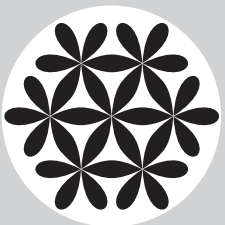


# Cumulative Impact Assessment (CIA)

**Statement by the Centre for Welfare Reform**



by Dr Simon Duffy

# Introduction

This is a statement from the Centre for Welfare Reform, for the WOW Campaign, on the idea of a Cumulative Impact Assessment ahead of the Parliamentary debate on this topic, called by Debbie Abrahams MP and Kate Green MP.

The Centre is grateful to the War on Welfare (WOW) Campaign for its effort to hold the UK Government to account for its failure to honour its legal and moral duty to respect the rights of disabled people and other disadvantaged groups. A basic requirement of a decent society is that the Government endeavours to act for the common good of all citizens and it should take great care when introducing new policies that may harm those that are already disadvantaged.

However, since 2010 the UK Government has persisted in introducing radical policy changes

and severe cuts, while refusing to evaluate the likely impact of those changes on disabled people.

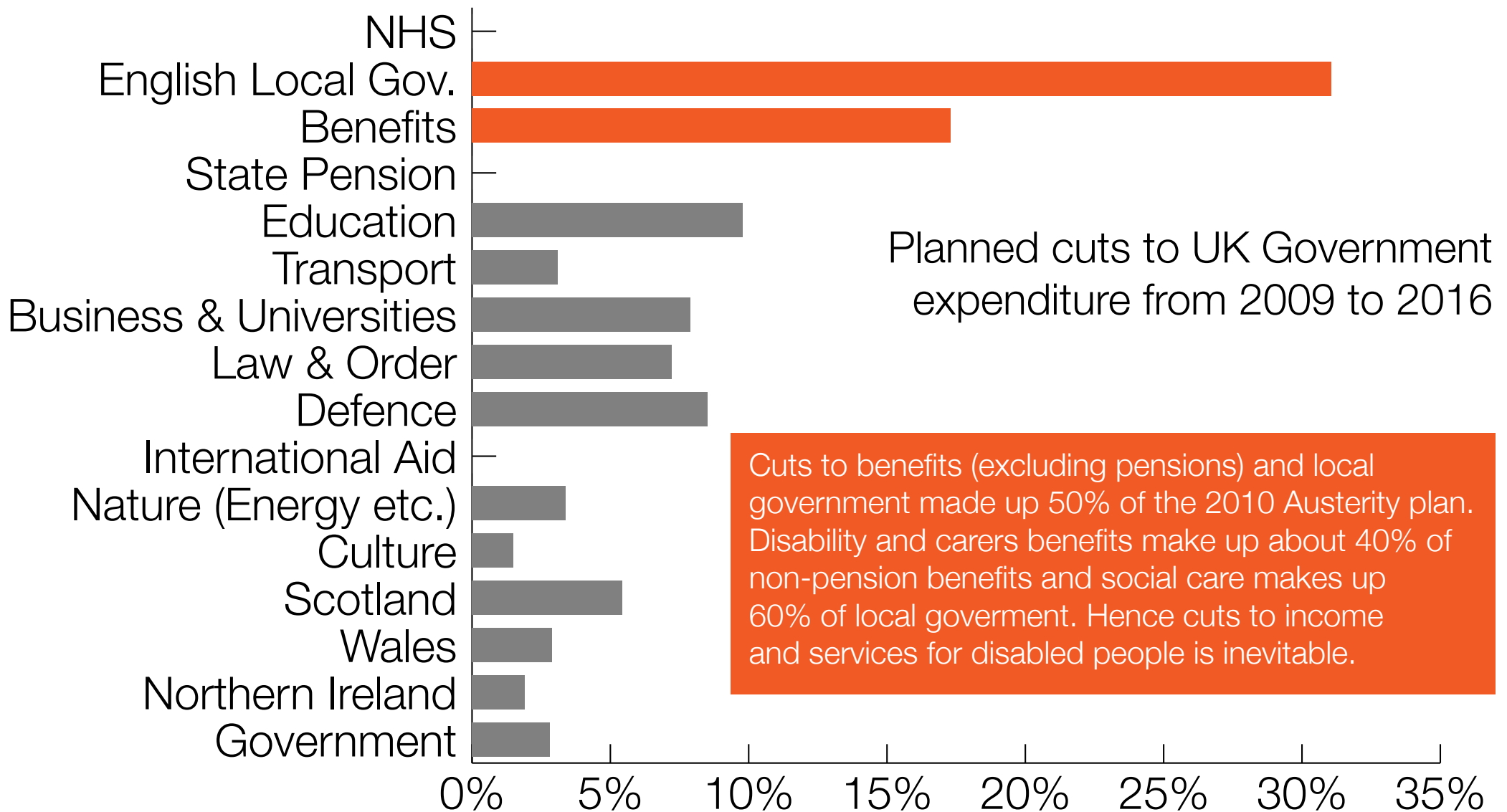
As this short paper makes clear, the Government's refusal to carry out a Cumulative Impact Assessment (CIA) is based on arguments that are so poor that it is implausible that it really believes them. Instead, the most likely explanation for its refusal is that the Government knows that any such assessment will clearly demonstrate how negative, harmful and unjust its policies continue to be.

# Austerity targets disabled people

In 2010 the Government began a process of cuts and other policy changes, some times called Austerity. From the start it was obvious to any objective and reasonably well-informed observer that disabled people and their families would suffer serious harm from the combined impact of these policies.

However the Government persisted in these harmful policies despite:

- There are legal and moral obligations to protect disabled people from harm, in particular obligations set out in the UN Convention for the Rights of Persons with Disabilities (UNCRPD.)
- The Coalition Government claimed that it would protect disadvantaged groups from harm.
- There was no robust empirical evidence to justify any of the policies that have targeted disabled people and their families for cuts.
- There has been obvious and ongoing harm experienced by disabled people, their families and wider society.



