



Submission to the follow-up inquiry concerning the United Kingdom of Great Britain and Northern Ireland, carried out by the Committee on the Rights of Persons with Disabilities under article 6 of the Optional Protocol to the CRPD

31 July 2023

Introduction

Participation and the Practice of Rights (PPR) is a human rights NGO founded in 2006. Based in Belfast, PPR organises with a growing network of communities across the island of Ireland and the UK, supporting people to use human rights as tools to fight for economic, social and environmental changes that improve their lives.

We welcome the opportunity to submit information to the follow-up inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee on the Rights of Persons with Disabilities under article 6 of the Optional Protocol to the CRPD. We have continued to monitor the impacts of government welfare reforms on people's enjoyment of their rights to live independently and to be included in the community (article 19), to an adequate standard of living and social protection (art. 28) and to work and employment (art. 27), as highlighted in the Committee's 2017 [report](#).

Our submission transmits the findings of the Right to Work: Right to Welfare (hereafter R2W) group supported by PPR. R2W is a group of people who are unemployed, sick or disabled, and who have been using human rights-based approach to campaign for change since 2012. The R2W group developed a model for decision making within the social security system that is based on international human rights principles and standards, called the [People's](#)

[Proposal](#), with central tenets of due process and impact assessment, and since 2016 has been actively campaigning for its adoption by the Northern Ireland Department for Communities, which has responsibility for the assessment and delivery of social security in Northern Ireland. The group has also campaigned for the adoption of social clauses by local Councils in order to create employment opportunities for the long term unemployed, through its Real Jobs Now model.

The R2W group have carried out a range of relevant work since publication of the CRPD inquiry's report. From October 2017 to March 2018 R2W conducted a survey of 101 people's experiences of the social security system, to gather direct evidence of the experiences and impact of the social security system on the lives of those directly affected – people who are unemployed, sick and disabled. (This 2017/18 monitoring exercise follows on from previous monitoring conducted by the R2W group in 2014 and 2015.) The survey findings and analysis were published in November 2018 in our report '[Conscious Cruelty - Social Security, the Economy and Human Rights.](#)'

Survey questions focused on people's experiences of the social security system over the previous two years. The majority of those who participated were aged 35-64, with a fairly even gender divide; the three main benefits people were receiving were Job Seekers Allowance, Employment Support Allowance and Disability Living Allowance/Personal Independence Payment. The survey also gathered data on people's experiences of long-term unemployment (including experiences of the 'Steps to Success' employment programme); of the impact of social security decisions on their standard of living and on their mental health; and on their experience of due process in the system.

Of the 101 respondents, more than half had a long term illness, while four in ten identified as disabled. A further third indicated that they wanted to work but that there were no suitable jobs available, while 14% had full-time caring responsibilities. 15% indicated that they were sick but hoped to recover. One in ten respondents reporting having literacy and/or numeracy difficulties, and the same proportion indicated that they were engaged in unpaid family support or volunteering in their community. The findings relevant to the rights to live independently and to be included in the community (article 19), to an

adequate standard of living and social protection (art. 28) and to work and employment (art. 27) are described more fully below.

To assess the social security system from a different angle, in May and June 2021 the R2W group designed a questionnaire for NI advice workers. The questionnaire was based on the tenets of the People's Proposal -- by this point supported by all 11 of Northern Ireland's district councils; the largest trade union body in NI, NIC-ICTU; NIPSA, the trade union representing social security staff; every political party in the north; and, verbally, by the then Minister for Communities.

Advice workers from a number of agencies (including Advice NI, Advice North West and the East Belfast Independent Advice Centre (EBIAC)) completed 190 questionnaires. Analysis of the responses revealed unfair processes shutting people out of social security payments required to fulfil their basic needs, in a context of lack of access to professional advice and representation to help people navigate the complex social security system. The findings were published in September 2021 in '[Sounding the Alarm - Advice Workers Fear for Clients' Rights in a Broken Social Security System.](#)'

Since publication of the 2021 report, as evidenced in the links below, we have continued to follow up these issues. In addition R2W is [supporting](#) a wider social campaign for a Universal Basic Income to help counter the impact of the many failings of the current social security system.

