



# THE ACCESS GROUP

TUNBRIDGE WELLS BOROUGH AREA

20 Cornford Park  
Pembury  
Tunbridge Wells  
Kent TN2 4PW  
Tel: 01892 822705

5 April 2012

PIP Assessment Development Team  
Department for Work & Pensions  
2nd Floor, Area B  
Caxton House  
Tothill Street  
London SW1H 9NA

Dear Sir/Madam

## Consultation on Personal Independence Payments Second Draft:

Having had an opportunity to discuss and canvass this consultation with my members and other local and Kent-wide groups, they have asked me to respond as follows:

### 1. General Observations:

- 1.1 Since the emergency budget introduced in 2010 by the Chancellor George Osborne and the inevitable cuts both to allowances, benefits and social care support, many disabled people faced with a stark choice of retaining their current levels of support or investing in new aids, adaptations or paying internet charges have been compelled to:

- \* do without aids or adaption's which would have improved the quality of their lives
- \* Not replace worn out aids (including stair lifts, hoists and powered chairs because they can no longer afford the cost
- \* stopped paying internet charges, they no longer use this mode of communication and are then directly excluded from government and local government consultation processes.

**Note** - Removing contact telephone numbers from documents and relying purely on email addresses excludes those not on the internet and is an offence,

based on existing case law.

in order to afford the growing cost of daily social care support and other additional costs related to their disability,

- 1.2 To illustrate this, some of my members from April this year, will face a cumulative cut of 50% in their daily social care support from Kent County Council Social Services. Further cuts are predicted for financial years 2013/14 and 2014/15. Because the real-term value of Disability Allowance (DLA) was reduced when government changed the calculator from RPI to CPI the cuts amount, for disabled people, to a further cut in their income and support, furthermore, within the southeast, the costs of employing carers or personal assistants is much higher than elsewhere in the UK..
- 1.2.1 My members suggest that it is time to consider regional premiums to be added to basic state allowances, benefits etc to take account of these increasing costs. That would mean that in real terms the value of a PIP in the South East would be higher than in Wales or other parts of the UK, but would reflect the additional costs. The alternative, would be to exempt all disabled people from VAT, which would help reduce fuel costs, especially with regard to cars/mobility vehicles.
- 1.3 There is concern that the value of the enhanced or standard PIP may be less than current DLA, which in view of the above would place them in poverty, as well as directly contributing to the undermining of their health and wellbeing. A PIP does not appear to be a "contribution towards the additional costs of a persons disability" like the current DLA.
- 1.3.1 **Motorbility:**  
There is growing concern, that the proposed changes set out in these documents may well result in a disabled person being unable to afford to have a contract with Motorbility for a car or wheelchair. The smaller numbers on enhanced Mobility Allowance would make Motorbility a less profitable company and risks its loss to disabled people.
- 1.4 All of these changes, including the introduction of the PIP will result in a breach of Article 19 The UN Convention on Disabled Peoples Rights formerly adopted in 2000 by the then Prime Minister Tony Blair and Ratified in 2009. In The Joint Select Committee on Human Rights 23 Report of Session 2010/12 the Committee have expressed concern that changes from DLA to PIP will result in disabled people being excluded. treated less favourably (S.147 The Equalities Act 2010) and unable to participate fully in society.

1.4.1 Likewise, the ripple effect of cuts on local authorities will directly result in massive breach under Article 9 as there is now little or no funding available for making all footways and infrastructure in England independently accessible. By 2025 there must be total compliance with regard to all Articles of the Convention, otherwise sanctions will be imposed on the UK.

1.5 Two of my members are retired lawyers and have raised the issue of the non-retrospection clause in English Law. Having examined the draft regulations and the assessment criteria they are of the opinion that a PIP cannot be imposed on existing DLA claimants, without breaching this clause. To quote the draft document, "a new benefit" based on the criteria for assessment and the regulations and as such can only apply to new claimants not existing claimants. This principal was well established with regard to pensions and allowances. The State Retirement Pension, those in receipt prior to the change in the pension being taxable income, remain untaxed, as was the first year of The Carers Allowance, those claiming the allowance from the start remain "untaxed" in accordance with the non retrospection clause. In current budget announcements we note that a similar policy has been taken by the Treasury. So why make disabled people an exception?

