SAMH is a Scottish mental health charity which provides an independent voice on all matters of relevance to people with mental health and related problems and delivers direct support to around 3000 people through over 80 services across Scotland. SAMH provides direct line-management to respectme (Scotland’s anti-bullying service) and ‘see me’ (Scotland’s anti-stigma campaign).

Overview

SAMH is a member of the Scottish Campaign on Welfare Reform and the UK wide Disability Benefits Consortium. We have been briefing Parliamentarians in Westminster in conjunction with these coalitions and specifically on the implications of the Bill to people with mental health problems with our colleagues in Mind, Rethink, Centre for Mental Health and the Royal College of Psychiatrists.

SAMH recognises that the current welfare system is complicated and confusing, giving rise to inconsistencies in benefit provision as well as claimant and DWP error. We welcome moves to help simplify the benefits system and improve incentives to work.

However, despite supporting the intentions of the Welfare Reform Bill, we have concerns about the impact that many of the proposals will have on people with mental health problems. We are worried about the lack of detail present within the Bill, which will be provided by secondary legislation and subject to less scrutiny, and the rapid timescales to implement these policies.

As a Scottish charity, we are also concerned that there has not been adequate consultation or awareness of the different systems in place in Scotland, and we seek substantial changes to the Welfare Reform Bill before it is implemented in Scotland. We believe that it is imperative that all agencies in Scotland work together to mitigate the impact of this legislation if it becomes law in the coming months.

Employment and Support Allowance

- As people with mental health problems represent the largest proportion of people on sickness benefits who will be reassessed for Employment and Support Allowance (ESA) – 43.7% of Incapacity Benefit/Severe Disablement Allowance in the UK, and 46.2% of claimants in Scotland\(^1\) – SAMH is naturally worried about measures to restrict or sanction claimants of this benefit who are not currently well enough to work.

\(^1\) DWP Tabulation Tool, February 2011
SAMH is concerned that Clause 51 in the Welfare Reform Bill, which proposes to time-limit ESA to 12 months, will have a detrimental impact on people with mental health problems and other fluctuating conditions. This is a pressing concern; while the implementation dates for changes to other benefits within the Welfare Reform Bill are listed as 2013/14, the time limit for contribution based ESA in the Work Related Activity Group (WRAG) will come into effect as soon as the Bill becomes law. Contributory ESA is paid on the basis that a person has made enough National Insurance payments to qualify, and is not means-tested. The Welfare Reform Bill proposes that contributory ESA in the WRAG will only be paid for twelve months. This will come into force immediately that the Bill becomes law, in April 2012, and will apply retrospectively: so people who began receiving ESA in the WRAG group before April 2011 will have their benefit stopped. The implications of this change are that thousands of people will be transferred off ESA; their options will be to claim Job Seekers Allowance or rely on family or friends for support. The Scottish Government must begin to prepare now for the influx of people into the job market in Scotland, and the difficulties that these individuals will face as they contend with reduced incomes and the additional stress of seeking work before they are potentially well enough to do so.

People whose entitlement to contributory ESA has run out can apply for income-based ESA, which is means-tested. However, if they have capital of over £16,000 or their partner works at least 24 hours a week or earns as little as £7,500, they will not be entitled to receive it. Estimates are that by 2015-16, 700,000 people in the UK will be affected by time-limiting. Forty per cent of these will not qualify for means-tested benefit. The UK Coalition Government's own figures show that 94 per cent of people in the WRAG will need ESA for longer than 12 months.

Limiting the time to be spent in the work related activity group for non-means tested individuals is more focused on saving money than helping people return to work when they have recovered from their illness. SAMH’s ‘What’s It Worth Now?’ research shows that £2m is lost to Scottish employers each day due to sickness absence on grounds of poor mental health – stress, anxiety, depression. People should not be made to work when they are not ready; SAMH believes that the consequences will be more stress for the individual, more economic loss to the employer, and a greater reluctance by employers to give someone coming off ESA / IB a job. If this clause from the Welfare Reform Bill cannot be removed from the Bill, we urge the Scottish Government to call for an extension of the time that individuals can receive contribution based ESA in the Work Related Activity Group; an amendment at Committee Stage suggested two years and

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2 Lord McKenzie of Luton, Lords Committee Stage debate, 8 Nov 2011 : Column GC3  
3 Lord McKenzie of Luton, Lords Committee Stage debate, 8 Nov 2011 : Column GC3  
4 Lord Patel, Lords Committee Stage debate, 8 Nov 2011 : Column GC9  
that people should be reassessed to determine if they were truly fit for work\textsuperscript{6}.

- The problems with the Work Capability Assessment have been well documented. SAMH acknowledges that the Coalition Government commissioned Professor Malcolm Harrington to review the Work Capability Assessment, part of the decision-making tool for Employment and Support Allowance, in 2010, and we welcomed his initial proposals. However, we are concerned that despite Professor Harrington submitting proposals to the UK Government in April / May 2011, focusing on improving outcomes of the WCA for people with fluctuating conditions and mental health problems\textsuperscript{7}, there has still been no response from Government. We urge the Scottish Government to call for action in this regard.

- SAMH believes that many of the policies that will contribute to reducing welfare dependency in Scotland are the Scottish Government’s responsibility. For example, the Scottish Government must encourage employers to recognise and fulfill their responsibilities to people with mental health problems and other disabilities. Initiatives to address misunderstandings about mental health, such as See Me and some of the work of Healthy Working Lives among employers and employees should be supported.

