**Discrimination in Welfare Benefits Webinar**

**Speech to text reporting transcript**

>> Great, thank you everyone, we're just going to give it a custom me one, to one‑and‑a‑half minutes to allow people to come in to the virtual seminar room, those of you will know that strangely with these seminars, for the little counter in our screen to go up, to show that we have got everyone in, I'll give it a minute to do that. Whilst we do that, I'm going to drop the link to the speech‑to‑text reporting, that we have in the, in the background there. So, I'm just going to send a link to that, so if you are using the captioning please use that link that I've just put into the chat. Thank you very much. Also whilst people are coming in ‑‑ actually I'm going to launch a poll, I forgot to mention this to our people in the background, but we should have, let's have a look, we have got a poll for knowledge on discrimination and welfare benefits that I've just launched, hopefully you can all see that. This is just asking you to subjectively rate your knowledge on discrimination and welfare benefits, 1 to 10, 1 being virtually no knowledge and 10 being an expert. Please, if you are somebody experienced of welfare description benefits, i.e. a person with lived experience, you are welcome to rate that, it doesn't have to be a rating of legal expertise around it, whatever kind of expertise is relevant to you. Okay, that's great, thank you all for starting to fill that out.

       I'll just leave that poll up for about... another 30 seconds. That's great, thank you very much for filling that in.

       Whilst we are filling in that poll I'm going to hand over to Niamh Grahame, to get us started, I'll also be dropping in some links we have got some other webinars on welfare benefits and consultation challenges in public law, which is relevant to the work we will be discussing, I'll be dropping those into the chat as we go. Worthwhile I'm going to disappear turn off the poll and hand over to the Niamh, Niamh is a solicitor at Public Law project, thank you Niamh.

**NIAMH GRAHAME:** Hi everyone, thanks, I'm a lawyer at the Public Law project, I have a casework team working on amongst other thing casework on welfare benefits, welcome to everyone who has joined, this is a seminar that is going to look at using the law and research and campaigning to expose discrimination in the welfare benefits system. It's a follow on, or a... still a part of, even though it's been a few weeks now, from our in‑person discrimination, public law description conference last month which hopefully lots of you who are online on now were able to attend in burn that was trying, I think the vent today's seminar is going to be. So, just to give you a bit of an overview, we have four excellent speakers today. We're going to have Jagna and Kasia, and then we'll have a short break and then we'll come back and have Alexa and Ellen, and after then will be some time for questions at the end on all of the speakers and everything that has been discussed, if you have got any questions that come to you as we go through, if you can put them in the Q&A box that would be brilliant, and I will field them over to the panellists that end.

       I think that's all in terms of, in terms of housekeeping. So, umm, I'll, without further ado I'll introduce our first panellists, Jagna Olejniczak, from Citizens' Advice. Jagna is a policy researcher at Citizens Advice and prior to that she was a welfare benefits Research Fellow at the Public Law project and is the author of an upcoming report on deductions, looking that experiences of Universal Credit claimants who are having deductions taken from their benefits.

       Today, Jagna is going to be provide an overview of discrimination in welfare benefits, looking at some examples of both direct and indirect discrimination that people can experience.

**JAGNA OLEJNICZAK:** Thanks a lot Niamh, and thank you everyone for joining. Aid, would you be able to put the slides up? Thank you very much.

       So, in terms of ‑‑ yeah, I'm unmuted, in terms of the structure of my presentation, I would like to first provide background to discussing discrimination in welfare benefits. Then, share some examples of patterns of discrimination, but also some patterns of practices that could potentially be discriminatory, but it hasn't been fully assessed for many reasons yet. Aid can I have the next slide.

       Okay, I think the starting point to even looking at discrimination in welfare benefits is that we are dealing with a group which is already structurally disadvantaged in many ways. So, any disadvantage which further starts initial vulnerability of benefit claimants is particularly important to discuss. So that's why I titled this presentation 'Amplifying the Disadvantage' because ultimately you are dealing with people who already live, very often on the poverty line and then any sort of further disadvantage which makes the situation even more difficult has this particular impact on them. So that's why it's quite difficult, quite good that we are discussing this issue in particular.

       There is some further issues that are, that provide context to this discussion, for example, firstly as listed on the slide, lack of normative dimension of legislation that governs Social Security and by that I mean no, kind of moral benchmark which could be referred to when assessing welfare policies, and this benchmark could, for example, be umm... legislated freedom from poverty which we don't have, or the right to minimal subsistence level or the right to sector guard vulnerable claimants we don't have any of that in the absence of this legal tools, discrimination becomes even more important when it comes to challenging certain unfair policies, there is a second wider issue, which is the desire of DWP, so work and pension departments on administrative simplicity.

       This relates to kind of treating very person and every welfare recipient in the same way.

       This is kind of this example of kind of the reverse discrimination, by treating people in different situations in a similar way, because it's more administratively feasible for the DWP to be doing. So, for example, kind of providing the same forms for everyone, even though certain people can't access or use these forms, that would be the example that I will also talk about later.

       Thirdly, when it comes to the most legal issue that we see particularly in litigating welfare policies, is the higher threshold of review, so basically what it means is the courts will be less inclined to intervene with the policy‑making processes behind social and economic rights, because basically they assume that umm... that the, that the decision‑makers have, are better suited to, to rattily arrive at certain conclusions. So there is this manifestly without reasonable foundation test, which is applied in benefit challenges, you have to show it's manifestly without foundation for it to be illegal, sorry unlawful.

       Aid can I have the next slide.

       Okay, the two main sources that govern discrimination in welfare benefits our Equality Act 2010 and Article 14 of the European Convention On Human Rights.

       I've selected the main categories of discrimination that are visible in this, in welfare regimes, but both, in particular, Equality Act identifies many more categories of discrimination, so these are just a few.

       First, you have got direct discrimination so you are being treated differently by virtue of your protected characteristic or status, and for example, the only kind of protected characteristic is identified in the Equality Act and for which direct description is certain circumstances is allowed, is age, so for example, we have got lower benefit rates for young people, which is an example of direct discrimination. Second example, is that two child limit could be viewed from the perspective of direct and in direct discrimination, but when it comes to direct discrimination the argument was made that umm... that kind of having basically having limits to benefits when household has more children than two, discriminates against children in households where there is more than two children and that was an example of direct discrimination. However, it was held to be justified by the Supreme Court. I think in 2021, I might be wrong about that.

       Then I've got indirect discrimination, this is a situation where the policy applies to everyone, but for some reason it has more, it has more impact on people with protected characteristics. Here, for example, benefit cap it was held to have more severe impact on single parents, and particularly women who tended to take custody of children more often than men. So they were indirectly discriminated by this policy and, again it was held to be justifiable by the courts. Then we have got deductions regime where it was held, it was shown in a recent case that we'll talk more about later, that it's particularly harmful for people with disabilities, and we also have potential in direct discrimination in sanctions regime, where it was historically shown that certain groups are more likely to be sanctioned.

