

Written evidence from Mind (IWP0028)

About Mind

Mind is the leading mental health charity in England and Wales. We provide advice and support to empower anyone experiencing a mental health problem. We campaign to improve services, raise awareness and promote understanding. Ensuring the benefits system is both fair and supportive for people with mental health problems is a key part our work due to the high numbers of people with mental health problems who receive this support.

General comments

- We welcome the intention for the Government to better support people once in work as this is greatly needed. However, we are concerned that there has been little information published on what this support is or how it is being delivered.
- It is also unclear as to who the findings of the pilots will apply to. The Chancellor stated an extra one million people would be subject to work-related requirements, but did not specify who this consisted of.¹ Mind would be extremely concerned if this included people with mental health problems, particularly those receiving Employment and Support Allowance. We would be concerned as there is no evidence at present that shows placing requirements on this cohort is beneficial in terms of job outcomes, in-work progression or health.
- Statistics show that the current conditionality system isn't working effectively for people with mental health problems. Nearly 70% of the 60,000 sanction threats for people with mental health problems in the ESA WRAG in 2014-15 were later cancelled or reversed.² These threats, whether they resulted in a sanction or not, have a detrimental impact on the mental health of people with mental health problems. We would therefore argue that before introducing new forms of conditionality or requirements, the Department should review its current use of the policy to understand where improvements need to be made.

DWP's plans for in-work progression pilots in 2015/16, and how they should be evaluated

On the evaluation of pilots, there needs to be a focus on the impact they have on people with mental health problems. Aside from one previous pilot (Pathways to Work in 2006³) whose findings were inconclusive, no conditionality/requirement-focused pilots have assessed the impact on employment outcomes, or health outcomes, for people with mental health problems. It is important that the impact of conditionality/requirements are better understood for this cohort for two reasons:

- 1) Mental health problems include symptoms that can be exacerbated by the environment created by conditionality or by placing requirements on people. If exacerbated, it is likely that the person experiencing them will be pushed further away from work.

¹ In his 2015 Spending Review speech the Chancellor stated "So today we confirm we'll extend the same support and conditionality we currently expect of those on JSA to over 1 million more benefit claimants" (<https://www.gov.uk/government/speeches/chancellor-george-osbornes-spending-review-and-autumn-statement-2015-speech>, accessed 12th January 2015)

² Freedom of Information Request 2015-3391

³ Department for Work and Pensions (2009) The impact of Pathways to Work on work, earnings and self-reported health in the April 2006 expansion areas: DWP Research Report No 601 (<http://webarchive.nationalarchives.gov.uk/20130314010347/http://research.dwp.gov.uk/asd/asd5/rports2009-2010/rrep601.pdf>, accessed 15th January 2016)

- 2) Mental health problems can lead to changes in behaviour and cognition. Therefore behavioral findings from pilots that only look to the general population do not accurately reflect the behavioral impact on people with mental health problems.

Recommendation: We believe pilots should include specific evaluations on their impact on people with mental health problems, evidencing health and employment outcomes. We would strongly advise against the Department using evidence from people who are not experiencing a mental health problem to enforce requirements on people with mental health problems.

Which organisations are best-placed to deliver the in-work service for DWP e.g. Jobcentre Plus/other providers from the private, public or voluntary sectors?

Statistics, especially for the ESA cohort who have “Mental and Behavioral disorders” indicate that Jobcentre Plus and providers of the Work Programme have failed to deliver appropriate support for this cohort. For example, providers delivering the Work Programme have supported less than 1 in 10 people with mental health problems into work.⁴ We would therefore argue that they would not be the most suitable organisations to provide this support.

The Department for Work and Pensions should therefore look to other organisations who deliver specialist job retention and in-work services with a strong track record.

Recommendation: The Department for Work and Pensions should undertake a scoping exercise to find the most successful employment support providers, including those not involved in contracts with the Department, but with local authorities, local commissioners and the NHS. They should then work with these providers to better understand how to deliver in-work support.

What should in-work progression support entail and how should it be delivered (e.g. regularity and nature of contact with claimants)?