A. [Living independently and being included in the community \(art. 19\)](#)

The Conscious Cruelty report showed that Northern Ireland has a higher proportion of people living with physical and mental disabilities than elsewhere in the UK: it cited a Commissioner for Victims and Survivors estimate that 213,000 people experience significant mental health problems as a result of the conflict, and noted other estimates of at least 40,000 individuals injured during the conflict (many of whom live with disabilities as a result of those injuries).

The Committee will be aware that, as set out in the report, social security policy is technically devolved but in practice the Northern Ireland Executive follows policy set by the Westminster Parliament. The (Northern Ireland)

Welfare Reform Act 2015 enacted in Westminster led to the introduction of Universal Credit in 2017, the replacement of Disability Living Allowance (DLA) with Personal Independence Payment (PIP) and a 'claimant commitment' accompanied by a new benefits conditionality and sanctions regime.

Northern Ireland duty bearers -- unlike those in [Scotland](#) -- outsource the assessment of people's eligibility for benefits to private companies, despite now widespread criticism. Decision-making on people's cases was suspended during part of the Covid-19 pandemic, leading to a backlog of over 8,000 appeals by end October 2020. Approximately [half](#) of these were Personal Independence Payment cases. As the manager of one advice centre here [wrote](#),

in our experience, people find the whole process of appealing difficult and stressful as they are already suffering due to their health problems. In most cases, due to chronic ill-health or disability, they find themselves unable to work and are dependent on social security income to survive. Pre-pandemic appeals already took several months to be resolved and we know the waiting put people under immense stress as well as financial hardship. According to the Department for Communities, in 2019/20 the success rate for Personal Independence Payment (PIP) appeals was 67.4%. This is the overall rate and we know that when a person is represented this figure is significantly higher...at times, the independent tribunal panels have apologised to people for the fact that they have had to attend an appeal given the extent of their illnesses/disability. It is not uncommon for people to be awarded zero points at their DfC/Capita assessment only to have an independent tribunal panel award them enough points to qualify for the highest [level of benefit](#) at the tribunal hearing.

In January 2021 the Department for Communities [controversially extended](#) the for-profit firm Capita's assessment contract for Personal Independence Payment claims for another two years. In March 2021 the NI Audit Office published a [report](#) into the management and delivery of the Personal Independence Payment contract in NI that raised a number of red flags. It found that the cost of assessments was increasing, and that PIP was likely to cost more, not less, than the programme it had replaced. It noted that up to September 2018 Capita were not meeting targets for quality and clearance

rate; and it highlighted the fact that the data relied upon to assess performance was provided by the contracted party, Capita itself. While no detailed statistics on appeals were available, a lack of medical evidence was cited as a key factor in appeals.

At the same time, a campaigner's personal [blog](#) on her experiences trying to obtain PIP described the distress and panic the process was causing her. Having had to fight for reasonable adjustments to be made to the process, she concluded,

“if the decision makers can’t see the problems that exist within the benefits system, people don’t stand a chance.”

In June 2021 the NI Public Service Ombudsman (NIPSO) released an Own Initiative [report](#) on the use of evidence in PIP assessments. The investigation found "systemic maladministration" on the part of the DFC and of Capita and failures to properly obtain and use all relevant medical information to allow for full assessment of PIP claims. The Ombudsman made 33 recommendations aimed at improving the use and handling of evidence in the assessment process in future.

