



## **Spinal Injuries Association (SIA)**

**Response to:** 21<sup>st</sup> Century Welfare – a consultation by the the Department for Work and Pensions

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**Sent by:** Dan Burden (SIA Head of Public Affairs)

**Contact Details:** Please see bottom of document

**Sent on behalf of:** Spinal Injuries Association (SIA)

The Spinal Injuries Association (SIA) warmly welcomes the opportunity to respond to the Department for Work and Pension's consultation on 21<sup>st</sup> Century Welfare

### **About SIA**

SIA represents the 40,000 Spinal Cord Injured (SCI) people throughout the UK. SCI manifests itself as paraplegia (full or partial paralysis of the lower limbs) or tetraplegia (full or partial paralysis of all four limbs). Consequently, SCI people will require different degrees of support to re enter the work place and, following the onset of injury, extended periods of rehabilitation before they are able to consider returning to employment. Many SCI people are rendered so debilitated by their injuries that they will never be able to return to work and rely on Government benefits to live an independent life.

### **SIA Response**

The focus of SIA's response is to help the DWP achieve a 21<sup>st</sup> Century welfare system that will best meet the needs of all SCI people.

## 1. What steps should the Government consider to reduce the cost of the welfare system and reduce welfare dependency and poverty?

The Government should view the task of returning disabled people to employment holistically and not simply in terms of changing the behaviour of those on out of work benefits. They must ensure that disabled people have the same work options as others and that the employment market is as open and non-discriminatory as it would be to non-disabled people. This action above all else is likely to encourage those disabled people who can work back into employment as it will become apparent that they can succeed and progress on the same terms as their non-disabled peers.

Fourteen years after the Disability Discrimination Act was first enacted, disabled people still do not have equality in employment in terms of finding a job, gaining promotion and moving within the job market. Whilst legislation seeks to address these issues there is still a great deal of evidence that suggests disabled people are subject to discrimination in all aspects of employment. Those disabled people who are able to work may be discouraged from entering a market in which they cannot compete and succeed in the same way as non-disabled people.

Similarly, to encourage disabled people back into employment the Government must address the Access to Work fund. SIA would like to see the scheme expanded to those under-taking voluntary work and structured work placements as a stepping stone to paid work. Often disabled people who have been long-term unemployed or have to take another career path following the onset of a disability find that they can gain experience, confidence and build skills in the voluntary sector or through proper managed work placements (e.g. via Local Employment Partnerships). However many are put off partaking in such schemes because of lack of specialised equipment, transport problems or no support available to manage their disability/condition while they undertake these roles.

The promotion of Access to Work, publicising examples of how it can be used, will further inform disabled people of the support which will be available to them on returning to work and increase their confidence. A similar publicity campaign amongst employers may dispel some of their fears regarding the costs of employing a disabled person.

## 2. Which aspects of the current benefits and Tax Credits system in particular lead to the widely held view that work does not pay for benefit recipients?

As SIA has responded in question one, for many disabled people who can work it is not that employment is seen as not paying, rather that employment is a discriminatory market, weighted against the disabled person and not an environment in which they can succeed on the same terms as non-disabled

people. This can be through both the discrimination of employers' perceptions and the inaccessibility of the physical environment.

### 3. To what extent is the complexity of the system deterring some people from moving into work?

The numerous benefit strands disabled people are entitled to when out of work may be hard to navigate for someone who is unaware of all of the support that is available for them. It is conceivable that this complexity will lead a claimant to be unsure which payments he will retain and which he will lose when re-entering the workplace.

Disabled people are often put off moving away from relying totally on benefits and going into the work place (especially for the first time) in case they are unable to cope with holding down a job and have to return to reliance on the benefit system. Their main fear is that re-applying for a benefit(s) will be complicated and there could be a period when they have no/or little money coming in e.g. between the time they receive their last pay cheque and the time it takes to process a new benefit(s) claim.

Many SCI people would find it difficult to do a 5 day, 9-5 working week. By encouraging employers to consider much more flexible options and allowing individuals to work some hours but more than the current minimum would help people make a valuable, achievable step in returning to work. This for some will then lead to fuller hours when they see what is possible and find an employer that is more flexible. A flexible benefit system would help many make the first step.

### 4. To what extent is structural reform needed to deliver customer service improvements, drive down administration costs and cut the levels of error, overpayments and fraud?

As an organisation of the DWP's customers, limiting the bureaucracy and repetitive form filling would be welcomed, particularly by those who may be daunted at the prospect of numerous wordy applications and consequently discouraged from applying for the benefits they are rightly entitled to.

To remove the disincentive (outlined in Q.3) re: disabled people taking the jump from relying totally on benefits and getting some paid work SIA would like to see a persons benefit entitlement to stay on hold for a period of up to 12 months if they take paid work (either full or part time), so they could return to the same fall back position they had before they took on any work. This would take away any real or perceived fear for disabled people that they may not be able to cope with a return to the workplace because they do not receive the right support, their condition/disability deteriorates, the suffer from fatigue – or the job turns out to be short term.

5. Has the Government identified the right set of principles to use to guide reform?

The Government's principles are commendable, but each principle must be approached with equal weighting to ensure that those who can are encouraged back to work whilst those who cannot work as a result of their disability are suitably protected by these reforms.

As previously mentioned in this response, the Government must also see the issue of disability unemployment beyond the realms of merely benefits. They must work to ensure that the employment market is equally open to all, both through a tightening of equality law and additional support through Access to Work to ensure that the disability related disadvantages disabled people encounter in the work place are overcome, including access to voluntary or back to work programmes.