Tailored and personalised

As with any back-to-work support for people with mental health problems, it should be tailored and personalised. In this instance it means ensuring progression is achieved at the claimant’s own pace. Pushing someone with a mental health problem too quickly into something they are unable to achieve or feel unready to undertake, could have a detrimental impact on their health.

It is also important that to allow for progression, reasonable adjustments are made by both the employer and Work Coaches (as required under the Equality Act 2010), to ensure that someone with a mental health problem is not at a disadvantage.

⁴ DWP statistics show that of [168,730](http://tabulation-tool.dwp.gov.uk/WorkProg/wp_cuml_jo/payment_group/icdgroup/a_cnatt_r_payment_group_c_icdgroup_sep15.html) people with mental health problems have been attached to the Work Programme. Of this number, only [16,090](http://tabulation-tool.dwp.gov.uk/WorkProg/wp_cuml_jo/payment_group/icdgroup/a_cnjo_r_payment_group_c_icdgroup_sep15.html) (9.5 per cent) have gained employment (http://tabulation-tool.dwp.gov.uk/WorkProg/wp_cuml_jo/payment_group/icdgroup/a_cnatt_r_payment_group_c_icdgroup_sep15.html and http://tabulation-tool.dwp.gov.uk/WorkProg/wp_cuml_jo/payment_group/icdgroup/a_cnjo_r_payment_group_c_icdgroup_sep15.html, accessed 15th January 2016)

Work coach expertise

To ensure tailored and personalised support can be achieved, Work Coaches must have extensive skills, experience and knowledge in supporting people with mental health problems. Without this, Coaches may end up pressuring people with mental health problems into working more hours than they can manage, which would ultimately have a negative impact on their health and ability to work.

We argue that Work Coaches within Universal Credit need to be given more training in how to best support people with mental health problems. With an increasing number of claimants per Work Coach and a decrease in Disability Employment Advisors (against the advice of the disability sector)⁵, the ability to deliver the correct support for people with mental health problems will be further weakened. Training on mental health and how to support this cohort should be core business considering the high percentage of people with mental health problems on benefits, in particular the 1.1million people on Employment and Support Allowance.⁶

Recommendation: The Department for Work and Pensions should redesign and improve training in mental health for Work Coaches, including introducing assessments and audits of knowledge and skills.

Working with the employer

A key part of ensuring someone is able to progress in work is ensuring the employer is able to support the claimant. This means supporting the employer to make reasonable adjustments, increase their understanding of mental health problems and teaching them about best practice examples of support. Mind's free resources give guidance to employers on how best to support employees with mental health problems.⁷

Recommendation: Work Coaches should use resources, such as Mind's free resources on how to support people with mental health problems in the workplace, in their work with employers.

Responsibility of the employer

It is also important that employers understand the pressure being placed on claimants to increase working hours and allow for progression. It will be extremely detrimental to someone's mental health if they are being pushed to work more hours, but their employer is unable or unwilling to allow this.

Restrict the use of pressure

⁵ The Independent (2015) DWP cuts specialist disability employment advisers in Jobcentres by over 60 per cent (<http://www.independent.co.uk/news/uk/politics/dwp-cuts-specialist-disability-employment-advisors-in-jobcentres-by-over-60-per-cent-a6728881.html>, accessed 12th January 2016)

⁶ DWP (2015) Employment and Support Allowance Caseload (Thousands): IB ICD (disease) summary code by Phase of ESA claim (http://tabulation-tool.dwp.gov.uk/100pc/esa/icdgpsumm/esa_phase/a_carate_r_icdgpsumm_c_esa_phase_may15.html, accessed 12th January 2016)

⁷ Resources can be found at <http://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-your-staff/useful-resources/>

Many people with mental health problems want to work but find their health condition and its associated barriers mean they struggle to do so. One benefit of Universal Credit is that it allows for claimants to begin to work as much as they can (whether it be 1 or 10 or 35 hours), taking into consideration these barriers, whilst experiencing a mental health problem. This is important as one of the main calls from our beneficiaries in returning to or gaining work, is to work a small number of hours at first, building up these hours at their own pace. However, if pressure is placed on the claimant to increase working hours not at their own pace and without adjustment made for their mental health problem, it will have a negative impact on their health as well as their movement closer to increased employment. It would also act as a disincentive to enter work for people in the ESA WRAG, who may feel that they will be pushed to work more than they are currently able.