**Sources:** All data is from official Government sources, primarily HM Treasury (2013) Public Expenditure: statistical analysis. In addition there is data from DWP (2013) Benefit Tables et al. This analysis forms the basis of the Centre for Welfare Reform's Cumulative Impact Assessment: Duffy (2014) Counting the Cuts. Sheffield: Centre for Welfare Reform.

# Cumulative impact of the cuts

One simple request, made by disabled people, families, charities and several visiting UN committees, is that the UK should carry out a Cumulative Impact Assessment (CIA). In other words, the Government has a duty to estimate the combined impact of its different policies on disabled people and their families.

In the face of this challenge the UK Government has typically adopted the self-contradictory position that it is not possible to understand the combined impact of its own policies on disabled people and that, despite this, they are confident that the combined impact of these policies is positive. The UK Government has continued to hold this position, although:

- Independent CIAs have demonstrated the negative impact of the Austerity programme on disabled people.

- Multiple United Nations human rights committees have criticised the UK Government for failing to respect the human rights of disabled people, and for failing to carry out a CIA.
- Disabled people's groups have already forced two debates on this issue within the House of Commons.

“The Committee is seriously concerned about the disproportionate adverse impact that **austerity** measures, introduced since 2010, are having on the enjoyment of economic, social and cultural rights by **disadvantaged and marginalised** individuals and groups. The Committee is concerned that the State party has not undertaken a **comprehensive assessment** of the cumulative impact of such measures on the realisation of economic, social and cultural rights, in a way that is recognised by civil society and national independent monitoring mechanisms.”

**Source:** UN Committee on Economic, Social and Cultural Rights: Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland. 24 June 2016



# The Government's argument

## What are the Government's reasons for claiming that it cannot carry out a CIA?

Helpfully there is now a letter from the current Secretary of State for Work and Pensions, the Rt. Hon. Amber Rudd MP, to the current Prime Minister, the Rt. Hon. Theresa May MP, which sets out the Government's reasoning.

The letter appear to contain 3 arguments, marked by bullet points. However there are at least 7 arguments that can be found by analysing these points and by exposing some of the implicit arguments made in the body of the letter.

Overall the Government's argument are expressed in ways which are vague, misleading or elliptical. However, drawing on this letter and my own previous correspondence with the DWP on this matter (Duffy, 2015), it is possible to piece together and define more clearly the force of the argument.

However, as I hope to show in the analysis that follows, all 7 arguments are bad arguments. Some make a true claim, but then draw a false implication, others are not even based on truth. All are misleading and sometimes they are self-contradictory.



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Rt Hon Theresa May MP  
House of Commons

Our ref: MC2018/06690

30 November 2018

Dear Theresa,

Thank you for your email of 15 October to my predecessor on behalf of [redacted] regarding disability benefits and the impact on disabled people. I apologise for the delay in replying.

The Department carefully considers the equality impact of the individual policy changes on those with protected characteristics, including gender, race and disability, in line with both its legal obligations and its strong commitment to equality issues.

Analysis of the cumulative impact of all changes made by Government is regularly produced at fiscal events, not only to welfare and personal tax policy, but also to public spending, on households across the income distribution. This type of analysis is recognised (and promoted) as a valuable tool in policy development and evaluation.

We do not believe it is sound methodologically to publish a robust cumulative impact separately, for example, for disabled people. The main reasons we consider that such analysis cannot be conducted accurately are that:

- the Department's survey data is limited, particularly in terms of the capturing of the severity of disability;
- it is not possible to directly include dynamic employment effects and wider benefits of reducing the deficit; and
- because most people live in households with others and, as we do not know how incomes are shared, it is very hard to look at effects separately for the disabled.

Even where assumptions on income sharing within households are less crucial, it is still difficult to include the value of public spending on benefits-in-kind and not doing so would present a partial and misleading picture of Government policy.

In relation to Mr Jones' comments on Universal Credit, my predecessor's announcement on 7 June set out the Government's plans to make provision for those people who have naturally migrated to Universal Credit and no longer receive the Severe Disability Premium. The proposed 'Universal Credit (Managed Migration) Amendment Regulations 2018', which contain these provisions, will need to be debated and passed by Parliament before they become lawful. Once they are in force, we will provide both an on-going payment to eligible claimants who have already lost

the Severe Disability Premium as a result of moving to Universal Credit, and an additional lump-sum payment to cover the period since they moved. Currently we are unable to confirm the exact amounts payable to each eligible claimant or when the payments will be made. Eligibility for these payments will depend on a number of criteria being satisfied, which include whether the basic qualifying conditions for the Severe Disability Premium continue to be met.

Mr Jones also raises the issue of the Independent Living Fund. The Independent Living Fund funding was not well targeted and its users received different support to all other users of the social care system. This resulted in other disabled people with similar needs being treated in a different way.

The Independent Living Fund was transferred to local authorities and devolved administrations in 2015 which resulted in greater equity in the way this funding was spent. The standard of care received by former Independent Living Fund users is also now protected by the Care Act which came into force in April 2015. This gives them statutory protection, whereas the Independent Living Fund was a discretionary trust. The new Act includes many of the features that made the Independent Living Fund so successful: personalisation, choice and control.

Residual responsibilities for the devolved fund stretch across three different Departments: The Department of Health and Social Care has responsibility for on-going Independent Living Fund policy through the Care Act, which regulates Adult Social Care; The Ministry of Housing, Communities and Local Government decide how much funding local authorities get for their new responsibilities towards Independent Living Fund users; and this Department has continued responsibility for legacy issues.

Finally, I strongly reject Mr Jones's claim that there is a hostile environment for disabled people. We are absolutely committed to ensuring that disabled people can contribute fully to society. An Interdepartmental Ministerial Group has been recently announced to drive forward a cross-Government approach to tackle the barriers disabled people face.

We spend nearly £54 billion a year on benefits to support disabled people and people with health conditions – this is more than ever before, and from 2018/19 this spend will be up by more than £9 billion since 2010. We are committed to supporting people with a health condition or disability to live independently and where it is appropriate into employment.

