

BW 13

Ymchwiliad i Fudd-daliadau yng Nghymru: opsiynau i'w cyflawni'n well

Inquiry into Benefits in Wales: options for better delivery

Ymateb gan: Mind Cymru

Response from: Mind Cymru

Mind Cymru response to Benefits in Wales: options for better delivery

1. We're Mind Cymru, the mental health charity for 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.
2. Every week we are contacted by people with mental health problems from across Wales who tell us that they are not treated with dignity, compassion and respect when applying for benefits. We have been using these experiences to speak out and push the UK Government to make changes to Universal Credit and Personal Independence Payment. Currently one of our biggest focuses is securing changes to the process of moving people from older benefits to Universal Credit, so that people who struggle with the application process are not left without a source of income as a result.
3. This submission is further informed by a Mind survey of 125 people with mental health problems across Wales & England who have experience of claiming Universal Credit which was conducted between July and September 2018 and a further Mind survey of over 800 people with mental health problems across Wales & England who have experience of claiming PIP which was conducted in 2017. Additionally, this submission is informed by the experiences of Local Minds, in particular Merthyr and the Valleys Mind, who delivered a PIP Advocacy Project, funded by Comic Relief, which provided intensive advocacy for PIP applications, assessments and appeals from 2013-2016.
4. While we do not have detailed views on whether welfare benefits should be devolved or what form this should take, we do know from listening to the experiences of people with mental health problems that there are clear principles which should underpin any future reform of the system.

Giving people with direct experience a voice in the system

5. Many of the problems which people with mental health problems raise with us stem from a benefits system which is often designed around inaccurate assumptions about people's lives. For example the move to monthly payments by default in Universal Credit has the stated aim of mirroring the world of work. However for some people who struggle to manage money as a result of a mental health problem, this change has proved to be incredibly disruptive and has made it harder for them to focus on their recovery:

- *"Monthly payments are a lot harder. I've had to change payment dates and amounts so I'm now in debt." Mind Universal Credit Survey*
 - *"Receiving such a big lump sum feels overwhelming. It is too big a mental task to try to budget for that whole amount, so I can't budget at all. I can't comprehend the large amount. I can't think ahead for a month because it is an impossible task when I am deeply depressed and looking into the future is a bleak void I cannot look into. It is concerning to think what I will do with that big sum of money next time I become manic! (I have a diagnosis of bipolar disorder). My relationship with money is so bizarre now. I never used to be like this when I had regular fortnightly payments." Mind Universal Credit Survey*
6. We know that for the benefits system to truly work for people with mental health problems, their voices need to be heard as part of the policy-making process. We also know that there's a growing recognition of the value this would bring both for people going through the system and policy-makers. For example Demos' recent report *Pathways from Poverty* identified a widespread mistrust of the current system from disabled people and recommended that the DWP create a new unit dedicated to involving people with direct experience of the benefits system in developing future policy.¹
 7. When considering these issues, the Committee may want to examine the approach taken by the Scottish Government to strengthen citizen voice and in particular, the use of 'experience panels' to inform the design and delivery of devolved benefits in Scotland. Following the partial devolution of benefits, the Scottish Government established Social Security Experience Panels, made up of more than 2400 people, to ensure their approach was shaped by people with direct experience of the benefits system. The Scottish Government also developed a statutory rights-based Charter for social security which was co-designed with people who have experience of accessing benefits alongside stakeholder organisations.² The Charter is underpinned by 8 key principles and sets out how the Scottish Government and Social Security Scotland will work with and support citizens.

Creating stronger mechanisms for accountability

8. Some of the problems which have the greatest impact on people with mental health problems have been a product of changes to guidance or operational practice which receive very little formal scrutiny. Often there is no requirement to publish guidance

¹ <https://demos.co.uk/wp-content/uploads/2019/01/Pathways-from-Poverty-a-case-for-institutional-reform.pdf>

²

<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2019/01/charter/documents/charter-expect-scottish-government-social-security-scotland/charter-expect-scottish-government-social-security-scotland/govscot%3Adocument>

changes or to refer them for scrutiny, but they can affect a huge number of people. For example, on the DWP's own analysis, changes to guidance around assessing 'physical and mental health risk' have led to thousands fewer people being found fit for work each year. The DWP has also estimated that these changes will disproportionately affect people with mental health problems. In cases like these there is a real gap in the mechanisms that would allow the Department to be held to account for the decisions it makes.

9. The existing UK Social Security Advisory Committee has a statutory responsibility to scrutinise secondary legislation, however in carrying out this role it cannot examine the merits of a particular policy. This Committee may want to consider the recently formed Social Security Commission in Scotland who have been given a wider remit, with responsibility to provide independent scrutiny, including ensuring all regulations are examined in advance of coming into force and to uphold a broader set of principles that govern how devolved benefits should be delivered. Those principles, which are set in Scottish law, are as follows:

- social security is an investment in the people of Scotland
- social security is itself a human right and essential to the realisation of other human rights
- the delivery of social security is a public service
- respect for the dignity of individuals is to be at the heart of the Scottish social security system
- the Scottish social security system is to contribute to reducing poverty in Scotland
- the Scottish social security system is to be designed with the people of Scotland on the basis of evidence
- opportunities are to be sought to continuously improve the Scottish social security system in ways which:
 - put the needs of those who require assistance first, and
 - advance equality and non-discrimination,
- the Scottish social security system is to be efficient and deliver value for money.

