

## Written evidence from Mind

### About Mind

1. 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.
2. We welcome the opportunity to respond to the Public Accounts Committee's call for evidence on benefits sanctions. 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. 49 per cent of the 2.4 million ESA claimants have a mental health condition as their primary condition.

### Summary

3. People with mental health problems are disproportionately affected by benefits sanctions and the wider policy of benefit conditionality. This includes the direct hardship faced by people with mental health problems who are inappropriately sanctioned, as well as the broader impact of conditionality on the way people with mental health problems engage with back-to-work support.
4. In the last year for which broken down data is available, nearly 15,000 people with mental health problems claiming ESA were sanctioned, representing 55 per cent of all sanctions for people in the ESA WRAG.<sup>1</sup> However, these figures only tell half the story and do not represent the high numbers of inaccurate sanction referrals. Since 2011, only 29 per cent of sanction referrals for people with mental health problems have resulted in a sanction.<sup>2</sup> Far from showing that safeguards are working, this shows that too many people with mental health problems are being threatened unfairly with the removal of benefits.
5. We welcomed the Secretary of State for Work and Pensions' recent acknowledgement that sanctions discourage people with mental health problems from engaging with the welfare system.<sup>3</sup> We note that one of the key objectives of current sanctions policy is to encourage people to return to work and agree with the National Audit Office's assessment that there is a lack of evidence to suggest that sanctions policy in the UK is meeting that aim. We would add that for people with

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<sup>1</sup> [DWP, Individual ESA sanctions by ICD: Apr 2013 to Mar 2014 and Apr 2014 to Mar 2015](#)

<sup>3</sup> Green, D. 2016. [From welfare state to welfare system](#). 16 November,

mental health problems in particular, there is no evidence that sanctions and conditionality help people move closer to work.

6. There is instead an increasing body of evidence to suggest that a voluntary approach based on the principles of 'choice and control' is the most effective way to support people with mental health problems return to work at a pace that is appropriate for them.
7. We are particularly concerned at the lack of effective safeguards for people with mental health problems in the current system. Currently too much is left to the discretion of individual Work Coaches and there are serious and widespread concerns about how equipped they are to understand the impact someone's mental health can have on the capacity to engage with what they are being asked to do.
8. We are conscious that the Government is currently consulting on its 'Work, Health and Disability' Green Paper. We believe there are several positive proposals within the Green Paper, but there is a serious risk that they are undermined by the presence of conditionality and sanctions within the system.
9. Given the lack of evidence that conditionality and sanctions are effective at helping people with mental health problems back to work, and the evidence in favour of voluntary and personalised approach, we believe the Government should fundamentally rethink its approach to conditionality and sanctions for people with mental health problems.

#### Direct impacts of sanctions: mental health and financial hardship

10. The National Audit Office report references Department for Work and Pensions evaluations that have found that sanctions have an adverse effect on people's mental health. This is born out through our own work with people with mental health problems who have experience of the benefits system.
11. In 2015 Mind commissioned YouGov to survey over 1,500 people with recent experience of using mental health services. 43% of participants were claiming out of work benefits at the time the survey was taken. The majority of all participants (59%) had experience suicidal thoughts. Of this group some of the most significant factors were the fear of losing benefits (cited by 27%) and the experience of losing benefits (11%).
12. Of participants who were claiming out of work benefits, 50% said that their experience of back-to-work support had made them more unwell. We know from many conversations with people with mental health problems that many of these negative experiences centre on the role of sanctions and conditionality within the

system:

*“One group session I had to attend every week for 6 weeks was about pain management, this was useless to me as I have mental health problems, but was forced to go as I would of been sanctioned. But getting to this place caused more stress and anxiety. After this course my adviser could see things were getting worse and gave me telephone interviews every 2 weeks, asked me to make a CV but no help was offered.”*

13. We also know that people with mental health problems are disproportionately likely to experience problems with managing money, and are three times more likely to report debt or arrears compared to those without mental health problems.<sup>4</sup> People with mental health problems also face extra costs related to accessing treatment and managing their health.<sup>5</sup> These added financial pressures mean that sanctions have a disproportionate impact on people with mental health problems and can have a detrimental effect on people’s ability to manage their own recovery.

