

Committee for Social Development
25 October 2012
Oral Briefing

[CHECK AGAINST DELIVERY]

Can I begin by thanking the Committee, for the opportunity today to present evidence concerning the Welfare Reform bill, with a particular focus on how it will impact on children and young people's lives.

I would like to introduce Dr Goretti Horgan from the University of Ulster who co-authored one of my reports on Welfare Reform and Colette McIlvanna from my Legal and Casework team.

I will give a brief presentation and then we can take any questions, which any members may have in response.

As you will be aware, under the legislation set by the Assembly which created my Office, I have a duty to keep under review, the adequacy and effectiveness of law, practice and services, relating to the rights and best interests of children and young people. In determining how to carry out the functions of my Office, my paramount consideration is the rights of the child. It is my duty to remind the Assembly of its commitment to the United Nations Convention on the Rights of the Child (UNCRC).

Any reform to the welfare reform system is recognised as having a particular impact on the lives of children and young people

The Welfare Reform Bill is accepted as having the furthest reaching consequences for children and young people. Children's rights should be considered at an early stage to ensure that they are embedded in policy and legislation. The UNCRC should be the starting point for any law, policy or decision for its impact on children's rights.

It was this in mind that I have called for this Bill and the subsequent regulations, which will hold the detail of the practical application of the bill, to be scrutinised against the standards set in the UNCRC. I will renew this call to the Committee later in my presentation.

You will all have seen my written briefing to the Committee along with the evidence contained within my two reports on Welfare Reform which assess its impact on children and also the question of parity.

I listened with great interest to the Minister's statement to the House on Monday and I want to begin by welcoming four aspects of his statement.

Firstly, the issue of the regularity and timing of payments to families has been of concern to myself and others who work with and support families. I welcome the confirmation from the Minister that he has negotiated a concession to allow for

operational flexibility on this issue to allow IT systems to be developed to split a payment to a family into two smaller payments rather than a single full monthly payment. This will no doubt assist vulnerable claimants who find budgeting difficult and in turn will benefit the children in the family.

While I welcome this, I am concerned that the Minister has asked his officials to develop and consult with public and voluntary sector representatives on a set of guidelines for determining when the universal credit payment should be made on a twice-monthly basis.

I believe that the choice of payment option should lie with the claimant who should be able to choose whether to accept the default position of a monthly payment or to "opt in" to the option of having fortnightly payment without having to meet any additional set criteria. This, I believe, will protect the most vulnerable claimants and their children. To require them to meet a set of criteria, when there is no risk to parity on this issue,

simply complicates the matter unnecessarily and could serve to stigmatise the claimant further.

Secondly I welcome the Minister's confirmation that he has negotiated flexibility regarding on who in the family can receive the benefit. The original proposals, where the Universal Credit would be paid to the main claimant - which is likely to be the male in a couple - could have resulted in a breach of a child's rights under the UNCRC.

Research has shown that when money goes directly to the mother is more likely to be spent on children than when it goes to the father.

I therefore ask that when the Minister is looking at the implementation of this operational flexibility he makes sure that the child element of the benefit is paid to the primary carer of the children.

This, I believe, will better serve the rights of children.

Thirdly, I welcome the flexibility on direct payments to landlords. The issue of changes in the housing elements of benefits is one which has the potential to have a vast impact on the lives of children.

The issues of segregated housing in Northern Ireland, the definition and application of the rules on under-occupancy and the impact of the new rules on children with disabilities cannot be underestimated.

I, along with the Children's Commissioners in the other UK jurisdictions, met with Lord Freud in September and he told us of the research that he was conducting into the Northern Ireland housing situation. I note that Lord Freud is to visit Northern Ireland in November and I would welcome a meeting with him to discuss this and other matters.

Finally, the Minister has confirmed that the implementation date for Universal Credit will be April 2014, which is some 6 months after the implementation date in GB. Hopefully this will mean that Northern Ireland can benefit from any lessons learned in the other jurisdictions as they roll out in October 2013. Again this is to be welcomed.

However, notwithstanding these concessions there remains a lot of work to do in order to ensure that the Bill meets the standards outlined in the UN Convention.

