligibility test change	0	0	0	0	-20	-20	-20	-20	*(g)*
Budget 2017	PIP: response to legal judgements (non-scorecard measure)	0	0	0	0	0	-110	0	0	*(h)*
Total (i)		***340***	***985***	***1,910***	***2,745***	***3,576***	***4,311***	***4,552***	***4,642***	

Sources of costings: (a) Budget 2011 and OBR policy measures database; (b) Budget 2012; (c) Budget 2013; (d) Budget 2014; (e) Budget 2015; (f) Budget 2016; (g) Autumn Statement 2016; (h) OBR policy measures database.

Note: Costings are the most recent forecasts published in Treasury documents at fiscal events. Fiscal impact forecasts are typically updated until immediately before the financial year of implementation.

* Where no costing is available for a given year (due to it being beyond the forecast horizon at the time the forecast was made), the previous year's cash figure is replicated.

(i) The total is the sum of costings produced at different fiscal events so should be used with a degree of caution.

The £4.6 billion of identifiable savings from disability-related benefits have been estimated to account for around 13% of the total £34 billion scorecard saving from all welfare measures announced from the June 2010 Budget onwards.[30]

[30] House of Commons Library briefing paper CBP-7667, Welfare savings 2010-11 to 2020-21, 23 Sept 2016

1.4 Equality and Human Rights Commission research

On 14 March 2018 the Equality and Human Rights Commission published the final report from a major research project looking at the effect of tax, welfare, social security and public spending measures. The study, The cumulative impact of tax and welfare reforms, focuses on the impact by protected characteristics, as set out in the *Equality Act 2010*. It also looks at other categories, for example, household income and the type of people living in the household. The changes modelled include measures introduced by both the 2010 Coalition Government and subsequent Conservative Governments since 2015. The analysis is based on UK data from the Family Resources Survey (FRS) and Living Costs and Food Survey (LCF).

Chapter 3 of the report explains the authors' methodology for modelling reforms to the personal and household tax system and transfer payments system, and explains how the model was developed.

The model used for the EHRC analysis is the tax-transfer model (TTM) originally developed in 2008–09 by Landman Economics for the Institute for Public Policy Research (IPPR). The TTM has also been used since by researchers at the Resolution Foundation. The report explains (p45):

> The TTM is a microsimulation model which uses data from two datasets, the UK Family Resources Survey (FRS) and Living Costs and Food Survey (LCF). These surveys interview individuals within selected households in the UK (details of the datasets are discussed further in Section 3.3). The TTM calculates net incomes for households (and also for benefit units within households, and for individuals within benefit units), within a set of tax-transfer parameters and for a given tax year (for example, 2017–18). The parameters are held in files in spreadsheet format; a set of parameters can describe the actual tax-transfer system in place at a given time, or a simulated system with one or more reforms implemented (for example, an increase in income tax rates).
>
> The model is fundamentally static: it does not attempt to model the effect of reforms to taxes or transfer payments on people's behaviour. The analyses in this report assume that behaviour is unchanged in response to policy changes, but we do discuss the potential impact of the reforms since 2010 on work incentives in Chapter 9.

This model compares outcomes for the 2021-22 tax year (assuming all welfare changes have been implemented by then) with a "default" position assuming that the tax and benefit system in place before the May 2010 general election remained unchanged (although assuming default rules continued to apply over the interim period, e.g. with regard to the uprating of benefits).

The report presented detailed results for the cumulative impact of tax and welfare changes by protected characteristic. Key findings in relation to disabled people include:

- Analysis by disability status of adults and children in each household shows that households with at least one adult defined in the Family Resources Survey as "core disabled" (i.e. those who meet the Equality Act definition of disabled – see section 3.4 of the report) and at least one disabled child lose around £6,500 per year on average from the reforms (excluding reforms to indirect taxes). This amount is equivalent to one-seventh of their total net income.
- Breaking down the impact of the reforms by household disability "score" (which is based on the number of functional disabilities experienced by adults and children) reveals average losses of around £3,150 per year for households with a score of six or more. In general, households with greater numbers of disabilities lose more on average than households with fewer disabilities.
- There is a clear relationship between household disability score and the proportion of households losing from the reforms. Overall, only 37% of households containing no members with functional disabilities lose from the reforms. Over 71% of households with a disability score of six or more lose out. Most of the increase in the proportion of losers occurs between a disability score of zero and three.
- Looking at the size distribution of winners and losers by household disability score, the overall proportion of losers is not much larger for households with a disability score of 6 or more compared with households with a disability score of 3. However, households with disability scores of 4 or above see a much larger proportion of households with losses of 10% or more (and 20% or more). For example, over 18% of households with a disability score of 6 or more lose at least 20% of their net income from the reforms, compared with less 11% of households with a disability score of 3.

1.5 A cumulative impact assessment?

The Government's position

The Coalition Government's response to the original WOW petition – given on 29 January 2013 – is below:

> Cumulative impact analysis is not being withheld – it is very difficult to do accurately and external organisations have not produced this either.
>
> The Government is limited in what cumulative analysis is possible because of the complexity of the modelling required and the amount of detailed information on individuals and families that is required to estimate the interactions of a number of different policy changes. In addition, the Government's programme of welfare reform will not be fully implemented until 2017/18 and many policy details are still to be worked through. Equality Impact Assessments are however carried out for individual policies where there is a requirement.
>
> No other organisation produces this analysis in a robust way. The Treasury does publish some cumulative analysis with each Budget but this is a broad brush assessment of all tax, benefit and expenditure changes since 2010 across households. Because the Budget cumulative analysis is so complex, it is not robust enough

> to break down by family type – so impacts on disabled people cannot be shown separately.
>
> The IFS also produces some cumulative analysis but also do not feel the results are reliable enough to disaggregate for the disabled.

