

# **Making rights a reality for disabled people**

**A discussion paper from the  
Shadow Work and Pensions Team**

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Photo: Braille Institute

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**Labour's priorities in this parliament:  
making rights a reality**

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# Introduction

## **Labour is proud of its record for disabled people.**

We appointed the late Alf Morris as the world's first Minister for Disabled People, and established the Equality and Human Rights Commission. We introduced Supporting People, Valuing People, and the New Deal for Disabled People. We passed the Equality Act.

But we know that we didn't get everything right.

We want to use this next period of opposition to develop our ideas for the next Parliament while keeping up our campaign against government changes that we think are wrong.

One in five of our fellow citizens are disabled,<sup>1</sup> and disability is something that can affect any of us. So, we are ambitious for a single goal: making rights a reality for disabled people.

The purpose of this paper is to generate debate about the priorities for disabled people here and now, and in the next Parliament.

We believe that this government is forcing disabled people to pay for its economic mistakes.

The coalition government promised to secure the recovery. But their failed policies mean that Britain is now in the longest double-dip recession since the Second World War. Family budgets are being squeezed hard as prices rise faster than wages. This has led to government borrowing rising by a quarter so far this year.

As a consequence of government decisions, disabled people are carrying a heavier load than bankers in bringing down this debt. In the final year of this Parliament, cuts to disability benefits will be 40 per cent more than the amount taken off banks.

We are furious about the cumulative impact of the current benefit changes on disabled people. That's why we summoned the government to the House of Commons and forced a vote on whether to assess the combined impact of these changes. The government has refused to undertake that assessment.

Now the government plans to water down the Equalities Act, which risks undermining the progress we've made in advancing equality and improving outcomes for disabled people.

The government wants to keep what is happening a secret. Well, we won't let them. We will continue at every opportunity to highlight the impact the government is having on disabled people's:

- Right to work
- Right to live independently
- Right to a roof over their head
- Right to a family life
- Right to live free of fear.

These rights should be fundamental to a society where disabled people are valued as participating members of our community. In the same way that disabled people share the same responsibilities as everyone else. There will be challenging times ahead. There will be tough decisions that we will need to make together, as an opposition and as a government. Working with disabled people will ensure that those decisions are the right ones.

This year is the 70<sup>th</sup> anniversary of the Beveridge Report. At the heart of that report was the idea of 'universal provision' for those who need extra help because they are unable to work. We believe that shouldn't simply be a lofty ambition. It should be something we deliver in practice.

# The right to work

**Labour is the party of full employment. We believe everyone has a right to work – and a responsibility to work if they can.**

We believe this Government simply isn't doing enough to help get disabled people into work and stay in work. Some of their changes are actually making things harder.

The Work Programme is missing its target for disabled people by over 60%, and those on ESA who volunteer for the programme are almost a third less likely to get a start than anyone else.<sup>2</sup>

Voluntary sector providers are leaving the Work Programme as the scheme continues to be dogged by widespread concerns of 'cherry-picking' and unsustainable levels of risk are placed on small third sector providers,<sup>3</sup>

forcing those best suited to helping disabled people into work out of the Programme.

This failure is holding back thousands of disabled people who desperately want a job or a career, and the result of this shambles is a Work Programme that does not work for disabled people.

## Mismanagement of Remploy

Everyone agrees Remploy has to change, but this government's management of the process has ranged from the shambolic to the disgraceful. Meanwhile, factories have been closed, at the height of a recession brought on by this government's economic failure, in constituencies where there are twice as many people chasing every job as the national average.





# The right to live independently

**Social Security has always provided universal help for those in need – help to live an independent life. Yet the government’s top-down cuts to disability benefits have been clumsy and badly thought through, with no account taken for how people actually live their lives.**

## Disability Living Allowance

Disabled people face costs of an extra 24% on top of normal expenditure.<sup>4</sup> DLA is crucial in helping disabled people meet these costs and live independently.

