

**Submission to The  
Northern Ireland Affairs  
and Work and Pensions  
UK Parliamentary  
Committees joint inquiry  
into welfare policy in  
Northern Ireland**

**May 2019**

# Equality Commission for Northern Ireland

## Submission to The Northern Ireland Affairs Committee and the Work and Pensions Committee Joint inquiry into welfare policy in Northern Ireland.

May 2019

### *Executive Summary*

1. The Equality Commission continues to **recommend** that action is taken to identify and commit to specific measures which would mitigate the adverse impact of welfare reform on the promotion of equality of opportunity<sup>1</sup>.
2. It has been widely acknowledged by a range of sources that there are significant adverse impacts associated with welfare reform<sup>2</sup>. The UN Committee on the Rights of Persons with Disabilities (UNCRPD) also concluded that there was 'reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been met in the State party'.<sup>3</sup>
3. It is also widely recognised that the time-limited mitigating measures have had a significant effect in ameliorating, at least some of, the adverse impacts of welfare reform and there is widespread concern

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<sup>1</sup> Equality Commission for Northern Ireland (2016): [Programme for Government – our recommendations](#)

<sup>2</sup> A wide range of groups including academics, political parties, NGOs, churches, trade unions and equality and human rights bodies have expressed concerns about the potential negative impact of the reforms to social security benefits on people experiencing poverty, including disabled people. See for example:

Law Centre Northern Ireland (2011): [Evidence to the Work and Pensions Select Committee Proposal to Replace Disability Living Allowance with Personal Independence Payment](#).

Northern Ireland Welfare Reform Group (October 2012): [The Welfare Reform Bill: Briefing on the key issues for people with disabilities and carers](#)

Beatty, C. and Fothergill, S. (2013): [The Impact of Welfare Reform on Northern Ireland](#)

Northern Ireland Assembly Ad Hoc Committee (2013): [Report on whether the Provisions of the Welfare Reform Bill are in conformity with the Requirements for Equality and Observance of Human Rights](#)

Chartered Institute of Housing (2017): [Impact of welfare reform changes on rented housing in Northern Ireland](#)

<sup>3</sup> United Nations Committee on the Rights of Persons with Disabilities (2016): [Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention](#), paragraph 113, page 20.

that the expiry of the measures will lead to deepening poverty and even homelessness for vulnerable groups<sup>4</sup>.

4. The UN Special Rapporteur on extreme poverty and human rights has stated that the end of the mitigation package in NI could have '*dire consequences for people living in poverty*'.<sup>5</sup>
5. The UNCRPD has recommended the extension of support packages to mitigate the negative impacts of social security reform in Northern Ireland in its 2017 concluding observations<sup>6</sup>. The Committee has also recommended a human rights-based cumulative impact assessment of the social security reforms since 2010<sup>7</sup>.
6. In addition, the Committee has also emphasised that the State Party ensure that social protection policies and programmes secure income levels for all persons with disabilities and their families by taking into account the additional costs relating to disability<sup>8</sup>.
7. In our role as part of the Independent Mechanism for the United Kingdom, we are committed to promoting, protecting and monitoring the UN Convention on the Rights of Persons with Disabilities and have specifically committed in our current corporate plan to promote the CRPD Committee's concluding observations to the State Party<sup>9</sup>.
8. The Department for Communities' 'Review of Welfare Mitigation Schemes' concludes that the planned end of the welfare mitigation funding on 31 March 2020 is likely to significantly impact on people who have benefited from this financial support<sup>10</sup>.

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<sup>4</sup> Advice NI, Housing Rights and the Law Centre NI (2018): [Welfare Reform: Mitigations on a Cliff Edge](#)

NI Housing Executive (2018): [Welfare Reform in Northern Ireland: A Scoping Report](#)

Northern Ireland Audit Office (2019): [Welfare Reforms in Northern Ireland](#)

Department for Communities (2019): [Review of Welfare Mitigation Schemes](#)

<sup>5</sup> [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights November 2018](#)

<sup>6</sup> United Nations Committee on the Rights of Persons with Disabilities (2017): [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#), paragraph 59 (d), page 14.

