



HOUSE OF COMMONS
LONDON SW1A 0AA

The Rt Hon Iain Duncan Smith MP
Secretary of State for Work and Pensions
Department for Work and Pensions
Caxton House
Tothill Street
London
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Secretary of State response required.

Our Ref: JG / ZA17350

19 February 2016

I am writing in advance of the Commons considerations of amendments to the Welfare Reform Bill next week to urge you to accept the Lords' Amendments 8 and 9. I urge you not to go ahead with the proposed £30 a week cut to Employment and Support Allowance and Universal Credit. This measure proposed in the Bill will have serious and significant consequences for nearly half a million disabled people nationally and a very large number of vulnerable people in my Brent North Constituency.

In the light of the UN Committee Inquiry into the Rights of Persons with Disabilities, in the UK I am concerned that you appear to be ignoring the evidence that they have been presented with of "grave and systematic violations" of the Convention. It brings shame upon the UK that we are the first country to have been investigated. The evidence suggests your government has made the UK a worse place for disabled people to live in.

Disabled people are clear: this cut to Employment Support Allowance will make their lives harder, with both their health and chances of returning to work compromised. It is also clear, from the mail I receive, that the general public are deeply concerned by these further cuts to disability benefits. To date, according to the Work and Pensions Committee there is no evidence that financial sanctions have been effective in moving claimants, who are so far away from the labour market, closer to work.

The majority of disabled people wish to work but experience many barriers, including a lack of awareness and understanding among employers as well as a lack of quality support to look for work, get into work and build a career.

This was also the conclusion of a review carried out by the Independent Peers Lord Low, Baroness Meacher and Baroness Grey-Thompson published in December 2015. It found



cutting ESA benefit by a third, thereby causing anxiety, stress and debt, will not help disabled people take steps towards work and for those with health conditions it risks prolonging, or impeding their recovery.

Those who receive Employment and Support Allowance already face means testing to access the Disabled Facilities Grants to fund home adaptations; to facilitate access to their own homes. Nearly half of all councils have reported that people are waiting over two years for a grant to bring their homes to an acceptable standard.

Disabled people have already suffered real hardship by the under-occupancy deduction from Housing Benefit (the bedroom tax). DWP Stat-Xplore in August 2015 provided data that said of the 449,159 claimants subject to a deduction in their Housing Benefit 211,625 were in receipt of income related ESA – now you propose to take a further £30.00 per week, £1500 a year away from them.

Other welfare reforms, not exclusively affecting people with a disability, include changes to the benefits uprating policy and the benefit cap will all impact more on disabled people who face multiple additional costs and barriers to work because of their disability.

The cuts you are proposing will only apply to those in the Work Related Activity Group (WRAG). Evidence indicates that your Work Capability Assessments have been controversial from the outset. Fifty four per cent of initial fit for work decisions made in relation to claims between July-September 2014 have been overturned. (*source DWP – ESA: Outcomes of Work Capability Assessments*).

I wonder if you might consider apologising to those claimants with serious health conditions or disabilities who were wrongly found “fit for work”. You will be aware there is still insufficient information about outcomes for individuals following fit for work determinations, and concerns about the risk of poverty and destitution as the result of incorrect decisions.

You propose to cut payments to people in WRAG and yet the Work and Pensions Committee concluded that this is a “catch-all group” for those who failed to meet the conditions for the Support Group, even though they were seen as not fit for work.

The Work and Pensions Committee have further concluded and recommended a fundamental redesign of the ESA process. I understand in a statement you have signalled future reforms to focus on what a claimant can do and the support they will need and not just on what they cannot do. As yet, you have not put forward specific proposals to remedy this flawed mechanism for assessing a person’s functional capacity.

It is not just Disability Rights, NGOs who will challenge a welfare policy, to remove benefits from vulnerable people, based on an unfair assessment process. The UN Inquiry will certainly challenge it as I feel I must as a Constituency MP.



The Convention on the Rights of Persons with Disabilities sets out in Articles 19 and 28: the rights of persons with disabilities to live independently and to enjoy an adequate standard of living.

In the light of this I would ask you to explain how you think it is fair to penalise the most vulnerable people in society by taking money away from them when your assessment process is unsafe, inaccurate and fails to:

- Account for those claimants with progressive or fluctuating conditions
- fails to assess or identify those with mental, cognitive and behavioural difficulties and there is no assessment of health-related employment barriers into the ESA process.

I believe your proposed cuts to ESA will undermine your government's commitment to halve the disability employment gap and will push sick and disabled people further away from work and into poverty. This will impact on our other vital public services, health services, housing providers, education and public health services.

I would urge you to reconsider the government's opposition to the recommendations as proposed by the House of Lords:

Amendment 8 would leave out Clauses 13 and the cut to Employment and Support Allowance for new claimants from April 2017 in the Work Related Activity Group (ESA WRAG).

Amendment 9 would leave out Clause 14, the equivalent of £30 a week cut in the new Universal Credit, "the limited capability for work" element.

Instead of cutting benefits I would ask you to concentrate on back to work support for disabled people and better support for employers as part of your forthcoming White Paper which I understand is due before the budget. Disabled people want to work; with all the opportunities work brings. Your proposals will punish disabled people for not working which is doing nothing to make it easier for them to move into employment.

Yours sincerely,



A handwritten signature in black ink that reads "Barry Gardiner". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Barry Gardiner
Member of Parliament for Brent North