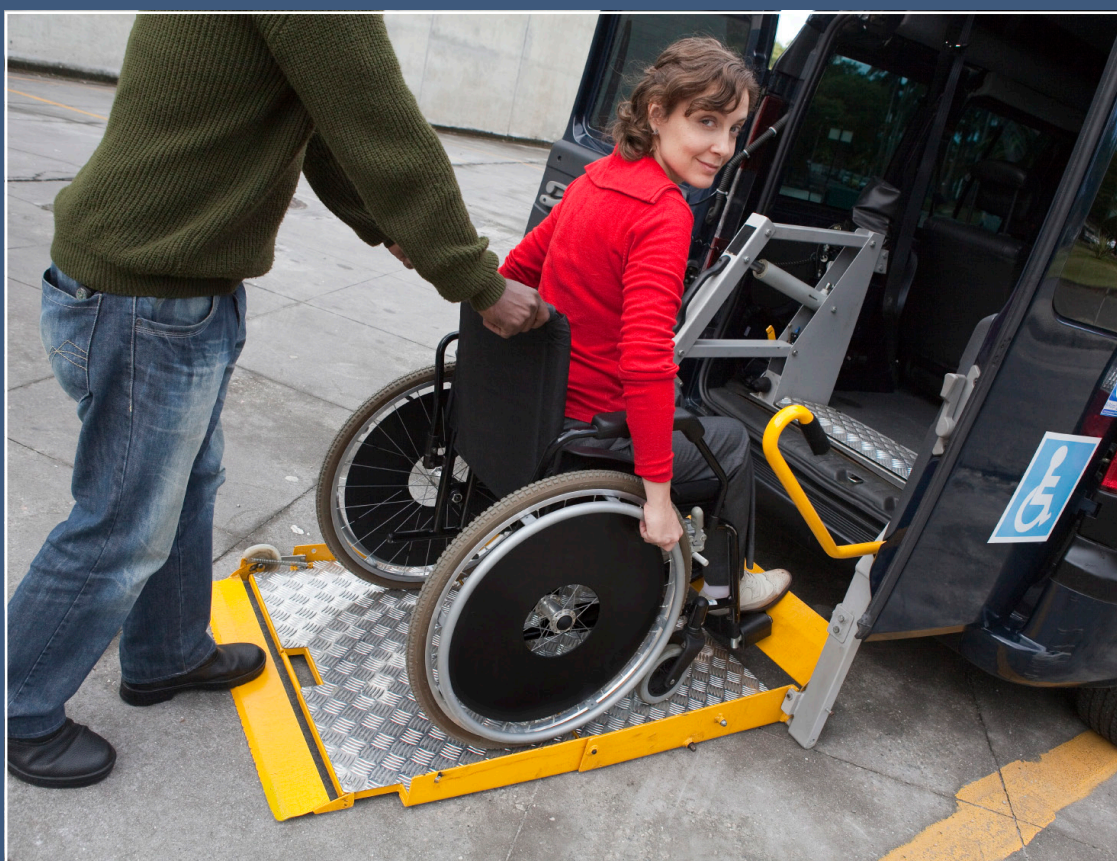


From Pillar to Post

The impact of the IB/ESA migration on Scotland's people, communities, and services



*based on the evidence of
Citizens Advice Bureau
clients across Scotland*

by Keith Dryburgh, Social Policy Officer

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The Citizens Advice Service in Scotland

Citizens Advice Scotland and its member bureaux form Scotland's largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres.

The CAB Service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB Service is independent and provides free, confidential and impartial advice to everybody regardless of age, disability, gender, race, religion and belief and sexual orientation.

Executive summary

In terms of the numbers affected and the scale and severity of the impact, the reforms to incapacity benefits that are now underway are probably the most far-reaching changes to the benefits system for at least a generation. They will impoverish vast numbers of households, and cause untold distress in countless more. The incapacity benefit numbers need to be brought down, but this is not the way.¹

Beattie & Fothergill, 2011

From April 2011, Incapacity Benefit (IB) claimants began to be reassessed for Employment and Support Allowance (ESA). Over 170,000 claimants in Scotland will undergo a reassessment for sickness benefits by 2014 at a rate of around 1,000 per week².

The sheer number of people and families involved, including many with very serious health problems, make the migration one of the most significant policies that the UK Government is pursuing. For better or for worse, the lives of hundreds of thousands of people in Scotland will change vastly in the next three years. This report looks at the huge impact that this will have on people, communities and services in Scotland.