<sup>7</sup> United Nations Committee on the Rights of Persons with Disabilities (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee, paragraph 114\(a\), page 19.](#)

<sup>8</sup> CRPD Committee (2017): [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#), paragraphs 59 a) and d), pages 13-14.

<sup>9</sup> Equality Commission for Northern Ireland (2018): [Draft Corporate Plan 2019-2022](#)

<sup>10</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#), Chapter 10 – Assessment of the Impact, pages 36 to 39.

9. A number of adverse impacts associated with the introduction of Universal Credit have been identified by stakeholders including, in particular, the five-week waiting period<sup>11</sup>.
10. The Northern Ireland Housing Executive (NIHE) has estimated that 33,000 social sector tenants - 30% of Housing Executive tenants and 25% of housing associations tenants in receipt of Housing Benefit - will be impacted by the changes to the Social Sector Size Criteria<sup>12</sup>.
11. The Commission **recommends** that government and the Department for Communities take into account both the recommendations made by the UN-CRPD and the emerging evidence with respect to the impact of Universal Credit and the Social Sector Size Criteria, in considering the design of a further welfare mitigations programme.
12. The Commission also **recommends** that government takes into account the obligation on the State Party to prevent retrogression of rights articulated by the United Nations Committee on Economic, Social and Cultural Rights:

*'Any deliberate retrogressive measures ... would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources'*<sup>13</sup>.

13. The Commission is aware that some elements of the changes to the social security system have had a significant adverse impact on disabled people and **recommends** that government closely monitors the impact of welfare changes on disabled people.
14. Finally, the Commission **recommends** that government departments must ensure proportionate equality assessment of any policy

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<sup>11</sup> See for example:

House of Commons Committee of Public Accounts, 'Universal Credit: Sixty-Fourth Report of Session 2017-2019' (HMSO, 17 October 2018).

[Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights November 2018](#)

Northern Ireland Council for Voluntary Action (2018): [Universal Credit Roundtable Discussion Advice NI](#) (November 2018): ['Proposals on Universal Credit \(UC\): How to make it better](#)

<sup>12</sup> NI Housing Executive (2018): [Welfare Reform in Northern Ireland: A Scoping Report, page 9.](#)

<sup>13</sup> United Nations Committee on Economic, Social and Cultural Rights (1990): [General Comment No.3: The nature of States parties obligations](#), paragraph 9.

decisions related to welfare reform, including mitigating measures, in line with relevant equality commitments.

## **Introduction**

15. The Equality Commission<sup>14</sup> is pleased to submit written evidence to the Northern Ireland Affairs Committee and Work and Pensions Committee Joint Inquiry into welfare policy in Northern Ireland.
16. There are a number of unique circumstances pertaining to Northern Ireland, which the Commission believes that the Inquiry should take into account.
17. These include, that according to the government's own figures, '*rates of long-term unemployment are more than twice those of the UK as a whole*'<sup>15</sup> Furthermore, the economic inactivity rate for the Northern Ireland (26.5%) is higher than that of the UK (20.8%)<sup>16</sup>.
18. Moreover, Northern Ireland has a higher rate of disability, at 21%<sup>17</sup> than the United Kingdom as a whole (18%).<sup>18</sup> There are also higher rates of mental illness in Northern Ireland with a 25% overall higher prevalence than in England<sup>19</sup>. Likewise, the suicide rate in Northern Ireland is significantly higher than elsewhere in the UK, with an estimated 16.5 deaths by suicide per 100,000 population compared to 9.2 deaths per 100,000 population in England, 11.1 per 100,000 in Wales and 15 per 100,000 in Scotland.<sup>20</sup>
19. The Northern Ireland Housing Executive (NIHE) identify potential difficulties for around 33,000 existing social sector claimants if mitigation ends as scheduled, due to reduction in Housing Benefit or Universal Credit as a result of under-occupancy but that, because of

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<sup>14</sup> See Annex 1 for details of the Commission's remit.

<sup>15</sup> [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights November 2018](#); According to the latest [Northern Ireland Labour Market Report \(May 2019\)](#), the percentage of unemployed in Northern Ireland who have been unemployed for 1 year or more (long-term) was 49.0%, which was considerably higher than the UK average rate (26.8%) (page 10).

