

# **Disability alliance**

**Response to the  
Government's consultation paper**

*No one written off:  
reforming welfare to reward responsibility*

**Response R61**

## Foreword

Disability Alliance is a national registered charity with the principal aim of relieving the poverty and improving the living standards of disabled people. Our eventual aim is to break the link between poverty and disability.

We are a membership organisation with almost 400 members ranging from small self-help groups to major national disability charities. We are controlled by disabled people who form a majority of our Board of Trustees.

The Alliance provides information on social security benefits, tax credits and related services, to disabled people, their families, carers and professional advisers; undertakes research into the needs of disabled people - with a particular emphasis on income needs, and promotes a wider understanding of the views and circumstances of all people with disabilities.

We are best known as the authors of the Disability Rights Handbook, an annual publication with a print-run of 25,000. We run a members' helpline for advice and information as well as delivering training to professionals working in both the statutory and voluntary sectors.

Our policy work is informed by our contact with disabled people and those who provide services for them. We have undertaken various approaches to engaging with disabled people in drafting this response – we ran an online survey to gather individual views, we have participated in events hosted by DWP and CPAG, and we have had discussions on general and specific themes with many partner organisations such as Action for ME and the MS Society, as well as colleagues from the Disability Benefits Consortium.

We welcome the opportunity to comment on the proposals contained in the consultation document.

## **Recommendations**

**1 (A stronger sanctions regime)** – Disability Alliance recommends that further action on sanctions for the ‘significant minority’ that do not respond to the current system should not be introduced until the results of the current benefits conditionality review being undertaken by Professor Paul Gregg are published and the findings properly reported and considered. We would also request that more information is provided about the ‘significant minority’ in terms of numbers, health conditions and reasons for non-attendance.

**2 (A stronger sanctions regime)** - Disability Alliance feel that frontline Jobcentre Plus staff need appropriate training and guidance to properly recognise the symptoms and signs of mental distress, especially given the increased interactions that are likely to occur with the introduction of employment and support allowance.

Ensuring that Jobcentre Plus frontline staff are adequately supported, trained and resourced to deliver quality services should help avoid problems arising in the first instance. Further, there is a need to ensure that claims administration is efficient and timely, so that benefit payments are received as and when expected. This again helps to avoid disputes arising in the first instance.

**3 (Work for your benefit)** - Disability Alliance believes that that no JSA claimant should be expected to work for benefits as a result of not being placed into a job after two years on benefits. This, in our view, requires a holistic assessment that explores all the reasons why the individual has failed to secure sustained employment. This would encompass issues such as previous employment experience, skills deficits and needs, health status, service(s) received from FND contractor and why these have failed, etc.

**4 (A stronger sanctions regime)** - We agree that the government should consider allowing specialist providers to find and help disengaged clients directly, rather than requiring them to go through the gateway process – we agree that for the most vulnerable people, a more mandatory approach is likely to actually be alienating, expensive and ultimately counter-productive for all concerned. Aligned to this, we would like to see much improved monitoring of impairments, where appropriate, as well as other related factors when evaluating the success of FND providers in placing people into work.

**5 (Fraud)** – Disability Alliance believes that the DWP should place equal emphasis on proposals for how to improve administrative standards and reduce official error and overpayments. We would like to see dramatic improvements to the administration of the personal capability assessment, or work capability assessment which its replacement. We would like to see more work around the take-up of benefit entitlements. We are not convinced that a reliance on Voice Risk Analysis for fraud detection will not unduly cause problems for many disabled people and would like to see more caution with the introduction of this approach.

**6 (A new regime for problem drug users)** – Disability Alliance recommends that similar policies are pursued with problem drugs users, with regards to relaxed conditionality whilst engaging with treatment programmes. Further, we feel that identified

problem drug users should be moved onto employment and support allowance as it is apparent that they have an impairment to good health and this benefit is designed to assist people with impaired health to move closer to and into work.

We support an approach to building on the Progress2Work programme, provided that appropriate specialist provision is accessible and available, working holistically to assist and support challenging individuals to improve their situation and circumstances. Access to independent advice and information should be actively offered.

**7 (Work skills)** – Disability Alliance supports an approach whereby a light touch basic skills assessment takes place during the initial work focussed interviews, required of employment and support allowance claimants. This should build on information gathered during the work-focussed health-related assessment where applicable. We support the proposals contained in the Work Skills command paper<sup>1</sup>, with regards to the creation of a Skills Account that provides a guaranteed sum to an individual, enabling them to choose the type of training they wish to undergo.

**8 (Work skills)** - Whilst the improvement of skills through participation in training will assist the employability of many disabled people, it is our view that until there is evidence of an adequate supply of training provision to meet the skills required by employers, this should not be mandatory. We would like to see greater flexibility within the benefits system to allow long-term benefit claimants to undertake study and education. The current approach is disjointed, with very complex rules of entitlement that differ between benefits, creating a confused system that can fail claimants who wish to improve their skills and knowledge, as well as causing problems in Jobcentre Plus staff providing advice on opportunities available.

**9 (Volunteering)** - Disability Alliance feels that offering some form of guarantee that entitlement to benefit will not automatically be affected by volunteering would be a valuable step that could be taken – many claimants on incapacity benefit report great anxiety and fear about undertaking volunteering opportunities as they believe that this will trigger a reassessment under the personal capability assessment and potential loss of benefit. This issue also affects people claiming disability living allowance and attendance allowance.

**10 (The work capability assessment)** - There are three key areas that require attention in our opinion:

- the standards of medical assessment undertaken by Atos Origin;
- the assessment of medical evidence by Jobcentre Plus decision makers, including medical evidence produced by claimants;
- the standards of decision-making by Jobcentre Plus decision makers.

The current situation costs the DWP in terms of wasted administrative costs, it costs the Exchequer byway of on-costs to other government departments such as the Ministry of Justice, but most damagingly, it produces tremendous amounts of stress and anxiety for the individual claimant, causing debt and damaging health. Disability Alliance regularly

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<sup>1</sup> Work Skills, DWP & DIUS, 2008.

hears from people who have received a very poor service and it is our view that this occurrence exacerbates the barriers individual claimants construct when considering moving towards employment.

**11 (The work capability assessment)** - One aspect of this should include individual disabled people being able to properly participate in the ongoing evaluation of the work capability assessment, as required under the Disability Equality Duty. The DWP has a duty to proactively include and engage with the those disabled people affected by their working practices and we feel this move would increase the confidence of disabled people undergoing assessment.

**12 (Higher expectations)** - Until we can be sure that the more active approach undertaken with ESA is working effectively for disabled people, there is no evidence to suggest that increasing the ESA conditionality requirements on work-seeking will be effective, proportionate or necessary, and indeed could be counter-productive.

**13 (Access to Work)** – Disability Alliance recommends that Government publishes a timeline detailing the plans for, and impact of, increased investment in the Access to Work scheme. We feel that there is a strong case to be made for monitoring and evaluation of the types of impairment groups that are assisted under the scheme, as well as the types of support made available, so that the impact of this support can be measured and improved.

We would like to see greater integration between Access to Work and the work capability assessment, in particular the work-focussed health-related assessment, as well as the work focussed interviews that most claimants will undergo. Ensuring that healthcare professionals and personal advisers are aware of the availability of the scheme, as well as the availability of suitable equipment, aids, adaptations and other support services will increase the profile of the scheme. There needs to be greater flexibility within the scheme, in terms of portability of equipment between jobs, as well as for people with more variable conditions to allow for appropriate support in times of relapse.

**14 (Specialist disability employment provision)** - We believe that there are opportunities here to join up support functions byway of individual budgets – this would allow disabled people to be allocated an annual sum towards supported employment that they can choose how to spend. It would require a degree of trust from DWP and could be contingent on that person sustaining themselves in paid employment, but more importantly, would create competition between providers to offer the most appropriate support services that would be shaped around the choices and needs of individual disabled people, rather than a top-down approach.