115,000 Scottish Incapacity Benefit claimants will lose entitlement

Over the next three years, an estimated 115,000 IB claimants in Scotland will lose entitlement to sickness benefits. More than half (65,000) will be moved out of the benefits system altogether with most of the remainder (36,000) eligible for Jobseekers Allowance (JSA).³

The migration will have a significant impact on families, economies and services across Scotland

Based on DWP estimates, there will be a £390 million reduction in annual payments to current IB claimants. This will have a significant impact on local and national economies. Due to the current economic environment and barriers to employment, many former claimants will struggle to replace this income by finding employment.

IB claimants face significant loss in income

36,000 people in Scotland will move onto JSA with a drop in income of £27 a week, and 65,000 will leave the benefits system altogether with a drop in income of at least £99 a week. Those claiming Disability Living Allowance (DLA) and Housing Benefit (HB) face further cuts in payments.

ESA is a major cause of problems brought to citizens advice bureaux

The ESA process has been shown to be flawed and is a major cause of problems brought to bureaux. In 2010/11, bureaux in Scotland helped clients with 19,536 new ESA issues – a 33% increase since 2009/10. The pressure on resources means that clients with other issues may not receive the support they need.

Recommendations for Government:

- Support advice services to cope with the migration
- Continue to reform ESA to make it fit for purpose
- Encourage economic growth in the regions most affected

ESA and the migration: a brief introduction

Employment and Support Allowance (ESA) was introduced in October 2008 as the benefit for new claimants unable to work due to illness or disability. ESA replaced Incapacity Benefit, Severe Disablement Allowance (SDA), and Income Support (IS) paid on the grounds of illness/disability.

New claimants were assessed for the benefit through the Work Capability Assessment with claimants being placed in one of three groups:

Fit for work group: claimants are no longer entitled to claim ESA, but may ask for a reconsideration of the assessment or appeal if they disagree with the decision

Work related activity group: claimants receive a higher rate of benefit than those on JSA and are mandated to engage in work related activities

Support group (for those with severe disabilities): claimants receive a higher rate of benefit entitlement than the work related activity group and exemption from mandatory involvement with work related activities.

A problematic benefit

ESA quickly became a significant area of advice need for citizens advice bureau clients and it became clear that there were a number of flaws in the process. Despite recent reforms, advisers report that these flaws continue to adversely affect claimants.

The Work Capability Assessment (WCA) appears to be the main source of issues for clients, with many complaining that their assessment is rushed, that the questions do not cover their condition,

and that the health care professional fails to listen or interact with them. As a result, many clients feel that they have been inaccurately assessed and bureaux have advised many clients with serious health conditions who have been found fit for work.

As a result of poor assessments in the WCA, the Tribunals Service and citizens advice bureaux have been overloaded by a massive caseload of ESA appeals. During 2010/11, **176,600 appeals** were disposed by the Tribunals Service – 3,396 every week.⁴ In the last quarter where statistics are available (July-Sept 2011) this had risen to 58,000 over the three months - 4,462 every week.⁵ The DWP had originally estimated an additional 21,000 appeals a year would reach an appeal hearing.⁶

DWP figures show almost 40% of ESA appeals found in favour of the claimant. More than 31,000 assessments were overturned at appeal in the first half of 2010/11 - 170 for each day.⁷

A national migration

Between April 2011 and April 2014, a full national reassessment process is taking place which will see all customers receiving IB, SDA and IS paid on the grounds of illness/disability assessed for eligibility for Employment and Support Allowance (ESA) instead.

Over 170,000 claimants in Scotland will undergo a reassessment for sickness benefits by 2014 at a rate of nearly 1,000 per week. This report looks at the impact that the migration is having and will have on people, communities, economies, and service providers in Scotland.

Impact on Scotland



The best evidence on the likely impact of re-assessing existing IB/SDA claimants comes from the pilots in Aberdeen and Burnley. The DWP's initial assessment⁸ of re-testing in Aberdeen and Burnley shows that:

- **30%** were placed in the Support Group
- **39%** were placed in the Work-Related Activity Group
- **31%** were found fit for work (and no longer have entitlement to sickness benefits)

Of those found fit for work, the DWP estimates that around half will move onto JSA, 20% will move onto other benefits, while 30% will move out of the benefits system altogether.

The UK Government's Welfare Reform Bill proposes to place a time limit of 12 months for those placed in the Work Related Activity Group (WRAG) claiming contributions based ESA. The DWP estimates that 40% of claimants in the WRAG group will therefore lose entitlement to ESA after 12 months whether or not they find work.⁹

The Government estimates that the migration will reduce the total number

of incapacity benefit claimants in the UK by almost one million. Of these, around 830,000 claimants are existing claimants who will lose their entitlement in the migration or through the new 12 month limit. Around a third of current IB claimants will lose entitlement in the next three years.¹⁰

Over 100,000 claimants in Scotland will lose entitlement to sickness benefits

Researchers from Sheffield Hallam University estimated the impact of the migration on UK regions based upon DWP data and estimates. The researchers calculate that 115,000 Incapacity Benefit claimants in Scotland will lose their entitlement to sickness benefits – around 1 in every 29 people of working age in Scotland (3.4%).

