



SLAM TRUSTWIDE
INVOLVEMENT GROUP:
OPERATIONS

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5th December 2012

By e-mail

Dear MP in the South London and Maudsley primary catchment area,

URGENT

CHANGES TO RULES FOR PEOPLE IN THE WRAG GROUP OF ESA: EFFECT ON PEOPLE WORKING ON THE SOUTH LONDON AND MAUDSLEY SERVICE USER INVOLVEMENT REGISTER (SUPPORTED PERMITTED WORK)

We are writing to bring your attention to a crisis affecting Service User Involvement across the South London and Maudsley NHS Foundation Trust (SLaM), specifically those people undertaking activities on the Involvement Register (IR).

The changes in the law at the DWP regarding Employment and Support Allowance mean that service users in the Work Related Activity (WRAG) Group of ESA will be under threat of losing state benefits if they do not participate in mandatory work schemes. This should be of great concern to the Trust as a whole, as many people who suffer from serious mental illness lose their jobs, homes and relationships as a consequence. This in turn makes people rely on sickness benefits to see them through.

We believe that service users already on the Involvement Register are afraid that they are not safe and are becoming unwell or withdrawing from involvement activities as they feel it may be detrimental to their livelihood. This may worsen their mental health.

Also, forcing people to work as part of the workfare programme removes all autonomy from an individual, working in direct opposition to the ethos of recovery.

These new rules came into effect on Monday 3rd December. We attach the letter from the DWP that those people have received below.

Below that, we attach the DWP guidance to Workfare providers on these changes dated 13th November 2012; and below that we attach an excerpt of some guidance which sets out the special DWP rules regarding "Supported Permitted Work" which is what SLaM's Involvement Register Service User Consultants (SUCs) do. (We should add that there are also rumours that this category of work will also be abolished.)

Mind have withdrawn from the scheme and we attach a statement from Paul Farmer, CEO, issued on 29th November.

TWIG Ops is extremely concerned about the potential and actual effect of these proposed changes on everyone in the WRAG group of ESA: but our remit is to protect our / SLaM's SUCs

on the Involvement Register, and we have very serious concerns about the effect the proposed change will have on the well-being of our Service User Consultants (SUCs) immediately before the changes are fully understood, and then the actuality of the effect, and that they will leave the Register which will of course massively impact on the work that we and they do for the Trust.

Service User Consultants provide an invaluable service to the South London and Maudsley Trust, and they also receive huge therapeutic value through doing this work. The new DWP guidance might totally take this away, and TWIG Ops views this as potentially catastrophic for all concerned (not least through an increase in in-patient bed days and Serious Untoward Incidents in SLaM).

Service User Involvement can be a vital component of recovery for many individuals, promoting as it does social contact and empowerment. As part of a recovery plan involvement supports an individual by providing meaningful daytime activity, and through being listened to and heard, a sense of self-respect. Being paid, even in small amounts, also is beneficial to self-esteem.

Although many people find that through being active in service improvement they feel able to look for paid work in the marketplace, we are not and never have been an employment agency, but a safe place with an ethos of support. 'Supported Permitted Pay', our status, means earnings are part of therapeutic activity.

We implore you to issue a statement of support to the DWP for the service users within this Trust to be exempt from these new measures. 'Supported Permitted Pay' and 'Therapeutic earnings' are exactly that and not a damaging coercion into the workplace before an individual is ready, placing them at severe risk of relapse.

We are also asking you to write to the Minister responsible for Health and to the DWP to urge them to exclude people doing supported permitted work from the mandatory workfare scheme: or to put it another way, to urge the DWP to view y/our SUCs current supported permitted work on the IR as fulfilling their work-related mandatory placement requirement.

When we spoke to the DWP helpline, they said that the issue of whether the supported permitted work SLaM's SUCs do can be counted as a mandatory workfare placement is at the discretion of the individual's local JobCentre+. TWIG Ops cannot support such an approach, nor does TWIG Ops have the status to fight the DWP centrally on this point.