Our manifesto commitment to see one million more disabled people in work by 2027 gives us a clear, ambitious goal. We set out our continued commitment to improving employment rates for disabled people and people with health conditions in the command paper, 'Improving Lives: the Future of Work, Health and Disability'. We believe people should get the support they need whatever their health condition or disability, whether that is from their employer, the health system or the welfare system.

Best wishes,

Rt Hon Amber Rudd MP

SECRETARY OF STATE FOR WORK AND PENSIONS

# Argument 1: limited data

“The Department’s survey data is limited, particularly in terms of capturing the severity of disability.”

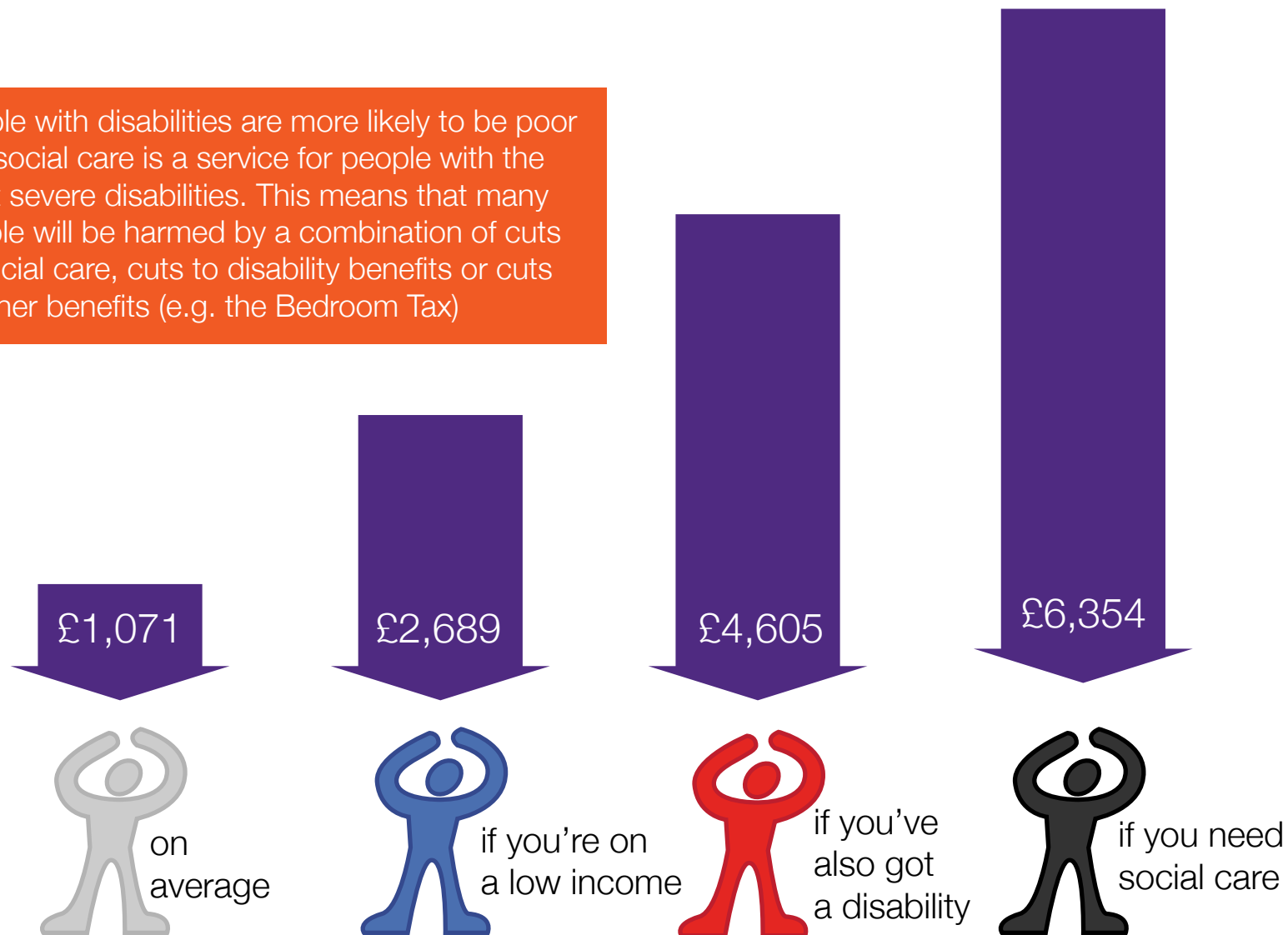
It is true that all data is limited. However, this is irrelevant and misleading. First, the fact that others have been able to carry out CIAs shows that there is enough data to make an assessment. Moreover if the data was insufficient then it is quite within the means of the Government to use methods to improve the quality of its data, for example:

- It could ask researchers to develop more detailed models of the relationship between disabled people, benefits, taxes and public services. This work could have been an early priority in 2010 and could easily have been completed before

the Government committed itself to a set of dangerous policies.

- The Government could have also built in systems to measure the overall impact of its policies as they began. It beggars belief that serious politicians could really believe that they had no way of understanding the impact of their own policies. In fact there is a whole government department, the Office of Disability Issues, whose very existence assumes that the Government has a duty to understand its cross-government policy impacts.

People with disabilities are more likely to be poor and social care is a service for people with the most severe disabilities. This means that many people will be harmed by a combination of cuts to social care, cuts to disability benefits or cuts to other benefits (e.g. the Bedroom Tax)



## Average annual cuts per person by 2015-16

Sources: All data is from official Government sources, primarily HM Treasury (2013) Public Expenditure: statistical analysis. In addition there is data from DWP (2013) Benefit Tables et al. The methodology and results of the Centre for Welfare Reform's Cumulative Impact Assessment are described in Duffy (2014) Counting the Cuts. Sheffield: Centre for Welfare Reform.

