

Equality Commission NI response to the [Engagement Survey on Welfare Supplementary Payments by Department of Communities.](#)

Background

The Department is seeking views on how the current Welfare Supplementary Payment Schemes are working to help inform decisions on any future welfare mitigation package. Responses will help inform decisions on any future welfare mitigations package.

Responses are submitted via an online questionnaire format.

The Department will produce a report setting out their assessment of the operation of each of the ongoing Welfare Supplementary Payment schemes by 31 March 2025.

Current Welfare Supplementary Payment schemes

The following Welfare Supplementary Payment schemes are currently in operation to provide help to people in Northern Ireland with respect to a series of welfare reforms:

- Benefit Cap
- Loss of Carer Payments
- Loss of Disability-Related Payments
- Social Sector Size Criteria (“the bedroom tax”)
- Time Limiting of Contributory Employment and Support Allowance
- Transition to Personal Independence Payment (PIP) from Disability Living Allowance (DLA)¹

The [2022/23 Annual Report for Welfare Supplementary Payments, Discretionary Support, Standards of Advice and Assistance Sanctions](#) provides the latest findings on each of the Welfare Supplementary Payment schemes.

¹ Now only receiving new cases from children who claim Personal Independence Payment after their 16th birthday.

In January 2022, the Northern Ireland Assembly (the Assembly) approved legislation extending the period for which most Welfare Supplementary Payments could be paid to 31 March 2025 and ensures that eligible people continue to receive appropriate payments.

Separate legislation to extend the period for which Welfare Supplementary Payments are made in respect of the Social Sector Size Criteria came into operation in April 2022 and ensures that eligible people continue to receive these appropriate payments. This legislation has no end date for the payments.

ECNI Questionnaire Response

Q1.1 Which of the schemes do you think should be continued?

The Commission support the continuation of the following schemes:

- Benefit Cap
- Loss of Carer Payments
- Loss of Disability-Related Payments
- Social Sector Size Criteria (“the bedroom tax”)
- Time Limiting of Contributory Employment and Support Allowance
- Transition to Personal Independence Payment (PIP) from Disability Living Allowance (DLA)

Q1.2 Please expand?

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. These include actions relating to access to social protection, in order to:

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

In April 2024, The UN Committee on the Rights of Persons with Disabilities (UNCRPD) [published a report](#) concluding that the UK Government and NI Executive have failed to take measures to address violations of the human rights of disabled people and eliminate causes of inequality and discrimination.

The Committee found that, since their previous inquiry in 2016, there has been no significant progress for disabled people concerning their right to living independently and being included in the community. While some reforms and policies have been undertaken these have been inadequate considering the cost-of-living crisis.

The Committee also noted with deep concern that the PIP is not sufficient to cover the extra costs of living with disabilities and that personal assistance designed to cover bare subsistence is being offered to disabled people instead of the amount of personal assistance required to achieve the holistic potential and full enjoyment of the right to live independently.

The Commission has highlighted the need to protect the most vulnerable from the adverse impact of welfare reform including disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds and called for consideration of mitigating measures².

Poverty

Whilst socio-economic disadvantage is not a specified ground under the equality legislation in Northern Ireland, the barriers and inequalities experienced by equality groups can be exacerbated by poverty and social exclusion.

The Commission continues to proactively highlight the link between poverty and social exclusion, and the inequalities faced by individuals protected under the equality legislation across a number of areas of public policy, including social protection.³

² ECNI (2011): [Response to the Department for Social Development's consultation on the Welfare Reform Bill \(Northern Ireland\)](#); ECNI (2016) [Recommendations: Programme for Government \(PfG\) and Budget](#), p. 2; Equality Commission for NI (2020): [Summary of policy positions relating to poverty and socio-economic disadvantage](#)

³ For example, the Commission drawn attention to the adverse impact of welfare reform on people belonging to a number of groups protected under equality legislation including: disabled people; women and lone parents; younger people; mixed aged households and people from ethnic minority backgrounds and called for consideration of mitigating measures. See: ECNI (2018): [Welfare-Reform Policy Responses](#)

The Commission notes that although a Programme for Government has not been agreed for the current mandate⁴, the Northern Ireland Executive's draft Programme for Government (PFG) for 2016 to 2021 included proposed actions aimed at reducing the percentage of people living in absolute poverty and the percentage living in relative poverty.^{5 6}

The Commission has made it clear that we support the proposed Delivery Plan for PfG Indicators to address poverty in Northern Ireland to the extent that they can be utilised to address the poverty and social exclusion experienced by a range of equality groups⁷.

