

Universal Credit (UC) Managed Migration

November 2018



A briefing from SAMH (Scottish Association for Mental Health)

The UK Government has published regulations for transfer of legacy benefit claimants to Universal Credit (UC).¹ Before coming into force these regulations will need to be approved by both houses of Parliament. In partnership with our UK sister charity Mind, we expressed serious concerns about the draft regulations.^{2, 3} We are disappointed that the UK Government has not sufficiently amended the draft regulations to adequately safeguard people with mental health problems, who will still be at risk of losing their benefits if these regulations are approved.

We are calling on the UK Government to withdraw the regulations and replace them with new legislation, which guarantees no one with a mental health problem is at risk of losing their entitlement when transferring to UC. If the Government does not withdraw and replace these regulations we are calling on MPs to vote against their passage.

Our key concerns with the regulations are:

- **The power to terminate a person's existing benefits and requirement for people to make a new UC claim when migrating.**
- **The lack of sufficient safeguards for clients, including in the identification of someone's vulnerabilities.**

We are calling for:

- **The UK Government to withdraw the managed migration regulations**
- **MPs to vote against the regulations if they are not withdrawn by the Government**
- **An independent review of how ready the UC system is for managed migration.**

Background

People unable to work due to disabilities who currently receive Income related Employment and Support Allowance (ESA) will be migrated to UC. In Scotland 87,424 people receive income-related ESA due to a mental health problem; that's 59.6% of all income-related ESA recipients in Scotland.⁴ All of these people and many more who are vulnerable may experience problems with UC migration.

Risk of Losing Support

Many people with mental health problems could lose access to their benefits as a result of not making a claim to UC. Once a person is notified of their migration, they will have three months to make a UC claim, or risk losing their existing benefits completely. This is completely unacceptable, putting at risk the financial security and mental health of people receiving support through the legacy system.

While we welcome the change from the initial draft regulations, increasing the minimum period to make a UC claim from one month to three, we strongly believe that no one with a mental health problem should be at risk of losing their entitlement. SAMH believe there are practical methods of achieving this which should be explored.

¹ UK [Government The Universal Credit \(Managed Migration\) Regulations 2018 – Draft statutory Instrument](#) November 2018

² SAMH [Universal Credit \(UC\) Managed Migration A briefing from SAMH](#) October 2018

³ Mind [Response to the Social Security Advisory Committee's consultation](#) August 2018

⁴ StatXplore [accessed October 2018]

Transitional Protection

The draft regulations provide for “top up” payments, to ensure people do not receive less money than they did on legacy benefits. SAMH welcomes changes to the initial draft regulations, so that no legacy benefit recipient will lose this transitional protection. The initial draft would have seen the right to transitional protections lost if people made an error in an initial UC claim. We know that 58% of people with long term conditions require additional support through the claim process, so the right for transitional support for multiple UC claims made during someone's migration window is welcome.⁵

Safeguards for Vulnerable People

Vulnerable people migrating will be able to request an extension for making a claim and DWP staff can also extend the deadline for a claim. This will only be granted if there is 'good reason', for example, if the person has a mental health problem.⁶ However, this safeguard excludes those with undisclosed mental health problems and those who find engaging with the Jobcentre challenging due to their mental health problem.

We also have concerns about whether people's vulnerabilities will be recognised. The proposals place the responsibility for identifying vulnerable people on Jobcentre Plus staff and Work Coaches.. We know that placing responsibility on Work Coaches to identify vulnerability and establish conditionality is not working for people with mental health problems.⁷ **The Government must improve safeguarding for vulnerable people.** Citizen Advice Scotland (CAS) share these concerns and we agree with their call that the DWP should be required to make enquires and use information from other agencies including the NHS to identify vulnerabilities.⁸

Managed migration represents a huge increase in UC caseload, with the UK Government stating that 36% of people to be migrated having a long term condition or disability.⁹ **The Government should introduce a requirement for an independent review to establish whether the UC system is ready for managed migration.**

Contact Details

I would be happy to arrange a time to discuss this matter with you.

Craig Smith Public Affairs Officer

Tel: 01415301084 email: craig.smith@samh.org.uk

⁵ DWP [Universal Credit Full Service Survey](#) June 2018

⁶ DWP [Explanatory Memorandum for the Social Security Advisory Committee: The Universal Credit \(Transitional Provisions\) \(Managed Migration\) Regulations 2018](#) June 2018

⁷ Work and Pensions Committee [Benefit Sanctions Nineteenth Report of Session 2017–19](#) October 2018

⁸ CAS [Citizens Advice Scotland Response to Social Security Advisory Committee Universal Credit Migration Consultation](#) August 2018

⁹ UK Government [Universal Credit managed migration: reducing the risk to claimants – press release](#) November 2018