

# Work and Pensions Committee

## Oral evidence: Disability employment gap, HC 189

Wednesday 19 May 2021

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Members present: Stephen Timms (Chair); Debbie Abrahams; Shaun Bailey; Siobhan Baillie; Steve McCabe; Nigel Mills; Selaine Saxby; Dr Ben Spencer; Chris Stephens; Sir Desmond Swayne.

Questions 202 - 281

### Witnesses

**I:** Justin Tomlinson MP, Minister of State (Minister for Disabled People, Health and Work), Department for Work and Pensions; Angus Gray, Director, Employers, Health and Inclusive Employment, DWP; and John Paul Marks, Director General for Work and Health Services, DWP.

Written evidence from witnesses:

Department for Work and Pensions

[\[DEG0171\]](#)



## Examination of witnesses

Witnesses: Justin Tomlinson MP, Angus Gray and John Paul Marks.

Q202 **Chair:** Welcome, everybody, to this meeting of the Work and Pensions Select Committee. I particularly welcome the Minister, Justin Tomlinson, and his team. Justin, could you briefly introduce yourself and the team to us for the record?

**Justin Tomlinson:** I am Justin Tomlinson. I am the Minister of State for disability, health and work.

**Angus Gray:** I am Angus Gray, one of the directors in DWP responsible for employers, health and inclusive employment. It also includes the joint work and health unit with DHSC.

**John Paul Marks:** Good morning, colleagues, John Paul Marks here. I am director-general for work and health services.

Q203 **Chair:** Thank you all very much for being with us. This is the last evidence session in our inquiry on the disability employment gap. I will start with the first question.

Minister, I have a question about the targets in this area. In the 2015 election campaign, David Cameron announced the target of halving the disability employment gap. After the election that target was dropped and then replaced in 2017 by the current target, 1 million more disabled people into work by 2027. In the inquiry a number of witnesses, the Centre for Social Justice and others, have argued that there should be a return to a relative target like the earlier one.

The National Audit Office says of the current target that it cannot be used to measure the success of the Government's efforts. Do you accept that criticism of the current target?

**Justin Tomlinson:** I know that is something that you used to raise often, as an individual MP, at DWP oral questions. The reality is that there is a range of measures that can look at trends—all have strengths; all have weaknesses. The stats that we use are internationally recognised through the ONS but they, within themselves, have challenges.

Specifically on the point around the target, the reason why we focused on an absolute number is because when I speak to individuals, particularly young disabled people, on visits—I can remember normal times when we could go and do those—I would always ask, "If you were the Minister, what would be the single thing you would do?" Nearly always they say, "I want to have the same work opportunities that my friends take for granted."

My personal preference has always been on the absolute number because that is what matters to those people who want an opportunity to unlock their potential. That said, we also still report on the disability employment gap, but to give you an example of where that has its limitations, we



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have closed the disability employment gap, and I am sure we will discuss that further. If we look over the last 12 months, having seen year on year significant increases in disability employment, there has been a very small decrease in disability employment over the last 12 months.

In absolute terms, which is my personal preference to be judged on, there are fewer disabled people in work, which is not a good thing. Yet the disability employment gap, based on yesterday's latest figures, has closed. In theory, I could be here taking credit for something when in absolute numbers it has gone the other way.

I am happy to be held to account on the disability employment gap, and it is an important part of the measure, but my personal preference has always been on the absolute figures.

**Q204 Chair:** In the National Audit Office criticism, it says that the target cannot be used to measure the success of the Government's efforts, because "Broader factors, such as more people...reporting a disability...have a significant effect on the measure". Is that not quite a serious difficulty in the current time?

**Justin Tomlinson:** The disability employment gap would also then use the same data. It applies but there are two strands to this. First of all, there is an increase in the prevalence that accounts for some of the increases in disability employment. We believe it is about a third. If it is because society's awareness and understanding has allowed more people to declare health conditions, have the confidence to declare health conditions, then that in itself is not a bad thing because that allows us to provide appropriate support if people are looking to get into work, or for employers to provide appropriate support to retain in work.

These are the figures that are internationally recognised. They are used not just by the Government but by outside organisations such as Scope. Again, I think if you use a range of measures you can then see those trends.

**Q205 Chair:** The then Secretary of State announced in 2019 a review of the target to set a more ambitious goal. What became of that exercise?

**Justin Tomlinson:** This is to build on the 2017 target of getting 1 million more disabled people into work by 2027. In the first three years we have reached 800,000. We have had Covid, which has stalled that figure. Once we reach that 1 million target we would then rightly set a new target. In the forthcoming health and disability Green Paper, part of the consultation that we will be carrying out is what the appropriate target is. It will go beyond what will be the 1 million. You have to reach your first target before you set your next one. Even with the unprecedented challenges of Covid, our ambitions to reach that target are no less determined than they were before.

**Q206 Chair:** What became of the exercise that Amber Rudd announced?



**Justin Tomlinson:** It was an announcement in a TV interview, so there was never any work that went with that.

Q207 **Chair:** Okay, but you are telling us there will be a new target?

**Justin Tomlinson:** Absolutely. This will be codesigned through the consultation that will go with the health and disability Green Paper, from disability groups and business adviser groups. It will be an ambitious target; it needs to be something that continues to focus minds.

Q208 **Chair:** Do you accept that the current target is not ambitious enough? If you look at the trajectory to get to it, it would be less than has been managed over the last few years.

**Justin Tomlinson:** There are 4.4 million disabled people in work. When we announced in 2017 that we would increase that by 1 million, that was unquestionably an ambitious target. The fact that we have done that—or are four fifths of the way there after three years—is something to celebrate. It is something we wish to complete and then we will look at a further ambitious target.

Q209 **Sir Desmond Swayne:** What assessment have you made of the quality and quantity of data that the Department holds on impaired groups in employment?

**Justin Tomlinson:** We have a whole section in the forthcoming national strategy for disabled people that will be looking at data. From my perspective as the Minister for disabled people, the more data there is, the better it is for me in terms of looking at trends, looking at policy development. We do have a wealth of data that is officially collected. Because of our strong engagement, particularly with the disability and health charities with interest in this area, they will often produce very good, well-researched reports and we will then take that data and include that in our considerations going forward.

There is a challenge and it is a tightrope because the best way to gather data would be if somebody was going into a jobcentre to sign up for universal credit, the work coach could gather more information than it does at the moment. That would become your management information where I could get that real-time data that I want. But the primary aim of a work coach in a Jobcentre is to build a relationship, build trust with the claimant, and if their initial conversations are a long exercise in data capture, that is not a personal experience. I want as much data as I can; work coaches with their wealth of experience would want that to be balanced. It is something we continue to review, but we welcome all of the different organisations that also contribute to the data that helps develop our policies. With both the health and disability Green Paper and the national strategy for disabled people, there will be opportunities for not only the health and disability charities and business, but those with real lived experiences to continue to shape our policy development going forward.



**Q210 Sir Desmond Swayne:** Some of those organisations have suggested to us that large firms should be required to report on the numbers and, indeed, the pay gap of the disabled people they employ. What do you think of that?

**Justin Tomlinson:** Yes, there are a number of groups who would or are pushing very hard around the principle of mandatory reporting. We have done that in other areas of Government work. I have two hats. Primarily, I am a DWP Minister responsible for disability employment and benefits, but I am also responsible for the disability unit within the equality hub within the Cabinet Office. There are many lessons to learn and we are actively exploring what we could do. Again, it is a balance.

There are advantages. Mandatory reporting clearly focuses minds. It clearly provides you with data that you can be held to account to, which can then drive positive behaviour. We also have to be mindful of unintended consequences. For example, mandatory disability reporting we would need to be careful of. I did a visit to Foxes Academy in Bridgwater, which is a wonderful organisation that supports young adults with learning disabilities to have independent lives and progress into work. It is a three-year programme. Half the time is around their independent living skills and experience, and the other half is around work skills, working in hotels, catering, front of house, cleaning. They ultimately go on to work in the local restaurants and care homes.

Those are predominantly entry-level jobs and, therefore, would be at the lower pay scale. They are not, with all the will in the world, going to be likely to be the chief executives of those companies. There is a danger that if you just did crude disability pay reporting, an organisation that was taking that extra step to be an inclusive employer, to give them opportunities, would then potentially be punished in the disability pay reporting because it would skew the numbers.

That does not mean we do not want to do it; it just means we have to tread very carefully. What we have done as part of our Disability Confident scheme is those on level 3, who we call the Disability Confident leaders, are as part of their requirement doing reporting, and that is allowing us to see how it is working. Is it driving positive outcomes? I want it to but I want to make sure that we do not have those unintended consequences. We will see more of this but it has to be done very carefully.

Finally on the Foxes Academy, to show you how important this is, typically if you have a learning disability your employment outcome is around 6%. At Foxes 80% go into employment, of which slightly more than half will be paid, so by either measure that is significantly better. I don't want to risk those sorts of opportunities that work not just for the individuals but also for those employers.

**Q211 Sir Desmond Swayne:** There was an agenda to add questions on autism to the ONS labour force survey. Do you know what has happened



with that?

**Justin Tomlinson:** Yes, that is coming through and we agree. Again, I would like to go further. It is a balance and that is why we constantly review it. We agreed around autism; that is being done. The more data you gather, the more it makes it less personal in those conversations, but we welcome it. That will be a positive development towards our future policies.

Q212 **Sir Desmond Swayne:** When you say you want to go further, is there a question of introducing questions pertinent to other distinct groups?

**Justin Tomlinson:** This will be explored both in the health and disability Green Paper and the national strategy. We want experts to share with us their opinions on what data would be helpful in this area. We cannot ask everything of everyone, but there are clearly areas where I think we could strengthen the data that we get.

Q213 **Sir Desmond Swayne:** Given the very different experiences of different impairment groups, is a disability employment gap as a total measure very useful at all?

**Justin Tomlinson:** It is as part of a menu of measures. As I said, all of the measures have strengths and weaknesses, but if you take a number of the measures together you can look at general trends. You certainly do have to drill down because there is a significant difference between the reported rate—for example, those with a mental health condition would be at 39%, and those with musculoskeletal condition would be at 49.6%. If you have five health conditions it is at 26.1%; if you have one health condition it is at 62.3%. For context, it is roughly 80% for those who are non-disabled.

One of the difficulties with the data is that there is a presumption sometimes that it is easy to gather data because everybody fits neatly into a box. That is not the case. First of all, people can have multiple health conditions and, secondly—and this is the bit that I referred to about the positives about awareness in society—if you look particularly at hidden impairments, mental health, the awareness of health conditions in society is becoming more prevalent, which allows people to have more confidence to declare them, which then comes through.

We will be developing our progress around data hand in hand with those experts and real lived experience, because as a Minister it is in my interests to have more data, but it is not that straightforward.

**John Paul Marks:** Minister, could I just add one point to that? As the Minister said about developing our services based on lived experience, this has been a key part of what we have been trying to do through Covid. As a couple of examples to give the Committee a bit of confidence that there is clearly more to do, using data, using customer insight and lived experience from our customers, we were able to put our employment support allowance service online and now 90% of customers



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can access it online. They can send their fit note online. We are testing and rolling out video assessments so that our services can be multichannel across ESA, PIP, and industrial injuries disability benefits. The same is true of personal independence payments.

We are trying to make sure our services are more accessible, easier to navigate online, over the phone, video relay service and face to face, of course, where our claimants need it.

On the point about autism, one of the things we found through the Saturday opening of our jobcentres was calm and quiet sessions with particular training for our frontline. We would like to go further with that, through autism accreditation in our health model offices this year, to learn how to do that effectively and consistently everywhere, absolutely using data insight and user research to inform our service development so that it works better for disabled people.

