Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland

**Alternative Report from civil society - UK Government (reserved issues for the whole of UK) and England. October 2019**

**Content**

Abbreviations

Shorthand used in this report

1. Introduction
2. Overview of key concerns
3. Response to UKG’s Follow Up report to the Concluding Observations
4. Civil society follow up information on recommendations made by the Committee in paragraph 114 of its inquiry report
5. UK DDPO Recommendations

Appendix A: Update from DDPOs on progress against Concluding Observation recommendations

Appendix B: Outline of DDPO Engagement with government

1. **Abbreviations**

AHC After Housing Costs

APPG All Party Parliamentary Group

AtW Access to Work

ATU Assessment and Treatment Units

BCF Better Care Fund

BHC Before Housing Costs

CCG Clinical Commissioning Group

CIA Cumulative Impact Assessment

CQC Care Quality Commission

CTO Community Treatment Order

DDPO Deaf and Disabled People’s Organisations

DfID Department for International Development

DFG Disabled Facilities Grant

DHSC Department for Health and Social Care

DLA Disability Living Allowance

DPTAC Disabled People’s Transport Advisory Committee

DWP Department for Work and Pensions

EA2010 Equality Act 2010

EHCP Education Health and Care Plan

EHRC Equality and Human Rights Commission (part of the UK Independent Mechanism)

ESA Employment and Support Allowance

GDP Gross Domestic Product

GLA Greater London Assembly

ICESCR International Covenant on Economic, Social and Cultural Rights

ICO Information Commissioner’s Office

IL Inclusion London

ILF Independent Living Fund

IMG Inter-ministerial Group

IMNI Independent Mechanism for Northern Ireland

INGOs International Non-Governmental Organisations

JSA Job Seekers Allowance

LA Local Authority

LASPO Legal Aid, Sentencing and Punishment of Offenders Act 2012

LGA Local Government Association

LHS Local Housing Strategy

MR Mandatory Reconsideration

NAO National Audit Office

NI Northern Ireland

OECD Organisation for Economic Co-operation and Development

ONS Office for National Statistics

PIP Personal Independence Payment

PM Prime Minister

PSED Public Sector Equality Duty

SDGs Sustainable Development Goals

SEND Special Educational Needs and Disability

SG Support Group

SSAC Social Security Advisory Committee

TUC Trade Union Congress

UC Universal Credit

UKIM UK Independent Mechanism

UNCRPD United Nations Convention on the Rights of Persons with Disabilities

WCA Work Capability Assessment

WILG Welsh Independent Living Grant

WG Welsh Government

WPC Work and Pensions Committee

WRAG Work Related Activity Group

**Shorthand used in this report**

**“The Committee”** refers to the United Nations Committee on the Rights of Disabled People.

**“UKG” r**efers to the UK Government. This refers specifically to Westminster government and **not** to the devolved administrations.

**“The UKG Response”** refers to *The UK's 2019 Response to Select Concluding Observations of the UN Committee on the Rights of Persons with Disabilities,* published 12 September 2019. Available at: <https://www.gov.uk/government/publications/Disabled-peoples-rights-the-uks-2019-report-on-select-recommendations-of-the-un-periodic-review/the-uks-2019-response-to-select-concluding-observations-of-the-un-committee-on-the-rights-of-persons-with-disabilities>

# Introduction

1. Deaf and Disabled People’s Organisations (DDPOs)[[1]](#footnote-1) in England, Wales, Scotland[[2]](#footnote-2) have compiled the following civil society report to provide information on the implementation of articles 19, 27 and 28 by the UK Government (UKG) over the past 12 months from September 2018 to September 2019.
2. This correlates with the Committee’s request at paragraph 74 of the Concluding Observations on the initial report of the United Kingdom of Great Britain and Northern Ireland, adopted on 29 August 2017, that UKG should provide information to the Committee on its progress and achievements in implementing the recommendations issued by the Committee on its report adopted pursuant to proceedings under article 6 of the Optional Protocol (CRPD/C/15/R.2/Rev.1).
3. In Appendix A we have also included information relevant to implementation of the Committee’s recommendations as set forth in paragraphs 45, 57, and 59 of their Concluding Observations (CRPD/C/GBR/CO/1) since our last report in 2018.[[3]](#footnote-3)
4. Readers are reminded of the devolution framework in the UK. This report is specifically concerned with legislation, policy and practice implemented by the Government in Westminster and their impacts. Some of those measures cover the whole of the UK, some cover Great Britain (England, Scotland and Wales), some cover England and Wales and some cover England only. Issues specific to England are highlighted as such.
5. Legislative and policy measures implemented by governments in the devolved nations are covered by the accompanying reports from DDPOs in Wales and Scotland.

# Key concerns

1. The situation in the UK for Disabled people has continued to deteriorate since last year while UKG has continued to deny there is a problem or recognise the role of UKG legislation and policy in directly causing retrogression.[[4]](#footnote-4) Inequality and injustice for Disabled people is growing and “risks becoming entrenched for generations to come.”[[5]](#footnote-5)

7. In addition to concerns and regressions noted in section D, we have identified a number of issues relevant to the CRPD articles in scope of this report that we believe warrant highlighting:

* + - Universal Credit (UC).
    - Benefit deaths.
    - Deprivation of liberty and security.
    - Re-segregation of education.
    - Silencing criticism.

**8. Universal Credit**

* 1. UKG is pushing on with the roll out of UC despite evidence of severe hardship caused to claimants who have already been moved onto it and concerns about worse impacts to come.[[6]](#footnote-6)[[7]](#footnote-7) A parliamentary committee found that: “The introduction of Universal Credit is causing unacceptable hardship and difficulties for many of the claimants it was designed to help.”[[8]](#footnote-8) Many issues with UC were highlighted by the UN Extreme Poverty rapporteur.[[9]](#footnote-9)
  2. UKG has made a number of minor concessions[[10]](#footnote-10) but these do not resolve fundamental problems with the system. UKG has ignored calls, including from its own Social Security Advisory Committee (SSAC), to provide for automatic transfer onto UC.[[11]](#footnote-11) UKG has been warned 750,000 Disabled people could slip through gaps in the system and end up with no income. Additional investment in advice support will not help those who face barriers to accessing those services.[[12]](#footnote-12)
  3. There are particular difficulties for all Disabled people with UC. Its inaccessibility is a major concern.[[13]](#footnote-13) Almost a fifth of applications for UC are closed due to claimants not following the correct process.[[14]](#footnote-14) Households containing Disabled people will be among those who are financially worse off under UC.[[15]](#footnote-15) There is too much reliance on the discretion of work coaches to identify and manage the needs of people requiring extra support.[[16]](#footnote-16)[[17]](#footnote-17)
  4. UKG’s unwillingness to acknowledge problems with UC has been criticised. A parliamentary committee invited UKG to “reconsider” its response to an inquiry about UC claimants turning to survival sex.[[18]](#footnote-18) [[19]](#footnote-19)
  5. Benefit fraud is now at its highest level for a decade, driven mainly by UC. Tens of millions of pounds have been stolen by fraudsters leaving affected claimants up to £1,500 out of pocket. [[20]](#footnote-20)

1. **Benefit Deaths**
   1. Deaths linked to the removal of benefits remain a problem. A petition backed by the families of 7 Disabled people who died or took their own lives after their benefits were stopped called for an independent inquiry to investigate DWP failings in relation to these deaths, including whether there has been misconduct by civil servants or Ministers.[[21]](#footnote-21)UKG responded to say they have no plans to do so.[[22]](#footnote-22)
   2. The number of secret reviews carried out by DWP into deaths linked to benefit claims appears to have doubled in the last two years.[[23]](#footnote-23) We are now starting to hear of deaths linked to UC as that is rolled out.[[24]](#footnote-24) In May, it emerged that DWP did not pass over important information concerning the deaths of benefit claimants to the reviewer brought in to investigate the WCA.[[25]](#footnote-25)
   3. Figures released in 2019 showed that since April 2013, 7,990 Disabled people died within six months of registering their claim for PIP and of having that claim rejected. It can be reasonably surmised that the majority of these deaths will have been caused by the conditions for which the person was attempting to claim PIP and that they were therefore wrongly denied the benefit and/or the wrongful denial contributed to their death. However, the figure does not demonstrate the extent to which denial of PIP hastened or triggered death.[[26]](#footnote-26)
2. **Deprivation of liberty and security**
   1. UKG missed successive targets for de-institutionalisation related to people with learning difficulties and autism.[[27]](#footnote-27) Without investment in the development of community social care support services, private institutional settings are too often considered the only viable option. There is insufficient scrutiny of where Disabled people are moved after they leave state-funded ATUs. At one ATU in the two years up to April 2018, almost 50% of residents left to go into privately owned “independent hospitals.”[[28]](#footnote-28)
   2. Abuse scandals at a number of institutions have resulted in large-scale criminal proceedings. Undercover filming showed abuse and mistreatment of residents with learning difficulties and autism at Whorlton Hall, England.[[29]](#footnote-29) CCTV at a psychiatric unit in NI revealed 1,500 crimes against patients on one ward over six months.[[30]](#footnote-30)
   3. Growing numbers of patients with learning difficulties are being physically restrained in mental health units, despite ministers telling NHS trusts to use such techniques less often. Staff in NHS mental health hospitals deployed restraint on such patients 22,000 times in 2018, almost 50% more than the 15,000 occasions in 2016.[[31]](#footnote-31) Despite its shortcomings, the Mental Health Act 1983 review report itself illustrates how traumatic inpatient experiences so often are for people detained under this legislation.[[32]](#footnote-32) In addition, the report drew attention to especially concerning conditions for people from black and minority ethnic communities and particularly traumatising effects of restraint on women and girls.
   4. There are growing calls for UKG to take action. A CQC review into restraint, prolonged seclusion and segregation for people with a mental health problem, learning difficulty and/or autism, found many people let down by failings.[[33]](#footnote-33) A parliamentary committee heard evidence of “cruel” and “inhumane” treatment of young people in ATUs.[[34]](#footnote-34) [[35]](#footnote-35) [[36]](#footnote-36)
   5. UKG continues to employ legislation which authorises substitute decision-making, detention in psychiatric institutions, involuntary treatment and the use of community treatment orders. This is in contravention of both CRPD article 19 and General Comment 5,[[37]](#footnote-37) which are absolutely clear that an end to these is fundamental to living independently and being included in the community.
   6. Despite major campaigning by DDPOs and a number of parents, the Mental Capacity (Amendment) Act 2019 (covering England and Wales) still authorises substitute decision-making, involuntary detention in hospital and forced treatment.
   7. Recommendations made by last year’s Mental Health Act Review (covering England and Wales) are a missed opportunity, again despite major campaigning by a wide range of DDPOs. Although the Review put forward a series of improvements, the recommendations have serious shortcomings in relation both to Article 19 and to the UNCRPD as a whole.[[38]](#footnote-38) In addition, there is almost no focus in the recommendations on gender, sexual orientation and older age. DDPOs’ ongoing expressions of concern about the shortfalls are also being bypassed as the Department of Health and Social Care works towards producing a White Paper by the end of the year.
   8. Disabled people continue to be re-institutionalised in their own homes through cuts to social care funding and frontline community support services.[[39]](#footnote-39)
3. **Re-segregation of education**
   1. Serious retrogression continues to occur with regards to Disabled people’s equal access to mainstream education. UKG acknowledges “a steady movement of children with special educational needs out of mainstream schools and into specialist provision, alternative provision and home education.”[[40]](#footnote-40) The number of Disabled pupils in special schools rose from 86,000 in 2006 to 115,000 in 2018.[[41]](#footnote-41) A recent review on SEND support showed that LAs are overspending budgets due to high numbers of Disabled pupils being placed in special schools and alternative provisions.[[42]](#footnote-42)
   2. There has been an unprecedented growth in exclusions and unlawful off-rolling of Disabled pupils, described by a parliamentary committee as “a lack of moral accountability on the part of many schools.” In 2015/16, 6,685 pupils were permanently excluded from school, with 339,360 fixed period exclusions. This was a 40% increase from the previous year. Pupils with “Special Educational Needs” are almost seven times more likely to be permanently excluded than pupils without. 2,000 Disabled children have no educational provision at all.[[43]](#footnote-43) The Timpson review highlighted the problem with exclusion for Disabled Children but also the serious issue with children and young people missing out on school.[[44]](#footnote-44)
   3. Over-stretched education budgets have led to lack of support provision for Disabled pupils in mainstream settings. Despite secondary pupil numbers rising by 54,485 from 2014 to 2018, the number of teaching assistants was cut by 6,100.[[45]](#footnote-45) In response, parents from a number of LAs have or are in the process of taking legal challenges. Disability discrimination against students and staff is increasing. In September 2018, over 2,000 head teachers demonstrated outside Parliament. High among their concerns was their increasing inability to support Disabled pupils.[[46]](#footnote-46)
   4. Breaches of children's legal right to have special educational needs support have reached unprecedented levels. Not only was there a spike in official complaints in 2018-19, but nine out of 10 of them were upheld.[[47]](#footnote-47)
4. **Silencing criticism**
   1. Instead of listening to stakeholder feedback and concerns, DWP is employing a number of methods that discourage criticism and protest.
   2. The introduction of “gagging” clauses to contracts with third sector organisations has banned a number from criticising or “harming the reputation” of the Secretary of State for Work and Pensions.[[48]](#footnote-48)
   3. Disabled people who engage in protests have been called up for benefit assessments, leading to the removal of benefits from some, through sharing of information between the police and DWP.[[49]](#footnote-49)
   4. UKG is failing to engage with DDPOs as required under Articles 4 and 33.[[50]](#footnote-50)
   5. UKG has failed to provide any funding for DDPOs to engage with the UN CRPD. All of our work with regards to collating information and reporting to the Committee as well as co-ordinating to lobby and meet with UKG has to be undertaken at our own expense. Given the wider picture of funding cuts and over-stretched capacity this places a considerable additional burden.

# Response to the UKG’s 2019 Follow Up report to the 2017 Concluding Observations

1. We welcome UKG’s compliance with the Committee’s recommendation at paragraph 74 of their Concluding Observations (CRPD/C/GBR/CO/1) to report back on progress towards implementation of the recommendations of their special inquiry (CRPD/C/15/R.2/Rev.1). This represents an acknowledgement of those recommendations that has hitherto been unforthcoming. We consider this a small but positive step.
2. We are nevertheless disappointed in UKG’s failure to substantively accept or implement the Committee’s recommendations. The Response demonstrates continued dismissal of Disabled people’s concerns.
3. Meanwhile, Disabled people and our organisations are experiencing continued retrogression relating to our rights under Articles 19, 27 and 28 of the UNCRPD with fears of worse to come as a direct consequence of policy and legislative measures driven forwards by UKG.
4. One major concern regarding UKG’s Response is the complete abrogation of their responsibilities towards aspects of Disabled people’s rights that are upheld through provision of social care support. The UKG Response demonstrates a lack of attention to key aspects of independent living as outlined in the Committee’s general Comment No.5 on independent living,[[51]](#footnote-51) such as measures to ensure adequate support to live in the community and de-institutionalisation.
5. The picture presented in paragraphs 41 and 44 of the UKG Response need to be understood within the context of a falling proportion of GDP spent on disabled people[[52]](#footnote-52) and a growing social care budget shortfall within England.[[53]](#footnote-53)

# Civil society follow up information on recommendations made by the Committee in paragraph 114 of its inquiry report

**Paragraph 114**

1. **Conduct a cumulative impact assessment of the measures adopted since 2010, referred to in the present report, on the rights to independent living and to be included in the community, social protection and employment of persons with disabilities. The State party should ensure that such assessment is rights-based and meaningfully involves persons with disabilities and their representative organizations;**
2. UKG continues to ignore calls from civil society and UKIM as well as the Committee’s recommendation to carry out a CIA.
3. A parliamentary debate was secured on the question by a backbench MP[[54]](#footnote-54) in December 2018[[55]](#footnote-55) in which UKG maintained its position that the requested CIA is not possible to do.[[56]](#footnote-56) [[57]](#footnote-57)
4. In the absence of action by UKG, the EHRC conducted its own CIA[[58]](#footnote-58) as well as an analysis of public spending since 2010 for Great Britain.[[59]](#footnote-59) Both found Disabled people to be among the worst hit groups.