Wider impacts of sanctions: disengagement from back-to-work support

14. One of the key objectives of Government policy on sanctions and conditionality is to encourage people to return to work. However there is no evidence that sanctions are effective for people with mental health problems. We note that the National Audit Office’s analysis of Work Programme sanctions data found that for people claiming ESA, a higher rate of sanctions was associated with poorer employment outcomes.
15. It is widely accepted in health settings that it is vital to give people with mental health problems ‘choice and control’ over their treatment (as opposed to mandating treatment), both as a matter of ethical principle but also because it is the most effective way of encouraging genuine engagement with and commitment to plans for recovery.
16. By contrast The Behavioural Insights Team have noted that the anxiety caused by the possibility of sanctions may worsen people’s attention, self-control and long-term planning.<sup>6</sup>
17. Sanctions also reduce incentives for Work Coaches to meaningfully tailor the support they offer to people with mental health problems. Only 23% of people with mental health problems accessing back-to-work support report that what they were offered was tailored to their mental health.<sup>7</sup> Yet the presence of mandation within the

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<sup>4</sup> Chris Fitch, Sarah Hamilton, Paul Bassett, Ryan Davey, (2011) "The relationship between personal debt and mental health: a systematic review"

<sup>5</sup> Extra Costs Commission, (2015) "[Driving down the extra costs disabled people face](#)"

<sup>6</sup> Joseph Rowntree Foundation and the Behavioural Insights Team (2016), [Poverty and decision-making](#)

system means that Work Coaches and Work Programme providers can ensure that people with mental health problems comply with what they are being asked to do without having to make sure that those activities are appropriate for their mental health, or addressing a person's specific fears or concerns. This creates a culture that values compliance over meaningful and positive engagement.

18. The fear of benefit sanctions drives mistrust of the back-to-work support system. For the people with mental health problems we hear from, Jobcentres are not seen as safe or supportive environments where people feel genuinely able to explore the kinds of work that they might be capable of and discuss the way in which their mental health affects them. It is particularly notable that in multiple recent DWP pilots, people with mental health problems believed that they were being mandated to participate in programmes even where the Department intended them to be voluntary.<sup>8910</sup> This speaks to the profound way in which people's experiences of conditionality and sanctions effect how they engage with back-to-work support.

#### Safeguarding and Work Coach discretion

19. As the National Audit Office's report notes, the current system gives a significant amount of discretion to individual Work Coaches over when to mandate an activity and when to impose a sanction referral. The safeguards which do exist for people with mental health problems are minimal and set out through guidance rather than legislation.
20. Recent changes introduced as part of the roll-out of Universal Credit have removed the specific requirement for Work Coaches to carry out safeguarding activity before imposing a sanction on anyone who they know to have a mental health problem.<sup>11</sup> They also reduce the Department's safeguarding responsibilities in other ways, including restricting the list of situations where the Department must carry out safeguarding visits before imposing a sanction.
21. We often hear from people with mental health problems who have been referred for a sanction as a result of not understanding what they have been asked to do. The 2014 Oakley review of Jobseeker's Allowance Sanctions and the Work and Pensions Committee's subsequent inquiry into sanctions both recommended that the Department for Work address this problem through an early warning or 'yellow card' approach to sanctions, where someone will receive a warning rather than a sanction for the first time that they have not complied with a requirement of their benefit. While the Government has announced 'yellow card' pilots in Scotland, these do not

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<sup>7</sup> Mind and YouGov polling from 2015

<sup>8</sup> The Work Foundation (2015), [An Evaluation of the 'IPS in IAPT' Psychological Wellbeing and Work Feasibility pilot](#)

<sup>9</sup> DWP (2015), [Evaluation of the Group Work Psychological Wellbeing and Work Feasibility Pilot](#)

<sup>10</sup> DWP (2015), [Evaluation of the Telephone Support Psychological Wellbeing and Work Feasibility Pilot](#)

<sup>11</sup> Child Poverty Action Group (2015), [Safeguarding guidance: a tool for practitioners](#)

represent a true early warning approach, and instead simply give someone additional time to challenge a sanction referral once it has been made.

