DES Response to the Pathways to Work Green Paper

Preface

Disability Equality Scotland are a National Disabled People's Organisation and any quotes contained within this document are the lived experiences and views of our members. To respond to the consultation we sought the views of our members on the key proposals set out by the Secretary of State in the Green Paper. We did this using a members survey.

We note that not all proposals are being consulted on by the government namely changes to Personal Independence Payment eligibility Criteria, the changes to Universal Credit rates and the scrapping of the Work Capability Assessment. The decision by the government not to consult on these proposals fundamentally undermines the credibility of the plans from the Government given that these proposals will be of great important to disabled people across the UK. We affix this preface to our consultation response as the basis of our wider response.

Changes to Personal Independence Payment (PIP) eligibility

The Green Paper states that to be eligible for PIP a disabled person must score at least 4 points on at least one daily living activity in addition of the current need to score a minimum of 8 points in total. We sought the views of our member on these proposals with 56% of respondents thought this was a very bad idea with a further 24% saying this was a bad idea.

Taken together we asked our members what they thought these changes would mean for disabled people's independence. Two thirds of respondents (67%) said they think that these changes to PIP eligibility will result in disabled people being a lot less independent. On personal independence members told us:

> "Disabled people will have what little independence they have taken away from them. We are stigmatised as it is for being scrounges by people who have zero idea of what it is to have to try to sleep or plan a day out without worrying about what that might entail health wise."

> “Not only will disabled people be a lot less independent and have their quality of living reduced, it also could lead to them being potentially trapped in abusive situations or being forced to remain at home unable to live a more independent life.”

> “There is no two days the same for many living with a disability and often the impact of the disability of the person concerned is better and worse on any given day or …The criteria is no reflection of the person's ability or disability. It will discriminate against many who have fluctuating responses to tasks.”

PIP helps support disabled people with their everyday needs and we know from our Big Cost of Living Survey (May 2025) that disabled people’s impairments cost them a lot of money. If the Government were to pursue the proposed changes to PIP there will be serious knock-on effects to disabled people’s everyday needs. Quotes included:

> “It will mean much more difficulty accessing much-needed if not vital financial support. This will have a knock on effect of limiting what disabled people can do and impact seriously their living standards.”

> “Basically PIP payments help people with every day task to overcome challenges as a disabled person , helps with transportation from and to work place and make disabled people more safe is well , so they can work as every normal person without disability , some of disabilities are unfortunately making life for myself challenging and adapting to normal life style sometimes cost money and this is what I use my disability payment.”

By removing people’s PIP payments there is going to be a considerable impact on the ability of disabled people to do the tasks which they need in order to live independently. If an individual has an impairment which varies on a day to day basis we are incredibly worried what removing PIP will mean. One member summed up the challenges very well when they told us:

> “For people who have chronic pain conditions or conditions that vary from day-to-day, this will mean that if they don't qualify for PIP they will have to aggravate their conditions to financially survive.”

DES are clear that not only will disabled people lose upto £4,500 as a result of these changes, the health and independent living impacts will be catastrophic, as people will be pushed into poverty. This concern was cross cutting with poverty being referenced or implied in almost all of the response we received. If the Government proceed with these changes the below comment from a disabled person succinctly explains what is likely to happen;

> “Poverty, homelessness, self unaliving, deterioration of conditions”

This trend of increased poverty within disabled households is set out in various pieces of literature. Previous research by Disability Equality Scotland shows that 55% of disabled people living in Scotland are spending 20% or more on their net income on their energy bill. This means that these households are in extreme fuel poverty already and with 43% of households saying it costs a lot to use the independent living equipment. These things are not optional and are essential for disabled people’s survival. While in Scotland PIP has been replaced by Adult Disability Payment (ADP) the implementation of cuts to PIP eligibility in the rest of the UK will have substantive impacts on disabled people living in Scotland in terms of experiencing poverty as the Scottish Government will be forced to make decision around social security spending through reduced bloc grant via the Barnett Formula.

It is further noted that these changes to PIP eligibility will, according to the departments own figures, result in 300,000 disabled people being plunged into absolute poverty after deducting housing costs. The figure includes 50,000 children. These figures were only published alongside the Spring Statement, rather than in the Green Paper itself. This suggests a deliberate choice to delay disclosing the potential impact, rather than being transparent with disabled people from the outset. Moreover, the number of disabled people who will now be forced into poverty by the Government’s decisions is devastating in and of itself, but the fact that the Government chose not to even ask disabled people shows nothing but contempt for the disabled community resulting in a colossal failure of openness and transparency by the department.

