

SCHOOL SLIDES X2  
£46.00

Christmas - £351.00  
Birthdays - £70.00  
Gift - £800.00  
Mort - £250.00  
Rent - £30.00 a week  
ins. home - £57 a month  
Tax - £30 a month



Claim file  Cycle

Name

NI Number

# Sounding the Alarm

**ADVICE WORKERS  
FEAR FOR CLIENTS'  
RIGHTS IN A BROKEN  
SOCIAL SECURITY SYSTEM**

FOOD?  
£57.50  
LOAN = £40.00 PHONE  
GAS + ELECTRIC = £20.00  
Kyla's Birthday = £20.00  
KIDS  
Uniform - £120  
Lunches - £15 a week  
After schools £20 a week  
Football - £5 a week



Participation and the Practice of Rights (PPR)  
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BT12 4HQ  
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## *Sounding the Alarm*

### *Advice workers fear for clients' rights in a broken social security system*

#### *Executive Summary*

- The Right to Work: Right to Welfare (R2W) group campaigns for a human rights based social security system. The group developed the #PeoplesProposal as a **human rights checklist** to be included in social security assessments.
- Despite widespread support and commitments from the Minister for Communities, the #PeoplesProposal is (at the time of publication) not yet implemented.
- In May/June 2021, R2W designed a questionnaire based on the #PeoplesProposal for advice workers across NI to complete.
- The questionnaire enables an assessment of the extent to which people's human rights are being respected by government agencies and the private sector in applications for social security payments.
- 190 questionnaires were completed by highly skilled and knowledgeable advice workers in a number of different agencies. The advice workers who took part in this survey did so in their own time, after full days providing support to people trying to navigate the complex social security system. This research was only made possible because of their participation. Advice workers were asked to complete the survey and to provide their assessment of the support being provided to claimants by the DfC and private companies contracted by the DfC. Their answers were based on their experiences of the circumstances faced by the claimant they were supporting and included the experience of the claimant before they were able to secure professional advice from advice workers.
- Evidence demonstrates unfair processes shutting people out of social security payments required to fulfil basic needs. This is in direct contravention of key aspects of international human rights laws which aim to protect everyone from poverty, hunger and poor housing.
- Advice workers reported that only about half of claimants were able to access professional advice and representation at each stage of their claim, reflecting the importance of the availability of the free and independent advice provided by the sector in a landscape which many people find challenging to navigate.
- Following on from the recent damning report by the NI Public Services Ombudsman into Personal Independence Payments (PIP), our survey confirms that, across a wide range of benefits, the social security application system continues to be beset by procedural failures, with the knock on effect of plunging people even deeper into poverty.
- As per previous commitments, the Minister for Communities, Deirdre Hargey MLA, has the power to direct civil servants to make administrative changes to introduce a human rights checklist, in order to provide an additional layer of protection during social security decision making.

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## About the Right to Work: Right to Welfare Group and the #PeoplesProposal

The Right to Work: Right to Welfare ( R2W) is a group of people made up of those who are reliant upon the social security system for income and assistance and those supporting people to apply for benefits – advice workers and human rights campaigners

The reports of preventable harm like poverty, illness and suicide, which have been caused by welfare reform, are well documented in both independent and government-led reports from Stormont, the devolved administrations in Scotland and Wales and in Westminster.<sup>1</sup> R2W has previously documented the impacts through annual surveys at social security agencies in Belfast and Derry and in reports including Conscious Cruelty<sup>2</sup>.

### #PeoplesProposal

In response to these issues, PPR and R2W developed the #PeoplesProposal as a preventative measure. The proposal is a human rights checklist which can be inserted into the social security decision making process to prevent these well-documented harms and to protect the dignity of claimants. The checklist is based on United Nations standards<sup>3</sup> which already apply in Northern

Ireland and are required to be implemented in a rights-respecting social security system.

The #PeoplesProposal is supported by all 11 local district councils, the largest trade union body in NI, NIC-ICTU and NIPSA, the trade union that represents social security staff. It is also endorsed by every political party, as well as by the current Minister for Communities as well as by the current Minister for Communities, Deirdre Hargey, in her previous role as Lord Mayor of Belfast.

### When will the #PeoplesProposal be implemented?

In 2020, the then acting Minister for Communities, Carál Ní Chuilín, agreed that the social security system was broken and **committed to piloting a codesign process to deliver human rights checks in the social security system.** The Minister directed civil servants to engage with R2W on this basis. Despite the commitment from the Minister, **civil servants have not engaged in the co design process nor progressed or implemented any aspect of the #PeoplesProposal human rights checklist.**

In March 2021 civil servants were asked to provide a progress report in a meeting with R2W, PPR, Advice NI and East Belfast Independent Advice Centre. The meeting was video recorded for accuracy at the request of R2W and PPR. During the meeting civil servants told campaigners that they had not made any progress on the #PeoplesProposal and disputed that the Minister had committed to piloting a new approach.