       Then the third category of discrimination that is quite common in welfare regimes, is the failure to provide reasonable adjustments, so for example, BSL translation, or umm... virtual appointment where you can't make it to a face‑to‑face one.

       (no sound).

**NIAMH GRAHAME:** You are muted.

**JAGNA OLEJNICZAK:** I think somehow when the slide changes I get muted. I don't know how it works. But, sorry.

       So, to provide context for this example, there is a different treatment of young people within UC regime and generally welfare benefits.

       The kind of the symptoms of these different treatments are lower rates and people under 25 get, approximately, 20% less than people who are older than this. Then lower minimum wages and they are also more disproportionately sanctioned. The rationale for this was that, firstly, younger people tend to be able to rely on support from their families, and are generally more supported by the environments.

       The second rationale was giving them enough, or the same amount of benefits would create this perverse incentive to stay on benefits and not seek employer in later life.

The specific problems show that this is outdated and unreasonable in themselves we can see that young people are more likely than older people to be in precarious employment and to suffer from mental health problems, also they like experience that enables them to search for work in the first place. We have also seen the particular impact of the pandemic which it had on young people. So, we're currently at Citizens' Advice in the process of investigating the particular impact that it has on young people.

       Here you have a citation from one of the advisers at Citizens Advice about people who are under 25, and increasingly this group would have the same financial commitments and the same kind of issues, especially in the cost‑of‑living crisis.

       So, this kind of example, of direct discrimination could be particularly harmful to this group.

       Aid, would you be able to change the slide. Thank you. I think it's all working. The second example is benefit deductions. Full context, I think most of you will be familiar with the concept of benefit deductions, but basically even though benefit levels are quite low, they don't provide enough for, to satisfy living essentials they can be further reduced by benefit reductions they can be reduced because they had an over payment in the past, took out an advance loan or because they have third‑party debts that is deducted, collected by the DWP, this lowers the amount that is given to claimants even more.

       Two, if the Claimant suffered hardship, associated with these deductions it's on them to contact the DWP and to ask for the reduction in the rate of recovery or the suspension of recovery or waiving the debts that is being applied.

       In the recent case of K, a PLP case, the disabled Claimant was wrongly ‑‑ I think I'm going to only provide a very superficial factual background, but anyway the disabled claimant has been overpaid, not by their fault, not by her fault, then she had... money deducted from her benefits allowance. The problem was that the waiver policy was so difficult to receive that she suffered from extreme psychological difficulties and the financial hardship caused mental hardship.

       So, the courts said that in introducing that policy, they broke the Public Sector Equality Duty which means that local authorities have to have due regard to the impact that a policy can have on people with protected characteristics and in this situation, the, the... the DWP did not discharge the duty properly, because it didn't assess the particular disadvantages that it could have on people with disabilities.

       In the whole deductions regime we could see a lot of discriminatory patterns, for example, when it comes to lowering the amounts, people with disabilities face arguably higher damage, because if they can't allow, afford to put the heating on for example, their umm... their house situation could exacerbate, so the kind of health price that they pay is even higher. Also, there is this problem of, this quantifiable problem of people with disabilities being more likely to have a deduction applied in the first place, normally by virtue of receiving more complicated spectrum of benefits, so there is more ‑‑ oh thank you ‑‑ so there is more scope for, more scope for umm... any sort of miscalculation of the amounts, then the barriers to asking the DWP to help them out with under the payments is aggravated for people with mental health conditions and also those that struggle with interactions. So putting the onus on a Claimant to try to mitigate the deduction is much, is potentially umm... excludes them from this process.

       Aid could I have another slide, sorry am running out of time I think. Oh, is that the final slide? Oh, yeah, that would be it. I think there is one more... before... sorry. No.

       There should be one more before this. And one more... thank you.

       Very briefly about the example 3, there is also the identified pattern of discrimination within the benefits sanctions and reasonable adjustments, at Jobcentres, this problem is twofold, firstly there is historical evidence of people with, people who come from ethnic minorities and people who are younger and also men being disproportionately sanctioned, and there is a second problem which deals with the lack of reasonable adjustments when it comes to scheduling Jobcentre appointments, for example, we, at Citizens' Advice, we have seen examples of a woman who suffered from agoraphobia who was forced to participate in a face‑to‑face appointment, the drivers of potential discrimination is that these problems are extremely I loo sieve they can only be shown on anecdotal evidence such as this one but we have seen more and more, more and more situations where reasonable adjustments are not applied, and also umm... there is this issue of lack of data which enabled us to properly look at who was being sanctioned and whether sanctioning is proportionate.

       Could I have the second, next slide please? Sorry I'm kind of rushing through these now. This is just umm... in very, a very recent graph showing the amount of claimants who come to Citizens' Advice monthly with issues relating to reasonable adjustments applied in work centres. As you can see this problem seems to be on the rise when it comes to Citizens' Advice data.

       Sorry, muted again. I'll briefly talk about this case study, I can sees that sorry. Which I found very interesting, it's a recent case from one of local Citizens' Advice Bureaus, it not only show the description is present in kind of negative aspects of welfare support, but in also accessing the positive aspects of welfare benefit support, for example, employment support. In this case it was a profoundly deaf Claimant, who was repeatedly threatened with sanctions and sanctioned after poorly translated appointments, struggled to access video conferencing during the pandemic and consistently the support was blocked because of kind of unwillingness to provide BSL translation.

       In this case, well it went to employment tribunal and was handed down the beginning of May. It was, there was a spectrum of damages awarded to the Claimant for discrimination including failure to apply reasonable adjustments and failure to provide employment service to that Claimant.

       Here you have a, a quote from the article published on Citizens' Advice website, you can see it here, I hope that maybe, that the slides will be provided to you, but if not I can, I can text these links in the chat.

       What is interesting about this is the tribunal provided aggravated damages and exemplary damages to the DWP to kind of prevent this situation from happening again and also it ordered this Jobcentre to provide training about providing reasonable adjustments to its employees. Sorry, just the last slide if I can. This case was governed by a particular Equality Act regime in an employment tribunal but when it comes to bringing cases of discrimination to court, there is also, you can also issue judicial review proceedings, this is governed by Article 14 of European Convention of Human Rights. Then I'm just going to talk very briefly about the fur elements of discrimination claim, which I think will be covered in that, exemplified by the next speakers.

       Firstly, the kind of subject of discrimination needs to also fit within the ambit of other convention rights and normally in the context of benefits that would be the right to property. So, Article 1 of protocol 1, right to private life, so Article 8, then also when the alleged discrimination falls within the status listed in Article 14 or within, "Other' status and this other status issue has been a subject of very interesting caselaw, and has been treated quite liberally, as in the status does not need to fit within any of the kind of social or legal importance, it has to be a status for the purposes of discrimination solely.

