

Transcript of
Tim Abbott's discussion with Kaliya Franklin
Technical Difficulties, broadcast on Resonance FM
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Tim Abbott: This is Resonance 104.4FM, *Technical Difficulties* with me, Tim Abbott. This week, we are tackling the Twitter sensation of the last week, the Spartacus Report. But that would be to jump ahead and to presume that those of you listening understand what that report was and what exactly that reference means. So hopefully on the line to explain some of that is Kaliya Franklin.

Kaliya Franklin: Hi, Tim. Thanks for inviting me on.

TA: My pleasure. So yeah, that reference first. The official name of the report was ...

KF: Responsible Reform.

TA: But ...

KF: It's known online as the Spartacus Report, because unlike other reports, although we had a group of core writers, led by Sue Marsh and Dr Sarah Campbell, it's a report from the disabled community, who were all involved in fact checking, in researching, in all sorts of smaller ways, and we wanted to use something catchy so that everyone would immediately get the reference to, that it's a large group effort, so we decided upon the Spartacus Report.

TA: Why would you imagine that anyone would take a report from a vested interest group, a self-described group of disabled people, on the issue of disability benefit?

KF: Because disability benefit affects sick and disabled people. Nobody understands the system better than we do. We are the truest experts, we live with our conditions, we live with the need for welfare, we mostly live within the welfare state, so we understand the different interactions between welfare, social care and the NHS, which clearly the writers of the Welfare Reform Bill don't understand.

TA: So what is the big difference then? Why bother with a report when you are a prolific blogger, and in fact -- we've spoken about this on the show before -- you have taken direct action yourself and so have other members of that group. So what makes this different? Why a report? Why now, as well?

KF: Because we felt that we had to produce an evidence base to back up what we were saying; otherwise we might as well just shout into the wind. So producing a credible, well-researched report was vital to engage properly with the political process to provide the evidence we needed. We knew all along that the government's DLA consultation was

deeply flawed. The fact that the consultation ended two days after the Welfare Reform Bill was presented to Parliament was one big, big indicator that actually, the views of disabled people had been completely ignored, and it's one thing to claim that, and it's quite another thing to produce the evidence backing up that claim.

TA: Indeed. You accused the government of misleading the public on the issues, of ignoring disabled people, and of acting prematurely. I mean, we've spoken, and I've spoken on this show before about the timetable of the consultation ...

KF: Yes. The timetable of the consultation was shorter than it should have been anyway, by two weeks, and it also ran across the Christmas and New Year period. Now, there's quite clear legal guidance on government consultations, that once they've started the consultation, they are legally bound to follow their consultation code of practice. Part of that code of practice is that, for groups that need reasonable adjustments, that must be considered in the consultation period.

TA: A-ha.

KF: We heard from many of the groups who responded to the report, particularly the local disabled people's organisations, who'd repeatedly asked the government for *accessible* information that they could share with their members to consult properly and they simply didn't receive them, and they didn't receive the amount of consultation briefings that they needed for people to be able to see it. We're also very suspicious that the government, when they released their consultation results, had absolutely refused to publish the full results, so we had to use a Freedom of Information Act request to actually get those results, and what we found was that whereas the government were claiming that disabled people had responded positively to the proposals for PIP [Personal Independence Payment, the proposed replacement for DLA], when we analysed the group responses, only 7% actually supported PIP. 74% of the *group* responses were against the proposals for PIP. And the reason we selected the group responses is that each of their responses represents large numbers of disabled people.

For example, one of the group responses will have been MIND or Mencap or Scope, all of whom had consulted vast numbers of disabled people. We also knew that, of the individual responses, 2,500 of them (a full 50%) had used template letters, most of which had been produced by disabled people online, so we knew what they said, and we felt that individual views were generally theirs, whereas the group responses were relective of a very wide base of support, of charities and charity users. But of course we've already put a Freedom of Information Act request in to get the rest of the responses, to prove to the government that they cannot try and mislead the public yet again, even after they have been repeatedly caught out on this, and people like the Work and Pensions Select Committee have heavily criticised them for that, and even Ian Duncan Smith himself has been forced to admit that they have used misleading information throughout the Welfare Reform Bill.

TA: Let's presume someone's tuning in now who hasn't engaged with the consultation process at all and doesn't understand the context of the information that was received after the Freedom of Information request. What was the consultation relating to; why are the responses important?