The premise of the approach taken towards PIP by the Government in the Green Paper demonstrates a fundamental misunderstanding of the very reason people receive Personal Independence Payment, The award of PIP

is not about encouraging people into work but is a lifeline to support disabled people to maintain their independence. To change the eligibility criteria as set out in the Green Paper shows that the UK Government believe taking away a disabled person's personal independence is a price worth paying to balance the public finances.

Furthermore, these changes would we believe contravene several rights under the UN Convention on the Rights of Persons with Disabilities. This includes but is not limited to the right to Live Independently and being included in the Community (article 19), the right to adequate standard of living and social protection (article 28) and the right to habitation and rehabilitation (article 26.)

Our members are unequivocal in their view that these changes must be completely scrapped and the Government must consult on these proposals in their entirety. Disabled Lives Matter. It appears however, that the UK Labour Government believe our lives don't.

Taking away someone's eligibility for PIP will have a considerable knock on effect for those in receipt and of those supporting disabled as an unpaid carer. If someone loses their PIP then the person whom support them will lose their carers allowance.

Universal Credit Reduction in Health Element

Our members oppose the planned 50% reduction in the health element of Universal Credit for new claimants and freezing the paying for existing claimants, with 65% of respondents saying this is a very bad idea and a further 30% thinking this is a bad idea.

When asked what these changes would mean for disabled people the themes of poverty once again came to the fore due to the additional costs of impairments coupled with the significant financial loss if these plans are implemented . By reducing financial support in the way proposed the Government will also deny disabled people their personal independence. Quotes from members included:

> "Cutting the 'health' element in half will have a significant impact on people's ability to function in society. Products will remain as expensive yet disabled people will find that the money they have will be less effective in providing those products."

> “Disabled people already are more likely to be in poverty, reducing any benefits will only make this worse.”
>
> “People rely on there money they have bills and commitments this is gonna push people over the edge with stress depression with no were to turn to help.”
>
> “The health part of PIP is for those unable to work due to their condition. To stop this payment would leave them way below the poverty line and unable to support basic living costs.”
>
> “People will be poorer and not able to pay for the things they need to help with their disability.”

The plans to half the amount of money for new claimants and to freeze the amount for current claimants is something we disagree completely as it is totally unfair. New claimants impairments won’t automatically improve if the claimant has less money and similarly to freeze payments for existing claimants will result in the compounding of impairment costs. One member summed this up as:

> “If people qualify, why should they get less, they qualify because of their needs so they are no less entitled to those already on it.”

The cost of goods and the cost of living crisis has greatly impacted disabled people, including the cost of essential items like food. The slashing of universal credit will only exacerbate this and the consequences for disabled people will be a disaster. These concerns are shared by our members:

> “This will definitely affect people . They will not be able to meet their basic needs, which will make them vulnerable and more at risk.”
>
> “For people who are unable to work, times are hard enough. Regardless of disability, being disabled is mentally challenging. Adding yet more financial stress to vulnerable individuals cannot be the way forward for anyone. This will make things worse.”

In short the financial implications coupled with the health impacts could result in disabled people committing suicide due to the financial implications in being unable to afford essentials or maintain their basic human rights.

The National Audit Office (NAO) found that between 2015 and 2020 that 69 people had committed suicide while on benefits and this had been investigated by the Department for Work and Pensions (DWP) However, due to inconsistencies in the DWP approach the NAO said it was "highly unlikely" that this was equivalent to the number of cases it could have investigated.[1] As a result the DWP made it mandatory for an Internal Process Review (IPR) to be carried out if the actions of the department contributed to a persons suicide. However, this process hasn't been followed with witnesses telling the Work and Pensions Committee in 2024 that an IPR had not been conducted in all cases where a claimant had committed suicide. The committee concluded "We remain concerned that the true scale of deaths and serious harms of vulnerable claimants is currently unknown."[2]

This is a damning indictment of the DWP and when considering the proposals put forward by the Secretary of State in the Green Paper with respect to cuts to the Health Element of Universal Credit, we unequivocally oppose these plans in the entirety and call for them to be scrapped. It is clear to us that the DWP is unable to carry out its regulatory functions effectively; and in doing so has failed disabled people and has resulted in the unnecessary deaths.[3]

Work Capability Assessment (WCA) changes

We note that the Government are not consulting on their plans to abolish the Work Capability Assessment and replace it with the assessment used for PIP. Our members survey found that 44% think this is a very bad idea with a further 30% saying this is a bad idea.

