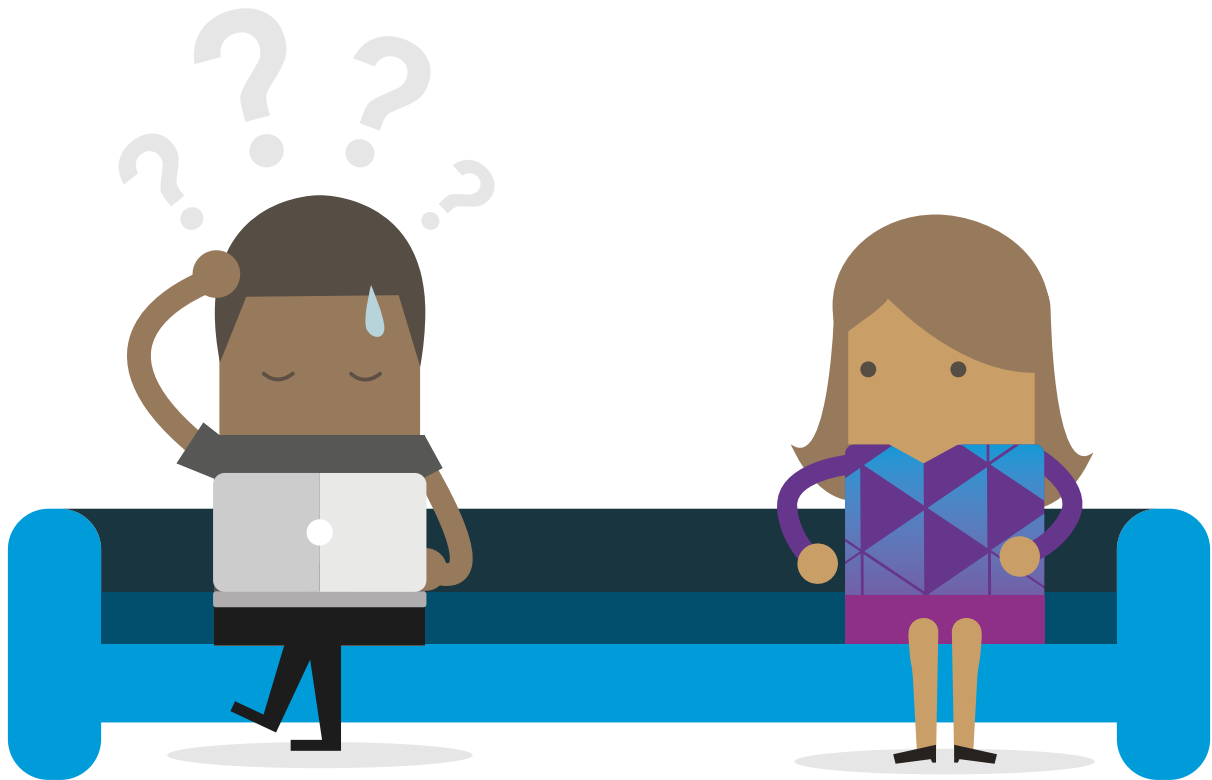




MONEY AND
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SET UP TO FAIL

Making it easier to get help with Universal Credit

Nikki Bond

Contents

Executive summary	5
Introduction	8
Section one: Why people need help to manage their Universal Credit account	12
1.1 Symptoms of mental health problems can make it harder to maintain a claim	12
1.2 Pain points in the UC system drive a need for third party support	13
1.3 The consequences of being unable to access third party support	15
Section two: Third party access in Universal Credit	17
2.1 The current options for third party access	17
2.2 Which third party access mechanisms people currently use	18
Section three: Flaws in the third party access system	21
3.1 Providing sufficient information online to delegate explicit consent is almost impossible	21
3.2 The verbal explicit consent process is inaccessible	22
3.3 There are variations in how explicit consent is interpreted	23
3.4 Duration of consent can prove problematic	23
3.5 Appointeeships are a powerful but blunt instrument	23
Section four: Recommendations: what change should look like	26
4.1 A stepped approach to support	26
4.2 Make third party access systems in UC easy to access	27
4.3 Make the UC system simple to use	28
4.4 Design systems that maximise privacy and autonomy	28
Conclusion	30