Further, Universal Credit provides an opportunity for those with severe mental health problems to gain as much work as they are able to undertake and be better off financially. For some, managing to consistently work 16 hours a week should be seen as a great achievement. However, if they are then pressured into working more hours, this could be at the detriment to their health and again cause them to move further from work.

Which groups of claimants should be included and which should be exempt?

Unless the pilots specifically evidence that in-work requirements prove beneficial in terms of job and health outcomes for people with mental health problems, this cohort should be exempt. As has been mentioned, the conditionality system is already placing detrimental pressure on this cohort despite there being no evidence of any positive impact.

Further, placing requirements to progress in-work on to people with mental health problems implies that this cohort does not want to progress. There is no evidence that this is the case. In fact, we know the majority of people with mental health problems do want to work.

This is not to say that people with mental health problems should not be continued to be supported to progress at all, just they should not be placed under requirements that could lead to a loss of benefit. If the support offered is personalised and tailored and Work Coaches are given more in-depth training in mental health, then we would welcome people with mental health problems being included.

How should employers be encouraged to facilitate progression?

If a requirement is placed on the claimant to undertake all that is asked of them, it is important that an employer is also held accountable. As previously stated, it would be unfair and detrimental to someone's mental health if they were to be pressured into progressing whilst their progression was being limited by their employer.

Employers also need to ensure they adhere to the Equality Act 2010 and to provide reasonable adjustments as required. Without doing so employers place their employees with health conditions at an unfair disadvantage which in turn means it may be difficult for that person to progress.

Finally, they need to ensure they follow best practice, as set out in Mind's various free online resources, on how best to support someone in work.⁸

⁸ These free resources can be found at <http://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-your-staff/useful-resources/>

Recommendation: The Department for Work and Pensions should better promote to employers their responsibilities under the Equality Act 2010 to provide reasonable adjustments for employees with disabilities and health conditions.

In what circumstances would it be appropriate to sanction a Universal Credit claimant who is in work?

To reiterate and place the below answer in context, there is no evidence that sanctioning someone with a mental health problem, or threatening them with sanctions, is an effective tool in supporting them into work or progressing in work.

We believe that sanctioning someone with a mental health problem will always have a negative impact on their health. This is acknowledged by the Department itself.⁹ If someone is out of work because of the barriers caused by their health, and then this is further worsened, it is unclear how they are expected to move closer to employment.

Whilst notional safeguards are currently in place to ensure those most vulnerable or with good cause are not sanctioned, statistics show they are not working. In 2014-15 there were 60,000 threats of sanction made to people with mental health problems. Nearly 70% of these threats were incorrect and reversed.¹⁰ Whether someone eventually does lose their benefit or not, there will still be a negative impact on someone's mental health problem.

We believe that a sanction should only be used as a final backstop, rather than it is now, as the first lever in back-to-work support. It could be argued that the use of requirements indicates that the support on offer is not of a standard that means people are willing and positive about engaging – a crucial aspect to successful support for people with mental health problems. In this sense, having to sanction someone is a failure to provide suitable support.

Is there any UK or international evidence on effective ways of encouraging in-work progression?

There is no UK or international evidence to show that placing people with mental health problems under certain requirements at the threat of sanction whilst in-work helps to encourage progression. However, as part of Mind's work supporting up to 400 organisations in how to support employees, we offer best practice examples of how best to support people with mental health problems, which in turn can help lead to progression. These can be found at the following weblink:

<http://www.mind.org.uk/workplace/mental-health-at-work/taking-care-of-your-staff/useful-resources/>

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⁹ Department for Work and Pensions (2015) Decision Maker's Guide Chapter 35 states "It would be usual for a normal healthy adult to suffer some deterioration in their health if they were without 1. Essential items, such as food, clothing, heating and accommodation or 2. Sufficient money to buy essential items for a period of two weeks."

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/470852/dmgch35.pdf, accessed 12th January 2016)

¹⁰ Freedom of Information Request 2015-3391