In responding to the consultation paper, we refer the Secretary of State to our letter of 10 July 2024 and the contents contained therein. DES believes that the abolition of the WCA coupled with the proposed changes to other disability benefits represents a breach of disabled people's fundamental human rights to an adequate income and right to life. Our position remains that the UK Government must reconsider and abandon the current

[1] Safeguarding Vulnerable Claimants Page 69.
[2] Safeguarding Vulnerable Claimants pg71
[3] Jodey Whiting: Inquest finds benefits led to mum taking own life - BBC News

proposals for reform of the WCA and its merger with the PIP assessment as this could result in untold harm to disabled people and their families.

On the Government's plans to scrap the WCA members expressed significant concern that the proposed PIP assessment does not actually assess work fitness; it assesses the ability of a disabled person to carry out essential daily living tasks and their mobility with respect to their personal independence. The ability work and the ability to live independently are discretely different assessments. Members told us about their experiences of the PIP assessment and the impact of the proposed change.

> "In my experience, PIP assessments are based on some pre-set computer algorithms, it's all wrong. I have a very rare disorder, the person doing my last assessment had never heard of it, most Doctors have never heard of it. There's nothing in these assessments to link all of the conditions and abilities together, let alone how often we need help, how far some can walk, how we cope day to day, because every day is different."
>
> "It is only a good idea if work capability is part of the one assessment, not if they will only award PIP if not able to work."
>
> "PIP assessment is flawed . To support individual people back into the work place then they require an appropriate assessment to see how they can be supported."
>
> "The PIP assessment is poorly designed and implemented by the cruel, incompetent and evil DWP. ADP is still onerous but much better than PIP because it's managed by the Scottish government instead of the UK government (DWP). The PiP assessment for work capability assessment will prevent many people from obtaining essential health care and support for living with dignity and relatively painless. Many disabled people will be unable to receive government support nor obtain or stay in employment because their disability and health conditions prevent them from working."

Many disabled people are worried that the PIP assessment is a flawed approach due to those carrying them out not having the necessary qualifications and experience to do so. "PIP assessments are often done by people who do not understand disability and chronic ill health. The number of successful appeals shows how poor the assessments are." DES

members think the assessment needs to be carried out by a doctor and some say there is merit in using the qualified opinion of the claimants general practitioner, as a one size fits all model does not allow for a case by case assessment.

> "There should be no assessments done by DWP. A Dr's certificate of exemption should be the norm as a Dr knows their patients best, and all their long term health issues."
>
> "No assessment should be carried out. The GP should be able to confirm the state of health."
>
> "It's a good idea if the assessment is carried out by a GP and not a physiotherapist."

Any assessment process must also be codesigned with disabled people and be applicable on a case by case basis. We would support this and urge the government to abandon their plans to scrap the WCA and replace it with the PIP assessment. Disabled people should be assessed based on their lived experiences, knowledge of their impairments and the professional opinion of those involved in their care. Any replacement of the WCA must be co-designed with disabled people.

Chapter 2: Reforming the structure of the health and disability benefits system

> **What further steps could the Department for Work and Pensions (DWP) take to make sure the benefit system supports people to try work without the worry that it may affect their benefit entitlement?**

As part of our member survey we sought their views on the "right to try work" idea from the Government. 29% of respondents thought this is a very good idea, 42% think it's a good idea compared to 14% thinking it was a bad idea or a very bad idea. For Disabled People there is an element of trust building which must be undertaken for this scheme to work given people's lived experience of the Social Security sanctions and previous workfare programmes. Comments we received included;

> “There should be no pressure on people to participate.”
>
> “This kind of strategy has been tried before with previous governments. The idea that those wishing to 'try' work can do so without losing their benefits. But what guarantee is there that those unable to remain through the 'trial' will be allowed to continue receiving their benefits?”
>
> “Guarantee the claimants will not be punished should their jobs prove unsuitable.”
>
> “They say people wouldn’t lose their PIP if they try and failed to work but I don’t trust the DWP.”

Within the community there is a genuine concern that the Government will use the right to work as a means to force people into employment and they will lose their benefits. A statutory guarantee is necessary to prevent this. Also, when it come to those declared unfit for work due to their impairments they cannot be forced into work.

