

aiac

**Association of Independent Advice
Centres (NI)**

Social Policy Briefing

11 April 2002

AIAC Paper on New Deal for Disabled People (NDDP)

Background

New Deal is a key part of the Government's Welfare to Work strategy. It has been created to help unemployed people into work by closing the gap between the skills employers want and the skills people can offer.

New Deal offers a range of support measures. **Gateway** involves intensive counselling, advice and careers guidance with the aim of getting people into work. Those people who remain unemployed at the end of the Gateway period can pursue a place in one of four New Deal options: **Employment option**, a job with an employer for up to 6 months; **Education / Training option**, full time education or training for up to 12 months with the aim of achieving an NVQ Level 2 or other approved qualification; **Environmental Task Force option**, a job or placement for 6 months on an Environmental Task force; **Voluntary Sector Option**, a job or placement for 6 months with a voluntary sector employer.

New Deal Programs include:

- New Deal for 18 – 24 year olds;
- New Deal for 25 plus;
- New Deal for 50 plus;
- New Deal for Lone Parents;
- New Deal for Partners of Unemployed People;
- New Deal for Disabled People;

These initiatives have all been introduced and it is fair to say that opinion is mixed as to their success. The New Deal website¹ highlights the fact that more than 89,729 companies have signed New Deal employer agreements so far and over the last three years New Deal has helped over 560,000 people to find work.

Others would suggest that more effort should be given to addressing the issue of creating real job opportunities. Lynn Carville, Organisation of the Unemployed: Northern Ireland² has said “New Deal 18 – 24 & 25 plus are compulsory, which means that receipt of benefit is dependent upon participation on New Deal. There are many problems with compulsion: firstly it can discredit the programme in the eyes of employers, secondly many unemployed people view it as just another government training scheme to mask the true extent of unemployment and thirdly it sends the message to the unemployed that government believes them to be ‘feckless and idle’ and not what they really are – “workers without work”.

¹ www.newdeal.gov.uk

² Email: ouni@iol.ie

In Northern Ireland, New Deal for Disabled People (NDDP) is a joint initiative between the Department for Social Development, the Training & Employment Agency and the Social Security Agency.

It is a voluntary initiative which aims to support and test innovative ways of helping people in receipt of incapacity and disability benefits to move out of economic inactivity and into lasting employment if that is what they wish to do. This initiative offers sick and disabled people, entitled to, and claiming a qualifying benefit, the option to prepare for and find paid work, and move off benefits. NDDP currently has two main components:

Job Broker Service³

The Job Broker Service is run by various public, private and voluntary sector partnerships including national disability charities, employers, colleges, trusts, Social Work departments and employment agencies. It is intended that they market their services to potential clients and work with employers to match their vacancies with the skills and potential of their clients. The ultimate aim is to develop long-term partnerships, which will support the employment of people with disabilities and health conditions, help clients to find, secure and sustain paid work and help them to understand and compete in the labour market.

Personal Adviser Service (PA Service)⁴

Although piloted initially in twelve JobCentre areas, the PA Service is now available in all JobCentres. Use of the service is entirely voluntary and is available to people in receipt of an incapacity benefit. Its objectives are:

- to enable people with a disability or long term illness who wish to move into paid work, to do so;
- to enable people who are at risk of losing their job through the onset, deterioration or fluctuation of disability or long term illness, to remain in work;
- to influence employers' recruitment and retention practices, promoting the abilities of people in the client group and the services and support available to them.

³ Job Broker Service contact details have been forwarded to AIAC, or can be obtained by contacting DSD / T&EA / SSA

⁴ Personal Adviser Service contact details have been forwarded to AIAC, or can be obtained by contacting DSD / T&EA / SSA

The Client Group

The potential clients for NDDP are people who are entitled to incapacity benefits. In Northern Ireland, it is estimated that there are in the region of 100,000 such clients. They are likely to have a wide range of skills and capabilities. They will also have a wide range of disabilities and health conditions, and tend to be more disadvantaged in the labour market than for example, unemployed people on Jobseeker's Allowance (JSA).

Qualifying Benefits

The client must be in receipt of one of the following qualifying benefits:

- Incapacity Benefit
- Severe Disablement Allowance
- National Insurance Credits on the grounds of Incapacity (which may be awarded on their own or in addition to payments of income related benefits – Income Support, Housing Benefit or War Pensions)
- Income Support with a Disability Premium
- Income Support pending the result of an appeal against disallowance from Incapacity Benefit
- Housing Benefit with a disability premium, provided the premium is paid in respect of the recipient; and provided they are not in receipt of Jobseeker's Allowance, not in paid work or in paid work of fewer than 16 hours per week
- Disability Living Allowance can also be a qualifying benefit, provided the recipient is not in receipt of Job Seeker's Allowance

There is no qualifying length of incapacity. If entitlement to a qualifying benefit ceases the client becomes ineligible to participate.