The Commission has participated in the Social Strategies Co-Design Groups established by the Department in 2020, including the Anti-Poverty Strategy Co-Design Group.⁸

As part of the Independent Mechanism for Northern Ireland (IMNI), the Commission made a submission to the CRPD inquiry under the Optional Protocol of the UNCRPD⁹, which focused on the impact of welfare reform on persons with disabilities.

We also made a submission to the UN Special Rapporteur on Extreme Poverty and Human Rights during his visit to the United Kingdom in 2018.¹⁰

⁴ The Northern Ireland Executive's [Programme for Government draft Outcomes Framework](#) Consultation Document includes a number of references to poverty. For example, under the strategic outcome 'We have an equal and inclusive society where everyone is valued and treated with respect', a key priority area is identified as 'Tackling disadvantage in terms of welfare and poverty and providing support where it is needed...', whilst another key priority is identified as 'Promoting and respecting the rights of individuals...ensuring that everyone feels included' (p.16). Under the strategic outcome 'We have a caring society that supports people throughout their lives' a key priority area identified is 'Improving the quality of life of those of us with disabilities and supporting people to build a route out of poverty, administering an effective social security/benefits system to those who need it...' (p. 27).

⁵ In June 2014 the High Court ruled that the Northern Ireland Executive had failed to develop an anti-poverty strategy for Northern Ireland. This followed legal action by the human rights watchdog Committee on the Administration of Justice (CAJ) see:

Belfast Telegraph (30 June 2015): [Stormont Executive Failed To Develop An Antipoverty Strategy](#)

⁶ Northern Ireland Executive (2016): [Draft Programme for Government Framework 2016 to 2021](#). The reduction of poverty is a key indicator; see pp. 13 and 15.

⁷ ECNI (2017): [Response to the proposed Delivery Plan for Programme for Government Indicators 19 & 28](#)

⁸ See: [Recommendations for the development of an Anti-Poverty Strategy - A position paper from the members of the Anti-Poverty Strategy Co-design Group](#) (2022).

⁹ Committee on the Rights of Persons with Disabilities (2017): [Inquiry concerning the UK carried out by the Committee under article 6 of the Optional Protocol to the Convention, Report of the Committee](#)

¹⁰ Equality Commission for Northern Ireland (2018): [Submission to the United Nations Special Rapporteur on Extreme Poverty and Human Rights \(United Kingdom country visit\)](#).

The Commission emphasises the importance of ensuring progress to tackle long-standing inequalities and prevent the exacerbation of existing inequalities.

Disabled people and poverty

Disabled people are more likely to experience poverty than non-disabled people.¹¹

The Joseph Rowntree Foundation have highlighted that: ‘Disabled people face a higher risk of poverty and have done so for at least the last 20 years. This is driven partly by the additional costs associated with disability and ill-health, and partly by many disabled people being less able to access work. With potential for work often limited, disabled people and/or families where someone is disabled frequently rely on benefits as a source of income, which at current rates will almost inevitably lead to higher poverty rates’.¹²

The Foundation record that among working-age adults, those who are disabled are more than twice as likely to live in poverty than those who are not (38% and 17% respectively). An additional three million non-disabled people in poverty in the UK live in a household where someone is disabled, meaning that, overall, nearly half of the 14 million people in poverty in the UK are affected by disability. Poverty is especially high among families where there is a disabled adult at nearly 33%. If there is also a disabled child, the poverty rate is 40% – more than twice the rate where there is no disability.