When developing the scheme it needs to be co-designed with Disabled People, Disabled People’s Organisations (DPO), employers and experts in the social model of disability. Our members believe that a person centred approach based on each individuals needs must be the main focus of the “right to try work.” This should include:

> “Ensure that there is better user led systems in place.”
>
> “The proposal looks like it could be used to entrap people because it will be opinion led. A proper person centred support plan should be drawn up and the work should be appropriate.”
>
> “It's a good idea, so people can try without the fear of losing benefits. That is only if disabled people aren't forced into a job they can't do, or forced to try a job they can't manage.”

Additionally, disabled people mentioned that how people are assessed as fit to take part in the “right to try work.” The overriding view is that any assessment should be conducted by an independent medical professional because “If people don’t receive the correct medical and expert advice at this initial stage, they do perhaps risk losing their health further if not their benefits!”

If disabled people are trying work they need to have the appropriate adaptations and the jobs need to be suitable for their needs. Part of this process must also include support for employers to finance and adapt their employment practices, Members said that:

> "Employers will not employ people on the basis that they may need to pay for adaptions that don't get used long term."

> "Access to practical assistance in the workplace, recognition that not all days are good days so flexible working hours. Getting businesses on board to provide opportunities and not another tick box exercise to get money for the government to provide temporary opportunities as has been the case with many schemes of this nature in the past albeit they have been focussed on young people. "

What support do you think we could provide for those who will lose their Personal Independence Payment entitlement as a result of a new additional requirement to score at least four points on one daily living activity?

DES believes that the proposed additional requirement to score at least 4 points on one daily living activity is unfair and should be scrapped. If the government were to proceed we reiterate that the loss of PIP would result in disabled people losing their independence and a vital financial support. By introducing stricter criteria there must be an alternative form of payment to prevent disabled people from falling into poverty. The removal of PIP will not cause the additional costs of impairments to disappear. Any changes must include "Money to the equivalent they were getting from pip. It's more expensive to be disabled and we need the money to cover those extra expenses."

An alternative payment system must cover the additional impairment costs to be effective and be equivalent to the financial amount lost. Any replacement payment needs to recognise the variability of conditions and their different impairments. Members told us:

> "This again depends on the degree of disability. All the means of assessing people should ensure payments are equitable."

> "If they stop the PIP, then the government should be giving disabled people a low energy tariff especially for them and giving us a carer/or

home help as we are going to be able to do a lot less than we currently do if our PIP is stopped."

"Some kind of financial support that allows people to get by. You cannot completely remove a safety net for the most vulnerable in society with no plan in place to mitigate the effects."

"Alternative sources of funding available that can support their needs."

How could we improve the experience of the health and care system for people who are claiming Personal Independence Payment who would lose entitlement?

We would urge the government to abandon their proposals to change the eligibility for Personal Independence Payment.

How could we introduce a new Unemployment Insurance, how long should it last for and what support should be provided during this time to support people to adjust to changes in their life and get back into work?

40% of respondents to our survey said they thought the new unemployment insurance is a very bad idea and a further 35% think it's a bad idea. If the government do launch their new unemployment insurance 64% of respondents think that people should receive the insurance until their national insurance credits/ contributions run out.

The UK Government want the new unemployment insurance to replace new style Jobseekers Allowance and new style ESA. This is a contribution based benefit and in the context of the changes to PIP and Universal Credit coupled with the use of the PIP assessment as a single health assessment. We are very concerned that disabled people with no national insurance credits or contributions will be left with no financial support whatsoever. Moreover, if someone is unable to work and unable to qualify for PIP then they will have no means of financial support. This situation could render

disabled people facing destitution. These concerns were raised by our members:

> “It would appear to be a good idea in simplifying multiple benefits but needs clarity on what happens after NI credits run out.”
>
> “They don’t know how long someone can claim it for? That’s a disgrace. What if a child hasn’t paid any national insurance through their life and then they can’t work because of a disability? They are then met with lower rate of ADP. “
>
> “People who have health conditions, especially mental health conditions may not have accrued enough credits to be supported in this way. Placing more stress on them.”
>
> “Unless the disability benefits at least replace ESA and they don't cut who can get it a lot of people will be worse off. It also wouldn't surprise me if the new benefit is only payable for a short time, leaving people in poverty.”
>
> “It will turn out to be yet another way to deny paying out the money that you need to live on, and to change the amount that you can get.”