The Conservative Government maintained this position in its November 2016 response the report of the United Nations Committee in the Rights of Persons With Disabilities (the Committee argued that the Government could, and should, have undertaken a cumulative impact assessment of all of the policy changes that had affected disabled people):[31]

> 83. Since 2010 the Government has published cumulative analysis of the impacts of its tax, welfare and public spending policies on households. The most recent assessment was published at Budget 2016.[1] It showed that the proportion of spending received by households in each quintile of the income distribution has remained similar since 2010-11, with half of all welfare and public services spending going to the poorest 40% of households in 2019-20.
>
> 84. This cumulative distributional analysis (by HM Treasury) is the most comprehensive available, covering not only the effects of direct cash transfers between households and government, but also the effects of frontline public service provision. Welfare spending is not the only way to help disabled people; further support including health spending, employment support, and investment in infrastructure are important enablers to the removal of barriers to participation.
>
> 85. This analysis is not broken down into sub-groups, such as disabled people, due to significant modelling limitations to the robustness of such analysis, e.g.:
>
> - Many benefits are paid to households rather than individuals. Modelling would have to make strong assumptions about how income is shared within households and the analysis results would be heavily dependent on these specific assumptions;
> - It is essential that the Living Cost and Food Survey (LCF) is used for the distributional analysis model. This survey does not hold sufficient disability information.
>
> 86. Any analysis produced could not therefore present the full picture. Government officials carefully consider the equality impact of individual policy changes on people with protected characteristics, including disability, in line with both legal obligations and a strong commitment to equality. Ministers consider these impacts with regard to all relevant legal obligations when deciding welfare and other policies.
>
> 87. In addition to this analysis of specific policies, the Office for Disability Issues developed the Fulfilling Potential indicator framework to measure changes for the disabled population. Developed in consultation with disabled people, their organisations and academics, this framework covers broader indicators such as health, housing and public attitudes. These capture impacts beyond public spending, such as wider

31 UK Government Response to the Report by the UN CRPD, p25

behavioural and economic changes, and important non-financial outcomes; and broadly align with articles in the UN convention. Two reports have been published[2] covering the period 2010 to 15.

1. https://www.gov.uk/government/publications/budget-2016-documents.

2. https://www.gov.uk/government/publications/fulfilling-potential-outcomes-and-indicators-framework-second-annual-progress-report.

SSAC report

Some organisations have disputed claims that it would not be feasible to produce a robust cumulative impact assessment. On 29 April 2014 the Social Security Advisory Committee (SSAC) published an occasional paper, The cumulative impact of welfare reform: a commentary. The report recommended that the Government produce an analysis of cumulative impact on vulnerable groups and consider whether these should be mitigated. SSAC acknowledged that it was difficult to assess the overall effect of welfare reform as many of the impact assessments were produced for individual policies rather than welfare reform as a whole. The report summarised the overall assessments that were available and highlighted where there were gaps in the evidence base. It made the following findings:

- Some overall assessments of impact already existed particularly across income distribution and across geographic areas. These impacts were largely negative, as they focused on the direct and immediate effect of reforms upon incomes, rather than any employment or behavioural effects, and because the potentially positive effects of universal credit (UC) were yet to be introduced nationally;
- Qualitative analysis in the form of case studies have been produced by a range of organisations focusing on areas of particular concern. However, these case studies did not show the full range of impacts arising from welfare reform across different types of household; and
- Particular focus was drawn to the cumulative impact of welfare reform on disabled people because they were both more likely to be claiming multiple benefits, and less likely to be able to change their behaviour to mitigate the impact of reforms.

Whilst acknowledging that the Government's programme of welfare reform was also intended to bring about longer-term positive impacts such as improved work incentives, the report observed that it was too soon to assess the consequential impact of these upon claimant behaviour.

As a result, SSAC made a number of recommendations including:

- The Government should produce further analysis of the cumulative impact of welfare reform on vulnerable groups such as disabled people and publish the findings within six months;

[2] https://www.gov.uk/government/publications/fulfilling-potential-outcomes-and-indicators-framework-second-annual-progress-report.

- DWP should provide a range of case study examples of the cumulative impact of welfare reform to sit alongside further quantitative analysis. Such examples, based on model households, would illustrate how the effect of individual reforms might accumulate for particular claimant groups (in terms of their income and their behavioural choices);
- DWP should consider extending its forthcoming evaluation of Universal Credit so as to also evaluate the impact of its programme of welfare reform; and
- DWP should consider whether there have been any cumulative impacts on vulnerable claimant groups that need to be mitigated.

On 9 July 2014 the then Minister for Welfare Reform, Lord Freud, wrote to the Chair of the SSAC giving the Government's response to the occasional paper. Lord Freud said that the Government was "unable" to accept the Committee's recommendations, adding-

> We agree that cumulative impact analysis can be useful in some cases ... [but] it is not possible to break down ... results to smaller sub-groups of the population accurately. In particular, the amount of information on families required to do this accurately would be prohibitive; and we do not consider that results can be reliably disaggregated for disabled people, a view shared by the authoritative Institute for Fiscal Studies.
>
> More generally, we believe that cumulative impact analysis should be treated with caution, as it will be based upon a comparison with the previous government's policies, which were unaffordable.[32]

[32] Government response: SSAC report on the cumulative impact of welfare reform, 9 July 2014

2. Parliamentary material

2.1 Parliamentary debates

- Benefits: Reductions (HL 1 November 2018 cc1487-1525)

- Personal Independence Payment: Mobility Criterion (HL 4 May 2016 cc1491-1508)

2.2 Parliamentary select committees

- Work and Pensions Committee, PIP and ESA Assessments inquiry (the Committee's report was published on 14 February 2018 – the Government's response was published on 18 April 2018)

2.3 Written Parliamentary Questions

- Universal Credit

Asked by: The Lord Bishop of Newcastle | **Party:** Bishop

To ask Her Majesty's Government what steps they are taking (1) to address hardship caused in Universal Credit pilot areas, and (2) to ensure that the same impacts on debt and health are not caused by the future roll-out of Universal Credit.

