



House of Commons  
Work and Pensions Committee

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**Universal Credit:  
support for disabled  
people: Government  
Response to the  
Committee's Twenty-  
First Report of Session  
2017–19**

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**Twentieth Special Report of  
Session 2017–19**

*Ordered by the House of Commons  
to be printed 27 February 2019*

## Work and Pensions Committee

The Work and Pensions Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Work and Pensions and its associated public bodies.

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

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The current staff of the Committee are Anne-Marie Griffiths (Clerk), Stuart Ramsay (Second Clerk), Libby McEnhill and James Mirza Davies (Senior Committee Specialists), Kemi Duroshola (Committee Specialist), George Steer (Assistant Policy Analyst), Esther Goosey (Senior Committee Assistant), Michelle Garratty (Committee Assistant) and Jessica Bridges Palmer (Senior Media and Policy Officer).

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## Twentieth Special Report

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The Work and Pensions Committee published its Twenty-First Report of Session 2017–19, Universal Credit: support for disabled people, on 19 December 2018. The Government response was received on 20 February 2019 and is appended below.

## Appendix

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1. The Government welcome the Twenty-First Report of Session 2017–19, following the Committee’s inquiry into Universal Credit and Support for Disabled People.
2. Universal Credit has been designed to support the most vulnerable in society through tailored support and a simple, monthly payment system. We understand that some people who claim Universal Credit may face difficult situations and there are a number of options to guide individuals through these.
3. We remain committed to improving outcomes for disabled people. The manifesto commitment to get one million more disabled people in work by 2027 gives us a clear, ambitious, and time bound goal.
4. From the report, the Government is pleased to note that the Committee welcomed the progress that the Department had made in paying Universal Credit on time. 8 out of 10 new people are paid in full and on time; and whilst verification is on-going, many people receive a part payment for those elements of the claim that have been resolved. Verification is a necessary part of any benefits system, and taxpayers expect these measures to be in place; we must make sure we are paying the right people the right amount.
5. However, the Department is not complacent and will continue to help people through the process, providing the necessary information to make their claims.
6. The report was published by the Committee on 19 December 2018. It included 17 recommendations that fall within the remit of the Department for Work and Pensions. The Government’s response to these recommendations is set out below. Some questions and responses have been brigaded where it makes sense to do so as the response is the same.

### Recommendation 1:

***We recommend that as part of its preparatory work for the expiry of the Work Capability Assessment contract the Department investigate the cost of bringing target times for Work Capability Assessment turnarounds down: for example, to no longer than a month from referral. We also recommend it devise an interim solution to ensure that disabled people are not left without vital income while awaiting an assessment. For example, it could allow disability amounts of UC to be paid on production of a valid Fit Note stating that they are unable to work.***

7. The Government partially accepts this recommendation. The Department agrees that it is extremely important that people receive a Work Capability Assessment in good time. That is why the Department has worked with suppliers to reduce the average wait for Work Capability Assessments on Employment and Support Allowance by over two

thirds since March 2015 (the time period from Work Capability Assessment referral to recommendation, has reduced from 32 weeks to 10 weeks in December 2018). [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/764125/esa-wca-summary-december-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/764125/esa-wca-summary-december-2018.pdf)

8. Within this period, we allow four weeks for people to return the questionnaire and just under two weeks to give them notice of a face-to-face assessment.

9. The Department already has a comprehensive performance management framework in place and will work with the supplier to drive further improvement. Any future contract will include a range of performance indicators.

10. People with a health condition or disability who make a valid claim for Universal Credit are not left without vital income while awaiting a Work Capability Assessment. They are awarded the relevant standard allowances and additions from the start of their claim. The standard allowance is the core cash component of any Universal Credit award intended to help with ordinary living expenses (currently £317.82 per month for a single person aged over 25). It is onto this basic amount that additional amounts are added to provide for individual needs such as housing, children, disability, and childcare costs.

11. Once the relevant period has ended, the additional amount for having 'limited capability for work related activity' (LCWRA) is payable, with one exception, as mentioned below, from the beginning of the following assessment period. The relevant period is the three-month period starting from the first day on which someone provides medical evidence. This, most commonly, may be by self-certification (for the first seven days) or a Statement of Fitness for Work (a fit note).