KF: The consultation was relating to the proposals that the government have to scrap Disability Living Allowance, which is a benefit with a fraud rate of 0.5%; the government plan to reduce eligibility for the new benefit, Personal Independence Payment, by an overall minimum of 20%, and we say a minimum of 20% because the government use the entire DLA caseload in their figures, which include children and adults of pensionable age who were already receiving Disability Living Allowance. But the proposal to change to PIP only applies to disabled adults of working age. So what the government did was to ask various questions of the disabled population, on things like whether we agreed with their proposal to change the different rates of the care component from three (a middle, a lower and a higher rate) to two; whether certain conditions which currently automatically qualify you for Disability Living Allowance, such as some life-limiting degenerative conditions or quadriplegia should be removed. But the government are suggesting that everybody will be regularly reassessed under Personal Independence Payment, even those of us who have vast amounts of medical expertise to back up the fact that we have degenerative conditions.

They also wanted to look at other things, like changing the qualifying period, introducing a different type of assessment to DLA, which is much more similar to the current Work Capability Assessment for Employment Support Allowance, which has been dogged with problems, and we found that 90% of the group responses were completely opposed to this kind of new assessment.

TA: It's interesting that you bring up the ESA, because in the last couple of days, we've had the Welfare Reform Bill going through its third stage in the House of Lords, which I'm not going to bother to explain what that means, but basically they're still talking about it; and there were amendments tabled which were disagreeing with the government's direction of travel. Three of those amendments went against the government -- went in favour of the people who tabled them -- and at least one of those, off the top of my head, was specifically about time periods ...

KF: It was specifically about the proposals to time-limit Employment Support Allowance for people who are receiving it because they've paid National Insurance. Now, Employment Support Allowance is the new name for the benefit which replaced Incapacity Benefit, so it's a benefit that's paid to people -- to adults of working age -- who are not fit for employment for reasons of sickness or disability, and the government were proposing to stop eligibility for that benefit, regardless of the health of the person receiving that benefit, after 12 months, because the government claim that those people have other forms of support in the form of partners or families. Now, had the government used the same means-testing limit that they've got for Universal Credit, which is approximately £26,000 a year, there might not have been such opposition to this time-

limiting clause. But the way it's been set up means that, if you are a couple where one is in employment as a minimum-wage shelf-stacker, and the other has paid National Insurance all their working life and is now too sick or too disabled to work and so needs to receive ESA, after a year that couple will no longer be eligible for any of that support because the means-testing limit starts at about £7,500 a year, and I think that most of the British public would agree that on £7,500 a year, it's going to be *incredibly* difficult for anyone to pay rent and bills, let alone to support an entirely dependent, unwell person who requires all sorts of extra costs in terms of heating, or food, or equipment, or transport.

TA: The bill is increasing, because more people -- actually, possibly for legitimate reasons of more people realising that they actually deserve the benefit ...

KF: Labour, when they were in power, did quite a lot of work to try and make sure that people claimed the benefits that they were entitled to, because there was a big problem with people not claiming those benefits in the system, but Labour also did an awful lot of work to try and push disabled people into employment. Some of that was good, and a lot of it wasn't. But what people don't realise is that the Incapacity Benefit caseload has actually remained fairly stable and actually reduced for some conditions over the course of the last ten years, which has balanced out the previous problems that we had under the CONservative government, with some people being directed towards Incapacity Benefits rather than unemployment benefits. It's much clearer on DLA, which is laid out in the Resonsible Reform report, because from that we can see that, for physical conditions, the DLA caseload has remained very stable; the only increases over the past 10-15 years has been round about 350,000 people which is entirely accounted for by demographic changes. We have more medical treatments now, so people survive conditions that they wouldn't have done 20 years ago, but with subsequent disability.

Where the caseload has increased, quite significantly, was for adults with learning disabilities, and that's partly because DLA was intended to provide support for these people who started being moved into the community instead of institutional care, and there's been better take-up. And we also found that for mental health conditions, there has been an increase, and it's particularly interesting to find that mental health conditions had increased as a global trend. We couldn't find any evidence at all that this was particularly linked to the UK, so it didn't have anything to do with the level -- of the rate at which benefits are claimed at; it had everything to do with a global pattern of increasing mental health problems.

