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**Consultation on proposals for moving all existing claimants
of a working age income-related benefit to Universal Credit**

*The Universal Credit (Transitional Provisions) (Managed Migration)
Amendment Regulations 2018*

Submission by WinVisible (women with visible and invisible disabilities)

WinVisible (women with visible and invisible disabilities) is a grassroots multi-racial organisation with a UK-wide network: enabling women to have a voice, and providing self-help information, advocacy, campaigning and other activities, on many issues. Since we began in 1984, we have campaigned against benefit cuts and lived through the impact of many benefit changes. We work with and support women claimants with visible and invisible disabilities across physical disabilities and mental distress, and produce self-help benefit rights information geared to those situations.

In 2015, we were among those who gave evidence to the UN Committee on the Rights of Persons with Disabilities which found that UK welfare reforms have led to “grave and systematic violations of the rights of persons with disabilities” (2016).

Severe disability premiums and R ([TP and AR](#)) -v- Secretary of State for Work and Pensions (Universal Credit)

We [supported](#) the successful legal challenge by Mr P and Mr R, Employment and Support Allowance (ESA) claimants each living alone who lost severe disability premiums (SDPs) of approximately £180 month, after circumstances forced them to move to a Universal Credit (UC) area and end their ESA claim. They have [now won](#) backdated and forward payments, and compensation under the Human Rights Act for their pain and suffering from loss of benefit. At least 4,000 others are similarly affected from moving “voluntarily” to UC.

To the SSAC, the DWP states that “*Ministers have decided that they wish to offer transitional payments to those in this group who have already naturally migrated to UC to help mitigate some of the financial loss and to prevent such losses for existing claimants*” ([memo](#) para 98 p.25, 1 June 2018). This is disingenuous. To refuse to pay transitional payments would flout the court ruling. Also, the DWP is seeking to appeal at the Court of Appeal, to contest payment ([Disability News Service](#), 2 August 2018).

The suffering of Mr P and Mr R; the DWP not caring what happens to people from its cavalier “test and learn” approach; and the distressing experiences of women under the current system, prompt us to comment on *The Universal Credit (Transitional Provisions) (Managed Migration) Amendment Regulations 2018*. We remain opposed to the Universal Credit regime and its abolition of previous benefits, premiums and rules which recognise a wide range of different situations and needs. Organisations such as the Trussell Trust, agencies including the National Audit Office, and DWP staff, are increasingly [criticising](#) and speaking out against the Universal Credit project and its rollout.

We support the proposals that current claimants in receipt of SDPs are not be moved to UC until they receive a “migration notice” (changeover letter) (63.1); and

that disabled claimants who already moved onto UC are to get transitional SDP payments (63.2).

Ahead of the court judgement on 14 June, Secretary of State Esther McVey issued a [statement](#): “The Government has already made a commitment that anyone who is moved to Universal Credit without a change of circumstance will not lose out in cash terms. Transitional protection will be provided to eligible claimants to safeguard their existing benefit entitlement until their circumstances change.” But the regulations contradict this statement.

We disagree with the flat rates of transitional payments proposed (63.3). Every claimant should receive at least the same amount as the SDPs they received before. £80 per month (for people in receipt of LCWRA element – equivalent to the Support Group of ESA) is not acceptable. Mr P and Mr R lost around £180 per month in SDP payments, and were awarded back payments and future payments maintaining their ESA income level until the UC transitional regulations come in. There is no justification for severely disabled claimants suffering a drop in income.

Any transitional arrangements in the changeover to UC have to be set out and implemented in a way that ensures that claimants do not lose out, as some disabled people have in the [transition](#) from incapacity benefit to ESA, who are now being asked to claim six years of back-payments of the difference.

Disabled single mothers are also SDP claimants as they are the only adult in the household. This loss of income can be devastating. In the recent Dispatches documentary, [Britain's Benefit Crisis](#), a disabled single mother named as Tracey, lost her SDPs as she had been told to make a new claim for UC after trying out waged work and finding it too much on top of her caring responsibilities for her young daughter. (She was supposed to be covered by the ESA scheme which does not penalise returning ESA claimants for trying out work, but was wrongly told she could not resume ESA.) Tracey attempted suicide, but fortunately for her and her daughter, she survived.

Compulsory changeover to UC – need for continuous payment

We do not see why claimants on existing so-called “legacy” benefits, especially vulnerable claimants, should have their payments terminated in the changeover. Is the intention to drive some claimants off benefit, and deter others from reclaiming?

We have seen how damaging an enforced changeover can be with DLA to PIP. Women with severe and/or lifelong disabilities had a deterioration of health from the process even if claiming successfully. Some lost benefit instalments for their care and mobility, being cut off due to various circumstances, their PIP starting later and “good cause” refused. They never recovered the missing instalment(s) as the DWP stated that the law would not allow it to reopen the DLA claim where the “correct procedures” had been followed.

