**Submission to the call for evidence for the shadow report on the UN CRDP**

**Background**

This submission is on behalf of The Commission on Social Security. The Commission is made up of Experts by Experience, which means everyone who controls the direction and decisions of the work has direct experience of the Social Security system. It is funded by Trust for London and has spent the past 2 and a half years developing proposals for an improved Social Security system, including new approaches to disability benefits.

This has included two wide ranging public consultations. The first, titled a Call for Solutions, was in 2019 and included multiple ways for people to be involved and respond. These included an online survey, which had 906 responses and more than 100 additional responses via paper/email submissions. To increase accessibility and involvement there was also a legislative theatre initiative and a poetry forum, to allow people to respond in the best way for them. In addition, support from the Social Policy Association enabled 17 workshops to be held across the UK attended by almost 300 people.

Following this the Commission further developed some key policy proposals and put these to a public consultation in 2020. The consultation was launched in August 2020 and ran through to the autumn with activity supported by the London School of Economics Knowledge Exchange and Impact fund and the University of Warwick Impact Accelerator Account.

In addition to the launch event 18 other sessions were held attended by over 300 people. The sessions were: 3 open workshops including one British Sign Language session for Deaf people; 11 workshops kindly hosted by Chronic Illness Inclusion Project, Disabled People Against Cuts, Greater Manchester Poverty Alliance, Law Centre Northern Ireland, MIND, National Association of Welfare Rights Advisers, Participation and the Practice of Rights – Northern Ireland, People First (Self Advocacy), Poverty Alliance (Scotland), Unite Community North East, Yorkshire & the Humber, Unite Community & Unemployed Workers Centres, Women’s Budget Group; 4 invitation only sessions hosted by other organisations at which the Commission was asked to present its proposals.

Covid-19 meant that in-person sessions were not possible so funding was provided to a small number of groups for targeted work to engage their communities as appropriate to local circumstances. This included targeted work in an area of multiple deprivation by Thrive Teesside and with the Bangladeshi community in East London by Toynbee Hall. Just short of a thousand submissions were received via an online consultation form.

In addition to this there was a sub group of Commissioners who did further research around disability related benefits and assessments and held two expert panels with academic and policy makers.

**Findings**

Both these extensive public consultations showed widespread support for the Commission’s proposals. Although the focus of these were to look at solutions to the current problems with the social security system, many people still detailed the huge harm they are experiencing from this. What was particularly clear from the responses, and from the personal experience of Commissioners, is that without a fundamental and institutional overhaul the disablism within the Department and Work and Pensions and the assessments they contract out to private providers will continue and this is having a devastating impact on people’s lives. Many people reported feeling disbelieved and humiliated by the process of claiming disability related benefits. There was frequent mentions of how this process had worsened and in many cases created mental distress.

The high rate of appeal success for both Work Capability Assessments and PIP decisions suggests that the DWP are not meeting Article 13 of the UN CRDP, as their initial decisions are considered to have not applied the legislation relating to these assessments properly. This has a knock on impact on many areas of disabled people’s lives, such as Living independently and being included in the community (Article 19), personal mobility (Article 20), Adequate standard of living and social protection (Article 28). Article 28 is also relevant to the issue of the level of payments for disability related benefits. Submissions to our consultations also highlighted the particular problem with a policy introduced in 2017 which means that new claimants who have a WCA and are determined to have to engage in Work Related Activity do not receive an additional payment on top of the basic levels of unemployment related benefits. This despite many disabled people who receive this outcome from a WCA being unable to work for years and as such having to survive on £75 a week (£60 if under 25). Part of the Commissions proposals for a future social security system is based on the Minimum Income Standard findings of the Joseph Rowntree Foundation, which are substantially higher than the current benefit payment levels.

**How should the social security system be reformed to meet the Convention Articles?**

The need for a fundamental change to the social security system led Commissioners to decide that any policy proposals needed to be underpinned by a set of guiding principles (see ADD WEBLINK). The Commission also developed a range of proposals for a better social security system (which will be launched at an event in January 2022).

We have grouped some of these proposals below in such a way as to illustrate how a future social security system could be reformed to be compliant with the UN Convention.

1. Article 28: Adequate standard of living and social protection

Income replacement benefits, such as Universal Credit and Employment and Support Allowance, need to meet the minimum income standard and recognise that disabled people who cannot work require additional income due to the long term impact of being out of work.

There must be no risk that anyone will be left with nothing at any point.

Additional costs benefit

The Commission proposes that a reformed social security system should include an additional costs benefit for disabled people based on a better recognition of the additional costs incurred by disabled people than the current Personal Independence Payment. [explanation of how the amounts were arrived at]

Payments should be at three rates:

* + Lower - £83.70 per week
  + Middle - £152.15per week
  + Higher - £230.77 per week

An additional costs disability benefit must never be means tested.

All assessments must be designed in full co-production with Deaf and disabled people (who are properly paid for their time).

Individualised assessments should be based on claimant’s self-identified support need and testimony.

Payments must be awarded based on assessed need, not top down targets.

2. Article 19 Living Independently and Being Included in the Community

An additional costs benefit should not be compromised of separate care and mobility components and should instead address support needs across all aspects of a person’s daily life in order to facilitate access to independent living:

* + Staying healthy including managing medication (also relevant to Article 10 Right to Life, and Article 25 Health)
  + Keeping safe (also relevant to Article 10 Right to Life)
  + Personal care needs
  + Running a home (eg keeping it clean, doing laundry, managing money and bills…etc)
  + Eating and drinking  (also relevant to Article 10 Right to Life)
  + Social activities and maintaining relationships  (also relevant to Articles 23 and 30)
  + Work and learning opportunities  (also relevant to Articles 24 and 27)
  + Caring responsibilities  (also relevant to Article 23 Respect for home and family life)
  + Making decisions and having control of my life
  + Mobility (also relevant to Article 20 Personal mobility)
  + Going out/Travel: planning and following a journey (also relevant to Articles 20 and 30).
  + Communication (also relevant to Article 21 Freedom of expression and access to information).

An entirely new system of community based employment support is needed. Employment support should be seen as a labour market issue not a benefits one (also relevant to Article 27 Right to Work).

3. Article 13 Access to Justice

There should free advocacy provided by user led services and a fast, accessible, transparent appeals process.

Assessors/decision makers should have in depth training and understanding of the social model of disability and impairment and illness awareness.

All forms and communication should be available in accessible formats.