TA: It's interesting, from the global level all the way down to this city where I'm sat. We're a London radio station, and interestingly prior to your report coming out, actually, there may have been an independent leak, but the response of the Mayor of London to the DLA consultation emerged into the public domain, and I just will take the halfway point of this programme to read you a part of that response, because I find it quite astonishing actually. Given, especially, that he is a politician from one of the governing parties, he's a Conservative. So, this is Technical Difficulties, I am Tim Abbott, on the line we have Kaliya

Franklin. This is the opening to the response from the Mayor of London to the reform of the Disability Living Allowance, and I quote:

“Deaf and disabled people, living in, working in and visiting London continue to face many barriers to full civil participation. Disabled people experience greater financial hardship as a consequence of essential, additional living expenses associated with their disability and employment rights remaining low. Some employers also continue to discriminate against disabled people when recruiting to vacancies, even though disabled candidates may be suitably qualified and experienced; and finally, deaf and disabled people can also be excluded as a result of organisational discrimination, as some organisations and companies do not always make information fully accessible, which can prohibit disabled people from accessing full service provision.” Close quote.

Interestingly, Kaliya, quite a lot of that appears to have been reflected in your experiences of gathering information from the consultation.

KF: It certainly does, and I think it's important to make a couple of points about the mayor of London's response to this consultation. And the first is that, this consultation response went in from Boris Johnson's office at the same time as all the other consultation responses, and that was in February of last year. And the second point is that when we analysed the consultation responses from the groups, the Mayor of London's office shone out as a good standard; the quality of the research they had done was superb, and not all of the responses were so detailed or well thought-through. So the Mayor of London's office has obviously done a very good job of consulting with deaf and disabled people in London.

TA: We were talking about ESA, and DLA, and thresholds and testing methods and things; it's worth stepping back into discussions about, not necessarily ATOS, but the process of medical assessment, and again it just strikes me from the Mayor of London, and I quote:

“Evidence from the individuals' GP and/or a consultant will provide an accurate assessment of need. It would be difficult for a healthcare professional in a one-off meeting to elicit a comprehensive response about the daily reality of each claimant.” Close quote. Now, we've had discussions about this before on here; I think that's a fair summation of the situation, but where does the reform process take that level of it? There were suggestions of DLA testing as well.

KF: The problem with DLA testing, at the moment, isn't much of a problem; the difficulty is with the proposed new benefit, PIP, because that plans to be based around the same kind of tick-box descriptive system that we currently have for the Work Capability Assessment, which has been comprehensively and repeatedly shown to be in utter chaos. The Mayor of London's office went further than we probably would in arguing that all the information should come from the individual's GP or consultant. We would probably say that in some cases, there is a role for an independent healthcare assessment. My personal preference would be that that would return in-house to the DWP, as it used to be, rather

than out-sourced to ATOS or any other private company; but currently, with applications for Disability Living Allowance, such as my own which I completed last year, I submitted evidence from my GP, the names of all my different consultants, a statement from my carer, a statement from my physiotherapist, and a statement from my best friend who is a policeman. So I wasn't required to have a medical, because there was so much supporting evidence of what was based on my form.

And what we would say very clearly is that, in cases where it is overwhelmingly obvious that someone has a very severe condition, that this should be exempt from a face-to-face medical, because all that then is doing is increasing the cost burden to the tax-payer. And we're talking about degenerative conditions, things like Duchenne's muscular dystrophy which people applying for DLA with that have huge amounts of medical evidence; there's no need to look elsewhere. Where it's perhaps a condition that you might recover from, or improve in a few years' time, the role for an independent assessment is much more clear, but even then, we would say that much more evidence, much more weight should be given to the evidence of the individual's own GP, consultants, physiotherapists, things like that, because if someone is receiving a social care package from the local authority, because the criteria to receive that kind of support are so strict, you can very easily see that if someone's in receipt of that, and their GP and consultants are supporting this, there is simply no point in repeatedly re-assessing them, because that's somebody who is already being assessed by different parts of the system at perhaps a higher level than DLA looks at.

TA: How do you respond to the accusation that this is a party-political direction that you're travelling in, and actually that it's a departure from previous campaigns?

