



**To: DLA Reform Team, 1<sup>st</sup> Floor, Caxton House, Tothill Street, London SW1H 9NA**

**From: Helen Carr, Head of Equality, UCU, Carlow Street. London NW1**

**Public Consultation on Disability Living Allowance Reform**

Please find below UCU's response to the public consultation on DLA. In our response we have addressed some of the questions and also based our response in the broader context of other reforms impacting on disabled people.

The University and College Union (UCU) is the voice of academic and related staff working in post-16 education in the UK. UCU:

- represents 120,000 practitioners and professional administrators in further and higher education;
- has a membership in further and higher education which includes professors, researchers, lecturers, tutors and (in the pre-1992 universities) senior administrators, librarians and IT professionals; is recognised for collective bargaining purposes at more than 150 higher education and 50 further education institutions and at a national level.

UCU has a national disabled members committee which has put together this response.

UCU welcomes the opportunity for a well reasoned and open minded debate on the future of DLA. The outcome of this consultation will have a serious effect on the lives of disabled people and we are very concerned that the Department for Work and Pensions decided to run such a short consultation period, which was also spread over the Christmas holiday. This is 3 weeks short of the recommended time frame outlined in Government guidance and will significantly reduce opportunities for disabled people and disabled peoples organisations to give their views on the consultation. One of our worries is that the often complex communication needs of many of the disabled people potentially affected by the outcome of the consultation have not been taken into account

and that the timescale may be a barrier to the adequate and effective engagement of a significant number of these people.

We are also dismayed that the **Welfare Reform Bill** will have been debated in the Commons, and potentially will have reached the Lords, before the consultation period has ended. It will therefore not be possible for the Government to take consultation responses into account as the Bill progresses through the Commons, further reducing the impact and value of the consultation process. The lack of a full equality impact assessment is also of concern to us. This consultation is to develop 'firm proposals' and therefore a full impact assessment should be undertaken at development stage.

We welcome some of the more positive proposals in the consultation document, for example simplifying the application process and reducing bureaucracy and complexity. We also welcome the continued recognition of the additional costs faced by many disabled people in order to participate fully in society.

However, we believe that there needs to be greater transparency and clarification on many aspects of the proposed reforms to DLA. The consultation paper does not make clear the scale of the potential 'savings' to the Department for Work and Pensions, which we believe is a serious omission. However, the Government has said that it expects a reduction of 20% in the number of disabled people eligible for DLA. The consultation paper does not make it clear how this reduction will be achieved. We therefore need clarity as to the number of people likely to be affected by these proposals and considerable reassurance that the major driver behind any reform to DLA is the well being of disabled people and their ability to exercise choice and control over their lives, rather than arbitrary targets for reducing public expenditure.

We have significant concerns about the impact the changes will have on disabled people, particularly in the context of the wider welfare reform agenda and as a result of the announcements made in the 2010 Budget and the Comprehensive Spending Review. We outline 13 areas of concern below:

1. Adverse changes had already been made to the **Access to Work (AtW)** scheme in advance of the Comprehensive Spending Review. A range of physical adjustments including some computer software, computer screens and office furniture are no longer to be provided through AtW. As from September 2010, employers are now expected to pay for these as 'only those adjustments above and beyond what is reasonable for an employer to fund' will attract AtW funding.
2. **The abolition of Disability Living Allowance Board, the Mobility Allowance Board and the Disabled Persons Transport Advisory Committee.**