**Justin Tomlinson:** Just to add to what JP said there, where the data has driven those changes, for example in the jobcentres around autism, we then worked with the leading health and disability autism charities to develop the toolkit training and guidance for our work coaches. They appreciated that because it was relevant, real lived experience-shaped programmes.

To emphasise this point about management reporting, 168 of our Disability Confident leaders have already used the voluntary reporting framework. If it can demonstrate positive outcomes—and I have explained the potential unintended consequences—we will then look to go further, initially through the Disability Confident scheme, and then continue to feed into the health and disability Green Paper, the national strategy and our conclusions on “Health is everyone’s business”.

Q214 **Dr Spencer:** I have a quick question on data collection. We have had some suggestions on collecting data to focus on symptom or symptom groups, as opposed to diagnoses, in trying to understand that better. What are your thoughts on that approach?

**Angus Gray:** On the pure data side, we rely on the ONS labour force survey, so there are sample size limitations to how detailed the breakdown can be, because it is a sample-based methodology survey. But, as the Minister said, we are always keen to have conversations with them and with stakeholders about whether it can be improved. I think there will always be a limit to the specificity you can get to. I suppose there is a more general point about what the individual will most likely identify with and, therefore, answer. I do not have a view on that, but I guess that would be one of the questions you would ask: is that more likely to be easier for them to identify with, symptom-based things or diagnoses?

**Justin Tomlinson:** We are always receptive to actively exploring further opportunities to have richer data.



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**Angus Gray:** The only other thing I would add, partly going back to previous points, is that the data issues for how we take decisions in the Department are not just driven by those headlines, as you say, the disability employment gap things. When we are spending large amounts of money on employment programmes, there is a more granular level of detail as to who it is that is going on those programmes, both in terms of published data but then with the in-depth evaluation we always do as well. We try to get a real sense of whether those things are working and who they work best for.

Q215 **Dr Spencer:** From a logic perspective, it is not the diagnosis that leads to the impairment; it is the symptoms. That just seems like a way of cutting through all that, because obviously people's diagnoses will affect them all differently.

**Justin Tomlinson:** Yes.

**Chair:** The point JP raised about assessments we will come back to a bit later on in the session.

Q216 **Selaine Saxby:** What assessment have you made of the impact of the pandemic on disabled people's employment levels?

**Justin Tomlinson:** First of all, we have had a number of years of very strong increases in disability employment. That was the 800,000 within three years. The latest figures from the ONS yesterday still need to be finalised on the absolute numbers. There was not an increase; there is probably going to be a very small decrease. That is not a good impact but, as I alluded to earlier, the disability employment gap has narrowed. In theory, that is a good thing. It suggests there wasn't, on employment grounds, a disproportionate impact on disabled people but, like the rest of the economy, it has taken a hit. What we need to do is to continue to do everything we can so as the economy recovers there remains the same return back to strong growth in numbers of disabled people going to work.

That aside, there are learnings that we have taken from the unprecedented challenges of Covid. First of all, we had to review how we provided our support. Access to Work pre-Covid was predicated on you being in a traditional workplace and one fixed location. Because of Covid and people working at home, we allowed applications for financial support within the home place and multiple workplaces. We will keep that and that is now opening up new opportunities for people who previously may not have been able to consider work opportunities that were predicated on a traditional workplace.

We have had to do a lot more remote working through our jobcentres using different technology and we think most of that will remain part of the mix as we return to normality. That then gives us further opportunities to help people as we once again start seeing increases in the number of disabled people going into work.



Q217 **Selaine Saxby:** We have heard evidence that unemployment caused by the pandemic may result in disabled people going to the back of the queue for jobs. How are you going to ensure that disabled people are not left behind? Anecdotally, from my own constituency, I was advised on Friday that we have 1,500 waiting for a work capability assessment. They have not even got into the queue yet; they have not even been assessed. What is going to be done to tackle those issues?

**Justin Tomlinson:** A lot of my initial stakeholder engagement at the beginning of the Covid challenge focused on the potential disproportionate impact on disability employment. Thankfully, according to the ONS stats, that does not look to have been the case. It is that narrowing of the gap.

I don't want that to seem to be an overly good thing because the absolute number will have modestly decreased. What we have to look at, first of all, with the work capability assessments, is that understandably during Covid we had challenges on our capacity because our health professionals who were carrying out the assessments were seconded in big numbers to the NHS in order to support the Covid response, test and trace, and the vaccine roll-out. What we did was prioritise those cases where they were likely to be limited capability for work, so those that would then access additional support. The conversations continue to happen, so it is not that people are in the system and just ignored until we get through that assessment.

We then rolled forward the telephone and video assessments. We are very encouraged by how they have been received by claimants and we will be exploring further in the Green Paper how they can become a permanent part of the mix of assessment options. Certainly, they will continue as we return to normality.

Q218 **Selaine Saxby:** The permanent secretary previously told us that the Department was looking into how it could record and measure how many participants in the Kickstart scheme are disabled. How is that work progressing?

**Justin Tomlinson:** The Kickstart scheme was part of the Government's £30 billion plan for jobs. All of our additional layers of support options available for people who are looking for work are fully inclusive, so if you meet the general criteria, even if you have a disability and health condition, then you can access those schemes. In addition, you will be supported with the Government's Access to Work scheme, which provides financial assistance or advice that goes beyond what an employer would expect to do as reasonable adjustments.

We will get data on those with disabilities and health conditions who have participated in Kickstart, but it comes as the scheme will have been evaluated rather than real-life data, which we talked about earlier. From my perspective, I would be very interested to have that data today. I will not get that until further down the line. The work coaches would say, "I



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want to build trust, I want to build a relationship with the person I talk to, I don't want to have to conduct a very long survey." There is that fine balance of what is helpful for me as a Minister, who is impatient to know all of the data as quickly as possible—a legacy of me doing A-level maths, I think—and the work coach, with vast experience of dealing with people, wanting to have a personalised, normal conversation, not a deep-dive statistical survey.

**Q219 Chair:** Just to pick up on that point, I do not quite understand the distinction you are drawing. Will the Department record whether the Kickstart participants are disabled people and, if so, isn't it going to be possible reasonably quickly—

**Justin Tomlinson:** My understanding—JP or Angus can correct me if I am wrong—is that you can have two types of data. We can have what is called management information, where we would ask everything we need at the beginning so we have it, or you get the information based on an evaluation of a scheme further down the line, where you will take a sample, you will ask those questions and then that will become the data that you use. The difference is that it is not 100% of people and, secondly, it is further down.

For me, it is helpful to have it earlier, but I absolutely accept—because I have to go on visits to jobcentres and talk to work coaches—that they do not want to spend a long time in that initial conversation. Remember that a lot of people going into a jobcentre for the first time will be anxious. One of the most important roles of a work coach is to build a positive relationship, build trust, and that is not helped if you are asking a series of what are non-personal questions. It is about that balance again.

**Q220 Chair:** Does that mean that you will not be recording whether Kickstart participants are disabled?

**Justin Tomlinson:** My understanding is that we don't at the point they sign up, but we will get an overview. I can see JP is about to be definitive.

**John Paul Marks:** I will just build on what you have been saying, Minister. As the Committee knows, we have a long history of evaluating our employment programmes, whether it was the Work programme back in the day or now Kickstart and Restart. Our policy colleagues with our analysts will work through the precise criteria whereby we draw a sample, we identify the characteristics of that sample and then we track the outcomes over time and try to compare it with the control to discern return on investment. It is not something that happens overnight because it depends on the employment outcome of those claimants after the programme as well. It is a long-term activity and as part of that the intent is to make sure we are capturing the experiences of a range of participants, including disabled participants.



As the Minister says—and this has been a feature of the way in which universal credit works, partly because of the declaration that the claimant makes and the fact that circumstances change regularly—those markers are not captured at the new claim stage for all claimants and reported publicly in real time, as management information might be. It is done formally through evaluation and then will be published in the future. That will include characteristics, including disabled people.

**Justin Tomlinson:** JP has highlighted something important there about how circumstances can change. Somebody may initially present with no health conditions or disabilities that they were aware of and as the work coach builds up a relationship with them or as they work with the providers' additional health conditions or disabilities can become apparent. It is a moveable picture. To be clear, as the Kickstart programme progresses we will get data, we just do not have it on a day-to-day basis.

**Chair:** JP was pointing to the Work programme. With the Work programme you could see how disabled people were getting on as the programme developed. By the sound of it, we are not going to see that with Kickstart, which from our point of view is a bit disappointing. Steve McCabe has the next question.

Q221 **Steve McCabe:** I want to ask about Access to Work, Minister. We have heard that people find it very bureaucratic; they find it very difficult to make progress with a claim. It was highlighted by the public affairs manager of Mencap, who said it is brilliant when it works but making a claim is still very difficult. I understand it is still a paper-based process. I will not go through them all, but I am sure you are familiar with the report from Versus Arthritis, what the British Association for Supported Employment said, and what the head of policy for Disability Rights UK said. Do you accept these criticisms: that you have a really good scheme that people welcome but hardly anyone knows about it, it is really difficult to access it, it is utterly bureaucratic, and sometimes officials give the impression that people are asking for something they are not entitled to?

**Justin Tomlinson:** I accept the majority of what has just been said. First, the positives are that record numbers of people are benefiting from Access to Work—in the last published figures, it was 44,000 and £141.7 million. We provide up to £62,900 of financial support to employees where they need help that goes beyond what is considered reasonable adjustments for an employer.

It is fair to say that it is an analogue system in a digital world, and in all my stakeholder engagement, whether with employers or people who have benefited from the scheme, it is hard work. It was a paper-based system. Typically, the average journey time is 20 days, so that in itself creates a barrier, because if you have two equal people in a job interview, one would require Access to Work support but they would not be able to get a definitive decision for 20 days. While their employer



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might not openly say, "I might pick the one where I can be absolutely certain," it would be churlish to say that would not be a consideration.

I accept all those challenges, but in the context that we are delivering record numbers who are benefiting from the scheme. That is why Mencap said it is a brilliant scheme. In the recent spending review we were able to secure £5 million to do digital transformation that will make it a digital process, getting away from that paper base and bringing down that journey time. That work is being done as we speak. Some of it has already been done. We sped some of that up during Covid-19. Until Covid-19 you would still have to send in a wet signature by post and now that is online. The whole web service will be completely transformed this year. I have seen the first phases of that and it is very exciting.

We will go further than that to provide people with as much certainty in advance as possible. We have a number of pilots this year where we will create an Access to Work passport. They will be aimed at disabled students, students who are in special education, veterans, and a fourth category. We are telling them about the scheme in advance, clearing as much of the information gathering as possible so they can have as much certainty as possible as they go to interviews as to what sort of support they can get.

You can never give 100% because the type of support you might need may differ from one employer to another. Different employers have different physical buildings, access or support already in place. We are very excited with this and I want to thank the Ministers across Government who are supporting us with their respective cohorts of people to allow us to create these. If they work—and I would be very surprised if they did not—this will then be rolled out and become the norm for Access to Work, and that will significantly increase awareness.

**Q222 Steve McCabe:** It sounds like you accept some of the criticisms that people raise but you are optimistic that you can do something about the antiquated systems and the bureaucracy. Am I right that the Department describes it as a demand-led service?

**Justin Tomlinson:** Yes, absolutely. There is not a fixed budget, in the sense that until somebody has applied and we provided funding we do not know how much funding we will spend on it. There has not been a case where somebody does not get funding because the budget has been spent.

**Q223 Steve McCabe:** I ask because I want to understand this. I understand that it is funded through the DEL budget—the Departmental Expenditure Limits budget—which suggests it is a capped service rather than a demand-led service. Can you explain how it can be subject to the DEL budget but be demand-led?