2.. Assessment process - Second Draft Assessment Criteria:

2.1 On Page 13 of the Draft Assessment Criteria the implication is that a disabled person will be required to attend an assessment centre to undergo a face-to-face assessment. We are concerned to insure that:

- \* assessments must be at a venue suitable to the claimant
- \* assessment centres must be independently accessible to all groups of disabled people
- \* the centres must be on main transport routes with adequate off-street parking
- \* within five miles of a claimants home address
- \* all costs and expenses incurred in travelling to and from such a face-to-face assessment must be refunded immediately in cash not some weeks after the event

Note: In many rural areas of Kent, there is limited transport in the form of independently accessible vehicles (taxi/hire cars) in such cases these vehicles may well be called to wait whilst the interview or assessment takes place, in calculating the costs "waiting time" can range from £10 to £20 a half hour additional to the fare. To illustrate this, due to a failure by the NHS to find an independently accessible

vehicle, one of my members, a paraplegic, had to attend Maidstone Hospital - on two consecutive days for medical tests - the journey was from Rusthall, Tunbridge Wells to Maidstone Hospital, including the waiting time it cost in excess of £300 for two journeys. Outside of major cities and towns, independently accessible transport can be very costly, due to the lack of public transport, hence the insistence upon "home visits" in all cases.

- \* assessment must be at a time convenient to the claimant, not the assessor, including at weekends or out of normal working hours, to accommodate those who currently work and may lose their employment if they disclose a disability..  
**Note:** After a challenge in 2008, Atos, the medical service) were compelled (by the DRC to change their policy and provide out of hours and weekend visits. The Disability Equality Duty ruling by The Audit Commission in 2007 states that "the agent, contractor or service provider of a listed public authority must comply with the DED of the said listed public authority". Atos being deemed a "contractor" of DWP. This resulted from DWP/Atos compulsion to attend a medical assessment, a disabled person (a farm worker) lost their job because they were compelled to take time off to attend the assessment. With growing unemployment Trade Unions are no longer as supportive of disabled peoples rights, viewing the need to gain protection and employment for non disabled members. The Trade Union Congress (TUC) have indicated that "it is the responsibility of the State to care and look after the full needs of all disabled people" Within the hidden disabilities there is growing fear that they will be compelled to disclose that they have a disability, even when it is well controlled and that will result in them losing their employment. The CBI intend to discourage disabled people from seeking employment by introducing an employers insurance medical. In spite of protests from disabled groups Rt Hon Vince Cable, MP the Secretary of State is not prepared to exempt disabled people from such medical's and from the changes he intends to make to employment tribunals which will adversely affect disabled peoples rights in employment.

The Secretary of State is not above the Law and must comply with Section 147 of The Equalities Act 2010 and "treat all disabled people more favourably" in this regard. Cost is an irrelevance and high travel costs for those in rural areas. Otherwise the DWP may well find they



face court actions on the grounds of being unreasonable or harassing in their actions. There is a serious issue surrounding transport needs of people with disabilities in rural areas resulting from the cuts to funding of local public transport..

### 3. **Second Draft of Assessment Criteria:**

#### 3.1 **Q.1 - Daily Living Activities:**

Whilst we note the changes that you have made, my members have listed some additional issues which they feel need to be clearly set out and identified within the assessment descriptors for daily living:

- \* **Shopping-** you need to assess the following:
  - \* ability to shop - not get confused
  - \* ability to identify product
  - \* ability to read a label
  - \* ability to identify "special offers" (currently for a blind person shopping in a store they are reliant upon an assistant pointing out special offers, often staff do not do this, they more often sell them an expensive product, rather than a cheaper option) an old, but frustrating chestnut with VIP's
  - \* ability to reach up and lift a product down from a shelf
  - \* ability to bend forward or down (many people with artificial limbs cannot do this without falling over)
  - \* ability to lift an item
  - \* ability to grip (many arthritics cannot grip or hold items, also other groups do not have manual dexterity and there is no indication of this in the descriptors
  - \* ability to place items in a shopping trolley, basket or bag.

