***What are the most significant human rights violations that people living in poverty and extreme poverty in the United Kingdom experience? Please exemplify by referring to specific cases and relevant norms of international human rights law.***

A combination of qualitative and quantitative data evidence a number of significant human rights violations.

The data relates to medical assessments carried out on behalf of the Department for Work and Pensions by contracted health professionals.

The quantitative data shows:

* 46% of people’s making a claim for disability/ill-health social security benefits having their payments stopped or reduced
* 69% of people nationally and 90% of people locally (East Sussex) winning an appeal at a tribunal hearing and having their benefits re-instated

The qualitative data highlights the shocking assessment process that social security claimants have been forced to endure, to only then have their benefits stopped or reduced illegally.

The combined data evidences a concerted and systematic effort to clearly and demonstrably discriminate against people already suffering with a disability/ill-health:

* People are being denied their rightful social security entitlements
* People are subjected to degrading and discriminatory assessments
* People are being forced to go through a lengthy appeals process that can take up to a year, to claim what is rightfully theirs
* People are being forced to continue to live in, or to endure poverty or extreme poverty by the illegal actions denying them their entitled social security payments

The actions taken by the health professionals at the assessments:

* subject individuals and their families to cruel, inhuman and degrading treatment
* deny individuals and their families their right to social security and their entitlement to economic rights
* deny individuals and their families their right to a standard of living adequate for their well-being

This discrimination, in addition to the physical, psychological and emotional torment endured by people already suffering with ill-health and/or a disability, directly contravenes Articles 5, 22 and 25 of the UN Universal Declaration of Human Rights.

Background

Personal Independence Payment is a social security benefit for people with a long-term health condition or impairment. PIP is replacing the Disability Living Allowance (DLA) benefit and everyone who was on DLA must make a new claim for PIP. The PIP claim process, and social security claims for other disability and ill-health related benefits require submission of detailed personal information followed by a medical assessment.

The assessments are carried out by a health professional on behalf of the DWP who state they must “be registered practitioners who have also met requirements around training, experience and competence. As experienced practitioners and trained disability analysts, health professionals will have detailed knowledge of the principles and practice of relevant consultation and examination techniques.”

The assessments are undertaken by people with a disability, a protected characteristic, or those with ill-health, both groups who are vulnerable and at greater risk of marginalisation.

Quantitative data

Of PIP claims made by people who had previously been receiving DLA, 21% had their benefit decreased and 25% had their benefit disallowed (DWP figures Oct 17).

69% of claimants were successful in appealing a DWP decision relating to their PIP claim at a tribunal hearing (DWP figures Mar 18).

Schemes that have previously supported people in East Sussex who have a limiting long term health condition or disability with benefits advice, have been successful in 90% of appeals at a tribunal.

Qualitative data

In December 2017 the High Court ruled that government changes to the disability benefit system, specifically PIP, “blatantly discriminate” against people with mental health problems and are in breach of their human rights.

In January 2018 Citizens Advice presented results from a survey of 393 staff and volunteers undertaken in the first week of November 2017 to the Work and Pensions Select Committee Inquiry:

*Have you seen or been made aware of clients who have experienced the following issues with PIP in the last few months?*

***Issue******Yes***

*Inaccuracies on PIP assessment reports 93%*

*Large change in points following reconsideration or reassessment*  *80%*

The following statements were made by people who have recently attended benefit claim assessments. All were supported by an East Sussex benefits advice project helping to reduce the impact of health inequalities by supporting people to claim their full and correct benefit entitlements.