**England**

1. The GLA have published findings from a CIA carried out for London which show marked disproportionate impacts on households containing Disabled people.[[60]](#footnote-60)
2. National research carried out by disability organisations revealed average losses for Disabled people around four times greater than for non-Disabled people. Losses were found to be greater the more Disabled a person is. The largest losses were for households with one Disabled adult and one Disabled child.[[61]](#footnote-61)
3. **Ensure that any intended measure of the welfare reform is rights-based, upholds the human rights model of disability and does not disproportionately and/or adversely affect the rights of persons with disabilities to independent living, an adequate standard of living and employment. To prevent adverse consequences, the States party should carry out human rights-based cumulative impact assessments of the whole range of intended measures that would have an impact on the rights of persons with disabilities;**
4. The basis for UKG’s welfare reform programme is still an approach that is incompatible with a human rights model of disability although UKG denies this. As Alston commented: “Leaving the economics of change to one side, it is the underlying values and the ethos shaping the design and implementation of specific measures that have generated the greatest problems.”[[62]](#footnote-62)
5. The rate of benefit assessment decisions over-turned at appeal has continued to rise, now standing at 75% for both ESA and PIP.[[63]](#footnote-63) This reflects a failure to address fundamental problems with assessment design. UKG’s proposal to bring PIP within UC and merge ESA and PIP assessments is extremely concerning.[[64]](#footnote-64)
6. The conflation of work and health through welfare reform is ethically unsound. The government’s own social security advisers have called for “urgent” action to stop jobcentre staff forcing UC claimants to take medication or attend medical appointments in return for receiving benefits.[[65]](#footnote-65)
7. UKG refuses to countenance excluding Disabled claimants from conditionality and sanctions despite mounting pressure and evidence that they are counter-productive to the aim of getting Disabled people into employment. An evaluation has never been carried out.[[66]](#footnote-66)
8. Sanctions under UC are higher[[67]](#footnote-67) yet rates of hardship payments received are much lower. This means people living on even lower incomes (often zero) than under ESA.[[68]](#footnote-68) An announcement that the maximum sanction length will be reduced from three years to six months is very welcome.[[69]](#footnote-69)
9. As in previous years, UKG cites existence of EA2010 and the PSEDas evidence of protections of Disabled people’s rights. Again, we maintain that this is inadequate.[[70]](#footnote-70)

1. The EA2010 does not extend to Northern Ireland and anti-discrimination legislation in NI does not provide an equivalent level of protection. Section 1 of the EA2010, which would bring into force a socio-economic duty on public authorities, is still outstanding with no indication from the Westminster government of any plans to bring it into force for England.[[71]](#footnote-71)
2. A recent inquiry carried out by a parliamentary committee found that individual approach to enforcement is unworkable[[72]](#footnote-72) and urged UKG to act to embed compliance and enforcement of EA2010.[[73]](#footnote-73)
3. **Ensure that: any intended legislation and/or policy measure respects the core elements of the rights analysed in the present report; persons with disabilities retain their autonomy, choice and control over their place of residence and with whom they live; they receive appropriate and individualized support, including through personal assistance, and have access to community-based services on an equal basis with others; they have access to security social schemes that ensure income protection, including in relation to the extra cost of disability, that is compatible with an adequate standard of living and ensure their full inclusion and participation in society; and they have access and are supported in gaining employment in the open labour market on an equal basis with others;**
4. We note further retrogression in all of these areas.
5. UKG continues to evade responsibility for upholding or monitoring Article 19 rights.
6. UKG cites increasing numbers of Disabled people in employment since 2010 as evidence of the success of their policies. As the NAO states, this has not been matched by a reduction in the number of Disabled people who are out of work.[[74]](#footnote-74) [[75]](#footnote-75) These numbers could be explained by increasing numbers of people in employment now identifying as Disabled due to increased awareness of the definition of disability and in response to increased disability discrimination at work.
7. There are serious concerns about the suitability of jobs available to Disabled people, their ability to sustain an adequate standard of living and negative impacts on well-being.[[76]](#footnote-76)
8. UKG work and health policy continues to be underpinned by the un-evidenced assumption that destitution acts as an “incentive” to employment. Evidence proves the contrary – that poverty acts as an additional barrier to work.[[77]](#footnote-77)
9. Growing evidence demonstrates the psychologically damaging effects of conditionality and sanctions, particularly on Disabled benefit claimants, inflicted by a system of perverse and punitive incentives and through living in a state of constant anxiety and fear.[[78]](#footnote-78)
10. Welfare reform measures such as removal of PIP through the “20 metre rule” have created barriers to employment.[[79]](#footnote-79)
11. Lack of trust in DWP’s ability to support Disabled people is so deep it has led to widespread calls for it to be stripped of this responsibility.[[80]](#footnote-80)
12. According to figures from the House of Commons library, £37bn less will be spent on working-age social security by 2021 compared with 2010. Some of the most striking cuts are in disability benefits – PIP and ESA – which together will have shrunk by nearly £5bn, or by 10%, since the start of the decade.[[81]](#footnote-81)
13. Benefit changes are the most significant economic and social factor in increasing demand for mental health services.[[82]](#footnote-82)

**England**

1. The single paragraph within the UKG Response that deals with LA administered social care support merely recites the existence of the Care Act 2014.[[83]](#footnote-83) The Care Act 2014 has failed to prevent serious retrogression of Disabled people’s right to independent living and UKG continues to make no attempt to monitor or address this situation.
2. There has been a £7bn reduction in adult social care since 2010. The problems LAs and service providers face have got progressively worse, as reported by the Association of Directors of Adult Social Services (ADASS).[[84]](#footnote-84) On average, local government spending on services has fallen by 21% in real terms since 2009–10 with larger cuts in poorer areas.[[85]](#footnote-85) Adult social care is “at breaking point” facing a funding gap of £3.6 billion by 2025.[[86]](#footnote-86)
3. There has been a staggering 5 per cent drop in the number of people receiving publicly funded social care per year – totalling around 600,000 people since 2010.[[87]](#footnote-87) These cuts are set to continue to 2020 and beyond.[[88]](#footnote-88) More than 400,000 people have fallen out of the means test, which has not increased with inflation since 2010.[[89]](#footnote-89)
4. It is estimated that by 2028 there will be a shortage of over 400,000 workers in social care.[[90]](#footnote-90) The care market has seen more than 7,000 people affected by care home closures and home care providers closing or ceasing to trade in first six months of 2019, more than double the number affected last year.
5. There is a dramatic post code lottery in independent living support across English LAs[[91]](#footnote-91) and overall the picture is growing more and more serious. At least one council has proposed moving Disabled people into residential homes to save money.[[92]](#footnote-92)
6. Charging continues to be a serious, growing issue. Over a third (41%) of social care users surveyed by national inclusion charity In Control said they had experienced a substantial increase in the level of charge over the past 2 years. A third of people providing a figure for the increase in charges said they had experienced an increase of over 50% in the last two years.[[93]](#footnote-93)
7. Over the past year, the Local Government and Social Care Ombudsman has “become increasingly concerned about the way some authorities are handling the need to balance the pressures they are under with the way they assess and charge for care.”[[94]](#footnote-94) People with the highest needs being charged the most, leaving them unable to afford the support they need.[[95]](#footnote-95)
8. As a consequence of inadequate social care support, 87 per cent of councils have continued to experience pressure from increased hospital admissions.[[96]](#footnote-96) In 2018, deaths in police custody deaths hit their highest level in a decade with austerity and a crisis in mental health services blamed for driving the figures up.[[97]](#footnote-97) Until adequate social care funding is in place and until there is a major increase in funding for much needed non-clinical, culturally appropriate and user-led services, there will, too, be a major barrier to the ending of detentions in psychiatric hospitals and ATUs and of forced treatment.
9. **Ensure that public budgets take into account the rights of persons with disabilities, that sufficient budget allocations are made available to cover extra costs associated with living with a disability and that appropriate mitigation measures, with appropriate budget allocations, are in place for persons with disabilities affected by austerity measures;**
10. Last year the PM announced that austerity was over but cuts affecting Disabled people have not been reversed and LA cuts continue to be made.[[98]](#footnote-98)
11. The proportion of the UK’s economic activity (GDP) spent by the UK government on Disabled people fell from 2.6 per cent in 2015 to 2.5 per cent in 2016 and 2017.[[99]](#footnote-99) Latest available figures put UKG spend on “incapacity” at 1.852 of its GDP, down from 2.0% in 2010.[[100]](#footnote-100)
12. The UKG Response refers to costs on disability increasing. It should be noted that this has happened in spite of UKG targets to make significant cuts. Failure to meet those targets was not deliberate and not as a result of budgeting to ensure needs are met.[[101]](#footnote-101)

**England**

1. In the past year, UKG has delayed its promised green paper on the future of funding for adult social care three times. It is now more than two-and-a-half years since it first committed to producing one.[[102]](#footnote-102) LAs have reported being forced to “make incredibly difficult decisions” through lack of certainty from government about continued funding for adult social care from April 2020 onwards, including the Better Care Fund and Improved Better Care Fund.[[103]](#footnote-103) It should also be noted that BCF, as referred to in the UKG Response, is not money for the direct support of Disabled people. It is money targeted at integrating health and social care services and has failed to meet its own targets.[[104]](#footnote-104)
2. Analysis shows that public spending has fallen the most in England compared to Wales and Scotland.[[105]](#footnote-105) Overall public spending per head is forecast to fall by around 18% (just over £900) in England between 2010/11 and 2012/22, 5.5% (just under £300) in Wales and just over 1% (around £100) in Scotland. By 2012/22, overall spending per head will be 36% higher in Scotland than in England and 17% higher in Wales than in England.[[106]](#footnote-106) In all countries, households with “more disabilities” suffer much larger losses.[[107]](#footnote-107) The different pattern of distributional impacts of spending cuts seen in Wales and Scotland, compared with England, shows that neither the overall scale of spending cuts in England, nor their precise impact on protected groups, was inevitable.[[108]](#footnote-108)
3. **Introduce all adjustments necessary to make all information, communications, administrative and legal procedures in relation to social security entitlements, independent living schemes and employment/unemployment-related support services fully accessible to all persons with disabilities;**
4. There are serious issues with the inaccessibility of UC, which takes a “digital by default” approach and is being rolled out to around 8 million people. This issue was a major focus of the UN’s Extreme Poverty Rapporteur visit to the UK.[[109]](#footnote-109) Many households that are poorer and contain Disabled people are effectively offline. 16% of the population is not able to fill out an online application form.[[110]](#footnote-110) According to DWP’s own survey from June 2018, only 54% of all claimants were able to apply online independently, without assistance. As of March 2018, only about one third of all Universal Credit claimants could verify their identity online via GOV.UK Verify, a crucial step in the application process.[[111]](#footnote-111)
5. **Ensure access to justice, by providing appropriate legal advice and support, including through reasonable and procedural accommodation for persons with disabilities seeking redress and reparation for the alleged violation of their rights, as covered in the present report;**
6. Disabled people continue to face barriers to justice. An inquiry by the EHRC into access to legal aid for discrimination cases found that “Victims of discrimination are being denied their fundamental right to justice and perpetrators are going unchallenged because of the current legal aid system.”[[112]](#footnote-112)
7. UKG’s long-awaited LASPO review[[113]](#footnote-113) and associated Action Plan were disappointing in that they offer no immediate improvement to this situation. It included nothing about reinstating legal aid for initial welfare advice and employment claims despite clear evidence that the lack of support to resolve legal issues has a negative emotional, social, financial and mental health. The EHRC found that “In all areas of law, participants reported financial, social, emotional, physical and mental health impacts… This was particularly noticeable for disabled participants.”[[114]](#footnote-114) UKG committed to reviewing thresholds for legal aid but there is no guarantee they will up them.
8. The Action Plan removed the requirement for applicants in debt, discrimination and SEND cases to first seek advice through a telephone service, and reinstated immediate access to face to face legal advice. However, applicants still need to use the telephone service and persuade them to give a reference number which constitutes a barrier. UKG will need to change the law to enable direct access. They have set a target date of March 2020 for this which is welcome.
9. The legal aid network has been “decimated” by funding cuts.[[115]](#footnote-115) [[116]](#footnote-116) Better help for litigants in person, as also included, will also be limited in that many Disabled people face too many barriers to be able to litigate for themselves. Better signposting, as included in the Action Plan, is limited in how much it can compensate for lack of legal aid support because there are often no advice services on to which to signpost people.[[117]](#footnote-117)
10. As a result of the LASPO review, UKG refused to change the costs regime for discrimination cases, which effectively makes it very risky for people to enforce their rights under the EA 2010. A parliamentary committee found that “Individuals are facing discrimination because employers and service providers are not afraid to discriminate, knowing that they are unlikely to be held to account.”[[118]](#footnote-118) They called for a “fundamental shift in the way that enforcement of the Equality Act is thought about and applied”[[119]](#footnote-119) but this is not forthcoming from UKG.
11. The UKG Response refers to the EHRC Legal Support Project. This was two years ago and was not about access to justice as much as shining a light on the issues, encouraging people to think twice about discriminating and gathering intel to inform the EHRC’s strategic work.

**England**

1. Introduction of the appeals system under the Care Act 2014 is delayed. This is a barrier to justice for growing numbers of Disabled people who need to challenge LA decisions over cuts to their social care packages. This is despite UKG recognising the inadequacy of the current system and the then Minister for Care and Support promising in 2015: “We are committed to ensuring that people can hold their local decision makers to account through a new care and support appeals system.”[[120]](#footnote-120)
2. **Actively consult and engage with persons with disabilities through their representative organizations and give due consideration to their views in the design, implementation, monitoring and evaluation of any legislation, policy or programme action related to the rights addressed in the present report;**
3. There has been an improvement on recent years in that some engagement has now occurred, but this is far short of adequate.[[121]](#footnote-121)
4. UKG refuses to acknowledge responsibilities for engaging specifically with DDPOs and there is a lack of understanding concerning UKG obligations under General Comment No.7.[[122]](#footnote-122) Engagement with charities[[123]](#footnote-123) is overwhelmingly prioritised at our expense. This approach is evidenced by UKG’s Response to recommendation 114g) which omits any mention of DDDPOs. We are deeply concerned about a factually incorrect statement made to us by senior staff within the ODI that it is illegal for them to carry out specific engagement with Disabled people/DDPOs only.[[124]](#footnote-124)
5. DWP has been particularly criticised for its failure to listen to stakeholders,[[125]](#footnote-125) inappropriate avoidance of scrutiny[[126]](#footnote-126) and lack of monitoring. The EHRC has described the social security system as “not fit for purpose in terms of monitoring standards and driving improvements.”[[127]](#footnote-127)
6. UKG has as yet failed to initiate a process in close cooperation and collaboration with DDPOs to initiate a mechanism to implement and follow-up the Committee’s recommendations.[[128]](#footnote-128)

**England**

1. Since 2018, English DDPOs have been given a couple of opportunities to meet with government ministers on different subjects. This is an improvement on previous years. Meetings have been very time-limited and our concerns have been largely ignored.[[129]](#footnote-129)
2. More than 200 user-led organisations have closed over the past two years. Those that have found a way to survive report being increasingly side-lined by government.[[130]](#footnote-130)
3. **Take appropriate measures to combat any negative and discriminatory stereotypes or prejudice against persons with disabilities in public and the media, including that dependency on benefits is in itself a disincentive of employment; implement broad mass media campaigns, in consultation with organizations representing persons with disabilities, particularly those affected by the welfare reform, to promote them as full rights holders, in accordance with the Convention; and adopt measures to address complaints of harassment and hate crime by persons with disabilities, promptly investigate those allegations, hold the perpetrators accountable and provide fair and appropriate compensation to victims;**
4. Initiatives listed by UKG to tackle hate crime are welcome but they have yet to take any measures to combat negative stereotypes of people on benefits. They persist in rhetoric concerning the value of “hard work” which is known to inflame hostility against Disabled people.[[131]](#footnote-131) A parliamentary committee inquiry into online abuse found a “culture of fear” among Disabled people due to a public fixation on “benefit scroungers.”[[132]](#footnote-132) Instead of addressing this, DWP spent a large amount on a PR campaign for UC[[133]](#footnote-133) which is currently under investigation by the Advertising Standards Authority.[[134]](#footnote-134)
5. A culture of demonization of benefit claimants within the DWP was recently uncovered when benefits managers were covertly taped making horrifying comments about claimants. One advocated blowing them up with a grenade, another accused them of getting money for nothing while the disabled were accused of “faking it.”[[135]](#footnote-135)
6. There is worrying evidence that intersectional hate crime is increasing. The result is that Disabled people from marginalised communities are being subjected to more, not fewer experiences of dual/multiple discrimination. Since the UK voted to withdraw from EU, racism has risen by 13% and xenophobia has become increasingly prominent.[[136]](#footnote-136) Homophobic hate crimes and domestic abuse have also risen, yet prosecution rates are declining.[[137]](#footnote-137) Similarly, elder abuse has been increasing, a situation seemingly linked to major cuts in social care funding.[[138]](#footnote-138)
7. **Ensure that, in the implementation of legislation, policies and programmes, special attention is paid to persons with disabilities living with a low income or in poverty and persons with disabilities at higher risk of exclusion, such as persons with intellectual, psychosocial or multiple disabilities and women, children and older persons with disabilities. Those measures should be put in place within contributive and non-contributive regimes;**
8. Poverty among Disabled people is increasing. According to DWP figures, the number of Disabled people living in poverty rose 200,000 in just one year.[[139]](#footnote-139)
9. Nearly half of those in poverty, 6.8 million people, are from families in which someone is Disabled.[[140]](#footnote-140) The poverty rate for those people living in a family with a Disabled adult or child stands at 27.6%, whereas for those living in a family where no-one is Disabled, the poverty rate is 16.3%.[[141]](#footnote-141) Some families with Disabled members are projected to lose £11,000 on average by 2021/22.[[142]](#footnote-142)
10. Destitution is most widespread amongst benefit claimants.[[143]](#footnote-143) A former Secretary of State for Work and Pensions admitted that waits for UC payments “could have been” the main issue that led to an increase in food bank usage.[[144]](#footnote-144) Between April 2018 and March 2019, The Trussell Trust gave out a record number of food parcels, more than 1.5 million.[[145]](#footnote-145) The main reasons for people needing emergency food were benefits consistently not covering the cost of living and delays or changes to benefits being paid.[[146]](#footnote-146)
11. **Set up a mechanism and a system of human rights-based indicators to permanently monitor the impact of the different policies and programmes relating to the access and enjoyment by persons with disabilities of the right to social protection and an adequate standard of living, the right to live independently and be included in the community and the right to work, in close consultation with persons with disabilities and their representative organizations in all regions and countries that constitute the State party;**
12. No mechanism has been set up.
13. The Inter-ministerial group on disability, referenced in UKG’s 2018 letter to the Committee[[147]](#footnote-147) and 2019 policy paper,[[148]](#footnote-148) has met only three times in more than a year.[[149]](#footnote-149) Information about its activities has not been forthcoming from UKG.
14. It is very welcome that a new team is being set up to look at disability alongside the Government’s Equalities Office, moving the ODI out of DWP. This was a recommendation put forward by DDDPOs through the public examination of the UK under the CRPD in 2017. We also welcome the publication of new national outcomes data for Disabled people.[[150]](#footnote-150) Engagement with DDDPOs will be crucial to the success of both.
15. Better data collection, disaggregated by impairment/disability, is needed to track the impacts of UC.[[151]](#footnote-151)

**England**

1. English DDDPOS are frustrated by the lack of strategic approach to monitoring Disabled people’s human rights taken by UKG and inadequacy of engagement with DDDPOs. Information has had to be repeated to a succession of Ministers.