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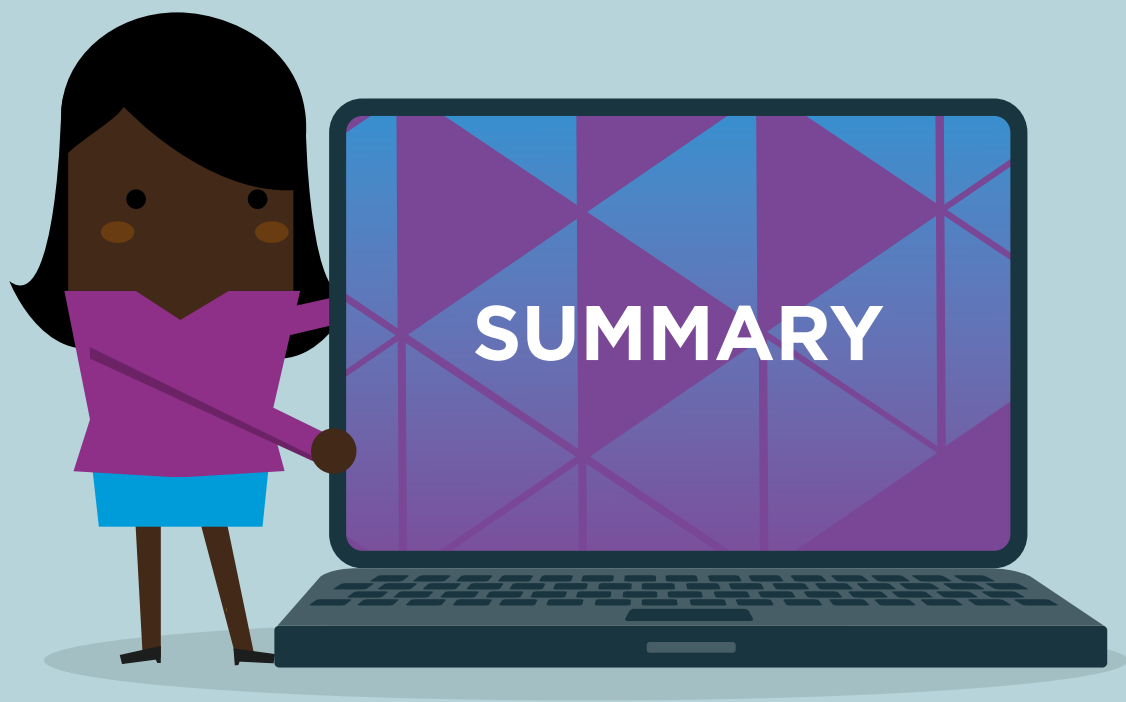
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Executive summary

Experiencing a mental health problem can make it harder to manage your Universal Credit (UC) account on your own

- Symptoms of mental health problems, such as depleted energy levels, memory problems or difficulties processing complex information, can make it challenging to complete the regular tasks involved in managing your UC account.
 - For the nearly 1.3 million UC claimants who report experiencing significant mental distress, requirements like carrying out work searches, responding to messages and attending appointments can be particularly problematic to complete alone.
 - Failure to do so can have devastating consequences. Sanctions, deductions or lost entitlements mean people cannot meet their essential living costs, which can aggravate mental health problems and delay recovery.
 - Faced with these challenges, people with mental health problems often rely on support from third parties. In a survey of UC claimants with experience of mental health problems, over half (57%) said they have needed help from family or friends to manage their account and more than one in four (27%) always or often needed help.
- But the precise details required from claimants are not clearly explained within the online UC system, making it incredibly difficult, if not impossible, to record their wishes accurately.
 - Delegating explicit consent online or over the phone also requires claimants to navigate the very tasks which led to them requiring help in the first instance. If claimants cannot navigate the main system, they are unlikely to be able to navigate the process for accessing support.
 - Without effective systems for delegating consent to another person, claimants cannot get the assistance they need, raising the risk of harmful financial and mental health consequences. Almost half (46%) of our survey respondents who had relied on help with their UC claim had used informal workarounds like sharing usernames and passwords to get support.

