

17 Dec 2012

Equality and Welfare Reform

The Equality Commission has given evidence regarding the Northern Ireland Welfare Reform Bill to the Ad Hoc Committee on Conformity with Equality Requirements and the Department of Social Development Assembly Committee.

Darren McKinstry, of the Equality Commission, outlines the main equality implications of the Welfare Reform Bill as the Commission sees them.

Northern Ireland's Welfare Reform Bill will without doubt cause the biggest shake-up in years of the social security benefits system. The Commission believes that it has the potential to impact severely on some of the most vulnerable members of society and has been working consistently with all departments of Government to ensure that issues of equality and potential discrimination are taken into account and adverse impacts mitigated where possible.

In its response to the Department of Social Development's equality impact assessment of its welfare reform proposals, in November 2011, the Commission agreed with the policy aim to 'seek to make the social security system fairer, more affordable and better equipped to deal with poverty and welfare dependency'. We have, however, consistently stressed the need to properly understand, consider and respond appropriately to the impacts of welfare reform.

The Commission's Statutory Duty Investigation Committee is keeping under review the question of whether or not to investigate the Department's Equality Impact Assessment. In our response to the EQIA, we expressed considerable concern about how some of the steps had been completed. Amongst other concerns, we noted that the data considered by the DSD were extremely limited and that minimal analysis of the potential impact of the proposals had been done.

We are still in contact with the Department about the finalization of the EQIA. We have also voiced our concerns to the DSD at Assembly committees, in direct meetings and in correspondence, about the overarching effect of the welfare reform proposals; and have recommended amendments which would lessen adverse impacts on Section 75 equality groups.

The Commission has four main areas of concern in terms of the policy proposals within the Welfare Reform Bill. They are

- aspects of the Universal Credit proposal;
- Lone Parent conditionality;
- the Housing Benefit cap; and
- Disability Benefit reform.

While the Commission generally welcomes the Universal Credit, we are still concerned that the negative impact on women has not been identified nor acted upon. We would recommend the consideration of payment to the primary carer, usually the mother of children, rather than split payment between two parties in the household.

We are also urging, regarding the payment of benefits online, that safeguards be put in place to ensure accurate and timely information to claimants; and to ensure that claimants do not suffer immediate impact where information relating to their entitlements is wrongly calculated or recorded outside their control.

Equality groups in Northern Ireland, such as those representing older people or people with sensory disabilities, report lower internet usage than the general population. A 2011 survey on internet usage by the Office for National Statistics revealed that, in Northern Ireland, people with a disability (46.3%) were much less likely than non-disabled people (77.4%) to have 'ever used the internet'. The figures also reveal that internet usage amongst disabled people here is less than the UK average for people with disability (63.8%).

We have recommended clarification around some of the 'claimant responsibilities' sanctions. The requirement for a claimant or 'both members of a couple' to enter into a claimant commitment as part qualification criterion for Universal Credit has the potential to impact adversely on people with dependents, who are typically women with children. We also urge restraint in the blanket application of sanctions for non-compliance with work-related requirements, and recommend that each case should be considered on its own merits.

We are concerned that some of these conditions may have a particular effect on lone parents of young children. The same eligibility conditions which apply to all claimants, such as being required to be available for work and to spend time actively seeking work, will apply to them. This could be an unrealistic condition for a lone parent without access to appropriate, affordable childcare. In Northern Ireland there is not enough affordable childcare, nor is there the same legal duty to identify and meet childcare needs, as exists in Great Britain.

The application of this 'lone parent conditionality', could limit the educational and training opportunities available to parents and damage their ability to progress up the skills and employment ladder. It has the potential for long-term adverse impact on parents and children alike.

Changes are proposed to introducing a size criterion to assessment for Housing Benefit.

This is of concern in the case of tenants who may be disabled and need room for carers or specialist equipment, or housing adaptations resulting in extensions to the property. It would also impact on separated parents, who may need additional rooms to accommodate visiting children. There is a risk that such tenants may suffer a reduction in benefits due to 'under occupancy'.

While the EQIA notes 'Households containing a disabled adult and with a non-resident carer will be assessed as having a reasonable requirement for an additional room. This will have the effect of reducing the number of disabled claimants affected by the measure', it is not clear if this extends to those with fluctuating conditions.

The Commission is also concerned that a tenant's ability to move house may be restricted due to the unavailability of appropriate social housing stock, in relation to one or two-bedroom accommodation.

The Department has advised that all disabled people who meet the new qualification criteria of entitlement for PIP will then have to go through an additional assessment - the Work Capability Assessment - for entitlement to additional income-related benefits which are currently automatically granted under the existing DLA framework.

We have concerns that the Work Capability Assessment process has the potential to further disadvantage disabled people if carried out by an independent assessor who has no previous knowledge of the claimant's personal circumstances or health condition. We strongly recommend a review of these procedures.

Evidence from the claimant and medical evidence from the claimant's own doctor or other medical professional should be taken into account. Further questions to the claimant should be explicit, clear and transparent during the assessment and understood by the claimant.

Any correspondence to claimants regarding the Work Capability Assessment should make clear that they can take someone with them to the assessment for support to represent their interests. This would apply, for example to people with severe learning disability or who have complex support requirements. The Equality Commission is aware of some cases to date where claimants were not informed of their entitlement to such a provision.

The removal of the direct link between receipt of the Standard Disability Premium addition to Income Support for those in receipt of Disability Living allowance, under Personal Independence Payments, is likely to result in loss of income and therefore a potential adverse impact on disabled people. The final EQIA identifies a cash loss of £39 per week for 29,000 disabled households but does not identify this as an adverse impact, stating that 'transitional protection put in place will mean there are no cash losses as a direct result of the move to Universal Credit where circumstances remain

the same'. This may be an adverse impact over and above the policy goal of reducing the welfare bill.

The Equality Commission will maintain a close watching brief and hold the Department for Social development to account on its equality obligations when it does its screening and any necessary equality impact assessments. Where these confirm adverse impacts it is important that mitigating measures be brought forward to address them.

These are matters of critical importance for already marginalised groups in Northern Ireland and we must make full use of the equality provisions to scrutinise and influence the Regulations for their benefit.

Ends