**Exposed: Mordaunt's 'false promises' on WRAG cut mitigation**

The minister for disabled people has been accused of making "false promises" that she would reduce the living costs of people facing cuts of nearly £30 a week to their out-of-work disability benefits.

From this week, new employment and support allowance (ESA) claimants placed in the work-related activity group (WRAG) will receive about £73 a week - the same as those claiming jobseeker's allowance - instead of the £102 per week paid to existing ESA WRAG claimants.

The highly controversial cut will save the government more than £1 billion over the next four years.

Ministers had tried to justify it by claiming that receiving nearly £30 less a week would "incentivise" sick and disabled people in the WRAG to find work.

But Penny Mordaunt [had also promised fellow MPs](http://www.disabilitynewsservice.com/mordaunt-working-on-urgent-plans-to-reduce-living-costs-ahead-of-wrag-cuts/) on the work and pensions select committee in November that she was working on a package of measures to "mitigate the £30", which she said would be in place "before April".

Facing fierce criticism over the cut, [Mordaunt told the MPs](http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/work-and-pensions-committee/disability-employment-gap/oral/44058.html) that she was working at "ensuring that someone's outgoings can be managed", and at reducing their "non-work-related costs", such as energy, broadband and phone bills.

She told them: "I know what I need to do and I have put a large amount of resource in the department behind it, and I can only repeat that the more reassurance I can give on this the better.

"I am not in a position to outline chapter and verse, but I hope to be soon, and I very much understand what I need to do."

She also said that she was "talking to energy suppliers, mobile phone companies and broadband suppliers".

But when Disability News Service (DNS) asked this week what Mordaunt had managed to achieve in the four months since November, the Department for Work and Pensions (DWP) suggested that her only success was ensuring that new WRAG claimants would be told by their jobcentre work coaches how to secure the cheapest BT telephone tariff.

A DWP spokeswoman said: "The minister's comments in the House [of Commons] noted that the work on social tariffs was about enabling people to have the right tools and information to reduce their household outgoings and give budgeting support.

"We have a wide range of programmes and initiatives ongoing to empower disabled people through improved information.

"Work coaches will have information available to support claimants to manage and reduce their household outgoings.

"This will include information about the BT Basic social tariff (and KCom in Hull).

"The minister is also highlighting to businesses the importance of giving disabled customers the tools they need to make informed choices about where they spend their money.

"[Sector Champions](http://www.disabilitynewsservice.com/minister-appoints-11-sector-champions-to-boost-inclusion/) have been appointed to promote this approach to their industries.

"We are also working with tech experts and businesses on new ideas to harness the power of technology to ensure disabled consumers are better informed about the accessibility and inclusivity of products and services available."

When DNS questioned whether the information about the BT social tariff was the only "mitigation" Mordaunt had secured in three months, despite her promises, the DWP spokeswoman declined to comment further.

She also declined to comment when asked if working with businesses "to harness the power of technology to ensure disabled consumers are better informed about the accessibility and inclusivity of products and services available" was another way of saying that Mordaunt was helping businesses to market their products to disabled people.

Neil Coyle, a Labour MP and one of the work and pensions committee members who questioned Mordaunt about her plans for mitigating the WRAG cut in November, told DNS: "The minister for disabled people is a huge let-down.

"The government scraped through further hugely damaging cuts to disabled people only by making what have been shown to be false promises.

"The minister has not delivered what the select committee were told would be in place before the latest cuts were imposed."

Bob Ellard, a member of the national steering group of [Disabled People Against Cuts](http://dpac.uk.net/), said that the only "genuinely new measure" appeared to be to "give claimants a leaflet about the BT Basic social tariff", which he said was "the final effluent icing on this very shitty cake".

He said: "People who have actually experienced poverty will tell you that no amount of 'managing and reducing outgoings' will help if you don't have enough money to meet your basic needs.

"People will already be cutting their costs as much as they can, but there is only so far that you can cut before you run out of money to get food and warmth."

He added: "Mordaunt's toxic combination of cluelessness and callousness is putting yet more disabled people's lives at risk.

"There are highly likely to be still more tragic, avoidable deaths resulting from this cut to vital support.

"This 'mitigation' from Mordaunt is, as expected, only a symbolic set of gestures designed to mollify Tory MPs who reluctantly voted for the cut.

"It will make precious little difference to people pushed still deeper into poverty.

"This cut is still  likely to have knock-on effects on mental and physical health through severe distress and financial hardship, on people many of whom are already unwell, or have limiting impairments."

Alongside Mordaunt's promises on mitigating the £30-a-week cut, DWP has previously announced that it would spend £330 million of the £1 billion savings over four years on additional employment support for people in the WRAG, including a "personalised support package".

It has also announced an extra £15 million per year for the next two years for the [Flexible Support Fund](http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06079), which aims to give jobcentres flexibility in providing back-to-work support, and can include paying for child care to enable a claimant to undertake training or attend interviews; funding travel to interviews or paying for clothing to start a job; or paying for adaptations to help a WRAG claimant access a work placement.

Meanwhile, [Disability Rights UK (DR UK) said yesterday (Wednesday) that it has written to Mordaunt](https://www.disabilityrightsuk.org/news/2017/april/dr-uk-raise-%E2%80%9Chidden%E2%80%9D-55-esa-cut-under-25-year-olds-minister) to raise concerns about three "hidden" cuts to disability benefits that it says have been introduced without being announced by the government.