3. The **Independent Living Fund** is to be abolished in 2015. The ILF is now closed permanently to new clients, meaning that disabled people who would have previously had a shortfall in their local authority social care packages made up by the Independent Living Fund will no longer have recourse to this additional support. It is still unclear as to what will happen to existing clients of ILF after 2015.
4. Due to reduced funding from Central Government, Local Authorities in England are **cutting social care budgets** by an average of 4.7% in the next financial year. Many are increasing eligibility thresholds and introducing or increasing means-tested charging, both of which will affect disabled people's access to care and income levels.
5. The **Mobility Component of Disability Living Allowance (DLA)** is to be withdrawn from disabled children in state funded residential schools and adults living in state funded residential care.
6. Entitlement to **contributions based Employment and Support Allowance (ESA)** is to be time limited from 2012. Disabled people who are placed in the **Work Related Activity Group (WRAG)** will have their ESA stopped after 1 year.
7. There will be significant welfare cuts for **Incapacity Benefit** claimants following reassessment through the Work Capability Assessment. 1.5m disabled people will be reassessed on their fitness to work from 2011-14.
8. The intention to **cut the rate at which benefits are increased each year**. The rate of benefits will increase in line with the Consumer Price Index, rather than the typically higher Retail Index. This will affect Attendance Allowance, Carer's Allowance, Disability Living Allowance and Employment and Support Allowance.
9. **Sheltered employment** is being hit by local government and central government cuts. Sheltered workshops in Glasgow and Edinburgh are vulnerable whilst Remploy workers were told in early January by management that all the factory sites were safe but they should prepare for a halving of the workforce. In reality

10. many of the smaller factories are unsustainable with a 50% staffing reduction and are under threat of closure.
11. The **Supporting People** initiative is facing severe funding reductions. Local Authorities in England are planning to cut an average of 17% from their supported housing schemes for disabled people, including people with mental health support needs and people with learning difficulties.
12. Disabled people who have been enabled to buy their own homes through Supporting People funding will face a shortfall in their mortgage payments due to **cuts in Mortgage Interest Relief**.
13. Many disabled people will be affected by **cuts in Housing Benefit** and there have been warnings that some face further poverty or even homelessness. An estimated 2 million disabled people live in private rented accommodation and it is inevitable that a proportion will be affected by changes to housing benefit which includes capping payments and cutting housing benefit levels by 10% for people who have been in receipt of JSA for more than a year. As disabled people on JSA are likely to experience substantial barriers to employment, they will be vulnerable to this time limiting.
14. **Increases in VAT** will adversely affect disabled people on low incomes. Aids and Adaptations are **no longer exempt from VAT**.

The Government's has stated that it is committed to supporting disabled people to lead independent and active lives. Our belief is that these changes will mean that significant numbers of disabled people and their families, many of whom are already financially disadvantaged, will experience hardship and their life chances will be radically restricted.

UCU disabled members have told us that the proposal to abolish Disability Living Allowance has already resulted in fear and distress for many disabled people and their families. Our disabled members often work part time, are on fixed term contracts or are agency workers. They rely on Disability Living Allowance in order to pay towards social care and to meet the additional costs of their impairment.

For example, one of our disabled members has two children, one disabled and one non-disabled, both of whom attend the same youth club. The non-disabled child is charged £3.00 per session whilst the charge for the disabled child is £9.00 due to their additional support needs. UCU disabled members also use DLA to supplement their Access to Work payments, in order maintain their independence through employment. Reducing or withdrawing DLA will have a serious impact on their ability to remain in the workplace.

We believe that it is not wrong in principle to examine how eligibility for DLA is assessed. We believe that the assessment should be 'on participation and the impact an individual's impairment or health condition has on their daily life'. However, we feel strongly that there is a need for an assessment process that is trusted, fair, transparent and impartial. Above all, the assessment process must have credibility with disabled people. Our concern is that if, as suggested in this document, any assessment process for DLA mirrors that for the Work Capability Assessment (WCA), then it will be perceived as being oppressive rather than supportive. In addition, the WCA has resulted in an increasingly high appeals rate. Many of these appeals are successful. To adopt a similar model for reassessing DLA claimants may further undermine the Tribunals' Service's ability to meet demand.

It will be essential that any new assessment focuses on 'the use of evidence' and reflects the broad range of 'everyday activities' that an individual needs to undertake in order to fully participate in society. However, it is difficult to imagine how an assessment looking at 'everyday activities' such as 'planning and making a journey' and 'communicating with others' will take into account some of the ways in which DLA is currently utilized – for example, to help with increased electricity bills associated with doing laundry more often or for more expensive specialist clothing. The descriptors which are currently used for the WCA still do not accurately take account of 'variable and fluctuating conditions' and need to be further amended to reflect the experiences of disabled people.

