**‘Deeply troubling’ post-2010 fall in older people claiming disability benefit, analysis shows**

The shadow minister for disabled people has called for an urgent investigation into a fall of more than 22 per cent in the proportion of older people receiving a disability benefit designed to help them with their daily living costs.

New analysis of government and Office for National Statistics (ONS) figures by Disability News Service (DNS) shows that the percentage of those aged 65 and over who receive attendance allowance (AA) fell by 22.3 per cent in the six years after the coalition came to power in 2010.

In August 2010, more than 16 per cent of people aged 65 and over were receiving AA, but by August 2016 that had fallen to 12.6 per cent, a drop of 22.3 per cent in six years.

Last week, DNS reported for the first time that the number of older disabled people receiving AA had fallen from 1.6 million in August 2011 to 1.435 million in August 2017, a fall of about 165,000 (just over 10 per cent) in six years.

But DNS has now compared these and earlier government figures with population statistics from ONS from [2010](https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesanalysistool) and [2016](https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland), which show the number of older people rose from 10,043,926 in mid-2010 to 11,516,330 in mid-2016 (there are no figures yet for 2017).

Taken the ONS data together with the [Department for Work and Pensions (DWP) figures](https://www.gov.uk/government/statistics/dwp-benefits-statistical-summaries-2018), which show the number of AA recipients fell sharply between August 2010 (1,624,660) and August 2016 (1,447,460), reveals the striking new figures.

Marsha de Cordova, Labour’s shadow minister for disabled people, said: “It is deeply troubling to see a completely unexplained 22 per cent fall in the proportion of people over 65 getting help with the personal care and support they need.

“I fear that this will have led to vital support being lost by vulnerable people.

“The DWP clearly needs to investigate this as a matter of urgency. We cannot allow people, for whatever reason, to be left without the personal care they need.”

Tracey Lazard, chief executive of [Inclusion London](https://www.inclusionlondon.org.uk/), said the fall was “shocking” and “cannot be justified in any way”.

She said there appeared to be a “huge under-claiming of support” among older disabled people, which she suggested could be due to “the kind of public narrative of scroungers and fraudsters and the horrific lived experience of going through benefit assessments”.

She said: “It’s no doubt that these are big drivers for this drop even if there wasn’t a concerted policy decision to reduce that benefit.

“We are now living in a climate and society that is actively discouraging people from claiming what their rights [entitle them to].

“I think it’s a damning indictment of the culture and society we are living in. People are too scared to claim.”

She said the government needed to analyse the figures and engage with disabled people’s and older people’s organisations to “explore why this is happening and what we can do”.

AA is non-means-tested and designed to help with disability-related daily living costs, and is available to those 65 or over who do not already receive personal independence payment (PIP) or disability living allowance (DLA).

Those on the lower rate of AA receive £55.65 a week, while those on the higher rate receive £83.10 a week. Some other benefits can also increase if a claimant is receiving AA.

The Department for Work and Pensions (DWP) this week refused to offer any explanation for the huge drop in the number of AA claimants.

A DWP spokeswoman would not say why DWP thought the proportion of those aged 65 and over claiming AA had fallen so sharply, whether it was previously aware of this fall, if the department was concerned, or whether it would analyse the figures and find out why the number had dropped.

But she said in a statement: “As previously mentioned, those over pension age with a severe disability do not have to make a claim for attendance allowance if they are already on a disability benefit when they reach 65.

“The numbers of those claiming DLA and PIP who are aged 65 or over has been increasing.

“The combined spend for AA/DLA/PIP (65+) rose from £10.5 billion in 2010-11 to £10.8 billion in 2016-17 in real terms\*.

“This group also benefit from the financial support available through the state pension triple lock and may benefit from pension credit.

“There are also a number of universal pensioner benefits such as the winter fuel payment, older person’s bus pass, free prescriptions and free TV licences (for those aged 75 and over) which this group may also be entitled to.”

*\*If DWP’s figures are accurate, this still appears to represent a fall in spending per person aged 65 and over of more than 10 per cent, even when taking into account the increased numbers receiving DLA and PIP*

**8 March 2018**

**Minister suggests ‘realities of the world’ mean government will not halt attack on rights**

The justice minister responsible for human rights appears to have dismissed calls for the government to do more to protect the social and economic rights of disabled people and other groups.

Dr Phillip Lee, [a junior justice minister](https://www.gov.uk/government/people/phillip-lee) whose responsibilities include human rights, was speaking at the launch of the Equality and Human Rights Commission’s (EHRC) new report detailing Britain’s progress in implementing the [International Covenant on Economic, Social and Cultural Rights](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx).