***Anna***

*I went to the work capability assessment and thank goodness I had an advocate with me because they just lied. I was curled up in a ball shaking, and could hardly talk, and the advisor said that I didn’t have any anxiety. Thank God the advocate was with me it meant I had a witness. Reading the report initially I thought they had made a mistake; that they had got me mixed up with someone else. That’s how inaccurate it was. They didn’t get my medicines right - the report was nonsense. The work capability assessment is wicked. Really wicked. They are putting people under so much pressure – they are causing so much stress and distress – it is just wrong.*

***Mother with son***

*Reading the assessment was like reading about someone else. It is very worrying that when people are poorly – we get all this extra stress. He was ready to commit suicide. He has 12 months to live (they gave him 18 months, 6 months ago). Sometimes the medical people that they employ seem to have no medical knowledge. The woman basically lied, over and over in the report. It is really disgusting how they treat people.*

***Amy***

*My assessor lied in her report. I took a retired nurse with me – she came into the appointment with me. When we read the report it was nothing like the assessment. My friend was really shocked.*

***Teresa***

*When I had an assessment I went in on my own. My daughter parked out the front. When I got the letter the lady said I walked in carrying a bag, which was a blatant lie, and she lied a few times.*

***Robert (Robert requested and was granted permission to tape the assessment)***

*When the report came back she was telling blatant lies which was confirmed on the tape. It was as though she had something personally against me. About a dozen different things that she has written in the report and signed were contradicted by the tape. When you listen to the tape – and then look at the report – they bear no relationships to each other. Is there no accountability for these people?*

Robert appealed the DWP decision and the case went to a court tribunal hearing.

*I walked in to the tribunal – the clerk came out – it took longer for me to walk to the room to have the interview than it did for the tribunal to question me – they told me they were throwing the case out within 45 seconds, it was that blatant.*

***Penny***

*I have chronic osteoporosis. I was in a wheelchair – the woman was really off. She said a lot of things in the report that just weren’t true. They don’t seem to understand that when you are genuinely ill, these things are really hard. You have to give up so much when you’re disabled, there’s loads of things you want to do – your brain wants to do it and your body lets you down. Then they lie about you and it just makes everything so much worse.*

*They make you feel inadequate. The DWP man at the tribunal when the panel were considering the decision threatened me. He said ‘my suggestion to you is you keep your mouth shut and don’t say any more or you could lose everything’. It is just disgusting.*

***James***

*When I got the report – it didn’t reflect the truth at all. My wife had the same, she needs a heart and lung transplant – and the lady said that she was completely fine. Only way she will be completely fine is if she has a heart and lung transplant. They ignore what is happening – and they lie in their reports.*

***Mum of client*** *(17 years old boy)*

*I will never forgive them for what they did to my son. They demeaned all the things he lives with, fights through, and struggles with every day. He has an illness that means he can’t grip. He’s been in A&E three times recently, because he is 17 and wants to be independent, he tries to cook, his hand slips and he gets cut on knives. We told her that as an example. She said he had no problems gripping. It’s cruel, they made him feel like he is a cheat, like he is trying it on. He was so depressed when he came out, then when we got the report, it was even worse. Not being believed is horrible. It really affected his mental health; he was depressed for about six months after that.*

***Sarah***

*I went in on my mobility scooter – and they said I had walked in which was just blatantly untrue. I couldn’t believe her report – it wasn’t describing me, the person she was describing was a complete stranger. Really, the report was a pack of lies.*

***Mary***

*She ignored everything I had said. She refused to look at my medical evidence, and then reported none of my medical conditions were backed up. It felt like a witch-hunt. Like they were looking at you with no regard for what you find difficult. The report was dishonest – everything was twisted.*

***Which areas of the United Kingdom should the Special Rapporteur visit in light of the poverty and human rights situation in those locations?***

East Sussex. All the statements above were made by East Sussex residents who had attended local assessments for ill-health and disability related benefits.

East Sussex is a two-tier county with one county council and five local authority councils. Hastings and Eastbourne are high population density urban areas and Lewes, Rother and Wealden all have a mix of urban and rural areas.

East Sussex is an area of extreme contrasts. As well as having areas in the top **1% of the most deprived** in the country, it also has areas in the top **1% of the least deprived** in the country.

The 2015 Indices of Multiple Deprivation (IMD) statistics rank Hastings as the 13th most deprived local authority district in the country out of 326. Hastings has the 89th most deprived Lower Super Output Area (LSOA) in the country out of 32,844 and the 11th most deprived LSOA in the country out of 32,844 according to income deprivation.