We also believe there is some confusion as to whether the assessment will be from a medical model or social model perspective. DLA is already based on a social model perspective to some extent in that it recognizes disability as a social construct. The 2010 budget refers to 'objective medical assessments' for DLA whilst the consultation document refers to the social model of disability. This needs to be clarified.

Any assessment should not take into account aids and adaptations as access to the physical environment, goods and services and transport, for example, is extremely variable and unpredictable in many cases.

The consultation document states that there is an intention to focus on disabled people in 'the greatest need'. However, giving the reduction in social care budgets, it is unlikely that disabled people who currently receive lower rate DLA and are assessed as having 'moderate' or even 'high' needs by their local authority, but who still have higher costs due to their impairment, will receive any support from their local council. They may also lose their DLA under these proposed changes and be left with little or no support whatsoever.

We are opposed to any increase in the qualifying period for eligibility. This will exclude people who have been in serious road accidents or experience sudden sight loss, for example. Our disabled members tell us that the initial period after a person

acquires an impairment is often the most challenging time, physically, emotionally and financially. We believe that the value of DLA during the rehabilitation process needs to be acknowledged.

The proposals in the consultation document only apply to disabled people of working age. However, it also states that the Government is considering whether to apply the new eligibility and assessment criteria to children and adults over 65. There needs to be greater clarity as to how the proposals will impact on children and older people. As the largest trade union of educators globally we are opposed to any proposal that conflates personal or learning support for disabled children which is provided to facilitate their education, with personal care within their home funded through DLA. Any child or young person, who receives personal care during the school or college day, in order to ensure they can participate fully within an educational setting, should not have their DLA award reduced.

The consultation document is not clear about the number of disabled people who will be likely to have DLA withdrawn or reduced due to these changes. UCU estimates that this could be as many as 360,000 disabled people. The consultation document does not quantify the number of carers who will be affected.

We are very concerned about the removal or reduction in Disability Living Allowance on carers. Families could be doubly affected as DLA is reduced or removed and Carer's

Allowance is lost as a result. This could undermine unpaid care by making caring financially untenable for some families.

## **Purpose of DLA**

**Rather than abolishing DLA, UCU believes that there is a need for the Government to restate and emphasise its original purpose. DLA is “a financial contribution towards the generality of extra costs experienced by... disabled people as a direct result of their disabilities... [DLA was] introduced as a policy response to the evidence that disabled people and their families suffered greater disadvantage and poverty than their non-disabled peers and preceded the opening up of the disability rights framework, including the introduction of measures to tackle discrimination against disabled people.”<sup>1</sup>** DLA is described by the Department for Work and Pensions as an “extra costs” benefit; it is paid not on the basis of a medical diagnosis, but to compensate disabled people for the extra costs incurred by the effect their condition has on their ability to get around or look after themselves. **Our disabled members have told us that there is little confusion amongst disabled people as to the intention of DLA and that the main misapprehension that DLA is an out of work benefit seems to be most prevalent in the media and in speeches by politicians.**

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<sup>1</sup> *Attendance Allowance, Disability Living Allowance and Carer's Allowance, Retrospective equality impact assessment*, September 2010

UCU welcomes in principle the newly named 'daily living' component to replace the existing care component of DLA but we are very concerned that the new 'daily living' component will only have two rates of payment. We do not believe that this will automatically 'make the benefit easier to understand and deliver' and it may well result in automatically excluding disabled people who are currently in receipt of the lower rate care component of DLA from eligibility.

We are also concerned the Government is proposing to re-assess all current working age DLA recipients (as well as possibly all children and people over 65) against a background of significant reductions in public spending. We believe that the costs of introducing and implementing a new assessment (which will include regular reviews for all claimants) as well as appeals under the new process may outweigh any savings. There needs to be clarity on the budget being provided for this purpose.

Finally, UCU would like to emphasise our concerns at the speed and all encompassing reform agenda which will impact severely on disabled people's lives. The short time scale of this consultation, the fact that many are running at the same time, makes it challenging for those who will be affected to respond.

Yours

UCU National Disabled Members Committee

