



Universal Credit (Managed Migration) Regulations 2018

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

The process of managed migration to Universal Credit will affect hundreds of thousands of people with mental health problems. On 5 November 2018 the Government published the "Draft Universal Credit (Managed Migration) Regulations 2018". We believe that in their current form these regulations create the real risk that many people with mental health problems could be left without income altogether in the move to Universal Credit.

These regulations are subject to the affirmative procedure and so cannot be amended but will be voted on in the Commons and Lords. The Secretary of State for Work and Pensions has said that there will be a full debate on the floor of the commons before the end of December 2018, with a date for this to be confirmed in the coming weeks.

We are urging the Government to withdraw the regulations and replace them with new legislation which provides a guarantee that no-one risks losing their source of income in the move to Universal Credit. If this does not happen, we are asking for parliamentarians to vote against the passage of the regulations.

Background to managed migration

By the end of 2018, Universal Credit will have rolled out to every Jobcentre across the UK. However there are still more than 3 million people on existing benefits who have yet to be moved over. This includes more than 750,000 people who are currently receiving Employment and Support Allowance because they are too unwell to work.

These regulations set out the process that people on older benefits will have to go through in order to move to Universal Credit. The Department has called this process 'managed migration', though it is important to emphasise that it will not be an

automatic process and that all 3 million people will be required to make a new claim or risk seeing their existing benefits stop entirely.

The requirement to make a new claim

Sections 44 to 46 of the regulations set out the process that everyone will have to go through as part of managed migration.

There will firstly be a period of generic 'warm-up communications' letting people know that they will soon have to claim Universal Credit. Then each person will receive a letter telling them that their existing benefits will be stopped and they must make a claim to Universal Credit.

The Government has extended the minimum period of time to make a claim from one to three months. However we are clear that this does not reduce the risk for a large number of people with mental health problems. Many people affected by these changes are very unwell and will not have had contact with the Department for Work and Pensions for many years. This briefing sets out a number of situations which could leave someone struggling to make a claim after their benefits have stopped.

The Government have said they intend to provide flexibility for vulnerable people when it comes to making a claim. For example they have said that people who are very unwell may not have to attend a Jobcentre appointment, or may be able to claim over the phone rather than online. However these safeguards are not contained within the regulations themselves and rely heavily on Jobcentre staff recognising where people might be vulnerable and applying discretion.

The risk of losing support

People who have not managed to make a claim in time will see their existing benefits stop. While there have been other benefit 'migrations' in the past, this is the first time that people could face losing the entirety of their income as part of a change to the benefits system.

We are concerned that there are a number of situations where someone with a mental health problem could be vulnerable to losing support:

People who are too anxious or unwell to open their post

There are many people with mental health problems who go for long periods of time unable to open letters, or who see bills and notices pile up because of a fear of opening brown envelopes.

It's not understanding the letters, it's actually opening them. Just the sight of a "brown envelope" sends me in to a huge panic and I can often put off opening a letter in a brown envelope. If I were to use words and phrases such as 'catastrophic

*thinking' and 'panic attacks' you may get a fair idea of the way and route that this affects me. **Jane.***

*Through our experience in the past 10 years many of our clients they do not open their letters and not aware the risk of a warning for benefit stop. They notice only when money is stopped. **Local Mind Adviser.***

People who do not understand what they are being required to do

We have heard from many people who do not understand letters about their benefits or what they need to do in response. This includes people who because of previous experiences with the benefits system tell us that they are fearful of engaging with the Department for Work and Pensions and cannot do so without significant support.

*"I have schizoaffective disorder which includes hallucinations, paranoia and delusions. It means I don't always understand the letters I get from the DWP. The letters are usually long and detailed which require concentration and a certain level of understanding. Anything from the DWP I take to my community psychiatric nurses to go through it with me otherwise I'd miss very important details." **Keith.***

*"Several clients do not understand the terminology, what they have to do next or what the letters mean. They may read them but do not act within the time frame unless they share the letters with us, which most of the time they do not and only come to us once the benefits have been completely stopped or they are in financial crisis." **Local Mind Adviser.***

People who struggle with the process of applying online

The majority of people claiming Universal Credit are still required to make a claim online. According to data from the Department for Work and Pensions one in four people with long-term health conditions cannot make an online claim.

