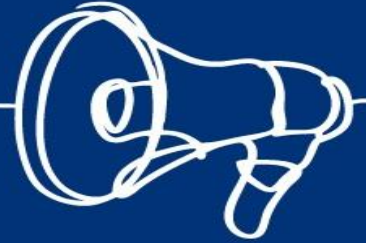


Briefing from Mind



Mental health and requirements to prepare for work

About Mind

We're Mind, the mental health charity for England and Wales. We believe no one should have to face a mental health problem alone. We provide advice and support to empower anyone experiencing a mental health problem. We campaign to improve services, raise awareness and promote understanding.

About this briefing

Every year 300,000 people fall out of work after experiencing a mental health problem, and there are currently more than 1.1m people who receive out-of-work benefits primarily because of a mental health problem.

Reforms to the benefits system under Universal Credit mean that in the future almost everyone receiving out of work benefits will have to spend time looking for work or preparing for work, or facing having their benefits stopped. This means that Jobcentre staff have a significant amount of responsibility for setting and monitoring requirements for people with mental health problems.

Recent guidance from the Department for Work and Pensions suggests that as part of these requirements to prepare for work, people can be expected to attend therapy, to seek help from local support groups, or to set themselves personal goals such as leaving the house, going to the shops, or writing lists of things they used to enjoy.

This briefing sets out Mind's position on these kinds of requirements and the impact they have on people with mental health problems.

Who can be required to prepare for work?

In Employment and Support Allowance people who have been through an assessment process and placed in the 'Work-Related Activity Group' can be required to do things that Jobcentre staff think will make it more likely that they will find work, like attending training or putting together a CV. Other people will be placed in the 'Support Group' which means they are considered too unwell to be required to prepare for work.

In Universal Credit these sorts of requirements can be placed on anyone making a claim and will apply before a person has been through any assessment, although they can later be 'switched-off' depending on the outcome of that assessment.

What are the consequences for not meeting a requirement?

If someone cannot meet the requirements placed upon them, they will be referred for a benefits sanction, a period of time when their benefits are stopped or reduced. The amount of money stopped, and the length of the sanction can vary.

For example in Universal Credit, the sanction for failing to meet a requirement to prepare for work will cover all of a person's 'standard allowance' (i.e. their living costs but not housing costs). It will last as long as the person hasn't met the requirement plus:

- 7 extra days for the first sanction
- 14 extra days for the second sanction
- 28 extra days for the third sanction

What does the law say these requirements can include?

The legislation on what can count as preparing for work is very broad. It also depends on whether someone is claiming the new benefit Universal Credit, or the older Employment and Support Allowance. For the latter the legislation uses the phrase 'work-related-activity and says that this:

- (a) must be reasonable in the view of the Secretary of State, having regard to the person's circumstances; and*
- (b) may not require the person to—*
- i. apply for a job or undertake work, whether as an employee or otherwise; or*
 - i. undergo medical treatment.¹*

For Universal Credit this is replaced with the phrase 'work preparation requirement'. The legislation says that this is a:

[...] requirement that a claimant take particular action specified by the Secretary of State for the purpose of making it more likely in the opinion of the Secretary of State that the claimant will obtain paid work (or more paid work or better-paid work).²

It then lists a series of examples which include participating in training, developing a business plan, improving personal presentation, and undertaking work experience. It also says that the Government can require people to undergo a 'work-focused-health-related assessment.' This is a meeting with a healthcare professional to discuss issues around how a person's health affects their ability to work.

¹ [Regulation 3](#) of the Employment and Support Allowance (Work-Related Activity) Regulations 2011

² [Section 16](#) of the Welfare Reform Act 2012

What do these requirements include in practice?

Guidance published for Department for Work and Pensions staff on 9th February 2017 lists examples of work-related-activity for people receiving Employment and Support Allowance.³ It includes:

- Considering referral to professional service (e.g. counselling, physiotherapy etc. through GP or self-referral. Keep a log of any research you do, or contact that you make.
- Researching local self-help centres / support groups appropriate to claimant's health condition (through library, internet, Yellow pages etc.) Keep a log of any research you do, or contact that you make.
- Leaving the house every day, keeping a log to chart progress (e.g. walking around the block; going to the corner shop; going into town).
- Make a list of your hobbies, things you enjoy doing, or things you used to enjoy doing.