Answering member: Baroness Buscombe | **Party:** Conservative Party | **Department:** Department for Work and Pensions

Universal Credit Full Service has been introduced gradually in stages across the country since April 2017 with full roll-out completing this month. From 2019 onwards we will begin to manage migrate legacy benefit claimants to Universal Credit.

DWP is working closely with stakeholders to design how we identify and support those claimants who will need extra help with the process of managed migration. This will begin with a lengthy period of careful introduction and will be at a small scale to ensure our processes are working effectively before we take on larger volumes from 2020 onwards. Once managed migration has been completed there will be an additional £2.1 billion spend per year on Universal Credit compared to the current legacy system.

More severely disabled people will also receive higher payments under Universal Credit, with around 1 million disabled households gaining on average about £100 more per month and the managed migration regulations currently before Parliament, include transitional protections to ensure that no one loses out at the point of transition.

Claimants may have pre-existing debts prior to claiming Universal Credit – for example rent arrears (which are usually temporary and are cleared over time). However, this year, following Autumn Budget 2017, we have implemented a comprehensive package of improvements. These include making advances of up to 100 per cent of the indicative award available (from the start of a claim), removing the 7 waiting days, providing an additional payment of 2 weeks of Housing Benefit to support claimants when they transition to Universal Credit, and changing how claimants in temporary accommodation receive support for their housing costs.

We announced further support at Autumn Budget 2018. Work Allowances will increase by £1000 a year from next April. This will benefit working parents and people with disabilities – 2.4 million households will be up to £630 better off per year in a package worth £1.7bn by 2023/24. From July 2020, payment of the income related elements of Employment and Support Allowance, income based Jobseeker's Allowance and Income Support will continue for two weeks after a claim for Universal Credit has been made.

Finally, our new Universal Support partnership with Citizens Advice (CA) and Citizens Advice Scotland (CAS) from April 2019 will deliver a high-quality and consistent service for our most vulnerable claimants, to assist them manage their Universal Credit claim, get paid on time and budget effectively.

12 Dec 2018 | Written questions | Answered | House of Lords | HL11910

Date tabled: 28 Nov 2018 | **Date for answer:** 12 Dec 2018 | **Date answered:** 12 Dec 2018

- Social Security Benefits: Medical Examinations

Asked by: Greenwood, Lilian | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what steps her Department undertakes to ensure the applicants for personal independence payment and disability living allowance are assessed by accredited healthcare professionals for their specific disability or impairment.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

PIP assessments focus on what impact a disability or impairment has on a claimant's ability to carry out day to day tasks and activities. Therefore, DWP does not require Health Professionals to be specialists in specific conditions or impairments. They are expected to have a broad knowledge of different medical conditions and work with claimants to assess how these affect their daily life.

Health Professionals carrying out PIP assessments have access to training such as evidence based protocols, e-learning modules or case studies as well as keeping knowledge up to date through Continuous Professional Development.

All Health Professionals must have at least 2 years post full-registration experience.

There is no requirement for applicants for Disability Living Allowance (DLA) to undergo a face to face assessment with a healthcare professional.

19 Nov 2018 | Written questions | Answered | House of Commons | 190863

Date tabled: 13 Nov 2018 **| Date for answer:** 19 Nov 2018 **| Date answered:** 19 Nov 2018

- Personal Independence Payment: Cancer

Asked by: Dakin, Nic **| Party:** Labour Party

To ask the Secretary of State for Work and Pensions, how many people with (a) leukaemia, (b) myeloma, (c) Hodgkin's lymphoma and (d) non-Hodgkin's lymphoma have (i) been reassessed from disability living allowance to personal independence payment and (ii) received reduced rates of award.

Answering member: Sarah Newton **| Party:** Conservative Party **| Department:** Department for Work and Pensions

Personal Independence Payment (PIP) has different eligibility criteria to Disability Living Allowance (DLA), and takes a more holistic view of a person's health condition or disability and the impact it has on their ability to live an independent life. Therefore, when a DLA claimant is invited to claim PIP and is reassessed, the level of their award may stay the same, go up, down or cease altogether depending on their assessed level of need. It is important to note that the claimant may no longer have the condition recorded in the DLA system when they apply for PIP.

We introduced PIP to replace the outdated DLA system. PIP is a fairer benefit, which takes a much wider look at the way an individual's health condition or disability impacts them on a daily basis. Under PIP, 30 per cent of claimants are receiving the highest possible support, compared with just 15 per cent under DLA.

3,480 DLA claimants with Leukaemia have been reassessed from DLA to PIP and of this 1,080 received a reduced award amount on PIP compared to DLA, 840 were disallowed PIP post referral to the Assessment Provider and 140 were disallowed PIP pre-referral to the Assessment Provider.

520 DLA claimants with Myeloma have been reassessed from DLA to PIP and of this 200 received a reduced award amount on PIP compared to DLA, 70 were disallowed PIP post referral to the Assessment Provider and 10 were disallowed PIP pre-referral to the Assessment Provider.