Many shops are introducing touch screen technology, which many disabled people cannot use - those in wheelchairs cannot reach, blind people cannot see, those with lack of manual dexterity cannot use. As far as we can tell none of this is covered, the failure score should be set at 2 for each item with a total of 18 if the disabled person would have difficulty in undertaking all 9..

- \* **house cleaning** - failure to undertake this task could cause

a serious health hazard this has not been directly covered in the descriptors -if a disabled person is unable or is not aware of the need to clean their flat, house or room - they will need support. The score for failure would be 8.

- \* accessing information - my members have noted Activity 7 page 86 Item "D" they asked me to comment: those with a visual impairment often cannot read labels, this can be fatal when dealing with medication. It can directly result in exclusion from society. There is a need to cost-in Readers for blind people. - reading bills, invoices, correspondence. Public authorities assume that disabled people have direct access to the internet, can find someone to read correspondence to them - this is not the case. For example, as a blind person, it costs me £10 an hour to employ a reader. If I require that person to undertake research/consultations by reading to me reference books the cost rises to £15 an hour and for legal work up to £20 per half hour.
- \* Monitor Health - Activity 3 page 77 - The following should be added both for this and the Bodily functions monitoring.- Activity 4 page 79 Under the descriptors for dealing with bodily functions there is a need to monitor for blood - some years ago there was the celebrated court case of Cohn v DWP. Hans Cohn a blind man became anaemic, the cause discovered by his sighted wife was haemorrhoids. He was unable to detect that he was bleeding. Such things need to be covered in the assessment descriptors for both bodily functions and monitoring health, as well as within the definitions page 13 draft regulations..
- \* Damage to clothing - this does not appear to have been considered or covered within the descriptors. Blind people, like those in wheelchairs have a propensity to damage their clothing torn on unseen objects, in the case of wheelchairs clothing gets caught on parts of the chair, increasing dramatically the costs to these two groups.
- \* Laundry - there is no mention of washing clothes, sheets etc. Many disabled people, especially those elderly disabled people, soil bed linen, clothing more often than other groups. This also applies to many chronically sick people, our members noted that there was no descriptors to cover this very important and potentially costly issue. Costly in power use, the need to have several sets of sheets and spare clothing and underwear. Whilst you refer to this under

incontinence, many disabled people would give a negative answer to that descriptor, although, in reality, their laundry costs may be as high as an incontinent person, but for entirely different reasons.

- \* **Engaging socially** - Activity 8 page 87 my members were concerned about this section, they felt that the definition sums up the situation reasonably, whereas the descriptors do not imply the same as the definition. To give you an example, someone with Asperger Syndrome/ADHD will not respond to facial or bodily recognition. Their perception of what is said may differ from what is meant. Many are now directly supported on Paula's Plan, a 24/7 365 mentoring, counselling telephone support network, which enables people to discuss, gain advice to cope with problems. The network is run by volunteers and each person has three volunteers they can directly telephone at any time of the day or night. Currently the cost is funded by Higher Rate Care Component of DLA, according to Prof. Gillian Baird of Guy's Hospital, this system saves the NHS around £10000 per annum per patient in Consultant, other health professional time, support and medication. Furthermore, it gives to the individual a degree of independence hitherto denied. People with Asperger Syndrome are loners, geeks, and as a group have been responsible for acts of violence in the UK, Hungerford and Dumblaine are good examples and all the recent cases in the USA. The survivors of the Channel 4 programme about a group of special forces troops in Afganistan (all Aspergers) are now serving long terms of imprisonment after the MoD disbanded the unit. Like a volcano they can appear relatively normal for long periods, then they erupt, sometimes with violent and fatal consequences. Paulas Plan prevents that from happening. Within your descriptors there is no description which adequately deals with this very large group, within the autistic spectrum. They work well as gamekeepers, farm workers as they react like a machine and will carry on a task until the job is done. Trade Unions with farm workers tend to exclude this group from membership, since the famous case of a farmer who made two non disabled workers redundant after taking on a single asperger farm worker. A tribunal ruled the redundancy unlawful and the DRC ruled the case as exploitation of a disabled person. In schools this group tend to be bullied and teachers often find that if the child has not been given Ritalin or similar

