



Sanctions and requirements in Universal Credit

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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

Universal Credit is changing the way sanctions and mandatory requirements work for people with mental health problems. One of the most significant changes is that anyone receiving Universal Credit can be required to meet with Jobcentre staff and look for work from as soon as they start their claim. In the legacy system disabled people and people with health conditions could only be required to do this after they had been through an assessment process and found well enough to work or to take steps towards work. This briefing sets out what we know about these changes and their likely effect on people with mental health problems.

How do sanctions work in the legacy system?

When a person makes a claim to Employment and Support Allowance (ESA) they will usually be expected to attend a face-to-face assessment. The outcome of that assessment will determine the amount of money they receive but also what requirements they have to meet in order to keep their entitlement. The three potential outcomes are:

- Fit for work (not eligible for ESA)
- ESA Work-Related Activity Group (ESA WRAG)
- ESA Support Group

People in the WRAG can be required to attend appointments at a Jobcentre and to take steps towards work, for example by attending training courses or putting together a CV. If they don't meet these requirements they can be sanctioned. People in the Support Group can't have any requirements placed on them because they are judged to be too unwell.

How do sanctions work in Universal Credit?

From the first day of their claim, anyone receiving Universal Credit can be required to attend appointments at Jobcentre, to take steps towards work, to look for jobs, and to accept a job that's offered to them. This applies to disabled people who are waiting to attend an assessment.

Once someone has attended an assessment and had their outcome, the requirements that can be placed on them are limited (in the same way as the old system). Before that point the nature of those requirements is entirely up to the discretion of Jobcentre staff.

What does this mean for people with mental health problems?

Every year there are 100,000 people with mental health problems who apply for ESA, have an assessment and are placed in the Support Group and exempted from requirements. People in this group are likely to have more severe conditions and so they're not required to go to the Jobcentre at any point in the process.

Under Universal Credit everyone in this group will be required to attend appointments and look for work by default, unless Jobcentre staff recognise the severity of their condition and 'switch-off' requirements.

Mandatory requirements and mental health

People with mental health problems tell us that mandatory approaches damage their trust in the system. Many of the people we speak to tell us that they feel anxious and fearful about attending appointments as a result, and do not see Jobcentres as places where they can receive the kind of support they need:

"It made me not trust the Jobcentre staff and not want to tell them anything. I was also more worried about going to the Jobcentre in case I had done something wrong without knowing."

"I can't count the number of times I've had panic attacks in Jobcentres or how anxious even the thought of them makes me feel."

"Sanctions heaped on the pressure and made my mind more muddled and less able to cope with day to day activities as well as job hunting."¹

Jobcentre staff and mental health

Work Coaches are the advisers that work in Jobcentres. Recent Department for Work and Pensions research has found that many of them hadn't previously had extensive experience of working with people with mental health problems. Some of them found talking about mental health 'personal, difficult and uncomfortable to handle'.² The research highlighted that many Work Coaches actively asked for more training, support and guidance to help them work with people with mental health problems.

Many Work Coaches said they did not know what sorts of requirements were appropriate to place on people with mental health problems. They felt 'uneasy' about 'how forceful they can be' when requiring people with mental health problems to take steps towards work.³ The research found that Work Coaches were most effective when they built up

¹ Mental health sector response: Work, health and disability green paper (2017)

² DWP (2017). The 2015 ESA trials: A synthesis of qualitative research with Work Coaches (pg 55)

³ DWP (2017). The 2015 ESA trials: A synthesis (pg 46)

empathetic relationships and listened to people with mental health problems about how their mental health affects them.⁴

Some Work Coaches said that they were unclear about the boundaries of their role. The research describes times when they felt they were ‘blurring the line between employment support and therapeutic support’. This includes situations where they found themselves advising people on mental health issues like managing agoraphobia and anxiety.⁵

The Jobcentre environment and mental health

One significant barrier to building a trusting and positive relationship between people with mental health problems and Jobcentre staff is the lack of availability of private rooms within Jobcentres. People with mental health problems tell us they rarely feel comfortable having an open conversation about how their mental health affects them in a public environment because of feelings of embarrassment or the fear of stigma. This also means that Work Coaches lack the information they need to understand or tailor requirements to a person’s specific needs.

“An open plan office environment for someone like me who suffers very seriously from anxiety is completely inappropriate.”

“A more relaxed environment rather than a busy space where everyone can overhear every word you say is definitely needed, it's bad enough feeling that one person is judging you, let alone a whole room of random people.”

“You should be able to see an advisor who can understand your situation and definitely in a private room. A person suffering from anxiety cannot discuss personal issues in public!”⁶

What Mind is calling for

The expansion of mandatory requirements under Universal Credit is likely to place even more pressure on people with mental health problems, who already tell us that they rarely get the support they need from the current system. We want to see the Government:

1. Remove the use of mandatory requirements and the threat of sanctions for people with mental health problems.
2. Develop a programme of training and development for Work Coaches on mental health, including giving them options to specialise in supporting people with mental health problems.

⁴ A synthesis (pg 30)

⁵ A synthesis (pg 44)

⁶ Mental health sector response: Work, health and disability green paper (2017)

3. Change the way they measure performance so that Jobcentre staff see their aim as building trust, empathy and positive engagement – not changing people’s motivations or immediately moving them off benefits.

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