

**Title:** “They say jump, we say how high?” Conditionality, sanctioning and incentivising disabled people into the UK labour market

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### **Abstract**

This paper focuses on the experiences of disabled people in the UK assigned to the Employment and Support Allowance Work Related Activity Group. Specifically, it considers the impact of processes of conditionality and sanctions on this group. The research was designed, conducted and analysed collaboratively between a disabled people’s user-led organisation (DPULO) and an academic team. The research documents the negative impact that processes of conditionality and sanctions had upon participants. The results highlighted 3 main themes: a lack of equality between disabled claimants and other claimants; significant impact of issues of compliance within a regime that imposes conditions and sanctions; and alternative ways of experiencing and responding to this policy regime. Suggestions are made as to how to involve disabled people in decision-making at policy level to ensure that such conditionality and sanctioning are not used when there is clear evidence that highlights the damaging and detrimental effects of these processes.

### **Keywords**

Employment and Support Allowance; UK welfare reform; conditionality; sanctions; Universal Credit

### **Introduction**

In 2017 the UK Government stated that it was their ambition to halve the ‘disability employment gap - the difference between the employment rates of disabled and non-disabled people,’ (Department for Work and Pension [DWP] and Department for Health [DoH], 2017). Furthermore they asserted an ambition to increase the number of disabled people in work by one million by 2027 (DWP and DoH, 2017). It is in this context that current welfare reform policies in the UK are being implemented.

In terms of the wider disability context, in 2015/2016 an estimated 2.5 million people in the U.K. were in receipt of out of work disability benefits, costing

approximately £14.7 billion (Kennedy, Murphy and Wilson, 2016), (from 2008 onwards, disability benefit in the UK was labelled Employment Support Allowance - ESA). For those in receipt of ESA, approximately 18% (429,000) were assessed and placed in the Work-Related Activity Group (WRAG), (Kennedy, et al. 2017). The WRAG is based on the assumption that people have the capacity to undertake paid work or work-related activity and they are deemed to have “limited capacity for work” and must adhere to such activities in order to receive their benefits. If people are found to have a “limited capacity for work-related activity”, then they are placed in the ESA Support Group and are not required to take part in mandatory job searches or work training activities in order to continue to receive their benefit. They are judged “unlikely to ever be able to work on grounds of sickness or disability,” (Houston and Lindsay, 2010, 135).

These types of conditional processes are part of a wider push towards activation-based modes of welfare reform (Pascual and Magnusson, 2007), whereby an emphasis is placed on a benefits system regime which requires claimants to demonstrate they are actively seeking employment.

Of the 429,000 people on ESA, just under 50% of them received benefits due to an assessment of ‘mental and behavioural disorders’ (Kennedy et al., 2017). The UK Welfare Reform Act (2016) legislated that any new ESA claimants who were placed in the WRAG would receive the same amount of money as those claiming Job Seekers Allowance (JSA), (HM Treasury, 2015). In real terms, this re-categorisation of payments marked a decrease, on average of approximately £28.05 per week, (HM Treasury, 2015) for all new and returning claimants allocated to the WRAG.

This policy of alignment functioned to decrease the levels of WRAG payments, rather than increase levels of JSA payments. The implication was that disabled people did not incur any extra living costs compared to people claiming JSA. Furthermore, this decrease was supported through claims that the legislation was designed to ‘...remove the financial incentives that could otherwise discourage claimants from taking steps back to work’ (DWP, 2011).

The reduction of WRAG payments marks a change to a long-standing feature of welfare legislation that placed benefits for disabled people at higher rates than those who were unemployed (Fletcher and Wright, 2018). The combination of policy priorities and reforms place disabled people in the frontline of a government policy agenda to reduce the overall welfare bill by getting more (disabled) people back into employment. This approach is not out of step with other international developments, where there are clear efforts to shift people from incapacity benefit onto other, more time limited forms of support (Pascual and Magnusson, 2007). In this paper we set out the UK context of these reforms, consider how they have been

legitimised and then demonstrate, through empirical examples, the impact of these reforms on disabled people. We conclude by offering an alternative way forward for disabled peoples' welfare in the UK, paying particular attention to the implications of the rollout of Universal Credit.

### **Activation-based welfare**

Since 2003, there have been fundamental changes in how welfare benefit is allocated and processed in the UK. In 2003, 7% of the working age population in the UK were in receipt of some form of incapacity benefit (Houston and Lindsay, 2010). This number has remained relatively constant despite ongoing reductions in the numbers of people claiming unemployment benefit. In 2008 a range of existing benefits (such as Incapacity Benefit, Income Support and Severe Disablement Allowance) were all replaced by ESA.