<sup>16</sup> NI Statistics & Research Agency (May 2019): [Northern Ireland Labour Market Report](#), page 19.

<sup>17</sup> NI Statistics & Research Agency (2012): [Census 2011: Key Statistics for Northern Ireland](#), page 4.

<sup>18</sup> Office for National Statistics (2013): [Table 4: Limiting long-term health problem or disability](#)

<sup>19</sup> Friedli, L & Parsonage, M (2007): [Mental Health Promotion: Building an Economic Case](#)

<sup>20</sup> The National Confidential Inquiry into Suicide and Homicide by people with Mental Illness (2018) [Annual Report: England, Northern Ireland, Scotland and Wales](#), University of Manchester, Figure 1, page 18.

a lack of available smaller dwellings within Northern Ireland's social housing stock, many tenants would be unable to move to a property with fewer bedrooms<sup>21</sup>.

20. The Commission continues to reiterate its view that action should be taken to:

- protect the most vulnerable from the adverse impact of welfare reform, particularly mindful of the impact on people with disabilities and women, and the barriers experienced by minority ethnic communities (including asylum seekers and refugees)
- identify/commit to specific measures which will mitigate the adverse impact of welfare reform, or any alternate policies which might better achieve the promotion of equality of opportunity<sup>22</sup>.

21. The sections below address the following questions included in the Inquiry's Terms of Reference:

- What would be the likely effects of the mitigation package coming to an end in 2020?
- What, if anything, should replace the mitigation package from 2020?
- How well is Universal Credit working in Northern Ireland?
- Are there issues with Universal Credit that are specific to Northern Ireland compared to the rest of the UK?
- Do social housing tenants in Northern Ireland regularly face rent arrears?

### ***The likely effects of the mitigation ending in 2020***

22. The Department of Communities Report 'Review of Welfare Mitigation Schemes' concludes that the planned end of the welfare mitigation funding on 31 March 2020 is likely to present significant

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<sup>21</sup> NI Housing Executive (2018): [Welfare Reform in Northern Ireland: A Scoping Report, page 9.](#)

<sup>22</sup> Equality Commission for Northern Ireland (2016): [Programme for Government – our recommendations](#)

issues to people who may have benefited from this financial support<sup>23</sup>.

23. The Northern Ireland Audit Office has reported that *‘Northern Ireland has been insulated from the full impact of welfare reforms by the availability of mitigation schemes and local flexibilities;’* and that: *“When the mitigation schemes end, there is a risk that we will see the same hardship and increase in the demand for food banks, reported elsewhere in the UK.”*<sup>24</sup>
24. Following on from his visit to NI, the UN Special Rapporteur on extreme poverty and human rights stated that the end of the mitigation package in NI could have *‘dire consequences for people living in poverty. According to the government, rates of long-term unemployment are more than twice those of the UK as a whole’*<sup>25</sup>.
25. Advice NI have warned that: *“We are deeply fearful that when mitigation is lost by 34,000 households we will see mass evictions on an unimaginable scale. Some claimants have already lost their ‘bedroom tax’ mitigation, and their housing arrears have quadrupled as a result.”*<sup>26</sup>
26. All of the households that are currently protected from the benefit cap are families with children. Thousands of sick and disabled people as well as their carers are set to see their mitigation support end in March 2020 with up to 14,000 people who are worse off following reassessment from DLA to PIP set to lose support of up to £19.1m.<sup>27</sup> The Department for Communities’ own figures show that 44% of DLA claimants moving to PIP either were awarded decreased amounts (19%) or received no award (25%).<sup>28</sup>
27. If mitigation and supplementary welfare payments end as scheduled, tenants in Northern Ireland collectively stand to lose over £21 million in benefits each year<sup>29</sup>.

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<sup>23</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#), Chapter 10 – Assessment of the Impact, pages 36 to 39.