DLA needs reform and Labour believes an independent assessment is needed to judge eligibility.

But assessment must be designed around what disabled people need – and then saving should come from that, not the other way round.

However, the government’s plans start from a basis of getting 500,000 people off DLA.<sup>5</sup> And the reality is that they are now trying to mould a benefit around this, rather than around meeting the needs of individual disabled people. That can’t be right.

Disability Rights UK believes that thanks to the government’s clumsy plans, 25,000 disabled people could be forced to give up their jobs because they can no longer afford the extra costs of getting to work.<sup>6</sup>

What’s more, DLA is a passport to other crucial benefits and services. But ministers have given no clue as to how access to some of these vital services will be maintained.

## Testing for Employment Support Allowance

Labour introduced reform of ESA – and the Work Capability Assessment (WCA). In the legislation we put in a provision for a review of the test.

But the reform of ESA is being so botched that 38% of people are winning their appeals.

And more and more charities are saying that the “descriptors” used for Work Capability Assessments are failing. RNIB for example, tell us that “currently someone who is totally blind can be found fit for work and be put straight onto JSA”.

The result is a system creaking under the weight of an appeals system that has seen the average waiting time double under this government.<sup>7</sup>

One constituent has been out of work for a year due to a long term back problem and shoulder injury. The WCA found him fit for work, yet this hasn’t been linked up to support in finding a job. The Jobcentre has not found him an accessible training course that he can attend due to his disability – leaving him without the vital support he needs to return to the job market.

We believe changes to Work Capability Assessment are needed so that everyone gets the help they need.

Ministers seem to have abandoned plans for a truly collaborative update of the WCA ‘descriptors’. Although many charities have submitted recommendations to DWP, as Professor Harrington suggested, there has been no evidence that they will ever see the light of day.

The government should urgently improve the Work Capability Assessment, and get on with giving disabled people the support they need.

## The right to live independently (continued)

### Contributory ESA

Ministers have moved the goalposts on contributory benefits for disabled former workers so those that have worked hard and paid in to the system will now lose the support they had been promised.

Under government changes Employment and Support Allowance will be limited to just one year for people in the Work Related Activity Group (WRAG).

Labour fought these plans alongside those who campaigned on this issue, and won vital concessions for cancer patients. However, more than 280,000 will lose their benefit after only one year.<sup>8</sup>

We believe that the one year time limit on contributory ESA is too short, and will see people forced to go out looking for work before they are physically ready to do so. Labour would like to see the limit doubled to two years to give those who need it extra time to get back into the job market.

### Improving Assessment

Everyone agrees that assessments are necessary to make sure people get the help and support they need, but the last thing anyone wants to do is fill out time consuming forms, or take a series of tests unless they are absolutely necessary.

Labour believes it is now time to look again at how we can streamline the process.<sup>9</sup>

For example, we think that Ministers should look at introducing assessments which dovetail together to gauge eligibility and need in the quickest and most efficient way possible.

**Disabled people face costs of an extra 24% on top of normal expenditure<sup>4</sup>**



### Social Care

The Social Care crisis is not going away. This is a devolved issue in Scotland and Wales. In England all we seem to get from this government is prevarication and inaction, and Ministers' Care and Support White Paper simply kicks the issue of long-term care into the long grass. It is an issue which is important to both carers and to disabled people.

The government has cut £1.3 billion from older people's social care alone, and there have been huge increases in local council charges for home care services - the average charge for an hour of home care has rocketed 10 per cent since 2009/10.<sup>10</sup>

There are also wide disparities in the price people pay for care depending on where they live: whilst home care is free in Tower



Photo: Cathy J

Hamlets, it costs £21.50 per hour in Brighton and Hove.

These care charges hit the most vulnerable people in society and are contributing to the squeeze in living standards facing many older and disabled people. Cutting support to disabled people risks costing us more than it saves if people can't remain living independently in their own home.