**15 (Employers)** - Disability Alliance would welcome consideration of financial assistance being made available to small and medium sized employers to help support newly disabled people through a period of rehabilitation/disability leave. This leave could be statutory, subsidised by Government and possibly insurers, and could work in the same way as maternity and paternity leave. This would enable employees and employers, through a period of vocational rehabilitation, to assess an individual's condition and how this affects their role, and consider how best to facilitate a return to work.

**16 (Partners)** – Disability Alliance would support a voluntary approach whereby the partners of employment and support allowance claimants are encouraged to come forward for work-related activity, with fiscal incentives for engagement.

**17 (Independent Living)** - Disability Alliance would like to see an express commitment to protect the status of disability living allowance (DLA) and attendance allowance (AA) as universal income-maintenance funding streams available to all eligible disabled people. DLA and AA are very valuable benefits to disabled people of all ages as well as parents of disabled children. We know that their universal nature, payable in or out of work and the freedom to decide what to spend this money on, is a great help to millions of disabled people and their families. This is why decision-making standards are very important; to ensure that eligible disabled people receive the benefit and income that they are entitled to.

**18 (Independent Living)** - Disability Alliance would like to encourage the exploration of services being joined in such a way that assessments for social security benefits, tax credits, social care services as well as related issues eg Blue Badges, SENs, etc be undertaken collectively. It is clear that there is a need for clearly defined assessment and collection of information in relation to these very different forms of support. However, it is also apparent that combined assessment teams of a small group of expert advisors, such as an income advisor, a health-care professional, a social care advisor, and appropriate opportunity to involve necessary expertise on issues including parental support, educational queries or employment issues could be beneficial to all concerned.

**19 (Simplification)** – Disability Alliance endorse the key findings of the Work and Pensions Committee<sup>2</sup> as far as carers are concerned, in particular the need for an urgent review of carers' income and benefits.

**20 (Smoothing the transition to ESA)** – Disability Alliance feels that any reform to the levels of financial assistance provided to disabled people through social security benefits must be undertaken openly, using only credible data and estimates of the numbers of people affected adversely. We would like to see made public the justification for what appear to be freezes or reductions in benefit income at a time when poverty for disabled working age adults has been increasing.

**21 (Simplification)** – Rather than abolishing IIDB, Disability Alliance feel that some thought should be given to looking at how rehabilitation and work skills training can be introduced to the scheme as recommended in the prior consultation report. If the Government press ahead with reforms that do not take into account the basic principles highlighted by the IIDB consultation, we would have to question the merit of carrying out public consultation exercises.

**22 (Service delivery)** – Disability Alliance feels that there should be proper regard paid to the ability of contractors to adequately fulfil their implicit duties under the Disability Equality Duty to proactively design employment support programmes with the full inclusion of disabled people. Again, we would like to see more disabled people involved

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<sup>2</sup> Valuing and Supporting Carers, Work and Pensions Select Committee Fourth Report, July 2008

in the design and delivery of such provision, as we feel that this sends out very clear signals to employers and wider society about the importance of disability equality in the workplace.

**23 (Service delivery)** - We agree that appropriate and accessible advice and information provision is a key factor in ensuring that the best use of employment support provision is made by individuals. In addition to such provision, we also feel that holistic information pitched at an appropriate level that covers the variety of issues potentially faced by someone moving into work is something that DWP could be better at funding. We highlight Disability Alliance's Disability Rights Handbook as being a very effective solution to this issue and we would welcome the opportunity to explore funding provision to supply individuals, contractors and DWP staff with access to this information.

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## 1. Introduction

- 1.1 Disability Alliance welcomes a number of the proposals contained in the consultation paper and recognises the very real benefits they will bring to disabled people. In particular we welcome the additional financial support for those with the greatest complex needs, and the doubling of the Access to Work budget. Both measures recognise the extra costs of disability, for those who have employment related extra costs and those unable to work but who need higher levels of benefit income. We also welcome the planned consultation around further changes to see increased levels of choice and control for disabled people over a range of public funding.
- 1.2 We remain concerned about some key issues: the adequacy of benefit levels more generally for disabled people; the lack of mention of housing benefit given its central role as an in and out of work benefit and the lack of acknowledgement and attention in this Green Paper to the importance of effective benefits administration.
- 1.3 **Adequacy of benefits:** on the point of payment rates of benefits, we are deeply worried that proposals (6.18-6.22) which will effectively reduce the levels of payment are not subject to specific questions raised within the Green Paper - these are far-reaching proposals that will affect thousands of disabled people who receive welfare benefits. Whilst we continue to support the Government's positive intention and plans to assist disabled people closer to, and into employment, it needs to be recognised that more than a million disabled people rely on welfare benefits as a prime, often sole source of income.
- 1.4 **Housing benefit:** the lack of recognition about how housing benefit dovetails with many of the proposed reforms appears a curious omission from the consultation paper. The take-up of housing benefit as an in-work benefit, the administration of housing benefit and the knowledge and confidence of disabled people who are moving into work about the housing benefit system, will clearly have significant effects on the success of these reforms. We hope to see more dialogue around this vital issue over coming months and look forward to working with DWP on this topic.
- 1.5 **Administration of benefits:** the administration of the benefits system by DWP merits further attention if these reforms are to be successful. Disabled people should have every confidence that they will receive accurate advice from DWP staff, that decisions on benefit claims are correct, fair and timely, and that benefits will not be withdrawn or reduced without good cause. Our experience informs our view that this expectation has not been met well enough for some disabled people, despite the very real efforts to ensure improvements in this area. Disability Alliance acknowledges the good practice being developed and ongoing impact of the Change Programme on the administration of benefits; however, there is still a long way to go if the best intentions are to consistently reach front line operational delivery.
- 1.6 With increasing levels of engagement and interaction expected from disabled people and the increased levels of conditionality that are proposed, the need for consistent, timely, accurate administration of benefits will become even more relevant if the proposals are to be successful. We would like to see better monitoring of the different impairment groups within DWP, particularly in relation to sanctions, overpayments and any roll-out of voice recognition screening, as well as more obvious requirements with respect to the Disability Equality Duty, in terms of proactively involving disabled people in policy making and practice.

## **2. An obligation to work**

2.1 Disability Alliance is supportive of the need for a welfare support system that does not encourage inappropriate dependency on benefits. However, many disabled people are dependent on benefits as a result of disability and a range of other barriers including widespread discrimination. Offering appropriate support to those disabled people who are able to undertake increased activities towards taking up work is absolutely essential, if the proposals outlined are to be successful. The various barriers that prevent the take-up of work are a major hurdle for disabled people and we are pleased that the proposals seek to reduce these.

2.2 The intention to increase conditionality and develop a stronger sanctions regime is of considerable concern, unless implemented in tandem with equal responsibility and accountability of Jobcentre Plus to communicate clearly and in an appropriately accessible manner with individuals. The Green Paper acknowledges this to be a prime factor in ensuring a fair system, but offers no detail on how this communication will be improved. Nor does it offer any detail about what will happen in the cases where Jobcentre Plus have failed in their responsibilities to communicate as intended and as required.

2.3 Much of the feedback we receive informs us that despite the best intentions, there remains a major mismatch between the operational, policy and administrative ideals and the experience of disabled jobseekers.

### **Stronger sanctions regime**

2.4 Disability Alliance accepts that there may be a number of individuals who do not respond to the current sanctions system and acknowledges the difficulty in addressing this issue. However, we remain very concerned about proposals to increase the financial non compliance penalties, or sanctions, relating to appointments and interviews.