10. We believe that any future reforms of the system must include robust mechanisms for scrutiny and accountability.

Creating a comprehensive system of rights and safeguards

11. The introduction of Universal Credit has significantly increased the role of staff discretion within the benefits system. For example formal safeguards which existed within Employment and Support Allowance to protect people with mental health problems facing benefit sanctions, have been replaced with broad guidance encouraging Jobcentre staff to use their discretion where they feel it is appropriate. These include requirements to conduct safeguarding calls and home visits before imposing a sanction, and the requirement to exempt people from work search requirements while waiting for an assessment. We have since heard from many people with mental health problems who have had their health put at risk following inappropriate safeguarding decisions:

- *"Whilst waiting for an assessment for UC, I then had to attend appointments frequently at the Jobcentre. On ESA, I would not have had to do this. For a week before each appointment I struggled to sleep and eat, I had panic attacks- sometimes several a day. I just could not face the thought of the DWP because of the power they had over my life. This stress led to me considering self-harm and suicide, which I had previously attempted and been hospitalised for." Mind Universal Credit Survey*

12. Other areas which now depend largely on discretion include access to fortnightly payments, access to home visits and permission to claim Universal Credit over the phone. The cumulative impact of these changes has been that many people with mental health problems have told us that they have been locked out of accessing their entitlements:

- *I could not do any of it myself. I had some help from a mental health support worker but she had no knowledge about UC & we got in such a pickle. We mucked up the identification side so we were re told we had to go to the Jobcentre, which I couldn't do." Mind Universal Credit Survey*

13. Any future reform should look to redress this balance and create clearer rights and safeguards across legislation and guidance, so that people with mental health problems can know how they should expect to be treated and have access to redress if things go wrong. While the devolution of benefits in Scotland has not yet led to the creation of new formal safeguards, it has involved embedding overarching core principles into legislation. As noted above, these principles include the recognition of social security as a human right and recognition that 'dignity of individuals' should be at the heart of the system. The Committee may want to consider this approach and particularly how it affects the way devolved benefits are delivered in practice, as well as the impact it has on social security case-law in Scotland.

Improving access to advocacy

14. Many people tell us that they find the task of navigating the benefits system incredibly challenging when they are unwell. This is exacerbated by the fact that assessments for disability benefits will often require people to describe painful or traumatic experiences and focus on the ways in which people's condition can limit or restrict their lives. It is also made worse by processes which can be inaccessible, including the requirement to apply for Universal Credit online, and the lack of private space available within Jobcentres to discuss sensitive issues.

15. While many of these are issues with the system itself, we know there is a real need for more advocacy and support to enable people to access their rights in practice. A Mind survey of over 800 people with mental health problems who have made a claim for PIP found that one in five thought their decision was unfair but felt unable to challenge it. The most common reason for this was that people did not feel well

enough to go through the appeals process alone. When advocacy is available it can make a significant difference to people's lives.

- *"Client's health was deteriorating with the Crisis team being called twice re a further overdose and threat to jump off a railway bridge. With letters of support obtained from the hospital consultant, successfully challenged her move to the support group of Employment and support Allowance. Assisted her to get her entitlement to Support for Mortgage Interest and Council tax relief. Her PIP award was successful and this entitled her to additional monies on her main benefit. We were able to assist her with setting up a repayment plan for her on-going mortgage and the arrears, alleviating the threat of re-possession. When we phoned client to advise her that her PIP Award had been successful, she just cried and cried. She was actually at the foodbank as she had no food left in the house." Merthyr and the Valleys Mind PIP Advocacy Project*

"As a result of being awarded these monies, I can finally sleep at night and my thoughts of suicide have reduced. My property was at risk because of mortgage arrears and the back-date of my PIP monies will help me greatly in this area. Merthyr and the Valleys Mind has been marvellous and I owe the fact that I am still living and breathing down to the support received from the PIP project" Merthyr and the Valleys Mind PIP Advocacy Project

Reducing the pressure caused by unnecessary assessments

16. One of the most common issues we hear about from people with mental health problems is the cumulative impact of having to attend frequent reassessments for both PIP and ESA/Universal Credit. For people who receive both benefits, the combined effect of assessments and appeals can mean spending most months of a given year waiting for a benefits decision. The sustained fear of losing income can have a substantial impact on a person's mental health, as can the need to repeatedly share difficult or traumatic experiences. Any future reform must include a focus on driving down unnecessary reassessments and making sure that benefit awards are long enough to enable people to feel financially secure.

- *"I don't understand why they could not have just looked at the doctor's report, seen I was unwell, and left me alone." Mind Universal Credit Survey*
- *"I was denied PIP originally, my mandatory reconsideration was rejected and I was only awarded PIP following a tribunal. The eight months it took to receive the correct outcome were some of the worst in my life. My mental health deteriorated, I began self-harming again, suicidal thoughts increased, I shut down during therapy and couldn't speak, relationships became strained and I felt completely alone. It was humiliating and I'm terrified that I'll have to go through the process again in a year." Mind PIP Survey*

Conclusion

17. Any future reforms of the welfare benefits system should be informed by the experiences of people who have accessed benefits. The devolution of benefits administration to Scotland has demonstrated how different approaches can be taken to improve rights and ensure greater co-production and accountability. We would want to see any future reforms in Wales follow a similar approach.