Following the 2012 Welfare Reform Act, (DWP, 2012), all claimants were required to undergo mandatory reassessment and many people with long-term health problems and impairments were transferred onto ESA. After assessment, claimants were placed into one of two groups: the Work-Related Activity Group (WRAG) or the Support Group (DWP, 2012).

People in the WRAG category are deemed suitable for some work-related activity and are; "required to attend work-focused interviews and undertake "work-related activity", such as work experience, training or participating in the Work Programme, (DWP, 2018). People placed into the Support Group are not expected to undertake work-related activity, but are entitled to do so if they wish. For those in the WRAG, failure to engage in work-related activity can lead to their ESA payments being cut or sanctioned. This sanction can involve losing up to 100% of their ESA payment if the mandatory work-related activity is not completed to the satisfaction of the Job Centre Plus worker. In effect, this means that welfare payments are now conditional on the claimant being seen to be compliant with the requirements of the ESA programme. In turn, this demonstrates the full implementation of an activation-based welfare system in the UK. Central to this shift to an activity-based model are processes of compliance.

### **Compliance and activation-based welfare**

This paper considers the implications of behavioural compliance and activation in relation to disabled people in the UK claiming support from the state. Behavioural activation and conditionality, enforced by the imposition or threat of sanctions, mark a shift, whereby benefit payments have become more about transactions than rights. This moves away from citizens drawing on a public fund of social security to manage illness towards treating people as individual claimants who have to provide

varying forms of labour in exchange for benefits (Grover and Piggott, 2015.. This has been described as a shift from the right to welfare towards the obligations of workfare (Wacquant, 2009, 43). It has been argued that these processes shift the responsibility away from the state to its individual citizens (Dwyer and Wright, 2014).

This shift towards criteria structured on models of behaviour incorporates a number of mandatory activities, such as attendance at job fairs, the production of evidence of applications / job searches, undertaking mandated training and/or unpaid work experience, as well as engaging in activities designed to produce changes towards attitudes and feelings in relation to the job market and to oneself. These types of programmes have been described as ‘psycho-compulsion’ (Friedli and Stearn, 2015), defined as “the imposition of psychological explanations for unemployment, together with mandatory activities intended to modify beliefs, attitude, disposition or personality” (2015, 42). Examples of psycho-compulsion include the use of psychological therapies in Job Centres whereby unemployment can be reframed as a form of psychological maladaptation, which is best ameliorated by fixing negative cognitions inside the mind of individual claimants (Friedli, 2014; Speed and Taggart, 2012).

In line with previous scholarship (see Beresford, 2016; Wright, 2016; Grover, 2017; Flintoff, Speed and McPherson, 2018; Stafford et al., 2019), we argue that these types of (psycho-compulsion) practices are based on assumptions that many disabled people are out of work because of individual attitudes, psychological and/or behavioural deficits, rather than as a result of their impairments (which may make it impossible for them to work), or social or structural issues such as access barriers to employment for disabled people, or general levels of unemployment. This re-articulation of the relationship between disability and unemployment is characteristic of the move to make ESA and JSA equivalent (Pascual and Magnusson, 2007). Furthermore, there is an underpinning assumption that these individual deficits can be rectified through the use of behavioural changes, intended to encourage claimants back into employment by removing the perceived benefit for disabled people to “claim sickness benefits over Job Seekers Allowance,” (Kennedy et al., 2017, 16). The government do not deny this behaviour change component in the implementation of the policy, but whereas Friedli and Stearn (2015) describe it as psycho-compulsion, DWP rhetoric refers to ‘incentives’ (Kennedy et al., 2017).

Much of the evidence base and theoretical justification for the use of these types of behavioural incentives in welfare policy for disabled people comes from Behavioural Economics research, in particular the Behavioural Insights Team (Dwyer and Wright, 2014) in the UK. In the next section we will consider these approaches as a psychological model of behaviour change that has far reaching impacts on disabled

claimants lives.