DR UK says in the letter that the rate of ESA (and the equivalent universal credit rate) for claimants under 25 has been cut by 55 per cent (about £50 a week); full-time disabled students are no longer usually eligible for universal credit until they have had a work capability assessment; and the lower disabled child element of universal credit has been frozen.

DR UK says in the letter that the three cuts have been subject to "no specific government announcement, no statement of policy intent, no specific impact assessment and subject to no prior consultation".

**6 April 2017**

**PIP review ignores evidence of dishonesty among Atos and Capita assessors**

The former civil servant commissioned by the government to review its new disability benefit has refused to accept there is any dishonesty among the healthcare professionals who carry out assessments, despite being shown significant evidence of wrongdoing.

Disability News Service (DNS) has twice contacted Paul Gray's personal independence payment (PIP) review team with evidence collected during a lengthy investigation into allegations of widespread dishonesty by assessors working for the outsourcing giants Capita and Atos.

But in his [second and final review of PIP](https://www.gov.uk/government/publications/personal-independence-payment-pip-assessment-second-independent-review) for the Department for Work and Pensions (DWP), published seven days ago, Gray dismisses any suggestions of dishonesty.

Although he says in the review that some claimants "assert that the Health Professional has misinterpreted or even deliberately misrepresented what was discussed during the assessment", he says there could be several explanations for this other than dishonesty.

He suggests instead that PIP claimants may hold these beliefs because the assessor: failed to mention evidence they had provided, made "inappropriate assumptions" about the impact of their condition, or "may genuinely have made an error when transcribing their notes".

In early February, DNS passed on detailed evidence to Gray's review team, which included excerpts from more than 40 cases in which PIP claimants had alleged clear dishonesty by healthcare assessors in the way they had written their assessment reports.

The claimants spoke repeatedly of dishonesty, "fraudulent conduct" and "lie after lie after lie" told by assessors in their reports, on which DWP decision-makers based their decisions on their eligibility for PIP.

DNS then contacted the review team two weeks later, with further evidence of widespread wrongdoing, including a news story which described how the investigation [had by that time collected more than 100 cases of alleged dishonesty](http://www.disabilitynewsservice.com/pip-investigation-100-cases-and-still-dwp-refuses-to-accept-the-dishonest-truth/).

None of that information has been included in Gray's review.

The position taken by Gray, who also chairs DWP's benefits advice body, the social security advisory committee, mirrors that of the department itself, which has consistently stated that it does not believe there has been any dishonesty by its assessors.

Asked by DNS about the dismissal of any suggestions of dishonesty, Gray said in a statement that the review's role was "to make an assessment of how PIP assessments as a whole are operating, not to investigate individual cases or complaints.

"The Review does though emphasise that the assessment process should be more transparent to help improve claimant trust in the system."

He refused to comment further.

Elsewhere in his report, Gray says public trust in the "fairness and consistency" of PIP decisions was "not currently being achieved, with high levels of disputed award decisions, many of them overturned at appeal".

He is also critical of DWP's new mandatory reconsideration process, the internal process that all claimants have to go through before appealing to an independent tribunal.

He says in his report that tribunal judges are "sceptical about the thoroughness of the Mandatory Reconsideration process".

He adds: "Furthermore, currently 65 per cent of appeal hearings overturn the initial decision which is clearly eroding the trust of claimants and stakeholders in the system."

Gray says progress made by DWP to improve PIP since his first review in 2014 has been "mixed", with implementation of his recommendations "either incomplete or slower than the Review had hoped in many areas".

He adds: "Professionals and organisations were asked to comment on progress since the first Review. The majority of feedback regarding this was negative."

In a further blow to the credibility of ministers, he says that tribunal judges told the review that "rather than further written evidence, it is cogent oral evidence from the claimant at the hearing that is by far their most common reason for overturning decisions".

Ministers and Tory MPs - including [former disabled people's minister Justin Tomlinson last week](https://hansard.parliament.uk/commons/2017-03-29/debates/80B479C2-C920-4BB5-A785-BCE26664EB4B/PersonalIndependencePaymentRegulations) - have repeatedly claimed that the main reason for successful appeals was claimants producing fresh written evidence at their tribunals.

Gray also warns that he had been concerned to see that some assessors appeared to assume that if a claimant had a job this was evidence "of limited functional impairment".

In his recommendations, he says he hopes that DWP "re-emphasises and ensures that employment will not disadvantage claimants when they seek to claim PIP and explores ways in which PIP may be an enabler in improving employment retention".

Among Gray's other recommendations, he suggests DWP should introduce audio recording of assessments to increase claimant confidence, as long as there is an opt-out option.

But there are likely to be concerns over another of Gray's recommendations, that the responsibility for ensuring that further evidence is gathered should "primarily sit with the claimant" rather than DWP or the assessor.

He made the recommendation even though more than 87 per cent of the professionals and organisations who responded to the question, following his appeal for evidence, believed claimants faced barriers to providing further evidence.

Disabled activists, coroners and Scotland's Mental Welfare Commission have all linked the failure to secure the necessary further evidence with the deaths of claimants of the out-of-work sickness and disability benefit, employment and support allowance (ESA).

A legal case backed by the [Mental Health Resistance Network](https://www.facebook.com/MHResist/) resulted in the upper tribunal administrative appeals chamber ruling that [the ESA assessment process discriminated](http://www.disabilitynewsservice.com/six-years-on-and-still-no-dwp-progress-on-further-medical-evidence/) against some disabled people with mental health conditions and learning difficulties.

