Scottish Disability Equality Forum

Welfare Reform Bill Legislative Consent Memorandum

The Scottish Disability Equality Forum (SDEF) works to remove barriers to independent living and promotes equal access for people affected by disability.

It is a membership organisation, representing individuals with any type of impairment, disability organisations and groups who share our values. It aims to ensure the voices of people affected by disability are heard and heeded. SDEF promotes access in its widest sense, including access to the built and natural environment and access to the same opportunities as are enjoyed by other people in our community.

1. General Comments

1.1. We appreciate this opportunity to express the opinions of our members on various aspects of the current Welfare Reform Bill. Across consultations on Personal Independence Payment (PIP), Housing, Patients Rights, Aids and Adaptations. In 2011 we have gathered over 500 opinions from our members. Fear is a common theme running through many of these responses; fear of financial hardship, fear of the threat to personal independence; and fear that choice and dignity will be reserved for the able-bodied. Our members feel that this is not just about the livelihoods of disabled people: the proposed reform poses a fundamental threat to a basic quality of life with a focus on survival not living.

1.2. Further, we are greatly concerned about the methodology and ethics of the development of the Welfare Reform Bill changes. By making cuts based on financial targets prior to adequate assessment, it is clear that ‘meeting need’ has not been a deciding factor in how the 20% reduction is to be achieved. This has a potentially devastating impact on Scotland’s disabled population.

By working alongside disabled people, we are optimistic that the ongoing redrafts of the PIP elements will evolve to better meet the needs of disabled people within the inevitable fiscal boundaries. However, we feel that there is still a long way to go. SDEF is grateful of the opportunity to highlight those areas which we and our members feel require greater scrutiny and review.

2. Personal Independence Payment

2.1. One of the specific aims of the reform is to take a more holistic account of the impact of a disability. Whilst the redraft of the PIP has addressed some issues raised by our members, for example, the insertion of ‘making financial decisions’ as a category and clarification of wheelchair users’ grading under mobility, the general checklist
approach continues to disregard individual need. The impact on a person’s life is intrinsically subjective and an assessment must therefore focus on the unique facts and circumstances of every individual’s life.

2.2. One member relayed her frustration at the proposed method of assessment. “My whole life, my needs, my independence hangs in the balance of whether I can tick the right box – it’s just frightening”.

2.3. The process of assessing need continues to be somewhat of an enigma, with concerns about the nominated assessors, how they are trained and how they themselves are monitored. The high number of successful appeals in the preliminary assessments is indicative of future costs from inadequate training and quality assurance, and ultimately, inadequate assessment. SDEF would like to see disabled people at the heart of the design and development of assessor training.

2.4. Aids and Adaptations – Using an aid or adaptation to complete a task is not the same as being able to do it unaided. Although the redraft has addressed this issue somewhat, by ensuring that a wheelchair user will be defined within a minimum of category ‘E’, there is still a lack of clarity with regards to fluctuating conditions. For example, an individual with ME may not always require the use of a walking aid and the current criteria does not address the day to day variation of such a condition. Further, the mobility element of the assessment assumes an optimum environment; for example, the assessment assumes both level and even ground.

2.5. SDEF feel strongly that the Aids and Adaptations element of the PIP must be subject to greater scrutiny using co-production to develop the system from a grass roots level.

2.6. Several members have raised concerns that failure to meet the criteria of the new PIP may have a ‘knock-on’ effect with other entitlements. This highlights the need for a deeper understanding of the ripple effect caused by the loss of DLA in any family. For example, with 50% of the 270 000 Blue Badge holders in Scotland being passported, the loss of a Blue Badge and pending Independent Mobility Assessment (IMA) to re-obtain a Blue Badge poses a further threat to independent living.

“If I’m put on JSA because I don’t qualify for DLA, and I lose my Blue Badge as a result, I can’t get a job because I can’t get there on bad days. How is this going to work?”