DES members are very clear in their view that the proposed unemployment insurance would be unfair on disabled people. DES urges the government to consider carefully what support is available for disabled people in terms of social security payments given that the number of cuts laid out in this paper will leave disabled households in even deeper poverty as they are unable to access support through PIP, Universal Credit Health Element and the end of contributory Employment Support Allowance (ESA). These changes taken in the round would mean that the only option open to disabled people in the rest of the UK would be to claim Universal Credit which isn’t enough money to survive let alone pay the additional costs of impairments.

DES calls on the government to abandon the proposals for unemployment insurance which are unworkable, penalise people with long term impairments and will push disabled people into poverty.

What practical steps could we take to improve our current approach to safeguarding people who use our services?

DES calls on the Government to retain the current substantial risk criteria. We would reiterate our opposition to all proposals contained in the green paper and would strongly urge the government to abandon these plans in their entirety.

Chapter 3: Supporting people to thrive Our new support offer

How should the support conversation be designed and delivered so that it is welcomed by individuals and is effective?

In order for meaningful support conversations to take place there needs to be reform of the labour market practices so that disabled people can participate fully. If the government is serious about enabling disabled people to enter the workforce they must support employers to provide suitable jobs which are flexible and reflect the skills disabled people have. The fundamental problem with current labour market practices were summed it by one member who told us:

> “Accessibility - each disability has different requirements.”

This means different things for different impairments but there is a clear need to ensure that workplaces are adapted through reasonable adjustments and practices so that disabled people have a working environment which meets their needs. Members suggested steps which could be taken include:

> “Re ablement with the proper input from HR and the appropriate agencies to ensure equality and fairness . Reasonable adjustments should be reasonable for all parties not just the employer.”

> “Flexible working. Stress free environment. Adaptions to the environment that doesn't make disabled people's life more difficult.”

> “Support to find a job and not pressure to take any job that they say that you could do just to get you off the books.”

Changes like this also need to be coupled with training for employers and person centred support via the access to work scheme. When having the

support conversation there is already a barrier due to perceptions about the DWP's approach and disabled people's experiences. There is an overriding concern that the government will force disabled people into jobs even though they aren't fit to do so. Members told us:

> "No matter how it should look like it is difficult to see how it can be any different to past schemes. There would need to be a definition of 'able to work'. There are people who are able to work and then unable to work because of their disability."

> "This has all been tried before with various governments. The truth is suitability and capability for both the individual and employer would have to be looked at. There are no jobs out there to begin with."

When having a support conversation it needs to focus on the individual circumstances and needs of the individual disabled person. The Government also has to take into account the fluctuating nature of peoples impairments and how they impact the individual. DES members said that when it comes to applying for a job the position needs to take into account these circumstances as well as a proper assessment of the persons skills. One member thought it would be an idea to create "a scheme similar to the modern apprenticeship and graduate apprenticeship scheme would benefit disabled people as there would be oversight of the employer and protection for the person."

Other parts of the support conversation should do the following;

> "Actually listening to reports from medical professionals that say what accommodations people need, be there from start to finish. Ensuring the job is the right fit and make sure it's not causing flare ups or worsening health issues. Make sure companies implement any accommodations people need to be able to work."

> "A specific job coach. No pressure put on the job seekers to accept the first job offered. Better on to work provision. Incentive to employers so long as the disabled person retains the job."

> "Training for relevant jobs and education as to how to get employment."

> "Individual support and training for a range of suitable careers."

How should we design and deliver conversations to people who currently receive no or little contact, so that they are most effective?

Please see our answer to question 6.

A new baseline expectation of engagement

How we should determine who is subject to a requirement only to participate in conversations, or work preparation activity rather than the stronger requirements placed on people in the Intensive Work Search regime?

When determining whom should need to participate in conversations or work preparation activities the approach taken must be based on the persons lived experience, medical records and the independent assessment of those involved in their care (including the persons doctor.) Any approach taken must be person centred and be derived from a co-designed approach with disabled people and Disabled People's Organisations. With respect to the assessment process we refer the Secretary of State of our response to question 10.

We are however very concerned that the proposals brought forward by the Government are fundamentally flawed as they fail to take into account the need for labour market reform. In short; "Look at the person as a whole, consider fitness and what adaptions should be made to make the workplaces more accessible. This would need to be completed long before people are being asked to find work."

If someone is able to participate in a work conversation or job preparation activity then there must be supports in place to allow them to enter the labour market in the form of adaptations.

> "Adaptions needed, jobs available and any skills and training someone might need. If they cannot fulfil this criteria, how will they get someone back to work?"

