



**For better  
mental health**

## **Welfare Reform Bill 2009: Campaigns Briefing**

### **Background**

The Welfare Reform Bill was introduced into the House of Commons in January 2009. It is intended to realise the Government's aspiration of an 80 per cent employment rate for people of working age, through:

- more tailored support to help people get back to work;
- increased responsibility on benefit claimants to move towards work, or lose their benefits; and
- creating a simplified benefits system.

Mental health has a significant impact on welfare reform and benefits. Around half of all people claiming benefits because of ill-health have a mental health problem.<sup>1</sup>

Mind supports the Government's aims to improve job opportunities for people with mental health problems, and to provide more personalised support for people to support them in moving back to work. But at present, the Bill has a number of flaws which could have a serious negative impact on people with mental health problems. Our main concerns are explained below.

### **1. Training and skills of employment advisors**

The Bill will give employment advisors greater flexibility to tailor support to individual's needs and circumstances, including their mental health. Advisors are currently insufficiently trained on mental health issues. The Bill has no proposals to increase the training for employment advisors.

The Bill will give advisors increased powers to make demands of people to address the barriers that prevent them from working. There are concerns that this could later be extended to include requirements to improve mental health. It is unfair and unrealistic to expect employment advisors without skills in mental health to make these judgements.

The Bill states people will not face sanctions for not complying with their action plan to ready them for work if they have good reason not to do so, and they alert the authorities to their circumstances within five working days. Such a short and inflexible deadline for contacting the authorities may be unrealistic for people who are unwell.

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<sup>1</sup> Waddell and Aylward (2005) The Scientific and conceptual basis of incapacity benefits The Stationery Office

The Bill states that any activity a claimant will be asked to undertake must be reasonable, taking into account the person's circumstances. The Bill would be improved if there was specific reference to people's mental health in this clause.

Some jobseekers who find work may face sanctions if they leave a job voluntarily, as this is a breach of the requirements placed on them to find and stay in work. This may penalise some people who leave work because they judge it to be damaging to their mental health, due to a lack of mental health support provided by the employer.

We want:

- employment advisors with skills and training in mental health;
- an explicit safeguard for who are unable to comply with requirements due to mental health problems;
- an amendment stating that having regard to a person's circumstances includes having regard to the person's mental health;
- an amendment that a jobseeker is not seen to have breached a requirement if they voluntarily left employment because it was causing damage to their mental health, and the employer had not put sufficient mental health support in place.

## **2. Compulsion and sanctions**

The Bill will allow employment advisors to decide the appropriate activity a claimant should undertake. It is wholly inappropriate for this power to be used to require a claimant to access healthcare provision, take medication and/or access psychological therapies. This would blur the boundaries between health provision and social control.

The Government had made a commitment that a clear and comprehensive set of safeguards would be built in to ensure claimants are not required to undertake inappropriate activities. Yet the White Paper has a definition of work-related activity which includes activities a person undertakes to manage their health for work.

We want:

- an amendment to prevent compulsory requirements for jobseekers that relate to mental health treatment

## **3. The "right to control"**

People with mental health problems should be empowered to take control of the services that support them. There is evidence that when people are given a personal budget to spend on services they choose, rather than being given a service they've had no say in, their mental health outcomes improve. But where people are given control over their support budget, they need advice, information and support to make decisions about how they will spend their money.

The Government is now piloting personal health budgets, personal budgets for care services, and proposing similar personal budgets for employment

support. People already find it frustrating accessing services with different eligibility criteria, assessment regimes and points of access. It would be good to see a more joined up approach to personalisation of services across health, social care and employment support, allowing people a single point of access or single budget.

We want:

- clear plans to provide information, advice and advocacy for people given personal budgets for employment support services.
- a joined-up approach to personal budgets across Government, and care services to be included within the scope of employment support budgets.

#### **4. Implementation of the Welfare Reform Act 2006**

Long term jobseekers will be subject to a range of measures to step up the pressure on them to get back to work. These jobseekers may be required to engage in 'work for your benefit' programmes. The aim is to help people who have been out of work for a long time to learn or regain work habits and routines.

It is difficult to know how these programmes will impact on people with mental health problems. It is likely that through simplification of the various categories of benefits which began in the 2006 Welfare Reform Act, there will be an increase in the number of people with a mental health problem classed as "jobseekers". We need assurances that the needs of people with a mental health problem are considered as proposals for jobseekers are developed.

We want:

- rigorous monitoring of the implementation, from 2010, of the work capability assessment, which determines whether existing incapacity benefit claimants move on to Job Seekers Allowance (JSA) or Employment Support Allowance (ESA).
- figures for the numbers of people with a mental health problem moving onto JSA or ESA.

#### **5. The role of employers**

There is nothing in the Bill to ensure – or even encourage – employers to play as full a role as possible in helping people to move from benefits to work and to remain there.

We want:

- welfare reform proposals to be complemented by Government strategies for improving workplace mental health and increased expectations on employers to create improved opportunities for jobseekers with mental health problems

#### **How can I help?**

Please write to your MP to tell him or her of your concerns about the Welfare Reform Bill. We need MPs to know that their own constituents may be negatively affected if we do not make changes to the Bill now.