In a speech at the launch, he appeared to suggest that “the realities of the world” – including population growth, an ageing society, and mass migration – and “finite resources” meant the government could not afford to meet the report’s call for action on the rights laid out in the covenant.

The covenant includes the rights to work, including safe and healthy working conditions, to social security and an adequate standard of living, to the highest attainable standard of physical and mental health, and to education and cultural life, and it was ratified by the UK in 1976.

[The EHRC report](https://www.equalityhumanrights.com/en/publication-download/progress-socio-economic-rights-great-britain) concludes that the “overall picture” with the UK’s implementation of ICESCR “remains deeply concerning”, with “persistent challenges in relation to a number of economic and social rights and, in some instances, further deterioration”.

The report also says that the government has “failed to show why its tax, policy and legal reforms since 2010 were necessary and fair, and how they align with human rights standards”.

It adds: “Social security reforms made by successive UK Governments since 2010 have had a particularly disproportionate, cumulative impact on disabled people, resulting in a regression of their rights to independent living and to an adequate standard of living and social protection.”

Lee said he recognised the rights laid out in the covenant and said the EHRC report provided a “timely” and “useful summary” of the commission’s views on the government’s progress in its implementation.

He said it highlighted “some key issues and certainly gives us some pause for thought”.

He also insisted that the government was progressively implementing the rights in the covenant, for example by spending £1.6 billion on legal aid in England and Wales\*; ensuring an unemployment rate close to a 40-year low; strengthening the national minimum wage; and tackling the gender pay gap.

But he then said that he wanted to “talk from the heart a bit”.

He said it was “all very well talking about social and economic rights” but the world was changing “at an ever increasingly-fast pace”, with population growth, developments in artificial intelligence, an ageing population and migration.

He added: “It’s all very well talking about rights… but the corresponding thing is responsibility, duty, duty to others, duty to each other, duty within the community, responsibility within communities, responsibility of our country and the world.

“So although I congratulate you on your work and can fully recognise that it is well-motivated – don’t think it isn’t shared by everybody across the political spectrum – but I have to deal with the realities of the world as it is.”

He said that solutions were “not easy and they are going to get harder because of population growth, resources being finite as they are”.

And he added: “I think we need to talk about this in more depth and with more candour across the political spectrum than we have previously.”

But Virginia Bras-Gomes, chair of the UN committee on economic, social and cultural rights (UNCESCR), told Disability News Service (DNS) later that there was a “growing concern” among her committee that progress in realising those rights had “come to a standstill”, although not just in the UK (*see separate story*).

She said the UK government appeared to “know what the difficulties are” – including migration and an ageing population – but she said: “What I don’t see happening in many countries, including the UK, is that not everything is being done to use the resources the country has to deal with the difficulties.”

She said: “There is a growing defiance on the part of developed countries to say, ‘look at all the difficulties we face, we cannot go beyond what we have done already.’”

Among the recommendations in EHRC’s report, it says the government should examine the reasons for higher levels of poverty among groups such as disabled people, children, refugees and asylum-seekers, and “develop a strategy to address these factors”, while it should monitor the effects of the four-year benefits freeze.

It also calls on the government to implement the public sector socio-economic duty under the Equality Act 2010, which would impose a duty on certain public bodies to have “due regard” to reducing socio-economic disadvantage when taking major decisions.

The report also says the UK government should assess how well employment support programmes help disabled people find and stay in work, and commit to producing regular reports on its progress towards reaching its target of one million more disabled people in work by 2017.

The launch event was organised by EHRC and the [Just Fair consortium](http://www.just-fair.co.uk/) of UK human rights organisations.

It also heard from Cathy, a member of Croydon Disabled People Against Cuts, who has several long-term health conditions, and described how she had been repeatedly reassessed for both employment and support allowance (ESA) and personal independence payment (PIP), and had won many appeals after initially being found ineligible for the benefits by the Department for Work and Pensions.

She said: “I’ve lost count of the number of winters I’ve gone without gas and food, and skipped Christmas.”

Last year, she was awarded severe disability premium for the first time, but it lasted only four months before she was reassessed yet again, lost that entitlement, and was moved back into the ESA work-related activity group and again lost her entitlement to PIP.

Her entitlement has now been restored in the last few days, but only after she was forced to live for eight months on ESA and depend on food banks and other charities.

Because of the drastic shortage of social housing in Croydon, she is scared to ask to be rehoused – even though her flat is now inaccessible to her – in case she is forced to take housing outside Croydon, or even outside London.

She said: “Since 2010 my constant persecution and torture by reassessment has taken its toll on my health, I feel like I can never break out of the cycle and just live on what I’m fully entitled to from the DWP.