It is clear the system is not working, and people in need of support are paying the price of a government that is failing to act. In spite of earlier promises, Ministers appear to be rowing back from earlier commitments to legislate in this session of Parliament.<sup>11</sup>

The Dilnot Commission on long term care funding proposed capping the costs of care that people would be expected to pay to

between £25,000 and £50,000, and raising the means-tested threshold above which people have to pay for full care costs, from £23,250 to £100,000.

Labour has welcomed these proposals as a step towards a better, fairer and more sustainable system, which recognises the need to balance the individual's responsibility to pay for their own care with the role of the state. Ed Miliband initiated cross party talks on the future funding of social care and these talks are currently underway. We are determined to play our full part in trying to secure cross party agreement on this crucial issue, and are pushing for progress on these talks as a matter of urgency.

This issue is too important to duck and decisions are too urgent to delay.



# The right to a home

**Ministers' new housing benefit rules mean thousands of disabled people will have to re-evaluate whether they can afford to live in their own home.**

## Housing Benefit

Housing benefit can be a vital lever of support for disabled people all over the country who need a little extra help to pay the bills at the end of the month, but government changes to 'under-occupancy' rules mean thousands will lose an average of £700 a year.<sup>12</sup>

These plans are a blunt and ineffective measure which will result both in cuts to the incomes of some of the poorest people in society, and in huge increases in arrears for Councils and Housing Associations.

These changes are so badly thought through

they could actually end up costing more than they save. Labour voted for an alternative measure that would only have penalised people who refused to move to suitably sized available accommodation.

Ministers rejected Labour's proposals for a more workable scheme. They even refused to make concessions to the vulnerable groups such as those in Employment and Support Allowance support group who are too ill to work, adults and children on Disability Living Allowance.

The result is that these changes will now hit 200,000 disabled people.<sup>13</sup>

Government moves to solve the problem have only resulted in more confusion. Discretionary Housing Payments cash is limited – leaving disabled people with no certainty as to whether they will be hit by this arbitrary cut.





# The right to a family life

**In spite of David Cameron's claims, changes to the support within the new Universal Credit will see families with disabled children receive £1400 a year less than they would receive under the current system.<sup>14</sup>**

## Disability premium in Universal Credit

Universal Credit will see a reduction by half in the amount of money allocated to disabled children.

Currently families with disabled children receive £54 per week per child from the disability element of the Child Tax Credit. But this will be reduced by half to £27 per week when it is converted to the disability element of Universal Credit in 2013.

These changes will mean a loss of around £1,400 per year for a family with a disabled child – £22,000 over the lifetime of the child, and with that amount doubled if the family has two disabled children.<sup>15</sup>

The truth is this cut will place many disabled children into poverty.

In spite of these facts David Cameron has repeatedly claimed that *"We are not cutting benefits for disabled children."*<sup>16</sup>

But the truth is the benefit on offer for new claimants is being cut to the tune of more than £1,400 a year.

Labour opposed these plans because they fail the basic fairness test and they don't take into account the reality of life for parents of disabled children. We believe the government should look again at the impact these proposals will have on the lives of some of our most vulnerable children.

# £1,400

**Loss per year for a family with a disabled child**



# The right to live free of crime

**As story after story depicts negative impressions of anyone in receipt of disability benefits, it is no surprise that almost half of the disabled people surveyed felt attitudes towards them had hardened. Sadly, the government appears to perpetuate a negative attitude towards disabled people, which has shaped much of the debate on welfare reform and the provision of benefits.**

## Hate crime

The EHRC reports that around 1.9 million disabled people were victims of crime in 2009-10,<sup>17</sup> and we know that disabled people face a greater risk of being a victim of crime than people who are not disabled.