       Then, then there needs to be differential treatment between the group that has been identified and the group in a similar situation, and then whether there is objective justification for the difference of treatment and this is being done by proportionality assessment, so whether the measure that is being, that is kind of a cause for discrimination is proportionate to the legitimate aim that needs to be, that, that the government tries to obtain by this measure.

       And this is from me, thank you very much, and I'll hand back to Niamh.

**NIAMH GRAHAME:** Jagna that was really, really interesting and really useful way to start the session. Setting the background out to the difference sorts of discrimination that you might experience in the welfare benefits system and how you might, you would like to think that there wouldn't be some examples of direct, overt discrimination, but those exist in ads to the, potentially, less intentional, less deliberate, in direct examples of discrimination, so it's a really useful way to start a session, hopefully we will get more detail and different examples of those things from the next speakers, so thank you very much Jagna.

       Our next speaker before we have a short break is Kasia Figiel from Work Rights Centre, the Deputy CEO, it's an organisation that supports migrants and disadvantaged Britons to access employment justice and improve social mobility, she is responsibility for the charity's fundraising operational strategy and today she's going to talk a bit about a legal challenge that works rights centre have been working on with Public Law project, and looking at automated decision‑making by DWP and how there is a potential for discrimination as a result of the increased use of automated decision‑making.

       So, thank you very much Kasia, please the floor is yours.

**KASIA FIGIEL:** Thank you, hi everyone. Yeah, if we could have my slides up that would be great. Thank you Jagna, I think that was a great overview of the just the sheer range of issues that we are now very much going in depth into the weave, as I'm going to give an in‑depth kind of case study overview of just one particular issue and case at the my work, my team has been working on and this is in relation to a potential discrimination relating to suspensions of Universal Credit payments, that have been affecting our clients, which we have been kind of investigating together, in partnership with Public Law project, for a potential judicial review challenge and especially looking at the impact of this automated decision‑making in the process of the suspensions.

       So if we could have the next slide please. I will give an overview of the case, with the specific kind of focus on the research and the evidence collection that has gone into, into the pre‑litigation stage and then the resulting Pre‑action Protocol for judicial review, this is an ongoing case, it's kind of where we have got to now, so I'll give into the more detail of that.

       Just to maybe very briefly introduce the work rights centre, as Niamh said we support migrant workers, and disadvantaged Britons with free legal advice and information, on employment, immigration and welfare. We also produce research and advocate true parliamentary channels on their behalf.

       I think it's important to note at the time that we embarked on this project which was really about a year and a half ago now, we as an organisation hadn't have previous experience of using law in a strategic way to challenge discrimination and we have come a long way since then, and we have much more in‑house legal expertise and kind of bigger capacity to take up the challenges, but very much coming from the non‑specialist place and hopefully this case study will show how working in partnership with an expert organisation, such as Public Law project, really a frontline charity organisation like ours can engage with research, supporting litigation to challenge discrimination.

       So, let's get started, if I can have the next slide please?

       I'll start with an overview of the case. So, it was really already back in 2022, that through our casework, our advisers started noticing this issue affecting significant numbers of our clients where their umm... where their Universal Credit payments would be suspended, suspended, sometimes with no explanation at all, sometimes with a reference to an investigation or suspicious of fraud taking place. In many cases it was just very kind of a confusing process for them, where there was very little information and it could takes months and months to clear up whatever the question or the issue was with the payment.

       We noticed that a lot of the clients were, had pre‑settled or settled EUSS status, particularly a large part of Bulgarian nationals and also there was, there was a bigger number of single mothers within, within the clients that we have seen at our organisations that were affected by this.

       So, there would be kind of lengthy delays in the investigation, and also there were... I think, because of the, actually referring back to something that Jagna said, mentioned, you know a lot of our clients are already disadvantaged in number of different ways, but they often have limited understanding, limited English language skills, or find it hard to understand the process of, you know, that comes with investigating issues with Universal Credit, and they might be working precarious jobs meaning they are not always able to pick up the phone from the risk review team or DWP calling them, they are also likely not to have very much savings. I think all of these factors affect them in order to have their payments reinstated which with our support I think we have seen in many, many cases, after months of waiting those payments would get reinstated and cases would be kind of closed, closed as, "Inconclusive", also clients will often face destitution and financial hardship because of those lengthy delays.

       We also learned, I think from just speaking with other organisations working in this area, about this potential, well this use of automated decision‑making by DWP. Essentially a machine‑learning algorithm that are trained on historic fraud and error data, that is being used to flag cases for, for review as potentially fraudulent.

       So, this is kind of where we started and we starred like initial exploratory work to try to really figure out how this, how this system works because there is, there is very little published publicly available information about the, about the exact process that these algorithms are used in.

       As we started talking to other organisations and gathered more information, we have learned also with Public Law project's long‑standing interest and expertise in the use of automation by the State in various different ways and they have agreed to partner with us on this project, we're able to jointly obtain funding from strategic litigation fund, for some pre‑litigation research in order to kind of establish some basic facts to see whether there might be a case here.

       It was very much a collaborative project with the Work Rights Centre takes the lead on taking evidence from our clients and Public Law project experts providing guidance on what is needed and how to obtain it, the legal framework, and then eventually once we have collected all of our initial evidence pack, provided substantial legal advice on the merits of the case.

       That's how we kind of set‑off on a journey, that ended up lasting over a year and resulted in a bundle of hundreds of pages of evidence.

       I can, yeah, if we go to the next slide, just talk a bit more in detail about this the research and the evidence collection side. There were really two strands to it, there was the client and kind of data relate doing specific cases evidence and then some wider, more exploratory research trying to build a wider picture.

       Looking at the client side, you know, we set out umm... to... first of all collect the evidence from the clients that we knew were affected just from our organisation, and then for a number of those cases we also wanted to obtain a kind of in‑depth case study that would, that would show the process that the people have, that the people went through. The challenges with that and also the, you know, the impact of these suspensions of the, on the clients.

       This was challenging for number of reasons, I mean many people, as I mentioned were foreign language speakers and with English as their second language and l some of our advisers were able to kind of communicate in their, in their first mother languages in order to kind of even kind of start their interviewing process.

       Also, perhaps, understandably many people were nervous to come forward without fear of their benefits being suspended again without an explanation. Even for those that agreed to participate and were keen to kind of challenge this issue, we then, we then need to proceed with a number of subject access requests on their behalf, to obtain the records from the Universal Credit journals to really show the kind of lengthy journey that they have gone through trying to challenge those suspensions. That has proved very difficult with a number of these, we never received a reply. Some of them we were refused access, some of them arrived heavily redacted, so there is a lengthy process trying to observe ten that information.