“In the last 10 months I have met some amazing people, some severely disabled, and they have given me courage to speak out and protest against cuts and austerity, but I don’t think we should have to do this to get our voices heard – how is it fair that the people who face the biggest barriers in life are the ones being hit the hardest?”

*\*The EHRC report says spending on legal aid is now £950 million lower than in 2010, following the government’s legal aid cuts and reforms.*

**8 March 2018**

**‘Huge danger’ of UK austerity policies damaging rights, says UN expert**

There is a “huge danger” that the government’s austerity policies are damaging the well-established social and economic rights of disabled people and other groups, according to the chair of a UN human rights committee.

Virginia Bras-Gomes, chair of the UN committee on economic, social and cultural rights (UNCESCR), said there was a “growing concern” among the committee that progress in realising those rights had “come to a standstill”, although not just in the UK.

She said her committee believed that developed countries like the UK have “not done enough” to further these rights, and there was also “a huge danger that the protection that has been achieved is now being lost” because of austerity policies and other cuts.

And she said that the failure to protect these rights was sending a worrying “political message” to developing countries, that “universal public policies to protect economic, cultural and social rights are not financially sustainable in the long run”.

Bras-Gomes was speaking to Disability News Service (DNS) yesterday (Wednesday) as the Equality and Human Rights Commission (EHRC) launched a new report detailing Britain’s progress in implementing [the International Covenant on Economic, Social and Cultural Rights (ICESCR)](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx).

The covenant includes rights to work, including safe and healthy working conditions, to social security and an adequate standard of living, to the highest attainable standard of physical and mental health, and to education and cultural life, and it was ratified by the UK in 1976.

Bras-Gomes told DNS that the government appeared to “know what the difficulties are” – including migration and an ageing population – but she said: “What I don’t see happening in many countries, including the UK, is that not everything is being done to use the resources the country has to deal with the difficulties.

“There is a growing defiance on the part of developed countries to say, ‘look at all the difficulties we face, we cannot go beyond what we have done already.’

“All over [including the UK] we see a major push towards making entitlement [to social security] conditions more stringent and lowering the level of benefits.”

She said that this “always hits the same people, always, everywhere. Why is it always the same who suffer [including disabled people, single parents and minority ethnic groups]?

“If it is for the public good, it should be different sectors of the population who suffer at different times… but if it is the same who suffer every time, then something doesn’t seem to be going right in this argument.”

She had earlier heard Dr Phillip Lee, [a junior justice minister](https://www.gov.uk/government/people/phillip-lee) whose responsibilities include human rights, appear to suggest (*see separate story*) that the world was facing too many problems, such as mass migration and an ageing and growing population, for the government to be able to do more to protect economic, social and cultural rights.

Bras-Gomes told DNS that the UK was the fifth richest country in the world, and added: “The question I would like to ask the minister… is I acknowledge the difficulties, I acknowledge what you have done, but what I want to ask back from you is whether you are convinced you are doing all you possibly can to use the resources you have.

“[Are you] using all the resources you have to deal with these issues or do your priorities lie elsewhere?

“Most developed countries are not doing it, including the UK.”

[The EHRC report](https://www.equalityhumanrights.com/en/publication-download/progress-socio-economic-rights-great-britain) concludes that the “overall picture” with the UK’s implementation of ICESCR “remains deeply concerning”, with “persistent challenges in relation to a number of economic and social rights and, in some instances, further deterioration”.

UNCESCR found numerous areas of significant concern when it last assessed the UK’s progress in 2016, but the EHRC report points out that the UK government has yet to explain the measures it will take to address the committee’s recommendations.

So far, the report says, the government has “failed to show why its tax, policy and legal reforms since 2010 were necessary and fair, and how they align with human rights standards”.

And it warns that reforms to the social security system since 2010 “may present the most significant threat to the implementation of socio-economic rights” in Britain.

The report adds: “Social security reforms made by successive UK Governments since 2010 have had a particularly disproportionate, cumulative impact on disabled people, resulting in a regression of their rights to independent living and to an adequate standard of living and social protection.”

Next week, EHRC is to publish the final report by two academics on their assessment of the cumulative impact of all the government’s tax, social security and minimum wage reforms since 2010, including on disabled people.

[An interim report published last November](https://www.disabilitynewsservice.com/watchdogs-report-shows-impact-of-years-of-hostile-cuts-on-disabled-people/) showed that families with both a disabled adult and a disabled child would face an annual loss of £5,500 by 2021-22.