2.5 The Green Paper notes that the current sanctions regime is ‘successful’ for the majority of jobseekers and until more detailed information about the multifarious reasons for individual non-compliance is available, the proposal to build in increasingly punitive approaches appears premature and inappropriately harsh as well as adding to the administrative burden. Current sanctions already allow for the removal of benefit in cases of non-attendance at interviews or non-compliance with jobseeker’s directions for example, so it is difficult to understand the rationale for further sanctions. This is even more worrying in light of the greater numbers of people with lower level mental health problems and learning difficulties needing to claim JSA as the entitlement test for employment and support allowance increases in rigour.

**Recommendation 1 – Disability Alliance recommends that further action on sanctions for the ‘significant minority’ that do not respond to the current system should not be introduced until the results of the current benefits conditionality review being undertaken by Professor Paul Gregg are published and the findings properly reported and considered. We would also request that more information is provided about the ‘significant minority’ in terms of numbers, health conditions and reasons for non-attendance.**

2.6 Disability Alliance completely agrees that Jobcentre Plus staff must be protected from violent behaviour, whether actual or threatened. However, we have two interlinked concerns about the proposals as they stand:

1. Automatic and escalating financial sanctions for non-attendance at appointments may raise the possibility of disputes occurring where, for example, the claimant has not received a notification letter or where the claimant may have misunderstood the requirement/responsibility as a direct result of literacy, language, and other communication difficulties.
2. The imposition of financial sanctions due to a threat of violence could easily arise if an adviser misunderstands the effects of a person's mental health condition or learning difficulty.

2.7 Research<sup>3</sup> has demonstrated that the least satisfied Jobcentre Plus customers include:

- JSA customers;
- customers who have been claiming benefit for a long time;
- males;
- older customers.

2.8 Given the fact that the Green Paper proposals will demonstrably have significant impacts upon these groups of claimants, we feel it is important that the DWP ensure that Jobcentre Plus can offer a quality service to all customers, which will in turn help to reduce the possibility of aggressive behaviour from claimants. Further, we feel that it is important that statistical monitoring takes place, with regards to numbers of sanctions imposed as well as analysis of underlying issues such as mental health problems, drug dependency, homelessness and so on, as these are clearly the high risk groups as far as these proposals are framed.

**Recommendation 2 - Disability Alliance feel that frontline Jobcentre Plus staff need appropriate training and guidance to properly recognise the symptoms and signs of mental distress, especially given the increased interactions that are likely to occur with the introduction of employment and support allowance.**

**Ensuring that Jobcentre Plus frontline staff are adequately supported, trained and resourced to deliver quality services should help avoid problems arising in the first instance. Further, there is a need to ensure that claims administration is efficient and timely, so that benefit payments are received as and when expected. This again helps to avoid disputes arising in the first instance.**

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<sup>3</sup> Jobcentre Plus Customer Satisfaction Survey 2007, Dr. Steve Johnson and Yvette Fidler, DWP Research Report No. 480, 2008

## **Work for your benefit**

2.9 Disability Alliance agrees that it is fair and reasonable to expect people to improve their work habits and employability and we agree that Jobcentre Plus and contracted service providers have a hugely significant part to play in making this a reality. We do not, however, support proposals for jobseeker's allowance (JSA) claimants to be made to work for their benefit after being in receipt of benefit for longer than two years. There are a variety of reasons why we cannot support this proposal.

2.10 First, someone in this position is likely to be in one of two positions – either they are deliberately avoiding entering work or they face multiple barriers to entering employment which the Flexible New Deal (FND) has failed to properly deal with. In the former, there are already sanctions and so on that can be utilised with jobseeker's who deliberately avoid work opportunities.

2.11 In the latter situation, in cases where an individual has not received the support required to enable them to take up a job, the 'work for your benefit' proposals do not adequately acknowledge this as a potential problem or offer solutions to the real possibility that the individual may have been failed by the FND provider.

2.12 A recent report<sup>4</sup> states that government's plans for this programme could run the risk of 'leaving behind' those claimants furthest from the labour market. The problem is three-fold:

- first, that providers receive uniform payments for employment placements, which means that those who require more support at greater cost will 'inevitably not be offered services appropriate to their needs';
- second, where providers agree ambitious outcome targets during the bidding process, they will then receive lower payments per job outcome which means that money is spread more thinly between clients;
- third, since claimants remain with contractors for a maximum of 12 months, there is an in-built incentive to identify and work more with those who can be helped most quickly leaving those with more complex support needs without adequate support.

2.13 Further, other research<sup>5</sup> demonstrates that there is little evidence that workfare (or making people work in return for benefits) increases the likelihood of people finding work and that more worryingly, it can reduce the chances of someone finding work as a result of limiting the time available for job search, in addition to a lack of skills development. The research indicates that Workfare is also least effective for individuals with multiple barriers to work – the very people that the previous report found are likely to be failed by the FND programme. Thus, these proposals may impact negatively upon those claimants who are actually the hardest to help.

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<sup>4</sup> Flexible New Deal: Making it Work, Ian Mulheirn and Verena Menne, Social Market Foundation, September 2008

<sup>5</sup> A comparative review of workfare programmes in the United States, Canada and Australia, Richard Crisp and Del Roy Fletcher, DWP research report No 533, 2008

2.14 We agree with the recommendations<sup>6</sup> that prime contractors could be offered higher service payments for supporting the harder to help people, alongside consideration of financial penalties for contractors for each person who leaves after 12 months without being placed into work, as this prevents people being parked on programmes with little risk attached to the contractor.

**Recommendation 3 - Disability Alliance believes that that no JSA claimant should be expected to work for benefits as a result of not being placed into a job after two years on benefits. This, in our view, requires a holistic assessment that explores all the reasons why the individual has failed to secure sustained employment. This would encompass issues such as previous employment experience, skills deficits and needs, health status, service(s) received from FND contractor and why these have failed, etc.**

**Recommendation 4 - We agree that the government should consider allowing specialist providers to find and help disengaged clients directly, rather than requiring them to go through the gateway process – we agree that for the most vulnerable people, a more mandatory approach is likely to actually be alienating, expensive and ultimately counter-productive for all concerned. Aligned to this, we would like to see much improved monitoring of impairments, where appropriate, as well as other related factors when evaluating the success of FND providers in placing people into work.**

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<sup>6</sup> Flexible New Deal: Making it Work.

## **Fraud and current criminal sanctions regime**

2.16 Disability Alliance agrees that effective anti-fraud measures are necessary to ensure public funds are not abused or misused. Indeed, the government can point towards a very successful strategy over the past ten years in reducing the quantities and levels of fraudulent payments being made<sup>7</sup>. Yet, the latest DWP statistics indicate that the amount lost due to official error or claimant error as being roughly equal to the amount lost through fraud<sup>8</sup>. Disability Alliance believes that while the DWP is making good progress in tackling fraud, equal focus should be given to tackling official error and we are very disappointed at the lack of focus on this issue in the Green Paper as compared to the focus on tackling fraud.

2.17 Disability Alliance believes that attention is required to improve standards of decision making, the standards of information and advice provided to claimants, to ensure proper accessibility. This latter point is very important given recent reforms such as employment and support allowance embracing a wider range of impairment groups than previously, and the implementation by PDCS Directorate of the Right Payment Programme and the Special Rules Review which again mean greater levels of interaction between the DWP and individual claimants.

2.18 In particular, the administration and decision-making with relation to the Personal Capability Assessment and its replacement, the Work Capability Assessment, causes serious concerns, as does decision-making and assessment for Disability Living Allowance. These are between them responsible for more than 60% of all social security appeals lodged, with success rates running at more than 50%<sup>9</sup>. We would be happy to discuss strategies for improvements in these areas, to reduce the unnecessary expense to DWP, the public purse more widely, but most importantly of all, the individual sick and disabled people who experience stress and anxiety because of poor decision making.