## Argument 2: data on severity of disability

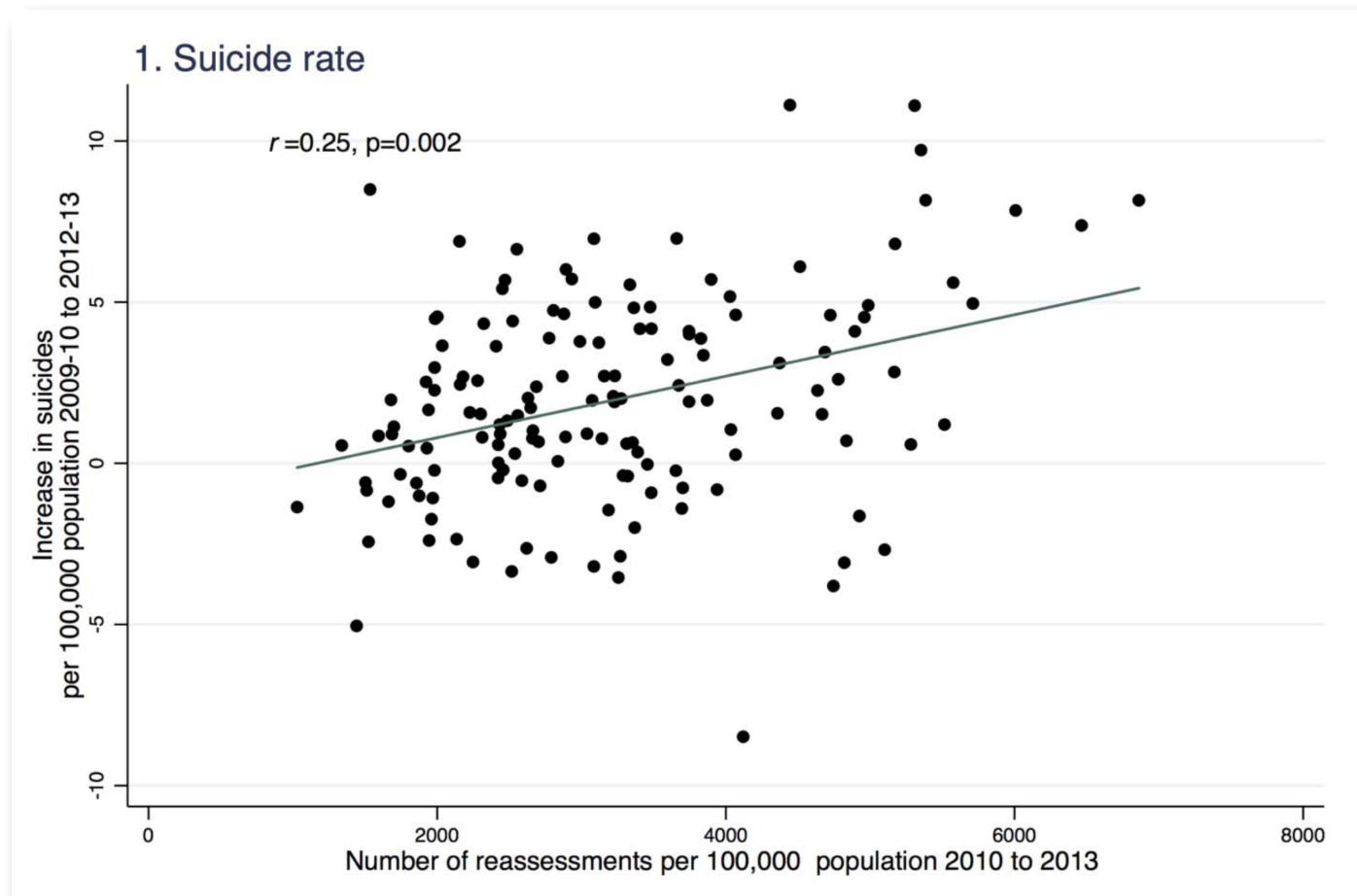
Presumably the reference to “severity of disability” is a reference to policies such as the introduction of Personal Independence Payments (PIP), and the increasingly harsh regime imposed by the Work Capability Assessment (WCA), Work Programme (WP) and the rules for entitlement to Employment and Support Allowance (ESA). A common rhetorical strategy in the case of all these welfare ‘reforms’ has been to justify taking away resources from some people with disabilities in order to move a fraction of those resources towards those with even higher needs (Kennedy, 2017).

This rhetorical strategy is still being used today, despite its obvious moral vacuity: if disabled people with highest support needs need more

money it is illogical and wrong that disabled people with somewhat lower needs (but still higher needs than the average person) should be forced to pay for that increase. This is equivalent to Robin Hood stealing from the poor to give to some to the poor and some to the rich.

Moreover if cuts can be justified on the basis of differential levels of need between different disabled people then clearly the government has sufficient data to identify and quantify the severity of disability. Moreover, these policies will also generate further data about levels of need and so it is quite possible to feed that data into a more sophisticated model of need.

The harm experienced by disabled people is not limited to reductions in income and support. Academic research has demonstrated that many government policies are also harming people by their approach. For example, the Work Capability Assessment is causing increased levels of suicide, mental illness and the prescription of anti-depressants.



**Sources:** Barr B, et al. J 'First, do no harm': are disability assessments associated with adverse trends in mental health? A longitudinal ecological study Epidemiol Community Health 2015;0:1-7. doi:10.1136/jech-2015-206209

## Argument 3: dynamic employment benefits

“it is not possible to directly include dynamic employment and wider benefits of reducing the deficit”

Rudd argues that it is not possible to “include dynamic employment effects” which I take to mean that she is supposing that cuts in benefits for some may be justified if others increase their income by becoming employed. This claim is false, for there is no lack of data. Given the focus of the DWP on getting people into work and all the data that is collected by the DWP, HMRC and ONS on people’s work and working patterns there is no problem in discovering how many disabled people are in work and whether levels of employment and income are increasing and to what degree.