[Ministers have repeatedly ridiculed the idea](https://www.disabilitynewsservice.com/ministers-humiliated-over-cumulative-impact-assessment/) of carrying out such a cumulative impact assessment (CIA), ever since disabled campaigners began calling for such research about seven years ago.

This week’s report calls again on the UK government to carry out its own CIA, and to examine the factors behind the higher levels of poverty among groups such as children, disabled people, refugees and asylum-seekers, and develop a strategy to address them.

In 2016, UNCESCR called for a CIA of post-2010 policies and programmes on the economic, social and cultural rights of groups including disabled people, women and children.

Bras-Gomes said yesterday: “Surely the UK doesn’t lack the human expertise or the resources to do a CIA.”

Among the report’s other recommendations, it says the government should monitor the effects of its four-year benefits freeze.

And it calls on the government to implement the public sector socio-economic duty under the Equality Act 2010, which has never been brought into force and would impose a duty on certain public bodies to have “due regard” to reducing socio-economic disadvantage when making major decisions.

The report says the UK government should also assess how well its employment support programmes help disabled people find and stay in work, and commit to producing regular reports on its progress in reaching its manifesto target of seeing one million more disabled people in work by 2017.

**8 March 2018**

**‘Extraordinary’ government response to question over social care progress**

The government has failed to set up a single committee involving experts from outside the two departments examining the future of working-age social care, nearly four months after the programme of work was announced.

[On 16 November](https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-11-16/HCWS258/), Damian Green, at the time the work and pensions secretary, announced that the government would publish a new green paper on older people’s social care by the end of July.

He also announced a “parallel programme of work” on working-age adults with care needs, which would be aligned with the green paper and would be led by the Department for Health and Social Care (DHSC) and the Ministry of Housing, Communities and Local Government.

But nearly four months later, and less than five months before the deadline Green set for the parallel green paper to be published, DHSC has told Disability News Service (DNS) that it has yet to set up a single committee or working group involving stakeholders from outside the two departments.

The admission came in a response to a DNS freedom of information request, which asked for the names of people from outside the departments who had joined any committees or working groups set up as part of the work stream.

DHSC said in its response to the request: “DHSC does not hold the information you requested, as no such committees or working groups have yet been established to support the programme of work on working age adults with care needs.

“The government is currently developing plans for engaging with stakeholders and expects to engage widely.

“We will ensure that the views of a range of people who use social care services, including adults with disabilities, closely inform this work as it progresses.”

Tracey Lazard, chief executive of [Inclusion London](https://www.inclusionlondon.org.uk/), said this failure “demonstrates the government’s lack of commitment to seriously taking anything forward in this area.

“The angle that has been consistently taken is to blame local authorities for all the problems in social care and this further confirms our suspicion that the government wants to avoid this question altogether.

“It shows a complete dismissal of the serious adverse impact that the crisis in social care is having on disabled people and a derogation of responsibility.

“The issue needs full and meaningful face to face engagement with disabled people and our organisations, and committed resources and time to look at how the current system is failing disabled people and how this can be urgently addressed.”

Only last week, DNS reported how disabled people’s organisations (DPOs) said they [would write to care minister Caroline Dinenage](https://www.disabilitynewsservice.com/dpos-to-write-to-minister-over-exclusion-from-social-care-meeting/) to protest at her decision to organise a “roundtable” meeting – which also involved the Department for Work and Pensions – to discuss the future of working-age social care, but without inviting a single disabled people’s organisation (DPO).

The disabled crossbench peer Baroness [Jane] Campbell was eventually invited to the roundtable, but only after a minister mentioned in the House of Lords that it was taking place.

And [Disability Rights UK (DR UK)](https://www.disabilityrightsuk.org) said this week that it was also subsequently invited to the event, but with just 20 hours’ notice, following criticism of the failure to involve DPOs.

Baroness Campbell said the roundtable event had not left her “brimming with confidence about a future strategy”.

She said: “I felt that the three departments involved don’t even have a skeleton strategy of what they intend to do and hope to achieve at the end of this exercise.”

When asked “what the parallel process was going to be and what was the aim”, for example a green paper, or a new commission on working-age social care, she and others were told that the government “accept that we need to be clearer about this exercise”.

Baroness Campbell said: “I personally warned against another ‘listening, or consultation exercise’, as disabled people had had enough of this process, which has always ended in reports collecting dust on departmental shelves.”

She added: “So far the future is not looking bright.”

Sue Bott, DR UK’s deputy chief executive, said the DHSC freedom of information response was “extraordinary”.

She said that 51 per cent of spending on adult social care was now on people below retirement age.

She said: “Just being ‘in listening mode’ is very disappointing and not good enough.