       If we go to the next slide please, we also did a, did a kind of a separate strand of research looking to build a wider picture on the use of the automated decision‑making, we looking at a, sort of limited public domain materials available, there is some National Audit Office reports and publications from Big Brother Watch, an ICO, where this issue is explored either in relation to the welfare system or to other systems.

       We also working very closely with PLP on drafting and submitting number of Freedom of Information requests trying to get more information, just to try and understand really how the system works, and that has proved, actually, not very successful, I will admit. We were very often told that, DWP does not hold the information that we are trying to establish, or they would cite Section 31 of the freedom of information act, especially saying that they can't release that information to us. We also submitted a number of parliamentary questions through a number of MPs that were also interested in challenging or exploring these issues, and spoke with number of other charities in the sector, that just like us have seen the issue of these unexplained suspensions.

       So, all this work, if we go to the next slide please, has fed into the, maybe, yeah, excellent. Has fed into, was fed to Public Law project to, as a kind of a big pack of evidence that they could really analyse in order to provide ‑‑ oh thank you for that, for the timing ‑‑ to provide a legal advice through whether we do have any merits to bring, to bring a claim, and because our advice was positive, we have been ‑‑ and I think maybe I should note here, you know, there is number of, number of issues essentially that we, that we are arguing in the, in this initial pack. You know, we suspect that the ‑‑ it either might be the issue, there might be issues with the algorithm itself, that it is over representing people of a certain nationality or immigration status and flagging for review. It is still very unclear whether there is meaningful involvement of a human to ensure that there is no bias in the decisions being made. Also it appears that, at least in some cases, the payments were suspended before there was human involvement in the decision. But there is conflicting information. So there is clearly still just a lot of unknowns that we are hoping to find out.

       I should also note then that, as a charity our Board of Trustees has been very involved in assessing and helping, canned of providing support and oversight for this project, we are very lucky to have some brilliant barristers on our trustee Board who were really involved through this strategic litigation committee we set up on our Board in order to assess the advice and to understand the opportunity and the risks, you know, for a charity as an organisation. Especially the financial ones being involved in such a challenge. Ultimately we decided to proceed and if we move to the next slide I can just very briefly mention the multiple grounds for challenge that we have been advised for counsel that are relevant to this case. I will on purpose not go into the detail of them but if anyone is interested I'm happy to provide more information about this afterwards, but yeah, I will just note the, the number of grounds here that kind of relate to what Jagna was also mentioning about the breach of the Equality Act, and European Convention on human rights and the withdrawal agreement and the Public Sector Equality Duty, and we're nearly there! If we go to the next slide, I with the, within our Pre‑action Protocol we are seeking a number of remedies. I mean some of it is really to understand, better understand the system. We were asking for, publishing on the guidance on the use of these automated processes and especially the, the assessment of, an assessment of discriminatory impact, at the such an assessment is conducted but that in the meantime you know, there is a stop is put on the suspensions being made based on automated decision‑making. Just the final slide now, just to say that we are, we are as I mentioned at the start we are very much in the process, we are waiting a response to the PAP and we will of course, consider it carefully and see what information and if any remedies will be provided and I think then that we will need to assess, as an organisation and together with PLP, if there are, you know, opportunities and risks of proceedings with a claim if the response is not satisfactory and especially the funding element as well, this is something that we are, you know, very, very aware of as a charity and organisation. So this is where we are. Thank you very much. I think we, I'm not sure, I'm coming back to Niamh, but hopefully we are going to a break soon.

**NIAMH GRAHAME:** Yeah, that's right, thank you so much Kasia, that was a really, really useful insight into sort of we talk about judgments but you don't always hear about the process leading up to that, which said, it can be a long way and for your process, it's still a way down the line, that's really valuable, just to reiterate, I know you have not been working with personally, but I know the partnership with works right centre has been massively valuable, even in cases which is not challenging something as massive and opaque as the system you are looking at, the principles, the collaboration and evidence gathering, keeping records of everything, those can be applied even in individual cases, so I thought that was really, really brilliant to hear. So thank you very much.

       Kasia, as Kasia said we have got a short break now, we will be coming back at 2 o'clock sharp, we have got two more speakers to get in and your questions as well, I know some of you have put some in already, which is brilliant, we'll try and read them out at the end, I know some of them have been answered by panellists, but in case they are more relevant, we'll see you all back at 2 o'clock.

[Short Break]

**NIAMH GRAHAME:** Right, we'll try and move swiftly on now, mindful of time. I hope that we will have some time that end for questions, and that panellists potentially wouldn't mind staying an extra five or ten minutes, if there are some questions and we do run over slightly, as you will have seen already there is so much to say on this, it's difficult to cover everything. Just a quick note on some of the questions coming in, just as a general overview of discrimination welfare benefits we are not able to advise on specific cases in the course of this webinar to give legal advice but we will try and give pointers on actions that might be useful to think about.

       Our next speaker is Alexa Thompson, she is a pupil barrister at Garden Court, with a particular interest in human rights and Social Security law, prior to starting her pupillage she worked at Citizens Advice and Mind the charity, also an active challenging the treatment that people in care face. Today she will talk about some examples of discrimination in the welfare benefits system, in relation to people with pre‑settled status and a specific example of discrimination in relation to disability. Without further ado I'll hand on to Alexa.

**ALEXA THOMPSON:** Hi, thanks Niamh. Yeah, so thanks so much or that introduction and thanks to all the other speakers as well, it's been really interesting hearing your presentations. Aid, could you bring up my slides. Thank you.

       So, as Niamh said I'm going to focus on two distinct examples of discrimination in welfare benefits at the moment. Could I have my next slide?

       So the first topic I'm going to look at is discrimination against holders of Pre‑Settled Status. So in particular I'm going to look that case of AT, which some of you may be familiar with, that was in the Court of Appeal last year. I'm also going to touch on some recent cases involving refusal of homeless assistance by local authorities. Then the second topic concerns discrimination against bereaved spouses and for that I'm going to look at the case of Jwanczuk, which is a human rights challenge on the basis of disability description, could I have the next slide please. Thank you. So to provide a bit of a background in terms of what it even means to have Pre‑Settled Status, so Brexit meant obviously we were departing from the European Union and as a result we have the withdrawal agreement and the European Union Withdrawal Act 2018 which became the new conduit pipe for EU law to flow into domestic law, repealing the European Communities Act of 1972 which previously served that function.

       The government created the EU Settlement Scheme, which found in appendix U of the immigration rules and introduced new resident rights for EU nationals who wanted to continue living in the UK past the end of the transition period it meant that EU nationals needed to apply under the scheme if they wanted to, basically have security, so applicants with more than five years continuous residence would be granted settled status and less than five years, Pre‑Settled Status, a lot of the litigation has really focused on people with Pre‑Settled Status, because it's kind of, it offers less security in terms of your rights than settled status, because settled status gives you in definite leave to remain.

