



Moving to Universal Credit from ESA
June 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' – the move from existing benefits to Universal Credit will affect 750,000 disabled people, including hundreds of thousands of people with mental health problems. In June 2018 the Social Security Advisory Committee published the Government's draft regulations that set out how this process will work in practice.¹ This briefing sets out Mind's concerns around these draft regulations, and steps that we believe the Department for Work and Pensions needs to take in order to make sure that the process of managed migration does not leave people with mental health problems vulnerable to losing their source of income.

The use of migration notices and deadlines (Sections 44-46)

The Department has proposed issuing a notice that a person's existing benefit claim will come to an end after a period of between one and three months, directing them to make a claim to Universal Credit before this point. We are concerned about this overall approach for a number of reasons:

- It leaves open the possibility that people with mental health problems may see their benefits stopped before they have made a successful claim to Universal Credit, leaving them with no income.
- It places the responsibility for navigating the process of claiming Universal Credit on the person who is being migrated. This includes people who are very unwell, many of whom will have had a stable situation with their benefits for several years. It is likely that this group will need even more support to adjust

¹ [Moving claimants to Universal Credit from other working age benefits](#) (June 2018)

to how Universal Credit works even when compared to entirely new claimants with mental health problems.

- It places a great deal of pressure and stress on the moment in time when a person receives a migration notice. The notice that their benefits will stop is likely to be very destabilising for people who may be very unwell and fearful about the future. Even with safeguards in place, the current approach will generate anxiety and fear around the process of moving to Universal Credit.

We would urge the Department to work with people with mental health problems to design a different approach to managed migration. We believe the fundamental reassurance people with mental health problems will need to see is that their benefits will not be stopped until they have made a successful claim to Universal Credit and can be sure that they have a source of income.

The Government's proposed safeguards (Section 44-45)

In the memorandum for the Social Security Advisory Committee the Department sets out some safeguards intended to make sure that people who are vulnerable or who have complex needs do not see their benefits stopped as a result of the managed migration processes. In particular we note that having a mental health problem will count as 'good reason' for needing an extension, and that where someone is identified as vulnerable they will not automatically have their benefits stopped upon reaching their deadline day. However both of these safeguards depend on Department for Work and Pensions staff being able to identify people who are vulnerable or who have a mental health problem.

There are many circumstances where people could potentially slip through the net. For example, the relatively common situation where a person is too anxious to open official letters, or to answer calls from unknown numbers, and who does not understand that they are being migrated. Or alternatively a situation where a person does not disclose their mental health problem to Department for Work and Pensions staff, misses the deadline day because of ill health, and has no evidence to show 'good reason'.

While we recognise the intention behind these safeguards, we do not believe that these arrangements, or a system of safeguards more generally, could adequately guard against the risk that significant numbers of people could see their benefits stopped as they attempt to navigate the process of applying to Universal Credit.

The power to delay the commencement of a Universal Credit award (Section 58)

We recognise that in the memorandum to the Social Security Advisory Committee, the Government says that if it needs to delay a person's award to Universal Credit, they will notify that person that their existing benefits will continue. However we are concerned that this assurance is not reflected in the legislation itself as it could lead to

situations where people with mental health problems inadvertently have their older claim stopped while waiting for their new claim to start. We believe it would be straight forward for the Department to address this gap in the draft legislation.

Gaps in transitional protection (Section 48, 56, 57)

We are concerned that making one defective claim to Universal Credit will permanently disqualify a person from receiving transitional protection, even if they are able to rectify the issue in time and make a successful claim. We know that people with mental health problems often need more support through the claims process and could see their first claim closed for a number of reasons including being too unwell to attend an appointment at the Jobcentre to verify their identity, or too unwell to provide information within the timeframes required. We do not see the rationale in removing transitional protection from people in this situation.

We are also concerned that a person who moves off Universal Credit for a period of three months will not have transitional protection applied if they return to the benefit. This will make it very difficult for people with mental health problems who currently receive disability premiums to return to work, as they will know that they will not be able to return to the same safety net if the work is not manageable. This is especially important given that we know that many people with mental health problems fluctuate in and out of work. We believe transitional protection should apply to any subsequent award of Universal Credit in order to remove this disincentive.

Transitioning to Universal Credit while receiving a sanction (Section 30 of the 2014 Transitional Provisions Regulations)

We know that being sanctioned is an incredibly difficult experience for people with mental health problems, with people left financially vulnerable and often experiencing a very significant deterioration in their mental health. We do not believe people who are in the process of being sanctioned should have to face the process of migration at the same time, as this will only compound the difficulties that people are facing.

Support needed to make and maintain a claim to Universal Credit

We know from the Department for Work and Pensions' own research with people making a claim to Universal Credit for the first time that of people with long-term health conditions:

- **24%** could not register a claim online
- **57%** were confident managing their payments compared to 77% of people in general
- **53%** said they needed more support setting up their claim and 38% said they needed more ongoing support

- **50%** were in financial difficulties compared to 33% of people in general²

These statistics reflect what we have been hearing from people with mental health problems who have gone through the application process:

"They send letters saying there's been a change but when I ring they don't know why I got a letter. They sent one saying I failed to provide evidence when I didn't and when I called they said it was an error. I told them I have mental health issues and these letters don't help matters!"

"I could not pay my rent until the payment was sorted out. It took so long to get payment and all the advisors kept saying was that this is common. I almost lost my home. I found the whole process extremely stressful and it has exacerbated my condition. I do not know how people with more severe conditions would cope without a lot of support"

"Very difficult, especially after previously receiving a fortnightly payment. They seem to assume that monthly is the same as 4 weekly, which it is not. Budgeting for direct debits, standing orders and other regular payments is difficult when they may not be due to leave your account for a number of weeks."

The current approach to managed migration does not provide an entitlement to any additional support or adjustments over what is offered to any one making a claim to Universal Credit. We accept that the Department is looking at how Universal Support can best help people preparing for migration, however we believe it's important to recognise the distinction between providing extra help to people who will be in a position to manage their claim, and providing ready access to adjustments for those who will not be able to do so. In particular we believe there needs to be a clear and straightforward entitlement for people receiving ESA to access alternatives to the online journal, advances, alternative payments and budgeting support, and home visits. We know that the five week wait for the first payment is likely to be particularly difficult for people receiving ESA who will have not been working recently and are very unlikely to have savings to fall back-upon. We believe the Department need to do further work to address how they will support people during this period, without leaving the risk that loan repayments leave vulnerable people in long-term financial difficulty.

Making managed migration safe and accessible for people with mental health problems

Based on the experiences of people with mental health problems who are already receiving out of work benefits, we believe any process to migrate people with mental

² [Universal Credit Full Service survey 2018](#)

health problems would need to satisfy the following requirements in order to be safe and accessible:

1. No-one subject to managed migration should have their existing benefit stopped until they have established a claim to Universal Credit
2. No-one subject to managed migration should have to provide evidence to prove their vulnerability in order to receive support or adjustments in the move to Universal Credit.
3. Anyone subject to managed migration should proactively be offered an advance payment and support to help navigate the move from fortnightly to monthly payments.
4. Anyone too unwell to attend a Jobcentre appointment to establish their claim should be offered a home visit.
5. Anyone subject to managed migration should be proactively offered alternatives to managing their claim online.

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