### **Theories of behavioural economics and compliance based welfare provision**

There is a growing international interest in behavioural economics, an area drawing on insights from psychology and economics. Its main contribution to public policy has been to challenge aspects of the economic theory of citizens as rational actors, by introducing psychological complexity into human decision-making (Thaler and Sunstein, 2009). One well-known example of behavioural economics is 'nudge theory' which has been used to shape policy in a range of areas including, tax compliance, smoking cessation and energy use (Leicester, Levell and Rasul, 2012). In the area of welfare reform, there is evidence of the theoretical fingerprint with much of the DWP literature using terms such as 'incentives' and 'implementation intentions' (such as the Claimant Commitment), both of which are key concepts in nudge theory (Behavioural Insights Team, 2015). However the theoretical frameworks developed under the heading of behavioural economics are more varied than nudge theory and are buffered by empirical evidence, albeit mostly developed under controlled experimental conditions (see Tversky & Kahneman, 1974 for an early text).

With particular reference to welfare payments, behavioural economics literature offers a range of modelled behaviours to minimise fraudulent claims; these include the 'stigma cost' of claiming a particular benefit (Moffit, 1983) and using increasingly complex application procedures to create an 'ordeal' which potentially puts claimants off applying (Leicester, Levell and Rasul, 2012). These 'transaction costs' are intended to increase the difficulty of obtaining and maintaining a welfare claim. Granted, the literature does acknowledge that these behaviours can negatively effect genuine claimants as well as fraudulent ones, but provides no effective means or rationale for how best to distinguish them is proffered (Leicester, Levell and Rasul, 2012).

The other important factor in considering the applicability of these interventions for disabled people is that the empirical basis for the development of sanctioning behaviours was based on research conducted on young men at risk of long-term unemployment(see Van den berg, Uhlendorff and Wolff, 2013). The sample had no reported health conditions, and whilst potential negative side effects were highlighted, they were not explored in this research. Given the dominance of psychological theory embedded in the development of conditionality and sanctioning as a way to influence claimant's behaviour and psychological perspectives, there are real and legitimate concerns about the lack of evidence base underpinning the effectiveness of sanctions in relation to disabled people and welfare payments (House of Commons Work and Pensions Committee, 2018), but

this has not stopped the application of compliance and conditioning models to disabled people.

### **Ensuring compliance: conditionality and sanctions**

The use of psychological models of behaviour change to influence disabled people's engagement with work-related activity is contingent upon their benefits payments being dependent upon their level of compliance with that mandated activity. The implementation of a compliance-based system of welfare in the UK is predicated by principles of conditionality and sanctions being at the centre of policy and practice (Fletcher and Wright, 2018). The rationale and logic is clear, follow the rules and do as required and you will continue to receive benefits. Fail to demonstrate you are actively looking for work, and risk having your benefit removed.

International evidence shows that the most disadvantaged of claimants, such as people with learning difficulties, with low levels of work experience and/or education, and the homeless, are all more likely to be sanctioned, (Stafford et al. 2019; Joseph Rowntree Foundation, 2014). As such, far from reducing employment inequalities between disabled and non-disabled people, this approach is just as likely to exacerbate those inequalities. For example, according to Geiger et al., (2018) there is a lack of joined-up working in relation to the implementation of related supportive programmes around rehabilitation or intensive individualized support. Similarly, the UK National Audit Office (2016) carried out a preliminary analysis which suggested that sanctions have discouraged some ESA claimants from working, that is to say, that the government's own policy was producing a 'perverse incentive'. They concluded that the DWP was not doing enough to use its own data to assess both the impact of sanctions on people on benefits and balancing this with a detailed analysis of how any savings were impacting public finances.

In terms of the scale of sanctioning, since 2010 over 110,000 benefit sanctions have been applied to ESA claimants with a further 140,000 applied but later cancelled (Geiger et al., 2018). Whilst this demonstrates that sanctions are clearly a central component of UK welfare provision, what this figure does not demonstrate is the effect that the threat or fear of sanctioning has upon those people who were sanctioned (and this is largely irrespective of whether the sanction was later cancelled). The key modus in this regime is the threat of sanction. That is to say, the threat that a sanction might be deployed, intentionally or unintentionally, is used to ensure compliance with activation-based models of welfare. In this context, the fear or threat of sanction becomes a form of psycho-compulsion. Furthermore, it is an invisible form of compliance, one that does not feature in any statistical data.