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1 See for example, Northern Ireland Audit Office, 2019, 'Welfare Reforms in Northern Ireland' Welfare Reform Report 2019.pdf (niauditoffice.gov.uk), Department for Communities, 2018 'Independent Review of the PIP Assessment Process in Northern Ireland - report and response' available at Independent Review of the PIP Assessment Process in Northern Ireland - report and response | Department for Communities (communities-ni.gov.uk). For wider context on impacts in England, Wales and Scotland see Equality and Human Rights Commission, 2018, 'The cumulative impact of tax and welfare reforms' available at The cumulative impact of tax and welfare reforms | Equality and Human Rights Commission (equalityhumanrights.com)

2 [https://issuu.com/ppr-org/docs/concious\\_cruelty\\_draft3](https://issuu.com/ppr-org/docs/concious_cruelty_draft3)

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3 Article 9 (Right to social security), Article 11 (Right to an adequate standard of living), Article 12 (Right to highest attainable standard of physical and mental health) International Covenant on Economic, Social and Cultural Rights. For further details see the UN Committee on Economic, Social and Cultural Rights General Comments 3, 4, 12, 14 and 19. General Comments are authoritative interpretations of human rights standards.

After the meeting DFC officials declined to provide the video evidence when asked and instead produced their own written record of the meeting. PPR submitted Freedom of Information requests to obtain the audio/video evidence which were declined. PPR has now raised a case with the Information Commissioner's office.

PPR and the advice agencies in attendance at the meeting wrote to Minister Hargey following the meeting to raise concerns. **R2W asked the Minister to commit to implementation of the human rights checklist and invited the department to participate in our upcoming human rights survey based on the #PeoplesProposal.** To date no response has been received from the Minister or her officials. This report is the result of the survey with advice workers only. No departmental staff or social security decision makers have taken part.

## Survey Methodology

The Right to Work Right to Welfare Group developed a survey of eight questions<sup>1</sup> designed to capture the extent to which the experiences of social security claimants aligned with the standards set out in the People's Proposal.

The survey's intended audience was advice workers, who were invited to complete the survey between May and mid-June 2021.

Surveys were designed to be quick and easy to fill in, mostly consisting of closed and/or multiple-choice answers, with consideration for the limited time and resources available to advice workers and advice agencies. The survey questions were developed into an online form, a link to which was disseminated among advice agencies. Advice workers were also invited to provide additional written context where this

could provide more insights into the particular circumstances of their clients.

Quantitative data was analysed using open source software and the results were used to develop the data visualisations within this report.

## Survey Results

### Advice agencies

Advice agencies provide free, independent, high-quality advice to people on a range of issues. Around 75% of cases dealt with by Advice NI members relate to welfare benefits/social security issues.<sup>2</sup> In general, people will approach Advice NI members when there is already a degree of complexity to their claim rather than at the point of initiating it. The independent advice they provide is not available as a matter of course from statutory agencies. When people access free and independent advice their situations improve drastically.<sup>3</sup>

In total 190 surveys were completed by welfare rights advice workers at five different agencies across Northern Ireland. Over half of these (53%) were completed by advice workers at Advice North West, just over a third (38%) by East Belfast Independent Advice Centre (EBIAC), with the remainder made up of submissions from Advice NI (5%), PPR and other agencies.

### Social security benefit

Personal Independence Payment (PIP) featured as the key benefit at issue in almost half (49%) of responses, followed by Universal Credit (30%), Employment Support Allowance (ESA) (14%) and Disability Living Allowance (DLA) (7%).

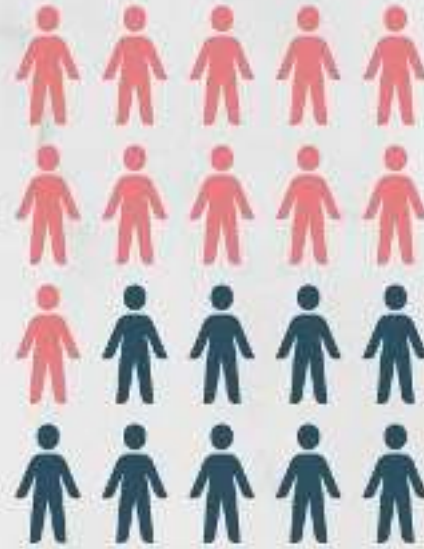
1 A copy of the survey questions can be found in the Appendix to this report.