12. The three-month relevant period will always apply except where the individual is terminally ill and is not expected to live for more than six months. In these cases, the LCWRA additional amount is payable, where eligible, from the first day of the terminal illness related claim.

13. The premise of the WCA is that eligibility for benefits should not be based on a person's condition, but rather on the way that condition limits their ability to undertake daily activities. By taking account of developments in healthcare, modern workplaces, changing attitudes and flexible working arrangements, the WCA focuses on what people can do, as well as identifying what they cannot.

14. GPs have told us that they do not want to be 'guardians of the benefits system'. The challenge is to ensure they can provide factual information in a timely and helpful way to our assessment providers and DWP Decision Makers.

15. The Department does not ask people's GPs or consultants to make a decision about a patient's capability for work. This is because the GP diagnoses and treats a patient's illness, whereas the role of the Health Care Provider (HCP) is to assess the effects of a person's illness on their ability to perform everyday work-related activities.

## Managed Migration

### Recommendation 2:

*We recommend, in line with the House of Lords Secondary Legislation Committee, that the Department seek Parliamentary approval only for the 10,000 person “managed migration” pilot and the Severe Disability Premium transitional protections. It should lay further Regulations for the acceleration of “managed migration” only when it has clearly and publicly set out its findings from the pilot and how these will be incorporated into the process.*

16. The Government agrees with this recommendation and has already taken action. The draft regulations that were laid in the House of Commons on 5 November 2018, have been replaced by two separate Statutory Instruments. The negative Statutory Instrument, The Universal Credit (Transitional Provisions) (Severe Disability Premium (SDP) Gateway) Amendment Regulations 2019, will prevent people who are claiming legacy benefits and are in receipt of the SDP or have been entitled to an award of an existing benefit within the last month that included the SDP and have continued to meet the SDP eligibility conditions, from moving to Universal Credit. These people will continue to claim legacy benefits until they are moved over to Universal Credit, thereby safeguarding their existing benefit entitlement.

17. This provision of extra protection is now in force.

18. A second affirmative Statutory Instrument of the draft Universal Credit (Managed Migration Pilot and Miscellaneous Amendments) Regulations 2019 contains the remaining regulations as laid on 5 November 2018 to deliver our commitment to provide the vital transitional protection but also including a new provision, which will mean that no more than 10,000 people will be moved to Universal Credit from legacy benefits, as part of the piloting phase.

19. These regulations also make provision so that eligible people who were receiving the SDP and have already moved to Universal Credit due to a change in their circumstances prior to the SDP gateway being introduced, will be considered for a ‘transitional SDP amount’.

20. A process to identify those who are eligible for payments will be put in place once the regulations come into force. Eligible people will receive an ongoing monthly payment and an additional lump-sum payment, where appropriate, to cover the period since they moved to Universal Credit.

**Recommendation 3:**

*We recommend that throughout the pilot stage for managed migration the Department trial different ways of systematically collecting data on claimant vulnerability. Given the lack of data it holds currently, this should begin from the principle that all former ESA people who do not manage to claim by the deadline that the Department sets them are vulnerable. We also recommend that the Department immediately begin its engagement with local authorities and support organisations such as Citizens Advice over the design of “managed” migration and their role in it. This should include planning for how support services—such as Universal Support—will be promoted to people and funded through managed migration.*

*And*

**Recommendation 4:**

*We recommend the Department build its capacity to identify existing Universal Credit people who have potentially complex needs. This might include, for example, introducing a marker for disability and health conditions under Universal Credit. It should not be limited, as the Department’s current “text mining” approach is, to analysing the information that people choose to divulge to their Work Coach and that the Work Coach decides to record. We also recommend the Department shares, in response to this report, any internal assessment carried out of its “text mining” exercise.*