East Sussex has LSOAs in the most deprived 2% in the country within each of the IMD domains:

1. Income
2. Employment
3. Education, skills & training
4. Health, deprivation & disability
5. Crime
6. Barriers to housing & services
7. Living environment

These top 2% most deprived areas for each of the IMD domains are spread throughout the five local authorities of Eastbourne, Hastings, Lewes, Rother and Wealden.

East Sussex also has significant numbers of people living in poverty and claiming social security benefits.

East Sussex has an estimated 48,986 households living in poverty. Rates of poverty vary both across and within the five local authority areas in East Sussex. The national rate of poverty as defined by the Relative Low Income indicator (income below 60% of the average national median) is 22%.

In Rother, some areas have over 30% of households living poverty and in Hastings and Eastbourne there are areas with over 40% of households living in poverty. The highest area in Hastings has 44% of households living in poverty, double the national average.

East Sussex also has concentrated areas with high numbers of people claiming benefits.

The average rate of population claiming benefits in England is 10.7% and in the South East of England is 8.4%.

* 87.5% of Hastings wards (14/16) and 66% of Eastbourne wards (6/9) have more than 10.7% of their populations claiming benefits.
* Highest population benefit claimant rates in East Sussex wards are:
  + Hastings - Central St. Leonards 29.0%
  + Hastings - Baird 26.8%
  + Rother - Sidley 25.2%
  + Hastings - Hollington 24.8%
  + Hastings - Wishing Tree 24.5%
  + Wealden - Hailsham East 24.4%
  + Hastings - Tressell 24.3%
  + Hastings - Gensing 23.1%
  + Hastings - Castle 22.4%
  + Rother - Central 19.3%
  + Eastbourne - Hampden Park 19.2%

***Which individuals and organizations should the Special Rapporteur meet with during his country visit to the United Kingdom?***

Joseph Rowntree Foundation and the Child Poverty Action Group are organisations that are well placed to provide a national view on poverty and the impact on an individual’s human rights.

Within East Sussex, Sussex Community Development Association (SCDA <http://sussexcommunity.org.uk/>) can provide a detailed view of how poverty impacts on individuals, on families, children and older people in urban and rural communities.

SCDA works with over 100 organisations in the voluntary, statutory and private sectors and is the only charity working across the whole of East Sussex delivering Health and Wellbeing, Employability, Advice & Inclusion, Community Development and Care and Support services.

SCDA can provide our own perspective on local poverty and human rights issues and the impact on our clients across our various work-streams. SCDA is also able to make introductions to, and to arrange meetings with the other voluntary, statutory and private sector organisations working across East Sussex. We work closely on a number of projects with the National Health Service, Citizens Advice, Brighton Housing Trust, Age Concern, with all the county, borough and district councils and with a large number of smaller charities, organisations and services.

Last year SCDA worked with over 50,000 people and 659 volunteers. SCDA has bases in the most deprived areas of the East Sussex including Newhaven, Hastings, Bexhill, Hailsham and Eastbourne.

SCDA focuses on front-line delivery across five integrated work streams with specialist staff:

1. Health and wellbeing: courses and activites to support and promote healthy lifestyles (mental wellbeing, physical activity, healthy eating, building friendships); Health Champions and Community Messengers; Making Every Contact Count; access to green and open spaces; community gardens and community kitchens; mental wellbeing; Sussex Community Counselling.

2. Employability: supporting unemployed people (including people with long term health conditions and disabilities, long term unemployed and inactive people) to build aspirations, skills and access work, learning and volunteering opportunities.

3. Advice and inclusion: specialist information and advice including debt, benefits and housing; bi-lingual advocacy, translation and community inclusion activities for the BME community; social prescribing; Newhaven and Seahaven Food Bank; Support for Survivors of Suicide; support for people affected by anti-social behaviour, hate crime and harrassment.

4. Community development: community hubs; community activities, courses, events and asset building; family learning, parenting support and activities; family forum; befriending and support for isolated older people; youth information, advice, counselling and activities; youth forum; 76-place nursery rated ‘Outstanding’ by Ofsted.

