



**Disability Living Allowance reform
DWP Consultation**

UNITE – the Union Response

February 2011

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Introduction

This response is submitted by Unite, the union. Unite is Britain and Ireland's largest trade union with 1.5 million members across the private and public sectors. As the union's members work in a range of industries including manufacturing, financial services, print, media, construction, transport, local government, education, health and not for profit sectors, we have extensive experience of representing and campaigning for equality for disabled workers.

1. Unite the union is deeply concerned about the government's proposals across disabled people's lives, including in relation to DLA. Government cuts are having a particularly serious impact on disabled people through job losses, the unwillingness by employers to make reasonable adjustments and loss of public services which many disabled people rely on. The new proposals will not lift barriers they will push disabled people and their families into deeper poverty and exclusion. We do not disagree with the emphasis throughout the document on reform of DLA being in relation to what disabled people can do rather than what they cannot do. However, the wider context of cuts undermines this approach which has become a means of cutting cutting the benefit bill by refusing care and support to those who need it.
2. We are extremely concerned about the government's suggestion that "DLA can act as a barrier to work" and that "people who receive DLA have lower work expectations". We would bring to your attention the current media attacks on disabled people calling them cheats and scroungers which we believe these views have been fuelling even to the extent of hate crime.

Our experience is that DLA has been helping many disabled people find employment and stay at work; and that "lower expectations" are linked to discrimination, the fact that they are unable to work or that the current provisions do not cover the support and assistance they need.
3. Unite recognises that "those who face the greatest challenges" need special attention and support however this must not be at the expense of the removal of benefits to others. Disabled people with less "severe" conditions face extra cost because of their disability too. We are also very concerned about the new assessments or reviews, whose the purpose appears to be to achieve the government's 20% cuts by using disabled people and removing the minimum support they receive. This will only push disabled people into deeper poverty and joblessness as well as putting extra pressure on the massively cut public sector.
4. We are concerned that the proposed changes will mean that carers will lose their eligibility for benefits related to DLA and may be forced to leave employment in order to look after family or friends.
5. Unite opposes the removal of the Mobility component of DLA for those in residential care homes and children and young people in special residential schools and colleges. This will push thousands of disabled people into exclusion.

QUESTIONS

1. What are the problems or barriers that prevent disabled people participating in society and leading independent, full and active lives?

Lack of access is the main barrier: access to decent and well paid employment, transport, housing, education, care, health and social services. Disabled people should receive support as and when needed to carry out their everyday activities but the barriers they face can stop them from taking an active part in society.

Discrimination in employment at the point of recruitment to retention at work is the main barrier for disabled people to find work and stay at work. However, lack of appropriate financial security, independence and support can also be serious obstacles. DLA can to some extent assist many to overcome these obstacles. The new proposals will not provide a better support system but will push disabled people into further poverty and isolation and places more pressure on the massively cut public sector.

2. Is there anything else about Disability Living Allowance (DLA) that should stay the same?

All disabled people who need DLA should be entitled to receive it. The proposal to pick and choose who is more deserving of this benefit is a great concern for Unite. Assessing a condition as “less severe” than another does not take away someone’s disability or their needs. We are very concerned that many disabled people who work and receive DLA would not be deemed to have a severe-enough disability. This will only push more disabled people into joblessness and poverty.

DLA should remain a non means-tested and a tax-free benefit. The amount received by many disabled people is not enough to cover their needs and taking away some or all of it by means-testing or taxation will stop disabled people taking an active part in society.

Increasing the eligibility period from 3 months to 6 months will only extend the hardship faced by many disabled people. There should not be any waiting period for disabled people to access benefits. Many have the sudden onset of particular conditions and their immediate needs are not met even under the current DLA. Therefore having to wait a longer period of six months is extremely cruel. This will have a great impact on those with fluctuating conditions. The proposal should be to remove the waiting periods instead of extending them. This measure will hit poorer disabled people the hardest.