In terms of the actual sanctioning processes, Marks, Cowan and McLean (2017) found that participants placed in the WRAG reported being faced with unrealistic demands on their work-related activities, which did not take into account their mental health. It appears there was a lack of understanding of the ways in which impairments might impact upon a person's ability to participate in work. For example, in terms of the types of work that people in the WRAG might undertake, Hale (2014) reported that over 500 out of a total of 550 claimants (over 90%) reported that their allocated work-related activity was unsuitable for their assessed capabilities, or that it did not meet their needs. Of particular interest was the finding that while a small minority (8%) of respondents were actually sanctioned, over 80% of that group reported anxiety about being unable to access mandatory activities (failure to do so which could result in sanctioning), and 70% of the overall sample reported severe anxiety about having sanctions imposed as a consequence (witness here the impact of the threat or fear of sanctioning). This suggests that for many disabled claimants, the threat of sanctions has a negative impact on their mental health irrespective of whether or not they are actually applied. In this context this series of welfare reforms might be best characterised as successive attempts, by government, to problematise what they see as the perceived benefits of unemployment by implementing a system where people are constantly impoverished if they are out of work (Grover, 2015). These sorts of developments have been described as a drive to recast disabled people as 'unemployed labour' (Grover and Piggott, 2007), but this government position fails to address wider issues of precarity in the UK labour market and the additional, well-documented barriers to employment faced by disabled people (Garthwaite, 2011). These processes occur within what Grover and Piggott, (2012) describe as 'a disabling employment architecture' that consistently leads to negative health and economic outcomes for disabled people. For example, the WelCond Project (Dwyer et al., 2018) found that conditionality did little to facilitate transition to employment for disabled people and furthermore, that the process negatively impacted upon their existing situation and had a detrimental effect on their mental health. It also found that the respondents reported that the current welfare system was disproportionately focused on sanctions in the absence of any evidence that they were effective.

To summarise, there has been a marked shift towards new articulations of activation-based models of welfare provision, accompanied by moves to make previous forms of incapacity benefit equivalent to unemployment benefit. This has been undertaken through the implementation of various forms of psycho-compulsion, across 3 levels of conditionality, comprised of compliance (e.g. no sanction), enforced compliance (e.g. threat of sanction) and non-compliance (e.g. actual sanction). These changes have been variously described as a pejorative form

of psycho-compulsion, or compliance based system, or in a more positive framing, behavioural economics. Given the high proportion of people in the ESA WRAG with mental health problems, and given the psychological assumptions about individual deficits and the need for individual behaviour change that this model rests upon, we argue it is appropriate that a psychologically informed research study is used to investigate the extent to which these reforms are offering the right 'incentives' in encouraging behaviour change, in order to establish its impact upon the mental health of disabled people.

### **Methodology**

The current study was co-conceived, undertaken and disseminated as a collaboration between the University of Essex and Inclusion London, a disabled people's user led organisation (DPULO). The current study utilised a similar approach to the WelCond project cited above but differed methodologically in one crucial respect and that was the ways in which disabled people were involved in all aspects of the research process. An inclusive and representative way of conducting research is to involve disabled people in the process of "creating, sharing and acting on such accounts, rather than regarding them as simply serving as a source of 'sad stories' and passive accounts of disempowerment and marginalization." (Beresford, 2016, 424). What this meant in practical terms was that representatives from the DPULO were involved in framing the research question to fit with current priorities, analysing the data from a disabled activist as well as academic perspective and in disseminating the findings in forums that would maximise research impact. The dissemination process will be discussed more in the discussion.

The research utilized in-depth, qualitative semi-structured interviews to explore disabled ESA claimant experiences of being placed in the WRAG. The topic guide for the semi-structured interviews was co-produced with disabled people through the use of a focus group comprised of three members recruited from the DPULO. The interviewed participants were asked about their experiences of sanctions and conditionality, and about any impact this had upon their job-related activities and health and functioning. Fifteen people were recruited into the study, nine male and six female with an age range of 29-63 (average age of 42). Thirteen of the 15 participants were in the WRAG group at the time of interview and two had moved out of the WRAG group in the previous four months. In terms of analysing the data, a six-stage thematic analysis (Braun and Clarke, 2006) was used to code, categorise and cluster the data into core themes. Thematic codes were initially developed at a descriptive level by the lead researcher (JM) and then reviewed and refined by research supervisors (DT and EC). The decision to code themes initially at a descriptive rather than interpretive level was made to represent the experiences of participants as closely as possible to how they described it. The process moved onto



a more interpretive theorising of the meaning of themes at the stage of dissemination (Patton, 1990) and can be seen below.

### **Findings:**

The analysis presented here identifies three main themes in terms of how participants talked about the impact of the changes in relation to their physical and mental health and wellbeing. The first theme related to a reported lack of equivalence between disabled claimants and other claimants. The second theme related to questions of compliance. The third theme related to alternative ways of experiencing and responding to this policy regime. Each of these themes is illustrated and interpreted using numbered interview excerpts from participants. All extracts have been anonymised and participant names have been replaced with pseudonyms.