Our view is that any assessment needs to be coupled with appropriate adaptations to allow the disabled person to fully participate. Moreover, the assessment process must be carried out by an independent qualified medical professional. Though, if a person's doctor says that they are not fit for work then that should be the end of the discussion and they should not need to participate in any work search requirements. Disabled people told us:

> "In my experience "health care staff" have a much more limited understanding of my health conditions and how they impact me. My GP knows me personally and understands my issues better."
>
> "The doctor has access to my medical records and on some occasions may know me and is able to assess my needs objectively."
>
> "Because a dr knows you more than anyone else in the health system. A complete stranger will look at notes that do not give the whole picture, and they would decide on a black and white note instead of knowing who, what and how the patient operates in their life."
>
> "Because he/she/they is the only person who knows my medical situation, me as a person and how the diagnosis impacts me. I could not sit or talk to someone I do not know, it fills me with fear just thinking about it."

DES supports helping people access employment opportunities but there needs to be support mechanisms with safeguards so that disabled people are not forced into work. We believe that the Secretary of State's focus on engagement with new conditionality is misplaced because it appears that the UK Government are targeting a budgetary saving rather than the interests of disabled people.

Should we require most people to participate in a support conversation as a condition of receipt of their full benefit award or of the health element in Universal Credit?

Our members survey says that most disabled people are unsure whether the government should introduce this requirement with 46% of people not sure about this. Alternatively, 36% said they thought the government should compared to18% who thought the government shouldn't.

With any requirements being introduced DES members said that any requirement needs to be person centred and the government needs to listen to the claimant while not making assumptions. Members think this should cover:

> "Relaxed, helpful conversation leading to a person centred support plan which is properly reviewed regularly"
>
> "1 to 1 with guidance given to the claimant well in advance because it's not at all easy to get your thoughts together and remember everything you know is important to include in your conversation. It should be more than one single conversation as you may need to add more details."
>
> "I have various fluctuations in my health and whilst I still have some "good days" no two days are the same and my support varies not just from day to day but from hour to hour. Trying to explain this could be difficult for individuals, some of whom may still be in the process of both accepting and understanding the full impact of their condition… be emotional, and may have relevance or not when put in the context of a theoretical justification in deciding whether a disabled person qualifies for the health part in Universal Credit depending on the individual assessors viewpoint when there are no right or wrong answers."

The approach taken to the conversation must be person centred and undertaken in a respectful way. This means having "a dignified discussion and not an interrogation." Conversations need to be carried out in an engaging way which takes into considerations the personal experiences and needs of the individual.

Moreover, when assessing the needs of an individual claimant disabled people believe that the person undertaking the assessment should be a qualified medical professional involved in the persons care, such as a doctor, with a knowledge of a disabled persons conditions. This also provides an additional level of trust which may not be the case with other professionals. As part of the assessment members think the government should make sure the following happens:

> "It should be with a trained health care professional who understands the condition to be able to make informed decisions on the level of support required for the individual."
>
> "It would be best if the conversation took place with the person and their carer. It should not be like an interrogation, it should be a chat about day to day life."
>
> "They must have someone with them if they wish."
>
> "I think if the people are actually listened too..the conversation should be person centred and absolutely around the person's heath, disabilities and everyday living."

For those who think there should not be a conversation as part of conditionality there was a perception that the government didn't understand due to lack of trust in the DWP due to its previous record when engaging with disabled claimants.

> "I do not see why this is necessary . This is just another form of Gov assessment to cut money from sick & disabled people."
>
> "Again this is a degrading thing to ask a disabled person. Again this government is trying to break the most fundamental law of discrimination against disabled people. They would not ask a non disabled person this so why ask a disabled person?"
>
> "I have no idea as most don't trust the DWP OR SSS they also don't trust the government!"

How should we determine which individuals or groups of individuals should be exempt from requirements?

DES fundamentally believes that a disabled person unable to work due to their impairments must not be forced into work nor should they lose

eligibility to social security payments which help them pay for the additional costs generated by a persons impairments. Any decisions taken on exemption must be person centred and on a case by case basis. Our members told us:

> "Each disabled person is an individual with different needs so this has to be done on a one to one."
>
> "Case by case basis but weighting given to severity of disability and danger to self and others."
>
> "Everyone's disability is different so i could only go off my own disabilities there's no way i could for a job and get one without putting my self at risk from harm there's nothing they can do to change this"

In designing any assessment process it must be co designed with disabled people. When assessing if someone's fitness for work the assessment needs to include the following:

- "looking at the evidence from medical personnel not tick box answers from forms."
- "Using an assessment how their disability affects every day activities" and how impairments affect ability to carry out tasks at work.
- A real world record of how the persons impairments impact the disabled person in their own words and the people who support them such as carers, support workers, family members, doctors and other specialists.
- By fully objective without any leading questions.
- Where someone is not deemed exempt a person centred assessment to ensure access to work and the suitability of potential jobs money to ensure reasonable adjustments can be implemented.