5. Care and support: quality care, support and activities for older and disabled people across three community hub locations in Lewes, Hastings and Bexhill-on-Sea.

Penny Shimmin is the Chief Executive Office at SCDA. She is also a trustee of the Bromley-by-Bow Centre (<https://www.bbbc.org.uk/>)

**UNIVERSAL CREDIT**

***Aims:***

* ***to simplify and streamline the benefits system for claimants and administrators***
* ***to improve work incentives***
* ***to tackle poverty***
* ***to reduce fraud and error.***

***The Special Rapporteur is interested in learning more about Universal Credit, including its impact on poverty in the United Kingdom and on the human rights of those living in poverty. Below are some of the questions the Special Rapporteur has in that regard:***

***To what extent has the Universal Credit been able to achieve the goals identified above?***

Universal Credit has simplified and streamlined the benefits system for the majority of claimants. It has however, complicated and confused the application process for a significant minority.

The Benefits & Debt Advice Project in East Sussex is seeing an increasing number of clients struggling to manage both the online application and ongoing claim management process. We are seeing clients with a number of issues similar to those that occurred with legacy benefits, and some with new issues that are specific to Universal Credit.

The following is a list of generic issues we have encountered when supporting clients with Universal Credit issues:

* Minimum five week wait forcing people to make decisions on whether to feed or clothe their family, and whether to heat or maintain their home. The situation is forcing people to address the immediate issues of food and heat, and to either get into debt or to stop paying rent.
* The DWP takes the view that everybody is fit for work and capable of completing 37 hours a week work related activities when they make their claim for UC. If an individual does not have the support, capacity, knowledge or confidence to challenge this assumption, and is not able to complete the DWP set of activities they will be sanctioned.
* If a person has a disability or health condition that makes it difficult for them to complete the activities and they challenge the DWP decision, they must continue to complete the set activities until their hearing, and this can take up to a year. Every time they do not complete the agreed activities their benefits could be sanctioned.
* Landlords are refusing to accept tenants on benefits.
* Landlords are evicting tenants on benefits as soon as they miss one rent payment.
* The alternative payment arrangement that allows landlords to be paid directly is flawed and the housing element of UC does not always reach the tenants rent account with the landlord, this is triggering evictions.
* If a private tenant misses or is late with a rent payment the managing agent charges the tenant for each notification of late payment. If a private rented tenant requests a change of rent payment date, the managing/letting agents can charge hundreds of pounds for a new tenancy agreement to be drawn up.
* Landlords are claiming and DWP are authorising 20% of claimant’s monthly living entitlement to pay off arrears. If a social landlord then the courts can accept arrears repayment of just £3.70 a week.
* Examples of some benefit payments being included in income calculations for Universal Credit when they do not appear on the list of benefits to be included, e.g. War Disablement Pension.
* Repayment of Universal Credit Advances is being deducted at a high rate, up to £90 a month. Advice services used to expect £7 weekly deductions for repayment of old crisis or budgeting loans.
* Issues with the minimum income floor – the amount that Universal Credit determine a self-employed person is earning based on them working a 35 hour week and using the minimum wage for their age group. Universal Credit payments for a self-employed person are based on the assumption that they will earn the minimum income floor amount, even if they don’t. Minimum income floor could be set at £1,000 a month and actual income could be £200.

The following is a list of some of the more common issues we are now supporting clients with. The majority of our clients have a disability, ill-health and/or reduced capacity and confidence to address these issues.