“Over the years there have been countless consultations about social care.

“There comes a point where there are so many gaps that you have to conclude the whole system is failing. What is needed now is not listening mode but action mode.”

When asked why no progress appeared to have been made with the working-age parallel workstream, and particularly why no working groups or committees had been set up with members from outside the departments, nearly four months after Damian Green made the announcement to MPs, a DHSC spokeswoman refused to comment.

**8 March 2018**

**DWP ignores freedom of information laws in bid to hide universal credit impact**

The Department for Work and Pensions (DWP) has breached freedom of information laws by refusing to explain how its new universal credit system of working-age benefits will affect disabled people.

Campaigners have been warning that the introduction of universal credit will see tens or even hundreds of thousands of disabled people with high support needs lose out on thousands of pounds a year because the new system will scrap the disability premiums that exist in the current system.

Both severe [(£62.45 per week](https://www.gov.uk/disability-premiums-income-support/what-youll-get)) and enhanced disability premiums (£15.90 per week) are currently added to some means-tested disability benefits to help with the costs of disability.

The Department for Work and Pensions (DWP) [has been insisting since 2012](https://www.disabilitynewsservice.com/universal-credit-could-drive-hundreds-of-thousands-over-the-edge/) that [“transitional protection”](https://www.turn2us.org.uk/Benefit-guides/Universal-Credit-transitional-protection/What-is-Universal-Credit-transitional-protection) would ensure that no-one moving onto universal credit would see their benefits cut in cash terms.

But campaigners have remained sceptical, while also pointing out that the transitional protections will not apply if there are any changes in the disabled person’s personal circumstances – for example if they move to a new home, or their relationship status changes – and will not apply to new claimants.

And last month, a terminally-ill man, TP, [won permission for a judicial review](https://www.leighday.co.uk/News/News-2018/February-2018/Landmark-legal-challenge-to-Universal-Credit) of the financial impact of the introduction of universal credit on disabled people with high support needs, through the loss of the two premiums.

According to his lawyers, the removal of the premiums has seen TP lose £178 each month after he moved back to London to receive treatment and had to claim universal credit (UC) for the first time.

DWP argued last month that it had just “simplified and rationalised the various, complex disability premiums” that exist in the current system.

But it refused to explain exactly how it had done so and who would lose out under the new system.

Because of that refusal, Disability News Service (DNS) submitted a request on 18 January under the Freedom of Information Act, asking DWP to explain how the system of disability premiums was being replaced under universal credit, and the exact financial impact this would have on people who previously received each of the premiums, as well as on new claimants.

Such freedom of information requests [are supposed to be answered within 20 working days](https://ico.org.uk/media/for-organisations/documents/1165/time-for-compliance-foia-guidance.pdf), under the Freedom of Information Act, but the request was submitted 35 working days ago (as of 8 March) and DWP has yet to respond.

Linda Burnip, co-founder of [Disabled People Against Cuts (DPAC)](https://dpac.uk.net), said: “It comes as no surprise to anyone who has submitted a freedom of information request to DWP that they have failed once more to supply an answer in the allotted time frame.

“As with everything linked to DWP it seems they feel they are above the law and can do whatever they want.

“This together with the numerous cases where DWP are failing to implement UC regulations fairly and consistently simply increases the concerns we have about how disabled people will survive this latest and most obscene welfare reform.”

DPAC had planned to hold a national day of action last week calling on the government [to “stop and scrap” universal credit](https://dpac.uk.net/2018/01/dpac-position-statement-and-motion-for-union-branches-on-universal-credit/), which it said was “rotten to the core” and “an economic and political disaster bringing further distress and impoverishment to those forced to endure it”.

Many of the protests had to be called off because of snow and freezing temperatures across the country, but DPAC plans to re-organise the day of action.

Burnip said: “Although the weather and unsafe conditions forced most of the planned street protests calling for UC to be stopped and scrapped to be postponed, many of our local groups have been able to use the campaign materials sent to them to raise further awareness in their local areas and are eager to organise for a new date.”

DNS asked the DWP press office why the department had failed to respond to the freedom of information request within 20 working days, and whether this was because the department was trying to avoid providing clarity on how disabled people would be affected by the move to universal credit.

A DWP press officer declined to answer these questions but said in a statement: “If you have a freedom of information complaint you should submit a request for an internal review.

“At this time we will consider your previous email a request for an internal review, so you do not need to submit any addition (sic) information.

“The Information Commissioner’s Office recommends that public authorities carry out internal reviews within 20 working days and we will endeavor to get back to you in this time.”