Research for Scope by ComRes has shown that 47 per cent of disabled people feel that attitudes towards them had got worse over the past year, with 66 per cent of disabled people reporting experiencing aggression, hostility or name calling.<sup>18</sup>

Labour believes ministers must do much more to tackle outlandish language around the welfare reform debate, and that they should take on misconceptions that can add to an atmosphere of mistrust towards disabled people.

## Legal Aid

Thanks to this government's plans many disabled people no longer have a means of legally securing their rights.

Cuts to legal aid could end up costing more than they save as ministers' plans are set to leave thousands abandoned and adrift, just when they need support most.

Ministers have targeted Ministry of Justice cuts not at the ever-expanding criminal legal aid budget (£1.2 billion), but at the far smaller budget for frontline social welfare advice (£0.2 billion). This includes the kind of advice delivered by charities like Citizens Advice Bureau and neighbourhood Law Centres up and down the country.

These cuts will leave the most vulnerable without any legal support when things go wrong with no alternative source of advice available or suitable representation.

Indeed, many of the problems welfare advice organisations are funded to solve will escalate, meaning that, as well as hurting some of the most vulnerable in society when they are most in need, these changes could end up costing more than they save.<sup>19</sup>

These plans are so half-baked they have united third sector organisations, former Tory cabinet ministers, the Taxpayers Alliance,<sup>20</sup> some Liberal Democrats and the Labour Party in opposing these reforms.

# 66%

**disabled people reporting experiencing aggression, hostility or name calling**

# Labour's priorities in this parliament: making rights a reality

**We believe that independence, choice and control should be at the heart of our approach.**

So together Anne McGuire and I, along with Shadow Social Care Minister, Liz Kendall, will over the next six months be gathering evidence around the country from disabled people, carers, campaigners, public service and business leaders about how we renew the universal in the universal welfare state by turning rights into reality.

We have to ask how do local councils, the DWP and where needed the NHS, come together to offer one assessment of the health, social care, benefits and back to work support that disabled people might need?

The right to health; to be skilled and knowledgeable; to be able to work if you can; to have a roof over your head; to live free from fear of attack; to have a family; to be part of a community; to be able to move about; to have aspirations for the future.

What are the basic rights of disabled people which this government is putting at risk?

## The Right to Work

Labour has said it'll keep the Work Programme if it's cost effective and delivering. But it's clearly not delivering for disabled people.

Do you have experience of current employment support programmes such as the Work Programme, Access to Work, Work Choice, or other support provided by your local authority? What was your experience of these programmes and what are the key changes you would like to see to help more disabled people into work?

How can disabled people be better supported to take up work experience, volunteering or

entrepreneurship? How can disabled adults be supported to access further and higher education?

How would you like to see initiatives like supported employment evolve, and how can disabled people be supported into fulfilling careers, rather than simply jobs?

How do you ensure that the route from benefits to work is more transparent for the disabled person and prospective employer?

It is in employers' interests to recruit and retain talent from the widest possible pools. What can employers do to help disabled people get into work and stay in work?

How can carers be better supported to stay healthy, and juggle work and care?

What can be done to help narrow the pay gap between disabled and non disabled people?

## The Right to live independently

Britain's social care system is in crisis, and disabled people must be included in the debate on how to change it. What support do disabled people need on a day to day basis, and how could they be assessed for this support?

How will government reforms jeopardise disabled people's ability to live independently?

Could DLA have been successfully reformed or did we need a new benefit?

If so, what changes would you like to have seen?

How do you think WCA should be changed?

What is the best way to join up support provided through DLA, ESA and Social Care?

## **Labour's priorities in this parliament: making rights a reality (continued)**

### **The Right to a home**

What changes would make a reality of disabled people's right to a home?

How can disabled people who want to move into their own home be better supported?

How are disabled people affected by the government's cuts to Local Housing Allowance?

### **The Right to a family life**

What changes do disabled people need to help them as parents?

What changes do parents of disabled children need to help them?

How should we support disabled children and young people to become involved in decisions about their lives?