According to the DWP, about one third of claimants to be moved over are on income-based ESA. Of those, approximately [one million](#) have mental health problems, sometimes combined with physical disabilities. The risk of losing benefit if the deadline for applying for UC is not met is a terrifying prospect and is unnecessary. Warning letters before the final changeover letter (“migration notice”) are scary. In the context of benefit insecurity, all DWP letters create anxiety – including the annual benefit rate letter, as there is no explanation of its straightforward purpose given in accessible language.

Compared to the guarantee provided by continued payment, the safeguards proposed are no guarantee:

“Regulation 46 will provide that if existing benefit claimants or their partner do not make a new UC claim by the deadline day, their existing benefit(s) will terminate... However, before the existing benefits are stopped, agents will check for evidence of complex needs or vulnerability to safeguard these claimants. If it is considered that a claimant has complex needs or is vulnerable [according to a non-exhaustive list] the agent has the option either to suggest an extension of the deadline day, arrange a home visit, or remove the claimant from the managed migration process. . . [until] a later date”. (paras 41, 42)

Extending the deadline for having to apply for UC has to be an easy process without any cast-iron deadline and has to take people's ill-health and disabilities into account properly (paras 45, 36). Any home visit must be the wish of the claimant, not imposed or presented as the only option. Many traumatised women feel that their home is their only safe space, which would be lost if officials visit.

Continuation of payment is being [put forward](#) by a number of disability charities and organisations. This includes Mind, [raising](#) that people who are currently on ESA should only be moved over if it can be done “smoothly and safely”.

UC benefit stress and cut-offs will result in misery, suicides, self-harm and psychiatric admissions. A woman survivor of childhood trauma contrasted her modest benefit payments with the [thousands of pounds per week](#) it costs to be a psychiatric in-patient. Until she won paper-based assessment with our support, ESA reassessments had always led to psychiatric admission from revisiting the events underlying her mental distress.

Problems with a break in claim

The built-in delay with payments (or advance payments deducted later on), lead to impoverishment, debt, rent arrears, eviction and destitution. (These delays also hit women and mothers and children trying to escape domestic violence and set up home independently by claiming UC. Some are driven by lack of rent, [back to their abuser.](#)) The burden is on the claimant to arrange their Jobcentre interview required for the start-up of claim. Your claim is closed if you do not arrange the interview. There is no correspondence by letter, it is all electronic.

Britain's Benefit Crisis also featured Richard Edwards, a young Black man with anxiety and depression who was left destitute and waiting three months for his first payment. Initially, his claim was closed because he missed a text message. There is a set wait of six weeks to restart a claim. The second time, his claim was closed because he did not have a smartphone, he needed to go online at Northfield Library, which was closed on a Wednesday. When he logged on the following day, his claim had been closed. He needed welfare rights representation to sort out benefit.

We remember [Elaine Morrall](#), the single mother of four children who died in November 2017 in freezing conditions in the family home, following a Universal Credit sanction for missing an interview while she was in intensive care in hospital. Ms Morrall's serious health issues were disregarded despite her mother Linda going to the Jobcentre to inform them that she could not attend Jobcentre. If being in hospital is disregarded, what hope do claimants have, who may have other good cause or who are unable to cope with officials, of being taken seriously?

“Good cause” wrongly dismissed

Compelling circumstances of long-established disabled claimants have been discounted by the DWP. Ms D who has breathing problems from COPD was cut off ESA for being 10

minutes late for an ESA exam as she could not run for the bus. [Her ill-health was not accepted as good cause by the DWP](#), even though she was previously in the Support Group of ESA, so the severity of her ill-health was acknowledged.

The deadlines for submitting the good cause form are too tight for gathering evidence from medical professionals, and even more so for someone in mental distress. Due to the shortage of welfare rights and advocacy services, it can take weeks to find support.

Impact on waged workers – women/BAME households

Women doing part-time waged work are part of our network. Women, mothers and disabled women part-time workers, including women of colour and immigrant women, who usually have caring responsibilities for other people and/or are working on top of coping with disability, are particularly hit by the full-time work conditions and “assumed earnings” applied to part-time and self-employed/zero-hour contract workers claiming UC.

The UC requirement on part-time workers to find work with more hours, which is subject to sanction if they don't, particularly penalises those with caring responsibilities and/or disabilities. The Minimum Income Floor assumed as earnings of self-employed people, has to be one of the most damaging rules. As highlighted by Dispatches, single parents have distressingly been [forced to break up](#) with their children when they became destitute as a consequence of UC underpayment. Waged workers experiencing discriminatory treatment by employers which affects their earnings, or working fewer hours due to greater caring responsibilities, disability or ill-health, must be protected.

Research by the [Runnymede Trust](#) established that BAME households are hit hardest by the cut to the work allowance, the two-child limit, the freeze in payment levels, removal of the family element and the change in the taper rate.