2.19 On benefit take-up, latest figures suggest that unpaid benefits are slightly higher than the equivalent figures for fraudulently claimed benefits, at £1.1bn overall. The necessity for adequate and accessible advice and information provision to current and potential claimants in a variety of formats, as well as high-level strategic thinking around benefits take-up is required to deal with this enormous problem. The interlinked problems of disability, poverty and extra costs associated with disability would be significantly reduced if disabled people were properly assisted to claim their rightful entitlements.

2.20 Disability Alliance has concerns over the roll-out and reliance on Voice Risk Analysis (VRA) as an anti-fraud measure. As far as we have been able to ascertain, this software has not been properly assessed as required under the Disability Equality Duty and along with many other disability organisations, we have fears about discrimination

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<sup>7</sup> See, for eg, Department for Work and Pensions: Progress in tackling benefit fraud, National Audit Office, 2008, which found that DWP has made good progress in tackling benefit fraud, which is estimated to have fallen from an estimated £2 billion in 2000-01 to £800 million in 2006-07, a substantial achievement.

<sup>8</sup> See, for eg, Fraud and Error in the Benefit System: October 2006 to September 2007, Information Directorate DWP, 2008 with estimates of £0.8bn lost to fraud in 2007/08, customer error at £0.9bn and official error the highest at £1.0bn.

<sup>9</sup> Quarterly Appeal Tribunal Statistics: March 2006, DWP

and incorrect denial of claims for people with communication problems or mental impairment or learning difficulties.

2.21 Disability Alliance, together with other organisations, has already expressed some misgivings about the use of VRA for people with particular disabilities on the following grounds:

- VRA has not been tested on those who have speech/language impairments – about 700,000 people in the country;
- some of the questions will be difficult to answer for some disabled people, even with advance warning;
- this system was not designed by DWP or Capita; it was designed for use in insurance claims – the percentage of disabled people will be greater in DWP cases;
- customers with mental health issues would be very likely to register as high risk but are unlikely to be committing fraud;
- the success of the technology depends on how well the operator is trained;
- there are concerns as to whether the records of customers who are deemed high risk at the telephone call stage, but then classified low risk at a visit, will be amended;
- those considered high risk may face a slower claims process, often through no fault of their own;
- it appears that the DWP has no system for identifying disabled people who could innocently fall foul of this system; and,
- there is a question as to whether VRA contravenes the disability equality duty which requires public bodies to avoid providing services where there is less favourable treatment, for a reason relating to disability, without justification.

**Recommendation 5 – Disability Alliance would like to see DWP making proposals for how it intends to improve administrative standards and reduce official error and overpayments. We would like to see dramatic improvements to the administration of the personal capability assessment, or work capability assessment which its replacement. We would like to see more work around the take-up of benefit entitlements. We are not convinced that a reliance on Voice Risk Analysis for fraud detection will not unduly cause problems for many disabled people and would like to see more caution with the introduction of this approach.**

## **Problem drug users**

2.22 Our comments about the proposals in this section are based upon discussions with drug agencies as well as a Drugscope expert seminar. We see some merit in the approach proposed as some drug users may benefit from this approach, however we remain concerned that the most vulnerable people may be adversely affected. In addition, we are concerned about an approach that may further stigmatise individuals, potentially to undermine the likelihood of their full engagement with treatment and rehabilitation programmes.

2.23 We remain unclear about existence of evidence that supports a sanctions-led approach to social security benefits for problem drug users, beyond current powers within jobseeker's allowance (JSA) and employment and support allowance (ESA). Indeed, from discussion with drugs agencies working with problem drug users, there is a strong feeling that if the approach to force disclosure is followed through, this could result in increased criminality and lower levels of engagement. This is because a source of reliable income will be removed but the dependency problem remains, as well as pushing people away from engagement with statutory service provision more generally if they feel that they are being targeted. It is also difficult to understand how the compulsory disclosure would work in practice, particularly in relation to knock-on proposals of financial sanctions, overpayments and fraud.

2.24 We agree with the position of Drugscope in looking at 'Contingency management' as an alternative approach to behaviour modification. Rewards for jobseekers, rather than a sanctions approach, could include permitting claimants to sign on at the drug treatment service rather than the Jobcentre Plus office, vouchers to attend training schemes, financial support to take up volunteering opportunities or purchase clothes for job interviews, for example.

2.25 Problem drug usage is not a constant state of affairs and often occurs in combination with a number of other problems areas such as mental health issues, homelessness, ex-offending, prostitution and so on. These issues often overlap and can ebb and flow, thus requiring a patient and supportive approach to ameliorate and overcome dependency problems.

2.26 Moving someone from a state of problem drug usage towards and into employment can take between 18 and 24 months in many cases. The journey through a treatment programme, where available, onto specialist support rehabilitation plans before undertaking work experience and work trials requires intensive support and patience. We understand that agencies such as Addaction and Phoenix Future run programmes that provide examples of good practice in this area.

2.27 The availability of suitable treatment programmes has been questioned by drugs agencies and it seems fundamentally unfair to expect problem drug users to be required to engage with specialist employment providers and draw up rehabilitation plans that<sup>10</sup> (our emphasis):

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<sup>10</sup> Para. 2.41, Green Paper

*'sets out the **steps that they will take** to stabilise their drug dependency, move towards recovery, tackle the problems they face and get into work'*

unless they can be guaranteed accessible and appropriate support and services, whether these are residential or within the community.

2.28 This appears to fundamentally misunderstand best practice within drug treatment and rehabilitation as it currently exists. If the approach underlying these reforms is about strengthening rights and responsibilities, we feel there is an equal right for the individual concerned to be given guarantees about standards and approach of the services that they can be offered, along with a patient approach that does not threaten punitive actions for simple lapses in behaviour, rather than deliberately breaking the terms of social security entitlement conditions.

2.29 The proposal for a Treatment Allowance appears to run counter to other proposals to simplify and streamline the social security system. Both JSA and ESA already contain powers to require certain levels of work-related activity and indeed are themselves subject to proposals to increased levels of conditionality. There seems to be a consensus that aiming to create a separate Treatment Allowance to replace "normal benefit payments" is unnecessary and counter-intuitive. There already needs to be variations in requirements for lone parents moving over from income support and similar proposals are made for carers if income support is abolished.

**Recommendation 6 – Disability Alliance recommends that similar policies are pursued with problem drugs users, with regards to relaxed conditionality whilst engaging with treatment programmes. Further, we feel that identified problem drug users should be moved onto employment and support allowance as it is apparent that they have an impairment to good health and this benefit is designed to assist people with impaired health to move closer to and into work.**

**We support an approach to building on the Progress2Work programme, provided that appropriate specialist provision is accessible and available, working holistically to assist and support challenging individuals to improve their situation and circumstances. Access to independent advice and information should be actively offered.**

## **Work skills**

2.29 Disability Alliance agrees with the broad thrust of proposals under this section. We agree that the offer of a meaningful skills screen to new benefit claimants should prove a productive strategy in identifying and addressing the need for retraining or a basic skills deficit. The need for greater integration between the social security system and the education and skills system is paramount if benefit claimants are to be offered the best chances to improve their circumstances and their situation.

**Recommendation 7 – Disability Alliance supports an approach whereby a light touch basic skills assessment takes place during the initial work focussed interviews, required of employment and support allowance claimants. This should build on information gathered during the work-focussed health-related assessment where applicable. We support the proposals contained in the Work Skills command paper<sup>11</sup>, with regards to the creation of a Skills Account that provides a guaranteed sum to an individual, enabling them to choose the type of training they wish to undergo.**

2.30 If such an approach is piloted and proves successful, we see no reason to make such engagement mandatory as many disabled people would enjoy the opportunity to improve their skills and education as the educational barriers faced by many disabled people are well-known<sup>12</sup> – for example, at age 16, young disabled people in England and Wales are twice as likely to not be in any form of education, employment or training (NEET) as their non-disabled peers, a figure which increases to three times as likely by the age of 19. Further, the proportion of young disabled people who were NEET increased from 11% to 15% between 2000 and 2004.