medication, the child learns nothing, being in a different world to his peer group, older children at Secondary school face similar problems, although some find places to hide, one child did all his homework in a large broom cupboard in the school during break times. This only came to light when he was reported missing by a teacher. We noted your attempts within the explanation to take this on board, we agree that in these cases, the medical condition should define just how the person is classified and the descriptor and weighting should be set accordingly. In these cases Specialist evidence is vital, as is the need to ensure that the assessor has the appropriate expertise to deal with such cases. Remember, that several Tribunal Appeals have been won for a claimant because of the failure to employ the correct levels of expertise..

- \* **Making financial decisions** - Activity 9 page 89 - my members felt that the majority of disabled people did not make such "complex" decisions alone. Often they needed help and discussed them with a third party. In recent years the financial advisers within local banks and building societies provide such help to disabled people, sorting out their bills, invoices, other communications including council tax demands, tax credit forms, housing benefits etc. Likewise, the local Gateway Service (part of local government) drop in centres and Libraries provide similar support and advice. Our group has provided training for local Nat West, Barclays and Nationwide staff. The descriptors refer to "complex" decisions, my members feel that is misleading. At face value the answer would often be "no!", many rely upon support from staff in banks and building societies, or their personal assistant or carer.

**Simple financial transactions** - some get given "pocket money" enables them to make simple transactions unsupervised. To give you an example, in shopping, the mere decision to purchase an item can and does for some take time (10/20 minutes per item) and involves counting and recounting cash. They would be assessed by your descriptors as capable, when in reality it could take them well over an hour to make three or more purchases. We have a large group of mental health people residing in our area, one of the classic ways they do shopping is to put all the items they want into a basket take them to a check-out hand over their

credit card and if there is no money on the card, they leave the goods. Because they have not left the shop, they commit no offence, merely give extra work to the staff. If you challenge them, they would say they know what they are doing, when clearly they do not. The weighting prompting to make complex decisions should be 4, simple decisions should be 6 and unable to make a decision should be 8.g simple decisions.

### 3.3.1 Q.2 Weighting:

My members have indicated where they think a different weighting should be given, generally we support the levels indicated within the draft.

### 3.3 Q.3 Mobility Activities:

As you would expect from an Access Group my members have some major concerns, before answering the question they have asked me to detail the nature of the problems being faced and the barriers, some of which are being created as a direct result of the economic cuts:

- \* **The rail network:** many railway stations are not accessible and will require massive amounts of state funding to make them independently accessible to all groups of disabled people. The introduction as part of the DfT's McNulty Report of touch screen ticket machines makes some unmanned stations inaccessible to disabled people, especially those with a visual impairment. Removing staff, especially "out of hours", late evenings and at weekends, makes it impossible to travel and gain assistance when so required to get on or off a train. Such recommendations must be blocked if the Welfare to Work Programme and the PIP is to be made to work, otherwise none of us will be able to get around. I should add that McNulty did not consider disability access as part of his report and recommendations, nor was he informed that he should consider independent access for disabled people within his recommendations.

