

## Equality Commission NI response to the Department for Health [Help with Health Costs Consultation](#)

### Background

The Department is seeking views on potential changes to the eligibility criteria for automatic support being provided under the Help with Health Costs (HwHC) scheme for Universal Credit (UC) recipients.

The HwHC scheme provides individuals, primarily on low incomes, with help towards the cost of dental treatment, eyesight tests, glasses or contact lenses, and travel costs for Health and Social Care (HSC) treatment, on referral by a doctor or dentist.

The Department are seeking input on the two options outlined in the consultation for amending the eligibility criteria for the HwHC scheme to include UC. These options are as follows:

- **Option 1** – Having automatic passporting for HwHC based on 2 earnings thresholds (higher and lower, mirroring the existing GB earning thresholds) for those in receipt of UC, with a higher threshold for those receiving payments under UC for a disability and/or for a child / children.
- **Option 2** – Passporting everyone on UC (no earnings threshold applied).

The Department recognises that in reviewing the automatic exemption criteria for HwHC it is important and necessary to balance a desire to continue to protect the health of vulnerable members of society as intended without adding to pressures on HSC budgets.

Responses are submitted via an online questionnaire format.

## **ECNI Response**

The Equality Commission NI (the Commission) has not identified a specific preference between the two options.

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

When considering options and / or potential mitigation measures we recommend that the Department takes account of the following guidance and commentary.

### ***Protect the most vulnerable from adverse impacts of welfare reform***

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 measures<sup>1</sup>.

We continue 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.

### ***Address adverse impacts for legacy / alternate benefit claimants.***

The related Equality Screening, Disability Duties and Human Rights Assessment indicates that the proposed actions may disadvantage legacy benefit claimants and that this may have adverse impacts for older and disabled people.<sup>2</sup>

The document notes that: “*some persons that would be automatically eligible to help by virtue of their entitlement to a legacy benefit will now be disadvantaged as they will have to complete an application form for HwHC once they migrate to Universal Credit.*”

For some disabled people e.g. people with visual impairments or with an intellectual disability, a paper-based application to the low-income scheme (LIS) is likely to present a significant barrier. The Commission notes that the Department are seeking to mitigate the negative impacts and work on streamlining the application form and thresholds.

---

<sup>1</sup> 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](#)

<sup>2</sup> [DoH HwHC Equality Screening, Disability Duties and Human Rights Assessment](#)

## ***Discount Disability Related Costs When Considering Eligibility***

The Commission wishes to seek assurance that disabled people receiving Personal Independent Payments (PIP)<sup>3</sup> in recognition of the additional costs incurred by virtue of their disability will not be penalised by any means testing applied to enable access to the HwHC scheme. An income threshold defining eligibility for the scheme may mean that claimants in receipt of PIP may be denied help towards the cost of dental treatment, eyesight tests, glasses or contact lenses, and travel costs for Health and Social Care (HSC) treatment,

Receipt of PIP should be discounted from calculation of a person's income for the purposes of considering eligibility for the HwHC scheme.

## ***Address UNCRPD Committee Concerns***

Article 28, Adequate Standard of Living and Social Protection, of the United Nations Convention on the Rights of Persons with Disabilities<sup>4</sup> 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'.<sup>5</sup>

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 Convention<sup>6</sup>.

The inquiry<sup>7</sup> 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.

---

<sup>3</sup> [Personal Independence Payment \(PIP\)](#) is a welfare benefit that is intended to help working age adults with the extra costs of living with a health condition or a disability. It is a non means-tested benefit, meaning it does not depend on income or savings.

<sup>4</sup> [United Nations Convention on the Rights of Persons with Disabilities](#)

<sup>5</sup> Article 28 UNCRPD: [Adequate standard of living and social protection](#)

<sup>6</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 under Article 6 of the CRPD Optional Protocol, and the UK Government's response](#)

<sup>7</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](#) 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.

The CRPD Committee recommended<sup>8</sup> that the UK Government and Northern Ireland Executive 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.

The CRPD Committee also recommended that the UK Government and Northern Ireland Executive: ‘*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 related to disability***’ (our emphasis).<sup>9</sup>

In 2024, the CRPD Committee further recommended that the UK Government and Northern Ireland Executive: ‘*Take comprehensive measures to ensure that persons with disabilities are adequately supported through social security payments, benefits and allowances, including by conducting thorough assessments based on the human rights model of disability, and by reviewing the current Universal Credit system, **to ascertain the additional costs of living with disabilities and adjusting benefit amounts accordingly to reflect these costs***’ (our emphasis).<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup>

---

<sup>8</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](#), p. 21.

<sup>9</sup> UNCRPD Committee (2017): [Concluding observations on the initial UK report](#), para 59 (a), p. 14.

<sup>10</sup> UNCRPD Committee (2024): [Report on follow-up to the 2016 UK inquiry](#), para 90 (f), p. 14.

<sup>11</sup> Ibid, para 75, page 11.

<sup>12</sup> Ibid, para 76, page 11.

## Disabled people and poverty

Disabled people are more likely to experience poverty than non-disabled people.<sup>13</sup> The Joseph Rowntree Foundation have highlighted that: 'Disabled people face a higher risk of poverty, 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'.<sup>14</sup>

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*'.<sup>15</sup>

Scope's Disability Price Tag report 2023<sup>16</sup> found that:

- 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;
- On average, the extra cost of disability is equivalent to 63% of household income after housing costs;
- Average extra costs rise to £1,248 per month where there are two disabled adults 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.<sup>17</sup>

## **Public Policy and Strategic Engagement Team**

**March 2025.**

---

<sup>13</sup> Reed, H. and Portes, J. (2019): [Cumulative impact assessment of tax and social security reforms in Northern Ireland](#) (NIHRC)), paragraph 7.2, p. 101.

<sup>14</sup> Joseph Rowntree Foundation (2022): [UK Poverty 2022 - the essential guide to understanding poverty in the UK](#), p. 57.

<sup>15</sup> See: <https://www.scope.org.uk/campaigns/extra-costs>

<sup>16</sup> Available at: <https://www.scope.org.uk/campaigns/extra-costs/disability-price-tag/>

<sup>17</sup> Ipsos and the Trussell Trust (2023): [Hunger in Northern Ireland](#), p. 13.