2.31 A culture of low expectation is thought to be a factor, with one fifth of young disabled people stating that they were discouraged from taking GCSE's because of their impairment. In turn, this creates a fall in aspirations with many young disabled people feeling that, by the age of 26, there is nothing they can do in their lives to make a difference. Disabled adults are less likely to have access to in-work skills development that might aid career progression. Thus, as well as introducing skills screening and training opportunities, it is vital that improvements are made to mainstream education to overcome the problems creating such a culture of a lack of expectation.

**Recommendation 8 - Whilst the improvement of skills through participation in training will assist the employability of many disabled people, it is our view that until there is evidence of an adequate supply of training provision to meet the skills required by employers, this should not be mandatory. We would like to see greater flexibility within the benefits system to allow long-term benefit claimants to undertake study and education. The current approach is disjointed, with very complex rules of entitlement that differ between benefits, creating a confused system that fails claimants who wish to improve their skills and knowledge, as well as causing problems in Jobcentre Plus staff providing advice on opportunities available.**

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<sup>11</sup> Work Skills, DWP & DIUS, 2008.

<sup>12</sup> Disability, Skills and Work: Raising our ambitions, Social Market Foundation and Disability Rights Commission, June 2007.

## **Volunteering**

2.32 Disability Alliance agrees that volunteering can have many advantages for out of work disabled people in terms of skills development, confidence building, social interactions, the wider contributions to society and welfare to work strategies. However, to frame volunteering solely and squarely as a route into paid employment seems to misunderstand one of the fundamental strengths of voluntary work which is that it is usually undertaken without the strictures and requirements concomitant with paid employment.

2.33 For many disabled people, volunteering is a key factor in maintaining their physical but especially their mental health – the fact of volunteering does not impinge upon their capacity to move into paid employment, but can fill a gap caused by their inability to secure full time employment for reasons beyond their control, such as discrimination, skills deficits, capability or reliability, environmental factors, etc.

**Recommendation 9 - Disability Alliance feels that offering some form of guarantee that entitlement to benefit will not automatically be affected by volunteering would be a valuable step that could be taken – many claimants on incapacity benefit report great anxiety and fear about undertaking volunteering opportunities as they believe that this will trigger a reassessment under the personal capability assessment and potential loss of benefit. This issue also affects people claiming disability living allowance and attendance allowance.**

### **3. No one written off**

3.1 Disability Alliance welcomes the proposal for doubling the Access to Work budget by 2013. It is slightly disappointing that the increase will take another 5 years to be implemented when the financial gains attached to the programme are already acknowledged as being significant. Helping up to 48,000 people through the scheme by 2013 will obviously be a real gain compared to the current 24,000 but it should be remembered that there are more than one million disabled adults claiming incapacity benefits currently so we feel there needs to be much more activity in this area to properly bring about equality in employment for disabled people.

3.2 We believe that there are opportunities for Jobcentre Plus to be more proactive in joining up aspects of its programmes – so we would like to see consideration to the work capability assessment having a screening system highlighting potential entitlement to Access to Work support for those who may be eligible. This could also link into the light touch basic skills screening proposed elsewhere.

3.3 Taking a holistic view of the support needs of disabled people makes it more likely that they will be able to make the transition from benefit into work on a sustainable basis. Accessible and appropriate information is a key factor in this process and we would like to see a role for organisations such as Disability Alliance in the provision of such information, with our long track record of delivering such resources.

### **The work capability assessment & ESA as a temporary benefit**

3.4 Disability Alliance has been broadly supportive of the change in emphasis introduced with employment and support allowance (ESA), in terms of engaging with claimants experiencing sickness, long-term ill-health, disability and impairment to consider what barriers and opportunities exist to move into employment. We have worked closely with officials in the development of ESA, as well as the review that created the new work capability assessment (WCA). However, given that ESA is not introduced until 27 October 2008, it is difficult to comment on proposals for further reform at this stage.

3.5 Although we understand the need to monitor, evaluate and amend (if appropriate) the work capability assessment over time, we cannot support proposals for an immediate review of the WCA as no-one, at this stage, knows or understands how the new assessment will operate in practice. What we do know is that current administration of the personal capability assessment remains exceptionally poor. There are 10s of thousands of incorrect decisions made by Jobcentre Plus decision makers, as evidenced by the amount of successful appeals<sup>13</sup>. This situation has existed for over 10 years and has been the subject of ongoing comment and criticism from the President of the Appeals Service<sup>14</sup> who has jurisdiction over social security appeal tribunals.

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<sup>13</sup> 11,675 appeals heard in one quarter ending March 2006, 47.6% success rate, Quarterly Appeal Tribunal Statistics: March 2006.

<sup>14</sup> “...one is left with the striking impression that there has been no significant improvement in the quality of administrative decisions coming before Appeal Tribunals. The proportion that is overturned by the tribunal is no less now than when the modernising reforms were introduced.” President’s Report: Report by the President of Appeal Tribunals on the standards of decision-making by the Secretary of State 2007–2008, The Appeals Service June 2008.

**Recommendation 10 - There are three key areas that require attention in our opinion:**

- **the standards of medical assessment undertaken by Atos Origin;**
- **the assessment of medical evidence by Jobcentre Plus decision makers, including medical evidence produced by claimants;**
- **the standards of decision-making by Jobcentre Plus decision makers.**

**The current situation costs the DWP in terms of wasted administrative costs, it costs the Exchequer byway of on-costs to other government departments such as the Ministry of Justice, but most damagingly, it produces tremendous amounts of stress and anxiety for the individual claimant, causing debt and damaging health. Disability Alliance regularly hears from people who have received a very poor service and it is our view that this occurrence exacerbates the barriers individual claimants construct when considering moving towards employment.**

3.6 Government already estimates an increase of more than 20,000 appeals when ESA is introduced<sup>15</sup> – we would like to see the annual independent report of the PCA properly consider what strategies can be undertaken to reduce the numbers of incorrect decisions made and thus appeals. Such an approach should not seek or effect a reduction in the legal rights of individuals to challenge the veracity of decisions, but instead seek to foster real improvement in the understanding of the effects of disability and ill-health upon an individual.

**Recommendation 11 - One aspect of this should include individual disabled people being able to properly participate in the ongoing evaluation of the work capability assessment, as required under the Disability Equality Duty. The DWP has a duty to proactively include and engage with the those disabled people affected by their working practices and we feel this move would increase the confidence of disabled people undergoing assessment.**

3.7 Further, Disability Alliance cannot support any proposals to increase the conditionality on ESA claimants with regards to work seeking activity. ESA does not commence until 27 October 2008 and no-one at this stage knows or understands how well the new benefit will be in achieving governmental aims and objectives. Time is required for ESA to bed in, for the impacts and outcomes to be properly evaluated and understood to ensure that disabled people really are receiving a high quality service that produces sustainable employment outcomes.

3.8 DWP's own research<sup>16</sup> has found that personal advisers regard themselves as enablers rather than enforcers - *'they felt that allowing customers to move forwards at their own pace, and emphasising the voluntary nature of participation, were critical to gaining customer commitment and co-operation'*. The research notes that *'if further elements of compulsion are introduced, care [is] needed that it is not detrimental to the enabler role of IBPAs'*.

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<sup>15</sup> Explanatory memorandum to The Employment and Support Allowance Regulations 2008 No. 794

<sup>16</sup> Incapacity Benefit Reforms: Personal Adviser roles and practices - qualitative research by Tim Knight, Sarah Dickens, Martin Mitchell and Kandy Woodfield for the DWP 2005

**Recommendation 12 - Until we can be sure that the more active approach undertaken with ESA is working effectively for disabled people, there is no evidence to suggest that increasing the ESA conditionality requirements on work-seeking will be effective, proportionate or necessary, and indeed could be counter-productive.**

**Increased support from Access to Work**

3.9 Disability Alliance welcomes the pledge to double the budget for the Access to Work scheme, although we are disappointed that this will not be implemented until 2013. We would like to see eligibility for the scheme assessed as part of the work capability assessment so that disabled people know about the potential support that is available to them.