#### ***Theme 1: Lack of equivalence***

Extract 1 demonstrates some of the perceived negative consequences of aligning WRAG payments with JSA payments:

##### **Extract 1**

“The new payments for ESA from this year are £73 a week as opposed to £102. Well if you’re on £102 a week because you’ve been on it for longer than 6 or 12 months and you know if you go back to work and it turns out you’re not well enough to carry on then you’re coming back at the new rate of £73 per week. That’s going to make you more cautious and it’s counter-productive and it increases the stress.” (Daniel).

Here we see clear evidence of a negative impediment to Daniel returning to work, resulting in a net £29 reduction in weekly support if his employment does not work out. *Contra* to government insistence that these reforms incentivise work by removing perverse incentives (Kennedy et al., 2017), this data suggests that these changes functioned to make entering the labour market appear more risky and materially costly for this participant (and that this was particularly salient in the context of short-term work). Extract 2 demonstrates a similar failing.

##### **Extract 2**

“After 13 weeks I have to go and put a new claim in. After 13 weeks if the job doesn’t last, or if I get made redundant, or if I get terminated or the contract stops, I then have to go into starting all over again. Reassessment etc. So, I’m worse off.” (Dipesh).

In both these examples, it would appear that there were perverse disincentives to returning to work contained within the new ESA procedures. Furthermore, this evidence suggests that existing ESA structures actively and negatively contribute to a person's physical and mental health.

Similarly, Dipesh in extract 3 talks about a particular lack of understanding in relation to questions of access, and in terms of his emotional wellbeing.

### **Extract 3**

"If the hearts and minds in the right place they would be able to help you but they just don't care.... because what might be suitable for the Job Centre is certainly not suitable for me. But the people there don't have a clue about my access needs or emotionally what I need." (Dipesh).

These extracts speak to notions of the reclassification of disabled people in terms of 'unemployed labour' whereby the disabled person's needs (or barriers) are backgrounded against the need to get them back into the labour market. In extract 4, Liam presents similar evidence of a lack of understanding and an almost forced model of equivalence between disabled claimants and unemployed claimants.

### **Extract 4**

"It was almost like they wasn't listening. I've got my job to do, this is how things are, you're doing it this way or there's no way. That's how they were with me". (Liam).

Here we see a report of an example where the individual worth of the person is subsumed under a bureaucratic process, in ways which invalidate the participant. Across this theme we see a number of ways in which the respondents represent how the current system is operating, and how this appears to be detrimental in regards to their physical and mental health. Furthermore, these extracts point to feelings of failings to understand the impact of disability and mental health and illustrates widely held participant views that the current system was flawed, and unfair. This brings us to our second theme.

## **Theme 2: Questions of compliance**

All participants talked about negative experiences of processes of conditionality, which were described as a central feature of their relationship with the welfare system.

Eight participants spoke about mandatory work-related activity they were required to undertake (under threat of sanctioning). They all reported that they felt that this

was of no benefit to their employment prospects. Participants described ways in which they felt devalued through their experiences of conditionality, including negative interactions with Job Centre staff and having to undertake self-negating activities, required under threat of sanction. Participants also spoke about how interactions with Job Centre staff undermined their confidence.

In terms of the issues around sanctioning and fear of sanctioning, participants tended to talk much more about the impact that the threat of sanction had upon what they did. In extract 5, Ben's observations convey a sense of omnipresent threat.

#### **Extract 5**

"There's still the implicit contract, where if they say jump we have to say how high.." (Ben).

In extract 6, Hannah describes the sense of constantly being watched and under threat. This is indicative of the extent to which the damaging threat of sanction functions to modify and control behaviour, in ways that appear directly detrimental to a person's physical and mental health.

#### **Extract 6**

"But just the thought of being sanctioned is a worry in itself... How am I going to pay for this and that...Sorry I'm getting agitated about it now... am I going to have enough money to put on my heating, I've got arthritis... If they don't see that you're doing enough on job searches and that, they can sanction you when they feel like it. There's no ifs or buts, its black and white, this way or that's it. There's no leniency with anybody. So, if they decide this universal match thing, that I ain't done enough, that's it, I'm getting sanctioned and there's nothing nobody, I can't say I was in hospital, I was under anaesthetic, they don't care about that." (Hannah).

Similarly, in extract 7 Charlie outlines how, the fear of sanction means that the focus of the claimant becomes about navigating the Job Centre in order to avoid a sanction. Thus, evasion of punishment takes precedence over engagement in meaningful activity to look for work.