Does the focus on purely educational outcomes meet the needs of disabled children and young people?

### **Right to live free of crime**

How can we stop the escalation in hate crime towards disabled people?

How can we tackle stigma experienced by disabled people and carers?

Should ministers be doing more to tackle negative public attitudes towards those genuinely in need?

Are there new safeguards that should be put in place to protect disabled people? If so, what are they?

**We would be interested in *your* views on the key issues in this paper: Making rights a reality.**

**Please contribute to the debate by responding to the questions overleaf, or telling us anything else you think would be valuable at [byrnel@parliament.uk](mailto:byrnel@parliament.uk).**

**If you would like help contributing to the debate, or would like to receive this document in an accessible format please contact Cathy Sprent on 020 7219 6953 or [sprentc@parliament.uk](mailto:sprentc@parliament.uk).**



# Notes

- 1 <http://odi.dwp.gov.uk/disability-statistics-and-research/disability-facts-and-figures.php#1>
- 2 <http://www.cesi.org.uk/keypolicy/work-programme-referrals-and-attachments-inclusion-analysis>
- 3 <http://www.peoplemanagement.co.uk/pm/articles/2012/05/work-programme-risks-parking-long-term-jobseekers.htm>
- 4 <http://www.lcdisability.org/?lid=6386>
- 5 <http://www.dwp.gov.uk/docs/dla-reform-wr2011-ia.pdf>
- 6 <http://www.guardian.co.uk/society/2012/may/14/disability-living-allowance-reform-analysis>
- 7 From April '09 – March '10 the Average time from receipt at HMCTS to disposal was 12.7 weeks. The latest figures from April '11 – October '11 show this doubled to 24.8 weeks
- 8 <http://www.dwp.gov.uk/docs/esa-time-limit-wr2011-ia-revised-apr2011.pdf>,
- 9 <http://www.telegraph.co.uk/news/politics/9264729/Benefits-the-disabled-and-deserving.html>
- 10 House of Commons Library analysis of Department for Health figures, adjusted for inflation and including the additional funding for social care allocated at the Spending Review, shows real terms spending on adult social care over 2010/11 and 2011/12 is £1.34bn less than in 2009/10. £1.3bn less is being spent on social care for people aged 65 years and older.
- 11 David Cameron and Nick Clegg have broken their promise to legislate on reforming social care in this Parliamentary session. The Government promised in 2010 they would introduce legislation: *"...in the second session of this Parliament to establish a sustainable legal and financial framework for adult social care."* Health White Paper "Equality and Excellence: Liberating the NHS", July 2010
- 12 <http://www.dwp.gov.uk/docs/social-sector-housing-under-occupation-wr2011-ia.pdf>
- 13 <http://www.housing.org.uk/?page=1987>
- 14 [http://www.childrenssociety.org.uk/sites/default/files/tcs/4\\_in\\_10\\_reportfinal.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/4_in_10_reportfinal.pdf)
- 15 IBID
- 16 <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111214/debtext/111214-0001.htm>
- 17 <http://www.equalityhumanrights.com/news/2011/september/inquiry-reveals-systemic-institutional-failure-to-tackle-harassment-of-disabled-people/>
- 18 [http://www.scope.org.uk/sites/default/files/pdfs/Campaigns\\_policy/Scope-Polls%20Apart%205%20Report.pdf](http://www.scope.org.uk/sites/default/files/pdfs/Campaigns_policy/Scope-Polls%20Apart%205%20Report.pdf)
- 19 Citizens Advice calculated that by averting more serious problems at an early stage the State ends up saving money. For example if help is given with debt or benefits problems at an early state in can significantly lower the cost (c. £150): For every £1 of legal aid expenditure on benefits advice, the state potentially saves £8.80
- 20 <http://elliottblog.dailymail.co.uk/2012/01/spending-cuts-at-the-ministry-of-justice.html>