Asked about his recommendation on further evidence, Gray said in a statement: "As the review makes clear, the department should make a concerted effort to improve communication products to ensure accessibility and ensure that PIP claimants understand what evidence should be provided.

"The review advises this should be done before the department emphasises that the primary responsibility for collecting evidence rests with the claimant.

"The review also emphasises that, although the primary responsibility for evidence provision should rest with the claimant, the department and providers should make use of evidence they hold elsewhere in the benefits system and should also follow up evidence leads that emerge during the claim process."

When asked whether he was aware of the Mental Health Resistance Network WCA appeal ruling, and the links between the failure to secure further evidence for ESA claims and the deaths of claimants, he again refused to comment further.

[In a written statement](https://hansard.parliament.uk/commons/2017-03-30/debates/17033030000026/PersonalIndependencePayment), published on the last day before MPs began their Easter recess, Penny Mordaunt, minister for disabled people, said the government welcomed the review's publication "and will consider its findings and issue a detailed response in due course".

Meanwhile, [a petition on the UK parliament website](https://petition.parliament.uk/petitions/190187) which calls for all PIP and ESA assessments to be video-recorded because of the "errors and false or inaccurate statements" made in their reports by healthcare professionals, has reached more than 3,000 signatures.

The petition, created by Sharon Ann Smith, says that a video recording of the assessment "would assist claimants, the DWP and appeals panels by giving an indisputable record of the assessment".

**6 April 2017**

**Concern over UN's 'silence' on benefit-related deaths**

Disabled activists fear that the UN committee examining the UK's progress on implementing the disability rights convention may be ignoring links between the government's welfare reforms and the deaths of benefit claimants.

This week, the UN committee on the rights of persons with disabilities (CRPD) [published its "list of issues"](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GBR/Q/1&Lang=en), the areas where it believes the UK government may have failed in its obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD).

The UK and devolved governments will now be expected to respond to the list, while disabled people's organisations (DPOs) and other bodies, including the Equality and Human Rights Commission, can also submit their responses to the committee.

The list was published three weeks after [DPOs came together](http://www.disabilitynewsservice.com/dpos-join-forces-to-brief-un-on-how-uk-has-breached-disability-convention/) to tell CRPD how they believed the UK government had been breaching the convention.

One of the key areas that DPOs focused on during last month's session in Geneva was the impact of benefit sanctions on disabled people and the links between welfare reforms and the deaths of disabled claimants.

The committee was told how government ministers [ignored a prevention of future deaths letter from a coroner](http://www.disabilitynewsservice.com/wca-death-scandal-dwp-and-atos-killed-my-son/) in 2010 - following the death of Stephen Carré - which warned that other people with mental health conditions would die if they did not take action to improve the safety of the work capability assessment (WCA).

But Iain Duncan Smith ignored his legal duty to reply to the letter, and, when he appointed an independent expert, Professor Malcolm Harrington, to review the WCA, [failed to show him the letter](http://www.disabilitynewsservice.com/wca-death-scandal-ministers-failed-to-pass-2010-suicide-report-to-harrington/).

Duncan Smith and his employment minister, Chris Grayling, announced that summer - against Harrington's advice - [that they were going to roll out the WCA](http://www.disabilitynewsservice.com/new-evidence-suggests-dwp-covered-up-coroners-wca-warning/) the following spring to hundreds of thousands of existing claimants of incapacity benefit.

As a result of that decision, the test's flaws were not corrected, and many other people with mental health conditions lost their lives.

But there has been concern this week that there is no explicit mention of this and other similar areas of concern, including the impact of imposing benefit sanctions on disabled people, in the committee's list of issues.

The committee does use the list to ask the government which measures it has taken to monitor the cumulative impact of its welfare reforms and tax policies, and to ensure that the WCA - which tests eligibility for out-of-work disability benefits - is "based on the human rights model of disability".

It also asks for information on measures taken "to address suicide rates among persons with disabilities, including in relation to disability-related discrimination".

But there is no explicit mention of concerns that welfare reforms have breached disabled people's right to life, particularly through the use of benefit sanctions and the links between flaws in the WCA and the deaths of claimants.

DPOs that gave evidence in Geneva have stressed that it is too early for a detailed response to the list of issues, but [Disabled People Against Cuts (DPAC)](http://dpac.uk.net/) said: "Although we cannot make any immediate response, this is an area of concern."

When asked whether the list included questions relating to links between the WCA and the deaths of claimants, a CRPD spokeswoman said: "On the issue of causation you have raised, it is for stakeholders which would like to submit written comments to the list of issues to substantiate their submissions."

When asked to clarify the meaning of this statement, the spokeswoman declined to comment further.

The list of issues also asks the government to describe the policies, programmes and measures it will put in place to protect disabled people from being "negatively affected" by leaving the European Union.

Elsewhere, the list appears likely to have covered many of the issues raised in "shadow reports" to the committee by DPOs and other organisations, including questions for the UK government on: discrimination and violence against disabled women; access to justice; involuntary detention; deaths in detention of people with mental health conditions; disability hate crime; the right to independent living; access to healthcare; workplace discrimination; poverty; participation in political and public life; and access to sporting events.

On education, the committee asks for detailed statistics on the number of disabled pupils and students in the segregated and mainstream systems, and the steps the government has taken to ensure "mainstreamed inclusive education at all levels".

It also asks the UK government "when and how" it would withdraw its reservation against article 24 of the convention, which covers inclusive education.

The last Labour government placed an "interpretive declaration" against article 24 when it ratified the convention in 2009, explaining that the UK believed the convention allowed it to continue to operate both mainstream and special schools.