<sup>24</sup> Northern Ireland Audit Office (2019): [Welfare Reforms in Northern Ireland](#)

<sup>25</sup> [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights November 2018](#)

<sup>26</sup> Advice NI: [Eviction Crisis Looms Over Welfare Reform Mitigation 'Cliff Edge'](#)

<sup>27</sup> Advice NI: [Eviction Crisis Looms Over Welfare Reform Mitigation 'Cliff Edge'](#)

<sup>28</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#), Table 3(a), page 18.

<sup>29</sup> Northern Ireland Housing Executive (2018): [Welfare Reform Northern Ireland: A Scoping Report](#), page 9.

28. There are widespread concerns about the implications of this for some of the most vulnerable in society<sup>30</sup>. The Northern Ireland Housing Executive (NIHE) (2018) have highlighted the potential for a significant housing crisis due to the lack of available housing stock to enable tenants to change house so that many tenants would be unable to move to a property with fewer bedrooms – even if they are willing to do so<sup>31</sup>.
29. The NIHE have pointed out that ‘the majority of both its own dwellings (88%; approximately 75,300 units) and self-contained housing association stock (68%; around 27,000 dwellings) have two or more bedrooms; this means that less than one fifth (18%) of the entire self-contained social stock has only one bedroom. However, single (working age) applicants consistently account for almost half (45%) of the waiting list and a similar proportion of allocations each year. There is, therefore, a mismatch between the type of stock available and that likely to be required by housing applicants and associated concern about this mismatch with the type of dwellings required to meet Social Sector Size Criteria rules’.
30. Furthermore, the NIHE warns that ‘even if an ample supply of suitably-sized dwellings were available the time that would be required to facilitate tenants moving to new properties is too lengthy completed before mitigation ends in March 2020’<sup>32</sup>.
31. The Chartered Institute for Housing have reported (2017) that there is a risk that large numbers of social sector tenants impacted by the social sector size criteria unable to pay their rent, falling into arrears and facing eviction<sup>33</sup>.

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<sup>30</sup> Northern Ireland Housing Executive (2018): [Welfare Reform in Northern Ireland: A Scoping Report.](#); NI Audit Office (2019): [Welfare Reform in Northern Ireland](#); Advice NI (2019): [Welfare Reform mitigations – less than one year to the cliff edge](#)

<sup>31</sup> Northern Ireland Housing Executive (2018): [Welfare Reform NI - A Scoping Report](#), page 9

<sup>32</sup> Northern Ireland Housing Executive (2018): [Welfare Reform Northern Ireland: A Scoping Report](#), page 43.

<sup>33</sup> Chartered Institute of Housing (2017): [Impact of welfare reform changes on rented housing in Northern Ireland](#), page 18; See also: Advice NI (2019): [Welfare Reform mitigations – less than one year to the cliff edge](#)

## UNCRPD Inquiry and Concluding Observations

32. In 2015 the UN-CRPD carried out an inquiry under article 6 of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities<sup>34 35</sup> into allegations of ‘grave and serious violations’ of Convention Rights relating to adequate standard of living and social protection, independent living and employment<sup>36</sup>.
33. The Inquiry<sup>37</sup> found that disabled people have been disproportionately affected by social security reforms and that the above-mentioned rights had been violated, resulting in a struggle for many disabled people to maintain an adequate standard of living.<sup>38</sup>
34. The UN-CRPD recommended (2016) that the UK Government ensure *‘any intended measure of the welfare reform is rights-based...and does not disproportionately and/or adversely affect the rights of persons with disabilities’* and recommended a human rights-based cumulative impact assessment of the social security reforms since 2010.<sup>39</sup>
35. The Committee’s subsequent concluding observations on the first UK State Party Report include recommendations that the State Party:
- ‘introduce, adopt and implement legislative frameworks to ensure that social protection policies and programmes across the State party secure income levels for all persons with disabilities and their families by taking into account the additional costs relating to disability’.

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<sup>34</sup> This related to concerns regarding the adverse impact on persons with disabilities of the implementation of a process of reforms of legislation and policies by the UK State party.