#### **Extract 7**

"Your whole time, everything you're doing revolves around the Job Centre and what they require from you... So, you're constantly adapting to them rather than them adapting to your needs." (Charlie)

Participants described living in a state of permanent anxiety, fearful of losing their income through sanctioning. Avoiding a sanction was not something that participants felt they could control, they consistently reported this seemed to be at the discretion of the Job Centre staff. This had a negative impact on psychological well-being and health. For our participants, the experience of living with conditionality was very different from the policy stated intent of conditionality as providing incentives towards improved health (via employment). These extracts indicate how claimants were negatively impacted not only when income was removed by sanctioning, but by the experience of living under the threat of sanction (regardless of whether they were sanctioned or not). There was no sense in which claimants experienced these processes as a positive influence. There was no evidence of conditionality as an aid to moving more quickly into employment. In fact, there were a number of ways in which participants were negatively impacted by conditionality in ways that reduced their employability through lowered self-confidence and increased anxiety.

When sanctions were applied, their impact upon claimants was often catastrophic. In order to demonstrate this, we include a longer narrative. This case incorporates a number of the key issues in terms of demonstrating the impact of sanctions on participants' mental and physical health. Sanctions when applied, as they were to two of the participants, were devastating to mental health and in the case of Charlie, extracts 8 and 9 demonstrate how sanctions seriously impacted his physical health and almost led to loss of life.

### **Extract 8**

"It became a really stressful time for me... we didn't have a foodbank that was open regularly so I didn't have that as an option... So, what I was doing instead, because quite quickly my electricity went out... So, all my food was spoilt that was in the freezer. I managed to last for another 5-6 days of food from stuff that I had in the house. So, after that I started to go, I was on a work programme but was never called in. So, I'd go in anyway and there were oranges and apples in a fruit bowl, so I would just go in there and steal the oranges and bananas so I would have something to eat. Then they finally made a decision that I was going to be sanctioned...And there was this image which will probably stay with me for the rest of my life. On Christmas day I was sat alone, at home just waiting for darkness to come so I could go to sleep and I was watching through my window all the happy families enjoying Christmas and that just blew me away. And I think I had a breakdown on that day and it was really hard to recover from and I'm still struggling with it. And it was only my aunt, I've got an aunt in Scotland, every year she sends me £10 for my birthday and £10 for Christmas. And so on the Saturday after

Christmas, the first postal day, I received £20 from her and so then I could buy some electricity and food. I was then promptly sick because I'd gorged myself, because I ate too quickly." (Charlie).

Charlie then described meeting with the same advisor who had sanctioned him following the Christmas break and how it had affected him since. This further extract from Charlie illustrates that sanctions can have an enduring, long term negative impact on mental health that far from enabling disabled people to engage in work related activity, actually has a significant negative effect that makes vocational activity less feasible.

#### **Extract 9**

"So finally, when new-year had ended and I had to go back and sign with that same woman who had sanctioned me. She said that being sanctioned had shown her that I didn't have a work ethic. Now I'd been working pretty much solidly since I was 16 and it was only out of redundancy that I was out of work... The problem I had with that was the woman who sanctioned me was in the same place and it made me extremely nervous. I now have a problem going into the Job Centre because I literally start shaking because of the damage that the benefit sanction did to me... So yeah that was part, the sanction was one of the reasons that triggered the mental health and problems I'm having now... it was awful and I ended up trying to commit suicide... to me that was the last straw and I went home and I just emptied the drawer of tablets or whatever and I ended up in A&E for a couple of days after they'd pumped my stomach out." (Charlie).

These extracts clearly demonstrate the damaging effects of sanctions on participants. In these examples issues of physical and mental health are intertwined with processes of sanctioning and this has a myriad number of direct and consequential effects in terms of the participants mental and physical health. It is also apparent that the threat of sanction operates as a form of psycho-compulsion to ensure compliance, and that in many cases, the fear of sanction is sufficient to coerce behaviour changes in claimants, and that these coerced behaviour changes tend to have a negative impact upon participants' physical and mental health. Furthermore, when sanctions are actually implemented, they had both an immediate and enduring negative impact upon the physical and mental health and wellbeing of participants. This brings us to our third theme.

#### **Theme 3: Alternative ways of experiencing and responding to this policy regime**

Given the negative impact upon participants' mental health, the analysis also identified positive responses to sanctioning and conditionality. For example, thirteen

participants spoke about the importance of peer support or involvement in disability campaigning for coping with life under conditionality. Anger towards the welfare regime was expressed by half of the participants. Their comments show how, by contrast to experiences of conditionality which are characterised by feelings of powerlessness under a perverse and punitive system, an attitude of resistance to that system provided a way to form connections with others, make sense of the world and regain a more positive sense of self.