300 DLA claimants with Hodgkin's lymphoma have been reassessed from DLA to PIP and of this 100 received a reduced award amount on PIP compared to DLA, 90 were disallowed PIP post referral to the Assessment Provider and 20 were disallowed PIP pre-referral to the Assessment Provider.

660 DLA claimants with non-Hodgkin's lymphoma have been reassessed from DLA to PIP and of this 240 received a reduced award amount on PIP compared to DLA, 160 were disallowed PIP post referral to the Assessment Provider and 20 were disallowed PIP pre-referral to the Assessment Provider.

Notes

- The category "Leukaemia" includes 6 categories under the DLA computer system - Leukaemia - myelogenous (myeloid) acute, Leukaemia - lymphoblastic – acute, Leukaemia - myeloid - chronic, Leukaemia - lymphocytic – chronic, Leukaemias - Other / type not known, Cancer and Leukaemia.

- The PIP Reassessment outcome is the outcome of the first DWP decision on each reassessment claim (i.e. prior to any reconsideration, appeal action and award review), where that decision was made between 1st October 2013 and 31st October 2017.
- Claimants that withdrew their claim to PIP are excluded.
- DLA Entitlement is the DLA award at the time of PIP reassessment registration.
- Reassessment outcomes are for individuals who were aged 16 to 64 on 8th April 2013.
- Data includes PIP claims made under both Normal Rules and Special Rules for the Terminally Ill. However, under DLA a claimant can be recorded as "Terminally Ill" rather than as having a named disability. Therefore, such cases are excluded from the above figures.
- The statistics provided relate to DLA award levels so primary disabling condition is reported as recorded on the DLA computer system. Claimants may often have multiple disabling conditions upon which the decision is based but only the primary condition is shown in these statistics.
- Primary disabling condition may be recorded differently on the PIP and DLA computer systems.
- Figures are rounded to the nearest 10.
- Great Britain only.

12 Nov 2018 | Written questions | Answered | House of Commons | 187018

Date tabled: 01 Nov 2018 | **Date for answer:** 05 Nov 2018 | **Date answered:** 12 Nov 2018

- Welfare State: Reform

Asked by: De Cordova, Marsha | **Party:** Labour Party

To ask Mr Chancellor of the Exchequer, with reference to the Government's response to recommendation 59(b) in its follow up report to the UN Committee on the Rights of Persons with Disabilities' Concluding Observations, what supporting evidence the Government has that a cumulative impact assessment of its welfare reforms cannot be reliably modelled.

Answering member: Elizabeth Truss | **Party:** Conservative Party | **Department:** Treasury

The government carefully considers the impact of its decisions on those sharing protected characteristics, in line with both its legal obligations and with its strong commitment to promoting fairness. The government supports people with disabilities through both the welfare system and through public services. We spend over £50bn on benefits to support disabled people and people with health conditions which accounts for over 6% of Government spending. Spending on disability benefits will be higher every year to 2022 than in 2010.

Since 2010, the Treasury has regularly published cumulative analysis of the impacts of tax, welfare and public spending policies on households according to their income. However, this analysis has not been produced specifically for those with disabilities as the full impacts on these households of all public spending such as on health, transport and other non-financial support cannot be reliably modelled with the data which is currently available.

16 Oct 2018 | Written questions | Answered | House of Commons | 176673

Date tabled: 08 Oct 2018 | **Date for answer:** 10 Oct 2018 | **Date answered:** 16 Oct 2018

- Social Security Benefits: Asperger's Syndrome

Asked by: Fellows, Marion | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, what assessment she has made of the effect of the replacement of Aspergers with Autistic Spectrum Disorder in the fifth edition of the Diagnosis and Statistical Manual of Mental Disorders on the ability of people with Aspergers to claim personal independence payment and employment support allowance as a result of being required to secure a new diagnosis when proving that their condition affects their daily living.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The publication of the fifth edition of the Diagnosis and Statistical Manual of Mental Disorders has had no impact on the eligibility criteria for Employment and Support Allowance (ESA) or for Personal Independence Payment (PIP).

The Work Capability Assessment (WCA) is designed to determine an individual's eligibility for ESA. It assesses individuals against a set of functional physical and mental health descriptors to assess how their health condition or disability affects their ability to work.

Entitlement for PIP is assessed on the basis of the needs arising from a long-term health condition or disability, not the health condition or the disability itself.

24 Jul 2018 | Written questions | Answered | House of Commons | 166213

Date tabled: 19 Jul 2018 | **Date for answer:** 24 Jul 2018 | **Date answered:** 24 Jul 2018

- Social Security Benefits: Disqualification

Asked by: Whitford, Dr Philippa | **Party:** Scottish National Party

To ask the Secretary of State for Work and Pensions, whether he Department has made an assessment of the effect of the imposition on benefits sanctions on the mental health of claimants with an existing mental health condition.

Answering member: Alok Sharma | **Party:** Conservative Party | **Department:** Department for Work and Pensions

No assessment has been made on the impact of benefit sanctions on the mental health of claimants.

We engage at a personal and individual level with all of our claimants and are committed to tailoring support for specific individual needs, including agreeing realistic and structured steps to encourage claimants into the labour market. These conditionality requirements are regularly reviewed to ensure that they remain appropriate for the claimant.

When considering whether a sanction is appropriate, a Decision Maker will take all the claimant's individual circumstances, including any health conditions or disabilities and any evidence of good reason, into account before deciding whether a sanction is warranted.