<sup>35</sup> ECNI assisted in the Northern Ireland leg of the Inquiry, in our capacity as part of the Independent Monitoring Mechanism for Northern Ireland – see: UKIM (2016): [Key concerns of the UK Independent Mechanism following the release of the CRPD Committee’s inquiry into the UK](#)

<sup>36</sup> The Committee’s representatives met with a range of stakeholders in Belfast on 20/21 Oct including the Chief Executive of the Social Security Agency, disabled people & their organisations, academics, politicians and representatives of the Independent Mechanism to hear evidence.

<sup>37</sup> CRPD Committee (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee, paragraph 114 \(b\), page 19.](#)

<sup>38</sup> “The committee is deeply concerned that the State Party still considers itself as a champion of human rights, the lack of demonstration of the commitments following the ratification of the convention and the following inconsistency with the State Party on disability policies”. See: Committee on the Rights of Persons with Disabilities (13 September 2017): [Summary Record of 349th meeting, CRPD/C/SR/349, paragraph 85, page 13.](#)

<sup>39</sup> CRPD Committee (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee, page 21.](#)

- ‘extend support packages to mitigate the adverse impacts of social security reform in Northern Ireland’.<sup>40</sup>

### ***What, if anything, should replace mitigation?***

36. **The Commission recommends that government and the Department for Communities now consider the recommendations of the UN Committee of the Rights of Persons with Disabilities<sup>41</sup>, in relation to mitigating the impact of welfare reform on disabled people, in the design of a revised mitigation package.**
37. The Welfare Reform Mitigation Working Group established by the NI Executive in December 2015 did not have the opportunity to consider the recommendations of the UNCRPD Committee with respect to the impact of Welfare Reform on Disabled People<sup>42</sup>.
38. The Commission has expressed a view that the introduction of Welfare Reform in Northern Ireland had the potential to impact on some of the most vulnerable members of our society<sup>43</sup>.
39. The Commission has made it clear that there is a need for urgent action to address poverty and social exclusion experienced by a range of equality groups. Whilst socio-economic disadvantage is not a specific ground under equality legislation, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social inclusion<sup>44</sup>.

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<sup>40</sup> CRPD Committee (2017): [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#), paragraphs 59 a) and d), pages 13-14. The Committee’s rapporteur for the UK State Party Report, Mr Stig Langvad, noted the government’s “*lack of recognition of the findings and recommendations of the Inquiry*” which found ‘*grave and systematic violations of disabled people’s human rights*’. See Committee on the Rights of Persons with Disabilities (13 September 2017): [Summary Record of 349th meeting, CRPD/C/SR/349, paragraph 85, page 13](#).

<sup>41</sup> CRPD Committee (2016): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee](#); CRPD Committee (2017): [Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland](#), paragraphs 59 a) and d), pages 13-14.

<sup>42</sup> This is because both the Committee’s Inquiry Report (October 2016) and the Concluding Observations of the UK State Party Report (August 2017) post-dated the issue of the Welfare Mitigations Working Group’s report to the Executive (January 2016).

<sup>43</sup> Equality Commission for Northern Ireland (2018): [Welfare Reform](#)

<sup>44</sup> Equality Commission for Northern Ireland (2018): [Submission to UN Special Rapporteur on extreme poverty & human rights \(United Kingdom Country Visit\)](#), Page 1.

40. The Commission continues to **recommend** that the Northern Ireland Executive protect the most vulnerable from any adverse impact of welfare reform, particularly mindful of the impact of people with disabilities, lone parents, women and the barriers experienced by minority ethnic communities<sup>45</sup>.
41. The Commission also **recommends** that the Executive identify and commit to specific measures which will mitigate the adverse impact of welfare reform on the promotion of equality of opportunity<sup>46</sup>.
42. The Commission is aware that some elements of the changes to the social security system have had a significant adverse impact on disabled people and **recommend** that the Executive closely monitor the impact of welfare changes on disabled people<sup>47</sup>.
43. The Commission welcomed the inclusion of a commitment, in the Programme for Government (PfG) for Northern Ireland, to financially protect individuals with a disability impacted by the welfare changes up to a period of 12 months<sup>48</sup>. When establishing a long term implementation plan to mitigate the adverse impact of welfare reform we recommend that government are mindful of the outcomes of existing research into the introduction of changes in other UK regions<sup>49</sup>.
44. The Commission **recommends** that the Executive should ensure that the delivery plan for PfG Indicator 19<sup>50</sup> provides sufficient information to enable a judgement to be made about the extent to which the proposed holistic Social Inclusion Wraparound Service will meet any needs created as a result of the expiry of the welfare reform mitigation measures. The current draft delivery plan does not provide detail on how the Wraparound Service will work or the anticipated outcomes.