21. The Government agrees with these recommendations.
22. We are committed to gathering better data to support people with complex needs and have prioritised this as part of the wider work programme for Universal Credit. Anything we do will be introduced incrementally and could be broad across complex needs rather than focusing on one particular group. We do not use markers or categories to describe people with a health condition as this would be at odds with our approach to treat every person as an individual and our policy assumption based on behavioural evidence is that this could undermine our approach to focus on people’s differing employment prospects and individual challenges. This information would not support our decision-making about a person’s individual needs and their plans for achieving work goals. We will provide more detail on this to the Committee when we are in a position to do so.
23. The Department is continuing its engagement with the Social Security Advisory Committee (SSAC) and other external stakeholders. The Department hosted an event in London on 17 October 2018 to engage a large number of diverse stakeholders and partners in the next phase of Universal Credit, seeking their input on the design of the process to move people on legacy benefits to Universal Credit; and to start to draw out some of the key challenges for their organisations. At the event on 17 October we set out our initial set of workshops to discuss key areas for the design of the process to move people on legacy benefits to Universal Credit focused on four work streams - Service Design, Delivery Model, Communicating and Orientation and Supporting Vulnerable Claimants.
24. So far we have held four webinars and four workshops focusing on Service Design input from these sessions is being evaluated and the subsequent workshops on the other three work streams will take place in due course.

**Recommendation 5:**

*We further recommend that the Department share with the Committee, and with Citizens Advice, the existing data that it holds on claimant vulnerabilities and its plans for developing and further sharing this as managed migration rolls out.*

25. As mentioned previously to the Committee, the Department does not collect data currently as part of the Universal Credit data set; and as a result, is unable to share this information with the Committee and with Citizens Advice. However, we are committed to collecting better data and this work will be prioritised within the Universal Credit Programme.

26. As we said in our response to SSAC, we are conducting detailed Equality Assessments of our migration plans as part of our Public Sector Equality Duty. This process is iterative. The impacts of the testing will be fully evaluated and equality impacts reassessed, in accordance with the evaluation results. We will publish an assessment of the impacts of the pilot prior to scaling and present our assessment of our operational readiness to the Infrastructure and Projects Authority (IPA) in 2020, before we move to scale. The Department has already demonstrated its effective use of learning in its 2016/17 piloting of the Universal Credit process. This informed the criteria that it subsequently used for the successful expansion of Universal Credit delivery from October 2017 to date. There are now over 1.3 million households claiming Universal Credit and service improvements continue to be introduced.

## ESA Underpayments

**Recommendation 6:**

*The Department is currently in the process of reviewing cases where it has underpaid ESA people and correcting them. It plans to complete this process by the end of 2019: six months after it will start to pilot “managed migration”. To avoid creating further complication and confusion amongst people, we recommend the Department does not start to migrate ESA people until the process of reviewing and correcting ESA underpayments is complete.*

27. The Government agrees with this recommendation.

28. People affected by this underpayment are receiving contributory ESA only, and until we have reviewed and where necessary corrected the cases, they will not be in line for movement from legacy benefits onto Universal Credit. The proportion of cases with an underpayment is estimated to be around 10% of those who transferred over from incapacity benefits. The Department plans to review and correct all cases by the end of 2019.

## Severe and Enhanced Disability Premia

**Recommendation 7:**

*We recommend the Department carry out and publish by March 2019 an assessment of the impact of removing the disability premia from Universal Credit for new people. It should include in this an assessment of the costs and benefits of introducing a “self-care”*

*amount in Universal Credit, paid at the same rate as the Care component to people who would have been eligible for disability premia. It should also include clear worked examples of the financial support that disabled people claiming different benefits (including disability premia and tax credit disability additions) under the legacy system will receive under Universal Credit.*

29. Universal Credit was never intended to replicate all aspects of the legacy system. It seeks to simplify benefits, offers personal support and reflects the design of ESA – with two components only that are payable on top of the standard allowance, depending on whether someone has been determined as having limited capability for work or limited capability for work and workrelated activity. This simplifies the previously complicated benefit system and targets financial support towards those who have the most severe disabilities or health conditions. These changes have meant that around 1 million households with a disabled person will gain on average around £100 more per month on Universal Credit than on legacy benefits.

30. We have mentioned above the provision for transitional payments to former SDP recipients to address the specific circumstances of this group, most of whom live alone and have no carer in receipt of a carer-related benefit. These provisions are subject to a parliamentary vote. Therefore, we are unable to provide a date of when this provision will come into force. There is a range of working age benefit-related provision that is currently available, which includes Disability Living Allowance, Personal Independence Payment and Universal Credit, which includes the housing element, meets the needs of people with health conditions and disabilities. In addition, severely disabled people can access NHS continuing care and Local Authority funded social care.