**8 March 2018**

**Motability ‘tit for tat’ row intensifies as bosses and minister give evidence**

The public “tit for tat” row between the government and Motability has intensified after senior figures in the organisation and the minister for disabled people gave evidence to MPs.

The Treasury and work and pensions select committees are holding a joint inquiry following political and media criticism of how the car scheme for disabled people is run.

Following [the evidence sessions on Monday](http://www.parliamentlive.tv/Event/Index/c765a33f-856a-45a1-a318-1e93e38474a1), the committees have asked the National Audit Office (NAO) to investigate the scheme.

Sarah Newton, the minister for disabled people, suggested during one of the evidence sessions that letters she would release to the committee would show that Lord Sterling, the Tory peer who co-founded the scheme more than 40 years ago, was wrong to accuse work and pensions secretary Esther McVey [of making a series of untrue and misleading statements about the scheme](https://www.disabilitynewsservice.com/tory-peer-attacks-mcvey-over-litany-of-inaccuracies-on-motability/) to MPs last month.

Lord Sterling – who also gave evidence to the committees on Monday – had said in his letter that McVey was wrong to claim that it had been her intervention as minister for disabled people in 2013 that led to Motability agreeing to pass £175 million to former disability living allowance (DLA) claimants who were going to lose their Motability vehicles in the programme to be reassessed for the new personal independence payment (PIP).

The committees also suggested that they might use their report to call on the government to allow rival organisations to set up as competitors to Motability, which they said might drive down the price paid by disabled people to lease vehicles through the scheme.

Newton said the level of pay and bonuses received by executives of Motability Operations (MO), which runs the scheme on behalf of the Motability charity\*, was “quite shocking” and there were “serious questions” to be asked about its governance, including the level of its financial reserves.

She said ministers had repeatedly challenged MO about the level of reserves and remuneration and asked it to spend more “to the benefit of disabled people”.

But she said that no-one had raised any problems with her – since she became minister last year – about the service Motability provides to disabled people, and she believed it worked well for its customers.

Referring to Lord Sterling’s letter to McVey, Newton said it was “really sad to have this public tit for tat” and she promised to provide the committee with letters sent by ministers to Motability in 2012 and 2013.

She said: “I have read the correspondence and it sets beyond doubt that the department really pushed Motability to increase the amount of funding to support people through the transitional [DLA to PIP] arrangements.”

She added: “The letters speak for themselves.”

Newton said McVey had suggested that one of the outcomes of an NAO inquiry could be to examine if there should be more competition for Motability, if that was “to the benefit of disabled people”.

MPs on the two committees had earlier questioned senior figures from both MO and the charity that oversees the scheme, Motability.

Among the MPs asking questions was Labour’s John Mann, whose concerns about the scheme have helped raise the profile of issues around its governance, but who was himself criticised in Lord Sterling’s letter to McVey.

Mann suggested that Motability was “a very good scheme that has now become rather bloated” and that because running the Motability scheme was very low risk, MO did not need such high levels of reserves, currently at £2.4 billion.

Mike Betts, chief executive of MO, said his organisation did face significant risks, including the fact that a one per cent drop in the value of used cars can cost MO about £50 million.

Betts defended the sums held in reserve, which he said helped keep down how much money it has to pay to borrow money to buy its new cars, and was invested in the cars used by its customers rather than in cash.

He said that MO also currently holds about £540 million in cash, but that the company needs this because it spends £300 million a month buying cars.

But Mann said that written advice he had received from the Financial Conduct Authority (FCA) stated that it would not expect an organisation like MO to keep £2.4 billion in reserves to cover risk\*\*.

Lord Sterling, who chairs the Motability charity, insisted that disabled people “receive every spare penny”, but “only when we think it is safe to do so” and as a result of “the two boards [working] carefully together”.

Declan O’Mahony, director of the charity, said the two organisations “see this as a period of elevated risk” – because of uncertainties about future interest and exchange rates and levels of depreciation on diesel cars – and so it was “not a time when we see an opportunity to transfer further reserves immediately” from MO to the charity (and therefore to disabled customers).

The committee heard – [as reported by Disability News Service last month](https://www.disabilitynewsservice.com/tory-peer-attacks-mcvey-over-litany-of-inaccuracies-on-motability/) – that the reassessment of Motability customers who had been receiving DLA for the new PIP had led to 75,000 disabled people losing their eligibility to stay on the scheme and having to return their vehicles, out of 175,000 who had been reassessed so far.

Betts said MO had made profits of about £129.6 million in 2016 and £212.7 million 2017, although profits are invested back into the company.