In this context, R2W's [Sounding the Alarm](#) report of September 2021 found significant barriers within the system to submitting relevant information and evidence in support of people's claims -- even in cases involving a person's health, disability or long-term condition (namely PIP / DLA and Employment Support Allowance decisions). According to the surveys, around 60% of applicants across all benefit types had been unable to submit evidence in support of their case. Advice workers reported that in the majority of cases (83%), people making an application were not informed by statutory agencies of the criteria they needed to fulfil in order to be eligible for the social security payment in question. This lack of transparency was particularly acute in the case of Universal Credit applicants, where advice workers reported that 93% of claimants had not been informed about the criteria used to assess eligibility. In relation to Employment Support Allowance, 89% of claimants had been left uninformed, while more than 70% of claimants for PIP / DLA were not told about the eligibility criteria. Perhaps unsurprisingly, in light of the previously outlined data, advice workers reported that 80% of claimants did not fully

understand the nature of the assessment process from their interaction with statutory agencies.

In light of these deeply concerning findings, R2W and welfare advice sector groups called on the DfC to urgently adopt the People's Proposal in order to safeguard due process and ensure impact assessment before decisions to stop or reduce the income of ill, disabled or unemployed people. Despite a verbal Ministerial commitment to the R2W group to trial the People's Proposal, DfC officials subsequently indicated that no such commitment was made and that no pilot would be taking place.

In May 2023 NIPSO issued a [follow up report](#) into the use of evidence in PIP assessments. Shockingly, it found that only 10 of its 33 recommendations from 2021 had been met. A further 18 had only been partially met; five were wholly unmet. Despite these findings -- and regardless of earlier [statements](#) expressing interest in bringing such sensitive decision-making in-house -- the DfC not only [re-appointed](#) Capita to carry out PIP assessments but actually extended its remit to cover ESA, Child DLA and UC assessments as well. PPR and R2W continue to [name and critique](#) this unaccountable decision-making and its impact on the people the welfare system is meant to be there to support .

According to human rights standards under both Article 19 of ICECSCR and Article of 28 of the CRPD, national social security systems should aim to support disabled people with the additional costs of disability and thus enable people to live independently and participate fully in the life of the community as equal citizens. It is clear from the evidence gathered through the campaigning of the R2W group and other civil society actors, that the UK's social security system is failing to meet any of these vital human rights obligations.

B. [Work and employment \(art. 27\)](#)

R2W's 2018 Conscious Cruelty analysis revealed that 65.5% of survey respondents who were unemployed indicated that they had been unemployed for over 12 months (i.e. long term unemployed). This percentage correlated with the official rate for long term unemployment for the North, which [stood](#) at 59.3% in September 2018 (more than double that for England, which was

25.9% in September 2018). As the Committee may be aware, this is set in a context of ongoing and very marked inequality in long term unemployment rates -- evidenced by a succession of [Labour Force Survey Religion Reports](#) -- between the Catholic and Protestant communities here, with Catholics disproportionately affected.

The 2018 analysis found that marked inequalities also exist in relation to both overall unemployment and long term unemployment amongst people with disabilities. An examination of just one of the factors playing a part in this trend shows how the changes to the social security system exacerbated rather than alleviated some barriers to work. The Conscious Cruelty report examined DFC figures indicating that mental ill health figured amongst the conditions faced by almost half of all benefit claimants who were unable to work. At the same time, R2W's survey results revealed how cuts to the benefits the system awarded people under the reforms routinely harmed people's mental health:

almost all (93%) survey respondents who had income removed from them by the social security system reported a negative impact on their mental health.

More recent research -- Joseph Rowntree Foundation's [Poverty in NI 2022](#) report -- noted that:

disabled people in Northern Ireland have faced a higher poverty risk for at least the last 20 years. This is driven partly by the additional costs associated with disability and ill-health, and partly by many disabled people facing barriers to accessing work. Those barriers mean that many disabled people and/or families where someone is disabled rely on benefits as a source of income, which at their current level will almost inevitably lead to higher poverty rates.... Just over a third of disabled working-age adults are employed, less than half the rate of those who are not disabled, and notably lower than equivalent rates in England, Wales, and Scotland. Of those who are working, around a third of disabled people work part-time, 11 ppt higher than those who are not disabled. Two in five children and working-age adults who live in families where at least one person is disabled live in workless families, four times the rate of those who live in families where no-one is disabled. As a result, a higher proportion of disabled people are in a family in receipt of income-related

benefits – 35% compared to around a quarter of non-disabled people. (pp 29-30)

JRF called on the authorities to:

consider the role that DLA/PIP can have in helping disabled people into the labour market, including considering how the administration of the payments could be redesigned with dignity and poverty reduction at their heart.