       There is also been questions about whether or not the rights created by the withdrawal agreement are more favourable than the previous residents rights in previous systems, for instance, with not requiring work as a requirement for residence rights but perhaps requiring residence in the UK before the end of the transition period to constitute a legal basis for your rights.

       Can I have the next slides please, thank you.

       So, looking specifically at the case of AT, so this was about a person who was an EU national, Romanian citizen with Pre‑Settled Status. She fled domestic abuse with her newborn daughter went to a women's refuge with no cash at all and she didn't have enough money to cover her basic needs.

       She had no other EU law qualifying right to reside for the purpose of Universal Credit, so essentially she wasn't a worker or an extended family member. A lot of these cases, particularly can affect people who are estranged from their family or are fleeing domestic violence because you can't rely on connections to family members to form the basis of your right to reside.

       So, her Pre‑Settled Status meant that she was denied Universal Credit... [Inaudible] the issue was that people with Pre‑Settled Status are not treated as in Great Britain for the purposes of Universal Credit. So she appealed the refusal of Universal Credit, and that went to first tier tribunal first, can I have the next slide.

       So, she was successful throughout the litigation, so in the first tier tribunal judge Newman held that without Universal Credit, AT and her daughter would be unable to live in dignified conditions, applying the case of CG, the judge disapplied the aspect of the regulations that treated her as not in great Britain, for anybody that wants a particular reference, Regulation 9, paragraph 3CI, of the Universal Credit regulations and the judge said they were bound to do so by the terms of the EU Withdrawal Act. Not happy with that there was an appeal to the Upper Tribunal by the Secretary of State, the upper tribunal a nan muscly dismissed the Secretary of State's appeal, it held that AT was entitled to rely on the EU Charter even after the end of the Brexit transition period and held that the right to dignity under Article 1 of the EU Charter On Fundamental Rights, continued to apply in some limited respects to ensure that a person with a subsisting right of residence could enjoy that right in a manner that was dignified and met a minimum level viability, the refusal would expose a person to their fundamental rights being breached then Universal Credit must be granted. That was appealed again to the Court of Appeal, and the Court of Appeal dismissed the Secretary of State's appeal and up‑held the Upper Tribunal's decision. It held that the Charter, the EU Charter continues to apply beyond the end of the Brexit transition period, in particular it applies when States are implementing union law, which includes making decisions about manifest entitlement and it applies by virtue of the definition of union law in the withdrawal agreement which specifically mentions the Charter it also held at the state authorities are under an obligation to assess whether a refusal of benefit would place that person at a risk of violation of their fundamental writes. AT was destitute, no other sources of income available, and there was discussion in this case about whether or not discretionary funds and, under Section 17 of the Children's Act that might theoretically or in principle be available to AT, would surface to meet the State's obligations. But the Court of Appeal rejected that and they said the key question, what actually matters is whether the financial support is actually, and practically available, it's not sufficient to say that someone in AT's position might be fine because there exists a state framework which includes financial support that she wasn't receiving. It's not good enough to say that other state agencies are responsible for assess in this either, so they can't kind of fob off their responsibilities to the local authorities.

       So may I have my next slide. Thank you.

       So, the effects of this decision, first permission to appeal to the supreme could was refused, it means that the decision is final. The judgment means that EU citizens with Pre‑Settled Status and no other qualifying right to reside should be awarded Universal Credit, if a refusal would mean they are unable to live in dignified conditions. Practically this is likely to cover claimants with no other sources of income due to the focus of the practical and actual availability and other support, and the fact that AT was left destitute. So it's more likely to affect claimants who unable to work, but it's, there will be future challenges concerning the extent to which the judgment applies, you know, for instance what level of financial support is sufficient for a person not to be exposed to an actual risk of their right to dignity being violated. There is also, there were also points in AT that weren't fully ventilated or that ended up not being live in that case. So, for instance, there was a question or whether non‑entitlement to UC constitutes discrimination under EU law on the basis of nationality, so there is scope for that to be considered in future challenges, and an application has been made for permission to appeal in a case raising some of these residual arguments from AT, including that refusal of the UC constitutes unlawful discrimination against a person with Pre‑Settled Status as the spouse of a relevant EU citizen. In other words, discrimination on the basis of nationality within the meaning Of Article 14 of the European Convention which is the non‑discrimination article. That case has been run by Southwark Law Centre.

       Please may I have my next slide.

       Thank you. I'm trying very much to keep to time. So, another area in which there has been challenges, is in the case of homeless assistance. There has been cases popping up about people with Pre‑Settled Status that have been denied homeless assistance from the local authorities. One of those is the case of C v Oldham, run by the Public Law project, as solicitors, there was a hearing of that in February 2024 that was about somebody who was a third country national with Pre‑Settled Status who was refused homeless assistance on the basis that they are in eligible within meaning of Part 7 of the Housing Act 1996, the rules are in order to be eligible for homeless assistance, well a person is not eligible if they are a person from abroad or a person classed as subject to immigration control, and that's Section 185 of the Housing Act 1996.

       Regulations were introduced in 2019 which excluded applicants who rely solely on Pre‑Settled Status from eligibility for homeless assistance. Regulation 6 of those regs does allow EU citizens worse to be eligible, so the issues around eligibility for homeless assistance arise where the person is relying solely on their Pre‑Settled Status. So in that case there was a challenge to the local authority's decision that C was not eligible for homeless assistance on the basis that one, denial of support prevents that person from effectively excising their rights under the withdrawal agreement because that leaves them homeless and destitute. Second, that in eligibility for assistance and therefore not being provided with any accommodation constitutes unlawful discrimination contrary to the withdrawal agreement, and violates their fundamental rights under the Charter.

       There was a similar case, in Islington, heard in April 2024 which raises similar issues To v Oldham, concerning a person with pre‑settled status, they were in eligible because they relied on the Pre‑Settled Status, that decision was also challenged as discriminatory, there is also another case popping up concerning a decision of the local authorities called White Horse, these cases are very much active and ongoing at the moment, so watch this space. Can I have the next slide, thank you.

       So, turning to another dimension in which people are discriminated against in the context of Social Security, we can look at the case of Jwanczuk, which was also a Public Law project case. So this case was about entitlement to bereavement support payment, which is a contributory benefit. It requires a relatively low or modest level of national insurance contributions to be paid by the deceased spouse or civil partner and it was introduced by Section 30 of the Pensions Act 2014.

       In this case Mr Jwanczuk applied for bereavement support payment after his wife Suzzi died, she'd been unable to work trying her life due to disability and therefore hadn't paid any national insurance contributions, therefore he was refused Universal Credit, he challenged this on the basis of discrimination because of disability, contrary to Article 14, the non‑discrimination right under the European Convention, read with Article 8, your right to private and family life, Article 1, protocol 1, which is essentially property rights, right to peaceful enjoyment of your possessions.

