



Conditionality Briefing: Disabled People

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The welfare rights and responsibilities of disabled people are increasingly subject to contestation and redefinition. Whereas previously both governments and the public viewed the relatively unconditional claims of long-term sick and disabled people to welfare as legitimate, in recent decades conditionality has been increasingly applied to disabled people in receipt of social security benefits in the UK. In future, the majority of people in receipt of incapacity benefits will be expected to actively engage in training or work search activities or face benefit sanctions.

Key points

- In line with their stated 'Third Way' reforms of the welfare state, consecutive New Labour governments extended their rights and responsibilities agenda to encompass disabled people. An initial phase that emphasised incentivising and supporting incapacity benefit claimants into paid employment gave way to a second phase of policymaking focused much more on enforcing compulsory job search and training activities through the use of sanctions.
- The Coalition Government has consolidated and extended the commitment to conditionality, with an emphasis on reclassifying significant numbers of disabled people as fit for work.
- Advocates of conditionality in relation to disabled people argue that many claimants are unemployed rather than incapacitated, with barriers to work often being attitudinal.
- Critics argue that the extension of conditionality and its more rigorous application for many in receipt of incapacity benefits is inappropriate, punitive and largely ineffective in helping disabled people into paid employment. They stress structural factors such as adverse labour market conditions, individual impairment and recurrent ill health as significant in limiting paid employment.
- The rights and responsibilities of disabled people are subject to reconfiguration. Previously, disabled people have actively fought to overcome disabling attitudes and barriers to assert their equal rights to paid employment. In response to recent policy changes and the imposition of conditionality many are now keen to defend and reassert disabled people's rights to welfare.
- The ongoing attempt to 'rewrite the welfare contract' for disabled people has become a key site of contestation within UK welfare reform and debates about the circumstances in which the use of conditionality may, or may not, be ethically justified.

Background

The link between work and entitlement to disability benefits have been strengthened in recent decades. For example, the introduction of the 'All Work Test' in 1999 refocused the medical examination used to determine eligibility for incapacity benefits to emphasise claimants' capacity for work rather than any impairments which might limit it. Previously, UK governments and citizens tended to support the claims of long-term sick and disabled people to social security benefits without a need for them to meet specified job search or training activities (Dwyer, 2014). This reflected wider ideas about disabled people being 'deserving' of largely unconditional collective support because their inactivity in the paid labour market (PLM) emerged from recognised personal impairments. Critics have noted that such attitudes may themselves be disabling and have long campaigned for the eradication of disabling attitudes and environments to enable disabled people to realise effective rights to paid work (Barnes 1992; Roulstone and Prideaux, 2012). Building on the policies of their New Labour predecessors, the current UK Coalition Government has enthusiastically endorsed the application, extension and intensification of the conditionality for disabled people that was introduced under New Labour (Patrick, 2012).

Key policy developments: disabled people and conditionality

Against a backdrop where expenditure on sickness and incapacity benefits increased from £5B in 1979 to £24B in 1996/7, New Labour governments (1997-2010) questioned many taken for granted assumptions about disabled people's rights and responsibilities as part of its wider programme of welfare reform (Hewitt, 1999). Initially, policies emphasised enabling disabled people to enter paid employment through incentives and support (for example, Disabled Persons Tax Credit and voluntary participation in the New Deal for Disabled People). However, throughout its later years in office a "significant extension of labour market conditionality for incapacitated claimants" and the imposition of "a workfare-style regime" occurred (Allirajah, 2005: 4).

New Labour signalled a desire to end the 'sick note culture' (Johnson, 2005) and saw the use of benefit sanctions as a legitimate means to reduce the number of people receiving incapacity and sickness benefits in the UK by over a third (Garthwaite, 2011). The Government-initiated Freud Report (2007) called for a 'strengthened framework' to 'rebalance the system' away from unconditional welfare, and recommended an increase in the frequency of state interventions and the future extension of conditionality to cover all economically inactive benefit recipients, including the majority of disabled recipients.

Subsequently, in October 2008, the Government announced the phasing out of Incapacity Benefit, disability related Income Support and Severe Disablement Allowance and introduced a new benefit, Employment and Support Allowance (ESA) for claimants unable to work due to illness or disability. Significantly, ESA introduced overt work-related conditionality for claimants of incapacity benefits for

the first time. Following an initial 13 week 'assessment phase', all new ESA claimants are placed on a basic allowance at Jobseeker's Allowance (JSA) rates and undergo a Work Capability Assessment (WCA). Three outcomes are possible depending on the result of the WCA. A minority identified as having severe conditions and 'limited capability for work-related activity' are placed in the 'Support Group.' These individuals then have unconditional access to an enhanced rate of ESA benefit and are not required to participate in work related activities. Those placed in the 'Work Related Activity Group (WRAG) receive a lower level of ESA and are required to engage in work related activity such as job search, attending interviews with personal advisors or participation in work experience schemes. Finally, a third group of claimants, i.e. those found fit for work, are disqualified from ESA and transferred onto the JSA regime with its stricter conditionality rules and lower benefits (Dwyer, 2008; Patrick, 2012).

The current Coalition Government is committed to a comprehensive overhaul of the UK social security system in which extending and intensifying the principles and mechanisms of conditionality and strengthening sanctions are central elements (Dolan et al., 2010). This includes an enthusiastic endorsement of ESA as an appropriate mechanism for reclassifying significant numbers of disabled people as fit for work, or work related activity and training, and a restated commitment to the WCA, despite extensive criticisms (Marsh, 2012).