Clients report they:

* can’t manage financially from the time of their application until first payment
* still find the complexity of the benefit system difficult to navigate for example people who are not able to work due to sickness are unsure if they should claim Employment Support Allowance (ESA) (income and/or contribution) or Universal Credit or something else
* struggle to make on-line Universal Credit claims
* struggle to manage and maintain their on-line applications
* have encountered problems when they have sought help from the Department for Work and Pensions (DWP) Universal Credit helpline or Jobcentre Plus (JCP) - not all clients have found this helpful and some are given conflicting information such as whether or not they can make an application while waiting for a national insurance number to be allocated
* have encountered difficulties when looking for new accommodation as some landlords will not take on people claiming Universal Credit
* were not aware that where Universal Credit does not meet full housing costs that they can apply to the council for Discretionary Housing Payments. They tell us they are not informed by their JCP work coach about this option
* are facing difficulties when Appointees attempt to get new Universal Credit claims accepted
* require help completing Universal Credit forms (such as the UC50)
* require help dealing with overpayments
* require help dealing with reconsiderations and appeals about a range of issues on their claims
* require help accessing and updating their Universal Credit accounts
* require help on how to report a change of circumstances
* struggle to cope financially and procedurally when housing (rental) costs have not been included in their calculation
* do not know what to do when they have reported a change on their journal but it was not actioned
* do not know how to deal with DWP using incorrect information from Her Majesties Revenue and Customs (HMRC) Real Time Information (RTI) about earnings
* are confused when people moving from legacy benefits to Universal Credit who are told their only right to reside is as a jobseeker where they have a different right to reside and consequently an entitlement to Universal Credit
* confused and scared when they have accepted their claimant commitment but it is not achievable and are subsequently sanctioned
* frustrated when their entitlement is stopped because of failure to attend an appointment with JCP even though they explained in advance they could not attend
* struggle to understand journal entries
* require help when incorrect income has been taken into account when it has stopped including other benefits such as Carers Allowance
* struggle to understand decisions from work capability assessments
* struggle to understand what is and is not supported accommodation
* receive conflicting information when they ask their work coach for non Universal Credit benefit advice or how a change of circumstances will affect them. We are told the work coach will only explain the impact on the UC claim and nothing else such as Carers Allowance, ESA, and Council Tax Reduction. Some of our clients tell us they were misinformed or not told about their options for example when they fail an ESA work capability assessment they are told they must claim UC, not that once they have appealed about their ESA they can receive the basic rate of ESA and Housing Benefit. Other examples include when a child becomes a non-dependent or is thinking about leaving school or college. Clients often tell us their work coach has directed them to our services as they can’t tell the client about non UC matters.

***What has the impact of Universal Credit been on poverty and the lives of the poor in the United Kingdom until now? It would be helpful to also distinguish the specific impact of Universal Credit on specific groups, including for example children, persons with disabilities, women and other groups which may be more vulnerable on the basis of their identity and circumstances.***

The biggest impact is that on people with disabilities, ill-health and/or those who have a reduced capacity to deal with Universal Credit issues. All the issues identified above have the potential, if not addressed quickly and accurately, to stop an individual Universal Credit entitlement. The most damaging factor that causes the most hardship most frequently is that the DWP have not ensured that the most vulnerable and marginalised people have adequate support to navigate a new and complex benefits process. Advice services are spending an increasing amount of time dealing with Universal Credit issues with clients. The complexity of Universal Credit issues is greater than that with legacy benefits. This results in more time being spent on each issue, therefore reducing capacity for engaging with new clients at a time when the demand for services is increasing.

The greatest impacts are:

* Increases destitution, poverty and deprivation
* Increases in demand for advice services
* Increases in demand for foodbanks (up to 85% in areas of East Sussex following roll out of Universal Credit)
* Rent arrears and evictions
* Use of expensive (and sometimes illegal) credit
* Significant cuts to work allowances
* On-line service is a barrier to many vulnerable people
* Victims of domestic violence and abusive relationships suffer
* No single person disability premuims

***What has the impact been of various forms of ‘welfare conditionality’ in the context of Universal Credit in terms of incentivizing work?***

The following is an article originally reproduced in The Guardian newspaper following a report made by [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk)

Benefit sanctions are ineffective at getting jobless people into work and are more likely to reduce those affected to poverty, ill-health or even survival crime according to the UK’s most extensive study of welfare conditionality.

The five-year exercise tracking hundreds of claimants concludes that the controversial policy of docking benefits as punishment for alleged failures to comply with jobcentre rules has failed.

The study reports “Benefit sanctions do little to enhance people’s motivation to prepare for, seek or enter paid work. They routinely trigger profoundly negative personal, financial, health and behavioural outcomes.”