It also placed a "reservation" against article 24, reserving the right for disabled children to be educated outside their local community.

Tara Flood, director of [The Alliance for Inclusive Education (ALLFIE)](http://www.allfie.org.uk/), said: "The government has used as cover the reservation and interpretive declaration to increase levels of segregation.

"It sounds as though [the committee] have picked that up, which we are delighted about."

She said it appeared that the committee had listened to ALLFIE and other DPOs on the issue of inclusive education.

She said ALLFIE would now send the committee more information on the government's plans to increase the number of grammar schools, which she said was "as clear an indication that a government is going to give that they are backing away from an education system that is inclusive".

The government will be examined on its UNCRPD progress in public in Geneva in August. A final report from the committee will follow later this year.

**6 April 2017**

**Disability rights have regressed in nine areas, says EHRC**

Disabled people's rights have regressed in at least nine areas since the coalition government assumed power in 2010, according to [a new report by the Equality and Human Rights Commission](https://www.equalityhumanrights.com/en/publication-download/being-disabled-britain-journey-less-equal) (EHRC).

The report concludes that disabled people are still being treated as "second-class citizens" and that rights have regressed in many areas of society, while in others progress has stalled.

The report says: "It is a badge of shame on our society that thousands of disabled people in Britain are still not being treated as equal citizens and continue to be denied the everyday rights non-disabled people take for granted, such as being able to access transport, appropriate health services and housing, or benefit from education and employment."

The report, Being Disabled In Britain: A Journey Less Equal, aims to provide comprehensive evidence on disability inequality in Britain, and calls on disability groups to use its findings to "strengthen their case for change", and on the UK and devolved governments to use it to improve laws and policies.

The report examines progress on education; work; standard of living; health and care; justice and detention; and participation and identity, and says that disabled people are experiencing "disadvantages" in all of them.

But the commission has also told Disability News Service (DNS) that it believes there has been a regression in rights in at least nine areas since 2010.

One of these areas is the right to independent living, including the disproportionate effect of the government's welfare reforms on disabled people.

The report says that social security reforms have had a "particularly disproportionate, cumulative impact" on disabled people's right to independent living and an adequate standard of living.

[It repeats its previous calls](http://www.disabilitynewsservice.com/government-criticised-by-ehrc-over-disability-rights-record-for-second-time-in-12-days/) for the UK government to carry out an assessment of the cumulative impact of its cuts and reforms on disabled people, a demand that disabled activists have been making since at least 2011.

Across the UK, according to the report, 18.4 per cent of working-age disabled people were considered to be in food poverty compared with 7.5 per cent of non-disabled people.

Disabled people over the age of 65 were twice as likely as non-disabled people in the same age group to be in food poverty.

The report also says there is a "growing body of anecdotal evidence" that the government's welfare reforms, including the work capability assessment (WCA), are causing "significant harm and distress, particularly to people with mental health conditions, and that in some cases being found ineligible for Employment Support Allowance has resulted in suicide".

It points to [an investigation by the Mental Welfare Commission for Scotland](http://www.disabilitynewsservice.com/woman-killed-herself-after-being-stripped-of-disability-benefit-says-watchdog/), [research by academics from the universities of Liverpool and Oxford](http://www.disabilitynewsservice.com/damning-research-on-wca-deaths-is-timely-reminder-of-governments-shame/), and two prevention of future deaths letters, [written by coroners](http://www.disabilitynewsservice.com/dwp-dismissed-coroners-concerns-over-wca-suicide-link-document-reveals/) and [discovered originally by DNS](http://www.disabilitynewsservice.com/michael-osullivan-scandal-dwp-twice-pushed-dad-of-two-to-suicide-bids/), all of which have linked the WCA to the deaths of benefit claimants with mental health conditions.

Other areas where there has been regression in disabled people's rights include social isolation, with fewer opportunities for some disabled people to participate in the community; housing, with some disabled people being forced to move from adapted properties into unsuitable accommodation as a result of the government's "bedroom tax"; and in healthcare, including the inappropriate use of "do not attempt resuscitation" orders.

Other areas of regression include the inability to challenge detentions under mental health and mental capacity laws; discriminatory school exclusions, and - in Wales - the failure to protect disabled pupils from bullying; and the impact of government reforms on protection from employment discrimination.

The report warns that detentions in health and social care settings under the Mental Health Act are continuing to increase in England and Wales, with the number of detentions in hospitals rising from 46,600 in 2009-10 to 63,622 last year.

The report also points to regression as a result of government reforms to legal aid in England and Wales, which it says have harmed disabled people's access to justice in family law, housing, employment, debt and benefits cases.

The report says there was a 54 per cent drop in employment tribunal claims on the grounds of disability discrimination between 2012-13 and 2015-16, following the introduction of tribunal fees of up to £1,200 across Britain in July 2013.

In new analysis carried out for the report on the Office for Disability Issues' Life Opportunities Survey, the commission found that the proportion of disabled people who found it difficult to access public services (health, benefits, tax, sport and leisure) rose from 37.9 per cent in 2009-11 to 45.3 per cent in 2012-14, compared to a rise from 26.2 per cent to 31.7 per cent of non-disabled people.

The report also calls again on the government [to reopen its Access to Elected Office fund](http://www.disabilitynewsservice.com/mps-call-on-government-to-reopen-fund-for-disabled-politicians/), which offered grants to disabled people to pay for their additional impairment-related costs in standing for election as a councillor or MP, and has been lying dormant since the 2015 general election.