In June 2011, the Coalition Government abolished the various 'Pathways' and 'New Deals' and replaced them with the Work Programme. This programme of back-to-work support (delivered by a range of private and third sector organisations), allows a large degree of discretion in the mix of personalised sanction and support used to activate individual clients. The 2012 Welfare Reform Act, alongside other policy changes such as Mandatory Work Activity and the introduction of Universal Credit further impacts on disabled benefit claimants. Mandatory Work Activity allows advisors to require certain claimants, held to have a poor work record and limited commitment to job seeking, to undertake a four week unpaid work placement. Disabled people in the WRAG are mandatorily subject to the Work Programme once they are judged to be fit for a return to work within a three month period. Failure to complete a Mandatory Work Activity placement without good cause results in the imposition of sanctions (Patrick, 2012). New, more robust sanctions for existing JSA and ESA claimants, introduced in order to align with the Universal Credit model, now prevail. From December 2012 claimants face sanctions at 100% of the full value of their ESA with an open-ended period of sanction applicable to repeat offenders who fail to comply with advisers and re-engage with their specified programme of work related activity (DWP, 2013).

The full effects of these reforms on disability benefit recipients' lives are yet to emerge. However, available statistics on both disallowance (i.e. those who following a WCA are found fit for work and transferred onto JSA) and sanctions illustrate significant impact on considerable numbers of disabled people's lives (rf. Webster, 2014).

Key arguments for and against conditionality in relation to disability

The extension and intensification of work-focused conditionality has triggered much controversy and passionate debate. Commentators in favour of the application of conditionality for disabled people argue that “in the UK many claimants are unemployed rather than truly incapacitated” (Mead, 2011a: 281). They point to exponential growth in both the number of claims and the cost of incapacity benefits and a clustering of recipients in areas that have seen significant industrial decline since the 1980s. Financial incentives built into the old system of UK incapacity benefit encouraged people to make rational choices to claim more generous disability benefits rather than the lower JSA amounts. Employment services effectively colluded in this process and diverted people onto higher level incapacity benefits and arguably “only a relatively small proportion of those ‘diverted’ into incapacity benefits cannot work; as such, the issue is about the type or how much work they can do” (Beatty and Fothergill, 2002: 817).

Those who support conditionality believe that barriers to work among many in receipt of disability benefits are largely attitudinal and it is entirely appropriate to use conditionality in an instrumental way and require those who are able, to engage in job search and training activities, or face sanctions (Mead 2011b). Certain commentators acknowledge that the significant rise in people claiming sickness and incapacity benefits (from 750, 000 in the late 1970s to 2.6 million currently), is most likely due to a combination of both individuals with impairments withdrawing from paid employment and a reluctance by employers to retain or hire disabled people. However, they argue that the ‘conditionality light’ model applied to those in the WRAG is “very different from the conditionality for the unemployed [with] no requirement to seek work or to take any job offered and if a job taken does not work out there is a right to return to benefit” (Gregg, 2011: 283). More broadly, even if it is accepted that some individual WCA decisions to date have been flawed, supporters argue that the underlying principle of focusing on an individual’s capacity, rather than incapacity, to work is sound (Harrington, 2010).

In contrast, those who object to the application of conditionality for disabled people view its imposition as an attempt to enforce paid work in order to tackle the assumed ‘perverse incentives’ built into the previous disability benefits system. Conditionality is seen as inappropriate because it individualises the problem of unemployment and fails to take account of the continuing societal/structural barriers that exclude disabled people from meaningful engagement with the PLM (Scope, 2011; Weston 2012). It is further flawed because it prioritises supply side measures (e.g. ensuring the work readiness of individuals) whilst marginalising demand side issues (e.g. lack of available jobs and employers reluctance to take on people with impairments). Wedded to an individual, as opposed to a social model of disability, conditionality is likely to prove ineffective (Patrick, 2011) without a more radical transformation of the workplace and the eradication of societal barriers which continue to prevent and constrain disabled people’s work opportunities (Roulstone and Barnes, 2005).

Critics (including disabled people's organisations and mainstream charities) are concerned both about the way in which the WCA has been applied and the broader principles of activation and conditionality underpinning ESA. Consequently, there are "fears that the WCA is incorrectly finding people fit for work, while also placing people for whom work is not a realistic prospect in the WRAG" (Patrick, 2012: 312).

Beyond issues related to the operation and implementation of ESA and the WCA, there are more fundamental concerns about how sickness and disability are being re-conceptualised and understood. It is suggested that the media and politicians have played a role in changing how disabled people are represented in both policy and public debates and that an essentially moral 'vilifying discourse' (Garthwaite, 2011) now dominates, which reclassifies the majority of disability benefit claimants as fraudulent 'scroungers' capable of work (Grover and Piggot, 2013).

Conclusions

The extension of welfare conditionality to disabled people, the resultant reclassification of some as fit for work and the increased expectation of job search and training activities for the majority of disability benefit recipients in the UK has provoked fierce debate. Weston (2012) has called for wider recognition of the diverse levels of needs and experience that exist among those in receipt of incapacity benefits. She also highlights personalised packages of support, rather than the application of benefit sanctions, as most likely to enhance labour market entry and sustained paid employment for disabled people. An exploration of the ethics and efficacy of both these elements of welfare conditionality will be a central feature of our qualitative fieldwork with welfare practitioners and disabled people.

About the Project

Welfare Conditionality: Sanctions, Support and Behaviour Change is a major five year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme, running 2013-2018. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities i.e. University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership. Central to our work is a desire to inform international policy and practice through the establishment of an original and comprehensive evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project please visit www.welfareconditionality.ac.uk or contact the Project Manager, Fleur Hughes on 01904 321299 or email info@welfareconditionality.ac.uk

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