We would be happy to meet you to discuss this.

We believe this is of utmost importance and we are in need of support and protection from our mental health services and local MPs at this difficult time as its repercussions will be felt throughout every single service in the Trust, and to your constituents.

We look forward to hearing from you as a matter of urgency.

We have written in similar terms to Gus Heafield, the Acting Chief Executive of SLaM; to Madeline Long, Chair of SLaM's Board of Directors; and to the other MPs in SLaM's primary catchment area (although SLaM also provides National Services).

Yours sincerely.

D Rosier (SUC Chair) and Vanessa Bray (SUC Vice-Chair)
on behalf of TWIG Ops

DWP PO Box 16
Gateshead
NE92 1BA

Helpline number: 0845 602 3024
Text phone number: 0845 608 8551
Your reference number:
Date:

Dear

Employment and Support Allowance: Important changes that could affect your payments from Monday 3rd December 2012

An important change in the law which could affect your Employment and Support Allowance will start in December 2012. This letter explains the change, and provides information and guidance about where you can obtain additional information and help. It is very important that you read this letter.

At present you are in the work-related activity group. This means you must attend and take part in work-focused interviews if you are asked to do so, to qualify for your benefit. You may also have to carry out work-related activities that your adviser thinks will help you be able to return to work in the future. If you do not attend and take part in these interviews or do the activities you are asked to do, without a good reason, your payment can be reduced by £14.07 a week, rising to £28.15 a week after four weeks, until you comply. We call this a sanction.

From 3rd December 2012, the law is changing and you could lose more money, for a longer period of time if you do not:

- attend and take part in work-focused interviews
- carry out work-related activities that your adviser asks you to do, without a good reason.

What is the change?

If a decision is made to sanction your benefit, the personal allowance component of your Employment and Support Allowance will be stopped until you do attend the interview, or do the work-related activity you were asked to do (or do another activity as agreed with your adviser or you come to an agreement with your adviser about complying with an activity or attending an interview at an agreed date).

After that the sanction will continue for an additional

- one week, or
- two weeks if you have previously failed to attend or take part in a work focused interview or undertake work related activity in the last 52 weeks, or
- four weeks if you have had your benefit reduced for those reasons more than once and the most recent of the previous failures was within 52 weeks of your current failure.

(We will only count back as far as 3rd December 2012 when these rules begin.)

What happens if I comply with the rules?

As long as you do what your adviser asks you to do to help you prepare for work, you need not worry about sanctions. Advisers will only ask you to take part in activities that are reasonable for you to do and you can discuss and agree your personal needs with your adviser.

What would happen if I did not comply with the rules?

If you did not have a good reason for not doing what you were asked, you could face a sanction as set out above.

What should I do if I do get a sanction?

You will still have to take part in work-focused interviews and undertake work-related activity when asked to. If you do not, you could get a longer sanction.

If you do get a sanction, you might be eligible to apply for a hardship payment. Your adviser can explain how to apply for this.

These new rules will only affect you if your failure to comply with the rules was after 3rd December 2012. Anything that has happened before that date will be dealt with under the present rules.

If you did get a sanction you would still have the right to ask for an explanation, to ask for reconsideration and to appeal.

What do I need to do next?

You do not need to do anything at present. This is just to let you know what might happen to you in the future. But keep this safe so that you can refer to it. If you do not understand the information in this letter, or have any concerns how this may affect you please speak to your adviser.

We have a helpline if you need more information. The helpline staff can only provide general information about the changes and the support you can get and will not have access to all your benefit information.

The helpline number is 0845 602 3024 or textphone 0845 608 8551 for people who cannot speak or hear clearly. The helpline is open from Monday to Friday 8am to 6pm and will be available from 15 November 2012 to 21 December 2012.