**Justin Tomlinson:** I suspect from the accounting perspective, normally in the Government budgets you are given a set amount of money, but



this is demand-led, rightly, because it is a priority for this Government to make sure those who need additional help beyond reasonable adjustments do not have a barrier to working. That is why, despite it being a cumbersome system that hopefully is going to be completely transformed, it is described as brilliant by stakeholders because it has been transformational in providing opportunities.

One thing I am sometimes challenged on is the absolute numbers who use it. Bear in mind that the vast majority of people with disabilities and health conditions are able to thrive within the workplace with reasonable adjustments and would not ever need Access to Work. Some may only ever need Access to Work once or occasionally to buy a specialist piece of equipment that would then stay with them in the workplace. Then we have some who will always need Access to Work support and that is something this Government are very proud to provide.

**Q224 Steve McCabe:** Minister, can I ask about one other point? The reason why I was surprised to hear you dismiss the DEL budget issue as an accountancy issue is that a predecessor of yours, Mike Penning, who you will know well, told this Committee in 2014 that one option he was considering was to make a case to the Treasury for Access to Work to be managed from the larger annually managed expenditure budget so it could become demand-led. Is it possible to tell me what happened to that suggestion of Mr Penning, and how he was not persuaded this was just an accountancy issue?

**Justin Tomlinson:** I have no idea, because it is demand-led. I have been the Minister for disabled people for many years.

**Steve McCabe:** Maybe Mr Marks would know. I am just very curious, obviously.

**John Paul Marks:** I do not know about the consideration of Mr Penning in the past, but I can say, as the Minister says, that the Access to Work budget sits in my budget and it is absolutely demand-led; it is not capped. One reason it sits in DEL rather than annual managed expenditure is that it is a service as well as what might be perceived as a benefit, which would normally sit in the AME budget. It is a service provided by this Department, for which I have a team and an awareness campaign and, as the Minister said, a really exciting digital transformation, now funded to improve its timeliness and make it multi-channel, and I genuinely think you will see that this year.

It is quite possible that will drive its demand up and that will mean we spend more. The expenditure on it through Covid-19 was, as we said, a record high of £141 million, and that was an 8% increase on 2018-19. If that increase happens again post-Covid-19, as we come through this recovery, the money is in my budget to make that affordable.

**Q225 Steve McCabe:** There is absolutely no limit, apart from the limit that is imposed on what an individual can get during the course of a year, to the



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use of the Access to Work budget?

**Justin Tomlinson:** That is right.

**John Paul Marks:** On the eligibility rules and what we agree with Treasury and the spending review, the multi-year budgets, that is absolutely right. It is demand-led.

**Angus Gray:** I want to make the probably obvious point that because it sits within a much larger budget, JP's budget is big and the Department's is even bigger. It was £5 billion or £6 billion and I think this year it is more like £9 billion or £10 billion in total in DWP because of the Covid-9 response and, therefore, there are not many Treasury ring fences within that total budget, although there are some.

**Steve McCabe:** It is obviously tempting for someone like me to take into consideration the evidence that a Minister, or in this case a former Minister, gives to this Committee, which is inevitably why I raised it.

Q226 **Chair:** Is the Access to Work budget sometimes overspent?

**Justin Tomlinson:** No, because there is not a set amount. It is, as it says, demand-led. We anticipate that each year we have had record numbers for as long as I have been the Minister year on year, so it does not come as a surprise. Last year it was an 8% increase, so it is not from the Treasury's perspective a big surprise. If there was a 4,000% increase in 12 months, we might then start having to look at it.

Q227 **Chair:** If it is in DEL, there is a budget for it, so I wonder whether sometimes it is overspent.

**Angus Gray:** Sort of, so you make an assumption at the beginning of the year about how much it might cost and then, as JP said, it went up by 8% in that year. That is probably more than we assumed so it is overspent in that sense, but you manage it in year so at the end of the year JP is not declaring an overspend, because we have managed it in year as we watch the volumes.

Q228 **Chair:** It would be useful to know the history of the budget in the last few years and how much was spent each year.

**Justin Tomlinson:** I think we have anticipated growth in those figures before. Is that right, JP?

**John Paul Marks:** That is right. When we put the cap up, we assume an increase in the forecast. When we do the campaigns, we hope to see increased take-up. We have seen that recently. Record numbers of people with learning disabilities receiving a payment from Access to Work is up 14% compared to 2018-19. We saw an increase in numbers of young people accessing Access to Work of 18%, so we can see what is happening to the demand. I review my budget every month with my finance team. My overall budget is over £2 billion and the Access to Work is a forecast line within that budget and I can see the demand changing



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over time and then make financial adjustments to make my overall budget affordable.

To reinforce again, nothing makes me happier than seeing Access to Work take-up go up and improve work for disabled people. We are absolutely determined to do all we can to improve its awareness and access to it and I think the digital transformation this year will be a genuine game-changer for that.

**Justin Tomlinson:** In another area of development, I have had a lot of feedback from employers. The vast majority of people who have a disability or health condition will get that during their working age rather than being necessarily born with it. As your workplace changes, increasing numbers of employers have to have conversations about reasonable adjustments. One of the asks we have had from employer stakeholders is more information on how to make those reasonable adjustments. As part of the digital transformation of Access to Work, we want to provide more information and signposting for how they can do that—on what products you can buy and so on. Those will not cost us money but it is a big ask of employers and we will look to develop that.

Q229 **Chair:** We will explore that area later on in the session, but could you let us know if sometimes it has been overspent on the budget that was set at the beginning of the year? That would be interesting.

**Justin Tomlinson:** Okay.

Q230 **Nigel Mills:** Can I ask you to set out how successful you think the Disability Confident scheme is?

**Justin Tomlinson:** The Disability Confident scheme is a voluntary scheme for businesses to share best practice, benefit from talking peer to peer, and for us to signpost and send information to encourage them to recruit, retain and develop disabled employees. As it stands, we have just passed a record high of 20,000 businesses who have signed up, equating to 11.2 million employees in the UK who would be working for an employer that is now Disability Confident. That will range from large businesses, medium and small businesses and quite a lot of MPs who are also employers with their respective offices.

Q231 **Nigel Mills:** That did not tell me how successful you think the scheme is. I presume you want the scheme to encourage more employers to take on disabled people. Are you happy you have enough employers signed up and are you happy that they are changing their behaviour to employ more disabled people and treat those they have employed more fairly?

**Justin Tomlinson:** I am proud that we have record numbers but I am ambitious for more. We want to keep signing up more businesses, particularly the small and medium-size employers. We know from the surveys of Disability Confident employers that they are more likely to recruit disabled people, but it is more than that; it is about sharing best



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practice, and particularly not just about recruiting but retaining disabled people.

The majority of focus is always on the recruitment side, but we also have 300,000 people a year who drop out of work because of disabilities or health conditions. In many cases, particularly with small and medium-sized employers, they do not have personnel or HR departments. They do not necessarily have the skillset or confidence to know how to adapt to changing health conditions within the workplace.

One thing that the Disability Confident scheme does so well is that peer-to-peer advice and sharing better practice. Taking Covid-19 as an example, working conditions significantly changed, as we all know, during Covid-19. It is one thing for me as a Minister to suggest what should be done, but it is arguably more powerful when fellow businesses say to other businesses, "This is what we have done." I am very grateful to Microsoft, for example, which has sponsored a series of very popular webinars that were shared through the Disability Confident scheme, and which had great engagement from businesses of all sizes, helping them adapt to these unprecedented challenges.

We want more. We are proud that we passed that 20,000, which was a significant landmark for us, but we want to go further, and in the forthcoming health and disability Green Paper we will look at what more can be done. Today I have written to the top 100 Disability Confident employers to ask them to personally encourage their supply chain and their business customers to help them lead the recruitment of those small and medium-sized businesses that we think will benefit most from the sharing of best practice.

**Q232 Nigel Mills:** How many new disabled employees do the businesses who have signed up to the Disability Confident scheme have? How many have they taken on since they signed up?

**Justin Tomlinson:** We do not have a definitive number but we have done surveys and half said they have taken on at least one person who has a disability. That increases to 66% among the largest firms.

There are three strands to the work we do. One is recruitment, where we look at those absolute figures and the disability employment gap. The second part is retaining people, so addressing the challenges of those 300,000 who drop out of work because of a disability or health condition. Another area that is often overlooked is career progression. It is one thing to get somebody into the workplace, but we also want them to be able to enjoy the same career opportunities and development that others would take for granted.

**Q233 Nigel Mills:** Were you keen to be able to gather the data to work out whether employers signing up to this very worthy scheme do change their behaviour and encourage them to employ more disabled people, or is it just a tick box thing so they can get the accreditation and not have



to do anything?

**Justin Tomlinson:** I challenge the last bit. If you were a level 1 Disability Confident member, then you are, in effect, joining up to receive the best practice. You have to make a commitment to be inclusive in your recruitment process, but as you progress to level 2 or level 3—and we wish to encourage more employers to get to those stages—there are greater requirements on you, including at level 3 the quality reporting framework, which we discussed earlier, around us piloting how far we can go on mandatory reporting.

There are increasing requirements the further up the Disability Confident scheme you go, but we want as many businesses as possible of all sizes to sign up, because sharing best practice, having the opportunity to be signposted to organisations and support that can help you, either with your recruitment, your retention or developing your diverse workforce, can only be seen as a good thing.

Do I want more data on it? We will explore that in the health and disability Green Paper, working with our health and disability stakeholders and employers to see what further insight we can reasonably gather from our Disability Confident members.

Q234 **Nigel Mills:** Do you ever take the status off any employers who are found not to be behaving particularly well, or is there no quality control?

**Justin Tomlinson:** There are renewals, so they would have to reconfirm those commitments, particularly at a higher level. For example, if you were at level 3 and you are not doing the voluntary reporting, at the renewal stage you would not be allowed to continue as a level 3, so that is checked. We continue to review, adapt and develop the requirements on level 2 and level 3 Disability Confident people. We will be exploring that with the health and disability Green Paper and with our business leaders advisory group, so it is business-led as well, which is very important.

Q235 **Dr Spencer:** On this topic, we have heard lots of evidence from people in our inquiry that they see the scheme, because it is a self-disclosure, self-accreditation scheme, the employers signing up, ticking all the boxes and then advertising the fact that they are Disability Confident, that they are getting commercial benefit from it but nevertheless not delivering on the priorities of Disability Confident. Do you think there is a role for a robust external accreditation programme for companies that put themselves out to be Disability Confident?

**Justin Tomlinson:** We expect employers to undertake a series of significant activities that would, therefore, benefit people with disabilities or health conditions. We are increasingly being robust in that area at the higher tiers, working with the business leaders advisory group, and as we talk to stakeholders during the health and disability Green Paper we will explore what more needs to be done on that.



It is a balance because I do not want to drive away businesses that are building the confidence to take that first step. One thing that often is said to me by employers who are considering or knowingly becoming a more inclusive employer is that they fear, wrongly, that they would have to know all the answers themselves. There is a wealth of support out there, either from organisations that we fund, or local or national charities, which can help employers have the confidence and skillsets to make often very reasonable small changes to become a more inclusive employer.

We do not want to make it too difficult for people to sign up to share best practice and be encouraged by their fellow business colleagues. At those higher levels, where the real prestige is, we will have to make sure people are following the actions we expect of them, as we have done on the voluntary framework reporting.

**Q236 Siobhan Bailie:** Touching on what you just said, Minister, about employers being able to find out sufficient information to assist them to become disability aware and recruit, the RNID, a national hearing loss charity, recommended there be a one-stop-shop website run by the Government, based on an Australian model, that would be a place where employers could trust the information and be able to gain confidence from there. I have seen as well the MS Society and others support this. I would be interested to know your views on that idea and why it has not happened to date and also to expand a bit on what you said about the Government already funding organisations to provide this information.