       Please can I have the next slide.

       Thank you.

       So because it was a judicial review we started in the High Court and they decided in Mr Jwanczuk's favour, and then there was a subsequent appeal to the Court of Appeal. Who upheld the decision of the High Court. The High Court had decided that applying a case that was decided in Northern Ireland, called O'Donnell, that applying the requirement that somebody has to pay national insurance contributions in these circumstances, so where the spouse has been unable to work due to disability was discriminatory, and violated Article 14, read with Article 1, protocol 1. So, applying O'Donnell this was found to be discriminative, the Northern Ireland Court of Appeal had decided that treating the appellant and their children similarly in this situation to people whose situation is relevantly different is discriminatory, in other words there should have been an exception for people in their situation because of a protected characteristic, because of disability.

       The Northern Ireland Court of Appeal decided to take a strong umm... to apply its obligations under Section 3 of the Human Rights Act, which is it imposes a strong interpretative obligation for courts to try and construe legislation in a way that is compatible with human rights, and doing so it created an exception to this condition that requires payment of national insurance contributions, and it said that this requirement should be treated as met if the deceased person was unable to work due to disability.

       The case raises some interesting constitutional questions, because there is this principle called the 'Parity Principle' where decisions by courts in Northern Ireland and in England and Wales, should be, we should have consistent decision‑making because our primary legislation comes from the same place, and sometimes legislative wording is identical, so the Northern Ireland, the version of bereavement support payment in Northern Ireland was governed by legislation that was virtually identical to the version in England and Wales, which is why this decision of O'Donnell was so central to the Court of Appeal's decision. So, ultimately, the High Court's decision was upheld, which meant that an exception should be read into treat this requirement for national insurance contributions to be met if the deceased person was unable to work due to disability. In terms of ‑‑ oh I think I might have another slide aid... no I don't, okay. Well the effects of the decision, essentially there is an ongoing appeal to the Supreme Court at the moment, it's they much the Court of Appeal's decision might be overturned we don't know what is going to happen, so at the moment the Secretary of State is entitled not to apply the judgment of the Court of Appeal, so it allows them to defer the effects of judgments on appeal. Sorry, I was rushing that to try and keep to time, but thank you very much for listening, I hope that that was useful.

**NIAMH GRAHAME:** Thank you Alexa, that was really useful. It's nice to hear about AT, it's still ongoing, but there are other systems, although these systems are complicated and the challenges take a long time and it can be really difficult, there are positive outcomes in some cases, so that was really good to do a deep‑dive into a couple of those, so thank you very much Alexa.

       We are, yeah, so we are behind schedule, but the recording will be sent around afterwards, and hopefully if the panellists are okay to stay, if not, then please drop‑off at '230 if you have to, but to allow Ellen her fifteen minutes and if we have time for questions at the end we will may be give a bit of time. Our final speaker is Ellen Clifford, a disability rights activist, co coordinate or of the UK's deaf and disabled people's organisation, on the rights of disabled people, monitoring coalition, that rolls off the tongue! [*Laughter*] She also sits on the national group of Disabled People Against Cuts, DPAC and is the author of the 'The War On Disabled People: Capitalism, Welfare and the Making of a Human Catastrophe' which won the 2021, Bread and Roses Award, she's going to speak a bit today about 'disability denial' and how that plays a central role in discrimination in the welfare benefits system. I'll hand over to you, thank you very much.

**ELLEN CLIFFORD:** If I can unmute, thank you and thank you to PLP for being part of today. Have been campaigning against the impacts of welfare reforms since 2010, so I'm very, very aware of the importance of all our wonderful allies in public law.

       So, I am coming at this today from an activist, rather than a purely legal perspective and I haven't got slides but I can send a list of references, and links to the, to be disseminated a afterwards.

       What I thought I would talk about is something that is sadly very, very topical at the moment, which is the phenomenon of disability denial within the Social Security system.

       So I thought I would talk about how, once disability denial was consciously brought into our Social Security system how that has led to multiple examples of discrimination, how we have been able to use the legal system to challenge that discrimination in a few cases, but I'm going to end on I suppose a challenge to all of us, which is what we are facing now, with the challenges against us even greater than ever before with the new proposals.

       So, for anyone unfamiliar with the history of disability denial, I'm going to do a very, very quick overview which is essentially to say that the welfare reform agenda, as we consider it, can be traced back essentially to the John Major government and the concern there to limit numbers of incapacity benefit claims. Then, as now, no attention was given to the causes of rising numbers of claims, no attention to things like demographic factors, just solely to the issue of how to bring numbers down.

       In doing that advice was sought from the American insurance giant Union, who developed notorious expertise in rejecting disability claims in the US, and some of that legal history is quite interesting, there is a book in particular I'll put on the list of references for people, but one judge who ruled against their practices accused them of, "Running factories of disability denial", it was exactly those practices which then formed the basis for the assessment design for the Work Capability Assessment.

       Key characteristics of that design are functional assessments, carried out by generalised mechanical practitioners rather than medical professionals who know the Claimant, because the feeling within the, well the department that is now known as the Department of Work and pensions the feeling was that GPs are too sympathetic towards their patience, so it needed to be taken away from them.

       Another feature that we are all familiar with is the excessive burden placed on the Claimant in order to prove their disability, and then thirdly, targeting of the most common conditions, those most prevalent within the overall case load, to disprove their impact.

       The work laying the groundwork for this new system was all going out throughout the Major, the Blair and Brown years, there is number of books and research studies I can reference on that. Then in 2008 we had the financial crash, the Coalition government was elected with a mandate for shaking up the benefits system, underpinned by that narrative that sought to divide claimants and workers.

       In his first budget in 2010 George Osborne said, "PIP would replace DLA, disability living a", and by doing so he would cut the spend on that benefit by 20%, that was at a time when fraud within DLA was not more than 0.05%. That saving could only be achieved by finding ways to deny genuine need.

       The PIP assessment would then replicate the Work Capability Assessment in those, in those key characteristics of design.

       Because of the financial crash and other factors that I won't go into now, we also had the introduction of Universal Credit, and the introduction of a harsher conditionality and sanctions regime so all of this is going on that same time. I would argue that disability is deliberately unseen even the design of both Universal Credit, and also within the conditionality and sanctions regime, the way the government see and treat these is as labour market interventions, and part of their wider economic agenda. Their focus is on disciplining and controlling the workforce and within that disability is an inconvenience that they are continually trying to minimise and get rid of.

       Talking about administrative simplicity, that is one way of doing that. So an issue, for example, that I used to continuously resolution in my former job where I got to meet with ministers was the need for modelling to estimate number of reasonable adjustments required by the overall case load so that that could inform decisions within the central design of Universal Credit, and I was told that reasonable adjustments are umm... are... relevant to local Jobcentres, they're not a concern for central decision‑making, despite the fact that pre‑pandemic levels, I think the numbers, the percentage of the overall benefit case load who were disabled was around 67%, to 68%, despite the fact that at the same time cuts were being made to frontline Jobcentre staff on the basis that they wouldn't be required, in as many numbers, under a digital by default system.