## Support for Disabled Children

### Recommendation 8:

*We recommend the Department provide in response to this report any assessment it has carried out of the impact of the reduction in support for disabled children under Universal Credit.*

*We also recommend the Department adjust eligibility conditions for disability support for children under Universal Credit to include families with children claiming the middle rate care component of Disability Living Allowance. These households are likely to find it particularly difficult to make up the shortfall through work owing to both their care responsibilities, and the high costs of specialist childcare for disabled children. It should also arrange to provide backdated transitional protected to people who have already lost money by moving onto Universal Credit through “natural migration”.*

31. We do not currently hold this data but as previously mentioned, we are looking to improve the way we gather data as part of the wider objectives of Universal Credit.

32. There are currently two different rates of disabled child addition (DCA) available in Universal Credit which are payable depending on the level of Disability Living Allowance to which the child is entitled. This has been the design from the outset, which the Department believes strikes the right balance to help meet the varying financial needs placed upon families with disabled children. Also, whilst simplifying the provisions in the

system, the Government also took the opportunity to refocus vital resources on the most severely disabled children and adults as well as extending the eligibility for the higher rate of DCA to children who are certified blind.

33. We have no current plans to adjust the eligibility conditions for the disabled child additions in Universal Credit. To support families in this situation, we have ensured that any additional amounts for disabled children are available to all affected children. This policy is not affected by the two child policy, meaning payments can be made for all disabled children, regardless of the total number of children in the household.

34. Alongside financial support, Work Coaches are trained to offer support to people and tailor the requirements of each person dependant on their circumstances. Individuals agree the conditions of entitlement with their Work Coach and may in some cases be exempt from work related conditionality entirely. We provide support on a case by case basis and ensure that we work closely with individuals to ensure requirements are appropriate.

35. It is also important to note that help with childcare on Universal Credit is more generous than the equivalent provision on legacy benefits at up to 85% of eligible childcares costs, up from 70%. Additional support, if needed for upfront childcare costs, such as a deposit, may be available through the Flexible Support Fund, which is locally managed by Jobcentres with the aim of removing barriers to work. Where people are not eligible for alternative funding, budgeting advances are available.

36. In response to the recommendation on backdating transitional protection, “natural migration” only occurs when people have a change of circumstance that necessitates them making a new claim to a legacy benefit that Universal Credit has now replaced. The exception to this is people in receipt of the SDP. In claiming, any consequential change in the level of income is likely to be on account of the new set of circumstances. As such, the Department has no plans to review its approach to cases that undergo a change of circumstances.

37. Following the pilot period, no one, including households with disabled children, will have a reduced benefit entitlement at the point that they are moved over to Universal Credit from a legacy benefit.

38. Carers provide invaluable support for relatives, partners and friends who may be ill, frail or disabled. In recognition of that, there is an additional amount of benefit payable in Universal Credit to support carers who provide care of 35 hours or more each week for a severely disabled person.

39. A severely disabled person is defined as someone receiving the middle or highest rate of the Disability Living Allowance care component, Constant Attendance Allowance, Attendance Allowance, either rate of the Personal Independence Payment daily living component, or the Armed Forces Independence Payment.

40. For people who meet these requirements an additional amount for caring, £156.45 per month, is included in their Universal Credit entitlement.

41. Carers who receive the additional amount for caring are placed in the ‘no conditionality’ group in Universal Credit, which means that no work-related conditions will be applied, although if carers do want to combine caring with work they are able to do so.

## Claiming Universal Credit

### Recommendation 9:

*We recommend that the Department permits Universal Support providers to offer proactively on-going support to people who cannot use the online system, and provides them with the funding necessary to deliver this. This must take into account the differing needs of disabled people, with home visits and Freephone telephone support made available where necessary. The Department should proactively ensure that people who struggle with the digital service do not miss out on vital communications. It could, for example, ask for a second email address (for a support worker or family member) for UC-related notifications to make sure they do not go unnoticed or unanswered. The Department must also help providers to proactively identify and contact Universal Credit people who might require such help: for example, through early sharing on data on vulnerable people.*

42. The Government accepts this recommendation. On 1 October 2018, the government announced that from 1 April 2019, a new Universal Support; Help to Claim Universal Credit service will be delivered by Citizens Advice and Citizens Advice Scotland with continued close partnerships with local authorities and other local delivery providers to ensure the highest level of local service delivery. The Universal Support; Help to Claim Universal Credit service will provide assistance to those requiring additional support to make and manage their UC claim. It is being designed specifically with vulnerable customers in mind and provides funding to Citizens Advice to help people make their Universal Credit claim, and to help manage their Universal Credit payment.