Over half these claimants will be pushed out of the benefits system altogether (65,000) with most of the remainder (36,000) making a JSA claim.¹¹

The reduction in benefit payments will impact on local and national economies

Benefit payments are spent in local economies thereby fuelling growth and providing jobs. Research undertaken by the Fraser of Allander Institute found that the £10.8 million of additional benefit payments generated by the activities of welfare rights services in Glasgow created the total of 258 additional jobs across Scotland.¹²

The 65,000 people pushed out of the benefits system in Scotland will lose nearly £6.5 million in income replacement benefits each week – a

huge impact on the individuals, their families and the country itself. The 36,000 taking up JSA will lose £1 million each week. This makes a total of over £390 million a year in lost payments to individuals and the economy. The potential final cost to the country and the economy – without significant increases in employment levels – is much higher.

Areas of deprivation and poor health will experience a greater impact

The impact of the migration will not be felt evenly across Scotland. Areas with high levels of sickness benefit claimants and relatively weak labour markets will feel a bigger impact than relatively more affluent areas.

Glasgow will be particularly affected by the migration. One in five IB claimants affected by the migration in Scotland live in the city which will lead to a reduction of almost £74 million in income replacement benefit payments annually to claimants. One in every eight working age adults in Glasgow will be reassessed in the migration with almost half losing entitlement. This will have a significant impact on the city and it remains to be seen whether these former claimants will be able to re-enter the workforce in large numbers.

A number of local authorities in Scotland have a high proportion of sickness benefit claimants, and stand to experience a bigger impact from the migration. This includes Inverclyde (12.2% of working age claimants), West Dunbartonshire (10.7%), Dundee

(10.4%), North Lanarkshire (10.2%), and North Ayrshire (9.8%).

There is a worrying correlation between high concentrations of Incapacity Benefit claimants and low numbers of vacancies in the local jobcentre. For example, almost one in ten people of working age in Clackmannanshire claim IB/SDA while there are almost 19 JSA claimants for every jobcentre vacancy. The estimated 500 former IB claimants moving to JSA will have at least 20 other claimants – likely to be younger, healthier, and with more recent experience – in the queue in front of them for each vacancy. This trend repeats itself in East Ayrshire, North Ayrshire, and East Dunbartonshire. Claimants in these areas are likely to struggle to find employment in these economic conditions.

All local authorities in Scotland will experience an increase in JSA claimants as former IB claimants transfer to JSA. If claimant levels stay fairly constant, these transferring claimants will increase the claimant count by around 26% in Scotland. 30 out of the 32 local authorities will experience an increase in the claimant count of at least 20%, while others will experience a greater increase including Aberdeen (+40%), Aberdeenshire (+37%), Inverclyde (+35%), Highlands (+33%), and Glasgow (+31%). The migration will increase the number of people looking for work, but will not necessarily increase the work that is available to claimants.

For full details on the predicted impact of the migration on Scotland's 32 local authorities, see the table on the following page.

Table 1: Impact of the migration on Scotland's 32 local authorities

	Claiming IB/ SDA (% of working age population)	Number losing entitlement	Moving onto JSA	Moving out of the benefits system	Estimated annual reduction in income replacement payments*	Current JSA claimants (% of working age pop.) Nov 2011	Ratio of claimants to JCP vacancies	Estimated % increase in JSA claimants due to migration
Scotland	277,410 (8.1%)	115,000	36,000	65,000	£390m	138,028 (4.0%)	5.0	26%
Aberdeen	9,110 (6.0%)	4,100	1,400	2,200	£13.4m	3,466 (2.3%)	1.4	40%
Aberdeenshire	7,220 (4.5%)	2,900	800	1,700	£9.9m	2,148 (1.3%)	2.7	37%
Angus	4,510 (6.6%)	1,700	500	1,100	£6.4m	2,227 (3.2%)	5.8	22%
Argyll & Bute	3,660 (6.6%)	1,300	300	900	£5.1m	1,900 (3.4%)	9.7	16%
Clackmannanshire	3,070 (9.3%)	1,500	500	800	£1.9m	1,820 (5.5%)	18.6	27%
Dumfries & Galloway	6,860 (7.6%)	2,900	900	1,600	£9.6m	3,123 (3.4%)	7.7	29%
Dundee	9,880 (10.4%)	4,300	1,400	2,400	£14.4m	5,284 (5.6%)	7.1	24%
East Ayrshire	7,150 (9.2%)	3,100	1,000	1,700	£10.2m	4,597 (5.9%)	16.1	22%
East Dunbartonshire	3,410 (5.2%)	1,400	400	800	£4.7m	1,806 (2.7%)	7.5	22%
East Lothian	4,080 (6.7%)	1,500	400	1,000	£5.7m	1,973 (3.2%)	8.4	20%
East Renfrewshire	2,970 (5.3%)	1,100	300	700	£4.0m	1,363 (2.4%)	9.9	22%
Edinburgh	20,660 (6.0%)	8,000	2,300	4,900	£28.6m	11,171 (3.2%)	3.0	21%
Eilean Siar	1,130 (7.0%)	500	100	300	£1.7m	518 (3.2%)	15.7	19%
Falkirk	8,060 (8.1%)	3,500	1,100	1,900	£11.4m	4,313 (4.3%)	5.2	26%

