**UK General Election July 2024
SAMH policy briefing**

SAMH (Scottish Action for Mental Health) is Scotland’s national mental health charity. Social security is an area of critical importance to many people with mental health problems. We urge parties contesting the election to consider adopting the asks set out below, which are focused on **Universal Credit**; the **Work Capability Assessment**; **conditionality and sanctions**; the **adequacy** of benefits; and **the interaction between the UK and Scottish social security systems**.

**Introduction**

Mental health across Scotland and the UK is getting worse. Findings from the 2022 Scottish Health Survey show across all of the areas measured that are related to mental health – mental wellbeing, mental illness, loneliness, self-harm, anxiety, depression, attempted suicide – results are worse than 2021 and, in most cases, the worst ever recorded by the Survey.[[1]](#footnote-1)

That is why it is crucial that mental health is at the heart of the upcoming election. The next UK Government must take immediate, concrete action to create the conditions to improve mental health, including tackling inequality and poverty. This has never been as important as it is now, in the wake of the Covid-19 pandemic and ongoing cost-of-living crisis.

While responsibility for many policy areas key to supporting mental health, such as health and education, are devolved to the Scottish Parliament, the UK Parliament retains responsibility for crucial policy areas including large parts of social security.

UK social security needs urgent reform to better support people with mental health problems to live independent lives free from poverty. We believe our asks should be adopted by all parties and candidates.

**Social security**

A well-functioning social security system is essential to the realisation of human rights, by supporting people to live independently, and helping people move into employment where that is appropriate. But the current UK social security system is not working for people with mental health problems.[[2]](#footnote-2)

1. **Make Universal Credit work for people living with mental health problems**

Universal Credit (UC) is not working for people with mental health problems. Our research found that key aspects of UC, from assessment to inappropriate conditionality and sanctioning, are increasing distress and risk pushing people living with mental health problems into poverty.[[3]](#footnote-3)

As of December 2023, over half a million (509,634) Scottish people were in receipt of UC.[[4]](#footnote-4) Unfortunately, the UK government does not provide a breakdown of data to show how many people with a mental health problem receive UC. But the latest available statistics do show that in Scotland in December 2023 other two hundred thousand (201,941) people were in receipt of a health-related element of UC. [[5]](#footnote-5) We know that someone’s mental health is the most common reason for them to be in receipt of Employment Support Allowance (ESA), which UC has replaced. From this it can be inferred that the proportion of people with mental health problems in receipt of Universal Credit now and in the future will be high.

* **Structure of Universal Credit:**

To imitate the world of work UC is paid in arrears monthly, with a five week wait for the first payment. This deliberate design risks pushing vulnerable people into financial distress, including rent arrears and food poverty.[[6]](#footnote-6) Indeed research from the Trussell Trust found that the wait for a first UC payment resulted in 70% of respondents experiencing debt and 57% experiencing issues with their mental or physical health.[[7]](#footnote-7)

We are calling for:

* + **The immediate abolition of the unjustified five week waiting period for first payment**

To mitigate hardships from the five week wait for first UC payment, claimants can ask for an “advanced payment”. Importantly an advanced payment is a loan and must be repaid, though deductions to future UC payments. We believe this is not fair and risks prolonging financial distress.

We are calling for:

* + **The advanced payment system to be replaced with a non-repayable assessment grant.**
* **Assessment for Limited Capability for Work Element of Universal Credit**

If you have a health condition or disability that limits how much work you can do, including a mental health condition, you can receive additional money through UC.[[8]](#footnote-8) To determine eligibility for extra support, and to determine if someone must undertake work-related activities, a face to face functional assessment – the Work capability Assessment (WCA) – is usually required. For many years, we have been concerned – and heard from people we support – that the WCA is not working for people with mental health problems.[[9]](#footnote-9) Problems with the WCA include challenges in capturing the impact of fluctuating conditions; assessors lacking professional experience and adequate training in mental health; and claimants experiencing stigmatising behaviour, resulting in distress.

We believe the WCA should be replaced by a holistic analysis of someone’s circumstances, including barriers they face in regards to employment. Importantly, we believe face to face assessments should only be used where no other way of determining eligibility (such as written evidence) is available. Any replacement to the WCA should be co-produced by disabled people, including people with mental health problems.

Learning should be used from the Scottish Social Security system. Adult Disability Payment (ADP) in Scotland has replaced Personal Independence Payment (PIP). PIP uses a similar functional assessment to the WCA. In Scotland ADP eligibility is mainly determined through written evidence, including medical evidence and other supporting evidence (including from family and carers). Face to face consultations are therefore rare and do not include any physical functional tests.