43. The new Universal Support; Help to Claim Universal Credit service will do what is needed to help people, especially the most vulnerable, to make their UC claim, using the most appropriate channels: face-to-face, online, freephone telephony or supporting access to home visits, and will work with local partners to identify wider support needs e.g. health, disability, housing, debt, and help the person to access the available support.

## Assistive Technology

### Recommendation 10:

*We recommend the Department set minimum standards for the availability of assistive technology across the JCP network, in consultation with disabled people and the organisations who support them.*

44. The Government agrees with this recommendation. As part of the 'Digital Access for Jobcentre Customer' project, the Department is in the process of replacing its current customer computers with new systems that provide better access and support to customers who experience difficulties operating computers independently. The digital accessibility features include a screen reader; magnification; keyboard and mouse configurations and visual alerts. The Department plans to have this completed in all Jobcentres by the end of 2019.

45. Alongside this, dedicated accessible workstation for people with disabilities is also being trialled in a number of sites with a view to provide an accessible keyboard and track pad for each office during the national roll out. These workstations will provide enhanced accessibility allowing more of our most vulnerable people to engage with Universal Credit and the claims process.

46. Further research is being undertaken with people to determine the need to provide a catalogue of suitable accessible equipment that can enable Jobcentres to make local purchases when a user's need is identified.

#### **Recommendation 11:**

***We recommend the Department reviews and reforms the Universal Credit online system to ensure it is compatible with different forms of assistive technology, consulting with disabled people and the organisations that support them to ensure an appropriate standard. It should not begin moving disabled people to Universal Credit via managed migration until it has completed this work.***

47. The Government agrees with this recommendation. Following previous external audits on the Universal Credit system that demonstrated compliance with Departmental, wider government and industry standards, the Department has recently employed third party experts. This is to further test the website to the updated internationally recognised accessibility standard as referenced by the UK's Public Sector Bodies Accessibility Regulations 2018 [1] - the Web Content Accessibility Guidelines 2.

48. In addition, the appointed third party have tested the website with popular assistive technologies, and where possible included the optional guidelines from the accessibility standard, going beyond the minimum requirements of the legislation.

49. It should be recognised that making an accessible product is an ongoing process. Everyone has different abilities and expectations, so testing with users is a vital part of the process. The Department has been heavily testing the new website interfaces with internal staff who use assistive technology, and as part of the Government's Digital Service Standard, there will be testing with members of the public who have disabilities as well.

50. The cost of testing every feature with every possible assistive technology (and there are hundreds) is prohibitive. The Government Digital Service recommends a pragmatic approach of building to the standards, and testing with popular assistive technologies. Where people using other technologies encounter barriers, the Department has established methods for them to get in touch and triage those issues. This might trigger a change in the website, or another mechanism of supporting the person.

51. The Department is confident (and the third party testers agree) that the system will be as easy for people using assistive technology as everyone else and represents a significant improvement in access over the legacy system. Again, we are cognisant that it is an ongoing process. Each new feature and change of policy requires an update to the system, so the Department's digital team work to ensure accessibility barriers are avoided. The team has also committed to a testing approach for accessibility throughout the design and development process internally, with regular external testing. As the system evolves, we may not be aware of every type of assistive technology, but will work to identify and incorporate this where possible.

## People with Terminal Illness

### Recommendation 12:

*We recommend the Department adopt the approach taken in the Social Security Act (Scotland) 2018 in determining who can use the SRTI. This would permit people to use the SRTI if:*

*“It is the clinical judgement of a registered medical practitioner that the individual has a progressive disease that can reasonably be expected to cause the individual’s death”.*

*We also recommend the Department allow evidence for SRTI to be submitted by third parties, without the need for explicit consent.*

52. The Government partially accepts this recommendation. It is a matter for the Scottish Government how they assess entitlement for devolved benefits. We will continue to work with the Scottish Government on the interaction between those benefits which are reserved and those which are devolved.

