

Z2K's response to the Disability Action Plan consultation document



1. Z2K is an anti-poverty charity that provides specialist advice, advocacy and casework to people facing housing and social security issues, and uses the insight from this work to campaign for change.
2. Disability-related benefits are the largest single issue that we support people with. In 2022, we supported 229 people to challenge a decision about their entitlement to Personal Independence Payment (PIP), and our success rate at the Tribunal was 85%. So far, in 2023, our success rate is even higher.
3. Any meaningful plan to improve the lives of disabled people must recognize the interaction between disability and poverty. Disabled people are over-represented among people in poverty, people experiencing deep poverty¹ and destitution,² and people needing to turn to foodbanks,³ and low-income households with a disabled person are more likely to be going without essentials than non-disabled low-income households.⁴ A core part of addressing this deep injustice must be improving access to disability benefits.
4. PIP provides vital additional income to disabled people, reflecting some of the extra costs people face and reducing the risk of disability forcing people into poverty, or deepening poverty already experienced. It should be a foundational part of achieving the Disability Action Plan's stated aim "to transform the lives of disabled people in the UK for the better and ensure disabled people can participate fully in society".
5. Unfortunately, the Disability Action Plan consultation document provides no new commitments to improve the experience of the assessment process, nor to improve the wholly inadequate decision-making within the Department. The White Paper referenced within the document also does not provide such commitments, beyond some small-scale trials. Access – or lack of access - to disability benefits affects disabled people's lives in multiple ways, and is foundational to many disabled people's ability to fully participate in society. Without addressing this, the other ambitions of the Plan cannot be realised.
6. At present, longstanding failings in the disability benefits system force tens of thousands of disabled people through an often upsetting and dehumanizing assessment process, and all too often deny them their legal entitlement unless they pursue a challenge against the decision. A survey by Scope found that half of disabled people have experienced negative attitudes from benefit assessors, and the benefits system was the second-highest priority area for attitudinal change identified by disabled people themselves⁵. It is therefore hard to

¹ <https://www.jrf.org.uk/report/going-without-deepening-poverty-uk>

² <https://www.jrf.org.uk/report/destitution-uk-2020>

³ <https://www.trusselltrust.org/wp-content/uploads/sites/2/2023/06/2023-Hunger-in-the-UK-report.pdf>

⁴ <https://www.jrf.org.uk/blog/our-social-security-system-must-support-households-disabled-person-afford-essentials>

⁵ <https://www.scope.org.uk/campaigns/research-policy/attitudes-towards-disabled-people/>

see how any serious consultation process with disabled people or organisations representing them prior to the publication of the Plan would not have identified this as a priority.

A dehumanising process

7. Our clients have reported very poor experiences of the assessment process, including feeling disbelieved or asked to perform tasks that cause them pain.

“I can only describe the person in front of me as ‘not wanting to be there’. I felt from the start that she was not listening to me. The questions were cold with the assessor not interested in the issues I was suffering from and how they affect the quality of my life... I was left feeling like I was lying and didn’t know what I was talking about.”

Jim Widdowson, Z2K expert by experience

“I repeated several times how much pain I was in, which was visible. They still asked me to do physical ‘tests’ leaving me in tears and in severe pain.”

Z2K survey respondent

“There was an inhuman element to it ... I’m hard of hearing and I asked her to move closer to me. She would not, [so] I didn’t know if I was giving the answer to the appropriate question.”

Fatima, PIP claimant

8. In a survey we carried out, 66% of people who had been through an assessment felt like the assessment report did not reflect what they’d told the assessor, and 70% felt that the assessor did not understand their condition.⁶ These experiences were reflected by many people with experience of disability benefit assessments who submitted evidence to the recent Work and Pensions Select Committee into health assessments for benefits.⁷