**Justin Tomlinson:** I could not agree more, because if we look at the Health and Safety Executive as a good example, there are two parts to their role: health and safety. On the safety perspective, we are internationally recognised, so world leading. When I was briefly responsible for the HSE I was pleasantly surprised to discover how many international companies and countries pay a lot of money to get our advice and expertise and the huge amount of business engagement that HSE gets through its website and its various different trade and business shows.

If we cast our minds back to 20 years ago, HSE was often a comedian's joke about enforcement, and they switched the way they work to be proactive in providing the information that they knew businesses would benefit from. The reality is that businesses do not wake up in the morning thinking they want to make life harder for their employees, because it is in their interests to do the right things, but they do not necessarily, as a given, have either the confidence or the skillset, particularly with changing health conditions within the workplace.

We absolutely recognise that and we want to have that central point of information. The information exists but you would have to do a lot of searching to pull it all together from the different sources. We see the home being in the Health and Safety Executive so we want to beef up the information on the health side through the HSE portal and then through schemes such as Access to Work, where people may think they may have



to go beyond reasonable adjustments but will be able to see where they can either purchase the equipment or what other conversations they need to have. This is incredibly important work, particularly if we are to tackle the 300,000 people who drop out of work.

One other bit to go further, we have been piloting and I want to explore in the health and disability Green Paper the potential to provide professional support within the workplace for the first time. We have done some small pilots that have just concluded but we do not have conclusions yet. That is on the premise that if you are at risk of dropping out of work—so if you have perhaps triggered a series of fit notes—in theory the system is aware you are at risk of dropping out of work. We know that 300,000 people a year do. We, the system, the jobcentre, the taxpayer, will spend quite a lot of money helping you the moment you crash out of work and arrive at the jobcentre.

We have to staff jobcentres, we have to provide health and work programmes, and for that individual, not only do they have to navigate their changing health condition, but they have had their confidence shattered. To me, why do we not bring forward some of that support into the workplace?

One thing we did was a pilot in Sheffield. Working to Win was the organisation that provided it—a housing association predominantly, but it conducted this. It was aimed at small and medium-sized employers that do not have a personnel and HR department. They would have a conversation with the employee who was deemed at risk. They would have a conversation with the employer who would say, “I am aware but it may be awkward to have that conversation” or, “I do not have the skill set,” and bring them together to bring up a plan to keep that person. This is something I am very passionate about. I need to get the absolute conclusions. I have done a virtual visit and it was very positive, but generally on visits you will see the good cases, so we must have definitive stuff.

We will explore that in the health and disability Green Paper, but having a centralised, easy-to-access hub in a nice, orderly manner, and exploring the way to provide professional support in the workplace for small and potentially medium-sized employers are two massive future opportunities that I want to drive forward.

**Q237 Siobhan Baillie:** That is great to hear, Minister. What sort of timeline is there? When would employers see this? I imagine quite a lot of employers would think this is a good idea, too. When can they expect to see a central hub of information, whether it is with the HSE or otherwise?

**Angus Gray:** One of my teams is deep in digital work at the moment. There is some prototyping where we are testing particular formats of how to present the information with employers. You are completely right that there is a demand out there, but the detail on what it looks like is a bit trickier. You have the problem of there being, from my perspective, two



related objectives. One is that I want to win a hearts and minds campaign with people who are not yet bought in, so what information might help employers understand there is a set of issues here that they should engage with? There is that set of things that requires a certain treatment with certain types of information provided.

Then there is a different set of things around, "I have Joan and she is suffering from X and she has been off work for three months. What do I do?" There is some practical support in working out the best digital offering that helps employers in any set of circumstances navigate to the right information quickly. It should be easier but it is really not, so we are asking the users.

**Justin Tomlinson:** It is happening now, subject to creating that centralised information hub. My idea around in-work support has just completed the pilot and then, presuming that pilot is as successful as it appears to have been from the visit, we would look to progress that going forward. As part of the health and disability Green Paper, we will continue to ask questions of those with real lived experiences and employers what further gaps there are that we could look to address.

It is incredibly important that we tackle this issue of 300,000 people who drop out of work because it is hard enough to navigate the changes in your own health conditions without also the loss of confidence that comes with losing your job. One in five people in this country have a disability or health condition and the vast majority will get that during their working age, so it is a given that in the workplace people's health conditions will change.

All of us as MPs are employers and I am sure we have had conversations with members of our own staff where their health conditions have changed. It is important that we stand side by side with employers to provide them with the support, guidance and signposting to make sure they are not alone in dealing with changing health conditions that we now have a greater awareness of.

Q238 **Siobhan Baillie:** We have also heard evidence about the requirement to provide reasonable adjustments not being enforced. What role does the Department play in ensuring there is compliance with those legal responsibilities? Do you think the Equality Act or the legislation and situation needs to be strengthened?

**Justin Tomlinson:** Obviously, the reasonable adjustments are underpinned by the Equality Act. That always has to be reviewed, particularly with changing work circumstances. We saw during Covid that obviously the expectations on employers changed. On the broader principle of whether we should be doing more to enforce that, part of it is around awareness, and again by providing more information that will help. We will be asking those questions in the health and disability Green Paper to see whether that is a challenge that needs to be taken on, but it is certainly something I am happy to look at.



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**Angus Gray:** There is a service for the individual at the moment called the equality advisory support service, which can intervene on behalf of an individual to help resolve an issue. My team is in active conversation with the Government Equalities Office and the EHRC about the enforcement: could we go further, what would that look like? Or is it, as you say, about better awareness?

**Justin Tomlinson:** That comes back to my point that we have had feedback from stakeholders for Access to Work that the employer does not think it is beyond reasonable adjustments and, therefore, does not need the financial assistance of Access to Work but also has never had to buy specialist equipment before or commission additional support. They want to do the right thing. They, like everybody, are busy and, therefore, the easier we can make it to signpost them to where they have to go, the easier it becomes.

Q239 **Chair:** On the employer hub, when do you envisage that becoming available?

**Angus Gray:** The way digital development works is it goes in stages. We are prototyping at the moment. I would expect to get approval to go into a version of a live service in the next two or three months. Whether it is national, that will be some way later this year. That is the plan; it builds.

**Justin Tomlinson:** Again, in the health and disability Green Paper we will be asking and checking what sort of information will be helpful.

Q240 **Chair:** If it is on an online hub, it would be national from the start, wouldn't it?

**Angus Gray:** It will be whether the team, based on the feedback so far from employers, feels safe to promote. You are right: the internet is the internet, but do you promote it, how do you use it, how are you testing it? You can make what I think is called a private beta, so you can have it as if it is live but only promoted to certain groups of employers to get further testing done.

Q241 **Nigel Mills:** Can I turn to employment support schemes and commissioning those? We heard evidence that having those commissioned locally may produce a better outcome than how they nationally commission schemes. Do you have any views on whether that would be a better model to adopt going forward?

**Justin Tomlinson:** I have a huge amount of sympathy for that point. First, as an absolute principle, one size does not fit all. The greater the personalisation and tailoring of the support for an individual, the more likely the outcomes will be positive. Nobody would disagree with that.

We all know as individual constituency MPs that within our respective constituencies there will be good examples of organisations that can be transformational and have a positive impact. Often those are driven by a small number of brilliant individuals with personal experience but they



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have no desire to expand beyond what they are providing; they have no ambition to be a regional provider or a national provider. There would always be the danger with a set national contract that they just simply would not be able to access it.

In theory, our network of the national providers—they are called “national providers” but they are broken into regions—do commission many of those services. I want to explore through the health and disability Green Paper—and we are doing pilots in this area—how we can make sure that those best practice ones are encouraged to be part of the menu.

The way you could do that is you could set a target for those national regional providers to say X% must be through locally commissioned services. It is not that straightforward. In the Chair’s constituency he has many good local organisations, but perhaps in another constituency there are fewer. You need to have a bit of flexibility.

Or—I am keen on this one but we are going to have to explore this—set aside a proportion of our employment support funding for work coach local discretion. You empower the partnership managers in the jobcentres to know about all of these organisations and then, in turn, empower the work coaches to have that discretion to commission those local services. Work coaches, when I have done my jobcentre visits, all think this is a wonderful idea—I get extra cups of tea when I have suggested this.

I will give you a good example. I have a charity café in my constituency called the Olive Tree Café. For political purposes, it has had three Disability Ministers and a former Labour leader visit it, so it covers all the political bases. It does a wonderful job in helping those with a mental health condition build confidence and they can get formal qualifications in catering and things, which then leads to job outcomes. They are a self-contained charity. They are a social enterprise. I have eaten enough breakfasts there to help contribute towards their activities.

In theory, they could offer more opportunities, but for every six people they would offer an opportunity for they would need a full-time employee to supervise them, which comes at a cost. In my utopian world the work coaches in that jobcentre would have a flexible pot that would allow them to say, “For these six individuals, rather than the broader health and work programme options, for their individual specific circumstances, that is the best opportunity for them.” This will be a key part of the discussion in the health and disability Green Paper, but I personally am very receptive to it. I know JP also shares some of that.

**Q242 Nigel Mills:** I suppose I was asking a slightly different question but it is helpful information. Are you tempted by the idea that maybe you could devolve commissioning this support down to local mayors or local councils rather than having a DWP England-wide commission scheme?

**Justin Tomlinson:** We already do: London, Greater Manchester and others. We are keen on that and we have done it. So far there have not



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been better results but there could be other reasons for that. We have not changed our view that we think that has big potential but there clearly still needs to be more work on how we can maximise that. As a principle, we support it and already are doing that.

**Q243 Nigel Mills:** Do you think that can only be devolved to directly elected Mayors of relatively large areas, or do you think in theory it could be devolved to a material authority so you could get the whole country covered rather than just the areas that happen to have a Mayor?

**Justin Tomlinson:** You can do anything you like but it has to be evidence driven. We believe that the principle of that is worth exploring, which is why initially we have gone to the directly elected Mayors, because they have the system set up. What could potentially happen, however you break this up, is that they could commission the regional providers to do the broader provision, because not everybody presents themselves in a neat box of either a single condition or a single challenge and a single opportunity. You need to have a deep enough base that they have enough expertise as an organisation to help them in different parts of the journey.

There are clearly, in some cases, some people who would fit into a neat box. In my example with the Olive Tree Café, if it was solely around somebody looking to get a job in hospitality who had mental health, mental wellbeing or confidence things and wanted a qualification, then for that what could be a relatively small cohort of people we should make that accessible and empower work coaches to do that. But your idea of devolving further than those, if the evidence is there, that could be a further direction that we go in.

**Angus Gray:** I just want to add that there is a particular angle of some things we have been testing, which a lot of the evidence proves is transformative, where local integration of services matters. We have been testing a model where for people with drug and alcohol addiction the employment support is embedded within the treatment service, for example, and that has real power because the individual has chosen to engage with the treatment service and then gets employment support there.

We have done a similar thing in the NHS's Talking Therapies services, which are called IAPT, and in 40% of the country we have employment advisers embedded in those services. If you are getting your mental health support you also have access to employment support. The working model in Sheffield, with a similar one in the West Midlands, is integrating health support with employment support. Almost the point of the model is that there is real power of local integration.

It is not necessarily the same as devolution because you might have a model that works so you are saying to areas, "Please deliver this." But it only works if it is locally designed in the detail and commissioned so that everything fits neatly together at local level.



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Q244 **Chair:** You said that the devolved examples you have given have not yet produced better results. Is that data that you could send to the Committee so we can have a look at how that is going on?

**Angus Gray:** It is the Work and Health Programme that is delivered by Manchester and London. I suspect we have already published but we will check.