Unite is appalled by the proposal to remove the Mobility component of DLA for disabled adults living in residential care and children and young

people in special residential schools and colleges. This vital element of DLA supports thousands of disabled people to take an active part in society. It also provides vital support for those undertaking periods of **rehabilitation** in a residential college. The proposal's suggestions that those in hospitals are in the same situation as those in care homes, is completely inappropriate. We are extremely concerned that the withdrawal of this benefit which allows disabled people in care homes, unlike hospitals, to travel independently; access employment; socialise; visit family; attend medical appointments; meet up with friends; attend courses; take part in community activities; go to leisure centres or volunteer; will exclude them even further. This proposal does not resolve 'an overlap of public funds' as the government has stated, but will either put more pressure on severely cut local authorities or will leave people without the vital support they need.

3. What are the main extra costs that disabled people face?

Disabled people, regardless of the severity of their condition face extra costs arising from their disability. The proposal for a new assessment is just another cost cutting exercise which will push more people off DLA under the guise of them not having a 'severe-enough' disability. This will mean thousands of disabled people cannot make the extra costs for getting to work and finding work, transport, care, aids and adaptations, medication and therapies. This will push more disabled people further into joblessness and poverty.

4. The new benefit will have two rates for each component:

- a. Will having two rates per component make the benefit easier to understand and administer, while ensuring appropriate levels of support?**
- b. What, if any, disadvantages or problems could having two rates per component cause?**

The proposal to change the "care" component to "daily living" is not at all clear. The care component is vital for supporting disabled people and should only be improved.

We are very concerned that with government's emphasis on people with 'severe' disabilities, the proposal to cut the care component to two rates will simply mean removal of the lowest rate. This will leave many with less severe disabilities and particularly poorer disabled people without the care they need.

5. Should some health conditions or impairments mean an automatic entitlement to the benefit, or should all claims be based on the needs and circumstances of the individual applying?

DLA automatic entitlement should remain otherwise the new proposal will increase the use of NHS services and with massive government

cuts to the public sector this will put more pressure on the health and social care sector, ultimately leading to more disabled people not receiving the support and care they need.

6. How do we prioritise support to those people least able to live full and active lives? Which activities are most essential for everyday life?

As we said before access to decent and well paid jobs, transport, health and social care and housing. The new proposal will reduce or remove support to many disabled people and will force many out their jobs. Also it will increase the need for residential care and will force many carers to give up work in order to look after family or friends.

7. How can we best ensure that the new assessment appropriately takes account of variable and fluctuating conditions?

Unite is deeply concerned that the proposal for more stringent assessment and re-testing will make it even harder in the case of fluctuating conditions and particularly those with mental health conditions. Many workers with fluctuating conditions have to leave work due to their employers' unwillingness to make reasonable adjustments or are dismissed on capability grounds. More assessments have the potential to cause distress and make the condition worse. From our experience this proposal will mean that more money will be spent paying private companies to get disabled people off DLA than actually paying to support them.

8. Should the assessment of a disabled person's ability take into account any aids and adaptations they use?

- a. **What aids and adaptations should be included?**
- b. **Should the assessment only take into account aids and adaptations where the person already has them or should we consider those that the person might be eligible for and can easily obtain?**
- c. **How could we improve the process of applying for the benefit for individuals and make it a more positive experience? For example:**
- d. **How could we make the claim form easier to fill in?**
- e. **How can we improve information about the new benefit so that people are clear about what it is for and who is likely to qualify?**

Aids and adaptations should be provided to all disabled people who need them. We are very concerned that the government emphasis on cutting costs will mean that disabled people with aids and adaptations will be denied this benefit. Aids and adaptations help many disabled

people get to work and therefore by cutting their benefit the opportunity to lead an independent life will be denied to many disabled workers.

9. **What supporting evidence will help provide a clear assessment of ability and who is best placed to provide this?**
10. **An important part of the new process is likely to be a face-to-face discussion with a healthcare professional.**
 - a. **What benefits or difficulties might this bring?**
 - b. **Are there any circumstances in which it may be inappropriate to require a face-to-face meeting with a healthcare professional – either in an individual's own home or another location?**

The best persons are the disabled people themselves and if necessary their GPs and their carers can provide further evidence.

