

To:

Professor Philip Alston

The United Nations Special Rapporteur on extreme poverty and human rights

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Preparation for your visit to the UK in November 2018

Submission from WinVisible (women with visible and invisible disabilities)

WinVisible (women with visible & invisible disabilities) is a grassroots multi-racial self-help organisation with a UK-wide network, enabling women to have a voice, and providing self-help information, peer support, advocacy, campaigning (including supporting legal challenges upholding human rights) and other activities.

We bring together women who are refugee and asylum-seeking, UK-born and from different countries. We highlight that, in an inaccessible society, coping with disability and ill-health is hard unwaged work. Many of us are benefit claimants and reliant on care services, disabled mothers and carers for other people, some are low-waged or retired, some excluded from mainstream benefits by our immigration status. We help women, including traumatised refugee women, to win their entitlements. We produce rights-based information based on our casework and tackling compounded discrimination. We focus on the impact of work conditions for benefit on women and children: women with severe illnesses and disabilities, disabled or ill mothers found fit for work by reason of caring for children. We support a living wage for mothers and other carers, and are part of the Support Not Separation coalition to stop children being taken into State care from disabled mothers deemed unfit while denied the financial and practical support they are entitled to.

In 2015, we were among the organisations and individuals giving evidence to the UN Committee on the Rights of Persons with Disabilities.

- Austerity policies have targeted sick and disabled people. Relentless cuts and continual changes to provision have brought terrifying insecurity and fear for the future. Destitution is commonplace. Sick and disabled people are commonly left destitute from having benefits stopped for various bureaucratic and inhumane reasons. All benefit claimants, women especially, suffer from the focus on “back-to-work” rather than support and recognition of caring work and responsibilities. Raising the retirement age subjects disabled women in their 60s to the distress of being found fit for work.
- The Conservative government aims to dismantle the Welfare State, benefits and services, and end any responsibility for people’s welfare.¹ Universal Credit and other cuts severely hit disabled adults and families with disabled children.²

- In the past, it has also been Labour Party policy to cut welfare, bringing in the Work Capability Assessment (implemented from 2008) and excluding asylum seekers from mainstream benefits (Immigration and Asylum Act 1999).
- But the current leadership of the Labour Party has put forward humane welfare policies, including to scrap punitive benefit sanctions and the discredited Work Capability Assessment.
- 34% of families in London with at least one disabled adult in it are in poverty, 26% outside London. 25% of families without disabilities in London are in poverty.³ According to the Joseph Rowntree Foundation, 39 per cent of disabled people in Wales are living in income poverty (risen from 27% in 2010), compared with 31 per cent of disabled people in the UK as a whole, and 22 per cent of non-disabled people in Wales.⁴ 27% of working age disabled adults have less than £50 to spend each week after deducting income tax, Council Tax and housing costs.⁵ Fewer disabled people are in paid work.⁶ Disabled people of colour have higher deprivation scores.⁷
- Disabled women are rarely focussed on. There is a lack of official statistics. Statistics are usually about the standard equality groups: disabled people, women, people of colour. Disabled women's disadvantage is hidden by our comparison with women generally, who are already disadvantaged.
- Disabled women, who are the majority of disabled people, face cuts, increased charges and taxes simultaneously: benefit cuts and sanctions, bedroom tax, Council Tax, homecare charges, cuts to services (adult social care and children's services), and loss of their public sector jobs – previously stable unionised employment open to disabled women.⁸
- Disabled women are also harder hit because of vulnerability to violence, abuse and relationship pressures as a result of forced dependence.⁹
- Compared to disabled men, disabled women are more likely to have caring responsibilities for children, partners, elderly parents and friends, on top of coping with our own disability or ill-health. In 90% of UK families the primary carer is a woman. Tax and benefit changes since 2010 have cumulatively taken just over £3bn from men (21%) and £11.6bn from women (79%).¹⁰ 65% of older carers (aged 60–94) looking after a sick or disabled person have long-term health problems or a disability themselves.¹¹
- Disability-related expenses greatly contribute to poverty among disabled people. A Scope report found that on average disabled people face disability-related costs of £570 per month (an average of £492 a month for disabled people in work, an average of £640 a month for those not in work), 20% of disabled people have extra costs of more than £1,000 per month.¹²
- Due to cuts in advice services, there are fewer places to get advice and help which makes it harder for people to get benefits and other support restored.