- \* **Public transport - buses:** - The Confederation of Public Transport (CPT) have just introduced a Code to limit the types of Mobility Vehicles using buses. The Code has been given tacit approval by the DfT, without consideration of a long standing agreement to uprate the dimensions and weights of wheelchairs under the DDA Bus & Coach Regulations 2000. The Code was an attempt to restrict the elderly from using buggies and scooters. The weight and size limits being imposed, take no account of the modern all



terrain powered wheelchair". Many are 70 kilo's (the maximum weight allowed under the Code), however, when you add the person and their shopping they exceed the permitted weight. The major problem with all powered mobility vehicles is the weight of batteries and the fact that they do not last long enough before a requirement to recharge. The more you recharge a battery, the shorter is its working life and they cost! The CPT face excluding disabled people from buses as a direct result which is an offence under The Equality Act 2010. Likewise due to the cuts, bus stops do not have audible announcements for the visually impaired in Kent, nor is current information accessible to many groups of disabled people, many services remain inaccessible and are now being cut, making many rural disabled people virtual prisoners, as voluntary alternatives cannot provide independently accessible vehicles. Restricting the size of disabled bays, failing to prioritise seating and having pictogram signage and audible announcements further restricts mobility.

- \* **Voluntary Sector:** - The voluntary sector cannot provide independently accessible vehicles for those in wheelchairs and other groups, likewise the volunteers retain the right to exclude, for safety reasons other groups, such as those with a mental health or learning disability.
- \* **NHS Services:** - The NHS can no longer afford to transport or fund The Volunteer Car Service and the requirement to provide independently accessible vehicles (part of the DDA Regulations) has spelled the end of this service) all disabled people free of charge, nor can they guarantee times for pick up and return, resulting in disabled people missing appointments or becoming ill due to long waits in hospital or other NHS facilities.
- \* **Fuel Costs:** - for those in rural areas the high cost of fuel is a serious issue. Most of the vehicles that disabled people use are large to accommodate them, their wheelchair and other items of equipment. Getting around and planning journeys has to take account of these costs. It is a major limiting factor in disabled people in rural areas interacting with society. There is a need to exempt disabled people from VAT, and fuel duty to enable them to get around. Those increases in fuel costs also impact on public transport, taxi and hire car services and voluntary and charitable services too, which further restrict disabled people.

All of this has happened since the cuts began and directly affect the ability of disabled people to get about. The failure by 2000 of local highway authorities to ensure that all kerbs in England were dropped or bridged and appropriate tactile wayfinding indicators are in place is a matter of grave concern. Hence when assessing a disabled person the barriers and the failure of local and government departments to remove them, due to the cuts, must result in increased points for all groups of disabled people. To give you one clear example, blind people find "A" Boards, Chairs and Tables lethal barriers to accessing footways, especially outside major cities where the average footway width is less than 1.5 meter from building line to kerb edge. For those in wheelchairs this kind of obstruction makes it impossible to get around. You need to have a personal assistant (costly) with you at all times to remove barriers, stop traffic to facilitate access around a barrier.

**Note:** Under both The Human Rights Act 1998 and The Equality Act 2010 it is an offence to expect a relative to care for a chronically sick or disabled person, because it results in an infringement of their human rights. (Ruling of EU Court of Human Rights. It applies to the UK, because they failed to opt out of that part of the original treaty).

### **3.3.1 Disability Hate Crime & its affects:**

The problems caused by unwise statements from Treasury sources has resulted in an increasing level of disability hate crime. The police are powerless to act, as they must have independent witnesses or see the offence committed. ACPO attributed the cause to unwise statements made by Treasury and DWP officials and media misinterpretation. The fear of attack or ridicule has resulted in less journeys being made by disabled people in Kent, unless they are accompanied at all times. ACPO also stated that "blind people were an easy target for an opportunist thief and should always be accompanied or travel by taxi or private car". In general terms, whilst accepting the legislation both under The Equality Act and UN Convention, the advice given by ACPO is that "at all times a disabled person should be accompanied by a non disabled person to ensure their personal safety". That statement has serious and costly consequences for DWP and this consultation. I should add that many insurance companies are aware of that statement and its implications for them, personal liability insurance cover and premiums for disabled people..

### **3.3.2 My members feel that the failure of an assessor to fully take account of these barrier problems renders them directly liable to an offence under**

Articles 9 & 19 of The Convention and Equalities Act and the DWP liable for failing to take account of this growing problem within the PIP assessment process. .