**k)**

1. The UKG Response was published without announcement.

# UK DDPO Recommendations

# UK DDPOs continue to support the recommendations made by the UN Disability Committee in both their 2016 inquiry report and the Concluding Observations in 2017.

# We call on UKG and, where relevant, devolved governments, to:

1. **Legislate for Disabled people’s right to independent living and being included in the community as set out in Article 19 of the UNCRPD and further explained in CRPD General Comment 5,[[152]](#footnote-152) including through enshrinement of the full UNCRPD in domestic legislation.**
2. **Extend the Equality Act 2010 to Northern Ireland and implement Part 1 of the Equality Act 2014 in England, bringing into force a socio-economic duty.[[153]](#footnote-153)**
3. **Establish a mechanism for implementation and monitoring of the UNCRPD across UK government including public bodies and local authorities including monitoring the accessibility and impact of consultation exercises on UNCRPD implementation.**
4. **Commit to open and transparent engagement with UK DDPOs on implementation of the UNCRPD including funding DDPOs so they can fully engage, with a particular focus on DDPOs representing people who experience more than one form of discrimination.**
5. **Embed DDPO engagement in policy development and review across government.**
6. **Undertake a review of disability data collection across government with a view to improvement and also including how DDPOs can be funded and trained in Washington Group data so that DDPOs can contribute to data collection.**
7. **Establish:**
   * **an independent body responsible for modelling the amount of funding needed both by social care to ensure future funding keeps pace with need and by DDPOs, including those representing inter-sectional issues, alternative and culturally appropriate models.**
   * **an independent living task force led by Disabled people to develop proposals for independent living support for the future.**
8. **Halt plans to merge assessments for ESA and PIP until both the WCA and the PIP assessment have been completely overhauled and replaced with a social security system that is in line with a human rights model of disability.**
9. **Urgently stop the roll out of Universal Credit and design a social security system for the future that is based on an accurate analysis of need and is consistent with a human rights approach to disability.**
10. **Remove the UKG reservation and interpretative declaration on Article 24 and the right to inclusive education.**

**Appendix A: Update from DDPOs on Progress against Concluding Observations recommendations[[154]](#footnote-154)**

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| --- | --- |
| **Article 19: Living independently and being included in the community (Paragraph 44)** | |
| **Committee recommendation (Paragraph 45)** | **Civil society update on progress** |
| 1. Recognise the right to living independently and being included in the community as a subjective right and the enforceability of all its elements and adopt rights-based policies, regulations and guidelines for ensuring implementation; | UKG continues to ignore its obligations under Article 19.  The EHRC is carrying out work to investigate options for enshrining Article 19 into domestic law in collaboration with Disabled people and our organisations.[[155]](#footnote-155) This is to be commended and shows the continued importance of the CRPD within the UK in spite of UKG’s dismissive approach. However, the EHRC itself falls short of recommending full compliance with Article 19. For example, the document cited does not unequivocally rule out substitute decision-making, involuntary detentions in psychiatric hospitals, forced treatment and community treatment orders. |
| **England**  Retrogression of Disabled people’s rights under Article 19 continue to regress. There are no measures even under consideration to halt much less reverse this trajectory. |
| 1. Conduct periodic assessments in close consultation with organisations of persons with disabilities to address and prevent the negative effects of the policy reforms through sufficiently funded and appropriate strategies in the area of social support and living independently; | Having devolved responsibility for social care and education provision to the devolved administrations and English local authorities, UKG refuses to monitor the effects of their policies including the impact on disabled people’s rights. |
| **England**  UKG ignores calls from English DDPOs to work with Disabled people and our organisations on a national strategy to monitor and shape independent living support provision. |
| 1. Provide adequate and sufficient and earmarked funding to local authorities and administrations, the devolved governments and overseas territories to be able to provide resources allowing persons with disabilities to live independently and be included in the community and to exercise their right to choose their place of residence and where, and with whom to live; | Retrogression under Article 19 continues due to lack of adequate funding. The government’s long-awaited green paper on funding for adult social care is delayed yet again. It is also unclear how far this will address the question of funding for support for working age as opposed to older adults. Working age adults make up one third of adult social care users and half of expenditure.[[156]](#footnote-156) |
| **England**  There is no indication that the Former Independent Living Fund (ILF) Recipient Grant, an amount of £675 million provided to local authorities in England over four years from 2016, will be renewed.[[157]](#footnote-157) This grant was never ring-fenced and resulted in a dramatic post code lottery for disabled people in different local areas, depending on whether their Council chose to use the fund to protect their support packages or not.[[158]](#footnote-158) Loss of the fund entirely will inevitably further impact on removal of essential independent living support from disabled people with the highest support needs, forcing individuals to go into residential care against their wishes. |
| 1. Set up a comprehensive plan, developed in close collaboration with organisations of persons with disabilities, aimed at deinstitutionalisation of persons with disabilities, and develop community-based independent living schemes through a holistic and crosscutting approach, including education, childcare, transport, housing, employment and social security; and | The growth of private hospitals coupled with cuts to community living support are affecting a re-institutionalisation of disabled people.[[159]](#footnote-159)  Cases of appalling treatment and abuse of disabled people in institutional settings continue to surface.[[160]](#footnote-160)  There is a lack of recognition that ‘institutionalisation’ refers to any setting which has institutional features (for example involves segregation from independent community life, set regulations and a lack of control over the people with whom one lives and day-to-day decisions) and so that small group homes, even life in one’s own home, may also be institutional.  UK law continues to authorise substitute decision-making, compulsory detention in psychiatric hospitals and ATUs, forced treatment and community treatment orders in direct contravention of Article 19 as well as Articles 12 and 14. |
| 1. Allocate sufficient resources to ensure that support services are available, accessible, affordable, acceptable and adaptable sensitive to different living conditions for all persons with disabilities in urban and rural areas. | There is no evidence of a strategic commitment from UKG for meeting this recommendation. |
| **England**  Ad hoc injections of funding, for example DFGs or the BCF, are insufficient to address the serious retrogression occurring.[[161]](#footnote-161) There is no strategic approach to ensuring Disabled people’s Article 19 rights are met in a planned and appropriate way. |
| **Article 27: Work and employment** | |
| **Committee recommendation (Paragraph 57)** | **Civil society update on progress** |
| 1. Develop and decide upon an effective employment policy for persons with disabilities aimed at ensuring decent work for all persons with disabilities, bearing in mind the target of one million jobs for persons with disabilities and envisaged by the State Party, and ensure, equal pay for work of equal value, especially focusing on women with disabilities, persons with psychosocial and/or intellectual disabilities as well as persons with visual impairments, and monitor development; | DWP statistics for the Work and Health Programme launched in 2017 demonstrate a significant lack of progress. 88% of Work and Health Programme (WHP) participants have not had a ‘job outcome’.[[162]](#footnote-162)  The DWP has little understanding of disability employment support provision and has done too little to assess effectiveness, as highlighted by the NAO.[[163]](#footnote-163) |
| 1. Ensure that reasonable accommodation is provided to all persons with disabilities who require it in the workplace, that regular training on reasonable accommodation is available to employers and employees without disabilities, and that dissuasive and effective sanctions are in place in cases of denial of reasonable accommodation; | We are concerned that the work place is becoming less accessible to Disabled people.[[164]](#footnote-164)  UKG’s Disability Confident scheme has very low tangible outcomes. Employers can sign up without employing a single disabled person. It was reported to a parliamentary committee that between nearly 7,000 employers signed, just 4,500 new jobs for disabled people were promised between them, less than one per employer. [[165]](#footnote-165) |
| 1. Ensure that legal and administrative requirements of the process to assess working capabilities, including the Work Capability Assessment, and those who conduct the assessments are qualified in line with the human rights model of disability, and take into consideration work related as well as other personal circumstances. The State party must ensure adjustments and support necessary to access to work and recognise financial support not subjected to sanctions or job seeking activities; | UKG continues to follow processes antithetical to a human rights model of disability, although they deny this. Despite five independent reviews of the Work Capability Assessment, significant improvements have not been made. Dr Paul Litchfield who led two of these, told a parliamentary committee that the WCA is too fundamentally flawed to be improved.[[166]](#footnote-166) |
| 1. Withdraw its reservation to article 27 of the Convention; and | UKG previously announced it was reviewing this reservation.[[167]](#footnote-167) This does not reassure us. We are concerned this is a prelude to pushing Disabled people unable to find paid work into the armed forces. A recent Army Recruitment advert shown on television promotes the idea of army service as a relief from the kind of workplace bullying many Disabled people experience.[[168]](#footnote-168) |
| 1. Bear in mind the links between article 27 of the Convention and target 8.5 of the Sustainable Development Goals. [By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.] | Break down of the additional figures shows much higher rates of part time work and self- employment than additional employment figures for non-disabled people.[[169]](#footnote-169) High numbers of disabled people in self-employment are unable to earn a decent living.[[170]](#footnote-170) There is evidence of disabled job-seekers being pushed into self-employment.[[171]](#footnote-171) Figures for in work poverty continue to rise.[[172]](#footnote-172) Disabled people, who face a significant pay gap compared to non-disabled people,[[173]](#footnote-173) are likely to be disproportionately represented within these. |
| **England**  Disabled Londoners are more likely to be in types of employment linked to higher incidences of mental distress and inadequate income levels.[[174]](#footnote-174) According to London Survey data, 16% of respondents who were Disabled were in insecure employment compared to 10% of non-Disabled respondents.[[175]](#footnote-175) |
| **Article 28: Adequate standard of living and social protection** | |
| **Committee recommendation (Paragraph 59)** | **Civil society update on progress** |
| 1. 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, and ensuring the possibility of persons with disabilities to exercise their parental responsibilities. The State party must ensure that persons under the new Employment and Support Allowance Work Related Activity Group access to full compensation of disability related costs. | A number of legislative and policy measures have substantially cut income for large numbers of Disabled people. Wrongful assessment decisions for ESA and PIP, benefit sanctions and difficulties accessing UC continue to take a brutal human cost while causing widespread social problems.  Over the past year, attention had also focused on the adverse impacts of the following:   * The **four-year benefit freeze**[[176]](#footnote-176) represents the single UKG policy measure with the widest impact. The freeze will have affected more than 27 million people and swept 400,000 into poverty by 2020.[[177]](#footnote-177) Evidence to the Work and Pensions Committee predicted that the benefit freeze will “increase poverty more than any other policy.”[[178]](#footnote-178) UKG Ministers repeatedly claim that Disabled people are exempt from the benefit freeze.[[179]](#footnote-179) This is inaccurate. Some disability benefits are exempt but not all, including the main component of ESA claimed by over 2 million Disabled people.[[180]](#footnote-180) * UKG has not reversed the **cut to ESA WRAG** nor introduced measures to compensate for loss of income. MPs raised concerns with UKG about “a lot of witness evidence” that the cuts were “increasing stress and poverty for people in the WRAG”, had provided a “disincentive to get to work” and “a very real concern that people are moving into hardship if they are on ESA in the WRAG.”[[181]](#footnote-181) * **The benefit cap** disproportionately impacts on Disabled people. Single claimants on ESA find it particularly difficult to move into employment to escape the cap. the reduction in benefit support resulting from the cap means a significant deterioration in their living standards.[[182]](#footnote-182) * UKG has tried to avoid fully recompensing Disabled people previously on **EDP or SDP who lost out financially after being moved onto UC through ‘managed migration’** and following a judicial review which found they had been unlawfully discriminated against.[[183]](#footnote-183) The implication of the ruling was that around 10,000 Disabled people who had unlawfully lost out on being moved to UC were owed back-payments. The DWP consulted on and passed regulations providing a flat rate of £80 per month in compensation, despite calls for full losses of £180 per month to be recompensed. Disabled claimants took UKG to judicial review over this and won.[[184]](#footnote-184) |
| **England**  An assessment of the impact of welfare and tax changes on Londoners found that poorer Londoners will experience a reduction in household income while richer Londoners will experience an increase. Disabled people are disproportionately impacted. Households containing a Disabled person will receive £1,910 a year less on average. This is due to a combination of cuts to benefits that are directly targeted at Disabled households, cuts to non-disability benefits, and the fact that Disabled households are more likely to be lower on the income distribution.[[185]](#footnote-185) |
| 1. Carry out a cumulative impact assessment, with disaggregated data, about the recent and coming reforms on the social protection for persons with disabilities, and in close collaboration with organisations of persons with disabilities define, implement and monitor measures to tackle retrogression in their standard of living and use it as a basis for policy development across the State party; and | See response under inquiry recommendation 114a).[[186]](#footnote-186) |
| 1. Repeal the Personal Independent Payment (Amendment) Regulations of 2017 and ensure that eligibility criteria and assessments to access Personal Independent Payments, the Employment Support Allowance, and the Universal Credit are in line with the human rights model of disability; | As we reported last year, UKG’s PIP (Amendment) Regulations of 2017 were overturned in the high court with no room for appeal.  A parliamentary committee recently raised concerns at the “huge disparity between the numbers of PIP claimants entitled to additional sums, following legal rulings, and those actually receiving them.” The WPC wrote to the DWP calling for an audit.[[187]](#footnote-187)  See also response under inquiry recommendation 114b).[[188]](#footnote-188) |
| 1. Ensure sufficient budget allocation for local authorities to accomplish their responsibilities regarding assistance for persons with disabilities, and extend support packages to mitigate negative impacts of the social security reform in Northern Ireland; and | In August, a parliamentary committee found UKG derelict in its duty to local authorities by failing to set out a funding settlement that addresses immediate service pressures or plan for future challenges. According to LGA figures, the annual funding gap is £5 billion and growing. The continual squeeze on funding has given local authorities little choice but to provide ‘bare bones’ levels of service.[[189]](#footnote-189)  It is “extraordinary” that millions of pounds in funding intended to alleviate child poverty and homelessness from the EU has not been used and may have to be handed back.[[190]](#footnote-190) |
| 1. Conduct a review of the conditionality and sanction regimes concerning the Employment and Support Allowance, and tackle negative consequences on mental health and situation of persons with disabilities. | UKG continues to refuse to carry out such a review in spite of growing evidence of harm caused not only by sanctions but by the conditionality regime itself.[[191]](#footnote-191)    We are deeply concerned by UKG plans to address the psychological harm caused by conditionality and sanctions, not by reviewing and changing the system, but by providing easier access to mental health interventions for claimants who are subject to work activity requirements.[[192]](#footnote-192) These interventions are likely to follow an IAPT model which is time-limited and unsuitable for complex traumas. It is also based on a clinical, not a social model. We are concerned they will divert resources from people with more complex mental distress support needs, putting more lives at risk,[[193]](#footnote-193) and that there will be a continuing lack of non-clinical, user-led and culturally-focused resources. |

**Appendix B – Outline of DDPO engagement with government**

**UK**

Outline of 2019 UK level engagement:

* In February we learned of a Cabinet office roundtable taking place with external stakeholders on tackling disability issues. We asked to take part but were told there were no places. We subsequently found out only one disabled person/DDPO representative was present and raised concerns. In response the Cabinet Office agreed to meet and agreed within the meeting that they need to get better at engaging with DDPOS but to date there has been no progress on this.
* DDPOs also met in February with Karen Jochelson, Head of ODI, and David Bateman, ODI Head of stakeholder Engagement. We repeated CRPD engagement requirements, explained why the regional stakeholder forums they were proposing did not meet CRPD engagement criteria, asked them what policy context the forums would operate in and respond to (they could not answer). We informed them about the positive history ODI had working specifically and primarily with DDDPOs of which they were unaware. We have received no updates or information about the regional stakeholder meetings since.
* The UK DDPO CRPD Coalition met with the then Minister for Disabled People Sarah Newton in February. This was a meeting that we had tried to secure throughout 2018. 2 weeks after the meeting she resigned.
* The UK DDPO CRPD Coalition were due to meet with the new Minister for Disabled People, Justin Tomlinson, on 11 Sept to go through the same asks as presented to Sarah Newton. The Minister cancelled this meeting citing proroguing of Parliament despite Ministers being able to continue with work when Parliament is prorogued. No new date has been set.
* The new Disability unit and ODI held a ‘roundtable’ meeting on 27 September 2019.Only 25% of attendees were representatives from DDPO’s and requests for additional places at the event made by DDPO representatives were rejected.

