



Removal of disability benefits safeguards November 2020

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.

Summary

On Monday 2nd November, the Department for Work and Pensions removed a safeguard which until that point protected disabled people from having their benefits stopped if they were unable to take part in a phone assessment for Employment and Support Allowance or Universal Credit.

This briefing sets out the background to this safeguard, and Mind's concerns that removing it leaves many disabled people – including many people with a mental health problem – at risk of seeing their benefits cut. This comes just as England enters a lockdown and while the whole of the UK faces a challenging winter which will particularly impact disabled people and people with health conditions.

Background on safeguards to protect disabled people's benefits during Covid-19

In March 2020, the Department for Work and Pensions took a number of actions in response to the Covid-19 pandemic, including:

- cancelling face-to-face assessments for disability benefits, and introducing phone assessments in their place;
- protecting those already on disability benefits from having their benefits stopped by suspending benefits reviews and reassessments for three months;
- introducing a safeguard for the new phone assessments that meant anyone who missed a call, or couldn't engage with the phone assessment, wouldn't have their disability benefits removed as a penalty.

In July 2020, the Department announced that reassessments and reviews would return, meaning over the last few months many disabled people have faced the

anxiety of a phone call which could result in them losing their income.¹ Throughout this time disabled people have faced additional barriers to navigating the benefits system including difficulties accessing face-to-face advice and securing medical evidence.

Announcement on removing phone assessment safeguards

While the DWP have removed some safeguards, until Monday 2nd November, it was still the case that if assessors couldn't reach someone for their phone assessment their approach was to try to reschedule where possible, and to keep people on their existing level of benefits if they couldn't make contact.

Guidance for the Work Capability Assessment during this period states that:

"If the claimant does not answer within three attempts, claimants will remain on their current award until we are able to conduct a face-to-face assessment or gather the evidence needed for a recommendation to be made via another route."²

On Monday 2nd November, the Department removed this final safeguard, meaning that, anyone who does not attend a telephone assessment for disability support from Employment and Support Allowance or Universal Credit will risk having their benefits reduced or cut-off altogether.

The burden will now be on disabled people to prove that they have a good reason for missing an appointment. If the Department does not accept their proof, then they risk seeing their benefits stopped.

The impact on people with mental health problems

This change will apply to thousands of disabled people, including many people with mental health problems.

Research from the Money and Mental Health Policy Institute has found that over half of people with mental health problems find engaging over the phone difficult or impossible. The same proportion say they need support from others in order to engage with benefits agencies over the phone.³

Over the last few months, we have spoken to many people with mental health problems who have had a disability benefits assessment over the phone during the

¹ Department for Work and Pensions (press release), *Face-to-face assessment suspension continues for health and disability benefits*

² Department for Work and Pensions (guidance received through Freedom of Information Request), *Employment and Support Allowance, New Style Employment and Support Allowance & Universal Credit – Coronavirus - COVID-19 Update*

³ Money and Mental Health Policy Institute (2018), *Access Essentials*

Covid-19 pandemic, and explained some of the reasons they might struggle to take part in a phone assessment – something that could now leave them at risk of losing their benefits.

Local Mind benefits advisers have told us that even when they try to arrange alternative methods for assessments, people are often still called up by a benefits assessor:

"Even though we are putting on the form that the client struggles with communication due to anxiety, they are still insisting on carrying out assessments over the phone. I have many clients that are unable to communicate with others and especially to numbers they don't know. One in particular had a phone call assessment which lasted for 45 minutes before she had a "meltdown", her words. This is unacceptable in the present climate as I am unable to offer the support and advocate as I normally would."

Other people have explained to us that when they were called for a phone assessment it wasn't the right time for them to receive it – for example because they didn't have someone present to support them, or because they were struggling with their mental health on that day:

"I wasn't actually sure if there would be an assessment and I wasn't expecting to personally have one. I was staying with my partner so they did send me a letter here at home, but obviously I didn't get it. What happened was, she just called me in the morning and I was working and it went to voicemail because I was at work. Then I listened to the voicemail. She was like, "Oh, we've got an assessment today, and I'll call back at this time so we can plan when we want to do it." I burst into tears. I was just overwhelmed immediately because I was already at work and I was not having a great day with my health."

"I just got a call on my mobile for a phone assessment. It was the lady and she just said, 'Hi, I'm calling to do a phone assessment.' Like that. I think I was sleeping, perhaps. It was at half ten or eleven in the morning. I think it was around that time. I was just in my bedroom just almost waking up. It was a bit of a shock because I was just wondering where the call came from. [I wished I'd had someone on the call to support me] because I was just a bit scared that I would not be able to understand the questions."

Other benefits advisers have told us of remaining problems with the new system of phone assessments, which could result in people not being able to engage with it for reasons that are beyond their control, but still risk being recorded as a non-attendance:

"When the client requested that I join him on the call to support him, he was told the phone assessment would need to be rebooked. This next appointment, the client received a telephone call about half an hour after the

appointment time. He said to the assessor, "My welfare benefit advisor is meant to be on the call." [...] He was told he had to rebook it again. It had been going on for a month at this point. He didn't want to have another sleepless night thinking about, "I've got to go through this tomorrow." The more anxious this client gets, the more he closes down, and the more his speech is affected, so he starts to stammer a little bit. His sleep pattern isn't great at the best of times anyway. His main concern was that he would sleep through any alarms that he had. Then eventually he managed to get hold of me to say his mobile phone was broken. He doesn't have a landline, so that's his only form of communication."

It is clear that this change creates a real risk that many people with mental health problems could see their benefits cut-off, just as they are facing a new lockdown in England, and a continued reduction in other support as the NHS and other support services face increased pressures throughout the winter.

We are urging the DWP to reverse course and guarantee that no disabled people will be at risk of losing their benefits this winter.

This includes **reinstating this safeguard** which provides protection for people who can't engage with a telephone assessment.

It also means going further and reintroducing the suspension of **benefits reassessments**, along with the suspension of **sanctions and conditionality**.

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

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