53. As the Scottish Government has made clear, the precise design of their rules will be subject to guidance developed by their Chief Medical Officer, following consultation. It would therefore be premature to say what the eventual parameters of their scheme will be.

54. We take terminal illness very seriously and treat people in such circumstances with the upmost speed and sensitivity. Our process for dealing with people who have a terminal illness with a life expectancy of six months or less has been designed specifically to enable decisions to be fast tracked at all stages. Where we receive a correctly completed form DS1500 (the form used by Health Care Professionals to notify the Department that the individual has a terminal illness and could reasonably be expected to die within six months), the decision that a person has limited capability for work and work related activity (LCWRA) is normally made within a few days.

55. We have recently worked with leading clinicians and disability charities, to review the wording used by DWP around terminal illness. This work has especially focussed on the DS1500 form. The aim of this work has been to improve the understanding of the Special Rules process and increase the confidence levels of the clinicians engaging with this process. We have made clear to clinicians that providing a prognosis in these circumstances is not an exact science and their opinion should be based on the balance of probability.

56. A decision will be made based on an assessment of the DS1500 form. This may be submitted by the individual, their representative or a third party who is supporting them. Information on how to submit the form is readily available on gov.uk.

57. A terminally ill person is entitled, where eligible, to the additional amount of £328.32 each month from the first day of their terminal illness related claim. People can report a terminal illness at the new claim stage or at any point during the claim as a change of circumstances. They might tell us by phone, on-line or face to face at an appointment.

58. We recognise that some people will need additional help to make and maintain their Universal Credit claim and we have explicit consent arrangements where support workers can act on behalf of people. This ensures the individual has given authority for someone to deal with their claim. People can give this consent quite easily, in person, over the phone or via their online journal, which provides an additional layer of security to safeguard their information and prevent fraudulent claims.

59. Since September 2017, people receiving ESA and Universal Credit and who have the most severe and lifelong conditions, and where they meet the Severe Conditions Criteria, are not required to attend further routine reassessments. We would expect this measure to typically benefit those who have a terminal prognosis but are expected to live longer than six months.

## Disabled Students

### Recommendation 13:

*We recommend that DWP replicate under UC arrangements under the legacy system for disabled students. This would mean taking receipt of PIP or DLA as evidence of Limited Capability to Work, allowing them to open a UC claim. Students who wanted to claim the higher, Limited Capability for Work-Related Activity amount, would then have to undergo a WCA.*

*And*

### Recommendation 14:

*We recommend the Department for Education and DWP convene a joint working group of organisations that support disabled students on financial support for those students, with a view to determining where funding should come from and how eligibility should be assessed.*

60. We will keep this recommendation under consideration. The Government is absolutely committed to supporting disabled people and we are determined that support should be focused on people who need it most. However, a current condition of entitlement for Universal Credit is that the person must not be in education, which excludes most students. Students, including disabled students and those with health conditions, access fees and living costs support for their higher education courses through various loans and grants funded through the student support system. It is important that Universal Credit does not duplicate this support, designed for their needs.

61. There are some circumstances in which people in full-time education are able to claim Universal Credit. These exceptions generally provide financial help not covered by the student support system or avoid anomalies in cases where one member of a couple is a student.

62. There is an exception where a person has been determined to have limited capability for work and is entitled to Personal Independence Payment or Disability Living Allowance. The rules for this exception are designed to encourage those already claiming Universal Credit because of disability or ill health to take up education that may help them into work in the future. Where students become ill, we recognise that they may not want to

draw from their loan while they've suspended their studies. DWP is therefore looking at the complex issues around financial support, including through social security, when seriously ill students need to suspend studies.

## Conditionality and Claimant Commitments

### Recommendation 15:

***We recommend that the Department immediately amend its guidance to Work Coaches to state that Universal Credit people who are awaiting a Work Capability Assessment and who can present a valid Fit Note stating that they are not able to work should not be subject to any conditionality.***

63. The Government partially accepts this recommendation.

64. The Government has high aspirations for people with health conditions and disabilities, and believes, where appropriate, they should have early access to work related support. A return to a legacy approach whereby people are essentially left without support or engagement until they receive the outcome of their Work Capability Assessment (WCA) risks them moving further away from the labour market and therefore facing additional barriers to returning to work when they are well enough to do so. We know that employment outcomes for those on the legacy benefit ESA are very low and deteriorate as the duration of benefits increases.