**England**

* Disabled people and our organisations were very concerned about the Mental Capacity Amendment Bill which was set to weaken protections and the duty to consider the best interests of the person in authorising deprivation of liberty. Following a strong campaign including a petition signed by more than 200,000 people, Inclusion London (IL) was invited to meet with the social care minister for 30 minutes. The government agreed to a number of amendments which was welcome but resisted the call to halt passage of the bill while they consulted more fully with disabled people affected by the legislation. DHSC had three meetings with IL to discuss ways to engage with self advocacy groups run by people with learning difficulties. They then decided to work instead with charities *for* disabled people and TLAP.[[194]](#footnote-194)
* DDPOs also remain very concerned about the Mental Health Act Review recommendations[[195]](#footnote-195) (see 10.7 above) and the ongoing failure of the Department of Health and Social Care and party political leaders to address their concerns.
* The minister for care services agreed to meet IL to discuss independent living for 30 minutes. IL presented a proposal developed by the Reclaiming Our Futures Alliance (ROFA) on a national system for independent living that could uphold disabled people’s rights under Article 19. IL also called for the introduction of the appeals system under the Care Act. The minister was dismissive of the points raised and there has been no follow up.
* IL was invited to a meeting with the new Minister for Disabled People where they called for a government disability strategy co-produced with DDPOs. The Minister disagreed on the need for this claiming to already engage with DDPOs. He defended the sanctions regime and Access to Work[[196]](#footnote-196) against concerns raised.
* IL received a letter from the Minister for Care Services dated 27 September. It omits to address the concerns that were raised with her concerning UKG’s failure to enact the Appeals section of the Care Act 2014 and also says virtually nothing about the long awaited green paper and a funding solution for independent living support.[[197]](#footnote-197)
* UKG has set up eight regional disability groups across England. Only two of the chairs who have been appointed lead representative organisations run and controlled by Disabled people. The groups will only be funded to meet once a year and will have to pay for any further meetings they arrange themselves, but ODI will still expect them to provide input throughout the year via email. This lack of resourcing will advantage bigger charities rather than DDPOs to being involved.[[198]](#footnote-198)

1. An organisation is a DDPO if: their Management Committee or Board has at least 75% of representation from Deaf and Disabled people; at least 50% of their paid staff team are Deaf or Disabled people with representation at all levels of the organisation; they provide services for, or work on behalf of, Deaf and Disabled people; and they follow an equality and human rights approach in their work. We use the terminology “Deaf and Disabled people” to reflect the cultural model of Deafness, whereby Deaf sign language users identify not as Disabled people but instead as a linguistic minority. [↑](#footnote-ref-1)
2. The following DDPOs have contributed to and support this report: Alliance for Inclusive Education, Disability Wales, Disabled People Against Cuts, Inclusion London, Inclusion Scotland, National Survivor and User Network, Reclaiming Our Futures Alliance and Catherine Hale, lead for the Chronic Illness Inclusion Project. [↑](#footnote-ref-2)
3. UK DDPO Coalition (2018). *Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland: Alternative report from civil society*. [online]. Available at: https://www.inclusionlondon.org.uk/wp-content/uploads/2018/10/DDPO-UNCRPD-Alternative-Report-from-Civil-Society-Oct-2018.doc [↑](#footnote-ref-3)
4. This approach was evidenced by both the findings of and UKG’s Response to the UN Extreme Poverty Rapporteur’s report following his visit to the UK. Philip Alston’s report stated: “The government has remained determinedly in a state of denial." (Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E.)

   The government’s response was to dismiss his findings as “a barely believable documentation of Britain based on a tiny period of time spent here” and “a completely inaccurate picture of our approach to tackling poverty”. The Minister for Work and Pensions announced it was going to lodge a formal complaint with the UN. However, a fact-check of the report carried out by DWP found it was the report was “factually correct”. (Pring, J. (2019). DWP civil servant praises UN poverty report ministers dismissed as ‘barely believable’. *Disability News Service*, [online] 13 June. Available at: https://www.disabilitynewsservice.com/dwp-civil-servant-praises-un-poverty-report-ministers-dismissed-as-barely-believable/). [↑](#footnote-ref-4)
5. EHRC found that: “Britain is in danger of becoming a two-speed society, with some groups excluded from prosperity and rights enjoyed by others. Britain’s most at-risk groups of people are in danger of being forgotten and becoming trapped in disadvantage, Britain’s equality body is warning in our comprehensive report on the state of equality and human rights in Britain. We found that progress made in some areas is overshadowed by alarming backward steps. Prospects for disabled people, some ethnic minorities, and children from poorer backgrounds have worsened in many areas of life. This inequality risks becoming entrenched for generations to come, creating a two-speed society where these groups are left behind in the journey towards a fair and equal country.” (Equality and Human Rights Commission [EHRC], (2018). *Britain in danger of becoming a two speed society*. [press release] 25 October. Available at: <https://www.equalityhumanrights.com/en/our-work/news/britain-danger-becoming-two-speed-society>; Equality and Human Rights Commission [EHRC], (2018). *Is Britain Fairer? The state of equality and human rights in Britain*. [online]. Available at: https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-accessible.pdf). [↑](#footnote-ref-5)
6. The APPG on UC found a “wealth of problems” that need “considerable effort and resource” to put right (All Party Parliamentary Group on Universal credit (2019). *What needs to change in Universal Credit? Priority Recommendations*. [online] p.14. Available at: <https://wwwturn2us-2938.cdn.hybridcloudspan.com/T2UWebsite/media/Documents/Communications%20documents/UC-REPORT-FINAL-v3.pdf>); almost two-thirds of private landlords with tenants receiving Universal Credit have experienced them going into rent arrears (Walmsley, S. (2018). Universal Credit rent arrears rocket says new research. *Residential Landlords Association*, [online] 12 October. Available at: <https://news.rla.org.uk/universal-credit-rent-arrears-rocket-says-new-research/>); a parliamentary committee found that although DWP has made progress in paying UC on time, still just a third of new claimants whose award includes a payment for disability receive their UC on time and in full. (Work and Pensions Committee [WPC], (2018e). *Universal credit: support for disabled people*. 19 December, HC 1770, 2017-19. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1770/1770.pdfssary at no additional cost to the claimant); UC is increasing levels of homelessness. (New Local Government Network [NLGN], (2019). *Leadership Index*. [online] p.1. Available at: http://www.nlgn.org.uk/public/wp-content/uploads/Leadership-Index\_April-2019.pdf). [↑](#footnote-ref-6)
7. Citizens Advice Scotland report that the impact of the 40% (max) deduction rate is causing severe hardship and does not take into account individual circumstances. <https://www.cas.org.uk/system/files/publications/the_impact_of_deductions_from_universal_credit_payments.pdf> [↑](#footnote-ref-7)
8. Public Accounts Committee [PAC], (2018). *Universal credit: delivery causing unacceptable hardship*. [press release] 26 October. Available at: https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news-parliament-2017/universal-credit-17-19/ [↑](#footnote-ref-8)
9. Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E.) [↑](#footnote-ref-9)
10. Examples include spreading benefit deductions out over a longer period when recouping money given out in advance loans to claimants while they wait for their benefits (HC Debate (2019). Universal Credit: Written question – 260559. Answered: 10 June. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-06-05/260559/>); increasing work allowances for families with children and Disabled people – which is the amount they can earn before their UC is reduced (Department for Work and Pensions [DWP], (2019). *Government continues to protect the most vulnerable and supports people into work*. [press release] 8 April. Available at: <https://www.gov.uk/government/news/government-continues-to-protect-the-most-vulnerable-and-supports-people-into-work>); changes to the design and availability of UC payments information in claimants’ online accounts. (Department for Work and Pensions [DWP], (2019). *Changes to Universal Credit*. July 2019: Touchbase edition 135. Updated: 19 September. Available at: <https://www.gov.uk/government/publications/touchbase-dwp-news-about-work-working-age-benefits-and-services/july-2019-touchbase-edition-135>), and: piloting more frequent payments (HC Debate (2019). Universal Credit: Written question – 219554. Answered: 15 February. Available at: https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-02-11/219554). [↑](#footnote-ref-10)
11. SSAC wrote to UKG stressing their view “that risk associated with universal credit managed migration should rest with the state rather than with the individuals affected” and expressing concern “about one particularly significant risk that persists: the government’s expectation that everyone must make a claim to universal credit in order to be migrated to it.” SSAC remains “unconvinced that it is necessary to ask all claimants on legacy benefits to make a claim for universal credit, and to produce the necessary supporting evidence – especially in those circumstances where ID has already been verified by the Department. The consequences of not managing the universal credit claims process are significant, therefore we believe the Department should consider what more can be done to reduce the risk of claimants falling out of the system.” (Diamond, I. (2018). Letter to Secretary of State for Work and Pensions from Chair of the Social Security Advisory Committee. 12 December. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/764549/ssac-dwp-uc-managed-migration-regs-2018.pdf) [↑](#footnote-ref-11)
12. In November 2018, the Chancellor announced £1 billion – spread over five-and-a-half years – to ease the delayed “managed migration” process that will see about three million claimants of “legacy” benefits such as ESA moved across to UC. Disabled people warned this would not be enough to avert a “humanitarian crisis”.

    (Pring, J. (2018s). Budget 2018: Chancellor’s billions ‘will not halt universal credit humanitarian crisis’. *Disability News Service*, [online] 1 November. Available at: https://www.disabilitynewsservice.com/budget-2018-chancellors-billions-will-not-halt-universal-credit-humanitarian-crisis/). [↑](#footnote-ref-12)
13. As WPC highlighted “Some disabled people—for example, people with severe learning disabilities—will never be able to use all online systems independently.” Support currently on offer does not reflect the differing needs of Disabled people. (Work and Pensions Committee [WPC], (2018e). *Universal credit: support for disabled people*. 19 December, HC 1770, 2017-19. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1770/1770.pdf> ; research has shown the difficulties residents in supported housing face in communicating their specific circumstances to DWP, which can negatively impact their claim for UC (Salvation Army (2018). *Changes necessary if Universal Credit is to work for people living in supported housing, says housing coalition*. [press release] 24 October. Available at: <https://www.salvationarmy.org.uk/changes-necessary-if%20universal-credit-is-to-work>).

    Difficulties which people in mental distress have with accessing benefits arise from application forms, problems with finding the right information to send and support issues as well as huge worries caused by the overall process. (Bond, N., Braverman, R. and Evans, K. (2019). *THE BENEFITS ASSAULT COURSE: Making the UK benefits system more accessible for people with mental health problems*. Money and Mental Health Policy Institute. [online]. Available at: https://www.moneyandmentalhealth.org/wp-content/uploads/2019/03/MMH-The-Benefits-Assault-Course-UPDATED.pdf [↑](#footnote-ref-13)
14. HC (2019). Universal Credit: Written question – 218740. 8 February. Available at: https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-02-08/218740 [↑](#footnote-ref-14)
15. UKG has now admitted that some people will be financially worse off under UC (BBC News (2018d). Esther McVey: Some to be poorer under universal credit. *BBC.co.uk*, [online] 11 October. Available at: https://www.bbc.co.uk/news/uk-politics-45824590; Hacillo, A. (2018). Esther McVey 'tells Cabinet families will lose up to £200 per month under Universal Credit. *Politics Home*, [online] 6 October. Available at: <https://www.politicshome.com/news/uk/social-affairs/welfare/news/98838/esther-mcvey-tells-cabinet-families-will-lose-£200-month>); a report on household incomes under UC concluded that: “Those who are disabled or live with a disabled person are especially likely to be persistently, rather than temporarily, poor. The effect of universal credit on those with disabilities is particularly significant and complex, with both large giveaways and takeaways depending on particular circumstances.” (Brewer, M., Joyce, R., Waters, T. and Woods, J. (2019). *Universal credit and its impact on household incomes: the long and the short of it. Institute for Fiscal Studies*. [online] 24 April. Available at: https://www.ifs.org.uk/publications/14083). [↑](#footnote-ref-15)
16. Public Accounts Committee [PAC], (2019). *Universal Credit*. HC 1183, 26 October, p.13. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/1183/1183.pdf [↑](#footnote-ref-16)
17. 8% of households with UC claimants in Scotland have a limited work capability. 53% of claimants needed support to apply, and 24% found the process inaccessible. <https://www.samh.org.uk/documents/ItWasAConfusionReport_ONLINE_VERSION.pdf> [↑](#footnote-ref-17)
18. Work and Pensions Committee [WPC], (2019). *Committee "invites" DWP to reconsider stance on survival sex evidence*. [press release] 6 June. Available at: https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/survival-sex-17-19/ [↑](#footnote-ref-18)
19. Journalist Frances Ryan has looked into the issue of Disabled women turning to survival sex as a consequence of benefit changes. One woman she spoke to explained how herself and many of her Disabled friends "started sex work for the ease and flexibility it offered to those who are too unwell for traditional employment - or, as she puts it, whose energy levels are sometimes too low to function properly but 'who need money to survive in the world'.” Ryan comments: "The use of sex work as a last option for marginalized women is not a new phenomenon, but as benefit cuts were rolled out, evidence pointed to austerity measures exacerbating women's reliance on sex work." (Ryan, F. (2019). *Crippled: the austerity crisis and the threat to disability rights*. London and Brooklyn: Verso., pp.140-141.). [↑](#footnote-ref-19)
20. Although Ministers projected fraud reduction of £1.3bn by 2025, the NAO found it will instead increase by £1.3bn by the same date. According to a BBC report, one contributor to an internal forum for DWP staff described money “pouring out of the public purse like lottery jackpots. (Butler, P. (2019c). Universal credit scam ‘leaves claimants up to £1,500 out of pocket. *The Guardian*, [online] 9 July. Available at: <https://www.theguardian.com/society/2019/jul/09/universal-credit-scam-leaves-claimants-pounds-hundreds-out-of-pocket>; National Audit Office [NAO] (2019). *Department for Work and Pensions annual report and accounts 2018-19.* [online]. Available at: https://www.nao.org.uk/report/department-for-work-and-pensions-accounts-2018-to-2019/). [↑](#footnote-ref-20)
21. The petition was started in response to the death of Jodey Whiting, who took her life 15 days after her disability benefits were stopped for missing a Work Capability Assessment when she was seriously ill. Other families as well as Disabled people’s campaign groups came forward in support. (Pring, J. (2019). Jodey Whiting petition: Seventh family demands justice over DWP benefit deaths. *Disability News Service*, [online] 21 March. Available at: https://www.disabilitynewsservice.com/jodey-whiting-petition-seventh-family-demands-justice-over-dwp-benefit-deaths/). [↑](#footnote-ref-21)
22. Petitions (2019). *Justice for Jodey Whiting. Independent inquiry into deaths linked to the DWP*. [online]. Available at: https://petition.parliament.uk/petitions/243337 [↑](#footnote-ref-22)
23. The figures relate to the number of internal process reviews (IPRs), investigations conducted by the department into deaths and other serious and complex cases that have been linked to DWP activity. They show that, from April 2016 to June 2018, DWP panels carried out 50 IPRs, including 33 involving the death of a benefit claimant, or roughly 1.27 death-related IPRs a month. (Pring, J. (2018l). DWP’s secret benefit deaths reviews: Investigations into deaths double in two years. *Disability News Service*, [online] 20 September. Available at: https://www.disabilitynewsservice.com/dwps-secret-benefit-deaths-reviews-investigations-into-deaths-double-in-two-years/). [↑](#footnote-ref-23)
24. The sister of a man with learning difficulties who died a month after attempting to take his own life wrote to give evidence to the UN Extreme Poverty rapporteur’s visit to the UK. He had been found fit for work and forced onto UC and the government’s Work Programme. She said the job he had been found through the Work Programme had proved unsuitable and he fell back out of work, causing severe problems with his UC. She said he had been told by all the authorities such as the Job Centre and local authority housing department not to worry about his benefits. He was then very shocked to receive bills of £1,000 and £500 [from DWP and the LA]. (Maggie (2018). Letter to Special Rapporteur Team. [online]. Available at: https://www.ohchr.org/Documents/Issues/EPoverty/UnitedKingdom/2018/IndividualSubmissions/Maggie.docx). [↑](#footnote-ref-24)
25. The information included two letters written by coroners to warn that the WCA had been linked to suicides, and a series of secret “peer reviews” into the deaths of claimants who had gone through the WCA process. Pring, J. (2019). Caxton House cover-up: DWP hid benefit deaths papers from WCA review team. *Disability News Service*, [online] 9 May. Available at: https://www.disabilitynewsservice.com/caxton-house-cover-up-dwp-hid-benefit-deaths-papers-from-wca-review-team/ [↑](#footnote-ref-25)
26. HC Debate (2019). Personal Independence Payment: Written question – 209778. Answered: 1 February. Available at: https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-01-17/209778/ [↑](#footnote-ref-26)
27. NHS long-term plan included a new target to reduce the numbers in ATUs by half compared to 2015 levels (when there were around 3,000 people in such units). After the 2011 Winterbourne View abuse scandal exposed the reality of some ATUs, the government promised to move all inpatients into community-based housing within three years under its transforming care programme. That target was missed. (Salman, S. (2019). ‘You can’t rehabilitate someone into society when they’re locked away’. *The Guardian*, [online] 16 January. Available at: https://www.theguardian.com/society/2019/jan/16/rehab-centre-learning-disabilities-secure-units-community). [↑](#footnote-ref-27)
28. Only around 30% went on to either supported living or residential care in the community. (Salman ibid.) [↑](#footnote-ref-28)
29. Filming by the BBC's Panorama programme showed staff intimidating, mocking and restraining patients with learning difficulties and autism. Experts said the culture was deviant at the privately-run NHS-funded unit with evidence of "psychological torture". A police investigation has been launched and 16 staff suspended.