According to the literature produced by the Social Security Agency:

“Participation in NDDP does not in itself affect a customer's entitlement to benefit, nor does it necessarily indicate that the customer is no longer incapable of work. It remains the customer's responsibility to report any changes in their circumstances to the Social Security Agency, including undertaking any form of work or training. Payment of the appropriate benefit continues as long as the conditions for receipt of that benefit remain satisfied. Participation does not trigger a Personal Capability Assessment nor does it prevent normal review of entitlement action.”

From March 2002, a process of notifying potential participants of the availability of both the Personal Adviser and Job Broker Services has begun. A mailshot letter⁵ has been issued which includes details of the location of and contact details for both Services. If, on receipt of the correspondence, a claimant decides that they do not want to participate, they can ignore the letter. Indeed they can ask that they receive no further mailings on the subject if they so wish. It is envisaged that mailshots will take place on a twice-yearly basis to those on a qualifying benefit.

A Government Research Paper 'Evaluation of the NDDP Personal Adviser Service pilot'⁶ provides an outline of the process:

"As originally envisaged, individuals contacting the pilot service would have attended one or more introductory interviews where a Personal Adviser sought to establish rapport, explain the service and understand the person's needs. At one of these interviews the participant might join the personal adviser's caseload. This point marked the commencement of a series of steps to be undertaken to help the client move back into, or remain in, work.

"Personal Advisers were to help their clients clarify and set personal goals and assist them in making progress towards their goals. They were to provide an individualised service, offering advice, information and support, including help with job-search or contacting employers to arrange an interview. When necessary, Personal Advisers would refer clients to service providers for specialist help and support.

"Having gained employment there might be ongoing contact and support between some clients and their Personal Advisers, and this might involve contacts with their employers. In practice, some clients had an ongoing relationship with their Personal Advisers, whilst others accessed the pilot service on a more occasional and ad hoc basis."

When a claimant contacts either the Job Broker Service or the Personal Adviser Service, there will be communication between the Service and the Benefits Branch to confirm that the client is in receipt of a qualifying benefit. As the client receives additional help and support (such as availing of training opportunities, volunteering opportunities, educational opportunities), this progress will be communicated to the relevant benefit sections, although this activity should not prompt a review of benefit entitlement. If a client finally secures paid employment, this will also be communicated to the relevant benefit sections.

AIAC believes that NDDP clients should be made fully aware from the outset of this flow of information between the Service providers and the various benefit sections.

⁵ AIAC has been provided with a copy of this letter

⁶ <http://www.dwp.gov.uk/asd/index.htm>

AIAC response to NDDP

AIAC welcomes the idea of support and encouragement for those who wish to move from incapacity and disability benefits to employment. However, NDDP does raise some concerns.

On a general level there does appear to be a certain conflict between a New Deal program which has the objective of shifting people off certain incapacity and disability benefits and into paid employment; and the qualifying conditions for these benefits. For example, in respect of many of these benefits the claimants will have demonstrated that they are incapable of work.

Therefore, while some claimants will wish to avail of the opportunities provided by NDDP, there may be many issues to be addressed before claimants could contemplate a move from incapacity and disability benefits into employment. The Government's own research⁷ has shown concerns that must be taken on board by those involved in NDDP including:

“Key influences on decisions about working included their [*Incapacity Benefit claimants*] current and expected health and its impact on capacity for work, age, family responsibilities, availability of suitable work, practical support into and during work, and the maintenance of income security”.

“The knowledge and experience of staff have an influence on the use and impact of work incentive measures. One danger is that staff make decisions or weight their advice in order to achieve performance targets rather than necessarily in the optimal interest of their clients”⁸

“Research findings include a number of concerns and observations from clients and staff, including fears that use of a work incentive measure will be met with negative or discriminatory responses from employers, fears that some employers exploit work incentive measures, and difficulties in obtaining allowed expenses from employers.”⁹

“In terms of what might help people work, clients wanted work that was not too heavy or stressful. In addition, a flexible job was identified as important, as was knowledge of the job before starting and being able to return to the original benefit if the job did not work out”.

⁷ <http://www.dwp.gov.uk/asd/index.htm>

⁸ Incentives paid to Job Brokers (i) when a client registers for NDDP; (ii) when the client starts work; and (iii) when the client has been in work for 26 weeks

⁹ Incentives paid to employers who employ NDDP clients

The Social Security Agency's literature makes it clear that NDDP is voluntary. It would seem that this is a sensible approach given the nature of the client group. However, in light of the move towards compulsion as regards New Deal for Lone Parents, we would state that NDDP must remain a voluntary scheme. We would also underline that the client should always be in control and be enabled to come out of NDDP if they so desire at any stage up to and including taking up paid employment.

It is apparent that many of the claimants in receipt of a qualifying benefit have received the NDDP mailshot letter. Whilst this is necessary in order to publicise the existence of NDDP, there will no doubt be claimants for whom receipt of such a letter may cause some upset or concern. Therefore it is very important that such letters are clearly laid out, emphasising that the initiative is completely voluntary and that the claimant need not take any further action if they do not wish to do so. We also learn that the following groups of claimants are excluded from the scans to identify potential participants:

- * Terminally ill or potentially terminally ill;
- * In receipt of war pension with an unemployability supplement;
- * In receipt of Industrial Injuries Disablement Benefit;
- * Under 18 or over 60 years old;
- * In hospital;
- * In residential care;
- * IS customers in receipt of a Disability Premium in respect of a partner or dependant only;
- * Living in a ONE Pilot area;
- * Customers abroad;
- * Asylum Seekers;
- * Customers whose claims are dealt with clerically (E.G. those with no fixed address); and
- * customers in receipt of Housing Benefit, War Pension or Industrial Injuries Disablement Benefit only and those in receipt of Income Support pending an appeal against disallowance of Incapacity Benefit.

