

Freedom of Information request 235/2013

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Information request

1. "True Copies" of the Disability Impact Assessment carried out in relation to the proposed changes to Disability Living Allowance.
2. I draw your attention to the United Nations Convention for the Rights of Persons with Disabilities and **Article 11 – Situations of Risk** is unlawful Disability Impact Assessments places thousands of claimants at risk to an exacerbation of their Disabilities. To exacerbate any medical condition or place a person with Disabilities in a '**Situation of Risk**' is unlawful and is actionable in court. I request **any document commissioned by the Secretary of State or the Westminster Government on the impact to those with a Disability from the new benefit.**

Secondly, I draw your attention to the Equalities Act 2010 and which the Westminster Government has directly discriminated against Persons with Disabilities by amending Disability Benefits whilst not doing so for those benefits for persons without a disability.

Finally, I contend that the new benefit that will replace Disability Living Allowance is unlawful and should be delayed until the fundamental flaws have been recertified and the late additional rules and guidance have been debated by Parliament."

DWP response

You mention Disability Impact Assessments in connection with Article 11 of the UN Convention on the Rights of People with Disabilities. The Government is satisfied that the DLA reform proposals are compatible with that Convention, as well as with the European Convention on Human Rights. Throughout the progress of the Welfare Reform Act 2012 the Government has commissioned and looked closely at the impact of decisions on different groups, including disabled people. Consideration has been given to the equality impacts of our reforms as we have developed the new benefit. Our latest individual commissioned Impact Assessments and Equality Impact Assessments were published on 12 May 2012 and can be found at: <http://dwp.gov.uk/pip>

You asked for “true copies” of the Disability Impact Assessment carried out in relation to the proposed changes to Disability Living Allowance. Section 21 of the Freedom of Information Act allows us to direct you to information which is already reasonably accessible to you. We have provide a link to the latest Impact and Equality Impact Assessments for PIP above.

You also requested “any document commissioned by the Secretary of State or the Westminster Government on the impact to those with a Disability from the new benefit”. We published:

- 8 January 2013: A technical briefing note “Assessment and impacts” (update)
- 13 December 2012: “The Government’s response to the consultation on the Personal Independence Payment assessment criteria and regulations”
- 16 January 2012: “Personal Independence Payment: assessment thresholds and consultation”

All these commissioned documents provide information on impacts and can be found at:

- <http://dwp.gov.uk/pip>
- <http://dwp.gov.uk/consultations/2012/pip.shtml>

You mention the Equality Act 2010 and you allege direct discrimination. The Government refutes any allegation of discrimination. The Government’s welfare reforms will ensure that the support offered better reflect today’s understanding of disability and enables disabled people to live independently.

Turning to your final point, the main Regulations for Personal Independence Payment including the assessment criteria are subject to the affirmative procedure which means that the regulations have to be debated and approved by both Houses. In advance of these debates we have published the PIP Assessment Guide <http://www.dwp.gov.uk/docs/pip-assessment-guide.pdf> and will be making available draft extracts of guidance for DWP decision makers before publishing final guidance before PIP is introduced from 8 April 2013.