



WELFARE REFORM AND DISABILITY IN GREAT BRITAIN – A 2023 UPDATE

EVIDENCE TO THE UN COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

July 2023

About CPAG

Child Poverty Action Group (CPAG) works on behalf of the more than one in four children in the UK growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good.

Our **Early Warning System** gathers information and case studies from frontline welfare rights advisers. It helps us get a better understanding of how changes to social security are affecting individual people and families.

Background to the submission

In 2016, the United Nations Committee on the Rights of Persons with Disabilities (**the Committee**) conducted an inquiry in the United Kingdom examining the impact of welfare reform on people with disabilities and long-term health conditions. The Committee concluded that *'there is reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been crossed'*.¹

In this submission, made to support the Committee's 2023 follow-up review, we provide an update on three of the concerns raised by the inquiry.

¹ UN Committee on the Rights of Persons with Disabilities, [*Inquiry concerning the United Kingdom of Great Britain and Northern Ireland carried out by the Committee under article 6 of the Optional Protocol to the Convention: Report of the Committee*](#), at p18

Welfare conditionality and sanctions

The number of sanctions of claimants in the employment and support allowance work-related activity group increased significantly between 2012 and 2014 and the evidence indicates that they were applied in a disproportionate manner. (...) Evidence indicates that claimants who have been sanctioned have faced hardship, including through becoming indebted, relying on the support of relatives or on food banks, or receiving reduced essential services. Paragraph 106 of the Committee’s 2017 report

In 2013, the Department for Work and Pensions (**the DWP**) began rolling out a new means-tested benefit, universal credit (**UC**), to replace six means-tested working-age benefits including employment and support allowance, formerly the main means-tested benefit for people with a health condition or disability.

Most claimants need to satisfy work-related requirements to receive UC. These range from work preparation tasks and work-focused coaching to completing set hours of work search and applying for jobs. The default expectation for most claimants is that they will complete 35 hours per week of work-related activity. Failure to comply with these requirements leads to ‘sanctions’, with the UC award being reduced by up to 100 per cent.

These requirements are waived for some UC claimants with long-term health conditions or disabilities affecting their ability to work. However, as the new system has rolled out, significant issues have arisen for these groups.

- When someone claims UC for the first time with a health condition or disability, they are usually placed in the ‘all work-related requirements group’ while waiting for the DWP to complete a work capability assessment. This period often lasts more than six months. The DWP can use its discretion to reduce or pause work-related requirements during this period but does not consistently do so.
- When a work capability assessment finds a claimant to be ‘fit for work’, that person is placed in the ‘all work-related requirements group’ even while pursuing an appeal against the decision.
- When a work capability assessment finds a claimant to have ‘limited capability for work’ they can still be mandated to take part in work-related activity including face-to-face work coaching or training. Requirements have been applied in ways that were inappropriate in the claimant’s circumstances.
- When a claimant fails to comply with work-related conditions, sanctions are threatened or applied without appropriate consideration of that person’s circumstances and vulnerabilities, and they are not made aware of statutory hardship payments.

Case studies from our Early Warning System

Leo (not his real name) is challenging a ‘fit for work’ decision for UC. While he waits for an appeal date, he is being told to do inappropriate work-related activity, including an online course that he is incapable of completing due to his disability. DWP is refusing to exercise its discretion to waive these requirements. Leo has been told that his disability is essentially no longer relevant now that he has been found fit for work.

Maya (not her real name) is a UC and disability benefit claimant with anxiety and OCD. She is single and has one young child. She does not have a mobile phone and struggles to use the internet. After missing messages on her online UC account about work-related activity, she was sanctioned, losing the whole of her personal allowance from November 2021 until September 2022. Despite the DWP knowing about Maya’s vulnerability, it was not until the end of this period that they proactively contacted the health and advice agencies known to be supporting her. During the sanction period, Maya fell into rent arrears and was frequently without electricity and food but she did not question the change in her income.

From a frontline welfare rights adviser: “We are encountering case after case of people being treated as fully fit for work whilst awaiting ever-delayed work capability assessments, DWP staff ignoring medical evidence and the need for reasonable adjustments. I also have a recent case of someone was assessed by the DWP as having limited capability for work but was still thereafter told to do 35 hours a week of work preparation.”

