



SLAM TRUSTWIDE
INVOLVEMENT GROUP:
OPERATIONS

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By e-mail

Dear Simon,

Thank you for making time to see Vanessa and me recently.

We discussed with you some related and on-going concerns about ESA, as we had achieved the response we wanted from the DWP regarding our earlier letter to you and other local MPs.

We said that we would give you more detail, including case studies, by letter, of our 3 main areas of outstanding concern.

Supported Permitted Work

Here we have two areas of concern. It appears that "supported permitted work" has disappeared, and that currently our Service User Consultants (SUCs) are doing what has been redefined as "permitted work". The Incapacity Benefit and ESA WRAG rules both limit this type of work to 52 weeks (while "supported permitted work" could be carried out indefinitely). We have some questions about this.

1. If a person has a break in their permitted work, does week one start again? Most of our SUCs don't work every week, how does this 52 week limit apply to them?

What happens at the end of 52 weeks? Can they be reassessed and a fresh 52 weeks would then start? We would be grateful for clarification of this from the DWP.

2. Under Universal Credit, to be phased in from October 2013, there is no permitted work at all. Currently our SUCs can earn about £97 per week if they are on IB / ESA, and £20 if they are on Income Support, before it affects their benefits.

We would be grateful for clarification from the DWP of what our SUCs will be able to earn under Universal Credit (which will replace ESA and IS), before there is a "tapering" of their benefits.

Continuous assessment

The DWP guidance defines the two groups thus:

“Support Group

- If you have a condition that severely limits what you can do, you’ll be in the Support Group. You’ll not be expected to look for work and we won’t expect you to take part in any work-focused interviews. But you can choose to take part in them if you want. If you get contribution-based Employment and Support Allowance we will pay this as long as you are in the Support Group.

Work-Related Activity Group

- If we think you could go back to work in the future, you’ll get support to help you prepare for suitable work. You must take part fully in any work-focused interviews we invite you to and you may also need to take part in work-related activity. If you are in this group and getting contribution-based Employment and Support Allowance we can pay this for up to 365 days, from the date of your claim.”

We have concerns about and evidence of what amounts to continuous assessment of people in both groups.

1. People in the Support Group

People in this group are defined as having long term ill-health conditions and are not considered likely to be fit for work in the foreseeable future.

CASE 1:

ESA50 assessment done February 2011 – support group

ESA50 done May 2011 - support group

ESA50 done October 2011 –support group

ESA50 April 2012 – support group

CASE2:

After a very stressful medical Mrs S found fit for work, self harmed & took an overdose
appeal June 2012 – WRAG

appeal August 2012 – support group for 2 years

Mrs S has very poor opinion of people carrying out medical assessments and is worrying about next one due August 2014

CASE 5:

ESA50 done April 2012 – support group

next ESA50 done October 2012

CASE 6:

ESA50 done July 2012

medical September 2012 couldn’t attend as in hospital due to stroke - support group

next ESA50 done January 2013

CASE 7:

Appeal tribunal placed person in support group July 2012 and recommended not to reassess for 24 months

next ESA50 assessment done August 2012

CASE 9:

ESA50 done October 2012 – support group

next ESA50 done December 2012

CASE 10:

ESA50 done November 2012 – WRAG done in hospital
February 2012 asked for reconsideration/appeal
Request for next ESA50 2/12 (didn't complete as waiting for appeal decision – against advice of DWP)
appeal decision March 12 – support group

2. People in the Work-Related Activity Group

People in this group are given an award for 12 months after which they are reassessed. As it is, they have to attend work-focussed interviews within this period. We believe that people in this group shouldn't be routinely reassessed within each 12 month period.

CASE 3:

ESA50 done August 2012
September 2012 medical - found fit for work
appeal October 2012 – put in WRAG
next ESA50 done January 2013

CASE 8:

ESA50 done November 2012 WRAG
next ESA50 done January 2013

Please see the attached of one person's experience.

Please note that all these people have long term mental health problems; a lot of medical evidence; and are all in receipt of Disability Living Allowance (some have been awarded high care).

All find the process of being reassessed very stressful and detrimental to their mental health.

We would like to stress to you in the strongest possible terms that our evidence is that continuous reassessment is counter-productive as it causes untold worry and stress to our Service Users and Service User Consultants, usually leading to a worsening of their mental health and thence their ability to undertake any work-related activities. We believe that it often amounts to harassment.

We of course also seriously question the financial propriety of the DWP incurring the massive costs of this continuous assessment process, and wonder what the National Audit Office would make of this, never mind Human Rights organisations such as Liberty?

Self-employment

Some people on the Work Programme are being inappropriately pushed towards self-employment.

This was investigated and reported by BBC Radio5 Live on Sunday 3 February 2013¹.

People are being encouraged to stop claiming JSA or ESA, to become self-employed and to then claim money from working tax credits.

¹ <http://www.bbc.co.uk/news/uk-politics-21260331>

The Work Programme Provider is then in a position to claim a results fee stating that a person has been placed in work.

The report stated that it is being suggested to participants in the Work Programme that they become self-employed and do work such as ironing, selling on eBay, working for Avon and similar.

Risks/Dangers

It appears that self-employment is being suggested to participants in the Work Programme even though they do not have any viable business ideas.

It is being suggested that on becoming self-employed Working Tax Credit (WTC) should then be applied for. Depending on the individual circumstances this means that the participant needs to work between 16 and 30+ hours per week.

Clear records have to be kept in order to justify these hours. If participants are unable to do this they will be deemed to have received an overpayment of WTC and will be told they have to repay it. They could also be deemed to be fraudulently claiming WTC.

Personal Experience

Recently a member of SLaM's Involvement Register, who has just been moved from Incapacity Benefit to ESA WRAG, attended a work-focused interview at the JobCentrePlus.

The Involvement Register was mentioned and the adviser made the suggestion that they should state that they were self-employed. This was prior to fully understanding what skills set the person involved had, or (more importantly) their ability to take on the many and various extra tasks and demands that being self-employed entails e.g. with HMRC.

Regarding self-employment, again we believe that there are specific dangers of recommending this course of action to someone with severe and enduring mental health problems.

Crudely put, someone with a diagnosis of psychosis will, when they are high, believe they are capable of anything, and someone with a diagnosis of a mood or personality disorder, in a state of depression, can be coerced into doing things which are not in their best interests, or within their capabilities. These are key medical symptoms of both these types of illnesses.

We would also therefore like the DWP to issue publically-available guidance on this to JobCentrePlus local offices, specifically regarding presenting this option to clients with a mental health diagnosis, as they will all have fluctuating conditions and abilities, and as vulnerable adults are at risk of coercion.

We look forward to hearing from you, and are grateful for your willingness to help us with these issues.

With best wishes,

D and Vanessa

D Rosier and Vanessa Bray
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