    (Triggle, N. (2019). Whorlton Hall: Hospital 'abused' vulnerable adults. *BBC News*, [online] 22 May. Available at: https://www.bbc.co.uk/news/health-48367071). [↑](#footnote-ref-29)
30. The incidents happened at Muckamore Abbey from 2017-18. Police are investigating allegations about the physical and mental abuse of patients. The hospital provides treatment for people with severe learning disabilities and mental health needs. Twenty staff, mainly nurses, have been suspended at the hospital since 2017. (BBC News (2019). Muckamore Abbey: CCTV reveals 1,500 crimes at hospital. *BBC.co.uk*, [online] 27 August. Available at: https://www.bbc.co.uk/news/uk-northern-ireland-49481350). [↑](#footnote-ref-30)
31. That included a rise in face-down or “prone” restraint, which is particularly controversial and has been widely criticised as dangerous. Used 2,200 times in 2016, the figure rose to 3,100 in 2017. (Campbell, D. (2018). Physical restraint used on 50% more NHS patients with learning disabilities. *The Guardian*, [online] 2 October. Available at: https://www.theguardian.com/society/2018/oct/02/physical-restraint-used-on-50-more-nhs-patients-with-learning-disabilities). [↑](#footnote-ref-31)
32. Review respondents who had been detained spoke of epistemic injustice (automatically being seen as lacking credibility both in general and if they tried to complain), major distress caused by ward conditions and staff behaviour, harassment, physical and sexual abuse and traumatic experiences of restraint. They highlighted losses of their homes, relationships, educational opportunities and employment which had resulted from their detentions. (Wessely, S. (2018). *Modernising the Mental Health Act: Increasing choice, reducing compulsion: Final report of the Independent Review of the Mental Health Act 1983*. [online] pp.54-57. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/778897/Modernising\_the\_Mental\_Health\_Act\_-\_increasing\_choice\_\_reducing\_compulsion.pdf). [↑](#footnote-ref-32)
33. Care Quality Commission [CQC], (2019). *CQC calls for action to fix the closed system that leads to people with a learning disability or autism being segregated in hospital*. [press release] 21 May. Available at: https://www.cqc.org.uk/news/releases/cqc-calls-action-fix-closed-system-leads-people-learning-disability-or-autism-being [↑](#footnote-ref-33)
34. The Joint Committee on Human Rights heard shocking evidence of young people with autism and learning difficulties being locked up and isolated in secure hospitals and inpatient units. The committee heard two young people have been kept in ATUs, and moved between numerous secure hospitals, for 24 months and 19 months respectively. Jeremy explained that his 17-year-old daughter Bethany has been subjected to ‘cruel and ‘inhumane’ treatment after spending nearly two years in a secure hospital. He described how she is often locked up, isolated and fed through a hatch, and how she has no privacy and is watched while showering and going to the toilet. (Verma, R. (2018). Parents Share Harrowing Accounts of Autistic Young People Locked Up In Secure Hospitals. *Rights Info*, [online] 13 December. Available at: https://rightsinfo.org/parents-share-harrowing-accounts-of-autistic-young-people-being-locked-up-in-secure-hospitals/). [↑](#footnote-ref-34)
35. A report commissioned by UKG and published in 2017 concluded that children get “stuck in ATUs” and because of this “we have created a one way street for children which will mean a lifetime at substantial cost to the taxpayer for some very poor outcomes.” (Lenehan, C. (2017). *These are our children*. Council for Disabled Children [online]. Available at: https://www.ncb.org.uk/sites/default/files/field/attachment/These%20are%20Our%20CHildren\_Lenehan\_Review\_Report.pdf). [↑](#footnote-ref-35)
36. Gelder, S. (2019). Holloway mum leads national campaign demanding closure of institutions for people with autism and learning disabilities. *Islington Gazette*, [online] 24 June. Available at: https://www.islingtongazette.co.uk/news/health/holloway-mum-leads-national-campaign-demanding-closure-of-institutions-for-people-with-autism-and-learning-disabilities-1-6123321. [↑](#footnote-ref-36)
37. Sections 15a, 15d, 20, 27, 47, 48, 81, 83 and 98a. (Committee on the Rights of Persons with Disabilities [CRPD[, (2017). General comment No. 5 (2017) on living independently and being included in the community. CRPD/C/GC/5. Available at: http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnbHatvuFkZ%2bt93Y3D%2baa2q6qfzOy0vc9Qie3KjjeH3GA0srJgyP8IRbCjW%2fiSqmYSI5yyfxH7zJpsfEu8cMblC%2fJwexKqmE7ZsbL30KaLOg). [↑](#footnote-ref-37)
38. For example, the Review recommends a reduction in detentions, but not an abolition of them; statutory advance directives would be open just to people assessed clinically as having ‘capacity’, would only cover treatment choices and could be over-ruled by clinicians; community treatment orders would continue for the time being. See: National Survivor and User Network [NSUN], (n.d*.). Independent Review of the Mental Health Act: What next?* [online]. Available at: https://www.nsun.org.uk/independent-review-of-the-mental-health-act [↑](#footnote-ref-38)
39. See response to recommendation 114c) below. [↑](#footnote-ref-39)
40. Damien Hinds, Secretary of State for Education, speaking on 5th July to the Children’s Services Conference, went on to state: “I hear too many stories about off-rolling, with schools finding ways to remove pupils, outside of the formal exclusions system. And of what is, essentially, pre-emptive exclusion, where parents looking at secondary schools are actively or in some way subtly discouraged from applying to a particular school for their child. And I want to be clear right now: this is not okay.” [↑](#footnote-ref-40)
41. Rieser, R. (2018). *Where are we now with Inclusive Education? Alliance for Inclusive Education*, [online] 29 October. Available at: https://www.allfie.org.uk/news/blog/now-inclusive-education/ [↑](#footnote-ref-41)
42. The review itself omitted to look at provision for Disabled pupils from 16-25 even though the Children and Families Act 2014 states support will remain in place from 0 – 25. This “presents an incomplete and misleading picture which is unhelpful when looking to improve the system as a whole.” (National Audit Office [NAO], (2019). *Support for pupils with special educational needs and disabilities in England*, HC 2636, session 2017–2019, 11 September. Available at: <https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs.pdf>; Natspec (2019). The NAO report and the PAC Inquiry: how the headlines change for FE. *natspec.org.uk*, [online] 1 October. Available at: https://natspec.org.uk/the-nao-report-and-the-pac-inquiry-how-the-headlines-change-for-fe/). [↑](#footnote-ref-42)
43. Education Committee (2018). *Forgotten children: alternative provision and the scandal of ever increasing exclusions*, HC 342, Fifth Report of Session 2012-2019, 25 July. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf [↑](#footnote-ref-43)
44. Timpson, E. (2019). *Timpson Review of School Exclusion*, CP92, May. [online]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/807862/Timpson\_review.pdf [↑](#footnote-ref-44)
45. A National Association of Head Teachers survey of 600 primary head teachers showed 94% found it harder to resource SEND than 2 years ago and only 2% said top up funding was sufficient to meet Education Health and Care Plans (EHCPs). [↑](#footnote-ref-45)
46. Richardson, H. (2018). Head teachers' polite protest over funding in England. *BBC News*, [online] 28 September. Available at: https://www.bbc.co.uk/news/education-45665122 [↑](#footnote-ref-46)
47. Richardson, H. (2019). 'Unprecedented' level of special needs complaints upheld. *BBC News*, [online] 4 October. Available at: https://www.bbc.co.uk/news/education-49924189 [↑](#footnote-ref-47)
48. *The Times* newspaper revealed that at least 22 organisations were required to sign gagging clauses as part of their involvement with work programmes. The contracts, worth a total of £1.8 billion, state that groups receiving the money must “pay the utmost regard to the standing and reputation” of the work and pensions secretary. (Morgan-Bentley, P., Coates, S. and Goddard, L. (2018). Charities gagged by ministers over universal credit. *The Times*, [online] 12 October. Available at: <https://www.thetimes.co.uk/article/charities-gagged-by-ministers-over-universal-credit-rcq6b8g72>)

    In April it was exposed that Citizens Advice (CA) and Citizens Advice Scotland (CAS) who will receive £51 million in government funding to provide advice and support to UC claimants have signed gagging clauses that prevent them bringing the DWP “unfairly” into “disrepute”. Previously major disability organisations Shaw Trust, Leonard Cheshire Disability and RNIB signed contracts – either with DWP or with one of the five main Work and Health Programme contractors – that include clauses that prevent them bringing DWP and Esther McVey into disrepute. (Pring, J. (2019). DWP’s ‘disrepute’ contract clause ‘is proof charities cannot be trusted’. *Disability News Service*, [online] 26 April. Available at: https://www.disabilitynewsservice.com/dwps-disrepute-contract-clause-is-proof-charities-cannot-be-trusted/). [↑](#footnote-ref-48)
49. Pring, J. (2018y). Police force admits passing footage of disabled protesters to DWP. *Disability News Service*, [online] 20 December. Available at: <https://www.disabilitynewsservice.com/police-force-admits-passing-footage-of-disabled-protesters-to-dwp/>; Pring, J. (2019). Police force admits agreement to share information about protesters with DWP. *Disability News Service*, [online] 25 July. Available at: <https://www.disabilitynewsservice.com/police-force-admits-agreement-to-share-information-about-protesters-with-dwp/>. [↑](#footnote-ref-49)
50. See pages Appendix B. [↑](#footnote-ref-50)
51. Committee on the Rights of Persons with Disabilities [CRPD[, (2017). *General comment No. 5 (2017) on living independently and being included in the community*. CRPD/C/GC/5. Available at: http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnbHatvuFkZ%2bt93Y3D%2baa2q6qfzOy0vc9Qie3KjjeH3GA0srJgyP8IRbCjW%2fiSqmYSI5yyfxH7zJpsfEu8cMblC%2fJwexKqmE7ZsbL30KaLOg [↑](#footnote-ref-51)
52. See para.50 p.30 below. [↑](#footnote-ref-52)
53. See para.42 p.27 below. [↑](#footnote-ref-53)
54. Debbie Abrahams MP. [↑](#footnote-ref-54)
55. HC debate (2018). Disability support, 19 December, vol. 651. Available at: https://hansard.parliament.uk/commons/2018-12-19/debates/785092AB-6594-423B-A48E-41714F822FED/DisabilitySupport [↑](#footnote-ref-55)
56. The response delivered by Minister for Disability, Health and Work, Sarah Newton was largely defensive but included the claim that “the lack of information about disability means that the information does not exist for the Treasury to estimate the cumulative impact of all Government policies on disabled people.” (Ibid. c943). [↑](#footnote-ref-56)
57. A briefing put together for a parliamentary debate on the continued failure to conduct a CIA explained: “…the most likely explanation for its refusal is that the Government knows that any such assessment will clearly demonstrate how negative, harmful and unjust its policies continue to be....the UK Government has typically adopted the self-contradictory position that it is not possible to understand the combined impact of its own policies on disabled people and that, despite this, they are confident that the combined impact of these policies is positive. (Duffy, S., (2018). *Cumulative Impact Assessment: a statement by the Centre for Welfare Reform*. Sheffield: Centre for Welfare Reform. Available at: https://www.centreforwelfarereform.org/uploads/attachment/628/cumulative-impact-assessment-cia.pdf). [↑](#footnote-ref-57)
58. As we reported last year, the CIA found that negative impacts are particularly large for households with more Disabled members, and individuals with higher support needs. (UK DDDPO Coalition (2018). *Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland: alternative report from civil society*. [online], p.37-38. Available at: <https://www.inclusionlondon.org.uk/wp-content/uploads/2018/10/DDDPO-UNCRPD-Alternative-Report-from-Civil-Society-Oct-2018.doc>; Portes, J. and Reed, H. (2018). *The cumulative impact of tax and welfare reforms*. [online] Equality and Human Rights Commission. Available at: https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms). [↑](#footnote-ref-58)
59. See p.31 for key findings. Reed, H. and Portes, J. (2018). *The cumulative impact on living standards of public spending changes.* Research Report 120, Manchester: Equality and Human Rights Commission. Available at: <https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-living-standards-public-spending-changes>. [↑](#footnote-ref-59)
60. Findings include: • Households containing a Disabled person will receive £1,910 a year less on average. This is due to a combination of cuts to benefits that are directly targeted at disabled households, cuts to non-disability benefits, and the fact that disabled households are more likely to be lower on the income distribution; • Households with children will lose the most of all household types – particularly those households headed by lone parents. On average, lone parent households will receive £2,400 a year less by 2021-22 – a result of the combination of the benefit cuts and the limited ability of lone parents to benefit from tax cuts due to their position on the income distribution; • Poorer Londoners will experience a reduction in household income while richer Londoners will experience an increase. The hardest hit group are those Londoners in the second poorest 10% of households, who, by 2021-22, will be receiving £610 a year less than they otherwise would have been as a result of benefit changes – mainly the four-year freeze to working-age benefits. (Greater London Assembly [GLA], (2019). *Cumulative Impact Assessment of Welfare Reform in London*. Available at: https://data.london.gov.uk/dataset/welfare-reform-2019). [↑](#footnote-ref-60)
61. Research carried out by the Disability Benefits Consortium (DBC) found that • Disabled people have typically lost around £1,200 per year while others experienced cuts of an average of £300. •Households with one disabled adult and one disabled child lose out the most, with average losses of over £4,300 per year. •The more impairments “you have the more you lose out”, e.g. someone who has six or more impairments “loses over £2,100 each year on average, whereas someone with 1 impairment “loses around £700 each year.” (Disability Benefits Consortium (2019). *Has welfare become unfair – a new report by the Disability Benefit Consortium.* [press release], 16 July. Available at: https://disabilitybenefitsconsortium.wordpress.com/2019/07/16/has-welfare-become-unfair-a-new-report-by-the-disability-benefit-consortium/). [↑](#footnote-ref-61)
62. He went on to note: “The government has made no secret of its determination to change the value system to focus more on individual responsibility, to place major limits on government support, and to pursue a single-minded, and some have claimed simple-minded, focus on getting people into employment at all costs. Many aspects of this program are legitimate matters for political contestation, but it is the mentality that has informed many of the reforms that has brought the most misery and wrought the most harm to the fabric of British society. British compassion for those who are suffering has been replaced by a punitive, mean-spirited, and often callous approach apparently designed to instil discipline where it is least useful, to impose a rigid order on the lives of those least capable of coping with today’s world, and elevating the goal of enforcing blind compliance over a genuine concern to improve the well-being of those at the lowest levels of British society.” (Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November., p.3. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E.) [↑](#footnote-ref-62)
63. Ministry of Justice [MoJ], (2019). *Tribunal Statistics Quarterly, April to June 2019 (Provisional).* [online]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/830965/Tribunal\_and\_GRC\_statistics\_Q1\_201920.pdf [↑](#footnote-ref-63)
64. Many disabled people receive both benefits. The outcome of one merged assessment process put together from two deeply flawed ones will affect all of their income and could have greater adverse consequences than those experienced to date. (HD debate (2019). Health and Disability Announcement: Written statement - HCWS1376, 5 March. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-03-05/HCWS1376>; for Disabled people’s concerns see also: Ryan, F. (2019). The new disability minister should listen to us. Don’t merge benefit tests. *The Guardian*, [online] 10 April. Available at: <https://www.theguardian.com/society/commentisfree/2019/apr/10/new-disability-minister-listen-benefit-tests-welfare-reform>.) [↑](#footnote-ref-64)
65. The social security advisory committee (SSAC) included the “particularly concerning finding” in a new report about the effectiveness of the government’s UC claimant commitment. The claimant commitment is a set of “individually tailored requirements” that a benefit claimant agrees to meet in return for UC payments, and it can include a pledge to carry out a certain number of hours looking for and applying for jobs, networking, updating a CV, or attending training. It is supposed to be DWP policy that only work-related activities are included in the claimant commitment, but SSAC said it was “clear that this is not happening in all cases”.

    The report says some of the random sample of claimant commitments the committee saw included activities relating to the claimant’s management or treatment of a health condition, including commitments “outlining that medical appointments should be attended, or that medication should be taken”. The report says claimants are left confused as to whether medical-related activities in their claimant commitment are mandatory or voluntary. (Pring, J. (2019). DWP advisers demand ‘urgent action’ on UC claimant commitment health demands. *Disability News Service*, [online] 12 September. Available at: https://www.disabilitynewsservice.com/dwp-advisers-demand-urgent-action-on-uc-claimant-commitment-health-demands/) [↑](#footnote-ref-65)
66. A parliamentary inquiry found “compelling evidence” that imposition of conditionality and sanctions on Disabled people does not work. The WPC report concluded that the human cost of continuing to apply the existing regime of benefit sanctions – the “only major welfare reform this decade to have never been evaluated” – appears simply too high. The evidence that it is achieving its aims is at best mixed, and at worst showing a policy that appears “arbitrarily punitive”. The WPC urged UKG to “immediately stop imposing conditionality and sanctions on anyone found to have limited capability for work, or who presents a valid doctor's note” stating they cannot work. (Work and Pensions Committee [WPC, (2018d). *Government must urgently reassess sanctions regime*. [press release] 6 November. Available at: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/benefit-sanctions-report-published-17-19/>; (Work and Pensions Committee [WPC], (2018c). *Benefit Sanctions*. 31 October, HC 955, 2017–19. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/955/955.pdf>).

    In response, a UKG minister suggested that the government would be doing a “great disservice” to Disabled people if it stopped sanctioning their out-of-work benefits. (Pring, J. (2018u). Minister says stopping benefit sanctions would do disabled people ‘a great disservice’. *Disability News Service*, [online] 8 November. Available at: <https://www.disabilitynewsservice.com/minister-says-stopping-benefit-sanctions-would-do-disabled-people-a-great-disservice/>).

    The WPC reacted to the government’s response to their report by stating it had 'failed utterly' to grasp the seriousness of the impact of its counter-productive sanctions regime, rejecting, or only partially accepting, the majority of the Committee's recommendations, allowing no respite for “victims of a sanctions regime that is at times so counter-productive it just seems pointlessly cruel”. (Work and Pensions Committee [WPC], (2019). *No respite for “victims” of counter-productive sanctions regime.* [press release] 11 February. Available at: https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/benefit-sanctions-government-response-report-publication-17-19/). [↑](#footnote-ref-66)
67. DWP’s UC Full Service Survey showed that 11% of claimants had been sanctioned, of whom 18% had been sanctioned more than once. These are far higher rates than JSA or ESA. (All Party Parliamentary Group on Universal credit (2019). *What needs to change in Universal Credit? Priority Recommendations*. [online] p.32. Available at: <https://wwwturn2us-2938.cdn.hybridcloudspan.com/T2UWebsite/media/Documents/Communications%20documents/UC-REPORT-FINAL-v3.pdf>).