This echoes research published by the Department for Work and Pensions last year which found that Jobcentre staff were often requiring people with mental health problems to do things which could be considered 'therapeutic support':

*"Work Coach advice might veer towards the psychological. For example, encouraging agoraphobics to leave the house or encouraging people with anxiety to visit a public place such as the Jobcentre Plus office [...] So, some aspects of the Work Coach advice blur the distinction between employment advice and therapeutic support and raises questions as to the boundaries in the Work Coach function. [...] Related to this, some (less experienced) Work Coaches felt uneasy about how 'forceful' they could be with claimants."*⁴

And the prevalence of this kind of work-related activity have been referenced in Upper Tribunal judgements:

"The submission provided two examples of the work related activity available in MC's area under the Jobcentre Plus Offer. The first was a telephone helpline for those with anxiety and stress issues, the second was

³ [ADM memo 2/18: Universal Credit and ESA, limited capability for work-related activity and substantial risk](#) (pg 20-21)

⁴ [Department for Work and Pensions \(2017\), The 2015 ESA Trials: A synthesis](#)

informal one to one support for those experiencing mental health problems.”⁵

What impact do these requirements have on people with mental health problems?

People with mental health problems tell us that the threat of sanctions is often a real source of pressure and anxiety, which damages their trust in Jobcentre support. This is the case where the possibility of receiving a sanction is applied to activity which is straightforwardly about work, such as preparing a CV, attending an appointment at a Jobcentre or undergoing a training programme. These risks are even greater when requirements are applied to such a wide range of activities:

Medical treatment

There is strong-evidence that mental health treatment is more successful when people trust the person who is supporting them and feel that they have choice and control over their treatment. Connecting sanctions with a requirement to seek treatment has the potential to damage trust in mental health services and change the way people with mental health problems think about asking for support. It also damages the relationship between a therapist and the person they are supporting, and means that people will face financial pressure to take-up support that is not right for them and doesn't meet their needs.

In areas where people struggle to access the right services, there is a real risk that some might find themselves having to ask for help they know they cannot receive in order to show Jobcentre staff that they are complying with requirements. This can be distressing and counter-productive.

Day-to-day tasks

Many people with mental health problems can struggle to stay independent. For example people who experience agoraphobia or panic attacks might struggle to leave the house, or people experiencing severe depression may find it harder to do daily tasks. Good quality care and support can play a huge role in supporting people to live independently and have control over their lives. In some cases this support will help people attempt to take on things they have struggled with in the past. This is always in the context of a safe and trusted environment, where there is no penalty attached, and there is an expectation that attempts won't always be successful.

Requiring people to increase their independence and imposing a financial sanction if they are unable to do this risks making people's mental health worse by adding to the pressure associated with daily living. It also extends the fear of sanctions beyond interactions with the Jobcentre and makes it something that is more pervasive in people's day-to-day lives. It goes beyond the remit of Jobcentre staff

⁵ [KC and MC –v- SSWP \(ESA\)](#)

(to focus on activity related to work) and runs counter to evidence-based approaches to supporting people to recover or manage their mental health.

What is Mind calling for?

There is a real need to clarify the limits of what work-related-activity and work preparation requirements, to avoid situations where people with mental health problems are inappropriately required to do things that are detrimental to their health or risk losing their financial support. This is particularly pressing for Universal Credit, where a sanction will last until someone has complied with their requirement.

We believe the Government should through secondary legislation clarify that for both Universal Credit and Employment and Support Allowance:

- Requirements to prepare for work should not include a requirement to undergo medical treatment, to seek treatment, or to undergo activities connected with seeking treatment.
- Requirements to prepare for work should be specifically connected to employment and should not include tasks related to daily living or self-care.

We are also calling for wider reform to requirements and sanctions for people with mental health problems you can read more in our briefing [here](#).

If you'd like to talk to us about this briefing, please contact:

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