



For better
mental health

Briefing on:	Welfare Reform Act 2009
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Background

A Welfare Reform Bill was introduced into the House of Commons in January 2009. Its aim was to meet 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.

Mind's response

Mind supported the Government's aims to improve job opportunities for people with mental health problems, and to provide more personalised support for people to assist them in moving back to work. But the Bill contained a number of elements which would have a serious negative impact on people with mental health problems.

Mind, along with other mental health charities, worked with a number of MPs to amend the Bill and address these flaws. However, Mind was disappointed with the outcome of the Welfare Reform Bill debates in the House of Commons.

When the Bill then passed to the House of Lords, Mind and the other mental health charities worked closely with a number of peers who shared our concerns. The peers were able to introduce some safeguards to the Bill for people who experience mental distress as outlined below:

1. Demonstrating good cause

The Bill introduced the possibility that a claimant's benefits might be stopped if they fail to take part in jobsearch or employment-focussed activities or schemes as directed by their employment adviser.

The Bill stated that any activity a claimant will be asked to undertake must be reasonable, taking into account the person's circumstances. The Bill would

have been much improved if there was specific reference to people's mental health in this clause.

What we campaigned for

We argued that it is vital that mental health problems are taken into account when decisions to cut off an individual's benefits are being made. The Government followed our recommendation that a definition of 'good cause' must be included in the Bill, so that if a claimant can show that he or she has a good reason for not engaging, they are then protected from unfair benefit cuts. A list of matters which the employment adviser may take into account in determining whether a customer has 'good cause' is now included in the legislation, and this list includes 'the customer's health condition or disability'.

2. Time period for demonstrating good cause

The Bill stated that when a claimant fails to attend an activity or scheme they are directed to, they have just five working days to provide a good reason for their absence, known as 'good cause', else their benefits will be cut or stopped. We were concerned that this is simply not enough time, particularly for those with mental health problems who may be unwell for longer than five days.

What we campaigned for

We believed that allowing people two weeks to respond, combined with reasonable attempts by Jobcentre Plus staff to make contact with the person before cutting or stopping someone's benefit, would be an important safeguard against the very serious risk that a person who has 'good cause' receives a sanction unfairly because they are too unwell to make contact within the set time.

Mind and the other mental health charities worked with peers on an amendment to this effect and the Government responded by making some important commitments. A requirement to visit an individual at their home before applying a sanction is to be formally set in guidance documents for employment advisers to follow. Benefits will not be cut for those who are believed to not have understood the requirements on them and there will be a right to appeal for all claimants in this situation.

3. Prescribing medical treatments

The Bill was intended to give employment advisors the power to decide what activities a claimant should undertake to improve their employment chances. In the Bill's original form, this might have included directing claimants to access healthcare provisions, take medication and/or access psychological therapies. This would have been wholly inappropriate and would blur the boundaries between health provision and social control.

What we campaigned for

We worked with MPs and peers on amendments to ensure no one could be sanctioned for not undertaking medical treatments. When the Bill was debated in the Lords, the Government accepted our arguments and produced an amendment which stated that medical treatment cannot be regarded as an activity, which, if not undertaken, can leave the claimant subject to sanctions.

Final outcomes

These safeguards were retained when the Bill was passed back to the House of Commons after the summer recess. However, it remained an uphill struggle to fight against the general direction of travel that the Government was taking as this Bill was building on previous reforms of the benefits system.

Following agreement by the House of Commons and House of Lords, the Bill received Royal Assent on 12 November 2009. The Bill is now an Act of Parliament.

Mind will continue to campaign for a fairer benefits system, which provides crucial time and support to people preparing for a return to work, and an appropriate financial safety net where work is not a viable option.

For more information please email Emma Mamo at e.mamo@mind.org.uk or phone 020 8215 2205.