This week's report draws mostly on previously-published research and analysis - including seven DNS stories - but also includes new analysis of published data.

David Isaac, the commission's chair, says in the report: "The Equality Act 2010 has still not been implemented in full, the [UN Convention on the Rights of Persons with Disabilities] has not been incorporated into domestic law and policy, life chances for disabled people remain very poor, and public attitudes to disabled people have changed very little."

Commenting on the report, he added: "This evidence can no longer be ignored. Now is the time for a new national focus on the rights of the 13 million disabled people who live in Britain.

"They must have the same rights, opportunities and respect as other citizens.

"We must put the rights of disabled people at the heart of our society. We cannot, and must not, allow the next 20 years to be a repeat of the past."

When asked how the minister for disabled people responded to the watchdog's conclusion that disabled people were still being treated as second-class citizens, that their rights had regressed in some areas, and social security reforms had had a "particularly disproportionate, cumulative impact" on disabled people's rights to independent living and an adequate standard of living, a DWP spokesman said: "We are committed to ensuring that a disability or health condition should not dictate the path a person is able to take in life.

"The UK is a world leader in this area and we are proud of the work we do to support people with disabilities and health conditions, to increase opportunities and tackle inaccessibility.

"Not only do we spend over £50 billion a year to support disabled people and those with health conditions - more of our GDP than Japan, Canada and France - we also offer a wide range of tailored and effective support.

"Our focus is on helping disabled people find and stay in work, whilst providing support for those who can't."

But Liz Sayce, chief executive of [Disability Rights UK](https://www.disabilityrightsuk.org/), said: "This new report makes sombre and disappointing reading, and highlights the unfairness disabled people continue to face, day in and day out.

"As a society, we say we want progress towards disabled people taking a full part in society; but instead we appear to be going backwards.

"We need concrete plans from government, with outcomes measured regularly, to ensure we get back on track.

"We welcome the EHRC report and are keen to work with them and others to tackle discrimination."

**6 April 2017**

**Average pay rates fell seven times faster for disabled employees during coalition years**

New figures show average pay rates for disabled people fell seven times faster than those for non-disabled people during the five years of the coalition government.

The figures were produced for [Being Disabled In Britain](https://www.equalityhumanrights.com/en/publication-download/being-disabled-britain-journey-less-equal), a major review of disability inequality by the Equality and Human Rights Commission.

The report says that disabled people's median\* hourly earnings fell more than seven times faster (8.8 per cent) than for non-disabled employees (1.2 per cent) across Britain over the five-year course of the coalition government.

This meant that the gap between median hourly earnings for disabled and non-disabled employees widened, with earnings for disabled employees falling from £10.80 in 2010-11 to £9.85 in 2015-16, compared with a fall of £11.55 to £11.41 for non-disabled employees.

The decrease was particularly high for those with mental health conditions (11.9 per cent) and visual impairments (11.3 per cent).

[The figures](https://www.equalityhumanrights.com/en/being-disabled-britain-supporting-data) come from previously unpublished analysis for the report using data from the [Annual Population Survey](https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/qmis/annualpopulationsurveyapsqmi), but it is not yet clear why disabled people's average pay rates fell so much faster than those of non-disabled employees.

In England, the figures were even more striking, with a fall of 9.5 per cent for disabled employees (from £10.88 to £9.85) against a drop of 1.3 per cent for non-disabled employees (from £11.63 to £11.48).

The decrease was higher for those with mental health conditions and visual impairments in England than across Britain as a whole, with a fall of 14.2 per cent for both.

In Wales, the median hourly earnings of disabled employees fell by a slightly lower amount, 9.2 per cent (£9.98 to £9.06), with no statistically significant change in the median hourly earnings of non-disabled employees.

In Scotland, there was no statistically significant change for either group between 2010-11 and 2015-16.

The TUC said it was concerned by the new figures, although it said the cause of the dramatic fall in disabled employees' average hourly earnings was not yet clear.

One factor could be that an increase in disabled people entering the labour force for the first time lowered overall average pay, because new entrants are usually on lower pay, it said.

Another possible factor is an increase in the proportion of disabled workers in part-time work, which rose from 35 per cent in 2013 to 37 per cent in 2016, because part-time workers usually receive lower hourly rates of pay.

But the TUC did rule out the possibility that there were more disabled people in low status jobs, as it said the Labour Force Survey shows the share of disabled workers in traditionally higher-paid jobs had increased, while the proportion in elementary work - which includes jobs like cleaners, catering assistants and security guards - had fallen.

Huma Munshi, a senior TUC policy officer on equality and strategy, said: "The government regularly publishes data on the gender pay gap: it's high time they did the same for disability.

"And while it's good to see more disabled people in work, we need to ensure they can move up the career ladder, rather than be trapped in low pay.

"That means government, employers and unions working together to make equality a reality."

An EHRC spokeswoman told DNS that the fall in earnings for disabled people could be due to a range of factors, including changes in "how many disabled people are employed, the jobs they hold and pay in those jobs", as well as "how many people are identified as disabled in surveys, [and their] types of impairment and severity of disability".

She said: "It is quite possible that increasing employment means that relatively more disabled people are entering the labour market in lower paid jobs, which would reduce average pay overall.

"Disabled people could also be experiencing greater pay restraint, for example, when working in the public sector."

She said EHRC would shortly be publishing research into the factors that affect the disability, ethnicity and gender pay gaps.