3.10 Access to Work could be provided in the form of 'credits', similar to an insurance approach or a 'call out' service (likened to computer maintenance), allowing people to draw on it when required e.g. by securing out-of-hours support, mentoring, counselling or stress management. This could be achieved via partial integration with individual budgets and would enable people with fluctuating conditions to benefit.

3.11 Other areas covered could include temporary spells of volunteering or work experience as well as job coaching and paying for temporary cover. Bureaucracy and costs could be reduced by introducing degrees of self-assessment, in particular for long term Access to Work users where it is clear that the basic need for support is unlikely to change.

3.12 We would like to see a lighter touch system of administration introduced, so that people could, for example, be assessed as eligible for assistance for Access to Work support and then be given up to £500 towards necessary aids or adaptations without further checking. The Royal Mail pilot scheme under which they pay the upfront costs which are then reimbursed from Access to Work could be expanded for other larger employers. Ensuring the prompt supply of support needs is vital, both for employee and employer, if people with more severe support needs are to be assisted into employment.

**Recommendation 13 – Disability Alliance recommends that Government publishes a timeline detailing the plans for, and impact of, increased investment in the Access to Work scheme. We feel that there is a strong case to be made for monitoring and evaluation of the types of impairment groups that are assisted under the scheme, as well as the types of support made available, so that the impact of this support can be measured and improved.**

**We would like to see greater integration between Access to Work and the work capability assessment, in particular the work-focussed health-related assessment, as well as the work focussed interviews that most claimants will undergo. Ensuring that healthcare professionals and personal advisers are aware of the availability of the scheme, as well as the availability of suitable equipment, aids, adaptations and other support services will increase the profile of the scheme. There needs to be greater flexibility within the scheme, in terms of portability of**

**equipment between jobs, as well as for people with more variable conditions to allow for appropriate support in times of relapse.**

### **Specialist Disability Employment Provision**

3.13 Disability Alliance welcomes the pledge to expand the supported employment budget with the introduction of the new Specialist Disability Employment Provision services coming along from 2009. We submitted a response based on feedback from member organisations and disabled individuals engaging with these services and look forward to the summary of responses and more information about the shape of these services in the future. Support of this type is a very necessary option for many disabled people and we are keen to see this provision expanded and built upon to improve employment outcomes.

**Recommendation 14 - We believe that there are opportunities here to join up support functions byway of individual budgets – this would allow disabled people to be allocated an annual sum towards supported employment that they can choose how to spend. It would require a degree of trust from DWP and could be contingent on that person sustaining themselves in paid employment, but more importantly, would create competition between providers to offer the most appropriate support services that would be shaped around the choices and needs of individual disabled people, rather than a top-down approach.**

### **Employers, keeping people in work, etc.**

3.14 Disability Alliance feels that the crucial role of employers in both retaining employees who acquire a long-term health condition or disability whilst in work, as well as looking to actively employ more disabled people, is finally beginning to be given the attention merited. Without a clear strategy of engagement and support, in particular for smaller and medium-sized businesses, the fundamental strategy underlying these reforms will not succeed.

3.15 Disability Alliance has previously worked with RNIB and John Robertson, MP, on an Employment Retention and Rehabilitation Bill that aimed to place legislative requirements upon employers and government to take necessary steps to help people remain productive and active in the workplace but this was not taken forward. We would like to see Government explore ways to ensure that disability discrimination legislation can be effectively used by disabled people who experience work-place discrimination from employers. Disability Alliance looks forward to continuing to work with Government as Dame Carol Black's recommendations are rolled out over coming months and years, including the new National Strategy for Mental Health and Employment

**Recommendation 15 - Disability Alliance would welcome consideration of financial assistance being made available to small and medium sized employers to help support newly disabled people through a period of rehabilitation/disability leave. This leave could be statutory, subsidised by Government and possibly insurers, and could work in the same way as maternity and paternity leave. This would enable employees and employers, through a period of vocational rehabilitation, to assess an individual's condition and how this affects their role, and consider how best to facilitate a return to work.**

#### 4. **Ending child poverty**

4.1 Disability Alliance welcomes the proposals to disregard child maintenance payments completely for all out-of-work benefits from April 2010. We think this is a bold step that should produce real financial gains for parents receiving such payments and assist towards reducing the numbers of children living in poverty.

4.2 The proposals regards partners of benefit claimants are very confused and have the potential to create unnecessary complexity into an already complex system of benefits and tax credits. We can understand the rationale for requiring both partners of a jobseeker's allowance claim to be required to undertake work-related activity. However, the proposals to force couples where one partner is entitled to employment and support allowance or income support to instead claim jobseeker's allowance where there is a possibility that the partner may satisfy the entitlement conditions seems overly intrusive and administratively complicated.

4.3 It fails to recognise the fact that partners are often engaged in caring roles and responsibilities and undermines their contribution towards society. Whilst the Green Paper states that this will not apply to partners who are sick or disabled themselves or who are claiming carer's allowance, this fails to acknowledge the reality of the situation which is the significant numbers of people providing care who do not receive this benefit<sup>17</sup>.

4.4 Furthermore, there are no details as to how the potential eligibility to JSA of the partner of an ESA claimant will be established – forcing the partner to make a JSA claim to check this out will clearly increase the administrative burden placed upon Jobcentre Plus, will result in delays in decisions on claims and will potentially leave people without benefit income when they need it. It could also lead to delays in the ESA assessment period which runs counter to the stated policy intention to start ESA claimants looking for work as soon as is practicable.

**Recommendation 16 – Disability Alliance would support a voluntary approach whereby the partners of employment and support allowance claimants are encouraged to come forward for work-related activity, with fiscal incentives for engagement.**

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<sup>17</sup> There are an estimated 6million people providing care, Valuing and Supporting Carers, Work and Pensions Select Committee Fourth Report, July 2008

## **5. Delivering choice and control for disabled people**

5.1 Disability Alliance welcomes the promotion of choice and control for disabled people so that all disabled people can live properly independent lives. The Independent Living Strategy clearly offers an opportunity to co-ordinate the policy and practice of six key governmental departments to move towards this crucial goal. It is important that DWP is perceived as a beacon of good practice in relation to Independent Living for disabled people, both in terms of its strategies and policies but especially as an employer and through its service delivery to individual disabled people.

5.2 We agree that Individual Budgets may offer significant opportunities for enabling disabled people to take more choice and control over their lives. The associated reductions in assessment and administration can clearly bring about demonstrable gains, although it is our view that cost-cutting should not be a prime driver of policy reform in this area – we would hope that administrative savings are ploughed back in to the provision of more wide-ranging social care services.

5.3 We also feel that it is important that the most beneficial aspects of Individual Budgets are not ‘designed out’ in the development process and drive to spread them more widely. Further, it is paramount to remember that, if properly aiming to allow disabled people choice and control, there are some disabled people who will not want an Individual Budget for various reasons. This is evidenced by the recent evaluation report<sup>18</sup> of Individual Budgets which found that older people did not find the Individual Budget system used during the pilot as easy to use as the other groups, and they did not appear to like the idea of managing their own support.

5.4 Statutory social care provision must remain a viable service within the choices available, in addition to other package of services such as personal assistants; aid, adaptation and equipment grants and payments; advice, information and advocacy services, including signposting functions; other choices at the discretion of the disabled person. Whilst keeping as many options available as possible for disabled people to choose will present its problems, it would be a contradiction in terms to suggest that disabled people have choice and control if they all have to adopt the same approach.

