

Scottish Affairs Select Committee: Welfare Policy in Scotland Inquiry 2020

SAMH Submission

Summary

- The impact of UK welfare reform – particularly the introduction of Universal Credit - on people with mental health problems has been significant.
- The UK government must urgently reform Universal Credit to ensure it works for people with mental health problems, including removing the digital by default approach; abolishing the unjustified five week waiting period for first payment; and reintroducing the Community Partner Programme.
- The Scottish Government and DWP must work together to rectify administrative problems undermining the Scottish Universal Credit Choices.
- Benefit sanctions are ineffective at moving people into employment and damage mental health. The UK Government should abolish the use of sanctions in the social security system.
- The devolution of non-income related disability benefits to the Scottish Government is welcome, with SAMH broadly welcoming Scottish Government proposals for Disability Payments.
- SAMH is disappointed that the introduction and roll out of Adult Disability Payment (replacing Personal Independence Payment) has been delayed till 2022. The Scottish and UK governments must urgently work together to prioritise the roll out and subsequent case transfer to prevent any further delays

Introduction

Around since 1923, SAMH is Scotland's national mental health charity. Today, in over 60 communities we work with adults and young people providing mental health social care support, services in primary care, schools and further education, among others. These services together with our national programme work in See Me, respectme, suicide prevention and active living; inform our policy and campaign work to influence positive social change.

SAMH welcomes the opportunity to respond to the Scottish Affairs Committee's inquiry: Welfare Policy in Scotland. Our response focuses on the experience of Universal Credit in Scotland for people with mental health problems and the devolution of non-income related disability benefits to the Scottish Parliament and Government.

Universal Credit

SAMH has long been concerned about the negative effects Universal Credit has on people with mental health problems in Scotland. In 2019 we undertook research and published a report calling for fundamental reform of the Universal Credit system.¹ While we agree with the principles behind Universal Credit – to simplify the welfare system and support people

¹ SAMH ['It was a confusion' Universal Credit and Mental Health Recommendations for Change](#) 2019

into employment – it is clear that Universal Credit, as it currently operates, is not working for people with mental health problems. In the context of the ongoing Coronavirus pandemic and associated increase in Universal Credit caseload, it is essential that the UK Government acts quickly to fix Universal Credit. Where competencies are shared between the two governments, for example on the Universal Credit Scottish Choices, clear working relationships between the governments need to be embedded to rectify lingering administrative issues.

Key problems with Universal Credit include:

- The reliance on a rigid digital by default system acting as significant barrier to people with mental health problems applying for and managing their Universal Credit claim.
 - **SAMH recommends that the UK government scrap Digital by Default and permit people to use the most appropriate contact channel for them.**
- The initial five week wait for payment. This delay is deliberately built into the system and has contributed to increases in rent arrears, the threat of eviction and a great deal of distress.
 - **SAMH recommends the immediate abolition of the unjustified five week waiting period for first payment and the replacement of advance payments with a non-repayable assessment grant for new Universal Credit claimants**
- The reliance on face-to-face assessment to establish eligibility for the disability component of the award. A significant problem in comparison to the legacy system is that conditionality can be applied to people waiting for their Work Capability Assessment (WCA). This is unacceptable as people unable to work due to a mental health problem or other disability, can be made to undertake work activities they are incapable of completing and then be sanctioned. Potentially losing all of their income for failing to meet the conditions set out without an assessment having taken place.
 - **SAMH recommends that no one should have to undertake job searching or work related activities while waiting for a WCA and its outcome.**
- The central feature of Universal Credit – conditionality – has left claimants lacking control and is not tailored to support people with mental health problems. This is compounded by high levels of Work Coach discretion.
 - **The DWP should routinely gather and publish data on claimant vulnerability, including adjustments made to support vulnerable claimants.**
 - **SAMH recommends that the UK Government should end the use of benefit sanctions in the social security system.**



for Scotland's mental health

- The UK Government has scrapped the Community Partner project, including Mental Health Community Partners in March 2019. The project was funded by the UK Government to assist Work Coaches in supporting disabled people, including people with mental health problems. Community Partners are people with professional or personal experience of disability. Their role is to provide local knowledge to identify opportunities for tailored support to claimants and provide insight on the additional barriers disabled people face entering the workplace.²
 - **SAMH recommends that the UK Government should reverse the decision to cut the Community Partner programme and commit to ongoing funding of both the Community Partner programme and additional Disability Employment Advisors (DEAs).**

- Administrative problems with the Scottish Choices. For example, the housing element under the Scottish Choices is paid to landlords in arrears on a four weekly basis and does not match the calendar monthly schedule for Universal Credit payments to claimants. This has caused administrative problems and uncertainty over arrears and income for social landlords as well as confusion to claimants.³ We do recognise and welcome that steps have been made by the DWP to better align payment schedules.⁴
 - **SAMH recommends that the DWP and Scottish Government work together to urgently correct issues over the delivery of the Scottish Choices to provide assurance to Universal Credit claimants and landlords.**

Sanctions

SAMH would like to highlight the issue of sanctions in the UK social security system and their impact in Scotland. The latest statistics (prior to emergency coronavirus legislation) indicated that 2.12% of UK UC full service claimants, subject to conditionality, had a deduction to their UC as a result of a sanction.⁵ In March 2020, prior to the suspension of job seeking and work preparation commitments resulting from emergency COVID 19 pandemic legislation, 3,564 people in receipt of Universal Credit in Scotland were sanctioned (1.35% of the total).⁶

Evidence from the University of Glasgow found that sanctions are detrimental to mental health. The study found that following the 2012 welfare reform:⁷