**3.3.3 Activity 10** - For the very practical reasons set out above, many people can honestly say "No" to "A". Due to the fear of being attacked or ridiculed many otherwise capable disabled people would also say that B applied to them. As it would depending on the time of day that they made a journey. Visually impaired and those members with an assistant dog were pleased with the weighting given to "C" and "E" page 91.

**3.3.4 Activity 11 - Item "D" page 93** - should have a separate subsection "practical physical support, assistance or guidance from another person" and the points awarded for the need to have support etc should be the same as "F". As it amounts to the same thing.

**3.3.5** Within the home the same issues apply, although it may due to the interior size of a home be impossible to use a powered chair, unless major adaption had been made. Gaining planning permission, especially for disabled people (see The Torpey Case) can be very costly. and time consuming. Changes need to be made to Planning legislation to permit exemptions for disabled people. In such cases physical support from a third party or other aids may well apply. Within the SHLA (an acronym used within the planning process), many local authorities and for that matter government are resisting the Part M Buildings regulations amended widths, Rt Hon Eric Pickles Secretary of State is not happy that such increases in dimensions and ramping etc is helpful at a time when more homes are needed. Also the need for grab rails and other support aids, means that light stud walls are not always appropriate, increasing the unit cost of a house or flat. Put simply independent disability access within the home comes at a real cost, which is currently unacceptable. These factors need to be factored into the criteria relating to Activity 11.

**3.3.6 Q.4 Weighting & Entitlement Thresholds:**

In our response above we have detailed the barriers to independent access and mobility. To be able to have independence relies upon good mobility and independent access, that is, as we have indicated a very costly issue and one that it will be near impossible for the UK to meet by 2025 (the final compliance date set by The UN Convention). Thus entitlement to independent mobility and access is a right and must be met by government, and to quote The UN Commissioner for Human Rights Office "irrespective of the cost". All people with disabilities defined within the DDA 1995/2005 Acts should be so entitled to a Mobility

Component. Blind people have now been granted the Higher Rate of DLA Mobility Component and that will mean that they will automatically be entitled to the Enhanced Rate of Mobility Allowance under a PIP, a factor supported by The UN Commissioner. For the reasons set out above, including Disability Hate Crime, it will be necessary to revise dramatically the levels of Mobility to permit the necessary costings for disabled people to afford a person to accompany them at all times and to meet the additional costs incurred in surmounting the many barriers to access. It may well be necessary, and we consider it prudent, to legislate within the Welfare Reform Bill, to make it an offence to fail to remove promptly upon request, irrespective of the cost, any barrier to access, prior to the changes to allowances, to ensure that all barriers are removed and allowing government to have the powers to fine local authorities that fail to comply. Remember, under Labour, DETR gave the necessary funding to make footways accessible by 2000, it was not ringfenced, so local government were able to use it in other ways. The judiciary have ruled already that "a person deemed fit to work, cannot undertake work, if there are physical barriers to them accessing employment". Failure, in spite of this warning, to have such powers to compel compliance in place, will result in major critical comment from The UN Commissioners Office.

### **3.3.7 Q.5 - Regulations:**

Taking account of the comments set out in Q.4 above and those set out in para 2.1 above. All premises must be independently accessible, if they are not then the assessment cannot take place.

Line 12 page 6: The time limit for the letter should be changed from 7 to 21 days to allow for poor postal services, many rural areas do not have a daily postal service. Also to allow for specialist transport to be arranged, this is especially necessary in rural areas, where availability of accessible vehicles is at a premium due to school and hospital runs. Furthermore, in Line 14, the wording should be changed to:-

or unless that claimant agreed to accept a shorter period of notice, given in writing or other accessible format previously agreed with the claimant"

### **3.3.8 Q.6 - dealing with fluctuating conditions:**

Our members felt that the proposals were reasonable and that clearly DWP had accepted the need to look at conditions in greater depth.



**3.3.9 Q.7 - The three terms:**

Our members thought that these were reasonable too and think that it would be correct to include these three terms within the Regulations as it would give legitimate force to them.