There was evidence of a sense of connectedness which mediated the isolation and meaninglessness that came from living under threat of sanction. It is noteworthy how clear lines of equivalence were drawn between people with disabilities who are experiencing these policies and processes. Dipesh (extract 10) and Alice (extract 11) talk about feelings of solidarity, and Alice invokes this solidarity in the context of a very negative example of the impact of sanctioning.

**Extract 10**

“It feels nice you see, when I unite with people with disabilities I feel better and happy. Being with others always helps. I found talking to like-minded people, attending a social group, we help each other” (Dipesh)

**Extract 11**

“You don’t want to hear about another person dying because they’ve had their benefits cut but at the same time you suffer alongside them as a comrade almost, as an equal member of the same bracket in society.” (Alice)

Ben (extract 12) described how campaigning against welfare reform enabled him to use his skills in a way that conditional job search activity did not. This situation is not lost on the authors, where Ben deploys a clear set of personal skills (which may function positively for him in an employment context) to engage with developing a coping strategy for dealing with the benefits system.

**Extract 12**

“I’ve done my own research on ESA, so more familiarity than the average person would be with the system... I’m still able to use my skills in a way they don’t approve of. I suppose that’s important for my identity as well. To be able to use the skills I feel are important is important for my self-esteem whether the DWP likes it or not.” (Ben).

Eight participants referenced political views concerning welfare reform. Four talked about how these views had developed as a result of their negative experiences and

how other claimants they know had similarly become politicised by their experiences within the current welfare regime.

## **Discussion**

These findings add further evidence to existing research literature that the imposition of activation-based modes of welfare has a detrimental effect on the mental health of disabled people (Dwyer et al., 2018; Geiger, 2017; Shefer et al, 2016; Barr et al, 2015; Kaye, Jordan and Baker, 2012; Garthwaite, 2015; Weston, 2012). This shift, coupled with concerted efforts to reduce the number of disabled people claiming welfare support (by making incapacity benefit and unemployment benefit equivalent) means that many of the needs of disabled people are ignored by a welfare system which is predicated on transactional models of entitlement rather than rights-based systems of support (Grover and Piggott, 2015). These changes, alongside models of conditionality and behavioural compliance have had a very clear negative impact on the mental health of disabled people.

Rather than providing incentives that can encourage disabled people back into work, as per the stated policy goal (DWP and DoH, 2016), our research illustrates the ways in which participants experienced these 'incentives' as perverse and punitive. Moreover, the imposition of incentives led to a state of constant anxiety for many and to a full mental health crisis for some. Living under the constant threat of sanctions, (sanctions which appeared unpredictable and to be inconsistently applied) can be likened to a state of 'learned helplessness' (Weiner, 1985) that is associated with a number of serious mental health diagnoses including depression and anxiety (Seligman, 1975).

This policy of conditionality is predicated against a theoretical and empirical background of Behavioural Economics (BIT, 2015; Leicester, Levell and Rasul, 2012; Gollwitzer, 1999). Our participants' reports suggest that these incentives are operating as a form of psychological intervention. However, psychological treatment interventions in health and social care settings are subject to consent alongside ethical and empirical scrutiny. Given the negative impact of sanctions, we feel these particular psychological interventions would not pass scrutiny, indeed, they would be rejected as ineffective and harmful, if assessed as a psychological treatment. This position undercuts any functional argument made about 'sanctions working overall' and it identifies a pressing need for these policies to be considered in a broader public health framework.

What is particularly problematic is the application of psychological theories about theory change that have been developed in controlled experimental conditions with non-disabled populations. The use of 'transaction costs' (Leicester, Levell and Rasul,

2102) such as stigma, making applications an ordeal and using the threat of withdrawal of benefits to change behaviour is entirely inappropriate with regard to a population of people with pre-existing mental health problems, as at least 50 per cent of ESA WRAG members are. The reasons for this are manifold but we want to draw particular attention to the paradox of applying measures which increase a claimant's anxiety when they already have high levels of anxiety to begin with. The chronic anxiety engendered by the conditionality and sanctioning regime is likely to be psychologically harmful for most people, for people with pre-existing conditions it is potentially catastrophic.