       Disabled people are being, were being pushed out of the benefits system through its inaccessibility, the excessive burden, the impacts on us, but I feel strongly that we are also being disappears within the system. That's evident, for example, on something else that Jagna mentioned, the Department of Work & Pensions refusal to publish disaggregated statistics, on disability and sanctions and also how we aren't called, "Disabled", anymore, there is all the rhetoric that's calls us 'economically inactive' technically we are referred to as, "Claimants on a health journey", that's something that journalists when they are reporting on changes to the Social Security system don't pick up on, they are not picking up on the impact on us. I also wonder if it has the impact of umm... obscuring the rights and entitlements that disabled claimants could be tapping into. So, for example, an awareness of the right to reasonable adjustments, because we know that there are many disabled people who don't identify as disabled in the first place, and I just feel it's moving all the time disabled claimants are being moved further and further away from accessing our rights.

       How this place out for disabled people in our everyday lives is something that I don't need to go into, I know it will be familiar to all of you, the way the system is so inaccessibility to many of us, the way are lives are taking over, proving, again, and again and again that we are disabled, having to go through multiple assessments, but the way that evidence is actually becoming harder and harder to collect, that's something that is included in the current consultation on changes to Personal Independence Payment, how can we prove that we are disabled in a way that does not require any additional work on GPs, for example.

       Also, I think it should be noted that many disabled people also have caring responsibilities, we are over‑represented among carers so it's not just our own assessments we are going through but those of the people around us as well, and this just creates so much trauma and distress, and at the most extreme end of that is of course, death and suicides. The government's decision not to allow any automatic migration on to Universal Credit, which would be justified as a reasonable adjustments for many disabled people, is unquestionably going to lead to more deaths, and mitigations such as funding for Citizens' Advice is not going to plug that gap.

       Examples of where we have used the law to challenge discrimination, actually I chose these three examines and then I realised that all three were where we worked with Public Law project on them. So, I'm aware of time, so I'll send the links to the judgments on these later, but so first of all Mental Health Resistance Network, a case against the Work Capability Assessment in May 2013, there was a three judge panel in the Upper Tribunal that ruled that the DWP had breached its duty to make reasonable adjustments under the Equality Act by leaving claimants to collect our own medical evidence. The DWP was ordered to investigate how to ensure medical, more medical evidence could be obtained without it having to be our responsibility. People will know that nothing really has changed in that regard, despite that ruling but I think that what that case did do is to really raise awareness of the possibility of using the law to defend our rights at that time and gave confidence to campaigners.

       Secondly, R v Secretary of State for Work & Pensions, in December 2017 the High Court ruled that government changes to Personal Independence Payment, were blatantly discriminatory against people living with psychological distress and could not be objectively justified, in February 2017 they changed the regulations to exclude claimants from entitlements to, under the mobility activity if the cause was psychological distress.

       The Court held that the 2017 regulation should be quash.

       On all three grounds: breach of Article 14 of the ECHR, the fact that the regs were incompatible with the purpose of the scheme, as defined in the 2012 Welfare Reform Act, and that the DWP had failed to consult prior to making the regulations. So, they are now, of course, consulting very thoroughly on the new changes to Personal Independence Payment.

       Then, the third case is one where I'm the Claimant. Which is going ahead now. So this is a challenge to the law fullness of the consultation on tight anything the Work Capability Assessment so this, this is under the Gunning Principles and we are saying that the time period was too short for the consultation, usually DWP gives 12 to 13 weeks for any consultations which are disability‑related because of the need of disabled people to have longer time to respond as a reasonable adjustment. Also, on the basis of the inadequate information in the consultation, for example, the consultation doesn't make clear that many people affected would actually lose a substantial amount of our income.

       Finally, the situation now, I can't stress how frightening things are for us now. The, there are proposals in the White Paper that was published in March 2023, that proposes a polishing the Work Capability Assessment, making everything instead hinge on PIP and getting rid of any blanket protections from... from conditionality and sanctions instead it will be left up to individual work coaches discretion what level of work‑related activity people will have to, will have to do, given work coaches being very over worked, but also what we know about failure to make reasonable adjustments for disabled claimants, that really quite terrifying, that would need a future government to legislate for, but meanwhile we have a number of other thing in work conditionality, 27% of claimants affected by that are disabled, we have also got the Work Capability Assessment changes and that can go through on secondary legislation which the DWP are very keen to do, so that doesn't need another government at all, we have also got the current proposals to cut Personal Independence Payment, targeting particularly people with mental distress. That consultation is happening now, the DWP have given a full 12 weeks to that and there is a, there is a lot of information within that, it's an extremely long consultation, 39 very... very big questions. Can't help but think that they have deliberately tried to avoid a legal challenge on that consultation. That consultation ends mid‑July, so there could be the possibility for regulations to be laid on that as well, depending when the General Election is.

       So, there is huge amounts for us to do, but I'm sure that we can, when we work together. Thank you.

**NIAMH GRAHAME:** Thank you so much Ellen, that was really brilliant presentation, I think to end on, Zooming out a bit again and understanding sort of the context in which we're in and how we got to where we are, it's not just people dealing with, you know, it's not individual decisions, it's a whole system that has been set up in a way and there is all these steps that have led to us getting to where we are now and also the range of things that are happening that are kind of compounded that people are having to deal with and have been having to deal with for years and years and the fact that, you know, that people, that there is so much, a cross‑section... cross‑section in discrimination with people of disabilities, and people with carers as you mentioned also single parents and sort of all these overlapping things that are really, really difficult for people to contend with, and I think that was a really excellent way to end the presentations today, so thank you very much Ellen. I know you said you have got some links to circulate, I'm not sure if there was further judgments, but if the consultations that are still open, I think those would be great to circulate them unless in case anyone attending would be keen to feed into those, as you say, all working together, all trying to chip away at things, that's the only way to start tackling these things. Ellen, do you want to say something? You've got your hand up.

**ELLEN CLIFFORD:** No, sorry, that was, that was me trying to do a thumbs up, yes! [*Laughter*]

**NIAMH GRAHAME:** Excellent, excellent, great, I'll try very quickly to get through some of the questions. We have run over and people might have to leave, if they do, the full recording will be circulated, again with the caveat we can't advise on individual cases right now, only give a general overview. One of the questions that has come through is in relation to delays from the DWP and how anyone on the panel has got any experience of dealing with things when you have been plugging away on something quite complicated as I mentioned before, with different discriminatory aspects, or even if not if there are delays with DWP decision‑making, if there are any ways that you might suggest targeting those kinds of problems?