- **Employment and Support Allowance (ESA).** Women with disabilities told us how they became **homeless and destitute** after being cut off ESA. Their Housing Benefit (tied to ESA) was stopped and they were evicted by the Council. They could not cope, they did not get any effective help, their circumstances spiralled down. Losing ESA after being found fit for work, being moved onto Jobseekers Allowance (JSA) which is less money with job search conditions increases the risk of becoming destitute.¹³ Sick and disabled people claiming Employment and Support Allowance who are found “fit for work” can’t get any ESA payments during the first stage of challenging refusal, mandatory reconsideration, which takes several weeks.¹⁴ JSA is the only option.
- Since April 2017 new ESA claimants in the Work Related Activity Group (WRAG) get £30 less a week than ESA Support Group recipients.¹⁵ ESA WRAG claimants are under threat of sanction if they do not attend or keep to compulsory preparation for work. According to latest figures, the [mortality rate](#) of ESA WRAG claimants appears to be increasing.
- And many ESA claimants were underpaid thousands after the changeover from incapacity benefit.¹⁶
- “Good cause” for missing disability benefit exams has not been accepted even if women are too sick to go, like Moira Drury.¹⁷ Women are cut off when their forms are returned late even though the deadlines are very tight and do not take into account delays due to ill-health or the time needed to get help with filling in the form or to obtain supporting medical evidence. ESA and Housing Benefit payments stop when “failure to attend” is upheld by the DWP.¹⁸ Ms E has a life-threatening lung disease. She was cut off benefit despite forewarning the assessors she would be 10 minutes late as she overslept due to ill-health and couldn’t run for the bus. Her health reasons were not accepted. She dangerously lost weight while destitute, and had to go to a relative to eat. We helped her publicise this injustice and worked with an advice service to get her ESA restored without the wait for a benefit tribunal.
- **Personal Independence Payment (PIP):** The abolition of Disability Living Allowance for adults and introduction of PIP with no low rates, aimed to cut the number of claimants and spending by 20%.¹⁹ Just 71 per cent of DLA recipients who applied for PIP were successful with their claim in April 2016.²⁰ Many PIP refusals are overturned at appeal tribunal.²¹
- **Universal Credit:** (UC) cuts or abolishes premiums which were established as necessary under Income Support, and additional benefit amounts for children and adults with specific needs.²² In June 2018 a High Court judge ruled that claimants who lost severe disability premiums when they moved to a Universal Credit (UC) area, were unlawfully discriminated against.²³ Single mother of four Elaine Morrall died freezing in November 2017 after being cut off for missing a Universal Credit Jobcentre appointment as she was in

hospital intensive care. According to her mother Linda, she had previously been refused ESA.²⁴

- **Bedroom tax:** mostly affects households with disabled people, mothers and grandmothers whose children have left home²⁵. It also affects women and children fleeing domestic violence who have been rehoused with a secure safe room to hide in from violent ex-partners coming to attack them at home.²⁶
- In February 2018, **preventable winter deaths** were estimated at 33,464 from the beginning of December 2017, the highest figure for 18 years.²⁷ 3,200 excess winter deaths are linked directly to people experiencing fuel poverty.²⁸ Pensioners (the majority women), babies and children, sick and disabled people are most at risk. We believe that this shocking death toll is closely connected to the cuts in homecare and the estimated one million pensioners without care. If someone was visiting, they could save lives.
- Older and disabled people are facing a **dire lack of support services, especially homecare**. The underlying problem is the cut in central government grant to Councils, who then increase charges to vulnerable people.²⁹
- In England, only Hammersmith & Fulham Council does not charge for homecare. Councils are often charging more than the person's entire care benefit amount, driving their income down to a minimum, and discounting disability-related expenses. Their demands for proof of expenses are so bureaucratic and onerous that vulnerable people cannot cope with this.³⁰ Women contacted us who dropped out of care services they needed due to unaffordable charges. Others are in thousands of pounds of debt and threatened with court.³¹
- The Care Act 2014 which came into force in April 2015, harshened the regime of charging for care, treating care needs almost like a commercial transaction. By comparison, previous Department of Health guidance began by stating there is no obligation to charge and did not limit what could be accepted as disability-related expenses to offset charges.³² Charges discriminate against high-needs people, as the greater your needs, the more you pay.
- **Abolition of Council Tax Benefit:** Each Council has its own local policy, some exempt disabled people and carers, some do not. It has become the biggest debt problem which people seek advice for.³³ People are summoned to court for small amounts, as little as £2.59 non-payment in our local borough of Camden.³⁴ Court costs of between £85-£125 are added to the debt. Disabled mother Michelle Moseley won a Supreme Court legal challenge against Haringey Council (on the grounds that their Council Tax consultation with residents did not specify the choice to continue exempting low-income people) but this ruling has not been implemented.³⁵ Rev Paul Nicolson of Taxpayers Against Poverty is continuing to press Haringey that the costs they routinely add to the original debt cannot be justified.