² House of Commons Work and Pensions Committee. [Universal Credit: Support for Disabled People](#) 2018

³ CAS. [Rent Arrears: Causes and Consequences for CAB Clients](#) 2018

⁴ Poverty Alliance [Unearthing the hidden problems in the system of Universal Credit](#) May 2020

⁵ DWP [Benefit sanctions statistics to April 2020](#) August 2020

⁶ DWP StatXplore [UC Sanction Rates](#) [accessed November 2020]

⁷ Evan Williams [Unemployment, sanctions and mental health: the relationship between benefit sanctions and antidepressant prescribing](#) Journal of Social Policy 2019 and Evan Williams The impact of benefit sanctions on mental health: Research dissemination paper 2020

- Increases in the application of sanctions are associated with increases in both anxiety/depression and the prescription of antidepressants.
- Every 10 additional sanctions at the local authority-level are associated with up to 8 additional people self-reporting that they suffer from anxiety and/or depression.
- A one percentage point increase in the local authority-level sanctions rate was associated with a 2-3 percentage point increase in the likelihood that unemployed claimants reported suffering from anxiety and/or depression.

Crucially due to the lack of publicly available disaggregated data, we are not able to determine how many people with a mental health problem or other disability are being sanctioned.

- **SAMH is calling for all sanctioning to end and for the DWP to make available disaggregated data on sanctions and claimant disability.**

Devolution of non-income related disability benefits

The Inquiry asks the following questions in regards to the ongoing devolution of aspects of social security to the Scottish government:

- Why have there been delays in the administration of benefits which have been devolved to Scotland via the Scotland Act of 2016? What have been the impacts of delays in the devolution of benefits administration?
- What changes might be necessary to help manage the transfer of claimants and data from the Department for Work & Pensions to Social Security Scotland?

SAMH warmly welcomed the Smith Commission's agreement and subsequent Scotland Act 2016 which devolved aspects of social security to Scotland. SAMH continues to help shape the new Scottish Social Security system including through SAMH staff representation on the Scottish Government's Disability and Carers Benefits Expert Advisory Group (DACBEAG).⁸ We have also taken an active role in the development of the Scottish system, through supporting the drafting of a successful amendment to the Social Security (Scotland) Act 2018 on Suitably Qualified Assessors. This provision ensures that any assessment of physical or mental health in relation to benefit entitlement must be undertaken by an assessor with relevant experience, training and professional background.⁹

SAMH believes the devolution of non-income related disability benefits provides the opportunity to significantly improve people with mental health problems experience of social security. Research based on the experience of people supported by SAMH highlights how Personal Independence Payment (PIP) is not working well for people with mental health problems.¹⁰ Issues include the PIP application and assessment process, particularly face to face medical assessments, which contribute to peoples' distress and do not adequately

⁸ <https://www.gov.scot/groups/disability-carers-benefits-expert-advisory-group/>

⁹ [Social Security \(Scotland\) Act 2018 section 13](#)

¹⁰ SAMH [Personal Independence Payment: What's the Problem?](#) 2016

assess the impact of mental health problems or other fluctuating conditions. People with mental health problems make up the largest cohort of PIP claimants in Scotland with 39% (108,081) of all PIP claimants in Scotland having a psychiatric disorder (July 2020 data).¹¹

We broadly welcomed the Scottish Government's proposals for Disability Assistance (now named Disability Payments) which will replace PIP, particularly the commitments to:

- Significantly reduce face to face assessments and ensure that assessors to have relevant professional experience and be suitably qualified;¹²
- Create a legal right under the Scottish system to access advocacy where required due to a disability;¹³
- Make awards on a rolling basis with light touch reviews, avoiding the need for reassessments.¹⁴

We are disappointed about delays to the introduction of Disability Payments. The Cabinet Secretary for Social Security and Older People, Shirley-Anne Somerville, confirmed in the Scottish Parliament on 17 November 2020 that Adult Disability Payment will now not be piloted until spring 2022 with full roll out to begin in summer 2022.¹⁵ This represents a significant delay to previous plans for Adult Disability Payment to open to new claimants in early 2021.¹⁶

We welcomed the Scottish Government's commitment that no one will be subject to a face to face reassessment by the DWP once Adult Disability Payment is open to new claimants – with existing PIP claimants transferring to the Scottish system when their PIP award was due for reassessment.¹⁷ The delay to roll-out means that many more people with existing PIP cases due for reassessment prior to summer 2022, will now face the possibility of DWP face to face medical reassessments.

We recognise the complexity of introducing Disability Payments in Scotland and the timescales reliance on close working between the Scottish Government and UK Government Department of Work and Pensions (DWP). We are also sympathetic to the impact that the ongoing coronavirus pandemic has had on both governments' ability to proceed at the original pace. Despite this, it is essential that there are no further delays and the roll out of Disability Payments and subsequent case transfer happens as quickly and safely as possible.

¹¹ DWP StatXplore [PIP Cases with Entitlement](#) [accessed November 2020]

¹² Scottish Government [Disability Assistance assessments: policy position paper](#) 2019

¹³ [Social Security \(Scotland\) Act 2018 Part 1 Advocacy](#)

¹⁴ Scottish Government [Disability Assistance awards and entitlement: policy position paper](#) 2019

¹⁵ Scottish Parliament [Social Security Benefits – Ministerial Statement](#) 17 November 2020

¹⁶ Scottish Government [Delivery of disability assistance to start in 2020](#) February 2019

¹⁷ Scottish Government [Disability Assistance assessments: policy position paper](#) 2019