Fife	17,880 (7.6%)	7,700	2,500	4,300	£25.8m	10,329 (4.4%)	7.2	24%
Glasgow	50,960 (12.3%)	22,500	7,400	12,200	£73.7m	24,031 (5.8%)	4.9	31%
Highland	9,590 (6.8%)	4,000	1,300	2,300	£13.8m	3,889 (2.8%)	3.2	33%
Inverclyde	6,290 (12.2%)	2,700	900	1,500	£9.1m	2,559 (5.0%)	2.6	35%
Midlothian	3,900 (7.5%)	1,600	500	900	£5.4m	2,012 (3.9%)	5.8	25%
Moray	3,210 (5.8%)	1,300	400	800	£4.7m	1,343 (2.4%)	2.8	30%
North Ayrshire	8,410 (9.8%)	3,500	1,100	2,000	£11.9m	5,338 (6.2%)	13.7	21%
North Lanarkshire	21,840 (10.2%)	9,200	2,900	5,200	£31.1m	11,417 (5.3%)	6.0	25%
Orkney Islands	650 (5.1%)	200	100	200	£1.2m	248 (2.0%)	9.2	40%
Perth and Kinross	5,180 (5.5%)	1,900	500	1,200	£6.9m	2,154 (2.3%)	2.3	23%
Renfrewshire	10,280 (9.2%)	4,300	1,300	2,400	£14.3m	5,367 (4.8%)	8.0	24%
Scottish Borders	4,290 (6.1%)	1,600	500	1,000	£5.9m	2,011 (2.9%)	6.6	25%
Shetland Islands	720 (5.0%)	200	50	200	£1.1m	191 (1.3%)	2.7	26%
South Ayrshire	5,780 (8.3%)	2,400	700	1,400	£8.2m	3,006 (4.3%)	7.8	23%
South Lanarkshire	17,560 (8.6%)	7,600	2,400	4,200	£25.2m	8,732 (4.3%)	7.5	27%
Stirling	3,760 (6.5%)	1,500	400	900	£5.2m	1,863 (3.2%)	6.4	21%
West Dunbartonshire	6,390 (10.7%)	2,800	900	1,500	£9.1m	3,642 (6.1%)	20.6	25%
West Lothian	8,590 (7.9%)	3,800	1,200	2,100	£12.6m	4,187 (3.7%)	3.6	29%

Sources: DWP, NOMIS¹³ , Sheffield Hallam University¹⁴

*Assuming that IB claimants claim long-term IB at the new rate of £99.15 and that all those eligible to claim JSA will do so at the new rate of £71 (and are therefore worse off by £28.15 weekly compared to IB payments). This figure does not include consequent reductions in Housing Benefit and Council Tax Benefit.

Impact on labour markets

Labour markets are unlikely to absorb increasing unemployment



Although there will undoubtedly be success stories, IB claimants are likely to face multiple barriers in the labour market. There is a correlation between high numbers of claimants and weak local economies meaning that opportunities are unlikely to be available for many former claimants.¹⁵

IB claimants are likely to have previously worked in low grade manual jobs and a high proportion have no formal qualifications.¹⁶ The majority have been out of work for at least five years and are likely to lack confidence in their ability to rejoin the labour market.

The timing of the migration, coming at the end of a recession and in a period of economic uncertainty, will make finding work very difficult for those with little recent experience. Over one hundred thousand people with recent employment experience are also looking for work and are more likely to be taken on by employers.

Former claimants are likely to face discrimination in the labour market. Research by the Disability Rights Commission has shown that 38% of employers would not employ

anyone with a history of mental health problems. Research from the Chartered Institute of Personnel and Development¹⁷ found that a third of employers would deliberately exclude people with a history of long-term sickness or incapacity when recruiting staff. Additionally, just under half of the employers surveyed thought that long-term IB claimants would be less reliable and less productive, and almost a fifth thought they would work at a lower standard than other workers.