5.5 We do think that there are opportunities to bring together assessment procedures for the various strands of financial and social care support systems, to improve the experience and engagement of disabled people with the ‘welfare’ system. Parents of disabled children regularly report upon the amount of repeated information and assessment they need to provide, and the additional burdens this causes to employment status, income and debt, stress and health problems, educational barriers and so on. Working age disabled people can be required to undergo similarly disjointed processes that are time-consuming, draining and demotivating, as well as being costly for the state to fund.

5.6 With social security benefits, the assessment would obviously need to explore entitlement to employment and support allowance, as well as DLA/AA and other related funds. The work-focussed health-related assessment within the new ESA work capability

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<sup>18</sup> Evaluation of the Individual Budgets pilot programme: final report, Glendenning et al, Social Policy Research Unit, University of York, 2008

assessment could, and probably should be, used to explore entitlement for Access to Work funding. The role of properly funded and properly trained Disability Employment Advisers, with access to a wide range of information, could help fulfil this function. Fixed-period awards of DLA for children of at least 5 years would give parents financial stability as well as ensuring no more than 3 assessments before their child reached 16 years of age.

**Recommendation 17 - Disability Alliance would like to see an express commitment to protect the status of disability living allowance (DLA) and attendance allowance (AA) as universal income-maintenance funding streams available to all eligible disabled people. DLA and AA are very valuable benefits to disabled people of all ages as well as parents of disabled children. We know that their universal nature, payable in or out of work and the freedom to decide what to spend this money on, is a great help to millions of disabled people and their families. This is why decision-making standards are very important; to ensure that eligible disabled people receive the benefit and income that they are entitled to.**

**Recommendation 18 - Disability Alliance would like to encourage the exploration of services being joined in such a way that assessments for social security benefits, tax credits, social care services as well as related issues eg Blue Badges, SENs, etc be undertaken collectively. It is clear that there is a need for clearly defined assessment and collection of information in relation to these very different forms of support. However, it is also apparent that combined assessment teams of a small group of expert advisors, such as an income advisor, a health-care professional, a social care advisor, and appropriate opportunity to involve necessary expertise on issues including parental support, educational queries or employment issues could be beneficial to all concerned.**

## **6. Simplifying and streamlining the benefits system**

6.1 Disability Alliance has a long-standing record of contributing to benefits simplification policy, both at a micro and macro level. It is clearly in the interests of disabled people if the financial systems of support via welfare benefits and tax credits are as simple and accessible as is possible. We agree that consideration of simplification measures requires strategic oversight to ensure that policy drivers are working towards the same ends, in terms of choice, control and independent living, so that disabled people can support themselves in employment and receive adequate financial security when not.

6.2 On the face of it, the proposal to abolish income support to 'simplify' the welfare benefits system into two key out-of-work benefits could appear to be an attractive one. A situation whereby jobseeker's allowance exists for those people most actively seeking work, and employment and support allowance provides financial support to those assessed as having a limited capability for work appears to be straightforward. Yet, the solution as currently framed, serves a very serious risk of dramatically increasing the complexity of the social security system for DWP, independent advisors and individual claimants.

6.3 We feel this risk arises from a combination of current and proposed policy proposals:

- employment and support allowance being introduced from 27.10.08, which will present DWP logistical challenges in delivery, as well as migration;
- lone parents moving onto jobseeker's allowance, with variable requirements as to work seeking activity;
- jobseeker's allowance claimants to be required to undertake increasingly intensive work-related activity through the duration of their claim;
- the position of carers, as well as other residual income support claimants, who it is proposed will move to jobseeker's allowance, with yet more variable conditionality in terms of work-related activity.

6.4 The ability of Jobcentre Plus to deliver a more intensive service to growing numbers of claimants, with more interaction necessary and more conditionality applied on claimants to receive linked services, will be extremely constrained by the need for DWP to find 5% savings on spending on administrative functions from its year-on-year budget. To impose such wide-ranging requirements onto a single benefit, jobseeker's allowance (JSA), with so many different levels of mandatory work-related activity depending on assessments of whether someone is a full-time work-seeker, a lone parent, a carer or some other combination of circumstances feels like a retrograde and risky development.

6.5 Whereas currently, JSA currently appears to be a relatively well-administered benefit with easily understood conditions for work-seeking requirements and sanctions that most people accept where and when incurred, these proposals will serve to undermine this basic solidity and straightforward approach.

6.6 It most certainly undermines the contribution of the millions of carers who were promised in the most recent carers' strategy<sup>19</sup> that the Government will:

*'Review the structure of the benefits available to carers in the context of wider benefit reform and the fundamental review of the care and support system' to ensure that the 'reasonable' ambition for 'the Government to provide help and support to ensure a minimum level of income for carers who are unable to work' is properly met.*

6.7 A proposal to shift all carers currently receiving income support onto jobseeker's allowance can in no way be said to meet that commitment. For example, following the introduction of work-focussed interviews (WFI), it was established that these interviews produced very few positive outcomes for carer's allowance claimants in employment terms<sup>20</sup>. Only 13% of carers reported that the WFI made them much more or a little more motivated to find work. Thus, carer's allowance claimants were no longer required to attend interviews as a mandatory condition of receiving benefit.

6.8 We fail to understand how these proposals would overcome the complex issues faced by people providing care and support to others. Indeed, it could have a counter-intuitive outcome of actually undermining the ability of carers to continue to offer care and support, which would also inhibit other efforts to assist disabled people and those with long-term health conditions to move closer to, and into, employment.

**Recommendations 19 – Disability Alliance endorse the key findings of the Work and Pensions Committee<sup>21</sup> as far as carers are concerned, in particular the need for an urgent review of carers' income and benefits.**

6.9 They recommend the introduction of a two-tiered system of benefits for carers. There would be a Carers Support Allowance, paid at the same rate as jobseeker's allowance, with the opportunity to earn a modest amount in a paid job. This would be an income-replacement benefit although it would not be means-tested.

6.10 There would also be a Caring Costs Payment, available to all carers in intensive caring roles (35+ hours per week, consistent with existing carer's allowance) but payable also to those aged over State Pension age, to compensate for the additional costs of caring and/or to enable them to buy in help, goods or services to ease the caring situation. This payment would be set at a level commensurate with other parallel payments such as child benefit, estimated to be between £25 and £50 per week.

### **Smoothing the transition to ESA**

6.11 Disability Alliance is concerned over the statement that incapacity benefit claimants on higher rates of benefit will have their benefit rate gradually brought into line with the rate they are entitled to under ESA. Essentially, this appears to propose a freeze on

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<sup>19</sup> Carers at the heart of 21st century families and communities: a caring system on your side, a life of your own, Department of Health, June 2008

<sup>20</sup> Explanatory memorandum to the Social Security (Work-Focused Interviews Amendment) Regulations 2005, No 2727

<sup>21</sup> Valuing and Supporting Carers, Work and Pensions Select Committee Fourth Report, July 2008

benefit up-rating for many incapacity benefit claimants at a time when that level of relative poverty for disabled working age adults is increasing<sup>22</sup>.

6.12 Disability Alliance was extremely disappointed with the announcement that the rates of ESA payments were no more than equivalent to long term rates of incapacity benefit – this announcement seemed to breach previous guarantees from Government on this issue<sup>23</sup>. Now, this proposal seems to be another case of driving down the incomes of disabled benefit claimants without justification.

6.13 We also question the move to up-rate incapacity benefits by the Rossi index rather than the RPI index in future, particularly the statement that this will result in increases in benefit payments overall. For example, in the 2007 benefits up-rating<sup>24</sup>, the use of the RPI meant a 3.6% increase for non-income related benefits against a lower 3.0% increase for income related benefits under the Rossi index. Further, as the Rossi index is essentially the Retail Price Index less the element representing housing costs, we recommend that the basis under which this represents increases in benefit payments should be published to enable stakeholders to gain a full understanding of this proposal.