Asked whether the Department for Work and Pensions (DWP) was concerned by the figures, and if ministers had any idea what had caused the growing gap, a DWP spokesman said its analysts were "still studying the data, which has only just been released" and so it was not yet able to comment.

*\*Median is an average found by putting results in order of size and then taking the middle reading*

**6 April 2017**

**MPs make 'crucial' call over national tax rises to solve social care funding crisis**

A committee of MPs has issued a "crucially important" call for the government to consider increasing national taxes as a way of solving the adult social care funding crisis.

Two high-profile reports published this week highlighted the continuing funding crisis, one by the Commons communities and local government select committee, and the other by the Institute for Fiscal Studies (IFS).

[The select committee report](http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news-parliament-2015/adult-social-care-full-report-published-16-17/) concludes that inadequate funding was having a "serious impact" on both the quality and level of care, and said that a "long-term fix" was "urgently necessary".

It calls on the government to work with parties across the political spectrum as it prepares its green paper on the long-term funding of social care.

The report says that any discussions should proceed on the basis that "all options are on the table", including raising money from national taxation - such as income tax, national insurance or inheritance tax - purely to pay for social care.

Days later, [IFS published a report](https://www.ifs.org.uk/publications/9122) on changes in council-funded social care in England since 2009-10.

The IFS report, funded by the charity the Health Foundation, found that spending by councils on social care per adult resident fell by 11 per cent in real terms between 2009-10 and 2015-16.

But it also found a significant variation in spending between local authorities, with one in 10 spending less than £325 per adult resident, and one in 10 spending more than £445 per adult resident.

About six in seven local authorities reduced adult social care spending over the seven years, with one in 10 cutting spending by more than a quarter, and one council cutting funding by nearly 40 per cent.

Cuts were largest in London boroughs (an average of 18 per cent) and metropolitan districts such as Greater Manchester, Tyneside and Greater Birmingham (16 per cent), while they were lowest in southern shire counties (seven per cent) and southern unitary authorities (five per cent).

Other research has shown that the number of people receiving local authority care between 2009-10 and 2013-14 fell by about a quarter, from 1.7 million to 1.3 million.

Professor Peter Beresford, co-chair of the national servicer-user and disabled people's network [Shaping Our Lives](http://www.shapingourlives.org.uk/), said he believed the select committee report's recommendation to look at national taxation as a possible solution was "crucially important and in my view the only sustainable way forward" and "the first time for a long time" this had been raised.

He said: "The scale of the crisis in social care funding is now reflected in the frequency and profile of major reports about it."

He added: "The respected IFS's report reveals a disastrous and unravelling mess.

"But it also paints a more complex picture than is usually offered, with significant differentials in local spend and some councils making much bigger cuts than others, as well as double whammies resulting from welfare cuts."

Sue Bott, deputy chief executive of [Disability Rights UK](https://www.disabilityrightsuk.org/) (DR UK), said: "The cuts to social care outlined in the IFS report and the impact of underfunding of social care outlined in the select committee's report will come as no surprise to disabled people who are reliant on social care, many of whom are effectively institutionalised in their own homes.

"Once again we will all say how shocking these figures are, which they truly are, but will anything happen?

"We are promised yet another green paper, giving us yet another opportunity to say what needs to happen.

"DR UK will certainly engage in that process, arguing that disabled people's support needs need to be funded and joined up so that we can enjoy independent living and play our part as full and equal citizens in our communities.

"But faced with a government that is not listening we need to do much more joining with others, such as on the Independent Living Strategy Group [a network of disabled people's organisations and their allies, chaired by the disabled peer Baroness (Jane) Campbell], and giving disabled people the tools to challenge the decisions that restrict our lives."

**6 April 2017**

**Rail industry's 'shameful' attempt to disguise Britain's inaccessible network**

Disabled campaigners have attacked a "shameful" attempt by the transport industry to disguise the inaccessible state of Britain's rail network.

Two weeks ago, the Rail Delivery Group (RDG) said that a European Commission report had found Britain to have the most accessible rail system in Europe.

It made the claim in response to the launch of a user-led campaign that called on the government to address the "disgraceful" and "unacceptable" treatment experienced by disabled rail passengers.

Transport for All (TfA) has issued a series of seven demands to the government and rail industry as part of its [Rail Access Now campaign](http://www.transportforall.org.uk/news/we-demand-rail-access-now), and has described the current situation as a source of "national shame".

But Disability News Service (DNS) has now analysed the European Commission report referred to by RDG and it shows that the UK actually has one of the least accessible rail systems in Europe.

When asked which reasons prevented them travelling by train, the UK came out third worst among all the EU countries for the number of respondents who blamed the inaccessibility of rail carriages; equal fifth worst for those who blamed the inaccessibility of stations or platforms; and equal sixth worst for the proportion of respondents who said they had been prevented from travelling by the lack of assistance by train or station staff.

It is only when respondents were asked if they were "satisfied" with the rail system's accessibility that the UK came out ahead of other EU countries.

Alan Benson, chair of Transport for All, said he and his colleagues were "flabbergasted" by the rail industry's attempts to disguise its failings.

He said: "The claims by the RDG are shameful. The EC report shows that by any practical measure the UK rail network is consistently amongst the worst in Europe.

"The high levels of satisfaction are simply an indication of what low expectations disabled people have in modern day Britain."

Among TfA's campaign demands is for the government to reverse its decision to defer until at least 2019 nearly half of the planned spending on its Access for All programme, which provides funding to improve access at rail stations.