    Claimant confusion about UC rules has led to sanctions. Only 51 per cent of claimants said that they were fully informed about the factors that could lead to universal credit payments being stopped or reduced. (Department for Work and Pensions [DWP], (2019). *Universal Credit full service omnibus survey*. [online].) Available at: https://www.gov.uk/government/publications/universal-credit-full-service-omnibus-survey [↑](#footnote-ref-67)
68. Sanctions expert David Webster attributes this to the fact that under UC hardship payments are repayable and also need to be renewed each month. (Webster, D. (2019). *Proportion of sanctioned Universal Credit claimants receiving a hardship payment*. [online]. Available at: https://shapingourlives.us10.list-manage.com/track/click?u=d3e11cfe1dce72cdbc9c40bb4&id=8395eca68f&e=78b4dc1b72). [↑](#footnote-ref-68)
69. HC Debate (2019). Labour Market Policy Update: Written statement - HCWS1545, 9 May. Available at: https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-05-09/HCWS1545/. [↑](#footnote-ref-69)
70. Legislation and policies imposed without due regard to disproportionately discriminatory impacts against disabled people can only be over-turned under the PSED if a judicial review is launched within three months by an individual who is personally affected. These restrictive criteria ensure that many pieces of legislation and policies have been implemented in breach of the PSED. [↑](#footnote-ref-70)
71. The Fairer Scotland Duty, Part 1 of the Equality Act 2010, came into force in Scotland from April 2018. (Housing and Social Justice Directorate (2018). Fairer Scotland Duty: interim guidance for public bodies. *gov.scot*, [online] 27 March. Available at: <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-public-bodies/pages/2/>

    The Welsh Assembly has announced its intention to commence Section 1. (Casla, K. (2019). The socio-economic duty: A powerful idea hidden in plain sight in the Equality Act. *Oxford Human Rights Hub*, [online] 14 May. Available at: http://ohrh.law.ox.ac.uk/the-socio-economic-duty-a-powerful-idea-hidden-in-plain-sight-in-the-equality-act/). [↑](#footnote-ref-71)
72. Women and Equalities Committee (2019). *Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission*. HC 1470, 30 July. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1470/1470.pdf [↑](#footnote-ref-72)
73. The Committee’s Chair said: “Above all, the Government must act on its own obligations. It must embed compliance and enforcement of the Equality Act into its most significant strategies and action plans. That it has not yet done so in its recent efforts to improve the quality of work – where stopping discrimination is so clearly an essential precondition to any improvements – beggars belief.” (Women and Equalities Committee (2019). *Fundamental shift needed for enforcing the Equality Act*. [press release] 30 July. Available at: https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/equality-act-role-of-ehrc-report-published-17-19/). [↑](#footnote-ref-73)
74. The number of disabled people in work has risen by 930,000 (31%) in the last five years. National Audit Office [NAO], (2019). *Supporting disabled people to work*. [press release] 28 March. Available at: https://www.nao.org.uk/press-release/supporting-disabled-people-to-work/ [↑](#footnote-ref-74)
75. In Scotland the employment rate of working age disabled people is just 42.8% compared to 80.2% of non-disabled people, a gap of over 37%. <https://www.gov.scot/publications/fairer-scotland-disabled-people-employment-action-plan/pages/3/> [↑](#footnote-ref-75)
76. See Appendix A response against recommendation 57e), pp.51-52.

    According to a study commissioned by the DWP itself, “bad jobs might be either less beneficial or even harmful” compared to being unemployed. Evidence reviewed in the study suggests that, in terms of promoting health and well-being, the characteristics that distinguish ‘good’ jobs and ‘good’ workplaces might include: • safety; • fair pay; • social gradients in health; • job security; • personal fulfilment and development; investing in human capital; • accommodating, supportive & non-discriminatory; • control/autonomy; • job satisfaction; • good communications”. (Waddell, G. and Burton, K. (2006*). Is Work Good for your Health and Well-being?* London: TSO. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/214326/hwwb-is-work-good-for-you.pdf [↑](#footnote-ref-76)
77. MPs questioned UKG over the impact of the cut to ESA WRAG which, far from being an “incentive” to work, were “increasing stress and poverty for people in the WRAG” and had provided a “disincentive to get to work”. (Pring, J. (2018). MPs raise concerns with McVey over ‘stress and poverty’ caused by WRAG cuts. *Disability News Service*, [online] 12 July. Available at: https://www.disabilitynewsservice.com/mps-raise-concerns-with-mcvey-over-stress-and-poverty-caused-by-wrag-cuts/ [↑](#footnote-ref-77)
78. Mehta, J., Taggart, D., Clifford, E. and Speed, E. (2018). *Where your mental health just disappears overnight: disabled people’s experiences of the Employment and Support Allowance Work Related Activity Group*. [online] University of Essex and Inclusion London. Available at: https://www.inclusionlondon.org.uk/wp-content/uploads/2018/10/ESA-WRAG-Report.pdf [↑](#footnote-ref-78)
79. The “20 metre rule” reduced the distance that a person must not be able to walk “reliably, repeatedly and safely” in order to qualify for the higher rate mobility component of PIP from 50 to 20m. Without this, PIP claimants lose eligibility for a motability vehicle. According to the MS Society, the direct impacts on the employment of people with MS is small but noticeable. 13% of those who are in work and had received a reduced award said they had reduced working hours. (Wetherly, L. and Erez, R. (2018). *PIP: A step too far. The impact of the 20 metre rule on people with MS*. London: MS Society, p.21.) [↑](#footnote-ref-79)
80. The thinktank Demos concluded: “Our findings leave us in no doubt that the current system of support is broken and must be radically reshaped… Will it ever be possible for the Department for Work and Pensions to engage effectively with ‘harder-to-help’ groups?...our new research finds good reason to believe the answer is ‘no’.” (Glover, B. (2019). *Pathways from Poverty: The future of the DWP*. London: Demos. [online]. Available at: https://demos.co.uk/project/the-future-of-the-dwp/). [↑](#footnote-ref-80)
81. Butler, P. (2018d). Welfare spending for UK's poorest shrinks by £37bn. *The Guardian*, [online] 23 September. Available at: https://www.theguardian.com/politics/2018/sep/23/welfare-spending-uk-poorest-austerity-frank-field. [↑](#footnote-ref-81)
82. A survey carried out by NHS Providers found that : - more than nine out of ten (92%) of mental health trusts that took part in a survey said changes to benefits were increasing demand for mental health services; - 95 per cent indicated that homelessness was a factor; - 98 per cent cited financial hardship and a similar proportion (97 per cent) pointed to increased loneliness and isolation), and: - 91 per cent cited cuts in local services. (NHS Providers (2019*). Benefit changes and loneliness behind the growing deficit of mental health care*. [press release] 8 March. Available at: https://nhsproviders.org/news-blogs/news/benefit-changes-and-loneliness-behind-the-growing-deficit-of-mental-health-care). [↑](#footnote-ref-82)
83. Para.31. [↑](#footnote-ref-83)
84. The £7bn reduction in adult social care funding since 2010 has resulted in less spending on those with all levels of care needs and on services that prevent further care need. Alongside this, there has been a reduction in the levels of primary and community health care and the prevention of ill health, with fewer GPs, a 45% reduction in district nurses since 20101 and a 10% reduction in the Government grant for public health since 2015/16. This has resulted in a vicious spiral for social care. Significant increases in hospital attendances and admissions, leading to increased need for social care on discharge, have been experienced by 87% of councils as a pressure. 71% of directors report that these pressures have been further exacerbated by insufficient capacity in primary care, community health care or mental health services. 74% of the 150 directors who responded to the survey said they felt fairly or very pessimistic. (Association of Directors of Adult Social Services [ADASS], (2019). *KEY MESSAGES- ADASS Budget Survey 2019*. [online]. Available at: https://www.adass.org.uk/media/7276/key-messages-2019\_sans-embargo.pdf) [↑](#footnote-ref-84)
85. According to analysis by the Institute of Fiscal Studies (IFS), this pattern of cuts has meant that spending per person in the most deprived fifth of councils has fallen from 1.52 times to 1.25 times the level in the least deprived fifth between 2009-10 and 2017-18. (Smith, N.A. and Phillips, D. (2019). *English council funding: what’s happened and what’s next? Institute for Fiscal Studies briefing note*. [online] 29 May. Available at: https://www.ifs.org.uk/publications/14133). [↑](#footnote-ref-85)
86. One-off funding injections have helped to curb the severity of immediate pressures but are only short-term and do not address the underlying structural problems facing the care and support system. (Local Government Association, Age UK, Alzheimer’s Society, Association of Directors of Adult Social Care, Association of Directors of Public Health, Care and Support Alliance, Care England, Care Provider Alliance, Carers UK, Independent Age, NHS Confederation, NHS Providers, Sense, Solace, Voluntary Organisations Disability Group (2019). Joint letter on social care. [online] March. Available at: https://www.local.gov.uk/joint-letter-adult-social-care). [↑](#footnote-ref-86)
87. IPPR (2019). *Social care: Free at the point of need - The case for free personal care in England*. [online]. Available at: https://www.ippr.org/research/publications/social-care-free-at-the-point-of-need [↑](#footnote-ref-87)
88. Duffy, S. (2018b). *Cumulative Impact Assessment (CIA): statement by the Centre for Welfare Reform*. [online] Centre for Welfare Reform. Available at: https://www.centreforwelfarereform.org/library/cumulative-impact-assessment-cia.html [↑](#footnote-ref-88)
89. House of Lords Economic Affairs Committee (2019). *Act now on social care crisis, Lords report tells Government*. [press release] 4 July. Available at: https://www.parliament.uk/business/committees/committees-a-z/lords-select/economic-affairs-committee/news-parliament-2017/social-care-report-launch/ [↑](#footnote-ref-89)
90. Institute for Public Policy Research [IPPR], (2018). *Fair Care - A workforce strategy for social care*. [online]. Available at: https://www.ippr.org/research/publications/fair-care [↑](#footnote-ref-90)
91. Pring, J. (2019). Research shows ‘dramatic postcode lottery’ in independent living support. *Disability News Service*, [online] 2 May. Available at: https://www.disabilitynewsservice.com/research-shows-dramatic-postcode-lottery-in-independent-living-support/ [↑](#footnote-ref-91)
92. In March 2019, Disability News Service reported that Barnet council wants to save more than £400,000 in 2019-20 by creating more “cost effective support plans”, such as using residential care rather than funding support packages that allow disabled people to live in their own homes. The north London council says it wants to consider “the full range of care options to meet eligible needs (eg residential care), rather than offering community-based placements (eg supported living) by default”. (Pring, J. (2019). Tory council set to force disabled people into residential care to cut costs. *Disability News Service*, [online] 28 March. Available at: https://www.disabilitynewsservice.com/tory-council-set-to-force-disabled-people-into-residential-care-to-cut-costs/). [↑](#footnote-ref-92)
93. Independent Living Strategy group [ILSG], (2018). *Charging for Social Care: A tax on the need for support?* [online]. Available at: http://www.in-control.org.uk/media/254297/charging%20for%20social%20care%20-%20ilsg%20report%20(1).pdf [↑](#footnote-ref-93)
94. There has been a nine per cent increase in complaints about charging. Of those complaints, it is upholding 67% - higher than the average uphold rate for adult social care of 62%, and greater still than the 57% uphold rate for all complaints the Ombudsman investigates. Michael King, Local Government and Social Care Ombudsman, said: “It’s no longer just one-off mistakes; we’re seeing problems with systems, policies and the way procedures are being applied.” (Local Government and Social Care Ombudsman (2018). *Social care pressures reflected in Ombudsman’s annual review of complaints*. [press release] 28 November. Available at: https://www.lgo.org.uk/information-centre/news/2018/nov/social-care-pressures-reflected-in-ombudsman-s-annual-review-of-complaints). [↑](#footnote-ref-94)
95. Councils are increasingly adopting charging policies that take DLA/PIP into account, either in full or in part, when calculating the contribution Disabled people need to pay towards their support. DLA/PIP are intended as benefits to cover the extra costs of being Disabled. Charging increases are regressive and have occurred since the Care Act 2014 was introduced in England. Caps on charges in England have also it seems been scrapped by most LAs and there is no limit for charges. There are increased charges also in Wales where a cap on charges has been adandoned. Disabled People Against Cuts [DPAC], (2019). *Post Code Lottery Project: charging responses*. [online]. Available at: https://drive.google.com/file/d/1hQ3f3oy029vAzsdDEbUQymKdTe5lXt5t/view [↑](#footnote-ref-95)
96. Association of Directors of Adult Social Services [ADASS], (2019). *ADASS budget survey: human cost of failing to address the crisis in adult social care*. [press release] 26 June. Available at: https://www.adass.org.uk/media/7278/adass-budget-survey-2019-press-release-sans-embargo.pdf [↑](#footnote-ref-96)
97. A total of 23 people died in or after detention in 2017-18, according to official figures released by the police watchdog, up from 14 people the previous year.

    More than half had mental health problems, according to the Independent Office for Police Conduct (IOPC), who said the conditions included psychosis, depression and self-harm or suicidal tendencies. Eighteen people had drug and or alcohol issues. (Dodd, V. (2018). Police custody deaths hit 10-year high, with experts citing austerity. *The Guardian*, [online] 25 July. Available at: https://www.theguardian.com/uk-news/2018/jul/25/police-custody-deaths-hit-10-year-high-with-experts-citing-austerity). [↑](#footnote-ref-97)
98. BBC News (2018c). Theresa May: People need to know austerity is over. *BBC.co.uk*, [online] 3 October. Available at: https://www.bbc.co.uk/news/av/uk-politics-45733098/theresa-may-people-need-to-know-austerity-is-over [↑](#footnote-ref-98)
99. Figures from Eurostat, the European Union’s statistical office, show that, when spending is taken as a proportion of a country’s GDP, UK spending is below average in the EU and behind Belgium, Denmark, the Netherlands, Finland, Sweden, Germany, France, Luxembourg and even Lithuania, Slovakia and Hungary. (Pring, J. (2019). New EU figures demolish government claims of ‘world-leading generosity’ on disability. *Disability News Service*, [online] 11 July. Available at: https://www.disabilitynewsservice.com/new-eu-figures-demolish-government-claims-of-world-leading-generosity-on-disability/). [↑](#footnote-ref-99)
100. Over all, the UK is 23rd out of the 36 members of the OECD in terms of “incapacity” spend. (Organisation for Economic Co-operation and Development [OECD], (2019). *Public spending on incapacity*. [online]. Available at: https://data.oecd.org/socialexp/public-spending-on-incapacity.htm). The government prefers to highlight the UK’s spending on ‘incapacity’ compared to other G7 members, which are Japan, the US, Canada, France, Germany, Italy, as only Germany (and according to Eurostat figures, France) spend more than the UK. (Pring op. cit.). [↑](#footnote-ref-100)
101. The Office for Budgetry Responsibility (OBR) reported that spending on disability benefits - PIP, DLA and attendance allowance (for older people) - spending has risen faster than anticipated despite reform aimed to reduce it. The transition to PIP was intended to save 20 per cent relative to DLA remaining in place, but appears to have cost around 15 to 20 per cent more. Disability benefits spending continued to rise steadily between 2013-14 and 2017-18, with a rising proportion of the working-age population receiving either DLA or PIP. These figures are predicted to continue to rise. In December 2012, UKG predicted that moving to PIP would save £2.9 billion a year by 2017-18 and that introducing PIP would see a reduction in the number of claimants of 28 per cent by May 2018 (compared with what this number would have been under DLA). Predictions by DWP dramatically under-estimated the costs of rolling out PIP. Savings targets have now been revised to an over-spend by £1.5bn to £2bn, leaving an estimated £4.2bn gap in the public finances. (Office for Budget Responsibility [OBR], (2019). *Welfare Trends Report*. [online], London: OBR. Available at: https://obr.uk/download/welfare-trends-report-january-2019/). [↑](#footnote-ref-101)
102. Local Government Association [LGA], 2019. *Councils set Government ten-week deadline to publish much-delayed social care green paper*. [press release] 3 July. Available at: https://www.local.gov.uk/about/news/councils-set-government-ten-week-deadline-publish-much-delayed-social-care-green-paper [↑](#footnote-ref-102)
103. Association of Directors of Adult Social Services [ADASS], (2019). *ADASS budget survey: human cost of failing to address the crisis in adult social care.* [press release] 26 June. Available at: https://www.adass.org.uk/media/7278/adass-budget-survey-2019-press-release-sans-embargo.pdf [↑](#footnote-ref-103)
104. The National Audit Office (NAO) warns that progress with integration of health and social care has, to date, been slower and less successful than envisaged and has not delivered all of the expected benefits for patients, the NHS or local authorities. As a result, the government’s plan for integrated health and social care services across England by 2020 is at significant risk. The NAO found no compelling evidence to show that integration in England leads to sustainable financial savings or reduced acute hospital activity.

     National Audit Office [NAO], (2019). Health and social care integration. *NAO.org.uk*, [online] 8 February. Available at: https://www.nao.org.uk/report/health-and-social-care-integration/# [↑](#footnote-ref-104)
105. Reed, H. and Portes, J. (2018). *The cumulative impact on living standards of public spending changes*. Research Report 120, Manchester: Equality and Human Rights Commission, p.9. Available at: https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-living-standards-public-spending-changes. [↑](#footnote-ref-105)
106. Ibid. p.9. [↑](#footnote-ref-106)
107. Ibid. p.10. [↑](#footnote-ref-107)
108. Ibid. p.14. [↑](#footnote-ref-108)
109. He wrote: “We are witnessing the gradual disappearance of the postwar British welfare state behind a webpage and an algorithm. In its place, a digital welfare state is emerging. The impact on the human rights of the most vulnerable in the UK will be immense… One wonders why some of the most vulnerable and those with poor digital literacy had to go first in what amounts to a nationwide digital experiment. From the outset, the belief within DWP has been that the overwhelming majority of Universal Credit claimants are online and digitally skilled, and confident enough to claim and maintain benefits digitally… Universal Credit has built a digital barrier that effectively obstructs many individuals’ access to their entitlements.” (Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November, pp.7-8. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E). [↑](#footnote-ref-109)
110. Also, 21% of the UK population do not have five basic digital skills, according to the Lloyds Bank UK Consumer Digital Index 2018. (Ibid. p.8). [↑](#footnote-ref-110)
111. “Overall rollout of broadband internet in the UK may be high, but those figures hide the fact that many poorer and more vulnerable household are effectively offline and without digital skills. According to 2017 Ofcom figures, only 47% of those on low income use broadband internet at home. Only 42% of those who are unemployed and 43% of those on low income do their banking online. Women, older people, people who do not speak English and the disabled are more likely to be unable to overcome this hurdle... According to a 2017 Citizens Advice survey, 52% of its clients in ‘full service’ Universal Credit areas found the online application process difficult… Again, despite official protestations to the contrary, ‘digital by default’ is really much closer to digital only. Since Universal Credit was announced in 2010, DWP has always underlined that alternative routes to this benefit needed to be ‘kept to a minimum.’” (Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November, pp.7-8. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E.) [↑](#footnote-ref-111)
112. The inquiry findings include: • Between 2013/14 and 2017/18 no workplace discrimination cases received legal aid funding for representation in the employment tribunal. • only 1 in 200 cases taken on by discrimination specialists received funding for representation in court; • of 7,768 discrimination cases taken on between 2013/14 and 2017/18, only 18 such referrals were made for legal aid for a discrimination issue via the Telephone Gateway. EHRC’s recommendations included that UKG should change the financial eligibility threshold to expand the number of people that receive legal aid. (Equality and Human Rights Commission [EHRC], (2019). *Access to legal aid for discrimination cases*. [online]. Available at: <https://www.equalityhumanrights.com/sites/default/files/access-to-legal-aid-for-discrimination-cases-our-legal-aid-inquiry.pdf>).