24 Jul 2018 | Written questions | Answered | House of Commons | 166198

Date tabled: 19 Jul 2018 | **Date for answer:** 23 Jul 2018 | **Date answered:** 24 Jul 2018

- Personal Income: Insurance

Asked by: Shannon, Jim | **Party:** Democratic Unionist Party

To ask the Secretary of State for Work and Pensions, what assessment her Department has made on the effect of individual income protection on reducing welfare dependency and improving return to work rates.

Answering member: Alok Sharma | **Party:** Conservative Party | **Department:** Department for Work and Pensions

DWP has not assessed the impact of individual income protection (IIP) insurance on welfare dependence, financial resilience or employment outcomes. There are clearly established rules on the treatment of income paid to meet living costs, like IIP insurance, in a means-tested benefit system that have been established for a long time and continued in Universal Credit.

Universal Credit helps people build better futures for themselves and their families, with people moving into work faster and staying in work longer. When Universal Credit is fully rolled out it will deliver £8bn benefits to the UK economy every year by getting more people into work and providing the right support to those who need it.

The "Improving Lives: Work, Health and Disability Green Paper" set out details of the Department's Personal Support Package for those with health conditions and disabilities. This broad-ranging package is made up of a number of initiatives designed to significantly improve support into employment.

We welcome the significant engagement we have had with the insurance industry and will continue to engage with them as part of our wider work to support people with disabilities to move into work.

19 Jun 2018 | Written questions | Answered | House of Commons | 152175

Date tabled: 11 Jun 2018 | **Date for answer:** 13 Jun 2018 | **Date answered:** 19 Jun 2018

- Access to Work Programme: Wheelchairs

Asked by: De Cordova, Marsha | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, on what date was the requirement for disabled people to contribute towards the cost of their wheelchairs as part of the access to work scheme introduced; how many disabled people have had to contribute towards the cost of their wheelchair since the introduction of that policy; and whether an equality impact assessment was undertaken before the introduction of that policy.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

Access to Work grants are provided solely on the basis of addressing extra disability related costs of working, beyond those which employers have a statutory duty to meet as 'reasonable adjustments' under the Equality Act 2010.

Access to Work launched in 1994. It is a longstanding practice of the scheme that where there is a 'social and domestic' benefit from a piece of equipment funded by the scheme, there must be a proportionate contribution from the individual.

The purpose of this is two-fold: to ensure equity between working disabled people and non-working disabled people who would not have Access to Work funded equipment that they could also use outside of work and to keep the scheme within its legislative vires.

Data regarding the number of customers who have had a 'Social and Domestic' contribution applied to an award covering a wheelchair are not readily available and could only be obtained at disproportionate cost.

The Access to Work guidance is subject to constant review. When DWP officials became aware that, in some instances, the 'Social and Domestic' contribution had not being applied to awards, a guidance update was issued to clarify the importance of the 'Social and Domestic' contribution and ensure that staff would apply it where appropriate. As this is a neither a new policy, nor a significant alteration to an existing policy, a separate equality analysis was not deemed necessary.

24 May 2018 | Written questions | Answered | House of Commons | 144998

Date tabled: 16 May 2018 | **Date for answer:** 21 May 2018 | **Date answered:** 24 May 2018

- Social Security Benefits: Parkinson's Disease

Asked by: Glindon, Mary | **Party:** Labour Party

To Ask the Secretary of State for Work and Pensions, if she will take steps to ensure that people with Parkinson's disease who undertake therapeutic exercise are not disadvantaged (a) when applying for and (b) if they are in receipt of employment and support allowance or personal independence payments.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

Personal Independence Payment (PIP) is designed to treat people as individuals, considering the impact of their impairment or health condition on their everyday life and how each claimant has personally adapted to living with a disability. The assessment considers all available evidence, including whether an activity can be performed safely to an acceptable standard repeatedly and in a reasonable time period. This principle applies to all claimants, including claimants with Parkinson's Disease.

Entitlement to Employment and Support Allowance is not based on an individual's diagnosis or the nature of their particular disabling condition, but rather on the way that condition limits their ability to function. The Work Capability Assessment assesses the effects of a person's condition on their ability to carry out a number of everyday activities.

ESA has been designed to take full account of progressive conditions such as Parkinson's. If an individual has a progressive health condition, the Health Care Professional takes this into consideration when providing advice to the Decision Maker.

23 Apr 2018 | Written questions | Answered | House of Commons | 136406

Date tabled: 18 Apr 2018 | **Date for answer:** 23 Apr 2018 | **Date answered:** 23 Apr 2018

- Universal Credit: Disability

Asked by: Reynolds, Emma | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, what assessment she has made of the effect of changes in financial support for disabled people under universal credit on living standards of that group.

Answering member: Alok Sharma | **Party:** Conservative Party | **Department:** Department for Work and Pensions

The core design of Universal Credit for claimants with health conditions and disabilities has remained as intended since its introduction in the Welfare Reform Act 2012, and the impacts were analysed then.

DWP continue to evaluate the policy as it is delivered. The Universal Credit Evaluation is a comprehensive and multi-dimensional programme of analysis designed to assess economic, social and behavioural impacts of the Universal Credit experience. Research and analysis is conducted to provide continuous tracking and inform the evaluation and the expansion of Universal Credit, focusing specifically on the effects of Universal Credit on all claimants' behaviours and outcomes.

We have always said that there will be transitional protection for those with existing premiums who move over to Universal Credit as part of the managed migration process, whose overall Universal Credit entitlement would be less than under the old system, provided that their circumstances remain the same.

Claimants who 'naturally' move to Universal Credit will do so because they have had a change of circumstances. In such cases claimants will continue to have their new welfare support entitlement calculated based on the rules of their new benefit.