**Justin Tomlinson:** There can be a wide variety of reasons, so we are not dismissing them, we want to carry on exploring this, but we are very happy to.

**John Paul Marks:** On the Minister's point on national frameworks for local delivering and empowerment of local communities and our local teams to deliver according to need, this is something that we think is a route to high-performing delivery. You have heard us talk about the flexible support funds before where we have scaled that up, we have put it in the hands of our local leaders and then they commission services. For example, we have projects at the moment supporting customers with Asperger's, autism, ADHD, dyslexia—the point being it is tailored, working often with the voluntary sector in communities and local government.

As Angus said, there is the chance to integrate more with health systems, where we can put work coaches, for example, into GP surgeries. You go and get your prescription and you potentially leave with a job. Having visited that a lot, I know it is very popular with the GPs, it is popular with work coaches and it is obviously great for the claimant as well. They are in a health environment, but employment is one of the good positive interventions to support people in public health.

We are very keen on this integration with the health system, empowering our local teams with the enablers they need to tailor support to meet need.

**Justin Tomlinson:** Interestingly, and perhaps surprisingly, the national/regional suppliers—and they include people like Seetec Pluss, Shaw Trust, Remploy, those social enterprises—are not adverse to this. It is not a case of national versus local. They work collaboratively with us to learn lessons, to look at how to strike that balance so that they can co-ordinate the broader expertise, but finding those smaller examples of best practice that may only help relatively small numbers but, for those people, provide transformational opportunities is part of the mix.

Q245 **Dr Spencer:** I would like to build on some of the questions that Siobhan asked you regarding in-work support and the answers that you gave on Working Win and around the role of individual placement and support, place in train or in work support models.

We have had a whole host of evidence on this. We have had Mind tell us that this works and it is fantastic. We have had the Centre for Social Justice saying it works and is fantastic. We have had the Royal College of



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Psychiatrists saying it works and is fantastic—there are 27 RCTs on it. We have had people in our engagement event say, “It has worked for me, it is fantastic.” It has gained support from the Richmond Fellowship; one of their units is based out of my constituency. If that evidence was not enough, when I was a trainee mental health doctor I have had lecturers saying it works, it is fantastic. Why is more data needed in terms of evaluating it and why has this not been brought in before?

**Angus Gray:** You are absolutely right. There is a massive body of international evidence that IPS works, but it works for people with severe mental illness and that is why you will have no doubt been lectured on it in your previous role. What we are testing is: does the same model work for people with more moderate mental illness and with physical conditions? The international evidence is about, because as you say it is a place in train, place in support-type model so it works with the evidence. International evidence is about people out of work, whereas we are also testing whether the similar kind of fidelity principles apply for people in work.

We do it on a reasonably large scale already for severe mental illness through the NHS, but what we are testing is wider groups to try to get the same level of evidence that it works for them, too. But I am hopeful.

**Justin Tomlinson:** We are rolling out IAPT services nationwide and because of the wealth of evidence of the pilots that it has worked we are scaling that up significantly.

Q246 **Dr Spencer:** Is this something that you are hoping to have in the disability Green Paper going forward or the national disability strategy?

**Justin Tomlinson:** We are committed to providing more of that support anyway. The point that Angus was making is how far is that support helpful and that will then shape how we go forward. The health and disability Green Paper will look at the menu of support that is needed but this a key area.

Q247 **Dr Spencer:** Will you have the data analysed in time to feed into that or do you think the analysis of the trials will come afterwards?

**Angus Gray:** The key thing we need is the impact evaluation, which is due later this year. The team has a slightly tricky job of convincing Treasury that this is worth the investment, but with the promise of the actual data probably two months after the spending review outcome is finalised. They know how potentially strong the evidence is so they have been open to a conditional settlement in the spending review saying, “Yes, we understand we should make provision for this but only if the impact evaluation backs up the return on investment.”

**Justin Tomlinson:** There is another thing that we will explore in the Green Paper specifically around mental health support. I visited over the years many very good pilots and the challenge back from those pilots to me is, “We simply are not getting enough people referred to us.” One of



the things we want to have a look at through the PIP disability benefit—if we identify that people have health conditions, we provide financial support, but that is it—if we are aware of additional support that is available in a geographical location, whether we could promote that through there, only as part of a voluntary, “By the way, these are extra things.” That will then make sure the pilots or the permanent additional support that is being provided has people benefiting from those services. That is something we want to explore, whether that is feasible and would logistically work.

**Q248 Dr Spencer:** My next question is on accessibility, particularly around Jobcentre Plus but also more generally. What assessment have you made of the barriers for people accessing Jobcentre Plus and other DWP services, and what are you doing to try to overcome it?

**Justin Tomlinson:** Specifically on the physical buildings?

**Dr Spencer:** No, on the people and services.

**Justin Tomlinson:** On the services, okay. JP and I will do this in part. We work very closely with our health and disability stakeholders around the accessibility of services and they help shape what we need to do. For example, we now have video relay service available right across all of our benefits. This has been a huge success and in my cross-Government role I am encouraging all Government Departments to adopt that principle. It is working for us and we are also encouraging private sector providers, whether that is utility bills or services and things, to also have those services.

You then have your hearing loop systems within the jobcentres. There are opportunities with the use of telephone and video technology to address some accessibility issues. We look at the comms that are used: are they easy-read, are they available in different formats? This is not done in isolation; this is done in co-ordination with people with real lived experiences who will not only flag issues as they come up but will then co-develop the solutions to those.

**John Paul Marks:** Precisely that point about co-development with our customers and our end users to improve our services. That is our agile development of our service that we are so committed to getting right. We recognise that there is more to do with these products. I talked about employment support allowance and sending your fit note and how we made that multichannel through Covid. We have talked about the development of personal independence payments, making it multichannel, including video for assessments. That is true for the work capability assessment as well.

The Minister referenced video relay service to enable British Sign Language interpretation for phone calls and, of course, making sure that our face-to-face services across our jobcentre network are accessible for our disabled customers, if they need to use them, although we can also



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do home visits and video roll-out for work coaching as well, where we are able to support customers and access them if they need to remain in their own home.

The only other couple of things I would add to it is—and we might come on to it—this point about tailoring of the claimant commitments to make sure that this builds from a point of no mandatory requirements for customers with disability. That was a response to a previous Select Committee view. Also investing more in our disability employment advisers, which I had good feedback on. That network is enriched to again have that constant dialogue locally in the community with our disabled customers and take that insight into training of all of our teams.

The final thing that Angus is referencing is putting our services more into the places where people are comfortable and want to interact with us. That might be a recovery clinic, it might be a GP surgery, it might be a youth hub in a college, in a university, and therefore this integration is a positive place to build confidence and trust with all our customers, but particularly those with disabilities and health conditions.

**Justin Tomlinson:** Can I add the training as well? For example, the autism toolkit for all of our work coaches was co-designed. We have done a huge amount around mental health training and awareness, again co-designed, and that is absolutely key. The work coaches are always very enthusiastic to engage on that because they understand that if they have the confidence and skillset, they are more likely to be able to build that positive relationship.

Q249 **Dr Spencer:** Thanks for going through that. I remember last summer, when you gave evidence to us, I was asking you about the drop-off in PIP applications that happened during Covid. Both of us were quite concerned about what that was and what was driving that. I was worried that maybe social advocacy and that drop-off could be one of the drivers behind this. Have you had a chance to evaluate what happened there and what the reasons were behind this?

**Justin Tomlinson:** We do not have definitive reasons but the numbers have returned. Without having definitive evidence, it looks like there was a temporary pause but that is now back into the system. If you aggregate it over, we are back at the numbers we would have expected. It does highlight the role of advocacy support and third-party organisations in supporting claimants. It is fair to raise.

Q250 **Dr Spencer:** Where does that fit within the question I asked before about supporting accessibility on your strategy around that?

**Justin Tomlinson:** In the role of how advocates can help?

**Dr Spencer:** Broader social advocacy, how the Department works with social advocacy. If PIP applications drop because social advocacy stops because of Covid, that tells us social advocacy outside the Department is an important process.



**Justin Tomlinson:** That may not have been the case here. I suspect, without having hard evidence, as Covid first hit everybody was on pause and then things came back. I am very passionate about the role of social advocacy. It is one of the five themes that I am exploring in health and disability, driven by my experience as a constituency MP and how we all have a cohort of constituents for whom, for a variety of reasons, the system is not quite working. Sometimes we, slightly apart from the formal system, are able to advocate with them to get them back in.

I am personally very driven and passionate about trying to identify those who otherwise are unable to engage. There are two ways you can do that. For some they will already have advocate support, whether that is friends, family, local or national charities. We have to get better at being consistent on how they can support the claimant because sometimes they are able to contribute, and that is good. Sometimes, whether that is in a PIP assessment, whether that is within the jobcentre, it is not as much as that advocate wants. We need to get a consistent level.

There is also a "other" cohort of people who may not have advocacy support. It could be somebody with health or disability but, for example, if you are an ex-offender, if you are a care leaver into a new community, you do not necessarily have established advocate support. Can we evolve the help-to-claim scheme? We currently provide about £42 million a year to Citizens Advice as a trusted independent agency. Can we evolve that scheme so that they can provide that advocacy support? That can help in the application processes, explaining the system. I am sure you are going to ask questions about sanctions later on, and that is something I would personally like to see engaged in that part. I will hold that back a bit here, but it is very important.

It is not needed for everyone. For many people they are perfectly able to navigate the system without the need for advocates, but there is a cohort of people who would benefit from having that trusted third party who can keep them engaged.

Q251 **Chris Stephens:** The Minister had foresight for the next question. We have heard evidence that sanctions and conditionality can have a negative impact on a disabled person's overall wellbeing and employment prospects. What plans do you have to review the application of sanctions for those disabled people?

**Justin Tomlinson:** Just to clarify, I am not the Minister responsible for sanctions. However, I have a particular interest in this, in no small part because I briefly served on the Committee, sitting opposite Mr Chris Stephens, and was part of a hearing that was getting evidence. I have seen it on both sides.

There have been independent reports that show for some people sanctions are an important part of the mix, but they should always and only ever be used as a last resort. At the time I was on the Select



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Committee the driver was very much around building in, in effect, a yellow card system, a warning, so you did not suddenly crash into it.

There are two things that are crucial in this. First, we have to be absolutely on top of our game in identifying potentially vulnerable claimants. Where we have done that, make sure—again this is my personal preference that I want to push through as part of the health and disability Green Paper—that we then engage an advocate to be part of the conversation, as part of the “before the last resort” use of a sanction. Because I have seen, through my casework as a constituency MP, sometimes some people are overwhelmed by the process.

While the Department could be writing out letters and providing those warning signs, that is not being engaged with. You need that trusted third person to be able to take them to one side, pop the kettle on, talk it through. I have done it myself. My staff in my office have done it. We have been able to rebuild that relationship and then avoid that sanction because it is in no one’s interest to have reached that point. While I accept the independent reports that have identified it has to be part of the menu, it should be a last resort.

We are making significant progress in this area because when I was doing that with you, sat around the U-shaped table, sanctions were around 4%. Pre-Covid it was down to 1.7%. I suspect that will go further by making absolutely sure we are identifying those vulnerable claimants, providing where appropriate that independent advocate support, and having that one last push to try to find a way to build a positive relationship. You can tell I feel very passionate about this. It is a key theme of the health and disability Green Paper coming forward.

**Q252 Chris Stephens:** Thank you, Minister; that is helpful. It sounds like there is some positive use of the yellow card system that we have recommended before. We have also had serious criticisms of the work capability assessment from many witnesses. What is your response to those criticisms and what plans do you have to improve the work capability assessment system?