The report called for a review of the use of sanctions, including an immediate moratorium on benefit sanctions for disabled people who are disproportionately affected, together with an urgent “rebalancing” of the social security system to focus less on compliance and more on helping claimants into work.

In the “rare” cases where claimants did move off benefits into sustained work, researchers found that personalised job support, not sanctions, was the key factor. With few exceptions, however, jobcentres were more focused on enforcing benefit rules rather than helping people get jobs, the study found.

“Although some examples of good practice are evident, much of the mandatory job search, training and employment support offered by Jobcentre Plus and external providers is too generic, of poor quality and largely ineffective in enabling people to enter and sustain paid work,” it says.

For those people interviewed for the study who did obtain work, the most common outcome was a series of short-term, insecure jobs, interspersed with periods of unemployment, rather than a shift into sustained, well-paid work.

Sanctions generally delivered poor outcomes, including debt, poverty and reliance on charities such as food banks, the study found. Often imposed for trivial and seemingly cruel reasons, they frequently triggered high levels of stress, anxiety and depression.

“The outcomes from sanctions are almost universally negative,” said the director of the study, Prof Peter Dwyer of the University of York.

The study found that, in many cases, the threat of sanctions had the unintended effect of encouraging a “culture of counterproductive compliance and futile behaviour” among some claimants, who learned “the rules of the game” rather than becoming genuinely engaged with work.

Claimants with chaotic lives – who were homeless or had addictions, for example – reacted to the “inherent hassle” of the conditionality system by dropping out of the social security system altogether. In some cases, they moved into survival crime, such as drug dealing.

Low-paid workers on universal credit who were subject to so-called “in-work conditionality” – a requirement for them to work more hours or face sanctions - in some cases elected to sign off, foregoing rent support and tax credits, to avoid what they saw as constant, petty harassment from jobcentre staff.

Welfare conditionality – the notion that eligibility for benefits and services should be linked to claimants’ compliance with certain rules and behaviours – has been progressively embedded into the UK social security system since the 1990s, although the scope and severity intensified dramatically after 2012.

Sanctions are imposed when claimants supposedly breach jobcentre rules, typically by failing to turn up for appointments or applying for enough jobs. They are effectively fined by having their benefit payments stopped for a minimum of four weeks (about £300) and a maximum of three years.

At its peak in 2013, under the then secretary of state for work and pensions, Iain Duncan Smith, there were more than a million sanctions. Between 2010 and 2015, a quarter of all people on jobseeker’s allowance were sanctioned, with the Department for Work and Pensions (DWP) issuing £132m in sanctions penalties in 2015.

Sanctions fell to 350,000 in 2016 as a series of critical reports emerged questioning their effectiveness and calling for changes, including from the all-party work and pensions select committee, the DWP’s social security advisory committee and the National Audit Office. A fresh inquiry by MPsinto sanctions is under way.

The Economic and Social Research Council-funded welfare conditionality study was carried out between 2013 and 2018 by researchers at six universities. It included repeat qualitative interviews over two years with 481 welfare service users in England and Scotland as well as interviews with 57 policy experts and 27 focus groups.

Dalia Ben-Galim, the policy director at the single parents’ charity Gingerbread, said: “Rather than threatening single parents with sanctions and widening the ‘conditionality’ agenda, it would be much more valuable to enable the conditions to support employment such as affordable childcare, access to flexible work and personalised support through job centres.”

A DWP spokesperson said: “Our research shows that over 70% of JSA claimants say sanctions make it more likely they will comply with reasonable and agreed requirements, and it is understandable that people meet certain expectations in return for benefits.

“We tailor requirements to individual cases and sanctions are only used in a very small percentage of cases when people fail to meet their agreed requirements set out in their claimant commitment.”

Labour’s shadow secretary for work and pensions Margaret Greenwood said: “The current sanctions system is immoral and ineffective. It is not helping people into employment and at the same time is leaving vulnerable people on the brink of destitution, without any source of income for long periods.”