

Welfare Reform and Work Bill Policy Brief addendum

Clause 15

Will parents who care for a disabled child be subject to the conditionality changes, and what will those subject to conditionality be expected to do?

We recognise the invaluable role carers play in looking after ill or disabled children and it is not the intention that parents of disabled children should be subject to requirements which would be unreasonable in their circumstances.

Most responsible carers of a disabled child aged 3 or 4 will not be subject to the conditionality that this clause introduces. Responsible carers who receive the Carer Element will fall into the 'no conditionality' group in Universal Credit, which means that no work-related conditions will be applied.

This means that parents of children who receive the middle or highest rate of Disability Living Allowance (DLA) will be in the 'No Work Related Requirements Group' and therefore will not be subject to the conditionality this clause introduces.

Over half of the children in receipt of DLA aged under 5 are getting the highest rate care component and nearly the same number are getting the middle rate. In total, around 51,000 out of around 54,000 receive DLA at the highest or middle rate.

For those parents who are subject to some requirements, existing legislation is clear about how these should be tailored, limited and even temporarily lifted in certain circumstances. Requirements for each claimant will depend on what we can reasonably expect given their individual capability and circumstance and the extent of their caring responsibilities.

Where there is a disabled child in the household this would be factored into the decision about what it is appropriate for the individual to be asked to do. Any requirements should be tailored and limited around their caring responsibilities and the availability of suitable childcare should always be a primary consideration, including identifying where it is not possible to make suitable childcare arrangements.

The number of hours that we will expect a parent to look for work will vary dependent on childcare availability and any other particular needs that a child may have. A parent who decides, with good reason, to look after their children themselves, rather than use the childcare offer, or where it is not available, should have requirements appropriately tailored to their circumstances.

All requirements will be continually reviewed when circumstances change. Work coaches also have the ability to temporarily lift requirements, in order to respond to circumstances where it would be inappropriate to ask the parent to be available for and look for work.

What about carers who are not entitled to the Carer Element?

For carers who are not entitled to the Carer Element, different levels of conditionality may apply. Some who do not qualify for it will still be placed in the no conditionality group, including:

- full time carers of a severely disabled person who are unable to receive the Carer Element because they are not the main carer;
- carers of more than one severely disabled person whose cumulative caring responsibilities mean that it would be unreasonable to impose conditionality on them;
- where the claimant is a carer of a severely disabled person for at least 35 hours and it would be unreasonable to place requirements on them;
- where the care giver is responsible for a severely disabled person awaiting an assessment for a severe disability benefit.

Where the disability is less severe, parents will be placed in the conditionality group which is most appropriate for their circumstances, but any requirements will always be tailored around the individual's caring responsibilities.

Is there a problem with assessing entitlement to DLA for younger children?

Current legislation does not specify that a parent applying for DLA on behalf of their child must provide supporting evidence of their child's disability or health condition in addition to the application form.

The introduction of the mandatory reconsideration process means that decisions which are incorrect can be amended much more quickly. The number of appeals against DLA decisions has significantly dropped since the introduction of mandatory reconsideration, indicating that parents are able to access the support they need.

What if parents experience delays in the DLA application process?

For the purposes of conditionality, if a parent is the carer of a child awaiting assessment they will be placed in the 'No Work Related Requirements' group and will not be subject to any requirements.