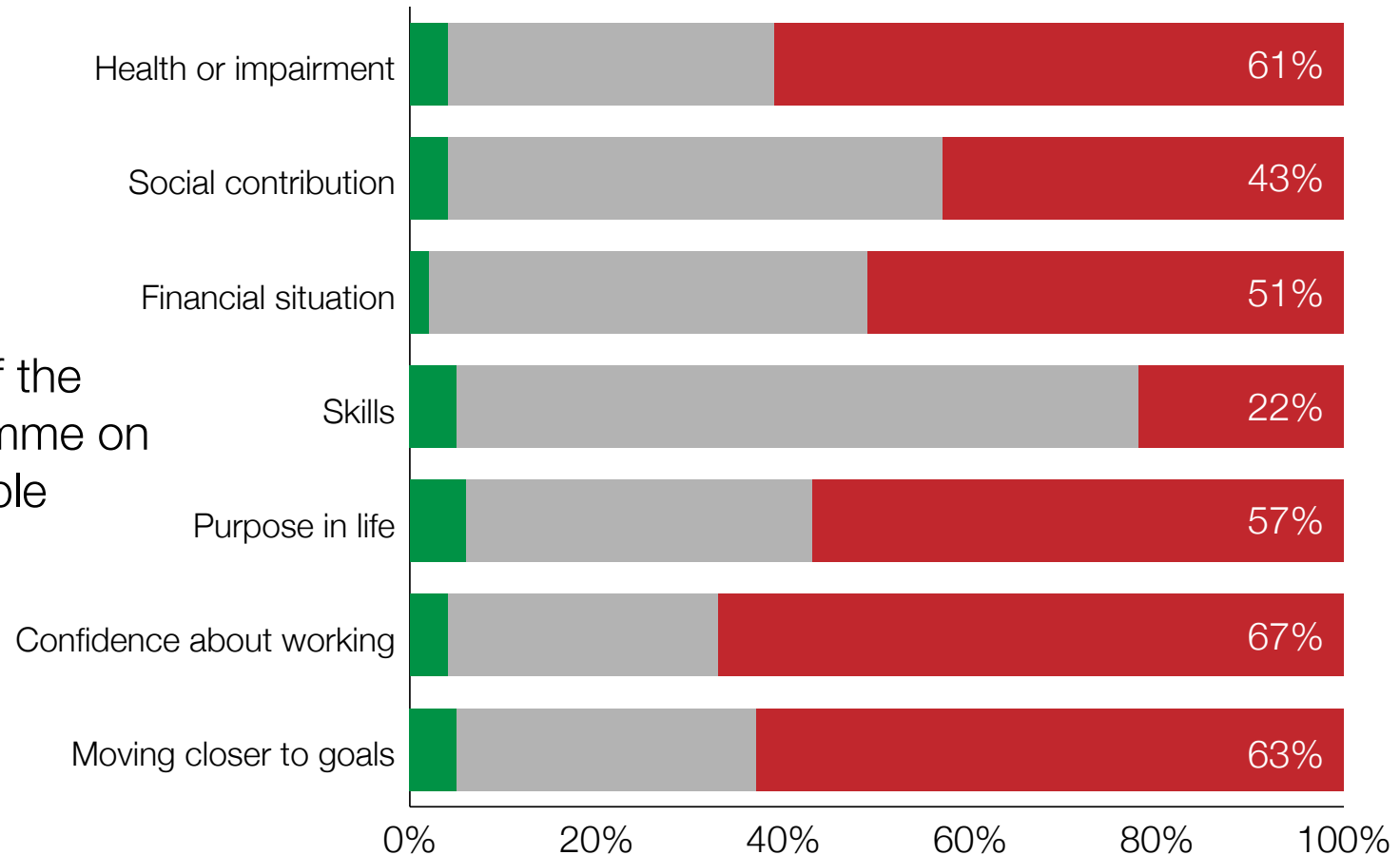
Perhaps the obscure wording (“dynamic employment effects”) reflects an unwillingness to make the barbarism of this argument clear. For the implication is that it is okay for some disabled people to suffer harm if other disabled people benefit by finding work.

In practice disabled people, particularly people with the most severe disabilities, have found the Government’s policy very unhelpful. For example employment rates for people with learning difficulties have fallen since 2010.

## The impact of the Work Programme on disabled people on ESA



In theory the Government's Work Programme is meant to help disabled people to find work. In practice the programme is a disaster: people are less confident, sicker, and further away from the world of work.



Source: Hale C (2014) Fulfilling Potential? London: Mind

## Argument 4: benefits of reducing the deficit

It is true that it is not possible to incorporate the “wider benefits of reducing the deficit” but only because these benefits don’t exist. UK economic performance and real wage growth lags behind similar countries and recovery from the crash has been slow.

However, if these benefits did exist then there would be no problem in identifying them and in modelling how these benefits would be distributed. However it is also extremely unlikely that any general economic recovery, if it should arrive, would benefit everybody equally. Instead economic growth tends to benefit those with the greatest assets and highest incomes - unless Government’s take specific measures (like increasing taxes) to redistribute these benefits.

Unfortunately the sad truth is that the government has cut the incomes and services available to the poorest and to disabled people in the hope that this will create benefits for others: the better-off and non-disabled people. This policy is in direct violation of the human rights obligations of the government which demands that in a time of economic hardship every effort is made to protect the most vulnerable to distribute the costs of recovery towards those best able to bear them.

Worse, misleading press releases from the DWP have at times encouraged the tabloid media to scapegoat disabled people for problems that were in fact created by government and by the banking system.

WIN UP TO £100,000 WITH OUR NEW LUCKY LINES GAME

75% OF INCAPACITY CLAIMANTS ARE FIT TO WORK

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£100,000 SCROUNGER

Hasn't worked for 24 years...because she is allergic to shoes!