2.7. The proposed assessment highlights how the system continues to use the medical model to assess whether certain entitlements are due. SDEF would like to see further clarification on how the assessment criteria works within a social model of disability.
2.8. SDEF recognises that there is a learning process with all new legislation, but feels strongly that it is incumbent upon Government to ensure that those potentially affected by change should be better informed. The following comment is typical of the uncertainty around the pending changes and highlights the need to remove unnecessary fear by providing clear and consistent information in accessible formats across all media platforms.

3. Employment Support Allowance

3.1. For those individuals who have been unable to find work, the Employment Support Allowance will be limited to a period of 12 months. This creates an unacceptable situation for disabled people – especially in an increasingly competitive market - who through no fault of their own may be unable to find work that is local, suitable and sustainable.

3.2. “I can work, I want to work - but no employer understands that my health changes from day to day and I don’t see that changing. They should penalise unsympathetic employers, not disabled people”.

3.3. We ask that the time limit on contribution based Employment Support Allowance be removed with greater provision to employment services for disabled people.

4. Housing Benefit

4.1. SDEF members have voiced their deep concern about the impact of the Welfare Reform changes on their ability to keep their homes. Many members are afraid that they may end up homeless or in unsuitable homes as a result of the reduction in their benefits.

4.2. The impact of current changes will be exacerbated by the proposed under-occupancy rule as many working age individuals will be faced with the choice of either staying in their homes with a reduced income, or moving to a smaller (and likely non-adapted) home, unable to receive family/friends, house part-time carers or even necessary medical equipment. This will impact disabled people significantly - not least because they may have to move from an adapted home, but also re-apply and wait for fresh adaptations. Many will find themselves imprisoned in their own homes. As a consequence of living in an inadequately adapted environment, hospital admissions will likely increase.

4.3. Further, although only a quarter of Social Housing tenants requiring a one bedroom property currently occupy one, SDEF feel strongly that increasing the availability of one bedroom properties is not the solution. The need to reduce house size to avoid penalisation should
not come before tenants rights to independent living and the quality of life which that implies.

4.4. We would like to see consideration of under-occupancy exemption for disabled people alongside an increase in the proposed allocation of funding towards new fully accessible homes of 2 bedrooms plus as stated in the Draft Scottish National Strategy for Housing for Older People.

5. Mobility Component

5.1. Removal of the mobility component for those in residential care will have a disastrous effect on those who rely on this transport to engage with their families and access activities outside of their residential care home. Aside from the fact that this will remove any chance of spontaneous or independent travel, it also means that some residents who may have aids or adaptations from wheelchairs to oxygen will be completely unable to leave the residence unless suitable transport can be arranged. Disabled people should have the same choice, dignity and respect as other citizens and be able to live independent lives.

5.2. “My father is in receipt of the mobility component and we take him out for his weekly ‘flutter’ on the horses every week, and home for dinner every Sunday. Removing the mobility element will mean that we can’t take him out”

5.3. We ask that the Mobility Component of Personal Independence Payments (PIP) not be removed for disabled people in residential care.

6. Carers

6.1. Achieving sustainability in care requires that the vital contribution of unpaid carers, estimated at £7.6 billion per year in Scotland, is valued and supported. By reducing disabled people’s access to carers, the burden falls upon family and friends, creating a ripple effect in financial strain and ultimately the relationships upon which disabled people will become more dependent.

“I am a widow, disabled and have a carer. My son works full time and has his own family. I can’t ask him to take me to the doctors, shopping or help me with my washing/cooking on a regular basis – if I don’t have a carer I may as well give up now”.

6.2. By recognising the value of, protecting and sustaining such resources as volunteers and carers through preventative spend, the long term savings will significantly impact the need for spend further down the line.
7. Closing Remarks

Whilst we understand that the Scottish Government’s hands are effectively tied with regard to cuts, we feel that more consideration must be given to the protection of existing resources, with greater emphasis on preventative spending. SDEF feels that it is important to use the opportunities presented by involving disabled people in the design of these changes.

SDEF recognises the Scottish Government’s ongoing commitment to working towards a society where disabled people can exercise the right to live a life of dignity, respect and independence.