The funding delays were [first revealed by DNS](http://www.disabilitynewsservice.com/rail-access-improvements-set-for-delays-along-with-nearly-50-million-funding/) 12 months ago.

Benson said: "The dreadful level of accessibility compared to our European cousins shown in the report just goes to emphasise the scandal of our government ram-raiding the Access for All fund to cover Network Rail's inefficiencies."

RDG, which represents both train operators and Network Rail, has so far refused to retract its statement.

Instead, an RDG spokesman said: "To quote the European Commission report in question, 'Two countries consistently have the highest level of satisfaction with accessibility… the United Kingdom and Ireland.’

"In the report, the UK was rated highest, above even Ireland, in every area relating to accessibility where passenger satisfaction was surveyed - the accessibility of stations, platforms and carriages, the accessibility of ticket offices and machines, assistance by staff for people with reduced mobility or visual impairments and the provision of pre-journey information about accessibility and assistance.

"Nevertheless, we know there is more to do to make the railway accessible to everyone and are keen to continue working with Transport for All, campaigners and disabled customers to improve services, stations and trains."

Another of TfA's campaign demands is for a rail system that allows disabled passengers to "turn up and go" if they want to travel by train, rather than having to book assistance 24 hours in advance.

Yesterday (Wednesday) evening, as part of the campaign, TfA led a protest at London Bridge station over the loss of disabled people's ability to "turn up and go" at many stations run by the under-fire provider Southern Rail, instead of having to book assistance.

The protest was backed by the Association of British Commuters.

Hannah Barham-Brown, a junior doctor and wheelchair-user, said: "As a full-time doctor my patients need me to be at work on time; I can't be late simply because I'm waiting for someone to help me onto the train.

"The nature of my work makes it impossible for me to know when I'll finish my day and travel home so booking 24 hours in advance isn't an option for me; I'm not asking for perfection, I'm just asking for the very basic access that I need to go about my everyday life."

**6 April 2017**

**Inclusive education campaigners blame 'ideological shift' for rise in segregation**

Campaigners have blamed funding cuts and an "ideological shift" for a sharp rise in the proportion of disabled children being educated in special schools over the last four years.

Figures from the Local Government Association (LGA) show the proportion of pupils with special educational needs and disabilities (SEND) who attend a special school in England has risen from 5.6 per cent in 2012 to 8.5 per cent in 2016, with the proportion in independent specialist settings rising from 4.5 to 6.3 per cent.

While the proportion of those with SEND educated in primary mainstream settings has risen slightly, the proportion in secondary mainstream settings has slumped from 40.5 per cent to 33.1 per cent between 2012 and 2016.

Tara Flood, director of [The Alliance for Inclusive Education](http://www.allfie.org.uk/), said the impact of funding cuts meant there was less support for disabled pupils in mainstream schools, which made their placements "much more fragile" and gave their schools "a much bigger opportunity to say the placement isn't working".

Flood said: "It's about budget cuts but it's also about an ideological shift in what the local authority is willing to pay for.

"What it results in is even less money in the SEND support budget because the local authority is spending far more to send these children out of borough."

Many parents are appealing to an SEND tribunal because their child is not receiving the support they need in a mainstream setting, she said, resulting in the council having to fund a far more expensive specialist placement, with fees of up to £250,000 a year.

Often the mainstream setting fails because a disabled child's education, health and care plan (EHCP) - which is replacing statements of special educational needs - "is not thorough enough; it's a template rather than being person-centred".

She blamed the increasing proportion of disabled children in special schools on the pledge in the [Conservative party's 2010 manifesto](http://www.disabilitynewsservice.com/election-2010-conservative-manifesto/) to "end the bias towards the inclusion of children with special needs in mainstream schools".

Last month, the Department for Education (DfE) [announced an extra £215 million](https://www.gov.uk/government/news/new-funding-boost-for-pupils-with-send) to create new school places and improve existing facilities for disabled children and those with special educational needs, but this can be used by both special schools and units and mainstream settings.

Flood said: "We are convinced that that money will not be ring-fenced for mainstream, it will be about creating more special provision."

She said she believed that only "a fraction" of the £215 million will be spent on expanding mainstream provision.

LGA said that a government grant for "high needs" pupils has been frozen for several years and councils have had to top it up from other sources, and it warned that proposed government reforms suggest that this flexibility will no longer be available to councils in the future.

And it said that the £215 million would not be enough to cover the needs of increasing numbers of pupils with SEND.

It released the figures as it [responded to a government consultation](http://www.local.gov.uk/documents/10180/11309/Stage%2B2%2BLGA%2BHigh%2BNeeds%2Brepsonse%2BFINAL.pdf/1f36983b-8ec6-42f7-a2a1-f351e934a36b) on DfE's high needs funding formula for schools.

The LGA response says: "We are concerned that if councils do not receive sufficient funding to cover high cost SEND, they will not have the resources to allocate extra funds to highly inclusive schools...

"The concern is that unless funding reflects needs, mainstream schools may be reluctant to accept or keep pupils with SEND because they cannot afford to subsidise the provision from their own budgets, which are already facing significant financial challenges."

Cllr Richard Watts, chair of LGA's children and young people board, said: "There has been a historic underfunding of high needs funding and a significant increase in the number of pupils with special educational needs or disabilities in schools.

"The government should provide additional funding to meet this need, otherwise councils may not be able to meet their statutory duties and children with high needs or disabilities could miss out on a mainstream education.