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<sup>45</sup> Equality Commission for Northern Ireland (2013): [Programme for Government - our recommendations](#)

<sup>46</sup> Equality Commission for Northern Ireland (2018): [Welfare Reform](#)

<sup>47</sup> Equality Commission for Northern Ireland (2018): [Welfare Reform](#)

<sup>48</sup> This refers to the mitigations agreed following recommendations made by the Welfare Reform Mitigations Working Group to the Northern Ireland Executive. See: [Welfare Reform Mitigations Working Group Report - January 2016](#)

<sup>49</sup> For example: The Public Accounts Committee (2018) has identified that this five week wait contributes to causing 'unacceptable hardship' for UC claimants. See, House of Commons Committee of Public Accounts, '[Universal Credit: Sixty-Fourth Report of Session 2017-2019](#)', page 5.

<sup>50</sup> Equality Commission for Northern Ireland (2017): [Response to the proposed Delivery Plan for Programme for Government Indicators 19 and 28](#) (% population living in absolute and relative poverty (before housing costs); self-efficacy), paragraph p, page 4.

45. In particular, the Commission **recommends** that the actions of the government and the Department for Communities, with regard to mitigation, should be informed by the eleven recommendations identified by the UN Committee on the Rights of Persons with Disabilities following their Inquiry into the cumulative impact of welfare reform on persons with disabilities in the UK<sup>51</sup>.
46. In November 2018, three advice sector organisations published a paper *Welfare Reform – Mitigations on a Cliff Edge*<sup>52</sup>, which set out three post-2020 options for consideration<sup>53</sup>.
47. At the conference launch of the paper, representatives of the Democratic Unionist Party, Sinn Féin, the Ulster Unionist Party, the Social Democratic and Labour Party, and the Alliance Party agreed that the existing package of measures should continue<sup>54</sup>.
48. The Department for Communities (DfC) own review of the mitigation schemes identifies ‘strong evidence’ to support continued mitigation of the Social Sector Size Criteria and that: *‘it has been estimated that the mitigation scheme that would benefit the greatest number of claimants, were it to continue is for the Benefit Cap.’*<sup>55</sup> It is important to emphasise that, in the absence of an Executive to bring forward new legislation, DfC only recognises the potential to extend mitigations in these two areas only.

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<sup>51</sup> UNCRPD (2016): [Report of the Inquiry Concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention](#).

<sup>52</sup> Advice NI, Housing Rights and the Law Centre NI (2018): [Welfare Reform: Mitigations on a Cliff Edge](#)

<sup>53</sup> The report indicated a preference for option 3 which involves the continuance of and re-profiling of the mitigations package. This re-profiled mitigation package option would retain a number of the current mitigations while re-profiling the substantial underspend in the mitigations budget to provide protections for evolving welfare reforms. The re-profiled mitigations package would include investment in order to mitigate hardship associated with emerging issues which fall under four priority areas: Priority 1: Universal Credit; Priority 2: Housing; Priority 3: Children and families; Priority 4: Advice support.

<sup>54</sup> NICVA: [Welfare Reform Mitigations: Less than one year to go to the cliff edge](#)

<sup>55</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#)