This does not prevent Personal Advisers or Job Brokers from marketing their services to people in these client groups.

An important issue to arise from research is the impact of participation on NDDP on benefits. Whilst the literature states that "participation in NDDP does not in itself affect a customer's entitlement to benefit" AIAC has learned that both the Job Broker Service and Personal Adviser Service must notify the relevant Benefit Branch at the start of a claimant's participation on NDDP, to confirm receipt of a qualifying benefit. Progress through the Service and any move into employment will also be notified to the relevant Benefits Branch.

Whilst this may not “directly” affect benefit entitlement, it does create the impression that involvement in NDDP will be made known to decision-makers and therefore may prompt a review of entitlement. AIAC has long highlighted the fact that information relating to the failure of a Personal Capability Assessment for Incapacity Benefit is passed to Disability Living Allowance Branch which could prompt a review of any DLA award. The NDDP transfer of information may turn out to be a similar technique, used to the disadvantage of the claimant.

When a client does attempt to move into paid work, it is very important that procedures are in place for those clients who subsequently have to return to benefit. The Government’s research has shown that the ‘linking rule’¹⁰ which enables people to return to the same benefit if they become incapable of work again within a 52 week period was valued highly by NDDP clients.

“There was a general appreciation, and some people valued the arrangement highly. Knowing about the rule had influenced some decisions to take jobs ... The rule had been a strong influence for some clients who had taken jobs, but problems had been experienced in reclaiming benefits”.

This linking rule applies to benefits which have incapacity for work as a basis of entitlement, therefore it applies to the NDDP qualifying benefits **with the exception of Disability Living Allowance (DLA)**. DLA does not have incapacity for work as a condition of entitlement therefore any move into employment may or may not affect entitlement. It is clear that a move into employment may trigger a review of DLA and the decision-maker will take all the evidence into account when making a decision on the claim.

AIAC believes that from the outset, clients must be made fully aware of these issues – in particular as regards a return to their original benefits – before they make an informed decision to move into employment.

There will be a huge onus on the Personal Adviser Service and the Job Broker Service to “individually tailor” their services including: being able to communicate effectively with each client; an ability to accurately assess a client’s job readiness; providing training and support as required; providing holistic advice and information regarding the move from benefits into work; a full understanding of medical conditions and associated medication; working with employers to fully understand the roles and duties within various types of employment; ongoing support and assistance should the client move into employment; ensuring a smooth transition back to benefits where the employment option does not work out.

¹⁰ CPAG Welfare Benefits Handbook; Legislation: s30C(1)(c) SSCBA 1992

The Government's own research has highlighted:

“The role of frontline staff emerged as crucial in building trust as well as delivering training, managing the ‘pathway’ and providing individual support”.

Therefore training in all the above areas will be crucial if clients who participate on NDDP are to have a service which will meet their needs.

It appears that NDDP is aimed solely at securing paid employment of over 16 hours per week. However it must be recognised that many of the NDDP client group may be older people, long term benefit recipients, probably with a variety of health/numeracy/literacy problems, perhaps with few formal qualifications and a lack of work experience.

“Dealing with a client group of such diversity may require a service that is flexible in terms of investment of time, resources and expertise. By implication, a service focused only on securing paid employment might not be appropriate for all participants currently using the pilot service, as their immediate goals are not necessarily paid work, but may comprise voluntary or therapeutic work, or an increase in confidence or skills.”¹¹

This would seem to be a more appropriate aim for NDDP which would involve supporting clients in order to get them to the point where taking up employment might be an option.

AIAC and our membership will be monitoring the impact of NDDP on the target client group and we will ensure that any issues or difficulties are highlighted should they arise.

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¹¹ <http://www.dwp.gov.uk/asd/index.htm>, Evaluation of the NDDP Personal Adviser Service pilot

AIAC Mission Statement

AIAC is a voluntary organisation for the independent advice sector in Northern Ireland, representing and giving voice to its members aspirations to deliver effective and holistic, community or issue-based advice through the provision of services, support and development opportunities.

Values

As a membership organisation, our values are embedded in promoting the application of creative community development approaches to advice giving, which place people and communities at the centre of the process and involves them in finding solutions and making informed choices.

AIAC believes in

Quality advice which is delivered free.

Advice services which are impartial and non-judgemental and respect the individuals dignity.

Advice which is wholly confidential, and accountable to the public.

Independent advice, which is free from statutory or private control and is both non-party political and non-sectarian in nature.

Advice services which are aimed specifically towards overcoming social exclusion.

Offering people choice through the provision of flexible, accessible advice services.

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