For its part, Disability Action's [election manifesto 2023](#) noted that one in four people in Northern Ireland are disabled, yet disabled people “continue to experience barriers in accessing housing, transport, employment, education, leisure, health and public services.” Its ‘Manifesto for Change’ cited 2022 research findings that “9 out of 10 disabled people continue to find it difficult to find and keep a job.”

Finally, recent research by the Trussell Trust -- its June 2023 '[Hunger in Northern Ireland](#)' report -- demonstrates that people living with disabilities face disproportionately high levels of food insecurity (more on this in the next section), and looks at the role played by barriers to employment:

despite reductions over the last decade in the disability employment gap, disabled people referred to food banks in the Trussell Trust network in Northern Ireland are still far less likely to be in work than non-disabled people, with one in eight (12%) in work compared to over one in four (28%) of non-disabled people. As is the case among parents and carers, disabled people often work part-time in order to help manage their health condition, but this too tends to restrict them to lower-paid jobs such as care work, sales and customer service and other types of leisure and service work. Research shows that they are over-represented in these kinds of roles and under-represented in more senior and managerial roles. (p 49)

C. [Adequate standard of living and social protection \(art. 28\)](#)

R2W's 2018 Conscious Cruelty report noted NI policy commitments (via the Programme for Government Outcomes Delivery Plan 2018/19) to “a more equal society... it is through the social welfare system that poverty and relative disadvantage is tackled and support given to those who need it most.”

However the report highlighted the gap between the benefit levels set by that

system and, for instance, the Joseph Rowntree Foundation's Minimum Income Standards (the income people need in order to be able to meet their minimum needs).

In the Conscious Cruelty analysis, not only does the government fail to ensure that benefit levels in and of themselves are enough to keep people out of poverty; its survey findings indicate that the system further deepens their poverty by reducing or removing their benefits, including through sanctions. As recounted in the report, 59% of survey respondents had had their social security income stopped, reduced or delayed in the previous two years. Almost half of these (46%) cited the imposition of a benefit sanction as the reason for this loss of income. The vast majority of those whose income was affected (89%) indicated that they were not given enough money to keep them going. When asked about how this loss of income affected them in their daily lives, 93% said that it negatively impacted their mental health. Eight out of ten said they were forced to borrow money and six out of ten, that they were forced to miss meals. A similar proportion reported being unable to pay for heating, while four out of ten said they had been unable to meet their housing costs.

Not surprisingly, in 2021 the findings in the R2W group's Sound the Alarm report indicated that the social security system was failing to protect people from deeper poverty, hunger and cold. Advice workers reported that [five in every ten](#) claimants had been denied access to the “**minimum essential level**” of benefits for food, housing and healthcare as a result of the assessment process (57% of cases when considering Employment Support Allowance alone). Moreover, 75% of advice workers were concerned that the people they were supporting would be shut out of minimum essential levels of income in future. One advice worker recounted:

“The Department stopped this claimant's ESA as they claimed she had savings over the limit, even though she has 3 times provided evidence she has no savings. At the same time her PIP renewal was refused. So she has ended up with no income at the present time and is surviving on charity.”

Another [reported](#):

DLA (Disability Living Allowance) taken off them even though reports [were] submitted re: [claimant's] autism, learning difficulties and speech

and language difficulties. The Department referred to the reports as being 'previous' reports but no evidence from department that child was getting better. Claimant's mother loses DLA for child, [tax credits for] severe disablement element, Carers Allowance. Income reduced by over 50%.