     EHRC’s 2019 *Is Britain Fairer?* report also concluded that: “Since the last review in 2015, access to justice has deteriorated. Contributing factors have included cuts to legal aid and the disastrous impact of employment tribunal fees on people’s ability to take on employers who have flouted the law. Our rights are undermined if there is no means of redressing them in our justice system.” Equality and Human Rights Commission [EHRC], (2018). *Is Britain Fairer? The state of equality and human rights in Britain.* [online], p.5. Available at: https://www.equalityhumanrights.com/sites/default/files/is-britain-fairer-accessible.pdf) [↑](#footnote-ref-112)
113. Review into the impact of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, covering England and Wales. See Scotland report for details of the separate Scotland Legal Aid Review. [↑](#footnote-ref-113)
114. Their report concludes: “In all areas of law, participants reported financial, social, emotional, physical and mental health impacts. There were numerous reports of relationship difficulties due to the strains of struggling to resolve legal issues. The process of trying to pursue justice without legal aid added extra physical and mental strain, which may exacerbate existing physical and mental health issues or cause new ones. This was particularly noticeable for disabled participants, who found the stress of trying to resolve a welfare issue with inadequate advice made their health condition worse.” (Equality and Human Rights Commission [EHRC], (2019). *The impact of LASPO on routes to justice*, research report 118. [online]. Available at: https://www.equalityhumanrights.com/sites/default/files/the-impact-of-laspo-on-routes-to-justice-september-2018.pdf). [↑](#footnote-ref-114)
115. A BBC investigation found that cuts to legal aid have created "deserts" of provision across England and Wales. Analysis shows up to a million people live in areas with no legal aid provision for housing, with a further 15 million in areas with one provider. Analysis of Ministry of Justice and Legal Aid Agency data since 2011-12 found: - Around a million fewer claims for legal aid are being processed each year; - More than 1,000 fewer legal aid providers were paid for civil legal aid work than in 2011-12; - Four legal aid providers for welfare cover Wales and the South West while 41 cover London and the South East. (Gilbert, D. (2018). Legal aid advice network 'decimated' by funding cuts. *BBC News*, [online] 18 December. Available at: https://www.bbc.co.uk/news/uk-46357169). [↑](#footnote-ref-115)
116. In one example of this, Lambeth Law centre closed its doors this year after nearly forty years due to funding cuts. Law Centres Network [LCN], (2019). *Lambeth Law Centre closes after nearly 40 years.* [press release], 15 July. Available at: https://www.lawcentres.org.uk/policy/news/news/lambeth-law-centre-closes-after-nearly-40-years [↑](#footnote-ref-116)
117. As is the experience of Inclusion London and other DDPOS for example. [↑](#footnote-ref-117)
118. Women and Equalities Committee [WEC], (2019). *Enforcing the Equality Act: the law and the role of the Equality and Human Rights Commission*, Tenth Report of Session 2017–19, HC 1470, 30 July, p.63. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/1470/1470.pdf [↑](#footnote-ref-118)
119. Ibid. [↑](#footnote-ref-119)
120. Department of Health [DH], (2015). *The Care Act 2014: consultation on draft regulations and guidance to implement the cap on care costs and policy proposals for a new appeals system for care and support*. [online]. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/400757/2903104\_Care\_Act\_Consultation\_Accessible\_All.pdf [↑](#footnote-ref-120)
121. See Appendix B for detail. [↑](#footnote-ref-121)
122. Committee on the Rights of Persons with Disabilities [CRPD], (2018). *General comment No. 7 on article 4.3 and 33.3 of the convention on the participation with persons with disabilities in the implementation and monitoring of the Convention*. CRPD/C/GC/7. [online]. Available at: http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnbHatvuFkZ%2bt93Y3D%2baa2pjFYzWLBu0vA%2bBr7QovZhbuyqzjDN0plweYI46WXrJJwcWaiM0nmhGY0g4wq%2ftSjyVbUftqbcjul4sUkn4mGHh [↑](#footnote-ref-122)
123. Organisations *for* not *of* Deaf and Disabled people. In one example of this, the Cabinet Office held a workshop on the barriers facing disabled people without inviting a single DDPO to take part. (Pring, J. (2019). Shock and anger at government’s failure to invite DDPOs to disability workshop. *Disability News Service*, [online] 17 January. Available at: https://www.disabilitynewsservice.com/shock-and-anger-at-governments-failure-to-invite-DDPOs-to-disability-workshop/). [↑](#footnote-ref-123)
124. See Appendix B. [↑](#footnote-ref-124)
125. A parliamentary committee investigating issues related to hardship and vulnerable claimants linked to UC concluded that the “DWP’s systemic culture of denial and defensiveness in the face of any adverse evidence presented by others is a significant risk to the programme.” They recommended as a matter of urgency “the department needs to identify specific measures that demonstrate a step change in its attitude to listening and responding to feedback and evidence from its partners.” (Public Accounts Committee, *Universal Credit*, 26 October 2018, HC 1183 of session 2017–19. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/1183/1183.pdf). [↑](#footnote-ref-125)
126. There are a number of examples from the past year: Lords criticised UKG for breaking a promise made by Ministers that the UC “managed migration” pilot would be debated in Parliament before commencement. (HL Debate (2019), 23 July, vol. 799, c. 681-4. Available at: <https://hansard.parliament.uk/lords/2019-07-23/debates/EC664970-7CDC-4347-82F4-3F624FAB9E9A/UniversalCreditManagedMigration>); the ICO ruled that DWP broke the law by destroying a damaging internal report about its failure to ensure the safety of benefit claimants in jobcentres (Pring, J. (2019). DWP broke law by destroying safeguarding report, says information commissioner. *Disability News Service*, [online] 27 June. Available at: <https://www.disabilitynewsservice.com/dwp-broke-law-by-destroying-safeguarding-report-says-information-commissioner/>); responses to a range of questions asked of UC claimants in the 2017/2018 DWP claimant service and experience survey were deliberately omitted from the annual report and accompanying data tables, including questions concerning accessibility of the online requirements. (HC Debate (2019). Universal Credit: Written question – 225407. Answered 25 March. Available at: https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-02-25/225407/). [↑](#footnote-ref-126)
127. In a parliamentary briefing note, the EHRC goes on to summarise: “It does not allow for monitoring the impact of delivery on claimants who share protected characteristics, or provide a clear set of standards to help claimants understand their rights. Neither the customer charter nor the customer experience survey set out minimum standards or targets, which means the Department is not held to account for its service delivery through any external or independent scrutiny in the same way that other departments are, for example through Ofsted, the Care Quality Commission and NHS Improvement.” EHRC recommendations include establishment of an independent regulator and introduction of service standards. (Equality and Human Rights Commission [EHRC], (2019). *Briefing note for the Work and Pensions Select Committee: Using service standards to improve the social security system*. [online]. Available at: http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/welfare-safety-net-followup/written/97725.html). [↑](#footnote-ref-127)
128. issued by the Committee on its report adopted pursuant to proceedings under article 6 of the Optional Protocol (CRPD/C/15/R.2/Rev.1), as recommended by the Committee in paragraph 74 of its 2017 Concluding Observations (CRPD/C/GBR/CO/1). [↑](#footnote-ref-128)
129. See Appendix B. [↑](#footnote-ref-129)
130. Pring, J. (2019). User-led sector ‘faces threat of extinction’. *Disability News Service*, [online] 14 February. Available at: https://www.disabilitynewsservice.com/user-led-sector-faces-threat-of-extinction/ [↑](#footnote-ref-130)
131. In his 2018 Autumn budget, Chancellor Philip Hammond was keen to stress that his budget was nevertheless “unashamedly” intended to help “hard-working families… people who get up early every morning… the strivers, the grafters and the carers”. (Pring, J. (2018s). Budget 2018: Chancellor’s billions ‘will not halt universal credit humanitarian crisis’. *Disability News Service*, [online] 1 November. Available at: https://www.disabilitynewsservice.com/budget-2018-chancellors-billions-will-not-halt-universal-credit-humanitarian-crisis/). [↑](#footnote-ref-131)
132. The Committee Chair, Helen Jones MP, said: "Our inquiry into online abuse and the experience of disabled people has shown that social media is rife with horrendous, degrading and dehumanising comments about disabled people." (Petitions Committee, (2019). *Online abuse law not fit for purpose, says Petitions Committee*. [press release] 22 January. Available at: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/petitions-committee/news-parliament-2017/oa-report-publication-22-01/>). [↑](#footnote-ref-132)
133. DWP's recent universal credit PR campaign “partnership with Metro newspaper cost £225,458 for the 9 week campaign for both online and print ‘channels”.

     (Quince, W. (2019). Letter to the Deposited Papers Clerk, 31 July. Available at: http://data.parliament.uk/DepositedPapers/Files/DEP2019-0824/Metro\_campaign\_letter.pdf). [↑](#footnote-ref-133)
134. The Advertising Standards Authority (ASA) announced that it launched a formal investigation into DWP adverts after receiving more than 40 complaints about the adverts. (Pring, J. (2019). DWP’s ‘universal credit Metro lies’ backfire by sparking new campaign network. *Disability News Service*, [online] 11 July. Available at: https://www.disabilitynewsservice.com/dwps-universal-credit-metro-lies-backfire-by-sparking-new-campaign-network/). [↑](#footnote-ref-134)
135. Selby, A. and Wright, J. (2019). Universal Credit staff taped making disgusting comments about claimants. *Mirror*, [online] 6 October. Available at: https://www.mirror.co.uk/news/uk-news/universal-credit-staff-taped-making-20468965 [↑](#footnote-ref-135)
136. Booth, R. (2019). Racism rising since Brexit vote, nationwide study reveals. *The Guardian,* [online] 20 May. Available at: https://www.theguardian.com/world/2019/may/20/racism-on-the-rise-since-brexit-vote-nationwide-study-reveals [↑](#footnote-ref-136)
137. P A Media (2019). Homophobic hate crime reports soar but charges fall. *The Guardian*, [online] 11 September. Available at: <https://www.theguardian.com/society/2019/sep/11/homophobic-hate-charges-reports> ; Hamilton, F., Gibbons, K., Bannerman, L. (2019). More abuse, fewer arrests: the domestic violence figures from stretched police. *The Guardian*, [online] 12 March. Available at: https://www.thetimes.co.uk/article/more-abuse-fewer-arrests-the-domestic-violence-figures-from-stretched-police-smz73f7gp# [↑](#footnote-ref-137)
138. Donnelly, L. (2019). Soaring abuse of elderly amid warnings care system 'disintegrating'. *The Guardian*, [online] 30 June. Available at: https://www.telegraph.co.uk/news/2017/06/30/soaring-abuse-elderly-amid-warnings-care-system-disintegrating/ [↑](#footnote-ref-138)
139. Between 2016/17 and 2017/18 relative low income, before housing costs (BHC) for families where someone is disabled increased two percentage points to 21 per cent. Absolute low income both BHC and after housing costs (AHC) has increased for those in families where someone is disabled between 2016/17 and 2017/18. (Department for Work and Pensions [WPC], (2019). *Households below average income: 1994/95 to 2017/18*. [online] 28 March. Available at: https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201718). [↑](#footnote-ref-139)
140. A 2019 report finds: • Of the 14.2 million people in poverty, nearly half (48%) are families with a disabled person, (6.8 million); • Poverty rates are higher for Disabled people (28%) compared to families with no disabled people (19%); • 41% of people in families that include disabled children and one or more disabled adults are in poverty.; • 26% of people living in families that include one or more disabled adults and no disabled children are in poverty; • 28% of people living in families that include disabled children and no disabled adults are in poverty; • Inescapable costs: Disabled people often need to spend more than non-disabled people just to make society accessible and to have a similar standard of living. (Social Metrics Commission [SMC], (2019). *Measuring Poverty 2019*. [online]. Available at: https://socialmetricscommission.org.uk/wp-content/uploads/2019/07/SMC\_measuring-poverty-201908\_full-report.pdf). [↑](#footnote-ref-140)
141. Social Metrics Commission [SMC], (2018). *A New Measure of Poverty for the UK: the final report of the Social Metrics Commission.* [online], p.84. Available at: <https://socialmetricscommission.org.uk/MEASURING-POVERTY-FULL_REPORT.pdf> [↑](#footnote-ref-141)
142. Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E. [↑](#footnote-ref-142)
143. A survey of 1,259 CAP ‘Debt Help’ clients found that 32% of CAP clients experienced destitution while in financial difficulty, and that: - destitution is most widespread amongst Universal Credit, JSA and ESA claimants; - food and heat are most frequently comprised by families experiencing destitution. More than a third (37%) of households who experienced destitution also lived without lighting at least once a week; - half of those in destitute households are in rent or mortgage arrears and face the risk of homelessness. 53% had taken out credit to pay a bill or another debt and a third were replaying a benefit overpayment; - almost all of those who had experienced destitution said debt made their health worse. 69% said being in debt had caused a new mental health problem. (Christians Against Poverty [CAP], (2019). *Left Destitute by Debt*. [online]. Available at: https://capuk.org/connect/policy-and-government/left-destitute-by-debt). [↑](#footnote-ref-143)
144. HC Debate (2019). 11 February, vol. 654, c. 593. Available at: https://hansard.parliament.uk/commons/2019-02-11/debates/12019CB6-1B47-439F-8111-E22C2FA2D3AA/OralAnswersToQuestions [↑](#footnote-ref-144)
145. This represented an increase of 18.8 per cent compared to 2017/2018 and up 73 per cent since 2013/2014. [↑](#footnote-ref-145)
146. Trussell Trust (2019). *Record 1.6m food bank parcels given to people in past year as the Trussell Trust calls for end to Universal Credit five week wait*. [press release] 25 April. Available at: https://www.trusselltrust.org/2019/04/25/record-1-6m-food-bank-parcels/ [↑](#footnote-ref-146)
147. Newton, S (2018). Letter to Committee on the Rights of Persons with Disabilities from the Minister for Disabled people, Health and Work, updated: 3 October. https://www.gov.uk/government/publications/disabled-peoples-rights-information-following-the-uks-first-periodic-review/progress-on-the-uks-vision-to-build-a-society-which-is-fully-inclusive-of-disabled-people-letter-from-the-minister-for-disabled-people-health-and-w [↑](#footnote-ref-147)
148. Accompanying the UKG Response. (Department for Work and Pensions [DWP]/Office for Disability Issues [ODI], (2019). *2019 Progress Report on the UK’s vision to build a society which is fully inclusive of disabled people.* [online]. Available at: https://www.gov.uk/government/publications/disabled-peoples-rights-the-uks-2019-report-on-select-recommendations-of-the-un-periodic-review/2019-progress-report-on-the-uks-vision-to-build-a-society-which-is-fully-inclusive-of-disabled-people). [↑](#footnote-ref-148)
149. Pring, J. (2019). Ministerial group on disability met just three times in a year, DWP admits. *Disability News Service*, [online] 11 July. Available at: https://www.disabilitynewsservice.com/ministerial-group-on-disability-met-just-three-times-in-a-year-dwp-admits/ [↑](#footnote-ref-149)
150. Ministry of Housing, Communities & Local Government [MHCLG], Department for Work and Pensions [DWP], Prime Minister's Office (2019). *PM launches new drive to tackle barriers faced by disabled people*. [press release] 25 June. Available at: https://www.gov.uk/government/news/pm-launches-new-drive-to-tackle-barriers-faced-by-disabled-people [↑](#footnote-ref-150)
151. Data concerning disabled claimants on UC is not centrally collated. It is therefore not possible to evidence comparative impacts on UC on disabled claimants including in relation to sanctions. (HC (2019). Universal Credit: Written question – 238367. 28 March. Available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2019-03-28/238367/>).