It may simply be that labour demand is too low to get former IB or ESA claimants back to work. Research undertaken for Scottish Enterprise¹⁸ found that a proportion of IB claimants were 'hidden unemployed' and were capable of some work – however, to absorb the hidden unemployed back into the workplace would require 40,000 new jobs in Glasgow alone, and a further 30,000 new jobs in North and South Lanarkshire. The report concludes that 'in the circumstances, it should therefore not be surprising that the incapacity numbers will not be brought back down again without an equally great and sustained boost to labour demand.'

It is unlikely that these jobs are available for former claimants. ESA is a supply side intervention which increases the supply of labour, but does little to increase the demand for it. As the economy grows again, it is likely that the recently unemployed will be taken back into the workforce first. It is therefore likely that those found fit for work will seriously struggle to find employment.

Impact on claimants

The biggest impact of the migration will be on the individual themselves and their families

Those moving onto JSA will lose around £27 a week in income (36,000 people), while those who are removed from the benefits system altogether (65,000 people) will lose £99 a week in income replacement benefits (over £5,000 a year) and may lose entitlement to other key benefits. Unless they find employment, claimants and their families face significant reductions in income.

Those involved in the migration all suffer from illness or disability and are more likely than the general population to have a low income, live in an area of deprivation, live on their own, and to live in social rented accommodation.¹⁹ They are a group who can ill afford a significant reduction in income.

Many people undergoing reassessment will be long-term claimants of old style incapacity benefits – almost four-fifths of claimants have been claiming for over five years.²⁰ They are therefore some distance from the labour market.

The distribution of those affected by the migration varies by location in Scotland. In February 2011, 12.3% of the working age population of Glasgow and 12.2% in Inverclyde were claiming sickness benefits. This compares to just over 2% in parts of the South of England.²¹ Sickness benefit claimants are disproportionately located in the weakest local economies

across the UK. It is these local areas that will feel the biggest impact.

Those found fit for work will lose entitlement to sickness benefits and only half will be entitled to JSA. Those without entitlement to JSA will either need to find employment or rely on the income of others. However, as outlined in this report, there are significant barriers facing former claimants re-entering the labour market. There is therefore a huge concern that many people will be unable to replace their already low income and would find themselves in serious difficulties. Far from saving public money, this situation will place strain on health services, voluntary services and local authorities.

It is also a serious concern that the same individuals stand to be further affected by the Government's Welfare Reform Bill. Just under half of IB claimants currently claim Disability Living Allowance (DLA) while 40% are in receipt of Housing Benefit.²² It is proposed that there will be a 20% reduction in expenditure on DLA with Inclusion Scotland estimating that one in three working age DLA claimants may lose their entitlement.²³ The majority of Housing Benefit claimants will receive lower levels of payments.

Many Incapacity Benefit claimants therefore face losing their sickness and disability benefit entitlements alongside being entitled to less housing support. Their conditions have not changed – rather, the Government has changed the rules.

Impact on citizens advice bureaux

Service providers and advice agencies will have to pick up the pieces



Citizens advice bureaux are already being significantly affected by ESA and the start of the migration. Scottish CAB helped clients with almost 20,000 new ESA issues in 2010/11 - before the start of the migration. CAB have reported a substantial increase in the demand for advice on ESA claims since the start of the migration.

CAB welfare advisers report that the majority of their time is now spent supporting clients in ESA tribunals, and that volunteer advisers are spending significant time helping clients with entitlement and completing ESA applications. The pressure on resources this causes means that clients with other issues may not receive the support they need.

Significant numbers of clients are appealing their assessment for ESA, placing huge pressure on CAB time and resource. We estimate that advisers provided representation at around 1,550 ESA tribunals in 2010/11 – around 30 each week. This shows an increase of 82% in representation by bureaux at ESA tribunals in 2010/11.

Welfare advisers estimate that one appeal takes about five hours of adviser time. This includes two or three interviews with the client, collecting medical evidence on behalf of the client and drafting submissions for appeal. Applying this figure to the estimated total number of ESA appeals detailed above shows that the estimated 1,550 recorded tribunals would have taken over 1,100 working days of adviser time across the service. This does not include the work that advisers undertook in advising thousands of clients on their entitlement and helping claimants to complete thousands of application forms. ESA is therefore a huge issue for both clients and advisers.