- **Asylum seekers:** are excluded from disability benefits. Lillian Oluk who was HIV+ and who had fled persecution in Uganda died with her baby daughter Lynne Matumba of thirst and starvation after Medway council stopped their food vouchers when the Home Office refused her asylum claim.³⁶ Racism in the benefit system takes the form of discounting the trauma of refugee women, who often have suffered rape, survived genocide of their family, horrendous injuries in wars and armed conflicts. Sometimes DWP staff put the phone down on women whose first language is not English or maliciously misdirect women who don't know the system. A woman survivor of the Rwandan genocide did not understand an official letter calling her in for interview. She was cut off benefit and only survived by going to a food bank. Asylum seekers with a current claim receive less than Income Support level in financial support, and are placed in the worst run-down accommodation. Many whose claim has been refused are left destitute or detained in terrible conditions.³⁷ Some disabled asylum seekers are "dispersed" out of London to inaccessible accommodation, away from community support, medical services and without medication supplies.
- **EU migrants.** Access to benefits and housing is increasingly being restricted, with emphasis on being a jobseeker, worker or self-supporting. This discriminates against non-wealthy disabled people who move to the UK. EU migrants are denied Housing Benefit and social housing, and cannot claim ESA to live on, instead have to be a jobseeker.³⁸ Residence rules for PIP are also very punitive to migrants. People whose immigration status was put into question by the Home Office were asked to pay back thousands of £ in disability benefits.³⁹ However, in 2016 we won the case of [GS](#).
- **The Benefit Cap.** In a legal challenge by traumatised mothers and children fleeing domestic violence, the Supreme Court ruled that the Benefit Cap breaches the UN Rights of the Child, by making children homeless and destitute.⁴⁰ The view that the Cap discriminates against women, single mothers in particular, was supported by two of the five judges. Sick and disabled people getting DLA/PIP or ESA at the Support Group rate are exempted. But the Cap is applied to ESA claimants in the Work-Related Activity Group, who are 72% of claimants granted ESA.
- **Waged work.** People with disabilities are more likely to receive low pay: 62 % of disabled people in part time work versus 54% of non-disabled people, 25 % of disabled people working full time versus 19% of non-disabled people.⁴¹ Disabled people of colour earn less.⁴²
- There is a lack of support if people want to do waged work. Quality training and support has disappeared with compulsory privatised "preparation for work". Women in our network experience discrimination and delays with provision of access equipment under the Access to Work scheme, being blamed for "poor performance" in their job, when the problems are caused by

lack of access and hostility or reluctance to put effort into integrating disabled employees.

- **Benefit sanctions** against disabled people have greatly increased. In the first three months of 2014, there were 15,955 sanctions on ESA claimants, compared with 3,574 in the same period in 2013.⁴³ JSA sanctions are hitting people with learning disabilities and dyslexia, and people whose first language is not English.⁴⁴ Disabled people on JSA are more likely to be sanctioned than non-disabled JSA claimants.

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¹ <https://www.theguardian.com/commentisfree/2018/mar/14/austerity-poor-disability-george-osborne-tories>

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³ <https://www.trustforlondon.org.uk/data/disability-and-poverty/>

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⁴ <https://www.disabledgo.com/blog/2018/03/sharp-rise-in-disability-poverty-in-wales-is-very-concerning/#.W5QowehKg2y>

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¹⁰ Women's Budget Group: <https://wbg.org.uk/wp-content/uploads/2014/03/FINAL-WBG-2014-budget-response.pdf>

¹¹ <https://carers.org/key-facts-about-carers-and-people-they-care>

¹² <https://www.scope.org.uk/Scope/media/Documents/Publication%20Directory/The-disability-price-tag-Policy-report.pdf?ext=.pdf>, p. 5 & 8

¹³ file:///C:/Users/Ariane/Downloads/destitution2018_0.pdf, see p.41

¹⁴ <https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/employment-and-support-allowance/while-youre-getting-esa/esa-money-and-benefits-during-reconsideration/>

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¹⁶ <https://www.theguardian.com/society/2018/jul/18/government-will-pay-arrears-thousands-benefit-claimants-backdated-2011>

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- ³² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208323/Fairer_Charging_Guidance_final_2013-06-20_rc.pdf
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