2 Advice NI Annual report Highlights 2019/2020

3 Advice NI, May 2021, 'Social security claimants urged to seek independent advice' <https://www.adviceni.net/about/news/social-security-claimants-urged-see-independent-advice>

11 in every 20

claimants **were not** able to access professional advice and representation at each stage of the assessment.



### **A problematic process, unfit for purpose**

Human rights based approaches are concerned with both process and outcomes. According to important human rights standards<sup>1</sup>, social security processes should be fair, non-discriminatory, transparent and enable people to represent themselves effectively. The outcome of any rights based social security system is that people have adequate income to meet their needs in the context of the cost of living.

Results from advice workers, who are experts in the social security system, highlight problems with both process and outcomes in Northern Ireland’s social security system.

### **Process: Access to advice**

*“This gentleman attended recent UC appeal hearing alone completely unaware of the process. Panel adjourned and advised him to get representation.”*

As indicated above, advice agencies provide essential free and independent advice on welfare benefits, usually at the point that someone has encountered difficulty in relation to a social security claim. Of the 190 cases reported in this survey, advice workers reported that only around half of claimants had been able to access professional advice and representation **at each stage** of their application, indicating that the support required to navigate a complex system had not been made available to people from statutory agencies, and highlighting the importance of the advice sector.

<sup>1</sup> See United Nations Committee on Economic Social and Cultural Rights, 2007, General Comment 19: the Right to Social Security

## Process: Submission of Supporting Evidence

*“Claimant failed work capability assessment. He requested mandatory reconsideration and said he would send in supportive GP records but request refused within 2 days before GP notes obtained. Department made double refusal without sight of any medical evidence and refused to wait for claimant to produce medical evidence. He suffers severe mental health issues and this process is seriously worsening his conditions.”*

In addition, **in the majority of cases, people applying for social security had not been able to submit all relevant evidence in support of their claim**, e.g. GP records.

This means that information material to the outcome of the claim was not considered, meaning that any initial decision is potentially incorrect, with the outcome of creating cost burdens on the system and increasing stress on the person applying.

Barriers to submitting relevant information and evidence are particularly worrying in relation to social security decisions in which a person’s health or long-term condition is relevant – such as PIP/DLA and Employment Support Allowance. It is therefore troubling that around 60% of applicants across all benefit types for these benefits had been unable to submit evidence in support of their case.

**Table 1:** Has the claimant been able to access and submit all relevant evidence to enable a proper assessment for this benefit?

| Social security payment       | Yes | No  |
|-------------------------------|-----|-----|
| Universal Credit              | 46% | 54% |
| Personal Independence Payment | 43% | 57% |
| Disability Living Allowance   | 43% | 57% |
| Employment Support Allowance  | 36% | 64% |

Our findings chime with the recent report of the Northern Ireland Public Services Ombudsman, which found systematic maladministration by the Department for Communities and Capita in the delivery of PIP, in that they ‘*failed to properly obtain and use all relevant medical information to help them assess claims for the Personal Independence Payment (PIP) benefit.*’<sup>1</sup>

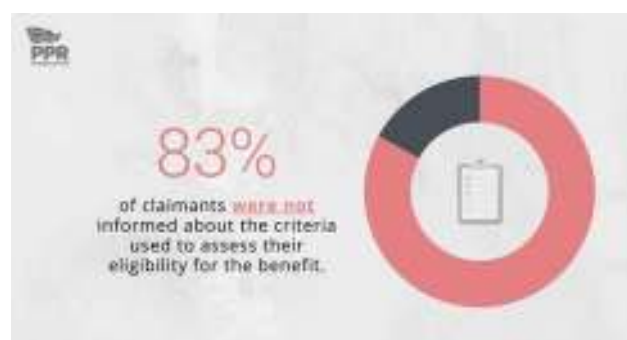
## Process: Transparency

*“Claimant trying to start Universal credit claim but UC office have closed it x3 times stating she has not supplied relevant information. But client has and has not been told what information is missing or not being supplied. She had been without income for 12 weeks before seeking our advice.”*

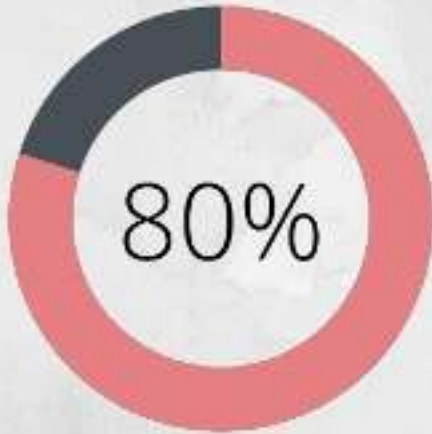
Advice workers reported that in the majority of cases (83%), people making an application were not informed by statutory agencies of the criteria they needed to fulfil in order to be eligible for the social security payment in question.