Any assessment should also be carried out by a qualified medical professional and the DWP must adopt the social model of disability across all its practices. The person doing the assessment must be objective because there is a considerable lack of trust between the DWP and the disabled community due to previous experiences. For example,

> "Use the evidence from medical professionals that we provide pages of. The assessor always seem to think they know better than 5 medical professionals. They don't look at the evidence and lie on the assessment we get a copy of."

If it is clear from a disabled persons medical records, the independent opinion of their doctor and medical staff, the persons social worker and the lived experiences of the claimant then they must be exempt from any requirements.

Delaying payment of the health element of Universal Credit

Should we delay access to the health element of Universal Credit within the reformed system until someone is aged 22?

We disagree completely with this proposal with 75% of our members believing this to be a very bad idea. A further 20% said this is a bad idea. DES members do have very serious concerns about what this would mean for disabled people especially given that “being younger than 22 does not mean that your health problems are different or less worthy of support. Young people could lose their independence by having to reply on family and friends.”

By delaying access to this important social security payment there are a number of potential harms which could arise including health effects, poverty and loss of personal independence. Members told us:

> “The assumption here is that people under 22 don't have health issues that seriously impact their living experience.”
>
> “A lot of poor young disabled people.”
>
> “Why should they not be allowed to get it? Are they just going to live off fresh air?
>
> “People can be disabled from birth and taking money from them won't stop that”

Moreover, our members believe that the removal of social security on the grounds of age in this way is discriminatory. Feedback from our member survey included:

> “More disabled people in poverty. Disability doesn't have an age so young people shouldn't be discriminated against.”
>
> “You cannot put an age restriction on someone's health, that's ludicrous.”
>
> “It contradicts the equality act on age grounds.”

Raising the age at which young people start claiming adult disability benefits

Do you think 18 is the right age for young people to start claiming the adult disability benefit, Personal Independence Payment? If not, what age do you think it should be?

On the Government's plan to increase the age from 16 to 18 a majority of members (52%) said this proposal was very bad idea with a further 32% telling us it was bad idea. Our members oppose these changes and would seek to have the age remain at 16.

Chapter 4: Supporting employers and making work accessible

How can we support and ensure employers, including Small and Medium Sized Enterprises, to know what workplace adjustments they can make to help employees with a disability or health condition?

To ensure SME's can be fully supported to make the adjustments required by disabled people they employ the government must provide clarity on what workplace adjustments are and what is involved. At present there is no clear guidance or support system for employers and we would suggest that the DWP should ensure that employers have a mechanism to get advice similar to a welfare rights officer would be welcome. This should also include a way for the employer to contact access to work to get help if they need it. There should also be clear guidance from ACAS which can be used by both employers and employees to better understand the access to work scheme.

To help employers to employ more disabled people via the Access to Work Scheme the Government need to take into consideration that under current funding arrangements any changes in price aren't taken into account when

funding is allocated to an individual. The impact of this is that SME's are unable to afford to pay for the adjustments their employees need.

Concurrently, we would support fully funded disability competency training program for employers. At present the disability confident employer scheme could be made to work better by ensuring renewal of disability competency training being mandatory for all employees and employers involved in the scheme- this training should be subject to regular renewal to maintain the accreditation.

What should DWP directly fund for both employers and individuals to maximise the impact of a future Access to Work and reach as many people as possible?

Fundamentally the Access to Work Scheme must limit out of pocket expenses for employers and disabled people. Under the current rules the scheme allows for a fixed amount of funding to be issued which does not always fully reflect changes in adjustment costs, changes in employment taxes such as employers National insurance Contributions, or changes to the National Minimum Wage. If a disabled person needs a personal Assistant or Support Worker then Access to Work should provide adequate compensation which provides funding to cover any uprating of the National Minimum Wage or any changes to employers national insurance. No disabled person who need a PA or a Support Worker should lose this vital support because of an uncompensated fiscal decision taken by the UK Government.

