



Department for Work and Pensions

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Dear

Thank you for your letter of 29 October to Jonathan Shaw concerning AIDS and HIV in the UK. I have been asked to reply and I apologise for the delay in doing so. I am sorry that the Minister has not been able to reply to personally, but I hope you will understand he receives a great deal of correspondence on a variety of subjects and it is not possible for them to reply to each letter individually.

As you may know, the Department is committed to achieving equality for all disabled people, whatever their impairment. This Department's Secretary of State report illustrates this commitment and highlights areas in which progress has been made towards disability equality. It also outlines the Government's proposals for further progress where it recognises more work needs to be done over the next three years to ensure disability equality. While the report does not specifically mention HIV, it does set out a broad range of plans for future progress towards equality for disabled people.

Part of the Government's welfare reforms will, as you point out, result in more people coming in to contact with Jobcentre Plus. This is a positive step forward. It will enable this Department to offer more support to disabled people to help those who can work to find and stay in suitable employment. The learning programme for Jobcentre Plus advisers focuses on raising awareness of the customer's personal circumstances and the impact this might have on their ability to move into sustainable employment. As such, all our customer-facing staff are equipped to help the customer focus on what they can do in the world of work and where necessary, to direct them to where they can get specialist help to address a condition. HIV is mentioned specifically with regards to discrimination and all Jobcentre Plus staff have access to information about HIV through guidance on our Intranet.

Information on which impairments or conditions are covered by the Disability Discrimination Act is on the Departmental internet and intranet sites. The

Disability Discrimination Act also has a special provision that covers progressive conditions, like HIV, which enables a person with such a condition to be covered by the Disability Discrimination Act as soon as the impairment has some adverse effect rather than requiring it to have a substantial adverse effect. In the Disability Discrimination Act 2005, this provision was extended to cover a person from the point of diagnosis of HIV.

Yours sincerely

Ministerial Correspondence Unit

Body of my letter to Jonathan Shaw, MP. Minister for the Disabled.

I appreciate you are new to post and wanted to pull you up on the figures mentioned during your answer to Dr. Ian Gibson's question in the house on Monday 20th October 2008. These figures are available as the DWP do classify people using the label "HIV" on the system. Further I was able via Lisa Power at Terrence Higgins Trust to get current figures for Disability Living Allowance. With respect to other benefits the DWP does publish these on it's website. Latest figures are to February 2008 with current figures due. I would take this up with whoever is briefing you.

I welcome you comments on "stigma" and look forward to the proposals the government will make further to addressing this major issue for HIV/AIDS individuals.

We also await the detail on how you propose to deal with "Fluctuating Conditions" and welcome this as a priority for you. As you witnessed on Monday there needs to be a "joined up" approach to the government policy on delivering equality for disabled people into the workplace and with access to benefits.

Mark Baker of RNID who also spoke at the APPG. Raised the issue of some disabled people being further away from employment than others. He gave the example of Deaf people requiring someone to sign as being a necessary step to employment and the provision and cost being prohibitive. For HIV/AIDS individuals it is the discrimination and prejudice, the stigma that pushes us further away from employment. Seeking redress through existing legal avenues not being an option as those with HIV do not wish to become more publicly visible for fear of the reprisals it would bring.

My organisation T_hCell is a mechanism for those who feel disenfranchised by the state and organisations like THT to come together and share experience and issues related to accessing state benefits. Many fear the intervention of the state in their benefits. Worried that any adverse decision is likely down to the personal views of the staff over people with HIV than based on any material fact of their case.

We are seeing people accept these decisions. To worried to engage in the various appeals processes, as they are either to sick to deal with the stress or moreover fear of the stigma of making themselves more visible to public and state. We have already seen people "outed" to their GP's for example.

This maybe good for the DWP as it saves money but it means the appeal process is in fact inaccessible. We also know there is a good chance of a positive change in favour of cases where people have appealed an adverse decision. However this doesn't seek to encourage others to do so.

Working with any disability and the government's policy to encourage disabled people into the work place. Needs engagement with business and state. Reasonable adjustments vary, as larger companies are more able to make changes. Help should be given, maybe via grants to smaller businesses to facilitate changes to the workplace for a disabled employee.

Retention is a subject, raised by Catherine Ellis on Monday that the government needs to give more thought to. Here Job Centre Plus could get involved by tracking new employee's once they have gained employment. Access to the Employment tribunal to ensure rights under the Disability Discrimination Act needs to be easier. Once an employee has arrived at this stage. The situation can become adversarial and achieves little. The law lacks "teeth" and if you are to reach equality the penalties and access to remedies need to be sufficiently strong enough to make a difference.

At present the awards given to those cases that do win are poultry.

Many agencies will no doubt be approaching you to make their individual cases for the disabled groups they represent. I ask merely for the DWP in its own activities and processes it has in getting people back to work. To more fully understand the issues HIV+ people have and understand that the impact of the condition can vary greatly. Current statistics show 90 people have been retained on Special Rules that means they are not expected to live more than 6 months. Some function normally as their HIV has been caught early and the drugs work in controlling the conditions. Within that scale are various degrees of illness. With an ageing HIV population new issues are coming to light such as the greater incidence of Cancer.

One of the big issues I faced when I worked was the time I needed to take off due to illness.....(edited out sentence).. There are also other issues such as "Health & Safety " law, insurance for employers that don't cover people with HIV for accidents in the workplace etc.

We once heard the phrase "social justice". Of late this theme seems to have been dropped.

I wish you well in your new post. The challenges are certainly there for government. In closing I have to say I am concerned that your time is diluted by your second brief of Minister for the South East. I hope this doesn't prove such a distraction that we end up with a minister that is unable to be a champion for the disabled in government.