Importantly, Scottish legislation ensures that where a face to face consultation is needed for ADP this is undertaken by a suitably qualified person employed by Social Security Scotland. Where the claimant has a mental health problem the practitioner carrying out the consultation must have professional experience of delivering mental health support in a health or social care setting.[[10]](#footnote-10)

We are calling for:

* + **The WCA to be replaced by a new more holistic process to determine eligibility for the health elements of UC, with an end to face to face functional assessments, informed by learning from the ADP process and co-produced with disabled people, including people with mental health problems**
	+ **Where a claimant has a mental health problem, any WCA should be undertaken by an assessor with professional experience of delivering mental health care and support**
	+ **The next UK Government to discard changes to the WCA planned to come into force in 2025. These changes, including restricting the Substantial Risk for the Limited Capacity for Work Related Activity (LCWRA) criteria, pose a real danger to people living with mental health problems trying to access their right to social security.**
1. **Conditionality and sanctions**

Conditionality and sanctions – including the threat of sanctions – are a core feature of Universal Credit and the UK social security system. Evidence clearly shows sanctions do not support people into employment, but do risk the mental and financial health of people, including people living with mental health problems.[[11]](#footnote-11),[[12]](#footnote-12) Recent findings from Citizens Advice found that people with mental health problems are disproportionally subject to sanctions compared to people in receipt of UC with other conditions or who are not disabled.[[13]](#footnote-13)

We are calling for:

* + **UK Government to abolish sanctions for disabled people**
	+ **UK Government to use learning from the suspension of conditionality during COVID pandemic to help inform reform of the conditionality and sanction regime.**

A clear problem with the current sanctioning regime is a lack of publicly available data on sanctions and the impact of sanctions. This includes a lack of data on how many people with mental health problems are being sanctioned:

* + **UK Government to collect and publish routine data on people sanctioned, disaggregated by disability and medical condition.**

A key component of UC is conditionality. This means claimants must do a prescribed amount of work related activities, such as job search, in order to receive UC (unless they are found to be unable to undertake any work-related activities). Someone’s obligations to undertake work-related activities is set out in their “claimant commitment”. Failure to comply with the conditions can result in sanctions, risking financial and mental distress. People we support have told us that conditions are too often inappropriate and do not take into account the impact of mental health.

Worryingly, conditionality can apply while someone is awaiting the outcome of their WCA, at the discretion of their Work Coach. This means people who may ultimately be found unable to undertake work-related activities, due to health or disability, are nevertheless at risk of being subject to conditionality and of sanctions.

We are calling for:

* + **No one to have to undertake job search or work-related activities while waiting for a WCA and its outcome**
	+ **Guidance to Work Coaches over setting appropriate conditions is strengthened for vulnerable claimants, including people with mental health problems.**
1. **Adequacy of benefits**

We believe social security should ensure a reliable and adequate safety net for everyone in Scotland and the UK, including people living with mental health problems. Social security should be seen as a positive support for everyone to live a dignified, independent life. But we know that payment rates for UC and other benefits do not allow everyone to meet their needs. Recent research from the Joseph Rowntree Foundation and the Trussell Trust found that five in six low-income households on UC are currently going without essentials, including food and heating.[[14]](#footnote-14)

We are calling for:

* **An urgent review of UC to ensure it is sufficient to protect people from going without essentials**
* **The next UK Government to work with people receiving benefits to ensure the social security system meets their needs and is delivered with dignity and respect.**

Recent discussion, including the current green paper,[[15]](#footnote-15) have raised the possibility of replacing regular cash-based social security support with one-off payments, provision of aids, or access to health – including mental health – treatment. We believe this is the wrong approach. The provision of regular cash-based benefits is the most effective way to reduce poverty and ensure people have agency, dignity and respect.[[16]](#footnote-16)

We strongly believe that everyone has the right to timely mental health treatment irrespective of their eligibility for social security.

We are calling for:

* **The next UK government to ensure a reformed UC, including any disability component, remains cash-based for all claimants.**
1. **Interaction between the UK and Scottish Social Security Systems**

A distinct Scottish social security system with responsibility for non-income disability benefits has now been in place for some years. However, changes to either the UK or Scottish system have potential implications for the other. For example, much of the Scottish Government’s budget comes from a block grant from the UK Government (determined by the “Barnett Formula”). Therefore changes to UK spending on social security – such as Personal Independence Payment (PIP) – impacts how much money is allocated to Scotland.

Additionally, eligibility to some Scottish benefits, including ADP, provides automatic eligibility to a number of UK benefits. These include one-off cost of living payments, and top ups to housing benefit and income-related Employment and Support Allowance (ESA).[[17]](#footnote-17) Collectively these are known as “passported benefits”.

It is essential that reform of either the UK or Scottish social security systems ensures that that the interaction between the systems is fully taken into account. Any reform must not lead to the loss of eligibility to passported benefits for people with mental health problems in Scotland.

We are calling for:

* **The UK and Scottish Governments to work together to ensure seamless transitions between benefits and no loss of eligibility for contingent benefits.**

**For more information**

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