We would recommend that while the funding follows the individual that the scheme must focus on ensuring that the additional costs of impairments are fully funded when applying workplace adjustment. Any costs borne by the employer should relate to the cost of buying necessary equipment for a non-disabled employee with access to work covering the additional costs of an adjustment needed by a disabled employee due to their impairments. This will also help tackle stigma and perceptions.

When ordering adjustments Access to Work funding doesn't cover VAT or delivery costs. These costs should be covered by the Government to help support SME and charitable organisations whom are helping their disabled employees through the scheme.

What do you think the future role and design of Access to Work should be?

Access to Work must have the same role as it has right now. However, the current system is not working as well as it should for disabled people and these challenges should be addressed through a reform of the system. Disability Equality Scotland would support the creation of a co-designed system which is founded on the principle of the lived experience of disabled people. When designing this system it must be developed in partnership with Disabled People, employers and Disabled People's Organisations so that Access to Work is a responsive and supportive system which enables disabled people to access the workplace while also supporting employers through changes in labour market practices. Those working within Access to Work must be disability competent and have disability equality training which is regularly refreshed and updated so that staff can fully assist disabled people and their employers.

How can we better define and utilise the various roles of Access to Work, the Health and Safety Executive, Advisory, Conciliation and Arbitration Service and the Equalities and Human Rights Commission to achieve a cultural shift in employer awareness and action on workplace adjustments?

Any change in culture must be led by the Government through increased awareness of the Access to Work scheme with the dissemination of information about the scheme being sent to every employer and relevant agency. In defining the roles of support agencies any changes must be taken forward by government directly through its actions.

Any future guidance or changes to the Access to Work scheme must be taken forward on a co-designed basis so that Disabled People, DPO's and employers are fully involved in the development and delivery process. This approach would ensure that lived experience and practical knowledge of people's needs are built in from the outset. By doing this it may also

increase awareness and buy-in from employers so that they can better support disabled people when accessing a job. Disabled People do want to work but far too often the labour market or working environment is not adapted in a way which eliminates barriers caused by the persons impairments.

There is also a clear need to define workplace adjustments so that employers know what this means in terms of supporting employees, what counts as a workplace adjustment and the financial costs which may be incurred. The Government should also make sure that the costs of workplace adjustments are covered by the taxpayer.

What should be the future delivery model for the future of Access to Work?

Disability Equality Scotland believes the discussion of the future of Access to Work provides an opportunity for fundamental reform of the system to embed co-design and to make it work for disabled people. At present Access to work is beset with delays and is not timely when providing disabled people with the support they need. We would propose the following delivery model:

- A comprehensive fundamental re-design of the system enacting the principles of co-design and a person centred approach which embeds the lived experience of disabled people as the central locus of Access to work.
- Ensure that the service is properly staffed with responses to queries given in a timely manner. We re-iterate our view that for employers their needs to be a support system similar to that of a welfare rights officer so that they can get answers to their questions and to overcome any barriers.
- For disabled people the model must be person centred with the funding linked directly to their impairments and the barriers they face in accessing the workplace. This needs to be done through an assessment process which involves employers as equal partners in the discussion so that all parties are fully engaged in achieving the best possible outcome in the form of the disabled person feeling fully supported where workplace barriers and any challenges caused due to their impairments are overcome. This will ensure that disabled

people can have confidence and to allow them to access their right to employment which are currently enjoyed by their non-disabled peers.

- All funding provided via access to work must eliminate out of pocket expenses and be linked to any changes in pensions or tax liabilities. No disabled person should lose their access to work and the support they need because of a decision taken by the Government on taxes and public spending.
- Access to work funding must be baselined to ensure that people get the money they need to pay for workplace adaptations.
- Introduction of an Access to Work Charter which is equivalent to the Scottish Social Security Charter and embodies the same values.
- An oversight board for Access to Work which is co-determined with both employers and disabled people as members so that they can hold to account those delivering the Access to Work Scheme. All members of this board must have lived experience as either a disabled person, as a member of a Disabled People's Organisation or experience employing disabled people with varying impairments. This lived experience will help ensure that the scheme works in the interests of disabled people themselves.

Other

. Which of the following best describes how you are responding to this consultation. Are you responding:

• As a member of the public

• As or on behalf of an individual business

• As or on behalf of an employer/ business representative organisation

• As or on behalf of an interested charity or other representative organisation

• Other

Do you consider yourself to have a health condition or a disability?

Yes/ No/ Prefer not to say

Do you live in:

• England

- Northern Ireland
- Scotland
- Wales
- Prefer not to say