SIA would therefore propose an eighth principle – that the Government ensure the employment market is truly non-discriminatory and equally accessible to all.

6. Would an approach along the lines of the models set out in chapter 3 improve work incentives and hence help the Government to reduce costs and tackle welfare dependency and poverty? Which elements would be most successful? What other approaches should the Government consider?

The consultation states that "At the appropriate stage, [the Government] will assess the impact of our proposals on vulnerable groups." However, given that the discussion is on the future of out of work benefits, which are claimed by many disabled people, SIA feels that the impact of these reforms on unemployed disabled people should be discussed as part of this paper.

For instance, the model for a 'single working age benefit' treats all claimants equally, not recognising the additional support disabled people require and the costs that we incur in our day to day lives beyond that of a non-disabled jobseeker.

If plans for a Universal Credit are followed through then it is clear that many current claimants will become worse off financially. The Government must follow through its pledge to support the most vulnerable in society by ensuring that disabled people who cannot work or can only work for limited periods of time are offered the same levels of support that they have had under the previous regime.

7. Do you think we should increase the obligations on benefit claimants who can work to take the steps necessary to seek and enter work?

Those that can should most definitely be encouraged to work as employment will not only bring greater financial benefits, but will also allow better reintegration and rehabilitation for disabled individuals. However, it must be recognised that many SCI people will find themselves, as a result of their disability, unable to work either full or part time. Despite the assurances of this consultation SIA reiterate that the Government must ensure that those who are unable to work are not disenfranchised by a new benefits system and that any reassessment of capability continues to protect those who are unable to re-enter the workplace.

Due to the prejudice which exists in today's employment market, disabled people will continue to find it harder to enter paid employment. The obligations that Government sets on disabled people re-entering work must recognise this and more leniency taken for those who find it harder to re-enter work at a level suitable to their education and experience due to the inequalities of the workplace.

#### 8. Do you think that we should have a system of conditionality which aims to maximise the amount of work a person does, consistent with their personal circumstances?

As is proposed in the consultation document, conditionality seems an appropriate way in weaning those that can work off benefits and into employment. However, without further detail it is not clear what the term 'conditionality' will actually mean in practice. Its ambiguity might lead to unrealistic goal setting, which may negatively impact on an individual's health, well-being and over-all expectations. To ensure that conditionality best enables disabled people to re-enter employment (when they are able to do so) the Government should ensure that the groups – e.g. job seeker, work-related activity group - are allotted fairly according to realistic capabilities of the individual. Where there is some doubt as to which group the disabled person should be in they must err in favour of the group with lesser work expectation so that people do not find themselves in a position where they are unable to fulfil the conditionality of their benefit.

It must be recognised that with the onset of a traumatic disability e.g. a Spinal Cord Injury a person may need a long period of rehabilitation and adjustment before they are ready to undertake retraining and returning to the workplace. When that time comes – or when a disabled person is going through the process after a long time out of work - the retraining they require may be quite substantial, particularly for those who have worked in physical jobs which are no longer feasible to them as a result of their disability.

Rushing a disabled person through the different stages of the conditionality process may actually have the reverse effect to that the Government intends, leaving them less productive than if they had had sufficient time and support to guide them gradually back into employment. If the Government is intent on

moving people from benefits to employment it must do so in a way that ensures disabled people are assisted to achieve their full potential in the workplace.

9. If you agree that there should be greater localism what local flexibility would be required to deliver this?

SIA is concerned that a flexible, local approach could lead to a postcode lottery in benefit provision and consequently further misunderstanding in the way benefits are applied. In issues such as care provision national guidelines have been interpreted differently by local authorities resulting in inequitable services between boroughs for people with the same needs. Such an approach in benefit provision will only lead to further misunderstanding of the benefit system for claimants as local differences become apparent, something which the Government is seeking to dispel in their reforms. Adopting this model is also likely to see a large proportion of claimants disenfranchised by overly stringent local authorities in comparison to their neighbours.

Whilst there are guidelines rather than mandatory regulations there will always be significant variance in interpretation and application across the country.

This is a dangerous approach which will undoubtedly penalise disabled people, especially those in rural areas where assistance, care, health provision, work placements are all much harder to deliver/achieve.

11. What would be the best way to organise delivery of a reformed system to achieve improvements in outcomes, customer service and efficiency?

SIA would welcome a less bureaucratic system that would allow claimants to easier access to those benefits which they are entitled to, as has been proposed in the consultation document.

12. Is there anything else you would like to tell us about the proposals in this document?

Despite the many reassurances in this consultation paper that the Government will protect those with the highest needs, there is a growing undercurrent of feeling that the fight for independence, choice and control is now being interpreted to include a work ethic. Whilst this is a commendable approach, it is in reality an unrealistic concept for *some* disabled people. This can add to the stress that many endure with just trying to live independently. SIA believes that there needs to be more debate on this issue before new legislation is put in place.

The view of the current work assessment process is that the process is very negative and has resulted in vulnerable people having their benefits taken away and then left high-and-dry. The Government should consider implementing a

much more supportive process which explores what type of work may be possible and what steps would need to be taken to secure a job, on an individual basis. Perhaps there is scope for an enhanced Job Centre plus adviser role but these advisers will need to have much more individual knowledge of particular disabilities, their day-to-day impact and idea of what may be possible. It is possible that charities could offer this support, acting as specialist advisers and being paid on a case by case basis.

Daniel Burden  
Head of Public Affairs  
Spinal Injuries Association  
SIA House  
2 Trueman Place  
Oldbrook  
Milton Keynes  
MK6 2HH  
[d.burden@spinal.co.uk](mailto:d.burden@spinal.co.uk)  
0845 678 6633