     A Parliamentary Committee found: “The Department has no means to monitor the experience and treatment of vulnerable claimants, such as those with mental health conditions, as it does not collect data on these groups within its systems.” (Public Accounts Committee [PAC], (2019). *Universal Credit*. HC 1183, 26 October, p.13. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/1183/1183.pdf). [↑](#footnote-ref-151)
152. Committee on the Rights of Persons with Disabilities [CRPD[, (2017*). General comment No. 5 (2017) on living independently and being included in the community*. CRPD/C/GC/5. Available at: http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnbHatvuFkZ%2bt93Y3D%2baa2q6qfzOy0vc9Qie3KjjeH3GA0srJgyP8IRbCjW%2fiSqmYSI5yyfxH7zJpsfEu8cMblC%2fJwexKqmE7ZsbL30KaLOg [↑](#footnote-ref-152)
153. This has already been enacted in Scotland and the Welsh Assembly have announced their intention to do the same. [↑](#footnote-ref-153)
154. Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland published October 2017. [↑](#footnote-ref-154)
155. Equality and Human Rights Commission [EHRC}, (2019). *Supplementary written evidence from The Equality and Human Rights Commission (YDA0045)*. [online]. Available at: http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/human-rights-committee/the-detention-of-young-people-with-learning-disabilities-and-autism/written/101337.html [↑](#footnote-ref-155)
156. Ryan, F. (2019). *Crippled: the austerity crisis and the threat to disability rights*. London and Brooklyn: Verso, p.77. [↑](#footnote-ref-156)
157. Pring, J. (2019). Failure to extend ILF transition funding would be ‘another nail in coffin’. *Disability News Service*, [online] 1 August. Available at: https://www.disabilitynewsservice.com/failure-to-extend-ilf-transition-funding-would-be-another-nail-in-coffin/ [↑](#footnote-ref-157)
158. Pring, J. (2019). Research shows ‘dramatic postcode lottery’ in independent living support. *Disability News Service*, [online] 2 May. Available at: https://www.disabilitynewsservice.com/research-shows-dramatic-postcode-lottery-in-independent-living-support/ [↑](#footnote-ref-158)
159. See p.12 above. [↑](#footnote-ref-159)
160. See pp. 12-13 above. [↑](#footnote-ref-160)
161. Re BCF, see response to recommendation 114d) above. [↑](#footnote-ref-161)
162. Analysis of the Work and Health programme (WHP) in England and Wales from its launch in 2017-2018 up until February 2019 reveal that: - of the 51,490 individuals who have participated in the programme just 3,140 have achieved a job outcome; - 78% per cent of those that started the programme are disabled and 9% were from early access groups (both groups are voluntary participants) and 13% were long-term unemployed (mandatory participants). (Department for Work and Pensions [DWP], (2019). *Work and health programme statistics to February 2019*. [online]. Available at: https://www.gov.uk/government/statistics/work-and-health-programme-statistics-to-february-2019). [↑](#footnote-ref-162)
163. “The NAO has found that despite the Department’s decades of experience supporting disabled people it does not yet know as much as it could about what works in helping disabled people to get and keep jobs. It has also missed opportunities over the years to assess the impact and cost-effectiveness of its programmes, leaving it with limited evidence to support its current efforts.” (National Audit Office [NAO], (2019). *Supporting Disabled People to Work*. [online]. Available at: https://www.nao.org.uk/press-release/supporting-disabled-people-to-work/). [↑](#footnote-ref-163)
164. As one example of this, disability discrimination within the DWP is rocketing. New research has shown that the Employment Tribunal (ET) dealt with almost 60 claims of disability discrimination taken against the DWP by its own staff over a 20-month period. Since February 2017, it has dealt with 57 cases that include claims of disability discrimination by DWP across England, Scotland and Wales. The website’s database appears to show that DWP (with an estimated 75,000 staff) has the worst record on disability discrimination of any large government department, with 20 cases against the Home Office (which has about 30,000 staff), 32 against the Ministry of Justice (about 70,000 staff) and 29 against HM Revenue and Customs (about 60,000 staff). (Pring, J. (2018q). DWP faces nearly 60 disability discrimination tribunal cases in 20 months. *Disability News Service*, [online] 18 October. Available at: https://www.disabilitynewsservice.com/dwp-faces-nearly-60-disability-discrimination-tribunal-cases-in-20-months/) [↑](#footnote-ref-164)
165. In all, 6,841 employers had signed up by 22 June, with more than 4,000 at the lowest level, and just four employers in total signed up in Northern Ireland. (Pring, J. (2018). Disability Confident employers promise less than one job each on average. *Disability News Service*, [online] 12 July. Available at: https://www.disabilitynewsservice.com/disability-confident-employers-promise-less-than-one-job-each-on-average/). [↑](#footnote-ref-165)
166. He warned: “There have been efforts to adjust it and improve it over time, but when it starts from a position which is designed as imperfect, you’re lucky if it gets more perfect, it is just as likely to get more imperfect as you adapt it… Litchfield told the committee: “The philosophical basis of what we do as a society does need to be revisited.” Parliament TV (2017). 20 December. Available at: https://www.parliamentlive.tv/Event/Index/a6d24fc1-207c-49b2-8bd8-6f73807ff9d7 [↑](#footnote-ref-166)
167. UKG (2018). *Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland: information of the United Kingdom of Great Britain and Northern Ireland on follow up to the concluding observations*, p.19. [↑](#footnote-ref-167)
168. ARMYjobs (2019). Your Army Needs You, and Your Resilience. Youtube, [online] 2 January. Available at: https://www.youtube.com/watch?v=YFGHEZMSek4 [↑](#footnote-ref-168)
169. Nearly half of the increase in disability employment in the four years from 2013-14 and 2017-8 was due to Disabled people becoming self-employed or taking part-time jobs. Between 2013-14 and 2017-18, the number of full-time disabled employees rose by about 383,000, while the number of Disabled people in part-time jobs, self-employment, government training programmes and employed as unpaid family workers increased by about 366,000. During this period, the number of Disabled people in self-employment increased by more than 22 per cent, when the number of non-Disabled people who were self-employed rose by just nine per cent. The increase in the number of Disabled people in part-time self-employment increased even faster, by about 25 per cent. There was, though, also a sharp increase of about 22.5 per cent in full-time Disabled employees over the four years, although the number of part-time Disabled employees rose even faster, by about 27.5 per cent. (Pring, J. (2018). New job stats raise questions over ministers boasts on disability employment. *Disability News Service*, [online] 20 September. Available at: https://www.disabilitynewsservice.com/new-job-stats-raise-questions-over-ministers-boasts-on-disability-employment/) [↑](#footnote-ref-169)
170. Self-employment is difficult for anyone but the barriers are greater for Disabled people. One-fifth of self-employed sole traders don’t survive one year, and the majority don’t survive five. (Institute for Fiscal Studies [IFS], (2019). *One-fifth of self-employed sole traders don’t survive one year, and the majority don’t survive five*. [press release] 9 July. Available at: <https://www.ifs.org.uk/publications/14243>). Research from 2017 showed that two out of five in the UK are in “bad jobs” and that more than half of those in self-employment fail to earn a decent income. The research concluded that buoyant employment figures obscure reality with an insecure and underpaid workforce close to breaking point, and that job quality is worse for the self-employed, where low income is rife. (Wheatley, H. (2017). New research: More than half of self-employed not earning a decent living. *New Economics Foundation*, [online] 15 August. Available at: https://neweconomics.org/2017/08/self\_employed\_not\_earning).

     Self-employment rates are typically higher amongst people with disabilities or health conditions than amongst the general population, but Disabled self-employed people face significant problems in terms of surviving the initial start-up phase and sustaining the business. For example, fluctuating conditions can make self-employment very difficult to manage with periods of pain, fatigue or poor mental health which are difficult to predict leading to fluctuating periods of work and fluctuating income. Once in self-employment, many Disabled people have been found to be “struggling” (“earning less than £10,000 a year”) or “surviving” (“earning around £10,000 to £25,000 a year) but often only at the lower end of this bracket. (Department for Work and Pensions [DWP], (2019). *Summary: Understanding self-employment for people with disabilities and health conditions*. [online]. Available at: https://www.gov.uk/government/publications/self-employment-for-people-with-disabilities-and-health-conditions/summary-understanding-self-employment-for-people-with-disabilities-and-health-conditions). [↑](#footnote-ref-170)
171. A DWP briefing finds: “Most individuals and support organisations felt that it was more common for disabled self-employed individuals to have experienced being ‘pushed’ into self-employment, due to traditional employment being inaccessible to their needs, than being ‘pulled’ into self-employment by a passion or interest in a field, or a desire to work for themselves.” (Department for Work and Pensions [DWP], (2019). *Summary: Understanding self-employment for people with disabilities and health conditions*. [online]. Available at: https://www.gov.uk/government/publications/self-employment-for-people-with-disabilities-and-health-conditions/summary-understanding-self-employment-for-people-with-disabilities-and-health-conditions). [↑](#footnote-ref-171)
172. 60% of those living in poverty are in a family where someone works. Alston, P. (2018). *Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights*. Office of the High Commissioner for Human Rights, [online] 16 November, p.17. Available at: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881&LangID=E. [↑](#footnote-ref-172)
173. Analysis by the TUC shows that a pay gap of 15% between the average Disabled and non-Disabled worker. (TUC. (2018). *Disability Employment and Pay Gaps*. [online] Available at: <https://www.tuc.org.uk/sites/default/files/Disabilityemploymentandpaygaps.pdf>). Yet just 3% of all employers analyse pay data to explore any differences between Disabled and non-Disabled employees. (Equality and Human Rights Commission, [EHRC], (2018). *Measuring and reporting on disability and ethnicity pay gaps*. Research report 117. [online]. Available at: https://www.equalityhumanrights.com/sites/default/files/measuring-and-reporting-on-ethnicity-and-disability-pay-gaps.pdf). [↑](#footnote-ref-173)
174. Poor quality work can have a bigger detrimental impact on health than unemployment. (Chandola, T. and Zhang, N. (2018). 'Re-employment, job quality, health and allostatic load biomarkers: prospective evidence from the UK Household Longitudinal Study'. *International Journal of Epidemiology*, vol. 47, issue 1, pp. 47–57). [↑](#footnote-ref-174)
175. Greater London Assembly [GLA], (2019). *Survey of Londoners 2018-2019*. [online]. Available at: https://data.london.gov.uk/download/survey-of-londoners-headline-findings/8651029c-3fb1-49ea-a73d-67bee4dac6eb/Survey%20of%20Londoners%20data%20tables.xlsx [↑](#footnote-ref-175)
176. Announced in the 2015 Summer Budget, whereby most working-age benefits have been kept at their 2015/16 cash value in spite of rising costs of living. [↑](#footnote-ref-176)
177. Joseph Rowntree Foundation [JRF], (2019). *Briefing: end the benefit freeze to stop people being swept into poverty*. [online]. Available at: https://www.jrf.org.uk/file/lifting-freeze-briefing-march-2019pdf [↑](#footnote-ref-177)
178. Work and Pensions Committee [WPC], (2019). Benefit freeze. *parliament.uk*, [online]. Available at: https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/inquiries/parliament-2017/inquiry19/ [↑](#footnote-ref-178)
179. Pring, J. (2019). Tomlinson silent after lying to MPs about benefit freeze. *Disability News Service*, [online] 28 March. Available at: <https://www.disabilitynewsservice.com/tomlinson-silent-after-lying-to-mps-about-benefits-freeze/> [↑](#footnote-ref-179)
180. As of February 2019, there were 2,073,000 claimants in receipt of ESA. (Department for Work and Pensions [DWP], (2019). *DWP Benefits Statistical Summary, August 2019*. [online]. Available at: https://www.gov.uk/government/publications/dwp-benefits-statistics-august-2019/dwp-benefits-statistical-summary-august-2019). [↑](#footnote-ref-180)
181. Pring, J. (2018). MPs raise concerns with McVey over ‘stress and poverty’ caused by WRAG cuts. *Disability News Service*, [online] 12 July. Available at: https://www.disabilitynewsservice.com/mps-raise-concerns-with-mcvey-over-stress-and-poverty-caused-by-wrag-cuts/ [↑](#footnote-ref-181)
182. Research found that for every claimant who managed to move off the cap, there is more than one household “stuck” on it for six months or longer. Compared to the cohort who moved into employment, the group of ‘stuck’ households are disproportionately made up of single households (25% vs 9% among those who moved into work), and by ESA claimants (15% vs 8%). Single claimants on ESA appear to be a group who are particularly unresponsive to the work incentives introduced by the cap and need extra support. Two thirds of these households are likely to be facing a cash shortfall between their monthly income and estimated costs, against only 20% among all other working age housing benefits claimant in the sample. The average gap between their rent and housing benefit is £72 per week, or £3,750 per year. This evidence is consolidated further by the findings of analysis carried out on a sample of council tenants across 11 local authorities in England. When comparing different levels of rent arrears, it emerges that capped tenants are two thirds more likely to be in rent arrears than all other tenants claiming housing benefits. (Policy in Practice (2018). Benefit Cap: Policy in Practice’s evidence to the Work and Pensions Select Committee. *policyinpractice.co.uk*, [online] 10 October. Available at: http://policyinpractice.co.uk/benefit-cap-policy-in-practices-evidence-to-the-work-and-pensions-select-committee/). [↑](#footnote-ref-182)
183. Transitional protections were put in place to protect existing EDP and SDP claimants from financial loss but these only applied to claimants moving onto UC through “managed migration”. The transitional protections did not cover claimants moving onto UC through a change of circumstance, for example moving from an area where UC has not yet been rolled out to one where it has. The Work and Pensions Committee put this down to “serious error” within the DWP. (Work and Pensions Committee [WPC], (2018e). *Universal Credit: support for disabled people.* 19 December, HC 1770, 2017-19, pp.20-21. Available at: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1770/1770.pdf>).

     As we reported last year, two Disabled men who had lost over £170 per month when they were moved onto UC took a judicial review and won. The high court ruling found that the Secretary State of Work and Pensions had unlawfully discriminated against Disabled people on existing benefits. It did not find that removal of EDP and SDP under UC was itself discriminatory so new claimants will still not be able to receive these additional payments. (*R (TP and AR) v Secretary of State for Work and Pensions (Universal Credit*).) One week before the judgment was handed down, UKG announced changes so no-one in receipt of SDP will be made to move onto UC until transitional protection is in place. (HC Debate, 7 June, vol. 642. Available at: https://hansard.parliament.uk/commons/2018-06-07/debates/18060727000016/UniversalCredit). Meanwhile, the DWP applied for permission to appeal the ruling and initially attempted to appeal that the two men should not be paid damages for their losses. (Butler, P. (2018). Government to pay thousands to Disabled men who had benefits cut. *The Guardian*, [online] 31 July. Available at: https://www.theguardian.com/society/2018/jul/31/government-to-pay-thousands-to-Disabled-men-over-benefits-discrimination-universal-credit). [↑](#footnote-ref-183)
184. Leigh Day (2019). *Government defeated again as High Court finds Universal Credit migration arrangements unlawful.* [press release] 3 May. Available at: https://www.leighday.co.uk/News/2019/May-2019/Government-defeated-again-as-High-Court-finds-atte [↑](#footnote-ref-184)
185. The hardest hit group are those Londoners in the second poorest 10% of households, who, by 2021-22, will be receiving £610 a year less than they otherwise would have been as a result of benefit changes, mainly the four-year freeze to working-age benefits. (Greater London Assembly [GLA], (2019). *Cumulative Impact Assessment of Welfare Reform in London*. Available at: https://data.london.gov.uk/dataset/welfare-reform-2019) [↑](#footnote-ref-185)
186. P.19 above. [↑](#footnote-ref-186)
187. The letter highlights that according to recent figures, just 0.8 per cent of cases reviewed so far (3,500 out of 440,000) have received arrears payments, yet according to UKG’s original assessment, 14% of PIP case load would be affected. Field, F. (2019). 1 August. Available at: https://twitter.com/frankfieldteam/status/1156932499383173122 [↑](#footnote-ref-187)
188. P.21 above. [↑](#footnote-ref-188)
189. Housing, Communities and Local Government Committee (2019). *Local services will continue to decline until Government tackles £5 billion funding gap*. [press release] 21 August. Available at: https://www.parliament.uk/business/committees/committees-a-z/commons-select/housing-communities-and-local-government-committee/news/local-govt-finance-report-published-17-19/ [↑](#footnote-ref-189)
190. A House of Lords committee wrote to the government in 2019 about its failure to spend more than £3.5m, saying it was "extraordinary" that the EU funding has not been used. Coughlan, S. (2019). Child poverty cash handed back to Europe unspent. *BBC News*, [online] 27 July. Available at: https://www.bbc.co.uk/news/education-49131685 [↑](#footnote-ref-190)
191. See response to recommendation 114b) on p.21 above. [↑](#footnote-ref-191)
192. Bloom, D. (2019). DWP slammed by charity for plan to hold mental health assessments in JobCentres*. Mirror*, [online] 21 March. Available at: https://www.mirror.co.uk/news/politics/dwp-slammed-top-charity-plan-14154522 [↑](#footnote-ref-192)
193. The death of Julian Gaunt in Norfolk in November 2018 was linked to unacceptable waiting times for support with a senior corner stating she is particularly concerned that “people with less serious problems could receive treatment from the county's wellbeing service faster than those with more complex conditions.” (Whymark, B. (2019). Mentally ill father's death could spark review into psychological treatment services. *Eastern Daily Press*, [online] 30 April. Available at: https://www.edp24.co.uk/news/gaunt-inquest-norfolk-nsft-prevention-future-deaths-report-1-6025120). [↑](#footnote-ref-193)
194. Think Local Act Personal (TLAP) is a partnership spanning central and local government, the NHS, service providers and service users. [↑](#footnote-ref-194)
195. Wessely, S. (2018). Modernising the Mental Health Act: Increasing choice, reducing compulsion: Final report of the Independent Review of the Mental Health Act 1983. [online] pp.54-57. Available at: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/778897/Modernising_the_Mental_Health_Act_-_increasing_choice__reducing_compulsion.pdf>).

     See analysis: National Survivor and User Network [NSUN], (n.d.). Independent Review of the Mental Health Act: What next? [online]. Available at: https://www.nsun.org.uk/independent-review-of-the-mental-health-act [↑](#footnote-ref-195)
196. The disability employment programme. [↑](#footnote-ref-196)
197. Dinenage, C. (2019). Letter from Minister of State for Care to Tracey Lazard, CEO of Inclusion London, 27 September. [online]. Available at: https://www.inclusionlondon.org.uk/wp-content/uploads/2019/10/Response-from-the-Care-Minister-30.09.2019.pdf [↑](#footnote-ref-197)
198. Pring, J. (2019). Criticism over ‘shocking’ appointments to ODI’s new disability networks. *Disability News Service*, [online] 10 October. Available at: https://www.disabilitynewsservice.com/criticism-over-shocking-appointments-to-odis-new-disability-networks/ [↑](#footnote-ref-198)