22 Feb 2018 | Written questions | Answered | House of Commons | 127902

Date tabled: 19 Feb 2018 | **Date for answer:** 22 Feb 2018 | **Date answered:** 22 Feb 2018

- Mortgages: Interest Payments

Asked by: Lucas, Caroline | **Party:** Green Party

To ask the Secretary of State for Work and Pensions, whether her Department has undertaken an equality impact assessment of the planned changes to Support for Mortgage Interest; how many SMI claimants are (a) pensioners and (b) disabled people; and if she will make a statement.

Answering member: Kit Malthouse | **Party:** Conservative Party | **Department:** Department for Work and Pensions

As part of the Impact Assessment for the conversion of Support for Mortgage Interest (SMI) from a benefit to a loan, the Department published the findings of its Equality Analysis:

http://www.legislation.gov.uk/ukia/2017/117/pdfs/ukia_20170117_en.pdf

This contains information on pensioners and disabled people in receipt of SMI.

20 Feb 2018 | Written questions | Answered | House of Commons | 127701

Date tabled: 08 Feb 2018 | **Date for answer:** 20 Feb 2018 | **Date answered:** 20 Feb 2018

- Access to Work Programme

Asked by: McCabe, Steve | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, if she will make an assessment of the potential merits of raising the cap on Access to Work grants.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

In March 2015 the former Minister for Disabled People announced a series of reforms to Access to Work, including a cap on high value awards which would be mitigated by transitional protection for existing customers. In May 2015 the DWP published the report 'Equality Analysis for the Future of Access to Work', which laid out the data that had been reviewed in formulating those reforms and the considerations we had taken into account in setting the cap level at 1.5 times the median gross annual earnings for full-time employees (as published annually by the ONS).

In 2017/18, the cap amounted to £42,100 per person per year. In April 2018, the cap will rise to £43,100.

Since the cap came into effect in October 2015, we have monitored the progress of deaf and disabled individuals affected by it, including those who have benefitted from transitional protection. As we made clear in the 2015 equality analysis, we will continue to monitor the effects of capping and, if an adverse impact upon equality is identified, we will consider the case for further flexibilities. Ministers and officials have also conducted extensive engagement with customers and organisations including charities, disabled people's organisations and employers. The most recent engagement was held in January 2018.

31 Jan 2018 | Written questions | Answered | House of Commons | 125004

Date tabled: 25 Jan 2018 | **Date for answer:** 29 Jan 2018 | **Date answered:** 31 Jan 2018

- Personal Independence Payment: Epilepsy

Asked by: Austin, Ian | **Party:** Labour Party

To ask the Secretary of State for Work and Pensions, with reference to table 8D of the Personal Independence Payment: DLA to PIP reassessment outcomes, October 2017, what steps his Department is taking to address the disproportionate number of people with epilepsy who have seen their awards refused or reduced during the transition to personal independence payments; and if he will make a statement.

Answering member: Sarah Newton | **Party:** Conservative Party | **Department:** Department for Work and Pensions

In line with our existing programme of continuous improvement we have recently made changes to the PIP Assessment Guide in relation to safety and supervision which may impact on those with conditions which affect consciousness such as epilepsy.

Personal Independence Payment (PIP) is more modern, dynamic and fair than its predecessor, Disability Living Allowance (DLA), and focuses support on those experiencing the greatest barriers to living independently. As PIP is a different benefit to DLA with different assessment criteria, we would expect to see some variation between outcomes for different disabling conditions. Additionally, many DLA claimants have not undergone any kind of assessment of their needs for several years and their condition, treatment or therapy and needs arising from their condition may have changed substantially.

21 Dec 2017 | Written questions | Answered | House of Commons | 119807

Date tabled: 15 Dec 2017 | **Date for answer:** 19 Dec 2017 | **Date answered:** 21 Dec 2017

2.4 Written ministerial statements

- Employment and Support Allowance

This Written Statement is a further update to the House on progress in correcting historic ESA underpayments and paying arrears.

The Department began work to assess cases in December 2017. For that stage of the exercise we expect to review around 320,000 cases, of which around 105,000 are likely to be due arrears. We now have a team of over 400 staff working through these cases and have paid around £120m in arrears. We expect to complete the vast majority of this part of the exercise by April 2019, and have to date completed all cases where an individual is terminally ill and responded to the review, thereby ensuring they receive due priority.

The announcement in July, to pay cases back to the point of conversion requires us to review an additional 250,000 cases, of which we estimate around 75,000 could be due arrears. We will undertake this work through the course of 2019. We now have a team of over 400 staff working through these cases, with a further 400 due to join the team through October and November, and will be assigning more staff to review the additional 250,000 cases. This will enable us to complete this important activity at pace.

The Department is publishing an ad hoc statistical publication today setting out further detail on the progress it has made in processing cases and revised estimates of the impacts of this exercise, including details of the number of claimants due arrears and the amounts likely to be paid. This will be published on Gov.uk.

There are currently around 2.3million working-age people on Employment and Support Allowance. In 2018/19 £54 billion will be been spent on benefits to support disabled people and people with health conditions this year which is over 6% of all Government spending and a record high.

A Frequently Asked Question guide will also be will be deposited in the House library for further information.

17 Oct 2018 | Written statements | House of Commons | HCWS1017

Member: Sarah Newton

Department: Department for Work and Pensions

- Personal Independence Payments

Personal Independence Payment (PIP) is a modern, personalised benefit that assesses people on needs not conditions. PIP is a fairer benefit than the old DLA system as it takes a much wider look at the way an individual's health condition or disability impacts them on a daily basis.