Despite being crucial, getting third party help with UC is a difficult and confusing process

- In contrast to the 'legacy' benefits system, the Department for Work and Pensions (DWP) requires UC claimants to set out exactly what information they want to be shared with a third party and what task they would like assistance to resolve – a process known as providing 'explicit consent'.
- ### **The system to enable third party support should be accessible, straightforward to use and maximise claimants' control**
- In our research, people with mental health problems told us they wanted UC to be simpler to use and for the process to get third party support to be clearer and more accessible.
 - Overwhelmingly, respondents wanted third party access in UC to let them keep maximum levels of privacy and autonomy.
 - The DWP has committed to exploring how the explicit consent process could be improved. But with the pandemic leading to worse mental health, unemployment forecast to rise and many of those transferring to UC likely to have additional needs, delivering a third party support system that lets people get the help they need should be an urgent priority for the government.

Recommendations for a better third party access system in UC

- Quick and simple changes to the explicit consent process would make it easier for UC claimants to get the support they need from friends and family. Clearer and more consistent prompts on what information is required and a drop-down menu clarifying exactly what information claimants' wish to share and for how long would avoid needless financial and psychological harm.
- Too often, people who need third party support were not aware of how to arrange it. The plan to introduce a 'vulnerability marker' in the UC system – enabling claimants in need of greater support to be better identified – offers an ideal opportunity to ensure people who would benefit know they can do so.
- For those who may not have a third party that they feel comfortable granting such access to, more professionalised support would be invaluable. Expanding the existing Help to Claim service, which provides assistance to those making their initial UC application, to include a new Help to Manage service could fill an important gap.
- While these changes could support people to access help quickly and efficiently, there are other fundamental changes to the UC system that would mean fewer people with mental health problems face difficulties in getting support:
 - Develop a system of view-only access for authorised third parties, allowing claimants to share specific screens with a friend or family member
 - Introduce a system of duplicate notifications to authorised third parties, alerting both the claimant and their third party about new messages or tasks within their account
 - Improve the existing appointeeship system – which grants huge power to third parties – so it is more proportionate and tailored to the specific tasks and challenges that individuals face.
- Alongside changes to the third party access process, people with mental health problems told us how the UC system could be made easier to use. Steps like presenting information on payments and calculations more simply and providing more comprehensive drop-down menus would mean that help from family and friends – while still often crucial – would be required less frequently.



Introduction

The changing benefits system

Universal Credit (UC) was introduced in 2013, replacing six existing 'legacy' benefits with one monthly payment. As of May 2021, there are over 6 million people in receipt of UC, double the number before the Covid-19 pandemic,¹ with a further 7 million people expected to migrate from legacy benefits by September 2024.²

One of the reasons UC was introduced was to simplify the benefits system, which is often complicated and difficult to navigate. This is particularly true for people experiencing mental health problems. Common symptoms, like trouble concentrating or memory problems, can make many common tasks much more challenging. And while UC has streamlined parts of the benefits system, it has also added new complications. Chief among these is the need to start your claim via the online service, requiring claimants to be able access the internet. In 2019, the government recognised these difficulties and invested £39 million to introduce the 'Help to Claim' service to support people to navigate the UC online claims process.³ The overwhelming need for this service was apparent, with 100,000 people receiving assistance to make a claim in the first six months of the programme in 2019.⁴

Although clearly a valuable service, once a person is in receipt of their first payment, access to the Help to Claim service ceases.