In order for these types of approaches to work, a system of rigorous risk assessment and safeguarding practices would have to be implemented to ethically and safely expose disabled people to such a risky intervention as the conditionality and sanctioning regime in the ESA WRAG process. But if this were implemented, then in large part the fear/threat of sanction would largely be removed as unethical. One mooted alternative approach to this is for all vocationally oriented support for disabled people to be made voluntary and outsourced to organisations expert in the field (Pollard, 2018). While we are not explicitly endorsing this approach, we do think that a radical policy and practice reform is urgently needed to avoid further harm to disabled people.

**Strengths and limitations of the study:**

There are three areas in which this research has made a distinctive contribution. The first is that it is, to the best of our knowledge, the first UK welfare reform research project that has been entirely co-produced in collaboration between a DPULO and academic researchers. This was particularly important at the stage of dissemination as it meant that the DPULO was able to act strategically to maximise research impact in non-academic forums, including a research launch at the House of Lords hosted by a disabled peer, disseminating the findings directly to the DWP's scientific committee, and submitting our findings to a number of relevant Parliamentary inquiries in writing and through oral evidence gathering. The findings have also been disseminated across disability and claimant activist networks which means they can be used to support and inform wider policy and campaigns work that is seeking to influence positive change in the current system. . In this study disabled people, activists and academics collaborated in order to avoid the research trap of academic dissemination that can be subsequently ignored at a policy level (Walker, Speed and Taggart, 2018).

The second distinctive contribution is that the research focused specifically on the psychological impact of conditionality and sanctioning on disabled people. This is particularly appropriate given that much of the theoretical underpinning of the



DWP's use of incentives is based on psychological theory and requires psychological as well as behavioural compliance. In this paper the participants clearly demonstrate that the use of conditionality and sanctioning is failing to encourage work related behaviour even on its own terms. On the basis of these findings we can say that it is psychologically ineffective in encouraging positive behaviour change and instead creates conditions of chronic anxiety for claimants by creating perverse and punitive incentives. Our findings endorse Friedli and Stearn's (2015) depiction of psycho-compulsion as a more accurate descriptor of how incentives are actually experienced by these disabled claimants.

Finally this research has highlighted that alongside the damaging impacts of a punitive welfare environment, there is evidence that disabled people are becoming politicised by the process and this is enabling many to find meaning and connections with others through resistance in many forms. This finding resists the characterisation of disabled people in the welfare system as passive recipients of oppressive policies (Beresford, 2016) and reinforces the need for more spaces in which this resistance can be articulated and new relationships formed (Taggart, 2018).

A core limitation of the research is that the sample size is small and sampling issues mean that there may have been a tendency for people with more negative experiences of the WRAG to come forward. However these issues are mediated by the study generating similar findings to other research in the field, particularly the Welcond study which was much larger in scale (Dwyer et al., 2018).

### **Implications:**

Looking to the future, these findings raise a number of concerns regarding the proposed expansion of transactional modes of welfare with processes of conditionality and sanctioning. Given that the shift towards more forms of transactional welfare is an international policy issue (Stafford et al., 2019), not confined to the UK, there are important lessons to be learned from this analysis by the disability movement in an international context. In the UK, the most recent House of Commons Research Briefing Paper (Kennedy and Keen, 2018) emphasises the government's plans to entrench conditionality and sanctioning at the heart of Universal Credit, leading to its imposition on all citizens, in work or out, who claim any form of welfare benefit. Current government estimates suggest 7 million families will receive Universal Credit across the UK (Kennedy and Keen, 2018). The current position states;

“The financial support provided by Universal Credit is underpinned by a new ‘conditionality’ framework setting out the responsibilities

claimants may be required to meet. The level of requirements will depend on the claimants' circumstances. The conditionality framework is backed up by a 'strong and clear' sanctions regime for non-compliance" (p.6).

As our research demonstrates, the strong and clear message that our participants heard was concerned with the threat of sanctioning. The mainstreaming of conditionality described here means that 'strong' may be taken to mean punitive. What is clear is that the body of evidence (Hale, 2014; Dwyer and Wright, 2014; [Barr et al. 2015](#); Geiger, 2017; Dwyer et al., 2018; Taggart, 2018) pointing to the negative impact of conditionality and sanctions has been largely ignored at the level of policy.

On the basis of this study, this poses the real risk of a public mental health crisis ensuing as a result of the imposition of perverse and punitive incentives in a coercive conditionality context. This has international implications as more governments pursue transactional modes of welfare. With this in mind, we conclude by pointing to the collaborative methodology employed by this study, and to suggest that future work needs to build on the partnership of researchers and DPULO as bottom up activism and campaigning is needed as an important adjunct to conventional research.

7878words (excluding references)

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