Based on a sample of 269 ESA tribunals where a CAB provided representation in the first quarter of 2011/12, 69% of tribunals found in favour of the claimant. Using this figure, we can estimate that claimants won around 1,070 of 1,550 ESA tribunals at which bureaux provided representation. Advisers told us about the impact of this work on bureau resources and time:

“ The impact of ESA on the CAB is huge. From helping the client with the initial claim, then 13 weeks on assisting with the completion of the ESA50 and then supporting them through the appeal process which can take up to nine months. The actual appeal takes a full day out of the office for the specialist workers as it involves a round trip of a minimum of 110 and up to 300 miles as well as the time spent at the tribunal. There are no expenses for the CAB to do this work and

the travel costs come from a very limited core budget.

“ We are a small bureau and the time it takes to deal with each claim is enormous, the bureau covers 20,000 scattered over 16 different islands and the practicalities of giving a first class service is very difficult and therefore the enormous increase in appeals affects us badly.

The pressure on bureau resources can ultimately lead to clients with other issues not being helped as quickly as they should be or being referred to other sources of help:

“ Impact has placed greater demand on time and resources, therefore other clients are not being reached and assisted as potentially as they should be, have to refer clients to other sources for help due to staffing restraints due to appeals for ESA.

“ It [ESA] is the vast majority of our casework at the moment, leaving little time for anything else.

“ We are putting in on average six to eight ESA appeals per week. This leads to a very busy waiting room, long waiting times, and on most days we can't see everyone who tries to use our drop in service.

The Scottish CAB Service expects the demand for advice on ESA issues to further increase in 2011/12 and beyond. Existing Incapacity Benefit (IB) claimants began to be reassessed for ESA at the start of 2011/12. Over three years, more than 170,000 existing

claimants will be reassessed at a rate of over 1,000 each week.

We expect this process to create a significant demand for advice from this client group. If the current issues/claimants ratio for ESA (30 new issues brought to bureaux each year for every 100 claimants) applies for the reassessed claimants, bureaux would deal with 60,000 new ESA issues for this group over the period of the reassessment. There is a concern that existing IB claimants will be even more vulnerable than new ESA claimants and consequently may experience more problems and require greater levels of assistance.

“ This bureau is just now seeing the changeover from IB to ESA but predict the workload will increase greatly putting pressure on appointments and take up advisers' time from filling/advising.

“ I don't even want to think about how much work this will generate.

Given the huge pressure that citizens advice bureaux have been placed under by the problems inherent in the ESA process, we believe that any changes to the system require to have due regard to the role of advice services. Bureaux have so far helped thousands of clients through the process without any extra funding or support from Government. If this pattern continues alongside the extra demand that the reassessment will bring, bureaux will be forced to turn away clients who require their support – both those with ESA issues and those with other problems.

Early experiences of the IB/ESA migration

Claimants began to be called up for the national migration in April 2011. The process can take a number of months, especially if the client appeals the assessment decision, which means evidence on claimant experiences in the migration started to emerge in the autumn of 2011. CAS surveyed 130 welfare advisers and managers at this time to gather their experiences of the migration.

The survey of advisers identified strong concerns that the ESA process is even less suitable for long-term IB claimants than it has proved for new claimants. Advisers stressed that long-term IB claimants are finding the ESA process more difficult and are harder hit by problems in their application or if they are found fit for work. This is particularly the case for claimants with long-term mental health problems:

“Most clients are confused and upset by the whole review process; often GPs advise they are unfit for work, then DWP decides differently. New claimants are more understanding of the assessment period and find claiming more straightforward. Long term sick [people] do not understand how they can, at a stroke of a pen, be found fit to work.”

“From past experience, older clients who have been on IB for a long time, especially clients in their late 50's, who are suddenly told that they have a work capability and are expected to return to the workplace find it very difficult to comprehend, especially with little or no support.”

“They are affected worse in the sense they may have been assessed as incapable of work under incapacity for years and now been told they are fit for work. It is bewildering to them. Basically the state has moved the goalposts.”

“I think the experience for them is worse than for new claimants. Anecdotally they have talked about being hounded and feel they are even less valued. That's not a good perception from people dealing with mental health issues.”

“My clients are very stressed by the changes and feel very vulnerable.”

There is a significant risk that the ESA process will prove unsuitable for many thousands of long-term IB claimants across Scotland. Advisers have significant concerns that the speed of the migration will have serious consequences for their clients.

“If I am right in thinking it is expected to be completed by 2014, I think this is ambitious and I am concerned the right decision for claimants may be compromised because of the rush for the migration to be completed. [I] expect disaster for our clients.”