When asked whether MO should be making higher donations to the charity Motability, he said these payments would increase – now it had achieved a sufficient level of reserves – but it was too soon to say by how much because it would depend on the next year’s profits.

When Frank Field, chair of the work and pensions committee, asked why MO was not donating more to the Motability charity, Neil Johnson, MO’s chair, said: “We are very happy to make charitable donations, providing we can see the sustainability of the scheme,” but he said there were “some real concerns in the car market at the moment”.

But the former Tory MP Charlie Elphicke – currently an independent MP, after being suspended from the Conservative party because of an ongoing police inquiry – said he could not see why MO did not make an immediate donation of “£100 million-plus” to the charity.

The committees also discussed the large salary and bonuses that have been paid to MO executives, particularly Betts, who received £1.7 million in one year.

Field told Betts that “a large, large, large amount has gone into your pocket” and asked him about his “extraordinary rewards”.

Betts said: “I had no role in setting my own pay. I had a mandate to transform the business.

“That has happened and the reward has been for success. The customers are the beneficiaries of that transformation.”

When Field asked how they would feel about the two committees recommending that NAO carry out an inquiry into how the scheme was run, Lord Sterling said the charity would welcome a review so “the issues raised could be put to rest once and for all”, while Johnson said MO would also welcome an inquiry because “the air needs clearing”.

Nicky Morgan, chair of the Treasury committee, pointed out that, while Motability did not receive any direct funding from the government, its business was reliant on DWP payments of disability benefits, while it also received “significant” VAT and insurance tax concessions.

Morgan said: “From the evidence I have heard, I don’t understand quite the corporate governance arrangements between the company, the scheme and the charity, and that alone means the NAO on behalf of parliament and the committees should be asked to conduct an inquiry into this.”

Morgan and Field have now written to NAO, asking it to carry out such an investigation.

*\*The charity Motability is a DNS subscriber*

*\*\*The committees* [*subsequently published the letter*](http://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/motability-letters-17-19/)*, which also said that “as the firm is required to have sufficient financial resources to meet their liabilities as they fall due, we would expect the senior management of the firm to assess the adequacy of their resources in the context of their size, risk profile, complexity of regulated activities, strategy and circumstances”.*

**8 March 2018**

**Coach company’s wheelchair policy puts drivers at risk of criminal record**

A coach company is ignoring access laws by refusing to allow wheelchair-users to travel on its services on the same day they buy tickets, while exposing its drivers to possible criminal charges.

Transport laws state that any company that has already introduced accessible coaches – even though this is not obligatory until 2020 – must ensure that those vehicles provide a space for wheelchair-users to travel in their wheelchairs.

Although the coach company National Express does have such spaces on nearly all its vehicles, they are usually covered by temporary seats, and it demands at least 24 hours’ notice to remove them and so clear the space if a wheelchair-user wishes to travel in their wheelchair.

But accessible transport campaigner Doug Paulley has demonstrated that National Express is breaching the law by failing to ensure those spaces can be accessed easily and refusing to allow wheelchair-users to “turn up and go” on its services.

He is due to discuss the issue with the managing director of National Express, Chris Hardy.

Paulley’s concerns about the way the company dealt with wheelchair-users who wish to travel spontaneously were first confirmed last August.

He bought a ticket from Bradford to Leeds on a coach that was leaving within half an hour, but when he reached the coach he was told he should have given 24 hours’ notice and would not be allowed to board as it would take too long to remove the temporary seating.

Any coaches that have been adapted to be compliant with Public Service Vehicle Accessibility Regulations – as National Express’s have – must provide a wheelchair space and make that space available to wheelchair-users.

Separate laws state that a coach driver is committing a criminal offence\* if he or she does not allow a wheelchair-user to access that space, if it is not occupied by another disabled passenger and the coach is not full.

Such spaces are legally defined as unoccupied even if they are covered by temporary seating.

After realising in February that the coach driver could have been committing a criminal offence, Paulley contacted West Yorkshire Police, which initially refused to treat the incident as a crime.

But after he lodged a complaint, the force has now admitted its mistake and has promised to spread awareness of the criminal offence to its customer contact centre, district control rooms, public counters in police stations and its crime management unit.

The force has also categorised last August’s incident as a disability hate crime, although it will take no further action against the driver.

Paulley said: “Coach operators’ choice to keep seats installed in the wheelchair space puts drivers in an impossible situation because they are required to remove the seats when a wheelchair-user wishes to travel and can be fined and get points on their license for refusing to do so.