DISABLED BENEFIT? JUST FILL IN A FORM

200,000 got handouts last year without face-to-face interview

THIS NEWSPAPER NOW COSTS JUST £1

WAR ON THE SCROUNGERS

Scheme to force the workshy into jobs or lose their benefits

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Fraudsters who work will have their wages seized

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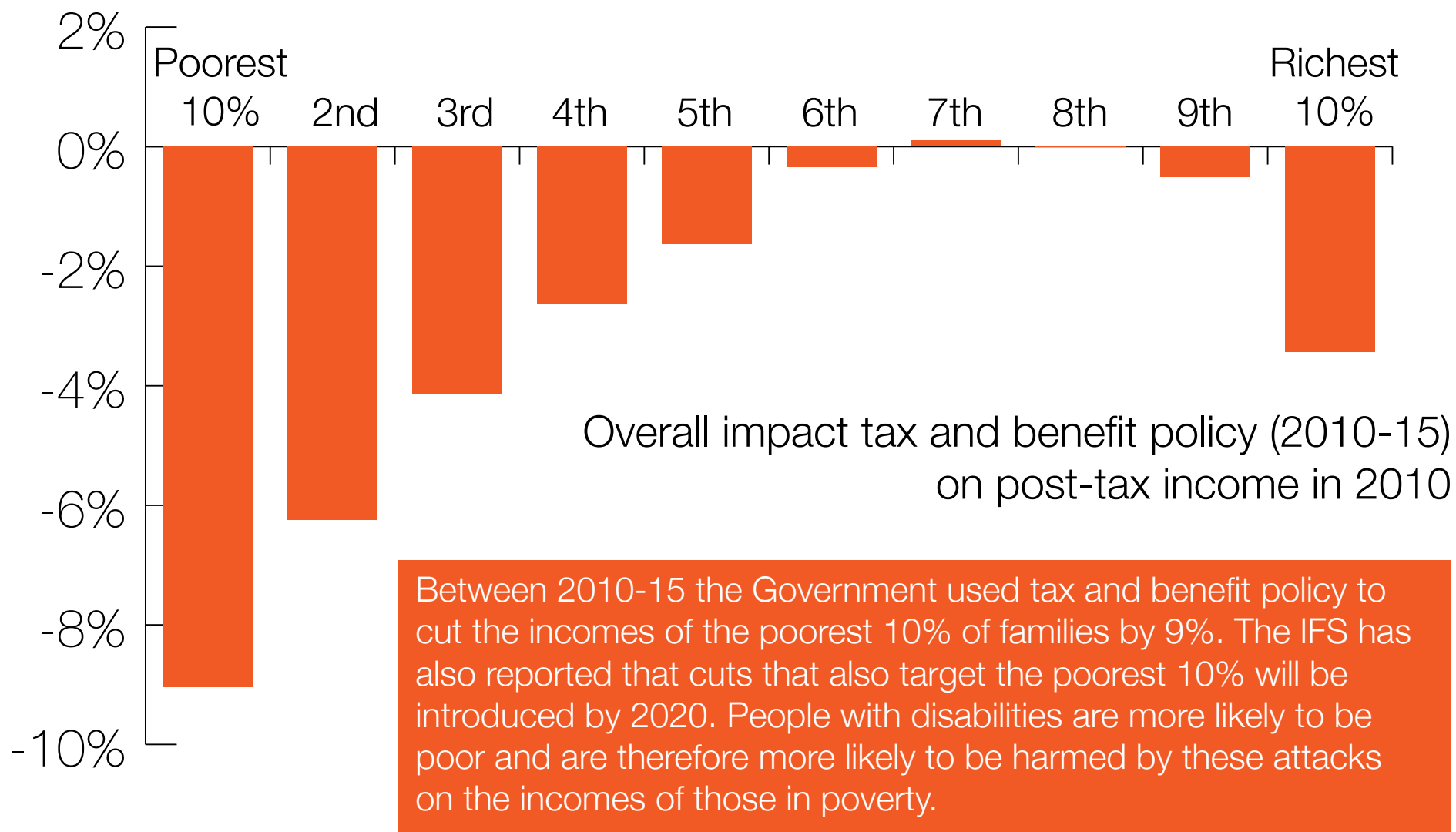
ALCHEMIST'S SECRET

## Argument 5: people live in households

“because most people live in households with others and, as we do not know how incomes are shared, it is very hard to look at effects separately for the disabled.”

Rudd's argument here is clearly false and misleading. In fact we do know the extent to which people are distributed across different families (or households). The Government collects this data as part of the Family Resources Survey. From this data we know that poorer families are much more likely to include someone with a disability than families above the poverty line. This means that disabled people are hit twice: first by policies that target cuts at disabled people, second by policies that target cuts at people in poverty.

In fact we also know that the percentage of disabled people living in families in poverty has increased with austerity, an outcome which was predicted by the Centre and by others who have carried out independent cumulative impact assessments. Worse, we also know that the Government has also introduced changes to tax and benefit policy which have targeted people on the lowest incomes. Disabled people are thereby targeted twice: first as disabled people, second as people who are more likely to be poor.



**Source:** J. Browne and W. Elming (2015), The Effect of the Coalition's Tax and Benefit Changes on Household Incomes and Work Incentives; plus ONS Average incomes, taxes and benefits by decile groups of ALL households, 2009-2010

