



Z2K response to ‘Improving Lives: the Work, Health and Disability Green Paper’

About Z2K

The Zacchaeus 2000 Trust (Z2K) is a London-wide anti-poverty charity that promotes the improvement of living conditions on the basis of economic and social justice through the provision of evidence-based policy alternatives to government, and by direct engagement with the lives of the poorest and most vulnerable.

Z2K provides a generalist advice and casework service offering in-depth and long term support for people struggling on low incomes. In recent years a major part of Z2K’s work has been supporting our clients through Work Capability Assessments (WCA) as they are transferred from Incapacity Benefit or Income Support to Employment and Support Allowance (ESA), as well as supporting new ESA claimants through the application process. Since April 2013 we have also supported clients through the Personal Independence Payment (PIP) applications and appeal process. We attend WCAs and PIP assessments, help gather medical evidence, write appeal submissions and provide representation at appeals.

We have chosen to focus our response to the issue where we have particular expertise: the WCA and the Support Group.

General comments

Our experience of supporting sick and disabled people to access the support they need has shown us beyond doubt that the current system is not working. We therefore welcome the opportunity provided by the Green Paper to look at areas where the system can be improved.

We support the principle outlined in the ministerial foreword of a social security system that:

‘offers work for all those who can, help for those who could and care for those who can’t’

The reality is however that this is not an accurate description of the current system. Our experience supporting claimants through the ESA application process has shown that it consistently fails to provide claimants with the support which they require. The continuation of such high appeal success rates confirms our experience chimes with the national picture.

We are disappointed therefore that this paper has missed the opportunity to provide some suggestions for serious reform of the system.

We are also concerned that some of the proposals in the Green Paper, such as extending employment support to the Support Group, appear to fail to recognise that there are people whose conditions mean they simply cannot work.

Response to specific questions

Should we offer targeted health and employment support to individuals in the Support Group, and Universal Credit equivalent, where appropriate?

ESA claimants are placed in the Support Group because they have been found to have both limited capability for work and limited capability for work related activity. This means that their condition(s) restrict their capabilities to such a degree that they are not able to engage with the employment support offered to those claimants in the Work Related Activity Group (WRAG). For many claimants in the Support Group it also means that engaging work related activity (i.e. employment support) would pose a substantial risk to their own health or the health of others.

This doesn't mean that such claimants should be 'written off', it just means that for a period of time (dependent of the severity of the condition) they have been found to be incapable of work related activity, including employment support. In some cases it is of course possible that a claimant's condition will improve to the extent that they can undertake work related activity. For some of these claimants taking steps to prepare themselves to work could help to improve their health. But this has to be assessed case by case on the basis of a claimant's individual needs and limitations.

For example, many claimants have fluctuating conditions that mean on certain days they might be capable of participating in employment support while on other they aren't. The fluctuations in claimant's condition cannot be predicted and it might be that a sudden deterioration means they aren't able to attend an appointment. For these claimants it is important that conditionality does not apply and there are no sanctions associated with failing to participate in employment support activities.

For some claimants, such as those with progressive conditions, the reality is that they will never be well enough to work again. The social security system needs to recognise that work is not a viable outcome for some people and they would not benefit from employment support. On the contrary, for these people being made to participate in employment support could actually pose a risk to their health. For those unlikely to return to work alternative means of support can be provided that helps claimants to reach self-defined goals.

As such we would only support the provision of employment support to ESA claimants in the Support Group on the basis that:

- The Support Group, or an equivalent that recognises claimants have limited capability for work related activity, continues to exist.

- Any support offered is only taken up on a voluntary basis and no work related activity is made mandatory.
- Claimants in the Support Group should not be subject to any sort of conditionality.

Should the assessment for the financial support an individual receives from the system be separate from the discussion a claimant has about employment or health support?

ESA should be designed in such a way that it can accurately identify and evaluate the specific barriers to employment experienced by claimants with disabilities and health conditions that currently prevent them from working. Where possible, the system should then provide the necessary support to help overcome these barriers.

Such an assessment needs to understand that claimants with disabilities and health conditions face not only physical and mental barriers to work, but also other material barriers such as employer stigma, debt and housing problems.

The current ESA system is not only incapable of properly determining who is eligible for financial support, it doesn't even attempt to provide a personalised assessment of the barriers claimants face and provide support to overcome them.

It is possible that separating an assessment from financial support from identifying what employment or health support is necessary might be beneficial. However, the most important thing is not the form of the assessment but that the system as whole is designed to properly identify the barriers faced by claimants and propose potential solutions where appropriate.

What other alternatives could we explore to improve the system for assessing financial support?

For several years Z2K has campaigned for improvements to the WCA in order to address its consistent failure to properly assess the support claimants are entitled too. It is disappointing to see that this Green Paper contains not a single suggestion to reform the WCA itself. We therefore take this opportunity to offer some suggestions of our own.

The first step that could be taken to improve the ESA system is restoring the higher rate of benefit received by WRAG claimants. Sick and disabled claimants face extra costs as result of their conditions, costs which PIP or DLA aren't necessarily designed to cover. At the same time over half of those in the WRAG don't receive PIP or DLA. That is why when ESA was first implemented claimants placed in the WRAG received extra support. There is absolutely no evidence that removing this support will lead to more claimants entering into work. On the contrary when WRAG claimants are deprived of the extra money currently afforded by ESA their condition may well worsen and instead of being 'incentivised' into work they would be even further from the labour market. Any meaningful attempt to improve employment support for disabled people must start with the restoration of this higher payment.

As it stands the WCA cannot be considered an effective means of assessing the financial support claimants should be entitled to. Mistakes are to be expected in any system but in our experience the WCA process routinely finds claimants fit for work who are manifestly not able to work, on a scale that calls into question the effectiveness and integrity of the whole system. The inaccuracy of WCA fit for work decision is clear from the consistently high appeal success rates, which currently stand at 62% in the most recent statistics.

Not only are our clients with serious debilitating conditions frequently found fit for work, but they are often awarded 0 points following the assessment. In our opinion, the regularity with which people who face severe barriers to employment receive 0 points in the WCA process demonstrates there is something fundamentally wrong with its ability to determine whether claimants are fit for work. In our opinion tinkering at the edges will not be sufficient to improve the WCA. Serious root and branch reform is essential.