

Z2K's response to the Women and Equalities Committee's inquiry *Unequal impact: Coronavirus (Covid-19) and the impact on people with protected characteristics*

1. Zacchaeus 2000 Trust (Z2K) is an anti-poverty charity that uses advice and casework to prevent homelessness and help Londoners to access the Social Security benefits they are entitled to. Last year, we supported over 1,000 households, including over 450 disabled people who we helped to pursue an appeal against a Department for Work & Pensions' decision to refuse them either Employment Support Allowance (ESA) or Personal Independence Payment (PIP). Ninety three per cent of those clients won their appeal.
2. While a number of welcome measures have been introduced since the outbreak of COVID-19, they still don't go far enough. In particular, the Government's primary focus so far seems to be the hundreds of thousands of recently unemployed people who are claiming benefits for the first time. As a result it has failed to ensure adequate support for existing benefit claimants, many of whom are disabled, during this crisis.
3. Disabled people are experiencing additional costs and risks as a result of COVID-19, but are without the extra support they need to manage these. If the measures announced so far are all that is done, there is a real risk many disabled people will be left behind. We therefore welcome this new inquiry and hope the DWP will be persuaded to urgently take further steps to support the enormous number of new benefit claimants, and to provide parity between the support provided to new and existing claimants.

How people have been affected by the illness or the response to it

4. Given the large influx of people claiming benefits as a result of COVID-19, the DWP says it is investing all of its resources into processing new claims. While it is important that the Department responds to the large influx of new benefit claimants, this is creating delays to the processing of medical assessments, Mandatory Reconsiderations (MR) and Appeals for existing benefit claimants, meaning many disabled people are being left for an extended period of time without the benefits they are entitled to.
5. To assess whether someone is entitled to a disability benefit or a higher rate of a benefit because of their disability or health condition, they must complete a medical assessment form and then attend an assessment appointment. The PIP line says that anyone already with a medical assessment form has a three month extension for completing this because of COVID-19. However, there is still ambiguity about what clients should do if they have already received a medical assessment form for ESA, but not yet returned it or been offered a face-to-face assessment. As one of our caseworkers explained:

"I had to call the Centre for Health and Disability Assessments to double check that if a client misses the ESA50 deadline, they would not be penalised."

6. Given the intense pressure on medical professionals, it is unrealistic to expect they will be able to provide medical evidence to support a claimant's medical assessment application in normal timescales. DWP should extend the time requirements for all disability benefit claimants to return paperwork and to gather medical evidence where necessary – and more weight should be given to this evidence in the assessment itself. The postal service is also experiencing substantial delays - clients are rightly anxious that this will mean forms sent in good time will arrive after the deadline – which usually results in their claim being closed. DWP needs to explicitly say that existing disability benefit claimants will not have their claims closed during this period.
7. Anyone who already had a date for their medical assessment appointment will be contacted by the Assessment Centre and this will be conducted virtually. However, due to the DWP focus on processing new claims, the organising of these virtual medical assessments is slow, resulting in delayed decision-making. This means many disabled people will be out of pocket for longer, and struggling to get by.
8. If someone wants to challenge the outcome of their medical assessment, they must first request an MR. The MR process is often delayed itself - taking around seven weeks on average for PIP claims in the most recent quarter.ⁱ As DWP's focus is directed towards processing new claims, thousands of people who request an MR each month after being refused their benefit are being left without what they are entitled to for much longer.
9. One of our caseworkers was told via the PIP line at the beginning of April that they could not provide a timeframe for when one of their clients would receive their MR decision notice as a lot of staff are not in the office. It is even harder than usual at the moment to get through on the phone line to chase up MRs; waits can be up to two hours.
10. Under ESA rules, claimants who appeal a negative medical assessment decision can claim the appeal rate of ESA while awaiting a date for their tribunal hearing. We believe all disabled and seriously unwell people whose claim for ESA has been disallowed to be provided with the assessment rate while they are waiting for the outcome of their MR. This should be given as soon as the MR is requested so that people don't face the potential of living without income for weeks on end. A similar assessment rate of PIP should be created for people awaiting an MR decision on this benefit.
11. Claimants who want to challenge the outcome of their MR must request an appeal. It is really important that these appeals are still processed in a timely manner, given that three quarters of people are successful in getting the DWP's original medical assessment decision overturned at tribunal. Our caseworkers asked for paper hearings for cases that had already been given dates from mid-March, and this was agreed with HMCTS. However, all hearings were then postponed. We have since received updated guidance from HMCTS outlining how urgent hearings, and appeals which were previously heard by a three person panel, will be decided remotely. However, this guidance makes no provision for people who already had a hearing date, or people whose hearings aren't deemed as urgent. What's more, HMCTS are expecting an 80 per cent reduction in the sessions they will be able to hear as a result of COVID-19. This updated guidance and the backlog of hearings that will ensue as a result of reduced capacity means that many