## ***Universal Credit in Northern Ireland***

49. The *Welfare Reform – Mitigations on a Cliff Edge* Report highlights problems arising from the introduction of Universal Credit (UC)<sup>56</sup> and evidence suggesting that it is having a “forceful and negative impact on the lives of ordinary people and their ability to survive”<sup>57</sup>
50. A specific problem identified is the five-week wait for payment, which has been linked to increased demand for foodbanks in Great Britain.<sup>58</sup> The Public Accounts Committee (2018) has identified that this five week wait as contributing to ‘unacceptable hardship’ for UC claimants.<sup>59</sup>
51. Claimants who are struggling due to the five week wait can claim an Advance Payment. Almost 57% of NI claimants have made this application.<sup>60</sup> However, this assistance is paid as a loan.<sup>61</sup> Whilst the DWP has announced a number of measures designed to ‘soften the burden of repayment of debt’.<sup>62</sup> These measures do not address the fundamental problem which is that the majority of UC claimants begin their claim in debt.
52. There are still many Northern Ireland claimants who are yet to undergo managed migration to universal credit. However, it is reported that people are already experiencing financial hardship, debt and increased poverty as a result of this system.<sup>63</sup>

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<sup>56</sup> Advice NI (November 2018): [‘Proposals on Universal Credit \(UC\): How to make it better](#)

<sup>57</sup> McKeever, G., Simpson, M. and Fitzpatrick, C.(2018): [Destitution and Paths to Justice](#) (JRF/LEF) page 39, cited in [Welfare Reform: Mitigations on a Cliff Edge](#), page 10.

<sup>58</sup> In areas where UC has rolled out, food bank reliance has increased by 52% compared to an increase of just 13% where UC has not yet been introduced. [Trussell Trust, ‘The next stage of Universal Credit: what does it mean and why are we worried’](#)

<sup>59</sup> [House of Commons Committee of Public Accounts, ‘Universal Credit: Sixty-Fourth Report of Session 2017-2019’ \(HMSO, 17 October 2018\).](#)

<sup>60</sup> Advice NI, Housing Rights and the Law Centre NI (2018): [Welfare Reform: Mitigations on a Cliff Edge](#) page 12. 14, 634 claimants out of 25, 725 claimants received an Advance Payment (56.8%).

<sup>61</sup> Northern Ireland Housing Executive (2018): [Welfare Reform NI - A Scoping Report](#), page 9; Chartered Institute of Housing (2017): [Impact of welfare reform changes on rented housing in Northern Ireland](#), page 5.

<sup>62</sup> From October 2021, advances can be repaid over 16 months, rather than the current 12-month period and levels will be reduced to 30%. See: Advice NI, Housing Rights and the Law Centre NI (2018): [Welfare Reform: Mitigations on a Cliff Edge](#) page 12.

<sup>63</sup> [Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights November 2018](#)

53. The Northern Ireland Council for Voluntary Action (NICVA) hosted a roundtable event in November 2018 to discuss some of the impacts of Universal Credit, which identified a range of issues experienced by Northern Ireland claimants<sup>64</sup>.
54. These included issues with the online system - the online verification process has had a success rate of only 25%. Furthermore, there is very limited advice or support for claimants to navigate this online/digital process<sup>65</sup>.
55. Some claimants moving onto universal credit are losing out on their Severe Disability Premiums (SDP) after migrating to Universal Credit. Whilst there has been compensation proposed for this loss set at a flat rate of £80pcm, some claimants have highlighted that their SDP has decreased by hundreds of pounds<sup>66</sup>.
56. A number of the safety net protections that existed in the legacy benefit around housing benefit have not been included in the Universal Credit system, including death protection, income shock protection, overlap protection and assistance with full contracts. This means there is increased housing insecurity for vulnerable claimants with no protection against any sudden decrease in income.<sup>67</sup>
57. An additional problem is that some claimants are failing to apply for housing benefit under the new system, as they do not realise that they require it. Under the legacy scheme, housing benefit was paid directly to the landlord so claimants did not have to deal with housing benefit.

However, some claimants are now finding that they are being contacted by landlords about non-payment of rent and housing arrears. The process to get the claim amended can take several weeks and cause a build-up in housing arrears, with the absence of any safety net protection. This can cause additional stress to vulnerable claimants with some at risk of losing their homes<sup>68</sup>.