“The answer is to keep seats uninstalled unless and until all the other seats on the coach are occupied, and also to choose coaches that have seats that are as easy to install and remove as possible. But National Express doesn’t do that, sadly.﻿”

A West Yorkshire Police spokesman confirmed that the force had received a complaint, but he said it could not comment on it for data protection reasons, although he said Paulley was free to share the contents of the complaint’s resolution with Disability News Service.

National Express has so far refused to say if it accepts that its driver was committing a criminal offence, and whether it will change the way it runs its services to avoid putting other drivers at such risk in the future.

But a National Express spokeswoman said in a statement: “We have apologised to Mr Paulley and his fellow passengers for their recent experience with us.

“Our aim is to ensure everyone can make use of our services and we will always listen to feedback to help us achieve this.

“We welcome Mr Paulley’s input and contacted him last month to invite him to meet with us to discuss the important matters he has raised.

“We were the first company in the UK to introduce wheelchair lifts to our coaches over 10 years ago.

“Our fleet of 550 vehicles is currently over 99 per cent accessible to passengers with reduced mobility and will be 100 per cent accessible in advance of the legislative requirement in 2020.”

*\*This is a breach of the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002, and contravention of this regulation is an offence under the Public Passenger Vehicles Act 1981*

**8 March 2018**

**New campaign to fight barriers to elected office is tribute to Lorraine Gradwell**

A new campaigning organisation – named after one of Manchester’s “finest civil rights campaigners” – will fight to remove the barriers to elected office faced by disabled people in the city.

The Trust Lorraine Foundation (TLF) was launched in Manchester on Saturday by [Greater Manchester Coalition of Disabled People (GMCDP)](http://www.gmcdp.com) and [Breakthrough UK](http://www.breakthrough-uk.co.uk).

It is named after the late Lorraine Gradwell, who helped found both organisations and played a significant role in putting Manchester at the heart of the disability rights movement in the 1980s and 1990s.

The new organisation will work with disabled people in the Manchester area who aspire to elected office, for example as members of parliament or local councillors.

It plans to push political parties to commit to “true diversity”, and campaign for the government to re-open the Access to Elected Office Fund (AEOF).

AEOF, which provided grants of up to £40,000 for disability-related costs for disabled people standing for the UK parliament and in other English elections, has been closed since the 2015 general election, supposedly while the government evaluates its success.

The new foundation plans to monitor progress towards increasing the number of disabled people in elected office, and to campaign for voting to be more accessible to disabled people.

One of its first steps will be to seek support from the new mayor of Greater Manchester, Andy Burnham, and Manchester City Council, and ask them to consider alternatives to AEOF, and to commit to providing support such as opportunities for would-be disabled politicians to shadow councillors or to take part in internships.

Jackie Driver, Breakthrough UK’s interim chief executive, said the immediate focus would be to find local disabled people who want to stand for elected office and provide them with the materials and experiences they need in “navigating and challenging the barriers to office” they will face.

But the campaign will also push officials “to recognise and remove disability related barriers” to standing for office and to voting.

Gradwell, [who died last September](https://www.disabilitynewsservice.com/movement-mourns-lorraine-gradwell-role-model-confidante-and-leader/), was a specialist adviser to [the Speaker’s Conference on parliamentary representation](https://www.parliament.uk/business/committees/committees-a-z/other-committees/speakers-conference-on-parliamentary-representation/publications/), which was set up to find ways to increase the number of disabled, female and minority ethnic MPs, and reported in January 2010.

[The Speaker’s Conference called for action](https://www.disabilitynewsservice.com/commons-committee-calls-for-more-disabled-mps/) to prevent discrimination against disabled people who want to become parliamentary candidates, and to provide them with financial and practical support, but many of its recommendations have yet to be implemented.

One of the key areas that has not been implemented, said Driver, was for political parties to commit to “openly and transparently” monitor how many candidates and elected politicians are from particular protected groups, such as disabled people.

TLF was launched on Saturday by Driver and Gradwell’s daughter Jenny, at Manchester’s Walk for Women, which celebrated 100 years since some women gained the right to vote for the first time.

Jenny Gradwell told the crowd that her mother had been a “phenomenal presence”, a “force of nature” and “one of the city’s finest civil rights campaigners”.

She described how some disabled people were preventing from voting at polling stations in last year’s general election, an exclusion which she said was “simply unacceptable in a modern democracy”.

She added: “It’s bad enough being treated as a second-class citizen, an experience that is all too common.

“But if you’re denied the vote, in effect you have your citizenship stripped from you.”

Driver said that the unequal representation of disabled people in public life “reflects and accentuates inequality”.

And she told the crowd: “This foundation has a clear purpose – to develop the strong representation and fair leadership vital to a democracy by removing the barriers to elected office that disable people.”

**8 March 2018**

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