

Universal Credit (UC) Managed Migration Pilot

February 2019



A briefing from SAMH (Scottish Association for Mental Health)

The UK Government first published regulations for transfer of legacy benefit claimants to Universal Credit (UC) in November 2018.¹ We were extremely concerned that the proposed rules for managed migration risked the financial security and health of people with mental health problems and other vulnerable claimants.² The UK Government did not proceed with its original plans for managed migration, deciding instead to undertake a pilot with 10,000 people. While we welcome the decision not to proceed with the original plans, we are very concerned about the draft regulations for the pilot and believe these should be withdrawn and replaced by the Government.

We are calling on the UK Government to withdraw the regulations for the pilot and replace them with new legislation, which guarantees no one with a mental health problem will lose their entitlement when transferring to UC during the pilot. 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 for the pilot are:

- **The power to terminate a person's existing benefits and require a new UC claim, instead of automatically transferring people to UC**
- **The lack of clarity on how the 10,000 people will be selected.**
- **The lack of sufficient safeguards for clients, including in identifying someone's vulnerabilities.**

We are calling for:

- **The UK Government to withdraw and replace the managed migration pilot regulations with new regulations which address these concerns.**
- **MPs to vote against the regulations if they are not withdrawn by the Government.**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.³ All of these people and many more who are vulnerable may experience problems with UC migration.

Details of the Pilot

The Secretary of State for Work and Pensions, Amber Rudd, announced the managed migration pilot of 10,000 legacy benefit claimants in January 2019.⁴ Learning from the pilot will inform the wider managed migration process. If the regulations are approved, the pilot will start in July 2019. How people will be selected to take part in the pilot will be crucial. It's also essential to know whether the

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 StatXplore [accessed October 2018]

⁴ UK Government Universal Credit: personal welfare A speech delivered by the Secretary of State for Work and Pensions at Kennington jobcentre about the future of Universal Credit January 2019

10,000 participants will be representative of the wider population who will eventually be migrated. For the findings of any pilot to be robust, the caseload must include a representative number of people with mental health problems. **The Government must publish details of how pilot participants will be selected, ensuring they are a representative sample of the wider legacy benefit population that will be subject to managed migration.**

Risk of Losing Support

Many people with mental health problems taking part in the pilot could lose access to their benefits if they do not make a claim for UC. Once a person is notified of their migration, they will have three months to make a UC claim. If they do not, they 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.

We opposed this provision in the original draft regulations, and continue to oppose it on principle for the pilot. **SAMH believes the pilot should explore practical alternatives to transfer legacy benefit recipients to Universal Credit without the risk of losing entitlement.** We agree with the House of Commons Work and Pensions Committee that: *"It is the Government's policy to transfer claimants to Universal Credit. It is only right that the Government, and not the individual, should shoulder the risk of that transfer."*⁵

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.

Furthermore we welcome provisions in the draft regulations to suspend natural migration for people in receipt of Severe Disability Premium, so that people with a disability are not at risk of losing their entitlement. We are also pleased that the regulations now provide for transitional payments to people who are eligible for the Severe Disability Premium and who have already migrated onto UC. This protection should remain in future iterations of the regulations.

Safeguards for Vulnerable People

The Secretary of State for Work and Pensions, Amber Rudd, announced that, during the six month lead up to the pilot, the Government will work closely with claimants to ensure that tailored communications and bespoke support are put in place for the most vulnerable.⁶ It is crucial that the Government provide more details of these plans and that people with mental health problems and organisations that support them are fully consulted about any prospective safeguards.

As currently drafted, the regulations allow vulnerable people who are migrating to request an extension for making a claim. DWP staff can also extend the deadline for making a claim or cancel the migration notice for a claim. However, extensions will only be granted if there is 'good reason', for example, if the person has a mental health problem or if the migration notice is issued in error.⁷ Therefore this

⁵ Work and Pensions Committee [Universal Credit: managed migration](#) November 2018

⁶ UK Government [Universal Credit: personal welfare A speech delivered by the Secretary of State for Work and Pensions at Kennington jobcentre about the future of Universal Credit](#) January 2019

⁷ DWP [Explanatory Memorandum for the Social Security Advisory Committee: The Universal Credit \(Transitional Provisions\) \(Managed Migration\) Regulations 2018](#) June 2018

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.⁸ **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.⁹

Managed migration represents a huge increase in UC caseload. According to the UK Government, 36% of people to be migrated have a long term condition or disability.¹⁰ Alongside a pilot, **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.

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⁸ Work and Pensions Committee [Benefit Sanctions Nineteenth Report of Session 2017–19](#) October 2018

⁹ CAS [Citizens Advice Scotland Response to Social Security Advisory Committee Universal Credit Migration Consultation](#) August 2018

¹⁰ UK Government [Universal Credit managed migration: reducing the risk to claimants – press release](#) November 2018