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<sup>64</sup> Northern Ireland Council for Voluntary Action (2018): [Universal Credit Roundtable Discussion](#)

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

## ***Social housing tenants & rent arrears***

58. Figures collated by Northern Ireland Housing Executive (NIHE) show that approximately 30% of Housing Executive tenants and 25% of housing associations tenants in receipt of Housing Benefit will be impacted by the changes to the Social Sector Size Criteria.<sup>69</sup>
59. NIHE identify potential difficulties for both tenants and landlords if mitigation ends as scheduled due to the reduction in Housing Benefit or Universal Credit (as a result of under-occupancy) for around 33,000 existing social sector claimants in Northern Ireland.
60. Due to a lack of available smaller dwellings within Northern Ireland's social housing stock, many tenants would be unable to move to a property with fewer bedrooms – even if they are willing to do so<sup>70</sup>.
61. Other Welfare Reform measures such as sanctions and phasing from DLA to PIP will have impacts on household incomes and claimants' ability to pay their rent<sup>71</sup>.
62. The Department for Communities have stated that, in principle, they would be able to make the necessary amendments to existing legislation to facilitate the use of Discretionary Housing Payments to continue with mitigation of the Social Sector Size Criteria and the Benefit Cap, even in the absence of the Assembly. However, the Department has signalled that any wider programme of mitigating measures would present 'significant challenges in the continued absence of a functioning Assembly'<sup>72</sup> and 'would not only require the allocation of further substantial funding but would also require new legislation in an uncertain political environment'.<sup>73</sup>

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<sup>69</sup> NI Housing Executive (2018): [Welfare Reform in Northern Ireland: A Scoping Report](#), page 9.

<sup>70</sup> Ibid.

<sup>71</sup> NI Housing Executive (2018): [Welfare Reform in Northern Ireland: A Scoping Report](#), page 9.

<sup>72</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#), paragraph 13.5, page 50.

<sup>73</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#), paragraph 13.8, page 51.

## ***Non-regression of rights***

63. The Commission wishes to draw attention to the obligation on government to prevent retrogression of rights articulated by the United Nations Committee on Economic Social and Cultural Rights:

*‘Any deliberate retrogressive measures ... would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources’<sup>74</sup>.*

## ***Section 75 of the Northern Ireland Act 1998***

64. The Equality Commission has advised the Department of Communities, in respect of its duties under Section 75 of the Northern Ireland Act 1998, with regard to its Review of Welfare Mitigation Schemes<sup>75</sup>.

65. As the Inquiry may be aware, Section 75 of the Act requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and regard to the desirability of good relations across a range of categories outlined in the Act. The duties are reflected in commitments contained in the authorities’ Equality Schemes<sup>76</sup>.

66. The Commission has written to the Department to emphasise that given that the provision of social security and welfare programmes are relevant to the promotion of equality of opportunity for many people, and for particular Section 75 groups, a proportionate equality assessment of the issues should form a part of this review. The Department should be able to demonstrate adherence to its Equality Scheme arrangements and that the appropriate level of regard has been paid<sup>77</sup>.

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<sup>74</sup> United Nations Committee on Economic, Social and Cultural Rights (1990): [General Comment No.3: The nature of States parties obligations](#), paragraph 9.

<sup>75</sup> Department for Communities (2019): [Review of Welfare Mitigation Schemes](#)

<sup>76</sup> Equality Commission for Northern Ireland (2010): [Section 75 of the Northern Ireland Act 1998 – A Guide for Public Authorities](#).

<sup>77</sup> Letter (18 April 2019) from the Director of Advice and Compliance, Equality Commission for Northern Ireland to the Deputy Secretary, Work and Inclusion, Department for Communities.

## Annex 1

### ***The Equality Commission for Northern Ireland***

1. The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations, sexual orientation and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998<sup>78</sup>.
2. The Equality Commission and the Northern Ireland Human Rights Commission are jointly designated as the 'independent mechanism' to promote, protect and monitor implementation of United Nations Convention on the Rights of People with Disabilities (UNCRPD). It is our responsibility to look at how UNCRPD is being implemented in Northern Ireland, and report on this to the UN Committee.

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<sup>78</sup> The Commission’s general duties include:

- working towards the elimination of discrimination;
- promoting equality of opportunity and encouraging good practice;
- promoting positive / affirmative action;
- promoting good relations between people of different racial groups;
- overseeing the implementation and effectiveness of the statutory duty on relevant public authorities; and
- keeping the legislation under review.