We are constantly looking at ways to continually to improve the PIP service. In response to Paul Gray's Second Independent Review and the recent Work and Pensions Select Committee Report we outlined numerous further improvements to the PIP service. This included numerous measures to improve the clarity of our communications products and increasing the level of clinical coaching, feedback and support available to each assessor.

A key part of our efforts to improve the assessment process will be making video recording of the PIP assessment a standard part of the process. We will be piloting videoing the assessment with a view to then rolling this out across Great Britain.

We have seen improvements in the overall quality of assessments since 2015 but we recognise there is still more to do to deliver the high quality of service those claiming PIP rightly expect. We will continue to work closely with stakeholder groups and our Assessment Providers to improve the quality of claimant communications, assessments, decision making and the overall claimant experience.

It is vital for claimants that we continue to have a stable service. My Department therefore, intends to explore options to extend the current contracts for approximately two years as this will better allow for a stable transition to any new provision. At the same time we will look to enable more providers to deliver PIP by developing a DWP owned IT system. Throughout this period we will continue to focus on improving the service and the experience of claimants and offering the best value for money for the taxpayer.

We remain committed to understanding how the benefit is working and to continuous improvement in this space. Furthermore we remain committed to working closely with claimants and the organisations who represent them, and will continue to do so.

The measures I have outlined today will improve the claimant experience and we will continue to work with stakeholders to identify and implement further improvements to ensure we are delivering the high quality service claimants rightly expect and deserve.

05 Jun 2018 | Written statements | House of Commons | HCWS733

Member: Sarah Newton

Department: Department for Work and Pensions

- Access To Work Scheme

In March 2015, as part of a package of improvements to Access to Work, the former Minster for Disabled People, Health and Work and the right honourable member for Forest of Dean announced the introduction of an annual limit on the amount of an Access to Work grant of 1.5 times average salaries in order to encourage better use of public funds and to enable Access to Work to support more people – particularly traditionally under-represented groups. The cap has been in place since October 2015 but a period of transitional protection was granted to enable those who were spending above the level of the cap on introduction time to adjust to the new limits.

During this transitional period for people to adjust to the need to source their support within a limit, we have seen considerable progress. The average spend amongst the remaining transitionally-protected customers has fallen from around £57,000 each to around £45,000 each. This suggests that it is achieving the intended incentive effects on individuals and employers to make best use of funding as well as freeing over £2m per year, to support growing numbers of people benefitting from the scheme, alongside the extra resources provided in the Spending Review. I am therefore persuaded that the principle of the cap is sound, balancing the need to provide support to the largest number of people, and at a significant level for some, with the need to make the best use of public funds.

At the same time, the Government have always said that we would also use this time to monitor the impact of the cap on individuals and work with customers and other stakeholders to see if any further practical mitigations could be applied to those whose needs still remain above the cap. This includes emphasising the duties that employers have to play their part and make reasonable adjustments under the Equality Act 2010. At the same time it was agreed that we would lead a review of communication support for Deaf people, which we published last year.

I am therefore pleased to announce that as a result of this engagement – particularly with the UK Council on Deafness (because the majority of capped customers are Deaf), but also with others groups and individuals that as of April 2018, the cap will not rise to £43,100 in line with 1.5 times average earnings. Instead it will rise to £57,200, double average earnings, and will be uprated annually on that basis. This means that considerably fewer British Sign Language users now remain affected by the cap. I believe it is important to retain this link to average earnings so that high-value awards, which are overwhelmingly used to purchase human support, retain their purchasing power over time.

Alongside this change, existing capped customers will, where applicable, have their needs considered against this new limit when their awards are due for their annual review.

As we continually seek to improve Access to Work, which last year approved provision for 8% more people than in 2015/16 – including 13% more people who were Deaf or had hearing loss - we will introduce the following measures:

- extra support to customers with high-value awards via automatic workplace assessments promoting available technology and reasonable adjustments and voluntary cost-share from employers as well as signposting to advice and guidance provided by third parties;
- working with stakeholders to co-produce guidance and share best practice as well as continued monitoring of the impacts on the cap;
- discretion in exceptional cases of multiple disability, to consider award limits averaged over a longer period – for example where a customer's on-going need for a support worker may be below the

cap but when coupled with a periodic need for say a wheelchair, would exceed the cap in that year;
- introduction of managed personal budgets to enable greater choice and control for customers in the way grants are spent;
- taking applications 12 weeks ahead of a job start date rather than the current six weeks to allow more time for support to be agreed and put in place;
- continuing to invest in our digital improvements such as developing the facility to submit invoices online;
- allowing more flexibility in how people can use Access to Work to support short periods of work experience where there is a likelihood of a paid job in the near future; and
- encouraging uptake of technological solutions that can both reduce costs and promote independence, we will allow risk free trials of technological solutions so that customers can revert to their old award if they wish, and also introduce a "Tech Fund" that will mean the mandatory cost-sharing contributions from employers for such items are waived where their use will save the taxpayer money.

20 Mar 2018 | Written statements | House of Commons | HCWS563

Member: Esther McVey

Department: Department for Work and Pensions

- Employment and Support Allowance

Employment and Support Allowance (ESA) was introduced in 2008. In 2011 the Department began reassessing people claiming pre-existing incapacity benefits to see whether they were eligible for ESA. The previous benefits included Incapacity Benefit, Severe Disablement Allowance and Income Support.