Calls to **0845** numbers from BT landlines should cost no more than 6p a minute with a 10p call setup charge. You may have to pay more if you use another phone company or a mobile phone, or if you call from abroad. If you need help in Welsh please telephone 0845 602 3018

Please let us know if you need special arrangements such as Braille, large print, audio or information in other languages.

Yours sincerely

Leigh Wright
Jobcentre Plus

Work Programme Provider Live Running Memo

To: Work Programme Providers From: Work Programmes Division

Memo Serial Number: 082 Date: 13 November 2012

Subject: Work Programme – Chapter 3c Work Programme provider guidance update

Action: For information

Timing: To be published on 3rd December 2012

Background

The purpose of this memo is to inform you that an amendment will be made to Chapter 3c – work experience on a voluntary basis and community benefit work placement.

Currently, community benefit work placements are not available to Employment and Support Allowance Work Related Activity Group (ESA WRAG) participants. It has now been agreed Work Programme providers will be able to use mandatory work placements as another measure through which to help ESA WRAG participants move closer to the labour market. It will help these participants to address barriers to work such as lack of work experience due to their limited capability for work.

The introduction of WRA for ESA participants is in line with the view that long term absence from work is bad for the health and well being of individuals and their families. Evidence also suggests that work can have a positive impact on the long term health of people with disabilities and health conditions.

Summary and action

The opportunity for ESA WRAG participants to take part in mandatory community benefit work placements will be introduced from the 3rd December 2012. This will mean if a Work Programme provider identifies a suitable participant and ensures the work placement is of community benefit, they can mandate them in the usual way as per Chapter 3a – Mandation.

It is worth noting that there is a greater emphasis throughout guidance is on ensuring that the activity identified is appropriate for the participants health condition or disability and being aware of their barriers to work, including ill health/disability and any reasonable adjustment requirements when organising an activity with an employer.

Further Information Contact Details

All enquiries on the subject of this memo should be raised with your Performance Manager in the first instance; they will endeavour to provide you with an answer as soon as possible.

Regards

Contracted Customer Services Directorate

Excerpt from:

Disability Rights UK Factsheet

Work for people who are sick or disabled

[...]

- Some permitted work has no restriction on the hours you work and can also be for an unlimited period. However you cannot earn more than £99.50 a week after tax and national insurance deductions. These are:
 1. supported permitted work - This is defined as work where you are supervised by someone who is employed by a public or local authority, a community interest organisation or voluntary organisation which provides or finds work for people with disabilities.
 2. work which is part of a treatment programme under medical supervision whilst you are an in-patient or regularly attending as an out-patient of a hospital or similar institution.

Supported permitted work

Guidance suggests that supported permitted work is work done by people who have a long term disability that has had "a significant impact on their ability to learn or sustain a traditional job which will always, or for a number of years, prevent them from working more than a few hours each week".

It should also be work that a person can do only with the support and supervision of someone other than their employer and be supervised by someone employed by a public or local authority or voluntary organisation which provides or finds work for people with disabilities.

The support worker must direct and oversee the performance of the worker regularly and the supervision must be more than the normal support provided in the workplace by employers.

[...]

Statement from Mind on mandatory unpaid work placements for people on ESA

Posted Thursday 29 November 2012

Paul Farmer, Chief Executive at Mind, said:

"Mind does not believe that people who have been found unfit for work should be forced to undertake mandatory unpaid work placements. We recognise the value that volunteering and work experience may play in someone's journey back to work and their recovery from a mental health problem. However, for people on Employment and Support Allowance (ESA) such placements should be a choice, not something they are pushed into doing under the threat of sanctions.

"Our opposition to mandatory unpaid work placements for people on ESA applies to the whole of the Mind network, including our shops and local Minds.

"We believe that the Government needs to rethink its approach to helping people with mental health problems back to work. There is currently too much reliance on conditionality and sanctions, based on the false assumption that people with mental health problems don't want to work, rather than focusing on creating a supportive and enabling environment and addressing the many external barriers faced by people with mental health problems in looking for suitable employment."