Evidence of poor decision-making

9. Between 2018 and 2022, some 15% – more than 1 in 7 – initial PIP decisions that did not lead to a maximum award were later overturned.⁸ And there are many reasons why someone might not challenge a poor decision, including not realizing they could be entitled to more, not having support to make a challenge (particularly to the Tribunal), or lacking faith in the process. That 15% is therefore the lowest possible estimate of inaccurate initial decisions.
10. Of appeals lodged with the independent First-Tier Tribunal, around 80% are conceded by DWP before the hearing or overturned at the hearing (compared to under 20% of cases at Mandatory Reconsideration stage, where DWP itself reconsiders the decision).⁹ Tribunal figures also show that these are not cases where DWP is suddenly presented with new

⁶ <https://z2k.org/wp-content/uploads/2021/05/PeopleBeforeProcess.pdf>

⁷ <https://committees.parliament.uk/publications/34727/documents/191178/default/>

⁸ <https://www.nao.org.uk/wp-content/uploads/2023/06/transforming-health-assessments-for-disability-benefits.pdf>

⁹ Analysis of Table 5B(ii) <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-april-2023>

medical evidence.¹⁰ The vast majority are based on substantially the same information, or on cogent oral evidence that could have been elicited by the initial assessment.

11. These failings mean some people are simply prevented from accessing PIP at all, some only receive a fraction of what they should, and others lose it overnight if a poor decision is made at reassessment.

The Department for Work and Pensions' existing initiatives

12. The Disability Action Plan presents the Health and Disability White Paper as a positive for disabled people. We recognise that this would mean disabled people could try work without fear of losing their additional means-tested benefits, and proposed some trials of changes that could improve decision-making at the margin. These are, as far as they go, welcome. But they do not go nearly far enough and don't fix the fundamental problem of access to PIP – and the proposals in full pose serious risks to disabled people's future financial security.
13. Z2K, along with many other organisations representing disabled people and people with long-term conditions, is also deeply concerned about the proposals contained in the White Paper. As it stands, these would place even greater weight on a PIP decision, which in all but a few cases would also determine whether someone on a low income who is disabled or seriously ill receives additional Universal Credit. Given the demonstrable failings in PIP decision-making, this will inevitably lead to disabled and seriously ill people on low incomes being denied even more money than currently: a decision not to award PIP will not just deny someone PIP; it will also deny them additional Universal Credit. While there will be Transitional Protection, this will erode over time - and will not be available to anyone not receiving PIP and making a new claim to Universal Credit after 2026/27.
14. There are currently more than 500,000 people in England and Wales on a low income who DWP accepts are not well enough to work or look for work, but who do not receive PIP. Concerningly, of people in this position in February 2019, around half were still unable to work but not receiving PIP in November 2022 – which strongly suggests they may have a long-term condition that should give rise to a PIP entitlement.
15. We are aware of no investigation DWP has undertaken into the health conditions or disabilities of people in this group, the eligibility of this group for PIP, or whether they have previously applied for and/or received PIP. Rather than using its own considerable resources to proactively ensure people are in receipt of their legal entitlements, DWP places the onus firmly on the disabled or seriously ill person to make an application, and often to challenge it before they are awarded anything at all. The appeals process should be a last resort, not something that is routinely used to correct clear errors by assessors and DWP.
16. As well as the group who should be receiving PIP but are not, there are some people on low incomes whose health condition does not meet the criteria for PIP (for example, it does not affect them for 50% or more of days). Currently, if they are not able to work due to their health condition, they receive extra Universal Credit, in recognition that this route to increasing their income is not available to them. Under the proposals, this group would also

¹⁰ <https://questions-statements.parliament.uk/written-questions/detail/2022-07-21/42121>

be denied additional Universal Credit unless work posed a risk to a pregnancy, or they were undergoing cancer treatment.

17. We also note that there is no mention in the consultation document of the previous Disability Strategy's commitment to "set up an Extra Costs Taskforce, bringing together disabled people, regulators and businesses, to better understand the extra costs faced by disabled people" and commission research on these extra costs. We would welcome clarity on whether this remains government's ambition.

Conclusion – another missed opportunity

18. Disabled people cannot thrive without the financial support they need to do so. By failing to acknowledge, much less address, the systematic failings that force tens of thousands of disabled people every year to fight for their legal entitlement to vital additional income, and deny countless more altogether, this is another missed opportunity to make a meaningful difference to the lives of disabled people.