The Disability equality charity Scope UK has highlighted that ‘Life costs more for disabled people and their families, spending more on essential goods and services like, heating, insurance, equipment, and therapies. These extra costs mean disabled people have less money in their pocket than non-disabled people, or go without. The result is that disabled people are more likely to have a lower standard of living, even when they earn the same’.¹³ Scope’s Disability Price Tag report 2023¹⁴ found that disabled people:

¹¹ Reed, H. and Portes, J. (2019): [Cumulative impact assessment of tax and social security reforms in Northern Ireland](#) (NIHRC)), paragraph 7.2, p. 101.

¹² Joseph Rowntree Foundation (2022): [UK Poverty 2022 - the essential guide to understanding poverty in the UK](#), p. 57.

¹³ See: <https://www.scope.org.uk/campaigns/extra-costs>

¹⁴ Available at: <https://www.scope.org.uk/campaigns/extra-costs/disability-price-tag/>

- On average, disabled households (with at least one disabled adult or child) need an additional £975 a month to have the same standard of living as non-disabled households;
- If this figure is updated to account for inflation over the current period 2022/2023, these extra costs rise to £1,122 per month.
- On average, the extra cost of disability is equivalent to 63% of household income after housing costs;
- The average extra costs rise to £1,248 per month where there are two disabled adults in the household and at least two children. And for households with one disabled adult, one non-disabled adult and at least one child, the average extra cost is £634.

Research by the Ipsos Mori and the Trussell Trust (2023) found that nearly two thirds of people referred to food banks in the Trussell Trust network in Northern Ireland are disabled.¹⁵

In 2016 the Committee on the Rights of Persons with Disabilities (CRPD) carried out an inquiry into the adverse impact of social security reforms under article 6 of the Optional Protocol to the Convention¹⁶.

The inquiry¹⁷ found that disabled people have been disproportionately affected by reforms and that they had resulted in a struggle for many disabled people to maintain an adequate standard of living. The CRPD Committee recommended¹⁸ 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.

¹⁵ Ipsos and the Trussell Trust (2023): [Hunger in Northern Ireland](#), p. 13.

¹⁶ 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 under Article 6 of the CRPD Optional Protocol, and the UK Government’s response](#)

¹⁷ 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](#) The Committee found that there had been ‘gross or serious violations’ of the rights of disabled people under the Convention on the Rights of Persons with Disabilities.

¹⁸ 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](#), p. 21.

Article 28, Adequate Standard of Living and Social Protection, of the United Nations Convention on the Rights of Persons with Disabilities¹⁹ obliges States Parties to ‘recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability’.²⁰

Q2.1 With regard to Social Sector Size Criteria (“bedroom tax”) and the Benefit Cap, do you think the Department should continue to provide full support, or provide support on a tapered basis (reducing or stopping over time)?

Full support

Q2.2 Please expand?

Reasoning set out in expanded response to Q1.

Q3.1 Do you think alternative methods should be considered for providing support for the Social Sector Size Criteria (“bedroom tax”) or the Benefit Cap?

Undecided.

Q3.2 Please expand?

It is difficult to respond to this question without knowing what alternative methods are being considered / proposed.

Q4.1 Do you think the current funding for the existing Welfare Supplementary Payment schemes should be allocated to fund different/new mitigation schemes?

Undecided.

Q4.2 Please expand?

It is difficult to respond to this question without knowing what alternative mitigation schemes are being considered / proposed.

¹⁹ [United Nations Convention on the Rights of Persons with Disabilities](#)

²⁰ Article 28 UNCRPD: [Adequate standard of living and social protection](#)

Please also note that any proposed changes to the existing Welfare Supplementary Payment Schemes should be subject to equality screening in line with the Department's [Equality Scheme](#) commitment that 'Policies which we propose to adopt will be subject to screening prior to implementation' (paragraph 4.5, page 13)

Public Policy and Strategic Engagement Team

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