**Justin Tomlinson:** They are fair challenges. There have been many challenges since the work capability assessments were introduced, I think back in 2008. There have been five independent reviews. We have implemented over 100 improvements but it is still not 100% perfect. Nobody would say it is.

Again, we are going to explore that through the health and disability Green Paper—the Green Paper should have been launched last summer but because of Covid it got pushed back. One of the themes we would have been exploring is whether we should try telephone and video assessments. Because of Covid we had to bring that forward so the question will change to: should they remain part of the menu and, if so, where are they most appropriate to be used?



We also recognise that the principle of the work capability assessment, a very fair challenge from stakeholders and people who have gone through the process, is that it is almost predicated to identify what you cannot do rather than what you can do, and it also creates perverse incentives within the system for people to then feel that they cannot seek to engage for employment opportunities for fear of potentially losing additional financial support. There are some in-built challenges that need to be reformed. We also need to look at better ways to bring forward earlier conversations to identify the support so they are not necessarily waiting to unlock those additional opportunities through the work capability assessment.

We have a real appetite to have a full and frank conversation with those people who have real lived experience, and again it will be a key part of our health and disability Green Paper. We are receptive to the challenges in this area.

**Q253 Chris Stephens:** When looking back on your career as a member of this Select Committee, you will know it was a—

**Justin Tomlinson:** Perhaps all Ministers should serve on the respective Committee first.

**Chris Stephens:** We will send a note to the PM on that then, Minister. It was clear and we have been consistent as a Committee that there should be a written record of assessments, so is that something that the Department is looking at positively? Given that two thirds of capability decisions that have been appealed to the tribunal in 2019 were upheld, does that not go some way to ensuring that we move in that direction?

**Justin Tomlinson:** We are committed to providing audio recording, as a given. At the moment you can get it but you have to bring your own equipment and provide a copy for somebody else. We also had a stakeholder request for video recording. We piloted that and it transpired that almost nobody wanted it. It is likely that it will be audio. We have also, because of the telephone and video assessments, started to do some audio recording on that. Our plan is that audio recording will become a given because, you are absolutely right, when you are reviewing a decision, to have that to go back to is helpful for claimants and the people doing the review.

**Q254 Steve McCabe:** I want to ask about this issue of trust between the Department and disabled people. I thought you were a trifle dismissive of my question on Monday in the Commons about the book "Brown Envelope", which describes many people's experiences in trying to engage with the Department. If we put that aside, you will be aware that the Social Security Advisory Committee said in its report that officials acknowledge the lack of trust from disabled people and consider it a major issue affecting the effective delivery of services. You will also be aware that we have heard criticisms from several members of the House of Lords, who cite a lack of respect in the Department's dealings with



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disabled people. How seriously do you treat the issue?

**Justin Tomlinson:** Incredibly seriously. That will be displayed through the forthcoming health and disability Green Paper and the national strategy for disabled people. As I have said, I have been a long-serving Minister for disabled people. I accept how important the services and support that we provide are, whether that is for somebody with a health or disability or across the DWP, because we are providing vital support to some of the most vulnerable people in society. While the vast majority of people in all of the surveys that are carried out have a satisfactory experience, for those who do not it has significant consequences. I will never lose sight of that importance, and that is shared across my ministerial team.

For us to make sure that we are doing the best we possibly can, we have to engage proactively with those who have real-life experience and make sure they are engaged in the process of co-designing how we provide our information, our services, the support. You will see in the national strategy for disabled people that it is the first time that we will have a cross-Government focus, endorsed by the Prime Minister, which has significantly empowered my ability to hold fellow Ministers across Government to account; to make sure we are removing barriers within society across government; and to make sure that those real lived experiences are embedded into policy development and the delivery of support and services.

In the health and disability Green Paper, which looks at our services and support in DWP, it is their real lived experience that will determine how we improve the ability to get supportive evidence. We know that where a claimant has strong supportive evidence they are more likely to get the correct result, the correct level of support and quicker. It is making sure that the assessments have the right expertise and are conducted in a manner that is a positive experience for people who go through it, that advocates can be consistently part of the process, and where people do not have an advocate who would need it, that we are able to bridge that with an independent advocate, again acknowledging that for some people trust can be an issue.

Where people feel that they do not have the correct level of support, how can we improve the appeals or the monetary consideration stage? It is often quoted to me, particularly in oral questions by MPs, about the high success rates and we have done a huge amount of work in this area. The vast majority of successful appeals are because of additional written or oral evidence. What more can we do to gather that evidence at the beginning of the process? That is why the Green Paper looks at supportive evidence. We have also brought in holistic decision making at the monetary consideration stage, where for the first time—and again this goes to the core of trust—we will phone a claimant and say, “Tell us in your own words why you think we have made the wrong decision.” Sometimes that is enough, and sometimes that identifies what will



ultimately be the additional evidence that is needed and we then help them gather that.

To put this into context, making these changes about six months before Covid, 21% of decisions were overturned at appeal at the monetary consideration stage. That had moved up to around 44%. With Covid—we are not in normal circumstances—as we return to normality, I expect that to go higher yet. Those are the four themes, aside from disability and employment, that we will be exploring.

I absolutely get it because what we do is so important and we cannot lose focus on that. Where people are frustrated, we want them to be engaged in the process and make sure we are delivering the best possible services and support.

**Q255 Steve McCabe:** It must be a bit uncomfortable being responsible for an area like this and have Conservative members of the House of Lords criticise you. What do you say when we make those criticisms about respect and trust?

**Justin Tomlinson:** We engage with them and we engage with as many people as possible with real lived experiences, because nobody gets up in the morning to want to not provide goods and services and support. We need that knowledge and information and challenge to make sure that we develop those policies.

There was a criticism when I first became a disability Minister that to influence us—decision makers, policy people—you needed to be one of the big disability and health charities. They have an incredibly important role representing millions and millions of people in this country, but there was a fair challenge that the individuals and smaller voices were not part of that process. I have set up a regional stakeholder network that reaches across the country. Those are smaller organisations or individuals. They will meet eight or nine times a year as individual regions. I will attend at least one in each of those regions a year.

The chairs will then also meet with me twice a year and representatives chosen by those regions will also meet with me. As part of the national strategy we have done lots of preconsultation. We did a survey in January for real lived experience; over 16,000 responses. MPs of all political parties are busily organising events with me where they have chosen organisations or individuals with real lived experiences as part of both the health and disability Green Paper and the national strategy. Collectively, we can embed good policy development going forward.

I cannot meet everybody all of the time, but for people who are frustrated, we understand and we are doing what we can and you will see that in the national strategy and in the Green Paper.

**John Paul Marks:** I wonder whether I could add a couple of things.

**Chair:** Briefly, if you would.



**John Paul Marks:** The Minister has set out a very compelling strategy and ambition to continue to improve here, and the point I wanted to make is that within the Department, for the executive team, we are as determined to match that and to continue to improve customer experience. I have talked about multichannel, about more disability employment advisers in all sites, working with partners such as Crisis and Women's Aid, making sure we get our support right for victims of domestic abuse or homeless toolkits to get the duty to refer right.

We recognise that we want to keep building trust. We know we need to do that with customers with lived experience and with their representative organisations. Then we need to measure customer experience very clearly and respond when it does go wrong to make sure we learn the lessons.

Q256 **Steve McCabe:** Mr Marks, were you one of the officials who told the Social Security Advisory Committee that you recognise the lack of trust and considered it a major issue affecting the effective delivery of service? Did you meet with them?

**John Paul Marks:** No, I did not meet with the Social Security Advisory Committee, but I absolutely recognise the evidence. We saw this a lot through our enhanced support of that evidence.

Q257 **Steve McCabe:** I am conscious that we are very tight on time, but given that the Minister outlined all the things you are doing, have you accepted the Social Security Advisory Committee's proposals that there should be a protocol for engagement covering seven particular areas? Is that something we are going to see?

**John Paul Marks:** We have certainly put in place our new director on customer experience—

**Steve McCabe:** No, I am asking specifically. I am not being difficult but time is tight. Have you accepted its advice that you should have a protocol for engagement that spells out seven specific areas that you should address; is that part of the policy now?

**John Paul Marks:** The only thing I can say to the Committee today on that is that we can take it away and understand to what extent that can inform the debate around the Green Paper—

Q258 **Steve McCabe:** You have had it since January. You do not need to take it away. If you are doing all these things to respond and acknowledge what the Social Security Advisory Committee is saying, why isn't the first thing you are telling me that you have accepted that recommendation and that implementation is under way?

**Justin Tomlinson:** I will add in here. We welcomed the report. It also recognises that we have made significant improvements, but how we best engage will be shaped by the feedback we get through the national strategy for disabled people and the health and disability Green Paper,



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because I want to make sure that our policy development is shaped with those who know best.

Q259 **Steve McCabe:** So the protocol may not be adopted?

**Justin Tomlinson:** That is part of the conversation that we are looking at.

Q260 **Shaun Bailey:** In terms of the Green Paper on health and disability support, could you tell us when this is going to be published? The Secretary of State said last September it would be done by the end of the fiscal year. We are still waiting. We are waiting with bated breath to see this. Could you give us any sort of indication as to when we finally might get this?

**Justin Tomlinson:** But for Covid we would have launched it just before last summer. We would have then spent the summer, going through to the autumn, doing the engagement for both documents, the extensive consultation that will be done, but Covid has repeatedly pushed it back. Basically, it is ready and as soon as we are back into normality we will be bidding for a slot to publish it. There are a lot of Ministers and Departments who have things that they wish to publish.

I will just explain the reason why. Government comms at the moment is understandably solely focused on the Covid response. As we return to normality, Government returns to normality, and lots of Ministers feel their work is very important. I think we will be at the front of that queue and we are anticipating to be able to do that before the summer, so before Parliament rises for the summer, subject to Covid.

Q261 **Shaun Bailey:** On that, I noticed in written evidence that the Department gave that there is quite an interesting line where the Department said, "The quality of our employment support offer effectively engaged with that support is key to supporting those that are able to, to get back into work". I wanted to get your opinion, as the Minister, on what effective engagement with that support offer looks like. I do not know if Mr Marks wants to come in on that, or any of the others as well. What does that effective engagement look like for you as a Department?

**Justin Tomlinson:** Broadly, it is about the increasing welcome recognition that one size does not fit all. Can we have sufficient positive engagement through the work coach to be able to then develop quickly a personalised and tailored menu of support? That is why, going back to the very beginning, while it is helpful for me to have lots of data, that does not necessarily help build trust for somebody who is anxious coming into the jobcentre for the first time. It is about identifying those who would benefit from a third person being part of that conversation or journey. It is about matching them up to the relevant support. Remember that universal credit has, for the very first time, a named work coach for each individual claimant, so it is about empowering them to then move that individual to the relevant part of their support. If we



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can get all of that right, we significantly increase the opportunities to move into work.

**Q262 Shaun Bailey:** Thank you for that, Minister. I want to turn to the “Health is everyone’s business” consultation that came out in 2019. The consultation noted that disabled people are 10 times more likely to leave work due to illness. As the responsible Minister in the Department, would you say you recognise that figure and, more broadly with that consultation, do you have any plans to respond to that at any point?

**Justin Tomlinson:** This is that point about the 300,000 who drop out of work each year because of a disability or a health condition. The vast majority of people who have a disability or a health condition will develop that during their working age. That is why, as part of my work on “Health is everyone’s business”, part of our pilot and part of our innovation research that we are doing this year, we are looking at what additional support, guidance and in-work support we can give to stand side by side with those employees at risk and the employers, who may not have the skillset or confidence to give that individual the best chance of staying in work.

We all recognise that if they crash out of work, not only do they have to navigate their changing health conditions; there is also the impact on their confidence going forward. It is a massive priority for our Department, building on the work we have been doing on “Health is everyone’s business”.