Other equality impact issues affecting women

Single payment. A woman in a couple or family changing to UC can be impoverished by the switch to the single payment to her partner, where the equivalent of Child Tax Credits or Working Tax Credits are no longer paid to her. This sets up financial dependence which can (and has) triggered or aggravated domestic abuse. We object to the single monthly payment to the man as head of household as another particularly dangerous and retrograde feature of UC, flying in the face of established good practice. (47)

For many years, we have raised the connection between disabled women's financial dependence and vulnerability to abuse. Women with disabilities and/or long-term ill-health are especially vulnerable to mistreatment, exploitation and abuse as a result of financial dependence on partners or other immediate family members. The experiences of women in our network are borne out by [research](#) which showed that disabled women are twice as likely to suffer domestic violence, compared to non-disabled women. And the health conditions which mean women are reliant on benefits, are often the direct result of domestic rape and other violence.

We submitted evidence to the Work and Pensions Select Committee for their [inquiry](#) into UC and domestic violence. Their [report](#) was published on 1 August, and references WinVisible's evidence. But although many of the Committee's conclusions are helpful, **we disagree with appointing a domestic abuse specialist at every Jobcentre, or training work coaches to be “sensitive” on domestic violence.** On 1 August, watching the Victoria Derbyshire show [item](#), women in our group immediately commented against, saying that many women are unable to come forward, therefore there needs to be an in-built standard arrangement for all.

If split payment is discretionary, what prospect do women with domestic violence issues or disabled women have, for the 'individual merits' of their requests to split the household payment, to be considered, and when Alternative Payment Arrangements are officially disparaged in a patronising way, as not the correct way to "manage your money"?

Government advice states that '*alternative payment arrangements are considered on a case by case basis and assessed on their individual merits. This allows for the household payment to be split. Wherever possible, these alternative payment arrangements will be temporary whilst you take steps to improve the way you manage your money.*'

Reference: <https://www.gov.uk/government/publications/universal-credit-and-your-family-quickguide/universal-credit-further-information-for-families>

Child Tax and Childcare Credits were, and where still in place, are almost always claimed by and paid to the mother, including in couple households in recognition that, like Child Benefit, it is payable to the person who has main responsibility for caring for the child/children. This is almost invariably the mother, whether or not she has a waged job. This principle was long ago established with the introduction of Child Benefit (formerly Family Allowance) in 1946, and has been successfully defended several times since, which specified payment directly to the mother and excluded payment via the father's pay packet, in recognition that the mother was the main carer and would ensure the money was spent for the child's welfare. This is as true today as then.

UC reduces women's financial power and independence in couple households, while boosting men's, who now not only benefit from a most likely higher wage from his job, but get the benefits too that women would otherwise have got. Substantial evidence has already been presented that abusers wield this increased state-conferred power to exert control over how the family money is spent and to prevent women and children from leaving domestic violence.

We support standard split payments so that women suffering domestic violence, or at risk, do not have to face the consequences at home of making the change, instead have a measure of financial independence automatically. We also support emergency payments available for women in need, without any delay or bureaucratic process, that is, not another long-winded benefit claim. As an example, the English Collective of Prostitutes told us that in the wake of the Ipswich murders, a combination of money, accommodation and other support was put in place which enabled women to leave prostitution.

Disabled women may get DLA or PIP which is outside of UC. But the measure of financial independence this allows, is disappearing as it is often clawed back by the Council in homecare charges levied from disability benefits or deducted from Direct Payments which fund support. Charges can be more than the entire care or daily living component benefit amount. Hammersmith & Fulham is the only Council in England to have abolished homecare charges; other Councils are increasing charges.

More equality impact/discrimination issues

The legal challenge by Mr P and Mr R took place in the context that new claimants of UC (disabled or not) not previously on a means-tested working age benefit, will get less than existing claimants. We are very concerned about cuts to premiums which were researched and established as necessary under Income Support, and cuts to benefit amounts for children and adults with specific needs, about the two-child limit, the total benefit cap, the freeze on amounts. There is no justification for new claimants of UC getting less than those receiving transitional protection. This disparity is discriminatory.

[Holes in the Safety Net](#) (October 2012) found that:

- 230,000 severely disabled people who live alone, or with only a young carer – usually lone parents with school age children – will get between £28 and £58 less in benefits every week
- 100,000 disabled children stand to lose up to £28 a week
- up to 116,000 disabled people who work will be at risk of losing around £40 a week

Low-income mothers are already skipping meals to feed their children. The school holidays are causing a crisis for children and families, without school dinners. How does the cruel DWP expect three or more children to survive on the money deemed just adequate for two? Or how those with severe disability needs, in greatest need, are to get those needs met without funds calculated as necessary? We are in touch with many mothers of disabled children, already under enormous stress as carers dealing with life and death situations, for whom financial worries are the last straw.

No other benefit change has been so large-scale, brutal or more likely to cause deaths, suicides, destitution, homelessness and traumatised children removed from loving parents. A [survey](#) of DWP staff by the PCS union found that there are too few staff to sort out lack of payment and other problems claimants suffer.

We are aware that the changeover to UC has already [cost](#) £1.9 billion, it is [set to cost](#) [£15.8](#) billion, that millions were spent developing a computer system that had to be scrapped, that there is now a [flawed and unworkable](#) IT system, and that the projected administrative savings could only be achieved if each case manager has a huge caseload of over 900 claimants (see [National Audit Office](#)). These billions would be better spent on the needs of claimants, mothers and children, disabled people, traumatised women.

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