Effects on health

The performance of ESA thus far, and the significant press attention devoted to it, means that many Incapacity Benefit claimants are aware of the migration even if they have not yet been contacted. For some, the impending migration is a source of significant worry and may be making health conditions worse:

▶ **A North of Scotland CAB reports of a client who phoned in a very distressed state. A friend of hers had told her to telephone the CAB. She is on Incapacity Benefit and is very fearful about the changes she is hearing about that could affect her benefit entitlement. The client said she wanted to be dead and last weekend thought of overdosing. She cried a lot and there were pauses. The adviser tried to reassure her and not to worry about what may or may not happen.**

▶ **A North of Scotland CAB reports of client who is extremely worried by his forthcoming reassessment for ESA. The client has multiple medical problems and is in receipt of DLA care and mobility. He also provides 24 hour care for his wife who has an inoperable brain tumour. The client sought help from the bureau as the stress of the reassessment is making his health deteriorate. The adviser spent a good deal of time and resources trying to help the client.**

The effects of the reassessment process on the health of claimants – even before an assessment has taken place – must therefore not be underestimated. There is a risk that long-term IB claimants may not understand the significance of the reassessment or be unable to cope with the process.

In these circumstances, claimants may fail to respond to communications or fail to attend medicals. We are concerned that one possible outcome of the migration process is therefore

that thousands of claimants will drop out of the system altogether and lose the support that they should be entitled to. It is imperative that these people are supported in the process and not written off.

Assessments

Bureau advisers report that clients are commonly awarded zero points in their work capability assessment despite clearly having significant health problems. This situation is also occurring for claimants who are part of the migration. This is a situation of great confusion and distress for claimants, who feel that a zero point assessment is implying that they are somehow exaggerating their condition or being dishonest. Clients in this situation are more likely to appeal an assessment that they feel ignored their condition.

▶ **A West of Scotland CAB reports of a client who was awarded zero points in her work capability assessment. The client has suffered from ill health after a botched operation left the client unable to bend or kneel without severe pain. Her daughter helps her to dress and shower every day. The client also suffers from mental health issues such as depression, agoraphobia, and suicidal tendencies.**

▶ **An East of Scotland CAB reports of a client who was awarded zero points in his work capability assessment after migrating from Incapacity Benefit. The client stopped working after a stroke which affected his right side**

and speech. He can only walk a few yards without pain and suffers from slurred speech and has difficulty being understood. The client has suffered ill health following the work capability assessment and is suspected of suffering another stroke after a four day stay in hospital.

- ▶ A West of Scotland CAB reports of a client who has suffered health problems following a stroke several years ago. The client has balance problems that affect his standing and walking and problems with co-ordination. The client also has memory and bladder function problems. The client has been assessed as fit for work in his reassessment, but the client does not feel capable of work.
- ▶ A West of Scotland CAB reports of a client who has been found fit for work in his reassessment. The client has diabetes, diabetic neuropathy affecting the coordination of his left leg, and persistent dizziness. The client depends on family for assistance with cooking, showering and to accompany him when he leaves the house due to his poor balance and vision.

The Work Related Activity Group (WRAG)

An estimated 30% of claimants in the migration will be assigned to the WRAG, where they receive payments while taking part in back to work activities. The Government proposes a 12 month limit on those claiming

contributory ESA in the WRAG group. 40% of claimants placed in this group will therefore lose entitlement to ESA after 12 months whether or not they find work.²⁴ This includes claimants who are married to someone in a low paid job.

Bureaux have advised clients who are confused and worried about their placement in the WRAG group. Many feel that they have not been advised about what this will entail and do not feel that they will be able to return to work within 12 months. As a result, bureaux are helping a number of clients to appeal against their placement in the WRAG group.

- ▶ A West of Scotland CAB reports of a client who was placed in the Work Related Activity Group after being migrated from IB to ESA. The client feels that he has not been advised about what this means and would like to appeal the decision. The client suffers from a rare condition which causes severe headaches when he stands.
- ▶ A North of Scotland CAB reports of a client who was migrated to ESA after claiming IB for more than ten years. The client has been placed in the WRAG although he is in receipt of high rate DLA mobility and care components. The client's health problems stem from a failed spinal operation in 2000 which means that the client uses crutches at all times and frequently a wheelchair. He uses morphine to control the pain that he experiences. The client wishes to appeal against his assessment.

Effects of being found fit for work



For some claimants, being found fit for work could lead them to the support they need to return to suitable employment. For others, it entails a drop in income and significant hardship.

- ▶ **A West of Scotland CAB reports of a client who has been found fit for work in his Work Capability Assessment and will see a reduction in benefit payments from £225 to £67 per week. The client suffers from emphysema, and stomach and liver problems. The client is appealing and is unhappy that his assessment was undertaken by a physiotherapist. The client is especially concerned about how he will be able to afford his fuel bills.**
- ▶ **A South of Scotland CAB reports of a client who was found fit for work in his reassessment for ESA. Since losing entitlement, the client has been back to the bureau on several occasions suffering financial hardship. On one occasion**

the client said he had no money for food and no food in the household. The bureau had to intervene to get the social work department to provide a meal for him, as the client appears to have exhausted all claims to social fund loans. The client returned a month later to say that his electricity had been cut off.