**Q263 Shaun Bailey:** Turning to the national strategy for disabled people, obviously this is a collaborative approach, particularly between DWP and the Cabinet Office. When it comes to strategic oversight, how are you ensuring that is as streamlined as possible? We know that historically Whitehall has been quite siloed in its approach at times, so it is great to see this attempt to break those barriers. However, how are we ensuring that ultimately there is effective strategic oversight of this important and vital piece of work?

**Justin Tomlinson:** That is a good question and is a question we agonised over for a long time, because potentially we could write a 70,000-page document and still not feel we have covered every single issue. Therefore, first of all, taking a step back, we have used our extensive consultation engagement and the survey to highlight the themes and issues of concern.

Having the Prime Minister’s personal support has empowered me to hold every Government Department to account. Each Government Department now has its own ministerial disability champion who regularly meets with me. If their Department has not provided a sufficiently comprehensive response to something we have raised, they will then meet me to try to work that out.



What you will see with the national strategy for disabled people is an overview of the issues that have been raised, what is being sought to be done about it and then a summary of what each Government Department is doing, individually or cross-Government. Genuinely, in all my time as the Minister for disabled people, I have never felt more empowered to bring together and co-ordinate cross-Government work with the evidence of real lived experience shaping it. I am very excited about the publication of the national strategy.

**Q264 Shaun Bailey:** On that point, Minister, you have talked a lot today about real-life experiences and that engagement piece. What lessons learnt have you taken away from the engagement exercises you have done? I can imagine that, as you have gone through this process, there have been things that for the long term, in terms of the Department's engagement, you have had to take away.

**Justin Tomlinson:** We need it to be national. We need to hear voices right across the country. We need to hear from organisations and individuals with very different experiences. We can never be "precious". Whenever I host these events, I always say to people, "Be frank. Challenge. Tell me what is wrong, ideally with a suggestion on how it should be done better. Also tell me what we get right because I do not want to fix something that is broken by breaking something that is working."

I have been encouraged by the recognition of things that work. One of those examples was Access to Work being described as "brilliant but cumbersome". That is exactly the sort of feedback we want. We want Access to Work to be a success but we know that part of the thing that needs to make it go further is to improve the actual system. That is a really good example of constructive challenge that has led to a change in the way we are doing things, which ultimately allowed us to secure £5 million funding in the spending review because it was evidence based.

I enjoy the consultation. I am very grateful, particularly, to all of the MPs who have already signed up—I think it is 53 MPs—to do events with me. Plus, through our regional stakeholder networks, online surveys and so on, there will be lots and lots of opportunities for people, individuals and organisations to feed in and shape.

Finally on this point, I have been demonstrating to the disability champions how working with organisations with real lived experience helps you shape policy right first time. The best example was during the beginning of the Covid challenges where there were very serious concerns about the vulnerable people in society, including people with disabilities, accessing food from the supermarkets. Minister Prentis from DEFRA organised a roundtable with the supermarkets and a number of our health and disability charities who then helped co-design, with the supermarkets, the response, which was the priority lists in online shopping, the early opening times and things like that. That was done at



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speed and was right first time. That is an example of best practice that we now share cross-Government.

Q265 **Chair:** Can I check, Minister, is the idea that the health and disability Green Paper and the national disability strategy will be published at the same time?

**Justin Tomlinson:** Probably, but that is still to be confirmed. What I can say is that they are both very close to being ready. However, I then need to have the Government slot to be able to publish them.

They are written in a way that they work alongside each other. The health and disability Green Paper is DWP solely owned, but the national strategy refers to lots of cross-Government Departments, which will also include the Green Paper. At the very least, the Green Paper will need to go before the national strategy. There is a lot of demand to launch things at the moment cross-Government, so it is probably quite efficient to do both at the same time.

Q266 **Chair:** Hopefully before the summer?

**Justin Tomlinson:** Subject to Covid.

Q267 **Chair:** Between them, are they going to cover the response to the "Health is everyone's business" proposals on improving statutory sick pay? Is the answer going to be in one of those documents?

**Angus Gray:** There is a third document in play, which, as Shaun Bailey was saying, is the response to that consultation, so we are in a similar position.

Q268 **Chair:** You expect that before the summer as well?

**Angus Gray:** I am hopeful but I am not guaranteeing.

**Chair:** It has been a very long wait for that one.

**Angus Gray:** It has.

Q269 **Chris Stephens:** Minister, you will be aware of my recent PQs in relation to PIP. There seems to be some inconsistency as to how claims have been handled during the pandemic. Some claimants have been stopped being paid while they wait for a decision. Can I ask what you are doing to look specifically at that problem, because there do appear to be some contradictions?

**Justin Tomlinson:** This is where there was a small cohort of people who had a fixed award and we were not able to provide an assessment before that fixed award. Once we were made aware of that there was a manual fix. Those who would be at risk of dropping out have been prioritised for assessments going forward.

What caused this was that, as I spoke about earlier, our assessments are carried out by health professionals and we were impacted. First of all, we



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had to close down all our assessment centres. We then had to scale up telephone and video assessments, which we have never done before and, but for Covid, would have only been looking to discuss them in the Green Paper, let alone do a pilot. We then had to roll this out nationwide, literally in days. Again, we were using our stakeholders to let us know whether it was working. So far there has been very positive feedback.

We also lost our health professionals. They all have at least two years' health professional background so were at the front of the queue for the NHS's rallying of secondment for Test and Trace, the vaccination roll-out and the immediate support in hospitals when there were the high levels of Covid infections in hospitals. That impacted massively on our capacity.

As issues like this came up, we were able to respond and we are returning to normality on capacity issues. The WCA assessments will begin shortly and start to be scaled back up, as in face to face, and PIP will follow a few weeks later. However, we will keep video and telephone assessments. Through the health and disability Green Paper, we will explore to what extent and where they are best to be used.

**Q270 Chris Stephens:** That partly answers it, Minister. However, I am going to take you through, very quickly, two pieces of correspondence that I have received very recently from the DWP complaints team.

I was first told that the decision was made to notify and extend PIP awards that had been decided at tribunal and that those individuals had to make a new claim and take it through that lengthy process, which I think was a bit off. I was then advised that in order to ensure that claims with fixed end dates did not create overpayment, you extended all claims that were due to end between 20 March 2020 and 2 October 2020. It seems a bit inconsistent and contradictory.

Can you confirm to me, Minister, please—for individual constituents of mine or other members—that we now have to advise constituents to process new claims when decisions have already been made at tribunal?

**Justin Tomlinson:** The policy for those who get an award at a tribunal—that tribunal process can be long, it is the independent Courts and Tribunal Service—is that it does not then become the start point. It goes back to the point they would have otherwise had it because, obviously, the money is backdated. That is the current policy intent. What happened is what the policy is.

However, as part of the health and disability Green Paper, we want to explore the principle of removing unnecessary assessments. There is an argument that if you have waited quite a long time to get to the tribunal and have presented new evidence, it is in effect relevant evidence at that point. Therefore, it will still be relevant for a bit longer and should be taken into account for when your reassessment point might then come up. We want to look at that.



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Again, a key theme of the health and disability Green Paper is removing unnecessary assessments. We started this process in UC WCA where those with severe conditions criteria are no longer routinely reassessed and those of state pension age in PIP are no longer routinely reassessed. We want to work with our health and disability charity stakeholders' real lived experience to identify other cohorts of people who, frankly, we should not need to assess or reassess or to look at the period of time until they need to be reassessed. It is an area we are very aware of.

**Q271 Chris Stephens:** Minister, I think we would certainly ask as a Committee that no one should suffer financial detriment. Someone who has had an award at a tribunal is then being told to process a new claim and go through that process again while the claim has been stopped. Can we look at this, please, Minister? It seems to me it is unfair that, because of the pandemic, they cannot get an assessment and seem to be losing out financially.

**Justin Tomlinson:** If I have understood what you have explained, are you referring to the PIP at the appeal? It is backdated when they get their award.

**Q272 Chris Stephens:** No, I am referring to someone who has been paid PIP as the result of a tribunal decision that then has an end date, but because an assessment is not going to take place they have been advised by Department officials, Minister, that they have to process a new claim. The new claim could be different because there is an end point—

**Justin Tomlinson:** Presumably, that is because by the time the appeal was done their fixed-term award was due pretty quickly. I presume that is what you are describing. We will have to go and have a look at that individual case.

**Q273 Chris Stephens:** Not necessarily, but when people are losing it, for instance, Minister, I am asking you specifically whether DWP will look at it.

**Justin Tomlinson:** I sort of get it. Without having the details in front of me, we will have to take that away and have a look at it. It is not really disability employment but it is an incredibly important thing so I am very happy to take that.

**Q274 Chris Stephens:** That will be really helpful, Minister, so thank you. Going back to work capability assessments, there are people who are unable to undertake telephone assessments. You replied to our Chair's letter on 3 March saying the Department is developing ways to support these individuals. Can you describe to us how that development is going?

**Justin Tomlinson:** Those for whom we are unable to do, as it stands today, a paper-based review, a telephone assessment or a video assessment will be the priority as we start to build capacity back up on the face-to-face assessment. We have identified what is a relatively small cohort of people and we will do that.



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Further, in the health and disability Green Paper we are keeping video and telephone assessments, which is a given. What we need to do is to talk to the health and disability stakeholders and those who have gone through the experience to identify what works best.

There are two strands to that. It could be that certain health conditions work better with certain parts of that. There is also the principle of triaging. Pre-Covid, if I had received your written evidence at the beginning, then I could be 95% certain of what award I am going to give you or what level of support, but because I am missing 5% the only option to me was to trigger a full assessment. During Covid, because we had such limited capacity, we then started doing triaging where we said, "We know 95%, so let us now have a telephone assessment, or even just a telephone conversation, to get that final 5%."

In my preconsultation, triaging is very popular with stakeholders. It is also very popular with assessors, who say, "There is nothing more soul destroying than knowing I have to ask 55 questions, which I already know the answers to, to get to the very last question at the end of this one-hour assessment."

The final thing is that by having a menu of telephone and video assessments, we can explore, for the first time, having more specialist assessors. If you are not physically restricted to your nearby physical assessment centre, then we may be able to explore, for some conditions, a more specialist type of assessment. Again this, as a broad principle, will be explored in the health and disability Green Paper and is something I know stakeholders are keen on.

**Q275 Chris Stephens:** A quick last question then. In light of the exceptional circumstances of the past year, is the Department considering lifting the 365-day limit on the length of claims, especially where the claimant has been waiting for an assessment?

**Justin Tomlinson:** I lost the middle bit of that.

**Chris Stephens:** Due to the circumstances of the last year, Minister, will you consider lifting the 365-day limit on the length of a claim, especially in cases where the claimant is waiting for an assessment?

**Justin Tomlinson:** This is the bit I was describing at the beginning where we discovered that a small cohort of people were not able to be assessed quickly enough for that. As soon as we were alerted to that we were able to do a manual fix. We have scanned people who will be at risk of that and have made sure they are a priority so people do not fall out of that 365-day award.

**Q276 Chair:** Minister, the first set of questions you will write to us about will be the point you were going to take away and look into that Chris raised?

**Justin Tomlinson:** Yes. I cannot remember what that was, but yes.



**Chair:** Thank you. The final set of questions is from Debbie Abrahams.

Q277 **Debbie Abrahams:** Good morning, everyone. I appreciate your time and know you have had a long session here this morning, but I do hope you will bear with me as we go through some of these very important questions in relation to the deaths of vulnerable claimants.