disabled people will be left without the benefits they are entitled to for an even longer period of time than the already unacceptable wait.

12. There are also disabled people who, to continue receiving their benefits, are being expected to undertake commitments that are unrealistic given COVID-19. DWP has rightly temporarily suspended the requirements to search for work and to make yourself immediately available for work, but people in the UC Limited Capability for Work and ESA Work Related Activity groups, many of whom are disabled, are still expected to prepare themselves for work. They are also without any additional financial support – their additional support rates were stopped in April 2017. We want to see both claimant commitments and sanctions removed for all benefits given that many people will be unable to fulfil their commitments such as attending online training, educational courses, or work-focused interviews, and given the current uncertainty about future employment. We also believe the additional UC Limited Capability for Work and ESA Work Related Activity Group support rates should be reinstated.

If there have been specific impacts on people due to them having a protected characteristic

13. For disabled people, the Covid-19 emergency has been especially challenging. Many disabled people are at greater risk from Covid-19, and have had to go to more extreme measures than other people to protect themselves.
14. From the 14th to the 23rd of April, the Disability Benefits Consortium surveyed over 200 people who are either disabled or seriously impacted by a physical or mental health problem.ⁱⁱ Ninety five per cent of disabled people reported an increase in their cost of living during this pandemic.ⁱⁱⁱ Many are having to pay for taxis to get to the pharmacy or shops due to not being able to get on the priority list for food deliveries, and the current risk of travelling on public transport. There are also reports of shops increasing the prices of certain products in light of stockpiling, and clients have reported spending more on energy bills, due to an increased amount of time spent at home, or other members of their household being at home more than they normally would.

“I cannot carry shopping home, due to a chronic illness impacting my spine. As online orders from supermarkets are completely booked, I have had to find alternative shops to order from for home delivery, all of which are considerably more expensive. The world just got tremendously less accessible for me, and as a consequence, vastly more expensive.”^{iv}

“I am a shielded adult. ASDA will only deliver with a minimum spend of £40, I can normally only afford about £10 per week for shopping and even less when I get a bill in. PIP application delayed due to pandemic, two months wait now.”^v

15. However, disabled people are without the additional financial support they need to cover these increased costs, meaning many are having to go without.

“At the moment I am already having to cut back on necessary things like heating and food.”^{vi}

16. In response to COVID-19, the Government increased the weekly allowance for Universal Credit (UC) and Working Tax Credits (WTC) by £20 a week. However, existing “legacy” benefit claimants, many of whom are disabled, will only get the £1.25 a week increase that was announced for Job Seekers Allowance (JSA), Income Support (IS), and ESA prior to COVID-19. DWP’s most recent comprehensive statistics show that in August 2019, nearly two million disabled people were in receipt of ESA.^{vii} (A further 372,000 received Income Support and 183,000 Job Seekers Allowance.) Disabled people have been expected to survive on inadequate benefit levels for years. It is unacceptable that now, in a time of national crisis they are being left behind. As one of our client’s stories shows, disabled people are in desperate need of this extra financial support:

Andrew* suffers with a rare genetic disorder and has extremely limited mobility as a result. He can only walk a few steps at a time and experiences chronic pain, fatigue, anxiety and depression. Andrew had been receiving the WRAG rate of ESA for several years at £103.09 per week (pre April 2017 WRAG component), but his ESA was suspended in December 2019 after failing a work capability assessment. This led to several months without income, during which time he had to rely on charity and support from friends and family. Andrew is waiting for his appeal to go to tribunal and now receives the ESA assessment rate of £74.35 per week. He receives Housing Benefit which pays his full rent, and the mobility component of DLA which he uses to hire a car through the Motability Scheme but he needs to pay insurance premiums on top of this. He also needs to pay for water rates, service charges, electric, fuel, phone, and credit card debt accrued during his period without ESA. Altogether this comes to £242 per month leaving Andrew with £80 a month to for food and essential items. Since he is in receipt of ESA rather than UC, Andrew did not get the £20 a week uplift on 06 April.

17. By increasing the basic rate of financial support for some, the Government has admitted that people need more than the miserly £74.35 a week to live on. It is vital that financial parity between both existing claimants and new claimants is restored, and disabled people are not left behind. The Government must provide a better safety net for everyone.

“An extra £20 a week would mean the difference between debt or no debt, having to cut back on essentials to survive or being able to have all my basic needs covered. At the moment I am already having to cut back on necessary things like heating and food.”^{viii}

“It would mean not having to skip meals.”^{ix}

“This is a matter of equality for disabled individuals who cannot, for no fault of their own, go out to work. Our costs have increased too. There is a duty to look after the most vulnerable members of society and treat them equally.”^x

18. Like others who already relied on our Social Security system, COVID-19 has had a huge impact on disabled people. At least two million households have been left without the

financial support that they need during this pandemic. The Work & Pensions Secretary was questioned on this point at a recent hearing of the Work & Pensions Select Committee. She argued that the £20 a week increase couldn't be applied to ESA, JSA or IS claimants because DWP was "*focussing on new claimants*". Z2K doesn't doubt the extra work involved in these new UC claims. But we are not persuaded it is any more difficult to pay legacy benefit claimants an extra £20 a week than it was to do so for UC claimants. We believe the real reason is the cost of doing so. Whatever the true reason for its approach, DWP's decision has created a Two Tier Welfare State that is clearly discriminatory against disabled people.

19. The Government now needs to urgently ensure that disabled people receive the Social Security benefits they are entitled to in a timely manner, and their benefits are increased in line with the increase people on UC and WTC have seen. The additional rates for those in the UC Limited Capability for Work and ESA Work Related Activity groups should be reinstated.

ⁱhttps://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873332/pip-statistics-to-january-2020.pdf

ⁱⁱ2020. Disability Benefits Consortium. ["It would mean not having to skip meals" – the emergency need to #IncreaseDisabilityBenefits.](#)

ⁱⁱⁱ2020. Disability Benefits Consortium. ["It would mean not having to skip meals" – the emergency need to #IncreaseDisabilityBenefits.](#)

^{iv}2020. Disability Benefits Consortium. ["It would mean not having to skip meals" – the emergency need to #IncreaseDisabilityBenefits.](#)

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^{vi}2020. Disability Benefits Consortium. ["It would mean not having to skip meals" – the emergency need to #IncreaseDisabilityBenefits.](#)

^{vii} <https://www.gov.uk/government/publications/dwp-benefits-statistics-february-2020/dwp-benefits-statistical-summary-february-2020>

^{viii}2020. Disability Benefits Consortium. ["It would mean not having to skip meals" – the emergency need to #IncreaseDisabilityBenefits.](#)

^{ix}2020. Disability Benefits Consortium. ["It would mean not having to skip meals" – the emergency need to #IncreaseDisabilityBenefits.](#)

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