Moving on to JSA

An estimated 36,000 IB claimants in Scotland will move onto Jobseekers Allowance by 2014.²⁵ It is by no means guaranteed that JSA will be suitable for these claimants. Increased conditionality may prove to be too onerous for a claimant who has been suffering ill health and been out of the labour market for years.

JSA claimants can face significant sanctions to their benefits if they do not provide evidence of searching for a job; if they fail to apply for a job; if they fail to accept a job; or if they fail to attend a mandatory meeting with staff. It is a serious concern that former IB claimants will struggle to meet the conditions for claiming JSA and will therefore face sanctions which can last for weeks or even months.

The following cases outline situations that led to sanctions in 2011. We believe it is likely that former IB claimants will face similar situations and sanctions to their benefits.

- ▶ **A West of Scotland CAB reports of a client who had his JSA sanctioned and feels that he has been unfairly treated by Jobcentre Plus. The client was given four jobs to apply for and applied for**

all except one. He received a letter from JCP stating that, as he did not take up all the opportunities presented, his JSA would be stopped for two months. The client is left with no money and his housing benefit and council tax benefit could be stopped.

- ▶ An East of Scotland CAB reports of a client who was receiving JSA but has been told by JCP the information written down by him in his 'looking for work diary' was insufficient to merit the continuation of his benefit. He was therefore sanctioned and his benefit stopped. The client was not given much chance to speak in his defence and there were entries in

his diary for the period in question but they may have been missed by the official.

- ▶ A West of Scotland CAB reports of a client who has been sanctioned for two months because she failed to attend a course which is part of her JSA agreement. The client states that she is not able to get to the venue as it is six miles away and it is too far to walk. Jobcentre Plus say they will re-imburse her when she gets there and she should borrow the money for travel. The client has no-one to borrow money from and if she paid travel costs she wouldn't be able to heat her home or eat.

Conclusion and recommendations

The principle behind ESA is a good one. It is right that those who are able to work are supported to find employment. Where the migration works, IB claimants could be supported into a better life.

However, there is a significant risk that the migration could lead to worse health and lower incomes for many claimants. In fact, some may face destitution. Any flaws in the migration will impact heavily on many of the most vulnerable people in society.

Unfortunately, the evidence so far on ESA and the migration suggests that the outcomes for many claimants will not be positive. Flaws in the Work Capability Assessment mean that many claimants may be inappropriately assessed as fit to work and lose the support to which they are entitled.

Even claimants who are capable of work face many barriers to returning to the labour market. A lack of job creation, competition from thousands of newly unemployed workers, and discrimination from employers, mean that former claimants will struggle to find work.

The result of these issues could be a group of people with health problems who are not in employment or supported in the benefit system. Far from supporting people into work, the outcome of the migration process could be to move sickness benefit claimants on to a less expensive benefit or out of the system altogether.

The UK Government is committed to the migration, but it needs to take urgent action to ensure that it supports

claimants towards employment rather than destitution. We recommend that the UK Government:

- Work with employers to end discrimination against sickness benefit claimants. Unless employers are willing to take on former claimants, the Government will not achieve its targets for returning people to work
- Ensure that former claimants are a priority group in the Work Programme. There is a danger that back to work providers will 'park' former claimants. They must be incentivised to support those with disabilities towards employment
- Continue to reform ESA to make it fit for purpose. Despite reform, flaws remain inherent in the system which must be addressed
- Track claimants during and after the process. The Government needs to better track claimants to ensure that the migration is producing positive outcomes.

We recommend that the UK and Scottish Government:

- Encourage economic growth in the regions most affected by the migration. Claimants are often concentrated in areas with weak labour markets. The Government must ensure that these people have jobs to go into
- Support advice services to cope with the migration. CAB do not receive any extra funding to cope with complex ESA issues.

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Glossary

CAB – Citizens Advice Bureaux

CAS – Citizens Advice Scotland

DLA – Disability Living Allowance

DWP – Department of Work and Pension

ESA – Employment and Support Allowance

HB – Housing Benefit

IB – Incapacity Benefit

IS – Income Support

JCP – Jobcentre Plus

JSA – Jobseekers Allowance

SDA – Severe Disablement Allowance

WCA – Work Capability Assessment

WRAG – Work Related Activity Group

Citizens Advice Scotland and its member bureaux form Scotland's largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres.

The CAB Service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

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