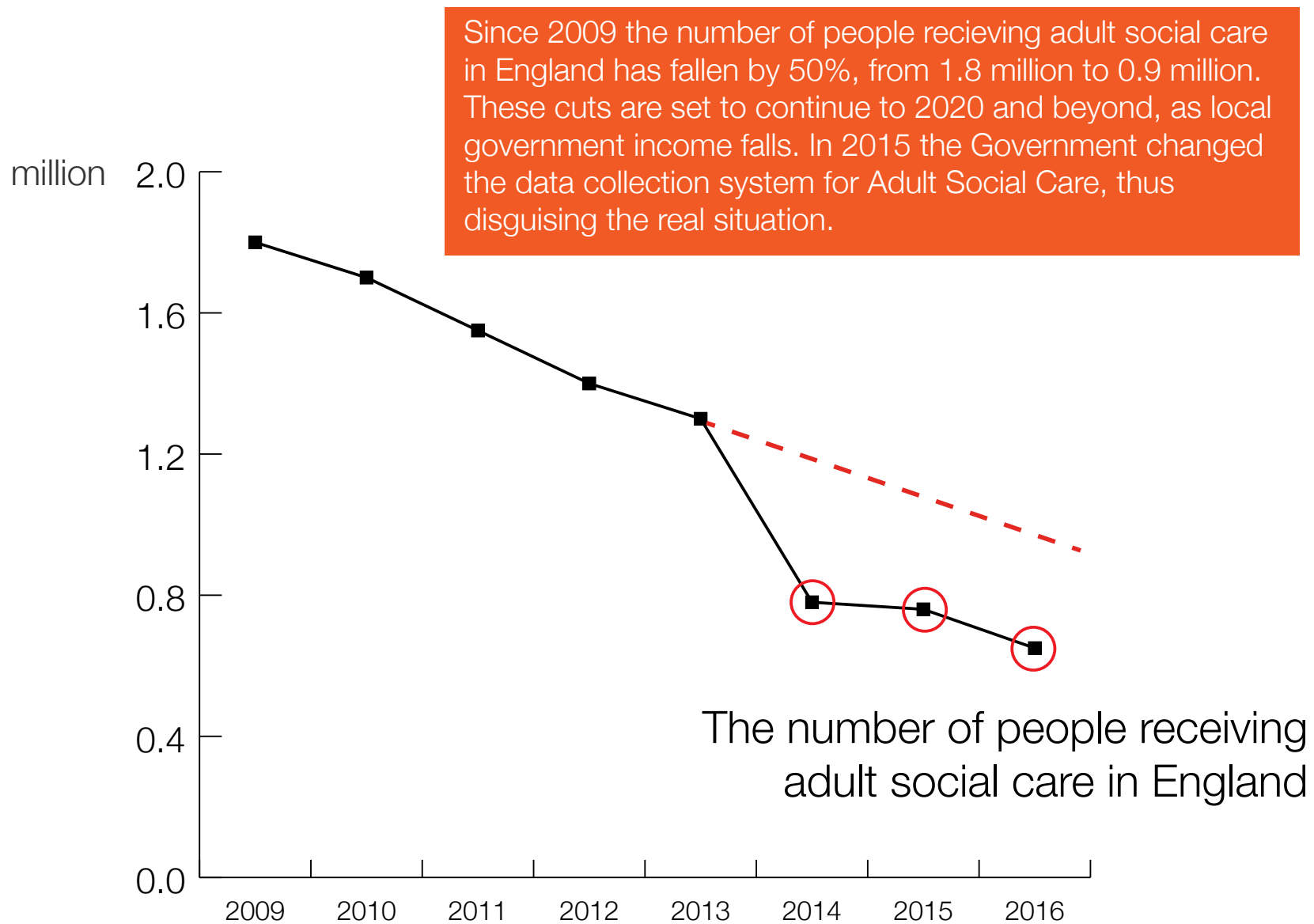
## Argument 6: benefits-in-kind

“it is still difficult to include the value of public spending on benefits-in-kind and not doing so would present a partial and misleading picture of Government policy”

It is predictable that one of the most disingenuous arguments deployed by Rudd is slipped in after the three bullet points that are presented as if they bore the brunt of the argument. Here what is presented as a “benefit-in-kind” implies that Government policy is replete with many additional benefits for disabled people, but actually it is code for some of the deepest cuts in services that have targeted disabled people.

In particular social care, for children and adults, the most important support service for people

with severe disabilities, has been subject to progressively deeper cuts ever since 2010. By 2017 50% fewer people with severe disabilities were receiving adult social care. These cuts to services must certainly be included in a cumulative impact assessment and the Government has all the data necessary to do so.



**Sources:** Source: NHS Information Centre: NHS and Adult Social Care Data (2017)

## Argument 7: robust and accurate

Overall the critical flaw in Rudd's letter is that it pretends that the purpose of a CIA is to produce a "robust cumulative impact" which can be conducted "accurately." This kind of rhetoric is designed to confuse the issue.

The purpose of carrying out a CIA is to make a reasonable judgement as to whether, in all likelihood, a combination of different Government policies will have a negative impact on a disadvantaged group. It is a tool to help Government avoid bad policy-making, it is not a tool for accurately predicting the exact level of harm created (something that is always impossible to know).

The purpose of a CIA is to avoid creating harm in the first place, not to predict the exact details of the harm that will be caused.

If I tell you that it is more likely that you will crash your car if you've been drinking, and if you are looking at your mobile phone and if you are taking drugs, and that it is even more dangerous to do all three things at the same time, then it is not sensible to reject this warning by say that I cannot predict exactly when you will have a crash and who exactly will be harmed and how.

A CIA would have clarified the risks and enable the Government to change direction or modify its plans to make them safer.

# The Hostile Environment for Disabled People

## CUTS IN INCOME

- VAT increase to 20%
- Increasing utility costs
- Increased Council Tax
- Cuts to DLA-PIP
- Cuts to ESA
- Reduced indexation
- Reductions to Access to Work

- Reductions in Housing Benefit
- Increased rents
- Bedroom Tax
- Cut to Mortgage Interest Relief
- Increased institutionalisation
- Cuts to homelessness services
- Cuts to women's refuges