Latest developments

In March 2023, the DWP announced its intention to scrap the protected statuses of ‘limited capability for work’ and ‘limited capability for work-related activity’ for UC, opening *all* disabled UC claimants up to unlimited conditionality to be set at the DWP’s discretion.² This also means opening these claimants up to the threat of sanctions for non-compliance. This change will require new legislation and is unlikely to take place before 2026 but is a serious concern. CPAG has published a [briefing](#) looking at this proposal in more detail.³

Health assessments for welfare benefits

The Committee observes that persons with disabilities who had undergone functional assessments aimed at determining their eligibility for social benefits felt that they were merely being processed rather than listened to or understood. (...) The evidence collected from various sources indicates that the needs, views and personal histories of persons with disabilities and particularly those requiring high levels of support, such as persons with intellectual and/or psychosocial disabilities, were not properly taken into account or given appropriate weight in the decisions affecting them. Paragraph 90 of the Committee’s 2017 report

In the initial period covered by the present report, the evidence indicates that a significant percentage of assessments were overturned [on appeal]. Paragraph 102 of the Committee’s 2017 report

The DWP’s benefits system features two major health and disability assessments. These are the work capability assessment, introduced in 2008 and now primarily used for UC, and the assessment for the main working-age disability benefit, personal independence payment, which began in 2013. While it has recently been proposed that the work capability assessment is scrapped, this will not happen before 2026, and there are no plans to end the PIP assessment.

For most, a health assessment for benefits assessment means a meeting with a healthcare professional from one of the DWP’s sub-contracted assessment firms. The meeting can be face-to-face in a clinic or at home, or remotely by phone or video call. The DWP’s decision about benefit entitlement is made based on the assessor’s written report.

The British parliament’s Work and Pensions Committee (WPC) conducted an inquiry on these benefit assessments in 2021-22, publishing its report in April 2023.⁴ This is the second time in ten years that the WPC has conducted a detailed inquiry on this topic, receiving more than 8,500 written submissions, and hearing evidence from assessment providers, civil servants, academics and others.

² DWP, [Transforming Support: The Health and Disability White Paper](#), 15 March 2023, at paragraph 161 and elsewhere

³ CPAG, [The future of the work capability assessment](#), 17 March 2023

⁴ House of Commons Work and Pensions Committee, [Health assessments for benefits: Fifth Report of Session 2022–23](#), 14 April 2023

When the DWP published its response in June 2023, it failed to accept the committee’s main recommendations.⁵

CPAG has published [detailed analysis](#) of these recommendations and how frequently they have been made, and not implemented, during the lifetime of benefit assessments.⁶ Recommendations made repeatedly but not accepted by the DWP include:

- Researching the impact of assessments on (mental) health
- Audio-recording assessments by default
- Systematically learning from decisions overturned at appeal
- Letting claimants decide their assessment format (telephone, video, clinic or home)

While the DWP has a long-term ‘health transformation programme’ aimed at improving the assessment process for claimants, questions are already being asked about its efficacy.⁷ It is also failing to make the medium- and short-term changes needed to support claimants.

Evidence from our Early Warning System

‘When it came to questions of self-harm my daughter was asked about ‘suicidal ideation’ and then asked, “what stops you?” I tried to intervene and unfortunately I was unsuccessful in preventing this line of questioning. (...) I wanted to spare her this experience and questioning and I couldn’t. I feel like I failed her.’

‘The assessment report is littered with errors, contradictions and bare-faced lies that I now have to point out to the DWP. This report is made up of 31 pages and there are repeated inaccuracies on nearly every page. I am telling you this because I am sick of it - I am sick of how we are treated.’

‘My son is a bright, talented, caring young man and in the assessment report the assessor uses my son’s qualities against him and even blurs ‘cognitive impairment’ with a mental health condition (...) This assessor was completely unprofessional and did not know what they were doing.’

Public portrayal of disabled benefit claimants

In 2016/17, the Committee made strong findings and recommendations about the public portrayal of disabled benefit claimants.

The roll-out of [welfare changes] included the issuing of statements by high-ranking government officers that the reform was aimed at making the welfare system fairer to taxpayers, more balanced and transparent and would reduce benefit fraud. Persons with disabilities have been regularly portrayed negatively as being dependent or making a living out of benefits, committing fraud as benefit claimants, being lazy and putting a burden on taxpayers (...) Paragraph 85 of the Committee’s 2017 report

⁵ DWP, [Health assessments for benefits: Government response to Committee’s Fifth Report of Session 2022–23](#), 26 June 2023

⁶ CPAG, [Health assessments for benefits: an analysis of the government’s response](#), 27 June 2023

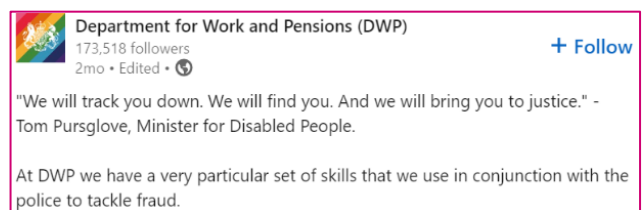
⁷ National Audit Office, [Transforming health assessments for disability benefits: DWP](#), 23 June 2023

Take appropriate measures to combat any negative and discriminatory stereotypes or prejudice against persons with disabilities in public and the media, including the assertion that dependency on benefits is in itself a disincentive to seeking employment [and] 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 (...) **Recommendation H of the Committee’s 2017 report**

Unfortunately, little seems to have changed for claimants since the Committee published its report.

