



Joint Committee on Human Rights

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From Dr Hywel Francis MP, Chair

Maria Miller MP,
Minister for Disabled People,
Department for Work and Pensions,
Caxton House,
6-12 Tothill Street
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Tuesday 6 March 2012

Dear Maria,

Please find enclosed a copy of the Report of the Joint Committee on Human Rights on the Implementation of the Right of Disabled People to Independent Living, which was published last week. I would like to take this opportunity to thank you for giving evidence to the Committee in October last year. I look forward to receiving the Government's full response to the Report in due course.

Chapter 4 of the Report deals with the Government's approach to implementing the UNCRPD. In this Chapter, we cover the conduct and use of impact assessments in regard to policy development. We received a substantial amount of evidence suggesting that impact assessments had not been adequately carried out and did not take into account the likely cumulative impact of proposed reforms. We also made a recommendation on this issue in our legislative scrutiny Report on the Welfare Reform Bill, which was published in December 2011. I would like to reiterate the point made in our Report that the cumulative impact on disabled people has not been assessed and draw your attention to our recommendation at paragraph 112 that the Government should carry out such an assessment.

As you will be aware, criticism of the public consultation on the replacement of Disability Living Allowance with Personal Independence Payment has intensified. In January, the report *Responsible Reform* (also known as the Spartacus Report) argued that the consultation process was flawed in a number of ways:

- It did not adequately take account of the proportion of respondents who were opposed to the proposal
- The consultation period was two weeks shorter than recommended twelve-week period, and that the Welfare Reform Bill was introduced to Parliament before the consultation period had ended
- That the widely-used figure of a 30% increase in DLA payments was erroneous, and should have been 13%
- The impact assessments failed to note the impact on women, and those with mental health conditions
- The impact assessments failed to note the impact on disabled people would be negative

- There were difficulties in obtaining the consultation material in accessible formats

Lord Freud's 16 January letter to members of the House of Lords notes that the Spartacus Report takes account of only the 523 consultations submitted by groups, while the Government took into account "thoroughly and appropriately" all 5,500 submissions received. These individual responses had not been published. We understand that, in response to a Freedom of Information request, these responses will now be published, but in tranches during the course of the year. While we welcome the publication, it is unfortunate that this could not have been done in good time before the Welfare Reform Bill had completed its passage through Parliament. Publication of such material late in the legislative process, or after its completion, prevents full scrutiny of policy decisions by Parliament and others.

Article 4(1)c of the UNCRPD requires States to take account of the impact of policy decisions on disabled people, and the Convention also requires the involvement of disabled people in its implementation. The findings of our Report, as well as those of the Spartacus Report, suggest that neither of these requirements has been met. In the absence of any swift publication of all responses to the consultation, it is difficult to determine the extent to which this is the case.

*yours,
Hywel.*

Dr Hywel Francis
Chair