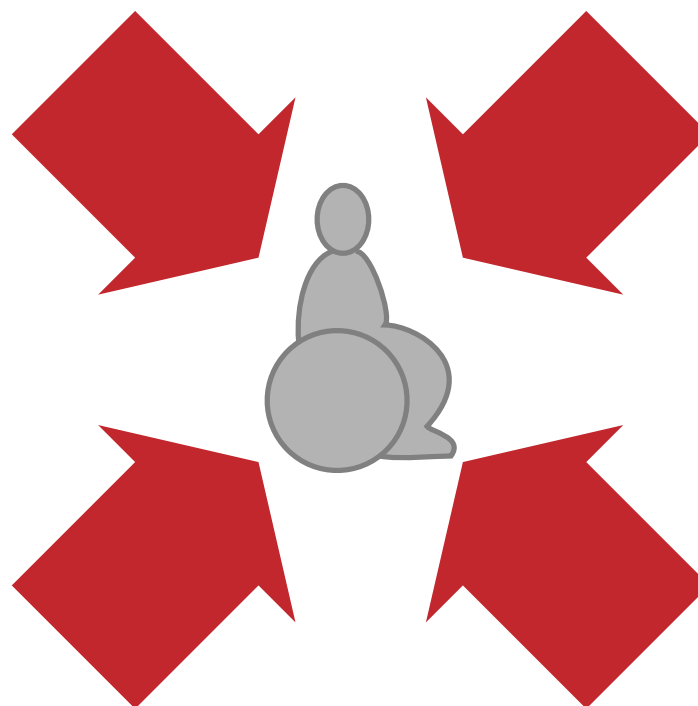
## CUTS TO HOUSING

## CUTS IN SERVICES

- Cuts in adult social care
- Cuts to children's services
- Cuts to Sure Start services
- End of Independent Living Fund
- Increased charging ('care tax')
- Increased eligibility
- Reduction in personal budgets

- Increased benefit sanctions
- The Work Programme
- The Troubled Families Programme
- Work Capability Assessment
- Universal Credit regime
- Privatised assessment regimes
- Growing stigma and hate crime

## SYSTEMS OF CONTROL



# Ongoing harm

More than 8 years after the 2010 Spending Review which outlined the main features of the austerity programme, and which has been continued with only minor changes, despite two General Elections and a numerous claims that “austerity is over” it is clear that predictions that Government policy would harm disabled people have proved true:

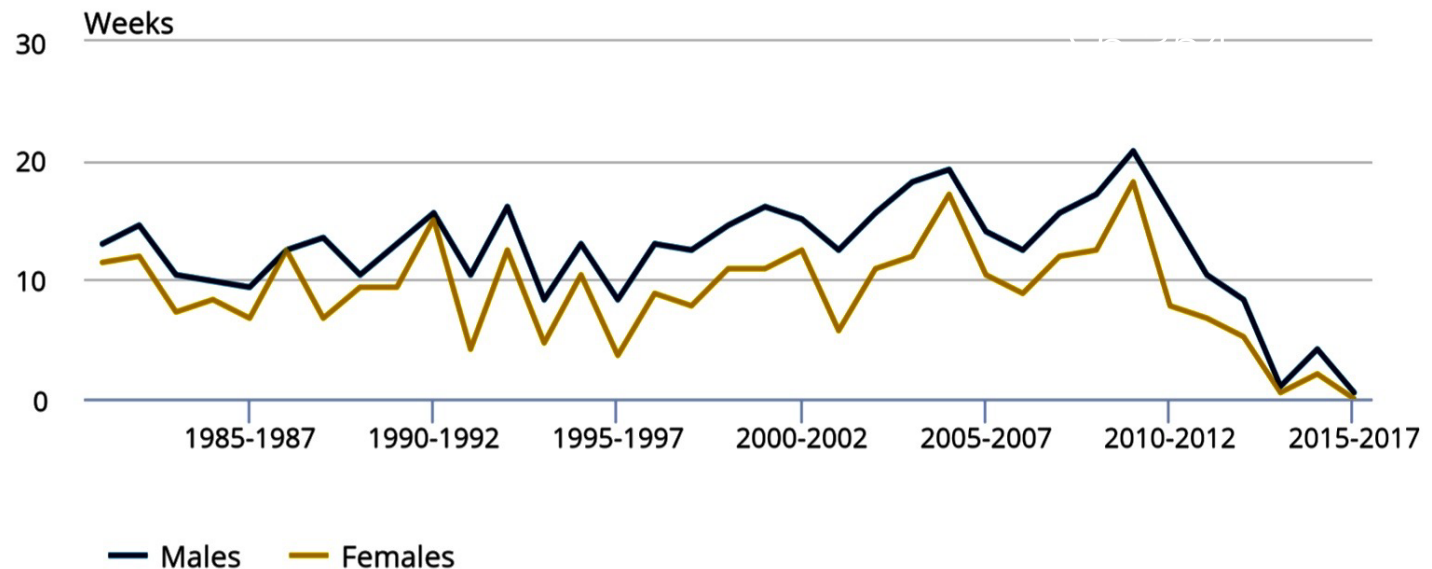
- Suicides caused by heartless bureaucratic procedures
- People dying earlier as health and healthcare is undermined
- Growing indignity as social care is cut, putting families into crisis
- Deprivation, malnutrition and poverty
- Homelessness, institutionalisation and family breakdown

If the Government is serious about respecting the human rights of disabled people it must carry out a CIA to end the current harm, compensate people for the unjustified harm of the past and to develop new policies which support and empower all disabled people to take their place in the life of the community - as equal citizens.

More than 8 years after the introduction of the Austerity programme the damage done is growing and more people are beginning to suffer from its effects. There is now strong evidence to indicate that growing inequality, malnutrition and poverty is combined with cuts to social care is reducing life expectancy.

**Figure 1: Annual change in life expectancy at birth in weeks, males and females**

UK, between 1981 to 1983 and 2015 to 2017



Source: ONS data

# Conclusion

In 2010 the Government began the biggest series of cuts to the welfare state since its creation in 1945, combined with radical 'reforms' to the benefit system. It was obvious that disabled people would be severely impacted by many of these reforms, directly and indirectly.

It is not remotely plausible that the Government cannot assess the cumulative impact of its own policies. It has every means possible: data, people and money. It has a whole Government department dedicated to understanding the cross-government impact of its policies - the Office of Disability Issues - and it spends millions on data collection and research.

It could have built in tracking mechanisms to its own policies to monitor their impact and respond to any harm caused.

It is self-contradictory for the Government to claim that such an assessment is impossible and then to assert that its policies will actually benefit people. How does it know?

The only plausible explanation is that the Government is not telling the truth: it knows that its policies are harming disabled people and it does not want to admit it.

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# Centre for Welfare Reform

The Centre for Welfare Reform is an independent think-tank, working for a world where everyone matters. Since the beginning of Austerity in the UK it has published two Cumulative Impact Assessments of the impact of Government policy on disabled people.

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