

## **Legal Aid – benefits advice reduces poverty amongst disabled children**

---

Removing legal aid for welfare benefits advice will increase already high levels of poverty amongst disabled children and adults.<sup>1</sup>

**Legal aid helped 113,000 people in 2008/9** with welfare benefit problems – according to the government's own impact assessment, 58% of people who need help with welfare benefits cases are ill or disabled<sup>2</sup>.

- Over one million children (1.14 million) in poverty in the UK live in a household affected by disability; this is one third (30%) of the 2.6 million children in poverty<sup>3</sup>.

**For the vast majority of disabled people, access to disability benefits is the only route out of poverty.**

- The numbers of disabled adults who 'lack but want work' is five times the number included in the official unemployment figures.<sup>4</sup> For any given level of qualification, a disabled person is between two and three times as likely as a non-disabled person to be lacking but wanting work<sup>5</sup>; "this is evidence that the labour market effectively discriminates against disabled people."<sup>6</sup> This is likely to understate the difficulties disabled adults face today with the UK economy recording little growth and limited job opportunities.
- the risk of a child being in poverty in a household with a disabled child is 21% in a household receiving disability benefits, but this rises to 41% in a household not receiving disability benefits.<sup>7</sup>
- the risk of a non-disabled child being in poverty in a household with a disabled adult is 29% in a household receiving disability benefits, but this rises to 43% in a household not receiving disability benefits.
- the risk of a disabled child being in poverty in a household with a disabled adult is 30% in a household receiving disability benefits, but this rises to 50% in a household not receiving disability benefits.
- Reform of disability benefits including the replacement of disability living allowance with personal independence payments will increase child poverty, and this will be made worse if families do not have access to the advice and support they need to access their full benefit entitlement.

**Disability benefits are difficult to claim without help and advice; the rules of entitlement are complicated and claimants often need medical evidence.**

- Research shows that addressing benefit adequacy and ensuring that all disabled people – particularly the most vulnerable and disadvantaged groups - receive their full benefit entitlement reduces poverty and improves health outcomes. Access to advice is essential to maximise take-up of disability benefits. Research shows that the provision of welfare benefits advice in primary care settings leads to an improvement in health.<sup>8</sup>

---

<sup>1</sup> Legal aid will also be removed for representation in social security and tax credits cases in the Court of Appeal and the Supreme Court, leaving claimants unrepresented in appeals brought by local authorities, the Department for Work and Pensions, and HMRC, but spending on legal aid for these appeals is negligible.

<sup>2</sup> Equality Impact Assessment 21<sup>st</sup> June 2011 para 2.213

<sup>3</sup> Households Below Average Income (HBAI) 2008/9 – these figures are after housing costs

<sup>4</sup> G. Palmer, J Carr, P Kenway, "Monitoring Poverty and Social Exclusion" 2005 Joseph Rowntree Foundation and New Policy Institute 2005 p 13

<sup>5</sup> Ibid p 14

<sup>6</sup> Ibid p 14-15

<sup>7</sup> HBAI 2008/9 – after housing costs

<sup>8</sup> See, for example S Abbott and L Hobby What is the impact on individual health of services in primary health care settings with offer welfare benefit advice? (Health and Community Care Research Unit, 2003).

- Welfare benefits advice is good value for money: “welfare benefits legal aid cost £28.3 million in 2009/10, less than 0.18% of the £16 billion value of unclaimed benefits”<sup>9</sup>.
- There are currently 912,000 children living in families where somebody is disabled but not in receipt of disability benefit. Their risk of living in poverty is 39%. The risk of the child living in poverty drops to 25% if the person affected by disability receives disability benefits. Receiving disability benefits reduces risk by 14%
- Increasing take up of disability benefits in households affected by disability could lift 127,680 children out of poverty, which would decrease child poverty by 3%. It would also improve the incomes of all 912,000 children, including the 228,000 children who even with this help would remain in poverty.
- 122,000 children live in households affected by disability whose income is just above the poverty line.<sup>10</sup> Proposed cuts in benefits and tax credits will have a disproportionate impact in households affected by disability and are very likely to pull these children below the poverty line.

**Success rates for benefits appeals are high, indicating a high level of error in decision making; success rates are higher with advice and representation; claimants need advice to help challenge wrong decisions.**

- 55% of social security and child support appeals succeed where the claimant has had advice, help or representation, only 28% succeed without this, a 27% difference.<sup>11</sup>

### **Cuts to legal aid will devastate advice services**

- A Citizens Advice survey of 106 bureaux estimated 51% were at risk of closure as a result of the changes in scope to legal aid.<sup>12</sup>

**Cuts to legal aid for advice on entitlement and appeals for welfare benefits will jeopardise the government’s ability to deliver on its targets under the Child Poverty Act 2010.**

- The *Child Poverty Act* places a duty on the Secretary of State to ensure that targets<sup>13</sup> are met in the UK by 1 April 2020.

For more information see CPAG’s response to the Green Paper at [http://www.cpag.org.uk/cro/Briefings/CPAG\\_response\\_legalaidreform\\_0211.pdf](http://www.cpag.org.uk/cro/Briefings/CPAG_response_legalaidreform_0211.pdf)

**CPAG supports Justice for All ([www.justice-for-all.org.uk](http://www.justice-for-all.org.uk)), a coalition of 3,500 charities and other organisations campaigning against the legal aid cuts.**

### **About CPAG**

CPAG promotes action for the prevention and relief of poverty among children and families with children. To achieve this, CPAG aims to raise awareness of the causes, extent, nature and impact of poverty, and strategies for its eradication and prevention; bring about positive policy changes for families with children in poverty; and enable those eligible for income maintenance to have access to their full entitlement.

#### **Child Poverty Action Group**

94 White Lion Street

London N1 9PF

tel: 020 7837 7979

fax: 020 7837 6414

email: Sarah Clarke ([sclarke@cpag.org.uk](mailto:sclarke@cpag.org.uk)) or Tim Nichols ([tnichols@cpag.org.uk](mailto:tnichols@cpag.org.uk))

Child Poverty Action Group is a charity registered in England and Wales (registration number 294841) and in Scotland (registration number SC039339), and is a company limited by guarantee, registered in England (registration number 1993854). VAT number: 690 80811

<sup>9</sup> Administrative Justice and Tribunals Council response to the MoJ consultation document Proposals for the Reform of Legal Aid in England and Wales, CP 12/10 paragraph 44, figures for 2009/10 para 4

<sup>10</sup> Households Below Average Income (HBAI) 2008/9

<sup>11</sup> Opp cit paragraph 44, figures for 2009/10

<sup>12</sup> Citizens Advice response to Proposals for the Reform of Legal Aid in England and Wales February 2011 p12; 51% of bureaux surveyed thought there was a risk to the continuation of the local CAB as a whole.

<sup>13</sup> Less than 10 per cent of children live in relatively low-income households; less than 5 per cent of children live in combined low-income and materially-deprived households; less than 5 per cent in absolute low-income households; reduce children in persistent poverty (target to be decided by 2015).