6.14 Research has found that benefit erosion is most important in thinking about the impact of policy choices on poverty rates<sup>25</sup>. Further, it is unlikely that any associated increases in work efforts or job seeking as a result of driving down benefit incomes could justify the huge increase in poverty rates that will also occur. Freezing elements of the system in nominal terms leads to groups falling behind in poverty. Benefit erosion has greater impact on people in low-income groups than fiscal drag, because transfers to and from Government comprise a greater part of income for these people than they do for people in higher-income groups.

6.15 Thus, Disability Alliance is very concerned that these proposals, which affect the incomes of potentially thousands of disabled people, are not even subject to a specific question within the Green Paper. This seems to us to be, in effect, a cut to benefit incomes dressed up as “smoothing the transition to ESA”. We would urge caution in pushing forward such an approach, particularly in current economic difficulties. Many disabled people are facing enormous rises in fuel, food and heating costs and driving disabled people further into poverty should not be a consequence of this Green Paper.

**Recommendation 20 – Disability Alliance feels that any reform to the levels of financial assistance provided to disabled people through social security benefits must be undertaken openly, using only credible data and estimates of the numbers of people affected adversely. We would like to see made public the**

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<sup>22</sup> Disabled adults are twice as likely to live in low-income households as non-disabled adults, and the gap is bigger than a decade ago - Monitoring poverty and social exclusion 2007, Guy Palmer, Tom MacInnes and Peter Kenway New Policy Institute, Joseph Rowntree Foundation December 2007

<sup>23</sup> “the Government’s commitment is about protecting rates for existing claimants and putting future customers on a higher [ESA] rate than the current long-term IB rate” – Jim Murphy, Committee debate on the Welfare Reform Act, 17 October 2006, column 56, Hansard

<sup>24</sup> Explanatory memorandum to the Social Security Benefits Up-Rating Order 2007, No. 688

<sup>25</sup> The impact of benefit and tax uprating on incomes and poverty, H. Sutherland et al, Joseph Rowntree Foundation, 2008

**justification for what appear to be freezes or reductions in benefit income at a time when poverty for disabled working age adults has been increasing.**

### **Wider reform of the benefit system**

6.16 Bereavement benefits are paid on the basis of a deceased partner's national insurance contributions – therefore, if ensuring the statement that “*The contributory principle is at the heart of our welfare system. Broadly, people pay contributions while they are working and receive benefits when they are unable to work*”<sup>26</sup> is to be proven correct, we cannot see any reason for reforming these benefits.

6.17 A lump-sum bereavement payment already exists, as suggested at paragraph 6.30. Widowed parent's allowance is only payable if the claimant has dependent children or is pregnant, whilst bereavement allowance is only payable for 52 weeks maximum period anyway. Therefore, in the former case, the state is providing an income for someone bereaved who still has childcare responsibilities but suddenly has no partner to share this burden with, whilst the latter simply provides a temporary platform to allow the individual concerned the necessary time to adjust to their new circumstances and has a 45-year lower age limit and lower payments for lower ages.

6.18 Similarly, Industrial Injuries Disablement Benefits provides a state-sponsored compensation scheme for anyone experiencing an injury arising out of their employment, recognising the fact that people can and do suffer personal injury at work. If people are meeting their responsibility insofar as undertaking employment opportunities, as Government wants, we feel that it is essential that a no-fault scheme operates if they do have their health undermined as a result of that employment.

6.19 The recent consultation exercise found<sup>27</sup> that the majority of respondents were in favour of a no fault compensation scheme. Many expressed the opinion that a no-fault scheme:

- ensures equal and consistent protection for those who suffer injuries no matter who is at fault or where there is no fault at all;
- recognises the drop in income and impact of the loss of faculty and ability caused by industrial injury and disease;
- allows people to carry on working in a different job, possibly at a lower income;
- provides a safety net for those unable to obtain damages; and
- administration costs [are] controlled and transparent.

6.20 Many said that that, with changes, the current scheme could be used to achieve an appropriate and fair mechanism of targeting ‘no fault’ compensation. There were no suggestions that the IIDB scheme should be abolished, although most had suggestions on changing the scheme. Most were of the opinion that it is a compensation scheme and should remain one.

**Recommendation 21 – Rather than abolishing IIDB, Disability Alliance feel that some thought should be given to looking at how rehabilitation and work skills**

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<sup>26</sup> Footnote 30, page 110, No one written off: reforming welfare to reward responsibility.

<sup>27</sup> Industrial Injuries Disablement Benefit (IIDB) Scheme – Consultation Report, DWP, June 2007

**training can be introduced to the scheme as recommended in the prior consultation report. If the Government press ahead with reforms that do not take into account the basic principles highlighted by the IIDB consultation, we would question the merit of carrying out public consultation exercises.**

## **7. Empowering and devolution – a new way of delivering our services**

7.1 Disability Alliance believes that if personalisation in the delivery of employment support provision is to help achieve choice and control for disabled people, it must do more than offer a choice of provider. Disabled people should be offered a choice of the type of support that is required of them; they should be offered a range of solutions to enable them to move into, and to remain in, employment; they should be given a choice of outcomes when engaging with such provision that properly allows for a range of impacts wider than simply their employment status.

7.2 For a disabled person, the journey towards and into work can be very time consuming and require a more sustained effort over a period of years and outcomes that fail to recognise intermediate progress could undermine this process. Further, for some disabled people, full-time employment may not be possible and again, thought is needed about how to measure different contributions and achievements if a move into full employment does not occur.

7.3 This could take a relatively simple format such as demonstrating improvements to skills and knowledge that do, in the longer-term, lead to improved prospects of employment, or undertaking regular volunteer work to build confidence and structure, or community work for not-for-profit agencies providing local services whilst retaining benefits payments. Increasing the opportunities for disabled people to become involved in self-help advocacy groups or providing opportunities for involvement in public life could all be as valuable and worthwhile for a disabled person as trying to secure unsustainable employment offering low pay or poor conditions.

7.4 It is important that evaluation and monitoring of contractors occurs on an independent and regular basis – a recent report<sup>28</sup> found scant evidence that this has been taking place in many employment support programmes and improvements in the employment prospects of severely disabled people are unlikely to be a strategic priority for larger contractors dealing with what they regard as “stock” claimants. There should be analysis of employment outcomes across impairments, as well as in relation to other relevant issues including previous employment record, educational attainment, ethnicity and gender and sexuality, location, transport and so on, to properly assess distance travelled in identifying those who are hardest to help and the type of barriers they face.

7.5 The social model of disability holds that disabled people are disabled by their physical environment and the systems and processes around them – unless adequate regard is paid to such factors when assessing the performance of contractors, it is unlikely that a proper understanding of what works and what does not work will be possible in evaluating performance.

**Recommendation 22 – Disability Alliance feels that there should be proper regard paid to the ability of contractors to adequately fulfil their implicit duties under the Disability Equality Duty to proactively design employment support programmes with the full inclusion of disabled people. Again, we would like to see more**

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<sup>28</sup> Gaining and retaining a job: the Department of Work and Pensions' support for disabled people, House of Commons Committee of Public Accounts Sixth Report of Session 2006-07

**disabled people involved in the design and delivery of such provision, as we feel that this sends out very clear signals to employers and wider society about the importance of disability equality in the workplace.**

**Recommendation 23 - We agree that appropriate and accessible advice and information provision is a key factor in ensuring that the best use of employment support provision is made by individuals. In addition to such provision, we also feel that holistic information pitched at an appropriate level that covers the variety of issues potentially faced by someone moving into work is something that DWP could be better at funding. We highlight Disability Alliance's Disability Rights Handbook as being a very effective solution to this issue and we would welcome the opportunity to explore funding provision to supply individuals, contractors and DWP staff with access to this information.**

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Disability Alliance  
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