The new proposal puts a lot more pressure on disabled people than before. From our experience disabled people find the medical examinations intrusive and undignified. This is not only a costly exercise but also can potentially make some conditions worse. Face-to-face meetings should not be a requirement, and adequate notice including stressing the opportunity to be accompanied and alternative venues should be available.

11. **How should the reviews be carried out? For example:**
 - a. **What evidence and/or criteria should be used to set the frequency of reviews?**
 - b. **Should there be different types of review depending on the needs of the individual and their impairment/condition?**

Disabled people are able to inform the relevant authorities when their circumstances change. Reviews will only cause more distress and can be costly. We are concerned about reviews especially for those with fluctuating conditions, particularly those with mental health.

12. **The system for Personal Independence Payment will be easier for individuals to understand, so we expect people to be able to identify and report changes in their needs. However, we know that some people do not currently keep the Department informed. How can we encourage people to report changes in circumstances?**

Our experience is that many disabled people fear reviews, seeing them only as reasons to cut or reduce benefits. It would need to be made very clear how the Department would use information to assist disabled people in order to gain support and trust.

13. **What types of advice and information are people applying for Personal Independence Payment likely to need and would it be helpful to provide this as part of the benefit claiming process?**
14. **Could some form of requirement to access advice and support, where appropriate, help encourage the minority of claimants who might otherwise not take action? If so, what would be the key features of such a system, and what would need to be avoided?**
15. **How do disabled people currently fund their aids and adaptations? Should there be an option to use Personal Independence Payment to meet a one-off cost?**
16. **What are the key differences that we should take into account when assessing children?**

The advice should be clear and it should specify that DLA is a benefit for those who work as well as those who don't.

The access to advice and support should be part of this benefit. This can help many disabled people to find employment or other support and services they need. However, we are concerned that the proposal means that those who do not agree with the proposed actions will be penalised and this could lead to a loss of or a reduction in benefits.

In relation to children, we oppose the removal of the Mobility component of DLA for children and young people in residential special schools or colleges. Some education providers that provide transport do not do so during term time or when children and young people are at home during holidays. This component has meant that disabled children and young people could keep active during school/college holidays and their families could visit and take them out on short trips. Also, some carers use the DLA mobility component for adaptations to vehicles so that the children and young people can meet with family and friends and take part in leisure and other community activities. The proposal denies disabled children and young people the pleasure of meeting family and friends, socialising or use leisure facilities which is vital for their health and well being and their participation in the wider society including the world of work.

We are also concerned about the impact on residential care for **rehabilitation**.

17. **How important or useful has DLA been at getting disabled people access to other services or entitlements? Are there things we can do to improve these passporting arrangements?**

18. What would be the implications for disabled people and service providers if it was not possible for Personal Independence Payment to be used as a passport to other benefits and services?

Currently the DLA does not meet extra disability-related costs of living for many disabled people. However, it has useful passporting arrangements for carers such as the Motability Scheme, Blue Badge parking scheme, Disabled Persons Railcard and leisure activities. The proposal will remove or reduce support that is linked to DLA and will push carers and disabled people into deeper poverty and social exclusion.

19. What different assessments for disability benefits or services could be combined and what information about the disabled person could be shared to minimise bureaucracy and duplication?

Disabled people should receive all the benefits and services they need without going through complex and repetitive claims. However, we are concerned that under the guise of reducing bureaucracy and duplication disabled people face further cuts or reduction to their benefits.

20. What impact could our proposals have on the different equality groups (our initial assessment of which is on page 28) and what else should be considered in developing the policy?

Those sections of the community who are discriminated against in the workplace and the wider society on grounds of their gender, race, sexual orientation, age or trans identity face further detriment when they have a disability. The current lack of applications from ethnic minorities, referred to in the document, needs specific and direct attention.

21. Is there anything else you would like to tell us about the proposals in this public consultation?

As a result of prejudice, discrimination at all levels of employment, social and financial barriers, disabled people are the poorest and the most vulnerable section of our society.

The new proposals should be improving DLA and the minimum support it provides but instead it is threatening this vital, however small, provision.

Unite is extremely concerned that these proposals not only do not address the inequalities faced by disabled people but even exacerbates the situation, and creates a climate of fear.