The issue of the benefit cap and the impact this will have on larger families remains. It has been remarked that I have raised a warning that the benefit cap would be like social engineering; in effect forcing families to have less children.

I was, in fact, warning that the benefits cap will punish larger families.

In addition - as members will know all too well - a lack of childcare infrastructure in Northern Ireland also hampers our families in seeking work or increasing their hours of work. Childcare provision here is amongst the lowest in Europe.

Further, the proposed conditions and sanctions have the capacity to cause breaches of children's rights. Even with the Westminster commitment to continue to pay the "child element" of benefits to "sanctioned" parents this does not go far enough to protect the rights and best interests of children in "sanctioned" families as the removal of any income from household budgets will have a severe impact on children.

The Social fund and the availability of crisis funding for families has long been a mechanism which has assisted families in urgent hardship. I feel that if the Social Fund is not replaced by a "ring fenced alternative" which is protected in the Northern Ireland budget, as an emergency fund for families, it will result in a failure to provide for the best interests of the child, in accordance with Article 3 of the UNCRC and is likely to result in the breach

of other articles including the right to enjoy the highest attainable standard of health under Article 24.

I am deeply concerned that *in the proposals* that claimants who seek emergency funding and who have a certain level of debt or rental arrears will be refused assistance. It is these families who are already at breaking point who will be most in need of emergency crisis funding.

I therefore call on the Assembly and on this Committee to make sure that enough money is allocated to meet the basic material needs of children and that the money to be made available for crisis funding is ring fenced and not made conditional on the solvency of the claimants.

I want to advise the Committee of the many potential problems I and others foresee for children with disabilities with the change from Disability Living Allowance to Personal Independence Payments.

Due to the high rates of disability and ill-health in Northern Ireland, many children may suffer from a decrease in their family's income due to the changes.

As you may be aware my remit extends to young people up to the age of 21 who are disabled. There are currently about 5,000 young people aged 16-20 receiving DLA. In particular the mobility element of DLA is vital for the additional transport costs many disabled young people. This could result in the reduction of a young person's independence if changes are implemented as currently envisaged.

The rights of disabled children or children of disabled parents are under threat. The Assembly and this Committee through the scrutiny process of the Bill and the regulations has the power to protect the rights of these children and young people under Articles 2, 3, 6, 23, 24, 26, 27 and 28 of the UNCRC and I call on you to make sure that these rights are respected.

I have previously called for the setting up of an expert group to examine the Work Capability Assessments (WCA) being carried out in regard to the new assessments for Personal Independence Payments. We have suggested that the expert group should include psychiatrists who work with people who have PTSD (due to legacy of the conflict issues) as well as paediatricians and other experts in childhood disability.

Through my engagement with other agencies and families I have heard concerns about the transition from DLA to PIP. I am aware that there is concern that recipients of DLA are not aware that they will, in fact, have to apply for PIP as if it is a new benefit and will not automatically transition on to the new system.

Further, concerns have been expressed about the procedure which will ensue when claimants are invited to apply for PIP and the associated timeframes for applications.

Clearly, the advice sector in Northern Ireland will, along with MLA's own constituency clinics, feel the effects of this with an increase of claimants needing assistance and we understand that some MLA's have already reported that their constituency offices have been inundated with queries.

I call for funding to be made available to the advice sector to meet this need.

Perhaps members may wish to seek training for their constituency staff as the effects of welfare reform bite.

The regulations, which are to follow this Bill will shed further light on how it will impact on children and young people. I urge the Assembly and this committee make sure that that the Bill has compliance with child's rights, and that the regulations are scrutinised against the standards set out in the UNCRC.

It is NOT enough for this Bill and its regulations to be Human Rights compliant.

It must be UNCRC-proofed too in order to uphold the rights of some of the most vulnerable members of our society.

I acknowledge that in all reform there are – to put it crudely – winners and losers.

I fear that the real losers will be the most vulnerable in society.

When you sit in your constituency offices tomorrow I hope that you will pause for a moment and reflect on how Welfare Reform Bill in its current state will hit the most vulnerable of your constituents and their children

Thank you for your time.