

Roger Godsiff MP

Our ref: RH/LS/235Godsiff

By email

Date: 23 February 2016

Dear Mr Godsiff

### **ESA WRAG proposals in the Welfare Reform and Work Bill**

Thank you for your email of 18 February 2016, in response to mine of the same day, in which you asked whether the DWP's impact assessment on Clause 13 of the Welfare Reform and Work Bill meets "the statutory requirements for equalities considerations".

The public sector equality duty requires public authorities to properly consider the impact of their decisions and actions on the elimination of discrimination, the advancement of equality of opportunity, and the fostering of good relations. These considerations, where relevant, should be at the heart of the decision-making process. While there is no legal requirement in England to produce an equality impact assessment document, we consider that setting out details of the consideration that has been given in a comprehensive impact assessment is a transparent way of demonstrating that proper consideration has been given and the duty complied with, and enables the assessment to be scrutinised, and we therefore encourage this. However, in this case, we consider that the Government's impact assessments make very little attempt to set out comprehensively how the three aims of the duty have been considered.

On 16 September 2015, the Commission wrote to the Secretary of State for Work and Pensions to set out our concerns about the impact assessments for the Welfare Reform and Work Bill. We believe the assessments would benefit from a more detailed consideration of the likely impact of the proposals on people with different protected characteristics. They contain very little in the way

of evidence and this limits the accompanying analysis and the scope for parliamentary scrutiny and informed decision-making on the proposed legislative changes.

In relation to the impact assessment covering the proposed changes to Employment and Support Allowance (ESA) and Work Related Activity Group (WRAG), the analysis is very limited. There is for example: no attempt to break the limited data down to understand how the proposals will affect people with different forms of disability. This makes it difficult to understand whether the changes will affect, for example, people with some types of physical disability more or less than people with particular types of poor mental health or who experience bouts of ill-health and may therefore be in and out of work. It is also unclear whether applying the changes to new claimants will mean they have a more significant impact on younger disabled people or new migrant workers.

These are the kinds of matters that we might have expected a more thorough analysis to have considered. Without this level of evidence, the assessment does not, in our opinion, sufficiently support consideration of alternative options which might have less of an impact on people with particular protected characteristics.

I hope you find my comments helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rebecca Hilsenrath', with a stylized flourish at the end.

**Rebecca Hilsenrath**  
Chief Executive Officer