- It is particularly important that health and social services recognise the value of appropriate work in restoring and maintaining good mental health. Guidance should be issued to ensure that vocational issues are addressed in assessments and consultations, and form part of treatment and support plans.

- Supporting people with mental health problems to work will require the collaborative efforts of health and social care services and employment support at a national and local level. SAMH is currently piloting an initiative with three health boards called Individual Placement and Support (IPS). IPS entails placing an employability specialist within a Community Mental Health Team. It brings together the social work departments, Community Psychiatric Nurses and voluntary sector providers. Referrals take place at team meetings which ensures early intervention and an employment focus for people as they begin their recovery journey, rather than after months of losing skills, contacts, motivation and confidence. Initiatives such as IPS should be explored and promoted.

\textsuperscript{6} Chris Grayling, General Committee evidence, 14 June 2011

\textsuperscript{7} http://www.publications.parliament.uk/pa/cm201012/cmgeneral/deleg1/110614/110614s01.htm
Furthermore, it is vital that the Work Programme is able to meet/account for disabled people’s additional needs such as support with housing etc.

**Disability Living Allowance / Personal Independence Payment**

- SAMH is deeply concerned by Part 4 section 79 of the Welfare Reform Bill which makes provision about the assessments of whether an individual qualifies for Personal Independence Payment (PIP). The wording of the Bill suggests that people with fluctuating mental health problems, or another fluctuating conditions, will not qualify if they are not consistently ill for the required length of time. Denying them support could have a detrimental effect on their health and their ability to manage their condition. This could affect the individual’s ability to stay in work if they are employed, or impede their recovery if they are not working. At the request of SAMH and other mental health organisations, an amendment was tabled at report stage by Dame Anne Begg MP, but this was not pushed to a vote because of time constraints. The Scottish Government should urge the UK Government to amend this aspect of the Bill so that people with fluctuating conditions are not excluded from this benefit.

- SAMH is concerned by the objective of a 20% saving in the Disability Living Allowance (DLA) budget. We believe this savings target could also create a false economy as people perceived to have low level support needs may have support removed, leading to higher health and social care costs in the long term. Such reductions therefore both contradict and undermine the Scottish Government’s Budget focus on prevention. SAMH asks that forthcoming closer joint work between health and social care is directed to include a focus on meeting the transport, nutrition and social inclusion needs that people would previously have used DLA for. The Scottish Government must act to ensure that people who have this support removed are still able to access other types of support to meet their disability related needs. In particular, we are concerned that people will also lose ‘passported benefits’ (such as help with transport cost) which enable people to work and participate in their communities.

- Given our concern that people in work might lose the support provided by DLA/PIP, and then become so unwell that they can no longer work, requiring out of work benefits and greater social support, one solution might be for an increased awareness and take up of Access to Work. Access to Work can help people with disabilities or health problems who want to access work, or are in employment and experiencing difficulties because of their condition. This funding can meet the costs of special aids and equipment, communication support at interview, adaptations to premises and equipment, provision of support workers for the employee, travel to work and other miscellaneous costs such as training. Access to Work is funded by the DWP but grossly underused; at present, only 20,890 people in the whole of the UK receive Access to
Work, and only 340 people get Access to Work on grounds of mental health\(^8\). SAMH calls on the UK and Scottish Governments to raise awareness about this support and encourage Disability Employment Advisors in Jobcentre Plus to promote Access to Work to both employers and disabled applicants, as well as implement the other recommendations from the Sayce Review on disability employment support\(^9\).

**Housing benefit**

- SAMH believes that it is vital there be greater flexibility in the operation of the Welfare Reform Bill’s proposals in respect of housing support to social rented sector tenants who may be judged to be “under-occupying” their property. We believe that this aspect of the Welfare Reform Bill, Clause 68, will disproportionately impact on Scotland and on disabled people.

- Many of the people SAMH support live on their own in two bedroom flats, provided by or on behalf of the local authority. This extra space allows for family visits, which can improve their mental wellbeing and contact with society. Forcing people to move to cheaper accommodation, because of the housing benefit sanction within the Bill could have an impact on their health and wellbeing, due to loss of family and support networks; their social care support could be lost or reduced (if they move to a different council area or locality); and a move could also break links with health professionals.

- The size criteria in the social rented sector will restrict housing benefit to allow for one bedroom for each person or couple living as part of the household, with the following exceptions:

  1. Children under 16 of same gender expected to share
  2. Children under 10 expected to share regardless of gender
  3. Disabled tenant or partner who needs non resident overnight carer will be allowed an extra bedroom

However, SAMH is concerned that many of the people who will lose their disability living allowance, as outlined previously, would no longer qualify for this exemption, and would therefore still be subject to the additional cost of their housing. To compound this, their carer would lose their carer’s allowance and be unable to provide this care to the individual, which would have severe implications to that person’s health and wellbeing, and place higher demands on health and social care services.

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Other Committees at the Parliament will investigate whether Scotland has the appropriate housing necessary to implement such a change, especially in rural areas or for disabled tenants who might need adapted homes. SAMH believes that because of the geographic challenges and the high proportion of disabled people within Scotland, the Scottish Government should push for this clause to be removed from the Bill, or at the very least, exempt Scotland from this part of the legislation.

SAMH
22 November 2011