Minister, you will recall that last year, when I had an Adjournment debate, we looked at the NAO's report, particularly on suicides of vulnerable claimants since 2014. You will be aware it investigated 69 deaths. It found: "It is highly unlikely the 69 deaths the Department for Work and Pensions has investigated represents the number of cases it could have investigated in the past six years".

I think you will also be aware that last week BBC News reported over 150 deaths of vulnerable claimants, the vast majority of those having died since 2010.

Following on from this, I was contacted by dozens of bereaved relatives describing the circumstances of the deaths of their fathers, mothers, sisters, brothers, sons and daughters. The grief they are feeling many years on is quite heartbreaking. They made the point that they wanted their names added to the list; they do not want them to be forgotten. They want lessons learnt. They thought they were isolated cases but clearly they are not; they are just the tip of the iceberg.

How many actual deaths of vulnerable claimants have there been since 2010 and what has the serious case panel, established in 2019, established as the key drivers of this?

**Justin Tomlinson:** I will open on this and then JP will give more full explanation around the serious case panel.

This is an incredibly important issue. It goes without saying that obviously for all of us our thoughts are with those families in such tragic circumstances. I want to also pay tribute to Debbie. Nobody, by any stretch of the imagination, has come close to how much you have done to raise the importance of this issue and to provide real focus and urgency to make sure that anything and everything is done to protect some of the most vulnerable people in society. I do pay tribute to you because this is a long-standing campaign you have led on.

From a personal perspective, I have worked for a number of Secretaries of State in the DWP, all of whom have strengths and weaknesses. My current Secretary of State absolutely totally understands how significant our role is in protecting and supporting the most vulnerable people in society. She has personally led on this work and, in broad terms, has made sure that all of the key individuals, directors, policy people—all of the people who control all of the levers that will help us to help in any situation—are around the table. Also, on the very key point Debbie has raised about lessons being learnt, they are not only learnt and not only identified, but acted on quickly. That is something JP will set out—the mechanics of how that works.



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We have a role to try to identify vulnerable claimants. We have a role to identify the multiple agencies that could be supporting, to be part of a co-ordinated support network for individuals. That is why, from my perspective, I have pushed so hard around that advocacy role. That is driven partly by the great work Debbie has done to highlight this issue and partly, as an individual constituency MP, seeing casework where you can see the importance of having that trusted third party—friend, family, local or national charity organisation—that can help keep a positive constructive relationship to support those people.

JP will set out the mechanics of how the serious case panel works.

**John Paul Marks:** First of all, I associate myself with the comments about how serious this is and how sorry we are when things go wrong. All of these cases are tragic and serious. We do want to continue to learn and improve and, building on the conversation we had earlier, building trust and responding in the right way.

On the serious case panel, I am a member of the panel, as is the executive team. It is also led by our non-executive directors. We review cases and look at points of learning, points of improvement. Then we seek to take those through the organisation and embed them in the way in which we work to support millions of customers every day. For example, we have added additional checks to the PIP claim forms, added additional support markers to our guidance and improved escalation routes to support vulnerable customers so we can immediately take control when a claim is going wrong, and work with social services, the police, local government and the NHS to try to prevent something going wrong when that is occurring. We have established safeguarding vulnerable claimants thinking into our networks and we have those senior advance customer support leaders in all of our directorates in our districts. What we are asking those leaders to do is to take that principle of care, that value of care and that principle of learning, through to the frontline in all that we do, so whenever a case goes wrong we are not just trying to review it at an executive team level; the principle of trying to be a learning organisation runs right through to the frontline.

Then there are things about building our capability to respond. I talked about the work we did with Women's Aid on domestic abuse and domestic violence, establishing those single points of contact and specialists in all our jobcentres and the work we did with Crisis and Shelter to establish a homelessness toolkit, to get the duty to refer right and to make sure that those customers can be supported at a point of need.

The Minister talked earlier about holistic decision making. That, again, came out of the learning from some of the cases in the past, where when we have an adverse decision, we make a decision assurance call—We confirm the decision with the claimant. We explain that, so if it means their benefits are going to change they understand the choices available



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to them, we do the best we can to make sure they understand the decision and we are able to support them if they are at risk. This is a constant focus. It is as much cultural, it is about capability, it is about our values, it is about our intent to build trust and get this right.

However, I accept that when it goes wrong we need to say sorry, we need to learn and we need to continue to try to improve the welfare system so it works well for everyone.

**Q278 Debbie Abrahams:** I am grateful to both of you for your remarks. However, can I get back to what we have been talking about today? We have been talking about learning from lived experience. These people are not here anymore, so we do not have their experience. What we are not doing is establishing the scale of these deaths.

Madeleine Moon had a response to a written question in 2019 from the Department saying that 60 people a month were dying after they had been rejected from PIP. There are other figures, I appreciate that. However, back in 2019 your Department was saying that—people like Philippa Day—after having their support stopped, 60 a month were dying.

I put to you, how can we have new strategies and new Green Papers that do not have a full understanding of the scale of these deaths and the causes behind them? We are only looking at a fraction of the evidence that we need to.

I am going to leave that one with you. I have said this before: I do not think it is healthy for the Department, for the Government, to be marking their own homework. I do believe there needs to be an independent public inquiry for all the learning to come out. I appreciate what the Minister has said. I appreciate what the Secretary of State has said in previous sessions as well. However, I am going to move on because I am conscious of time and we were told we had to be brief.

My second question relates to what we have been talking about around safeguarding and the duty of care the Department has. This has been a point of contention. In fact, the Secretary of State wrote to the Select Committee in September and said she does not believe they have a duty of care and repeated this to me again back in February. This is despite what has been said in coroners' inquests, such as Errol Graham's inquest. The Department said it did have a safeguarding policy and this was going to be improved. The statutory legislation, both in terms of the Equality Act and the Health and Safety at Work Act, clearly states that organisations providing public services, such as the Department, have a duty of care. More recently, there are responses to the Select Committee around the universal credit five-week wait report.

Most significantly, I have seen a copy of the Department's own internal guidance entitled "Claimants need help in using services". Paragraph 20 states: "Where the claimant has a known background of mental illness there are minimum requirements that Jobcentre Plus should be adopting to ensure that we are not found to be neglectful in our duty of care



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towards these claimants”.

Can you confirm, do you or do you not have a duty of care to vulnerable claimants? Minister, if you want to start that, I am happy to then move on to Mr Marks.

**Justin Tomlinson:** The jobcentre part of that would be operations; I am here for disability. You are absolutely right to highlight this but JP can talk about the internal document.

**John Paul Marks:** I was in the Committee when you and the Secretary of State were having this conversation about the legal definition of a statutory duty, which I know you have exchanged correspondence with the Secretary of State on. I genuinely do not have much more I can add to that.

However, I can comment clearly on your point whether we have a value around customer service with care, which is always about trying to do the right thing and to protect and support our vulnerable customers. I consider that guidance, which you refer to, to be absolutely right. I have spoken to every jobcentre leader in the last week about this, around discretion, around good calls.

Absolutely, where we identify a claimant who has learning difficulties or who might have a mental health condition, or to that extent other good cause around things like caring responsibilities and so on, and they are unable to, for example, attend a mandatory appointment, then we can apply good cause. We expect our teams to do that consistently so that, for example, a sanction cannot be applied.

We have recently launched within the Department a set of values. Care is one of those key primary values that we, as public servants, expect to drive all of our behaviour through this organisation, whether it be holistic decision making, the way we support victims of domestic abuse, the way in which we support the homeless, the way in which we support customers with mental health conditions. We want to continue to do more training on that, more support and more customer experience measurement to continue to reassure you, the Committee, and the public that we can, indeed, build trust and improve our services.

I think you can do all of those things while you continue to have a debate about what the statutory duty is. I ultimately think what is important is that we get the culture and the behaviour of this organisation to be the best it can be to support all of our customers to thrive in the welfare system.

**Justin Tomlinson:** I am not responsible for the jobcentres, which is not part of my role as the Minister for disabled people.

**Debbie Abrahams:** It does relate to vulnerable claimants, Minister.



**Justin Tomlinson:** Absolutely. That is why I am pushing advocacy, so for those who do have advocate support it is consistently allowed to be part of the process. I have had feedback that sometimes it works very well and sometimes less so, also recognising that not everybody—which will include some of the most vulnerable people—will have friends, family, local or national charities or organisations that can be part of the process. It is, therefore, whether we can get someone in place, independent of us, so they can build that trust and that we are, as well as possible, identifying the multi-agencies that could be supporting a vulnerable claimant to make sure they are part of the process, particularly if the process is not working well and, again, trying to find ways to do that.

It is also, where we have had issues, making sure those with the expertise are developing the training and the guidance. JP referred to the work that Women's Aid and Refuge did around domestic abuse. That was done during my time as the Minister for welfare delivery. The former Secretary of State was very keen to see work done in that area. We got them in to do a root-and-branch review of the training and guidance for our work coaches. Then they designed the improvements and the training, and have a senior point of contact so if any of their call centres pick up a problem in any geographical area where a jobcentre is not identifying somebody who is either a victim or at risk of being a victim, we can then upgrade any awareness or training in that particular area. Those are the principles.

As I said right at the beginning, every Secretary of State I have worked for has strengths and weaknesses. This Secretary of State has taken this as a big serious issue, is personally leading it and is making sure all of those who have an area of responsibility are at that top table.

You are right with the things you are raising, these are the things that have to be taken forward and worked on.

Q279 **Debbie Abrahams:** I do hope that she will grant a full independent public inquiry.

I have one final question, Chairman; I hope this is okay. This is specifically on terminal illness and the special rules for terminal illness. Have you yet published the data in terms of when the review will be available? This was two years ago and thousands of terminally ill people have died, many not receiving the support they need from the social security system. When will we get this, Minister?

**Justin Tomlinson:** I was with MND and Marie Curie yesterday. I meet with them regularly. They have co-designed, along with a number of health and disability charities, GPs and health professionals. We are committed to scrapping the six-month rule, improving awareness, improving consistency. We have brought together the plans and we will very shortly bring those forward to make changes.

Q280 **Debbie Abrahams:** Before the summer?



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**Justin Tomlinson:** The delay has been because of Covid. It has to be delivered by health professionals, who, understandably, have been focused solely on the response to Covid. What we are asking they agree with, so as soon as we return to normality we should be in a position to move fairly quickly on this. I would hope so, specifically when you say “before the summer”, but I am at the mercy of us continuing to return to normality.

I want to put on record my tribute to organisations such MND, Marie Curie and all the other organisations and health professionals who will have co-designed this.

I am every bit as frustrated as everyone else. It has taken this long because of Covid. However, we will still deliver this more quickly than the Scottish Government, who announced they would make changes before us and we are much, much closer.

Q281 **Chair:** Will that be in the health and disability Green Paper or will that be separate?

**Justin Tomlinson:** No, this is separate. The evaluation is complete. We have already agreed what we want to do. It is now a case of being able to get the health professionals to agree to then make those operational changes for part of it. Part of it will require some legislation, for which we will need a gap, but we will be able to do the first bits as soon as we get all of the agreements lined up. In addition to that, we identified a broader issue about unnecessary assessments and that will be part of the Green Paper.

One of the questions I was asked at DWP oral questions on Monday was whether we would need the Green Paper to review the principle of scrapping six months, improving awareness and improving systems. No, absolutely not. That is all given. I have had many meetings with MND, Marie Curie and others. We are all lined up. Understandably, the NHS has been focused on the response to Covid. As soon as we return to normality we can look at bringing forward our operational changes around the DS1500 form.

**Chair:** Thank you all very much indeed. Thank you for giving us so much time and thank you for the very full answers you have provided for us. We look forward to, hopefully, quite a number of documents between now and the summer. I think you have identified three at least we will see before then and no doubt other information as well. Thank you very much for being with us. That concludes our meeting.