65. Pre-WCA, people with a valid 'Statement of Fitness for Work' are already not required to be available for work. Under current legislation, with a valid fit note, they have conditionality switched off for the first 14 days, following which they will only have reasonable work-related requirements agreed. In certain circumstances, following a conversation with their Work Coach, conditionality can be switched off entirely. Work Coaches use their discretion to tailor conditionality to each individual situation and circumstance. Only realistic and achievable work related requirements are set and these are agreed between the individual and their Work Coach. We can also work with third party representatives to get a better understanding of people's needs, helping to ensure the right support is available at the right time. It is important to remember the numerous other benefits of maintaining contact with people in spite of their health including: keeping them close to the workplace, combating isolation and providing ongoing support. Where appropriate, Work Coaches can apply easements and 'switch off' conditionality requirements completely. The majority of the Department's provision already aims to engage with disabled people on a voluntary basis. People awaiting a WCA potentially have voluntary access to all or the most relevant employment programmes, subject to individual programme eligibility criteria.

66. Therefore, whilst the Department does not agree to immediately amend guidance to Work Coaches, it can offer an alternative option.

67. The Department will explore the possibility of a Proof of Concept (PoC) for a general policy that conditionality would not be imposed on people before their WCA. It would remain the responsibility of the Work Coach to consider each case individually to decide whether to follow the general policy or whether relevant work-related requirements should

be imposed. Work will be done with analysts and stakeholders to develop clear outcome measures and success criteria. The Department will aim for this PoC to take place in Summer 2019.

## Employment Support for Disabled People

### Recommendation 16:

***We recommend the Department ensure all Work Coaches undertake specific training on the WHP and its referral process. It should outline its plans for rolling out this training to Work Coaches in response to this Report. We also recommend the Department launch a publicity campaign for the programme in JCP. This should be aimed at both Work Coaches and people themselves.***

68. A lot of work has been – and continues to be – undertaken to improve the referral process to the Work and Health Programme. Our aim is for Work Coaches to continue developing their skills to maintain the effective support they provide on a daily basis. Community Partners and Disability Employment Advisers are among a number of enablers in place to support this priority. Work Coaches are already well trained in tailoring support for people with complex needs and identifying the most appropriate next steps for them.

69. We have a selection tool in place to support Work Coaches in identifying suitable candidates for the programme. Work Coaches are aware of the referral process and understand the criteria used to identify and refer suitable people. Examples of this criteria include:

- the individual being able to achieve the goal of finding employment within one year;
- the individual can be helped by the offer;
- that Jobcentre Plus(JCP) has already helped the individual with their core job search activity;
- the individual needs more support than can be provided within the standard JCP offer (or through other available services and provision).

70. In addition, a significant amount of work has taken place to promote the Work and Health Programme. This includes:

- ask the expert event(s) led by Performance Managers across Districts;
- provider newsletters, marketing materials and desk aides produced and distributed across districts to promote the programme, share good news stories and help Work Coaches sell the benefits of the programme to potential participants;
- JCP Districts have produced action plans to improve the level of and the quality of referrals;

- providers hold monthly caseload conferencing with Jobcentre Work Coaches to try and re-engage / arrange work focused interviews;
- providers are delivering group sessions in conjunction with Work Coaches on Jobcentre premises to help promote the programme.

71. In terms of the volume of referrals and starts, these have increased during the phased rollout of the programme:

- 33,360 individuals have been referred to WHP between November 2017 and August 2018; 85% of the individuals referred were people with a health condition or disability;
- at the end of August 2018, the total number of starts on the WHP was 24,720; 86% of starts were people with a health condition or disability.

**Recommendation 17:**

***We recommend that the Department commit to funding Community Partners and the additional Disability Employment Advisers throughout the process of migrating legacy benefit claimants to Universal Credit.***

72. The Government partially agrees with this recommendation.

73. We are committed to providing disability employment support and enabling partnership working in the communities that Job Centres serve.

74. The Community Partner roles were introduced as temporary roles and funding for these roles ceases in March 2019. The Community Partners have made a valuable contribution and we have reviewed the business need for all disability employment support roles from April 19 to ensure there is no loss in provision of support.