In April 2023, the DWP posted a video to social media featuring the Minister of State for Disabled People, Tom Pursglove MP, delivering an anti-fraud message.

The minister is pictured in a stab-proof vest, accompanying police and DWP officers on an apparent arrest raid. The original Tweet accompanying the video, since deleted by the DWP, is pictured here.



The clear message of the video is that the government is pursuing fraudulent claimants of disability benefits.

There is a risk that the specific tone and content of the video could lead viewers to distrust and stigmatise disabled benefits claimants. Commentators questioned the proportionality of the message, given that only 0.2% of expenditure on the main working-age disability benefit is attributable to fraud.⁸

Elsewhere, the DWP’s messaging about disabled benefit claimants has focused on work. In its Health and Disability White Paper, published in March 2023, the DWP wrote emphatically about the work ‘opportunities’ for people with disabilities and long-term health conditions.⁹ The Ministerial Foreword represents the tone of the rest of the document. There is limited acknowledgement of the reasons that disabled people might not be in employment, beyond lack of ‘opportunity’. This rhetoric from the DWP may contribute to a harmful public perception of non-working disabled people, and may also obscure the fact that there are many working disabled people who are entitled to disability benefits regardless of their work status.

In June 2023, the Secretary of State for Work and Pensions, head of the DWP, Mel Stride MP, wrote for the Sun newspaper under the title ‘*Too many people are being signed off sick – here’s my plan to get Britain working again*’.¹⁰ The Secretary of State focuses on the needs of the economy, alludes to the ‘*physical and mental health benefits to working*’, casts doubt on the accuracy with which medical professionals certify patients as unfit for work, and asks readers to ‘encourage’ ill and disabled friends and relatives towards work. The Secretary of State also refers to ‘*mov[ing] off benefits into work*’, disregarding the disability benefits that many are entitled to claim while working and the 38%¹¹ of universal credit claimants who still qualify for this means-tested benefit while in work.

⁸ DWP, [Fraud and error in the benefit system: Financial Year Ending 2023](#), 11 May 2023, at section 7. Personal independence payment (PIP) overpayments due to fraud were at 0.2% in the financial year 2022/23. See also New Statesman, [Why the trope of the benefit “scrounger” has returned](#), 25 April 2023

⁹ DWP, [Transforming Support: The Health and Disability White Paper](#), 15 March 2023

¹⁰ Sun, [Mel Stride: Too many people are being signed off sick – here’s my plan to get Britain working again](#), 10 June 2023

¹¹ DWP, [Official Statistics: Universal Credit: 29 April 2013 to 13 April 2023](#), 16 May 2023, at section 3.

These types of messages from state actors are then echoed in the wider press. In May 2023, the Telegraph newspaper – a national broadsheet – ran an article entitled ‘Millions paid benefits without ever having to find a job’ which referred to welfare provision including disability benefits as ‘jobless benefits’.¹² In June 2023 the same newspaper published an online calculator for readers with the heading ‘*Exactly how much of your salary goes towards Britain’s growing welfare state?*’¹³ The calculator shows, based on salary, how much an individual taxpayer contributes to over-all welfare spending, including on pensions and disability benefits. The Telegraph’s accompanying Tweets focus misleadingly on health-related benefits: ‘*Just how much of our hard-won salaries are spent on the benefits of those who do not work?*’; ‘*[Millions] have been granted indefinite exemptions from finding a job, following a surge in claims of mental health issues and joint pain during the pandemic*’; ‘*Surge in dropouts holds Britain back*’.¹⁴

Conclusions

The State party has implemented a policy aimed at reforming its welfare system and the reforms have been justified in the context of austerity measures to achieve consolidation of fiscal and budgetary policy. (...) The assumptions made under the policy include the following: (i) taxpayers need to be treated with fairness, (ii) large numbers of persons with disabilities have been reliant and dependent on social benefits, (iii) persons are better off in work than on benefits, (iv) the dependency of persons with disabilities on benefits is in itself a disincentive to move into employment, (v) the number of persons with disabilities relying on social benefits needed to be reduced and (vi) tightening sanctions and conditionality on social benefits is a legitimate tool for incentivizing moving people with disabilities into employment. Paragraph 113 of the Committee’s 2017 report

In 2016/17, the Committee identified cost-saving motivations behind welfare reform in the United Kingdom. In the face of evidence that the changes are not delivering the expected savings,¹⁵ government has largely doubled down, rather than critically re-evaluating its approach. The Committee’s 2017 concerns about that approach have not been heeded and its recommendations have not been adopted.

¹² Telegraph, [Millions paid benefits without ever having to find a job](#), 24 May 2023

¹³ Telegraph, [Exactly how much of your salary goes towards Britain’s growing welfare state](#), updated 12 June 2023

¹⁴ Telegraph, twitter.com/Telegraph/status/1664640946842025992, 2 June 2023

¹⁵ DWP, [DWP benefits statistics: May 2023](#), 16 May 2023