*"Many assumptions made that the client is IT savvy to use the journal, assumes people can use laptops, have email addresses and smartphones. People with memory problems have difficulties remembering all the passwords." **Local Mind Adviser.***

*"Many of our service users are not confident to use IT and are also anxious as they do not have internet access at home and are fearful of going to Jobcentre/library etc. We also have service users who are prohibited from using the internet due to previous convictions" **Local Mind Adviser.***

People who struggle with Jobcentre appointments

Many people with mental health problems including anxiety, agoraphobia and post-traumatic distress struggle to get to appointments at the Jobcentre, particularly where this requires a long journey on crowded public transport. There is currently no guarantee that sufficient home visits will be available, and no way for people with mental health problems to challenge a decision not to offer a home visit.

"Any change in my routine can trigger an episode, or at least a great deal of anxiety. Attending the job centre would be a major struggle. I couldn't go alone. I may not be well enough on the day." **Richard.**

"When I have stated that the client is struggling with immense anxiety about travelling on public transport to get to their appointment, the client was threatened with a sanction. I therefore had to take the client to and from their appointment. The lack of understanding is putting a huge strain on other services." **Local Mind Adviser.**

The Government's proposed safeguards

The Government has included the following safeguards within the regulations. We do not believe these safeguards are sufficient to prevent people with mental health problems slipping through the net:

Requesting an extension to the deadline

If someone believes they need an extension to the initial three month period they will be able to request one from the Department for Work and Pensions. They will need to prove that they have 'good reason' for needing an extension.

We believe that requiring people with mental health problems to show evidence of 'good reason' in order to receive an extension will recreate the same problems we see in the sanctions system. The process will depend heavily on the discretion of Jobcentre staff, and will not work for people who are unable to effectively advocate for themselves or who have simply been too anxious to open their post.

Pausing the migration process when someone is identified as vulnerable

The Department have said that before they stop a person's existing benefits they will check for evidence of vulnerability. This commitment is not included within the regulations.

We are concerned that for the purpose of making a claim to Universal Credit a very large proportion of people subject to managed migration could potentially be vulnerable. At least 750,000 people in this situation are already receiving ESA because their health condition or disability has a significant effect on their ability to work. The National Audit Office has already raised concerns that for new claims Jobcentre staff are 'overwhelmed' by the number of claimants reporting health conditions and are failing to identify people who may be vulnerable.

Creating an additional process to check for vulnerability creates an unnecessary risk that Jobcentre staff will miss the needs of people going through managed migration. We believe instead the Department needs to entirely remove the risk that people could be left without income in the transfer to Universal Credit.

The need for new regulations

We do not believe these regulations are fit for purpose. However it is important that the Government brings forward and passes regulations that provide protection for people yet to move onto Universal Credit.

The regulations contain provisions to protect people's income at the point of transition to Universal Credit through a process known as transitional protection. Until protection is in place disabled people will continue to risk losing a significant amount of income if they move onto Universal Credit through a change of circumstances.

It is in no-one's interest for there to be a long period of time without regulations -but equally the current regulations risk leaving vulnerable people open to the risk of poverty and hardship. The only effective solution for the people we support is for the Government to urgently bring forward new regulations.

What Mind is calling for

We want to see the Government withdraw these regulations and replace them with new legislation which provides a guarantee that no-one will see their existing benefits stopped before they have a Universal Credit claim in payment.

Making those changes to the regulations would still give the Government options about how it moves people to Universal Credit. It could develop an automatic process for moving people across, or require people to make new claims but without the risk of having their entire income stopped if they struggle to engage.

What's most important is that the risk for this process going wrong should not be transferred to people who are very unwell and who rely on support from the benefits system. We fear that this would result in many people falling out of the benefits system altogether and being driven into a vicious cycle of debt, housing problems and deteriorating mental health.