"Whilst the additional funding announced earlier in the year [the £215 million] was a step in the right direction, it was never enough to meet the needs of the increasing number of SEND pupils."

DfE has so far refused to say whether it accepts the LGA figures, whether it was concerned by such a large increase in children with SEND in special schools, or how it explained the increase.

But a DfE spokeswoman said there had been an incease of £92.5 million in high needs funding in 2016-17, with a further £130 million increase in 2017-18.

She said the government's proposals would mean no local authority would lose high needs funding and they would continue to have some flexibility to transfer funding to their high needs budgets.

And she said DfE provided £23 million in 2016-17 to help local authorities review their plans for SEND provision and implement any changes necessary.

Where these plans need funding to build new school places or improve existing ones, the costs could be supported by the £215 million fund.

She said: "This government is determined to build a country where everyone can fulfil their potential.

"This is backed by a £5.3 billion investment in 2016-17 for children and young people with high needs, which is protected in real terms in this parliament.

"We've also announced a £215 million fund for councils across the country to improve and create more special provision.

"This will help build new classrooms and improve facilities for pupils with special educational needs‎, so that no child is left behind."

**6 April 2017**

**Wheelchair-users could face further delays on long-awaited taxi access laws**

Long-awaited new laws that ban taxis and private hire vehicles from discriminating against wheelchair-users may not provide as much protection as had been hoped when they come into force today, a disabled campaigner has revealed.

The laws mean that taxi and private hire vehicle drivers should face a fine of up to £1,000 if they refuse to accept wheelchair-users, try to charge them extra, or fail to provide them with appropriate assistance.

The laws, included in the Equality Act 2010 as sections 165 and 167, affect England, Wales and Scotland, and were first included in the Disability Discrimination Act in 1995 but were never brought into force.

The government finally agreed to act last May, after a hugely-critical report on the impact of equality laws on disabled people by the Equality Act 2010 and disability committee, which included several disabled peers among its members.

But accessible transport campaigner Doug Paulley has raised concerns that the new laws could provide far less protection for wheelchair-users than had been hoped.

He has pointed out that they will only apply once a local authority has drawn up a list of all the wheelchair-accessible taxis and private hire vehicles in their area, and that local authorities can choose not to draw up such a list.

And government guidance [published earlier this year](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/593350/access-for-wheelchair-users-taxis-and-private-hire-vehicles.pdf) says that it could take local authorities six months to draw up such a list.

Taxi and private hire vehicles are only obliged to follow the new rules if they have a fully wheelchair-accessible vehicle, but it is up to each local authority to decide how to define "wheelchair-accessible".

The new laws also leave up to each local authority how it decides to enforce the new laws.

[And Paulley points out in his blog](https://www.kingqueen.org.uk/law-requiring-accessibility-of-taxis/) that there are no obligations on local authorities to increase the number of wheelchair-accessible taxis and private hire vehicles in their area.

This week, the Equality and Human Rights Commission, [in a new report on progress addressing disability equality in Britain](https://www.equalityhumanrights.com/en/publication-download/being-disabled-britain-journey-less-equal), points out that in August 2015 - according to the Department for Transport's (DfT) own figures - less than three-fifths of taxis in England were wheelchair-accessible, while that figure dropped to just 13 per cent in rural areas.

DfT says in its guidance that it "would encourage local authorities to put in place sensible and manageable transition procedures to ensure smooth and effective implementation of this new law.

"Local authorities should only publish lists of wheelchair accessible vehicles for the purposes of section 165 of the Act when they are confident that those procedures have been put in place, drivers and owners notified of the new requirements and given time to apply for [medical] exemptions where appropriate.

"We would expect these arrangements to take no more than a maximum of six months to put in place, following the commencement of these provisions, but this will of course be dependent on individual circumstances."

The guidance adds: "Without such a list the requirements of section 165 of the Act do not apply, and drivers may continue to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra."

A DfT spokeswoman had declined by noon today (Thursday) to say how many local authorities it believes will be ready to enforce the new laws by today (6 April), or if it knows of any local authorities that are refusing to produce a list of wheelchair-accessible taxis.

But she said the guidance was clear that local authorities were expected to "include as many vehicles on their lists as possible and take tough enforcement action where drivers breach their new duties", while it was "important councils take time to get the rules right in their areas, which they are best placed to do".

She said the new laws do not force local authorities to hold a list of accessible vehicles, but DfT had been "encouraging" local authorities to develop such a list for the past seven years.

She said in a statement: "We want to build a country that works for everyone, and part of that is making sure people with disabilities have the same access to services and opportunities as anyone else – including when it comes to travel.

"People with disabilities are often heavily reliant on taxis and private hire vehicles and this change to the law will mean fair and equal treatment for all."

But Paulley said he believed the way the laws had been introduced showed that the government "doesn't care two hoots about our public transport access needs".

He said the the commencement of sections 165 and 167 of the Equality Act was "pretty much the only action the government took" in response to the "damning" report by the House of Lords committee.

And he said that the government's "dilatory and rubbish actions" matched [the delays by the same junior transport minister](http://www.disabilitynewsservice.com/ministers-face-twin-attack-over-bus-accessibility-failures/), Andrew Jones, in introducing measures to "oblige non-disabled people to shift when a disabled person needs the wheelchair space on the bus", following his [Supreme Court victory over First Bus in January](https://www.supremecourt.uk/cases/uksc-2015-0025.html).

**6 April 2017**

**News provided by John Pring at** [**www.disabilitynewsservice.com**](http://www.disabilitynewsservice.com)