

introduction

This third policy bulletin for 2010 goes to press just as the Comprehensive Spending Review is announced and as the local party conference season gets underway. The Policy Unit will be attending all the party conferences to highlight our priorities.

This Bulletin outlines our work from July to September 2010 and highlights the issues we are currently working on. If you would like more information about any of these issues, please, as ever, get in touch. All our responses are available on our website www.lawcentreni.org

Ursula O'Hare

Assistant Director (Policy & Publications)

social security

Welfare reform

21st Century Welfare is the Coalition Government's radical vision for welfare reform. Central to the reform package is a new Universal Credit that would encompass existing benefits and housing and other costs. The level of the earnings disregard and the extent to which benefits are withdrawn as earnings increase will have a critical impact on whether the system creates incentives to work or not.

Our consultation response questioned the assumptions made by the Department of Work and Pensions about the effectiveness of sanctions and cautioned that it will be difficult to move people into employment when job opportunities may be limited.

What is needed is an approach to welfare reform that recognises the particular local circumstances and that identifies the scope for local variation.

Welfare Reform Policy Group

The welfare reform debate remains fluid following a string of announcements from the Coalition Government on social security changes. The Welfare Reform Policy Group, convened by the Law Centre, ensures a range of perspectives are brought to bear on changes to social security legislation and policy.

The group responded to the Government's *21st Century Welfare* reform proposals highlighting concerns about the impact on lone parents and on child poverty. The Group is preparing for the publication of the White Paper which will flesh out the detail of the government's policy proposals. In the meantime, the Group has asked the Northern Ireland Select Affairs Committee at Westminster to conduct an enquiry into the impact of the *21st Century Welfare* reform proposals for Northern Ireland.

In addition, the Law Centre is participating in an informal group set up by the Social Development Minister to examine the impact of welfare reform in Northern Ireland.

Employment and Support Allowance

Our response in September to the Social Security Advisory Committee's consultation on the Employment and Support Allowance (Limited Capability for Work and Limited Capability for Work Related Activity) Amendment Regulations 2011 questioned the approach underlying migration from Incapacity Benefit to ESA.

The proposed regulations provide for the revision of the existing Work Capability Assessment to place greater emphasis on adaptability to disability. While we agreed that a health condition or a disability should not be deemed as a direct barrier to work, we expressed

concerns that people who are ill are being erroneously subject to the test.

We recommended strong safeguards to cover the transition to ESA for those with a disability or illness found capable of work, including adequate support to help find appropriate work.

Housing Benefit reform

Also in September, we submitted responses to both the Work and Pensions Committee and the Social Security Advisory Committee inquiries into the impact of changes to Housing Benefit (Housing Benefit (Amendment) Regulations and the associated Rent Officers (Housing Benefit Functions Order) 2010).

The Emergency Budget outlined cuts to Housing Benefit, in particular to the Local Housing Allowance (LHA). Proposals included a cap on LHA for bedroom sizes, reduction to an LHA rate of the 30th percentile and the removal of the LHA £15 weekly excess provision. The Emergency Budget also proposed to reduce Housing Benefit by 10 per cent to people who have been in receipt of Jobseeker's Allowance for more than twelve months from April 2013.

The Law Centre highlighted its strong concern that the effect of these combined cuts would lead to a sharp rise in rent arrears and ultimately to an increased risk of homelessness. The Coalition Government's response to the SSAC consultation is now awaited with interest.

immigration

Immigration reform

We are keeping an eye on proposed reforms to the immigration system and have responded to a number of consultations. We are delighted that the Coalition Government is committed to ending the immigration detention of children, but we are concerned that progress on delivering this commitment has been slow. We have also responded to two separate consultations on the proposed 'cap' on non-European inward migra-

tion, raising concerns about the potential impact of the proposals on family life and on community cohesion.

We have recently met with senior UKBA officials to discuss ongoing casework and policy issues in Northern Ireland.

Prison review

We welcomed the Prison Review announced by Justice Minister David Ford on 21 June. The Law Centre has a particular interest in foreign national prisoners and so we drew the prison review team's attention to a number of key issues affecting this group of prisoners, including access to legal advice, transport arrangements for immigration detainees and the availability of statistics monitoring this group.

Immigration Sub-Group

The Law Centre continues to chair the Immigration Sub-Group organised by OFMDFM which reports to the Racial Equality Forum chaired by OFMDFM junior ministers. The group is currently examining a range of immigration issues that affect people in Northern Ireland. The creation of an Emergency Fund for destitute migrant workers is a high priority for the sub-group. A paper on this has been submitted to OFMDFM. Another key issue is the lack of access to English classes for asylum seekers and refugees in Northern Ireland. The Law Centre produced a joint paper with Bryson House Charitable Group and the Northern Ireland Community of Refugees and Asylum Seekers for the Department for Employment and Learning and the Sub-group is pursuing this issue.