22. Changes under Universal Credit also meant that people starting a claim for ESA will be required to undertake mandatory activity four weeks after making a claim, and before they have had a Work Capability Assessment. This will include a mandatory 'Health and Work Conversation' a new intervention designed to encourage people to talk to their Work Coaches about their broader aspirations for managing their health and returning to work.<sup>12</sup> These changes will give Work Coaches discretion to apply sanctions to people who are potentially very unwell, many of whom will go on to be placed in the Support Group following their Work Capability Assessment.
23. In addition to a lack of formal safeguards, there is a broader lack of consistency in how Work Coaches approach conditionality and sanctions. There is currently no way to understand the differences in approaches that different Jobcentres or Work Coaches take towards conditionality and sanctions, and the impact this has on the people they see.

#### The Work, Health and Disability Green Paper

24. The Government's current Green Paper on Work, Health and Disability contains proposals to reform Employment Support Allowance that, if implemented, would have a profound impact on the way benefit sanctions are applied in the UK.
25. The Green Paper proposes that the Government reform the Work Capability Assessment so that it solely assesses what level of financial support an individual should receive. The consequence of this proposal as it is set out in the Green Paper, would mean that people who are currently in the ESA Support Group would, at the discretion of their Work Coach, would fall under the scope of conditionality and sanctions.<sup>13</sup> This would represent a significant expansion of the Government's current approach to sanctions to include a group of people with significant long term health conditions and who experience complex barriers to work.

#### Recommendations

26. We support the National Audit Office's call for a wider review into benefit sanctions. We believe that given the lack of evidence that conditionality and sanctions are effective at helping people with mental health problems back to work, and the strong evidence in favour of voluntary and personalised approach, the Government should fundamentally rethink its approach to conditionality for people with mental health problems. There are also a number of clear steps the Government could take

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<sup>12</sup> DWP and DH (2016), [Work, health and disability: improving lives](#), pg 31

<sup>13</sup> Work, health and disability: improving lives, pg 42

to lessen the impact of conditionality and sanctions on people with mental health problems within the current system:

27. The Government should thoroughly evaluate the impact of conditionality, mandation and sanctions on people with mental health problems. New interventions including the Health and Work Conversation, and the Work and Health Programme provide opportunities to do this.
28. Work Coach training and guidance should equip Work Coaches to support people with mental health problems through the principles of 'choice and control'. The Department for Work and Pensions should communicate to Jobcentre Plus staff the importance of encouraging genuine and voluntary engagement, and provide them with the flexibility to invest time in doing this.
29. Through legislation, training and guidance, the Government should require Work Coaches or contracted providers to determine whether a 'sanctionable failure' is in fact a result of a mental health problem. Where this is the case a sanction referral should not be made.
30. The Government should implement a true early warning system to reduce the number of situations where people with mental health problems are sanctioned without knowledge or understanding of the requirements that have been placed upon them.
31. Where the Government has already put in place, or plans to put in place, voluntary initiatives it should closely monitor how these are communicated in the ground, including whether people with mental health problems are made sufficiently aware that their participation is entirely voluntary and there will be no adverse consequences if they decide that what is being offered is not right for them.
32. The Government should not extend Work Coach discretion over conditionality and sanctions to include people who are currently in the ESA Support Group. People who are in this group have been deemed too unwell to take steps towards work and should not face inappropriate pressure at the expense of their health. Instead the Government should make sure that back-to-work support is available on a voluntary basis to those who might want it.

*5 December 2016*