They felt that it would be a good idea to apply them to the descriptors. as one member put it, "it may take me all day to achieve a single activity, whereas others could take much less time". This would better enable assessments to reflect the true abilities of a claimant.

**3.3.10 Q.8 - definitions in the Regulations:**

My members felt that they were clear and understandable.

**3.3.11 Q.9 - Other comments on the Regulations:**

My members felt that they had covered all the points that they wished raised. However they wished me to bring to your attention the following Articles set out within The UN Convention which they felt had a direct bearing on this consultation and the proposed PIP..

**4. Implications of the UN Convention:**

- 4.1 Many of the assessments set out in the Draft Regulations and other documents take no account whatsoever of the implications of the formal ratification of The Human Rights Act 1998 and The UN Convention, upon the UK Government meeting total compliance in all areas of the Convention by 2025. The current proposals set out in this consultation document as part of The Welfare Reform Bill, according to the Office of the UN Commissioner for Human Rights "would appear to indicate an intention to undermine the rights of all disabled people in the UK .
- 4.2 My members have asked me to point out three Articles which they consider will be directly breached by the UK if the numbers of disabled people is reduced as set out in the consultation documents to a caseload of 1.7 million from 3.5 million. They also point out that the value of a PIP must not be less than the current value a claimant receives from DLA. But to comply with the following articles, it should be dramatically increased to meet the rising costs of daily living support, aids and adaptations, otherwise the UK are in direct breach and will face a legal challenge, which may result in direct sanctions being imposed.
- 4.3 Article 20 of The UN Convention places a right for all disabled people to have independent personal mobility, including, irrespective of the cost,



the provision of mobility aids, adaptations, training skills and physical support. That places a direct onus upon the UK government to provide all disabled people, irrespective of the cost with the independent mobility that they need, including sighted guides and fully meeting those costs (Office of The Human Rights Commissioner).

- 4.4 **Article 9** The UN Convention places a right to independent access for all disabled people to goods, services, facilities including all footways, transport interchanges, stations, bus stops; places of work (not just public parts). Failure to meet total compliance by 2025 will result in sanctions being imposed on the UK. Because most disabled people reside outside major cities, they have considerable difficulty in getting around. The high cost of petrol and diesel needs to be addressed within the **Mobility Component** by increasing the value of the mobility component or by providing a voucher system, or exempting disabled people from VAT fuel.
- 4.5 **Article 19** . The UN Convention confers the right to independent living for all disabled people, irrespective of the cost, the PIP apparently not being a contribution, but rather to meet the full cost, at both levels will need to meet this challenging right, otherwise the UK will be in breach (according to the Office of the UN Commissioner for Human Rights) Disabled people aged 16/64 who find the value of their PIP being less than the current value of their DLA will challenge this in the courts using the UN Convention and S.147 The Equality Act 2010, which requires that disabled people are treated more favourably. Existing Case Law has established that it is illegal to cut a disabled persons allowance/benefit, as is failing to uprate.
- 4.6 **Section 147** The Equalities Act 2010 places a direct requirement upon the UK government and its agents, contractors and service providers to treat disabled people more favourably, to enable and empower them to have a level playingfield with non disabled people and to ensure that, irrespective of the cost, they are able to live independently to improve their health and wellbeing, enabling them to enter and interact with society
- 4.7 In the light of recent announcements made by the government and the indications set out in these documents there is little likelihood that this will happen, which means that government will be in breach of the Convention, and The Equalities Act 2010. Furthermore, the cuts to local government render them in breach of The Equality Standards in Local Government 2000, where at the lowest compliance level they must adopt and comply fully with the Social Model of Disability also known as The

- UN Convention, as well as Disability Discrimination Act Regulations which together with The Disability Equality Duty form part of The Equalities Act 2010..

These are the collective views of 72 individual disabled people and local organisations within Kent. Should you wish to contact me to discuss any of the points raised, I can be contacted on the above telephone number.



Michael Coggles  
Chairman

Member National Disability "Cuts Watch" Team