Guardianship

The last Bulletin reported on the North/South Immigration Forum held in June 2010 that focused on the needs of children who are subject to immigration control. Since then, we have taken forward work with some children's and refugee organisations to explore how a 'guardianship system' might be developed to support unaccompanied children.

The UN Convention on the Rights of the Child talks of the need for legal guardianship for separated children who are subject to immigration control. There is no such guardianship in place in the UK although a pilot system is currently underway in Scotland.

The group is looking to see whether Northern Ireland can put its own system in place to ensure that separated children receive appropriate welfare and legal assistance.

Refugee Action Group

The Policy Unit continues to work closely with Refugee Action Group (RAG) which is currently working on a new project, RITON! (Refugees in Time of Need). This project will pair up asylum seekers with trained volunteers. Volunteers will provide moral and practical support at asylum tribunal hearings. Volunteers will also accompany asylum seekers to police reporting events. Law Centre caseworkers are assisting with the training. Members of the Immigration Practitioners Group agreed that this project will provide invaluable support. For further information contact Liz Griffith at the Law Centre (elizabeth.griffith@lawcentreni.org).

employment

Workplace disputes

The Employment No. 2 (NI) Bill 2010 was introduced to the Assembly this autumn. This is the bill that gives effect to the Department for Employment and Learning's reform of the system for handling workplace disputes. We will be giving evidence on the bill to the Employment and Learning Committee in early November.

While we welcome some of the proposed reforms, we are disappointed that there are no proposals to assist claimants through the process by access to free legal advice. We share the Department's commitment to exploring Alternatives to Dispute Resolution (ADR) approaches, but we are of the firm opinion that not all disputes can be resolved through ADR. There is a persistent 'inequality of arms' under the current tribunal

system which makes it extremely difficult for a claimant to access justice through the courts. We met with Department officials over the summer to discuss our concerns and will raise these issues with the Committee. Our evidence will be available on our website.

community care

Over the summer, reflecting the commitment in the Bamford Action Plan 2009-2011 to develop a dementia services strategy, the DHSSPS published its Northern Ireland Dementia Strategy for consultation. We welcomed the development of a strategy that recognises the needs of people with dementia and their carers. Given the ageing Northern Ireland population and the projected increase in diagnoses of dementia, the strategy should set the framework for meeting this need.

Long term care seminars

The Rights in Community Care (RICC) group, convened by the Law Centre, launched its seminar series, *A Vision for Community Care*, on 10 September with an inaugural seminar entitled *Facing the Funding Challenges*. Professor Derek Birrell from the University of Ulster and Gerry Maguire of the Health and Social Care Board spoke about funding, expenditure, priorities and delivery of services in community care. A further three seminars are planned (December, March and June). If your organisation would like more information on attending these events or if you are interested in the Rights in Community Care group, please contact georgina.white@lawcentreni.org

Capacity law reform

In September, we spoke at a seminar organised by Disability Action on the proposals for a new Mental Capacity Bill.

The Mental Health and Learning Disability Alliance met in September to formulate its response to the DHSSPS equality impact assessment on the Mental Capacity Bill. This will be available from the Alliance's new website.

child poverty

In August, the Office of the First Minister and Deputy First Minister began consulting on the development of a Child Poverty Strategy to meet its obligations under the Child Poverty Act 2010.

The consultation paper, *Starting the Discussion*, sets out a cross departmental approach to identifying and targeting the key barriers to tackling child poverty. Actions will target the most vulnerable children in society and work towards eliminating child poverty by 2020. The Child Poverty Strategy can put child poverty and childcare priorities at the forefront of policy making if the necessary structures are in place. The reference, however, in the Child Poverty Act 2010 to available resources may restrict the deliverability of the strategy and ultimately undermine its core purpose.

We also participated in a roundtable workshop on child poverty in September and will be commenting on the consultation on the detail of the strategy once known.

policy responses

July to September 2010 **policy submissions** and **briefings** (available at: www.lawcentreni.org)

August 2010

- **DHSSPS Northern Ireland Dementia Strategy Consultation Response**

September 2010

- **SSAC Consultation: Housing Benefit (Amendment) Regulation 2010 and Rent Officers (Housing Benefits Function Order) 2010**
- **Response to UKBA Consultation on Migration Cap**
- **Response to the Migration Advisory Committee Consultation on the Migration Cap**
- **Response to Northern Ireland Prison Review Consultation**
- **21st Century Welfare: Law Centre (NI) Response to DWP/DSD 21st Century Welfare: Welfare Reform Policy Group Submission to DWP/DSD**