This lack of transparency was particularly acute in the case of Universal Credit where advice workers reported **that 93% of claimants had not been informed about the criteria used to assess eligibility.**

The picture was similar in relation to Employment Support Allowance where 89% of claimants had been left uninformed. More than 70% of claimants for PIP/DLA were not told about the eligibility criteria.



<sup>1</sup> Northern Ireland Public Services Ombudsman, 2021, ‘PIP and the value of further evidence’ available online at [NIPSO-Own-Initiative-Full-report.pdf](https://www.nipso.gov.uk/own-initiative-full-report.pdf)



Overall, **80%** of claimants **did not** fully understand the nature of the assessment process.

**Universal Credit**



**PIP**



**DLA**



**ESA**



For those claiming Universal Credit, the figure rose to a staggering **98%**.

### Process: Understanding

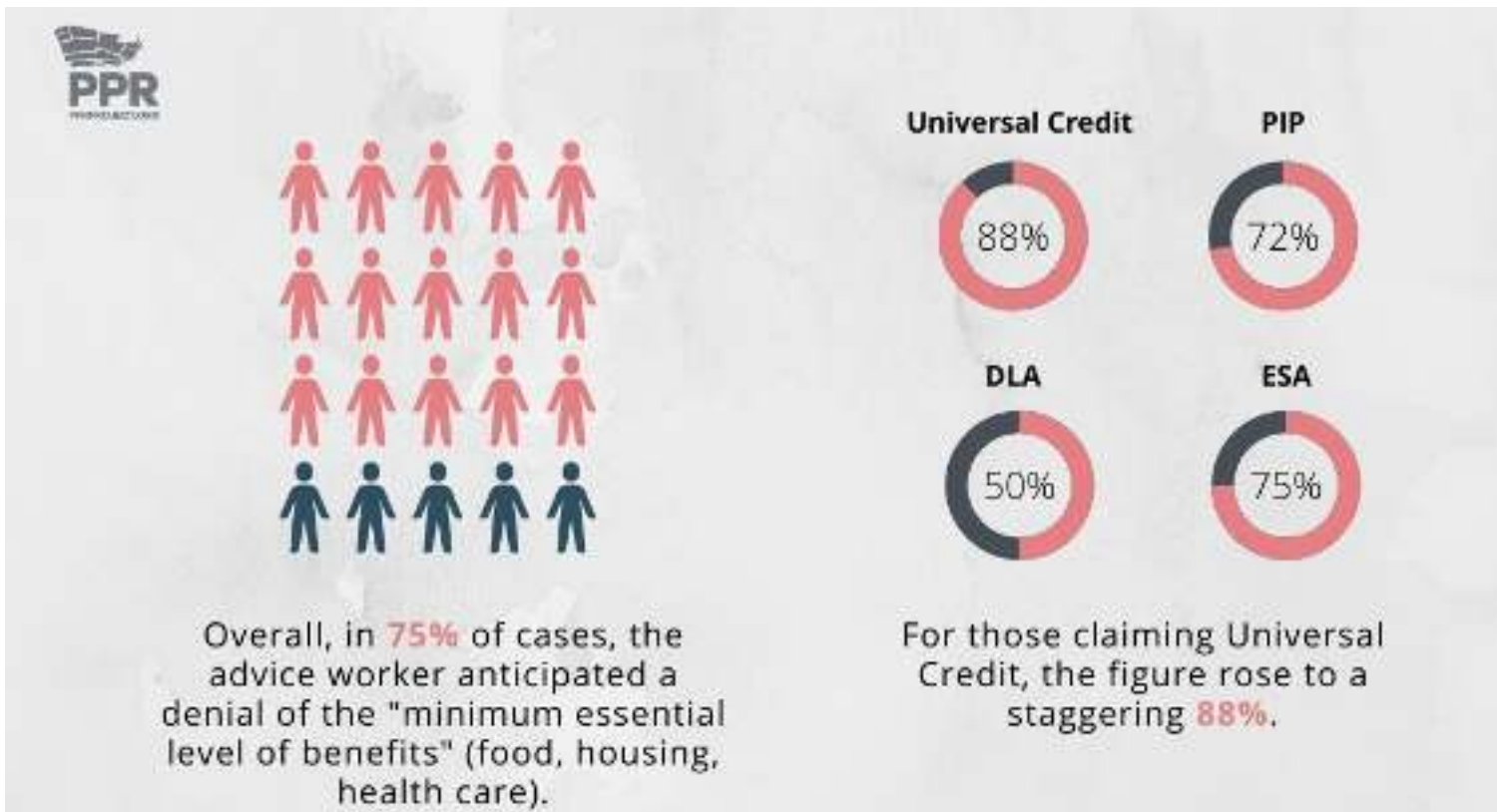
*“This lady seems to have undiagnosed learning difficulties, most likely due to her age group. She does not understand the process at all, new claim made for PIP but has stated she will not have the heating on at all now with only cold water.”*