KF: I would say that as a campaign, not just the Spartacus report but the Broken of Britain and many of the other groups that have been campaigning are widely non-partisan, because we believe that disability and ill-health should not ever be party-political issues. It's particularly shown up because Boris Johnson is very much a conservative and he does not support this; also, we have spent large amounts of time campaigning against the Labour party who introduced Employment and Support Allowance during their term in government, and created many of the problems that we're now facing. It's not within an individual's control whether they become sick or disabled; it doesn't have anything to do with what your wider political views are. The Prime Minister himself, tragically, lost their (sic) son, Ivan Cameron, who received DLA, quite rightly: Ivan was a disabled person, and they were the benefits that he should receive in his own right. Disability doesn't discriminate on the grounds of who you choose to vote for and it shouldn't be legislated for in a party-political way, because what we then see is the kind of challenge to the government that the lords issued this week, and it's important to note that that particular challenge to the government came primarily from the cross-bench peers who are not aligned to any political party and who tend to have had jobs like judges, senior police officers or doctors, or things like that, so I think that was a very clear message from the lords that they don't consider this a party-political issue either. They consider this an issue of health, sickness, disability and, overwhelmingly, morality about how we treat those in

our society who are not able to financially contribute through work but who are supported to contribute in a whole variety of other ways by these benefits. And by limiting access to benefits, it just makes it harder for sick and disabled people to do anything, and limits the fact that many are already doing voluntary work, trying to contribute in one way or another, but by removing our benefits means that all our time and energy will have to go on appealing those decisions and, frankly, struggling with life, making decisions about whether we can afford to heat our homes or eat, and that is going to preclude people from contributing to the prime minister's "Big Society" which relies on volunteers.

TA: What is the next big target in your campaign, then? Where do you go next?

KF: The next big deal will be the vote in the House of Lords on Tuesday about the proposals for Personal Independence Payment, so currently we're very focussed on that. The bill will then go back to the Commons, and the government have issued very clear statements that they intend to use certain laws to overturn the decisions of the House of Lords. They intend to use something called "financial privilege" which is a law dating from about the 16th century which is hardly ever used, or they'll use the Parliament Act.

TA: The "Guillotine" as it's commonly known.

KF: Yes, and that seems to be an absolute abuse of the democratic process that we have in this country.

TA: And just to explain, if people don't know: the Parliament Act allows the Commons to assert its primacy over the Lords, regardless of what is agreed in the Lords, basically.

KF: Absolutely. And there is a reason we have a second chamber, and that is to keep check and balance on the actions of government, so they can't get away with doing things like this when there is huge expertise, cross-party expertise, in the Lords that the Commons don't necessarily have, and that's why we have the Lords: to provide these checks and balances. So, it would seem incredibly undemocratic to use that. And also, we very much felt through this campaign that the government have not acted with integrity about this bill, and they have misled Parliament, and various other things, and we feel that if their passion and commitment to welfare reform is what they say it is, then actually they have a responsibility to do this through the proper procedures, because if you believe in something, then you have to have faith that the Parliamentary process supports that. And it's very underhand to subvert that Parliamentary process.

TA: I'm sure the Commons' argument would be that they are the elected representatives and the Lords are appointed, so I'm sure that they're inherently more democratic than the House of Lords is.

KF: Well, there are various issues with having an unelected second House, but that's the system that we have, and it hasn't currently been reformed so it seems very strange to go against it when no-one's reformed it before. And there would be all kinds of issues with an

elected House of Lords. So although the system we have currently isn't perfect, what it does do is provide a much more diverse base of experience and expertise than there is in the Commons, and that should be respected.

TA: Well, that just about brings us to the end of our half an hour. Thank you for joining us on Technical Difficulties, Kaliya Franklin ...

KF: Thank you, Tim.

TA: Yes, I'm sure I will be speaking to you and your colleagues at some point again in the future ...

KF: I'm sure you will.

TA: Take care.

KF: Thank you, you too.

TA: Once again, that was Kaliya Franklin, co-author of the report, *Responsible Reform*, which was nicknamed the Spartacus report due to the breadth of input from different people and sourced from the responses to the consultation for the Disability Living Allowance. I am Tim Abbott for Light Chronicles Info. Wear your scars with pride, and remember, we all have technical difficulties. We'll be back next week. Goodbye.