

Challenges faced by today's disabled people: PIP, ESA and UC

Since 2010, successive Governments have embarked on a programme of substantial social security reforms major elements of which have directly impacted on disabled people. These include the following.

Personal Independence Payment (PIP)

The abolition of working age Disability Living Allowance (DLA) was announced in the emergency budget of 2010. There had been no prior consultation with disabled people. The stated aim of abolition was to reduce working-age DLA caseloads and expenditure by 20%. The later design of PIP was framed to ensure this. [One in five DLA claimants of have been refused PIP](#) since 2013 its introduction.

A major change has been the introduction of the 20-metre rule that has replaced the DLA 50-metre rule to award the highest level of mobility award. Only after a 2017 [Disability Rights UK Freedom of Information request](#) did the DWP admit that of those receiving the highest DLA mobility rate DLA only -

- 50% were awarded the enhanced PIP mobility rate;
- 25% had their benefit reduced to the lower PIP mobility rate; while
- 25% lost their mobility rate entitlement altogether.

This means that 50% of DLA claimants have lost the right to be able to join the Motability scheme (as it is restricted to those receiving the higher mobility rate). The damaging effects of the 20 metre rule on disabled people's independence have been well documented by the MS Society in its recent report [PIP: A step too far](#).

The poor and inaccurate standards of PIP (and ESA) assessments has been continually criticised from its introduction. No less than [84% of social security appeals relate to PIP and ESA](#). While [84% of PIP new claim mandatory reconsiderations result in no change](#) to the award, [71% PIP appeals are found in favour of the disabled claimant](#). While [87% of ESA mandatory reconsideration decisions result in no change, more than 60% of fit for work decisions are overturned on appeal](#).

In its recent [PIP and ESA Assessments](#) report, the Work and Pensions Committee highlight that failings in their assessment process - from application, to assessment, to decision-making and to challenge - have led to a "pervasive lack of trust" that undermines their entire operation.

Employment and Support Allowance (ESA)

Since April 2012 contributory ESA for those in the Work-Related Activity Group (WRAG) has been limited to just 12 months. Many disabled

people are not eligible to move on to means tested ESA (for example if their partner works for 24 or more hours per week) and so lose their independent income. From April 2017, new claimants of ESA (and Universal Credit) have not been paid the Work-Related Activity Component – a loss of £29.05 a week. This cut was criticised by the independent report of Lord Low of Dalston – [Halving the Gap](#).

Benefit sanctions remain a problem for disabled people. ESA (and Universal Credit) claimants in the WRAG are expected to take part “work-related activity”. Those judged not to have “good cause” not to do so when required are sanctioned by a deduction of £73.10 per week. However, while 72% of mandatory reconsiderations of sanctions result in no change, [four out of five universal credit sanction appeals are successful](#). The Work and Pensions Committee were recently told that [imposing benefit sanctions on disabled people is counter-productive, ineffective and “probably too dangerous”](#), and that the failure of the DWP to research the impact of its sanctions regime was “a real dereliction”.

Universal Credit (UC)

Unlike ESA, UC claimants are expected to carry out any work-related activity before they have had their work capability assessment (WCA). This means decisions on work related activity that a person is to carry out is at the discretion of their individual DWP work coach, who has no medical training and likely to have access to little information about their disability or ill health. Disabled people are therefore under a greater risk of possible sanction.

Unlike ESA, only disabled students who receive DLA or PIP and have had their limited capability for work confirmed by a work capability assessment (WCA) are eligible for UC. But Catch 22 [DWP rules also bar disabled students in a UC area from undergoing a WCA to determine whether they have limited capability for work](#) and so from UC eligibility.

The [bedroom tax](#) is continued under UC. The bedroom tax reduces rent help by 14% a week for one ‘spare room’ and 25% a week for two ‘spare rooms’. [More than two thirds of households’ subject to the bedroom tax include a disabled family member](#).

Ken Butler Welfare Rights Adviser Disability Rights UK 19 June 2018
ken.butler@disabilityrightsuk.org