**KASIA FIGIEL:** Maybe I can speak just to, just to, briefly, in terms of our advisers you know at the support many of our clients trying to communicate with DWP from their perspective, there isn't really much more that we have been doing other than kind of consistently chasing, calling or submitting, helping our clients submitting updates to the journals, but unfortunately I don't have any other advice I don't know if other panellists have any better experience, that's all we have been trying to do it can be incredibly frustrating.

**NIAMH GRAHAME:** I think from a Public Law project perspective it can be a difficult thing, delays in decision‑making can be a difficult thing to challenge, there is quite a bit of leeway given to allocation of resources and decision‑making, as you say, plugging away, relentlessly is, yeah, it's good. Did anyone else want to jump in on that, Alexa did you just unmute.

**ALEXA THOMPSON:** I was just going to say, it was the same time that you were saying about public law challenges, to say it is possible to judicial review delays in making decisions about entitlement ‑‑ well claims, but as you say there are all kinds of associated issues with that, reaching out to people like the PLP and other sort of expertise in the sector as well, is really helpful.

**NIAMH GRAHAME:** Brilliant, yeah definitely, it's definitely getting public law advice, it is possible, but just with the caveat that it is difficult.

       Someone asked, is there a reason why that they have seen that judicial reviews tend to be brought on ECHR discrimination guidance rather than Equality Act grounds?

**JAGNA OLEJNICZAK:** Alexa, correct me if I'm wrong, but I do think when you want to rely on 'other' status, as opposed to protected characteristic under the Equality Act that might be a good reason, but also umm... these kind of grounds are often overlapping and I think, I think that the other status reason is the only kind of immediate reason that comes to my mind, but I don't know if anyone else has differing views.

**ALEXA THOMPSON:** I think that's a good point and that's definitely a factor. I think, I will also stand to be corrected, that I think one difference is probably in terms of the remedies that you would be seeking. So umm... an Equality Act discrimination claim, like in the recent case, can mean that you get damages and quite hefty damages as well, and that's definitely worth pursuing, but if you are doing a broader kind of policy‑based judicial review challenge then you will probably want to be relying on aspects of human rights, because of construing legislation in a way with human rights, that's more likely to be successful and perhaps lead to a different eventual outcome than if you just pursued an Equality Act challenge.

**NIAMH GRAHAME:** Thanks both, that's really, really valuable insights into the, into the tiffs why those arguments are sometimes run together and sometimes not.

       One attendee has asked if there are any groups lobbying to revise the... the focus in PIP on physical impairment. I don't know Ellen if you meant, I don't know if Ellen you are aware of that, focusing on physical payment with PIP.

**ELLEN CLIFFORD:** No, I'm not! [*Laughter*] That's the short answer. We're struggling, we're struggling so much with all the different changes that are coming in. I mean, I referred to the RF v The Secretary of State for Work & Pensions, and the original intention of PIP was that it would be, is that it would give parity to people with mental distress, which is... why you know, claims increased in number, the government then pretended that was going beyond the original intention, when there were enough statements that said that is what they were doing. They want to limit it in any possible way they can, it's just a continual battle on every single front, there is also taking into account aids and appliances, they are trying to limit it in that regard as well, it's just a constant battle trying to stop every limitation that they are bringing in and that stops us from being able to do kind of wider vision work, I mean there is work going on across Deaf and Disabled People's Organisations, what we are calling our 'Vision for National Independent Living Support Service' which would take a much more holistic approach to the support and entitlements that deaf and disabled people need, but realistically no, none of the politically parties are interested in talking to us about anything that could result in an investment. So we are kind of trying to do work on it, but unfortunately it has to take a back foot really to just trying to save lives and reducing the cuts that we can.

**NIAMH GRAHAME:** Yeah, I completely understand, somebody else has asked about umm... any lobbying or anything going on in relation to the, the indignity of the process of having to prove things like disability and whether, in the welfare system and sort of how horrible a process it is for the individuals having to go through it and I'm not aware, again, in this, of anything specific in relation to that, but I imagine a similar ‑‑ well, unless anyone else on the panel is aware, but I guess may be similar things apply to what you were saying.

**JAGNA OLEJNICZAK:** Scotland is trying to out [Inaudible] for the disability benefit, which is potentially, you know, which you could read as addressing this issue, but yeah, people who do claim PIP, you know, that's why there is, there is, that's why they abandon their claims quite often because the sheer stigma and the way that ‑‑ you know the mental... you know, to be in this administrative turmoil but also needing to prove to someone who is sceptical about your, like factual condition to like constantly needing to prove this, is incredibly difficult and there is this one phenomenon that I came across which I think is just kind of evident, you could call it 'evidence fatigue' where you talk about very difficult impact at the your disability has on you for so many times and you start not to kind of show emotion over this, and this kind of, this need to prove it over and over again, makes people who you are proving it to, disbelieve you even more. So yeah, I would, yeah, I mean there is a lot of, you know, kind of policy papers setting out this issue, but I don't, I'm not familiar with any concrete steps being taken to address it.

**NIAMH GRAHAME:** Well, that's really useful to be aware of, it does sound like an area that is ripe for research, it's the sort of thing if you can present all of that to the right people, you know, when they are willing to listen which potentially in a General Election cycle it's may be more opportune time than at other times, yeah it's good to know that those, you know, that that is maybe Jagna if you were able to forward those on then we can circulate them after, as well. We have gone so over time, this is terrible, terrible Chairing, but there were so many questions and so much to talk about, but I'm going to draw a line there just now, and yeah, we can send out all we can afterwards in terms of resources that we have, from all our fantastic panellists. Thank you again to all of them, it was such a varied range of speakers and all touching on really, really interesting topics that I think everybody got so much out of, so thank you very much.

>> Thank you Niamh, it wasn't terrible Chairing, we just didn't programme enough time for such outstandingly in‑depth and also extensive presentations. Obviously we've had great feedback in the chat, with everybody finding this so useful. I've sat true several welfare benefits webinars produced by Public Law project this is one of the most comprehensive and in‑depth to me as well, thank you very much, it's shocking, a depressing subject area but at the same time thank you all for giving us your expertise. Thank you all. We've dropped it, those of you who are interested incoming to more welfare benefit seminars at PLP, you can find them at the events webpages today and we will circulate all links, we'll have a chat in the email afterwards to make sure we have got all the links and references you need and they'll be circulated in the next few test when we get the recording up and running on the learning management system. Thank you all so much, those of you that still need to have your lunch you are free now to go and do that, or just have a breather, thank you all so much and thank you also to our captioner Norma, we have had the, that captioning was working, so thank you so much for that. Oh, and those of you that haven't filled out the poll, last chance now, I'm going to close it in just a second, if you want to just fill in that poll just now. There we go. I think we've got twenty out of twenty people. Thank you very much. Thank you all. [End].