Perhaps unsurprisingly, in light of the previously outlined data, advice workers reported that 80% of claimants did not fully understand the nature of the assessment process from their interaction with statutory agencies. Strikingly, this rose to 98% when considering Universal Credit alone. That is to say that **advice workers could only be confident of 2 in every 100 people understanding the process and possible outcomes of a Universal Credit application.**

**Table 2:** Does the claimant fully understand the nature of the assessment process: why it is happening, how the eligibility decisions are made & the possible outcomes?

| Social security payment       | Yes | No  |
|-------------------------------|-----|-----|
| Universal Credit              | 2%  | 98% |
| Personal Independence Payment | 31% | 69% |
| Disability Living Allowance   | 29% | 71% |
| Employment Support Allowance  | 11% | 89% |





### Outcomes: Entrenching poverty

*"The Department stopped this claimant's ESA as they claimed she had savings over the limit, even though she has 3 times provided evidence she has no savings. At the same time her PIP renewal was refused. So she has ended up with no income at the present time and is surviving on charity."*

Evidence from advice workers demonstrates a whole range of procedural failings in current social security assessments. However, even more significantly, **the data provided show that the current social security system is failing to protect people from deeper poverty, hunger and cold.** Human rights law sets out certain 'minimum essential levels'<sup>1</sup> of rights which must be met in order for a government to be compliant with human rights obligations. A failure to provide these is a violation of international human rights law.

Advice workers reported that in over half of cases, claimants had been denied access to the "minimum essential level" of benefits as a result of the assessment process. This rose to 69% of cases when considering Universal Credit and 57% of cases when considering Employment Support Allowance.

The survey also asked advice workers if they anticipated that their clients would be denied access to the minimum essential levels of benefits, as shown in the graphic above.

Worryingly, 75% of advice workers were concerned that the people they were supporting would be shut out of minimum essential levels of income in future. This rose to nearly 88% with respect to Universal Credit.

<sup>1</sup> United Nations Committee on Economic, Social and Cultural Rights, 1990, General Comment No 3: The Nature of State Parties' Obligations, Paragraph 10

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## **Conclusions**

Hot on the heels of the NI Public Services Ombudsman findings on PIP, the results of this robust survey of advice workers confirm that the social security application system continues to be beset by procedural failings, with the knock-on effect of plunging people deeper into poverty.

The international human rights framework sets out clear standards for governments to follow in the way they deliver social security. There should be no resistance to creating a system which respects, protects and fulfils people's human rights.

The R2W group created the #PeoplesProposal as a simple way to ensure that people are treated fairly and with dignity in the social security system, and get the payments which they are eligible for.

The Current Minister for Communities, Deirdre Hargey MLA has the power to direct civil service staff to make administrative changes and introduce a human rights checklist as an additional layer of protection during social security decision making.

We ask that the Minister implements the #PeoplesProposal without delay.

We ask that the department commits to monitoring how many claimants have access to free and independent advice and undertakes to provide claimants with contact information for free and independent advice at the first point of contact with DFC or private contractors.

## Appendix: Survey Questions

1. Which organisation do you work for?
2. Which social security benefit are you assisting the claimant with?
3. Has the claimant been able to access professional advice and representation at each stage of the process to date?
4. Has the claimant been able to access and submit all relevant evidence (including GP records) to enable a proper assessment for this benefit?
5. Did the Department/private company provide the claimant access to the criteria which will be used to assess their eligibility for the benefit (ie descriptors)?
6. At any point has the claimant been denied access to the “*minimum essential levels of benefits*” (food, housing, health) as a result of this assessment process?
7. Do you fear that, as a result of this process, the claimant will be denied access to the “*minimum essential levels of benefits*” (food, housing, health)?
8. Does the claimant fully understand the nature of the assessment process: why it is happening, how the eligibility decisions are made, and the possible outcomes?
9. Please add any other information you feel it is important to note. Do not include any details which reveal the identity of the person undergoing assessment.