In 2013, the Department was made aware of individual cases which were transferred in error to contributory ESA, rather than to income-related ESA, and therefore which may have had an unidentified entitlement to additional premia, such as the enhanced disability premium. These premia are only payable to those on income-related benefits. From 2014 additional guidance was put in place to ensure all claims transitioning from that point forward were more fully assessed for both contributory and income-related benefits, and therefore the relevant premia paid.

At the time officials did not identify the need to explore the potential impact of the earlier error. This was reconsidered in the light of analysis following the preliminary Fraud and Error statistics published in May 2016. In February 2017, ministers were first informed of the results of this analysis and a sampling exercise began in preparation for a full repayment process. The Department has already started contacting individuals to establish if there has been an underpayment of premia. A small number of claims have already been corrected and the appropriate arrears have been paid.

As a result of the sampling exercise, the Department estimates that around 75,000 claimants may have been underpaid. This amounts to about 5% of those people who transferred over from incapacity benefits, or around 3% of the current ESA caseload.

We realise how important it is to get this matter fixed. The Department has established a special team to begin contacting all individuals whom we believe may be affected. There is therefore no need for individuals to independently contact the department on this matter. Once an individual is contacted and subject to establishing the relevant information, we expect to make a decision on each case and repay the appropriate arrears within 12 weeks. The Department expects to complete the review and correct cases during the course of 2018/19.

This relates to a specific group that transferred to contributory ESA between 2011 and 2014, for which applicable underpayments will now be corrected and paid. Arrears are payable to those who qualify from 21 October 2014 following an Upper Tier Tribunal ruling in the case of LH v SSWP on that date. Under Section 27 of the Social Security Act 1998, when a tribunal establishes the meaning of a legislative provision, payments of arrears which pre-date the tribunal ruling are barred.

The Department is reviewing its processes to ensure any lessons are learnt and that this error is avoided in the future.

14 Dec 2017 | Written statements | House of Commons | HCWS356

Member: Mr David Gauke

Department: Department for Work and Pensions

3. Press articles

Universal Credit: Government's top welfare advisor slams 'unreasonable risk' of Tory benefits shake-up

The Mirror, 1 November 2018

Sick and disabled people to be paid £1billion in owed benefits after DWP blunder

Wales Online, 17 October 2018

The new benefits belatedly go universal but Tories are running out of credit

The Times, 14 October 2018

Thousands of disabled people failed by government's 'culture of indifference', report finds

The Independent, 18 July 2018

Why won't ministers come clean about the impact of cuts on disabled people?

The Guardian, 19 June 2018

[Comment piece]

Government's universal credit roll-out is unlawfully discriminating against disabled people, High Court rules

The Independent, 14 June 2018

How to treat people on benefits with respect - a lesson from Scotland

The Guardian, 7 May 2018

[Comment piece]

Government response to damning inquiry into disability benefit system 'falls short', say MPs

The Independent, 23 April 2018

For disabled people, the welfare state no longer functions as a safety net at all

Prospect, 14 March 2018

Disability benefit assessors failing to meet Government's quality standards

The Independent, 14 February 2018

[Reports on the findings of the Work and Pensions Committee inquiry into PIP and ESA assessments]

Stormont to review PIP benefit claims after court ruling,

BBC News, 7 February 2018

Disability review will study 1.6m claims

The Times, 30 January 2018

Majority of disability benefit claimants being left with not enough to live on, campaigners warn

The Independent, 17 January 2018

Attempted suicides by disability benefit claimants more than double after introduction of fit-to-work assessment

The Independent, 28 December 2017

4. Press notices

Survey on UC for disabled people and people with long term health conditions

Disability Rights UK, 6 December 2018

Universal Credit linked to suicide risk finds new research

Disability Rights UK, 16 November 2018

MPs help WOW win fight for second Commons debate

AccessAble, 19 October 2018

How changes to disability benefits harm claimants' well-being and sense of identity

The Conversation, 23 February 2018

Demonising disabled people: public behaviour and attitudes during welfare reforms

Welfare Conditionality (Blog), July 2017

5. Further reading

5.1 Commons Library publications

- Commons Library briefing CDP-2018-0020, *Claimant experience of the Personal Independence Payment process*, 30 January 2018
- Commons Library briefing CBP-7571, Welfare reform and disabled people, 25 April 2016

5.2 UK and devolved government reports

- Office for Disability Issues, Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland: initial government response, updated 3 October 2018
- Scottish Government, *UK welfare policy: impact on disabled people: Analysis of the impact of Personal Independence Payments and changes to employment and support allowance*, 30th October 2017

5.3 Stakeholder publications

- UK Equality bodies, Progress on disability rights in the United Kingdom: UK Independent Mechanism update report to the UN Committee on the Rights of Persons with Disabilities, October 2018
- Liverpool City Council, *Universal Credit unintended consequences*, September 2018
- UKIM/UN Convention on the Rights of Persons with Disabilities, *Overview of key concerns about social security reforms and protecting disability rights in the United Kingdom*, June 2018
- Equality and Human Rights Commission, *The cumulative effects of tax and welfare reforms*, March 2018
- Equality and Welfare Rights Commission, *The impact of welfare reform and welfare-to-work programmes: an evidence review*, March 2018
- United Nations Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland, October 2017
- Policy in Practice, *Cumulative impacts of welfare reform: a national picture*, August 2017

- Social and Public Health Sciences Unit, University of Glasgow, *The impact on health of employment and welfare transitions for those receiving out-of-work disability benefits in the UK*, August 2016
- Reform, *Working Welfare: a radically new approach to sickness and disability benefits*, February 2016
- Social Security Advisory Committee, *Cumulative impact of welfare reform: a commentary,* April 2014

DEBATE PACK
Number CDP-2018-0278
18 December 2018