In the [words](#) of another advice worker:

“We now await an appeal while [this individual] lives on a third of [their] entitlement and noticeably suffering hardship with almost weekly requests for foodbank/larder referrals.”

In the 'Sounding the Alarm' work, advice workers are firsthand witnesses of the harm caused by a system that offers deliberately inadequate support to, and is overly punitive of, the people in need who are relying on its protection.

More recently, the R2W group has worked to highlight issues such as the harm caused by the DFC practice of routinely [clawing back](#), rather than using its discretion to waive, over-payments it has made to individual benefit claimants through its own administrative errors. Its method for doing this -- regularly reducing people's benefit payments until the over-payment is recouped -- compounds the hardship and poverty people are facing.

According to the Joseph Rowntree Foundation's [Poverty in NI 2022](#) report, disabled people here have long faced a higher risk of poverty, due to factors such as barriers to employment and the costs associated with disability and ill health. It reiterates that benefits are set at insufficient levels to keep people out of poverty:

those barriers mean that many disabled people and/or families where someone is disabled rely on benefits as a source of income, which at their current level will almost inevitably lead to higher poverty rates... In 2017-20, just under a third of disabled people in Northern Ireland lived in poverty, 13 ppt higher than non-disabled people. Further to this, of those who are not disabled, a further 60,000 live in a family with at least one disabled person. In other words, of the 390,000 people living in poverty in Northern Ireland, just under half (190,000) are either themselves disabled or live in a family with a person who is.

Research by Disability Action in 2022 [indicated](#) that 8 out of 10 disabled people "do not have enough money for a decent life". More recently, its [election manifesto 2023](#) said:

Life costs more for disabled people and our families. We have always had to spend more on essentials including heating, insurance, and equipment. As the cost of living continues to soar- many of us are facing impossible choices in order to survive and are under severe financial pressure. Many of us including disabled children need lifesaving equipment which is powered by electricity in order to survive- this includes ventilators, feeding pumps, electric wheelchairs, and stair lifts. Energy prices have soared, and we have no options but to pay these costs. For disabled people this is the real cost of living.

In June 2023 the Trussell Trust's [Hunger in Northern Ireland](#) revealed the shocking finding that that nearly two thirds of people referred to food banks in the Trussell Trust network are disabled. In a damning indictment of the social security system, the report added

the most significant cause of the financial insecurity driving the need for food banks is the design and delivery of the social security system. The research highlights four main issues affecting food bank users: lack of information about entitlements; difficulties claiming and sustaining benefits, particularly Personal Independence Payments (PIP) for people who are affected by a long-term physical or mental health condition or disability; insufficient income from benefits when they are accessed; and further reductions to income from sanctions, caps and debt deductions.

The report said that while 30% of people in NI "meet the Equality Act 2010 definition of disability", that percentage is much higher -- 55% -- amongst people experiencing food insecurity. More than six in ten people referred to Trussell Trust foodbanks in NI reported that at least one member of their household is a disabled person, but highlighted further problems with the support system:

the majority (59%) of people from disabled households referred to food banks in the Trussell Trust network in Northern Ireland are not claiming any disability benefits (although most are claiming other types of benefits). In some cases, it may be that people may not quite meet the eligibility criteria, but there is substantial evidence to suggest that others

should be receiving them but are not doing so. A significant challenge here is the long wait times to receive a Work Capacity Assessment or Personal Independence Payment assessment. Qualitative interviewees who have health conditions or disabilities, and who were in receipt of Universal Credit, often reported waiting for over a year to be assessed for PIP, meaning 12 months where they were not receiving income to help them afford additional costs related to their condition. Despite being signed off by their GP as not fit for work, they found it difficult to prove to the Jobcentre that they were unable to look for work. This was particularly noted by participants with mental health conditions.

Conclusion

The evidence above indicates that in all three areas -- the rights to live independently and to be included in the community (article 19), to an adequate standard of living and social protection (art. 28) and to work and employment (art. 27) -- the system meant to support people living with disabilities to live independent lives continues to fail them.