The challenges of navigating the system, however, do not stop there. Support from a third party, such as a family member, friend or professional advisor, can therefore be a lifeline, helping people to keep up with requirements in order to avoid sanctions or lost entitlements. In practice, however, it is not always easy to authorise another person to act and make decisions on your behalf, or for them to be able to resolve issues efficiently and effectively.

Third party access

There have long been processes within the benefits system through which a claimant can get support from a third party. But the introduction of UC has made it harder than ever to get such help. It brought with it stringent new rules regarding third party access and compounded the difficulties people face.⁵ While these additional requirements are intended to protect claimants from fraud or abuse and ensure their privacy, the additional barriers are leading to harm, both financial and psychological. A number of public bodies, including the Information Commissioner's Office⁶ and the Social Security Advisory Committee (SSAC)⁷, have raised concerns and called for improved routes to set up third party access.

1. DWP. Official statistics: Universal Credit statistics. February 2021.

2. Institute for Fiscal Studies. Benefit changes set to take effect during the next parliament. November 2019.

3. Gov.UK. New 'Help to Claim' service provides extra Universal Credit support. April 2019.

4. Citizens Advice. Help to Claim – the story so far. 2019.

5. SSAC. The draft Universal Credit (Managed Migration) Regulations 2018: SSAC report and government response. November 2018.

6. The Scottish Parliament. Social Security Committee Agenda. 18/06/2019.

7. SSAC. The draft Universal Credit (Managed Migration) Regulations 2018: SSAC report and government response. November 2018.

The DWP has acknowledged that changes are required and, before the pandemic, had begun exploring options for how to improve the system.⁸ Progress with these plans has slowed since the onset of the pandemic, but accessible and effective third party access is of growing importance. Not only are more people dependent on UC,⁹ the crisis has taken a huge toll on the nation's mental health.¹⁰ Looking further ahead, the need to address the problems in the system is set to become more urgent than ever:

- The DWP plans to launch a campaign in Summer 2021 to encourage claimants who are estimated to be better off on UC to voluntarily move from legacy benefits¹¹
- The Office for Budget Responsibility projects that unemployment will continue to rise and peak in Q4 2021, as the furlough scheme ends¹²
- 'Managed migration' (the process by which claimants are moved from legacy benefits to Universal Credit) is due to be completed by September 2024. This will include 1.9 million people who receive Employment and Support Allowance (ESA),¹³ two-thirds of whom are considered to have mental health problems.¹⁴

This report and its scope

Against this backdrop, this report aims to assess the problems in the current system and set out what improvements are required. To do so, it draws on the Money and Mental Health Research Community, a group of 5,000 people with lived experience of mental health problems or of caring for someone with a mental health problem. We carried out an initial scoping survey in February 2020 of 36 people with lived experience of mental health problems and seven depth interviews with experts in related fields. The main research the report relies on was carried out in March 2021, including:

- A survey of 423 people with lived experience of mental health problems who have ever wanted or received help managing their benefits, 245 of whom had experience of claiming UC
- A survey of 56 carers who have helped someone experiencing mental health problems to manage their benefits
- An online focus group with five UC claimants with lived experience of mental health problems to explore the issues in greater depth.

8. Todd, V. Consent in Universal Credit: understanding what works. Gov.UK. 2019. (Accessed 09/01/20) <https://ssac.blog.gov.uk/2019/08/07/consent-in-universal-credit-understanding-what-works/>

9. DWP. Official Statistics: Universal Credit statistics. February 2021.

10. Office for National Statistics. Coronavirus and depression in adults, Great Britain: January to March 2021. May 2021.

11. DWP. Letter from Therese Coffey MP to Rt Hon Stephen Timms MP. 16 April 2021 (Accessed 06/05/21) <https://committees.parliament.uk/publications/5640/documents/55666/default/>

12. OBR, Economic and Fiscal Outlook – March 2021.

13. DWP. National Statistics: DWP benefits statistical summary, February 2020.

14. McManus S et al (eds.) Mental health and wellbeing in England: Adult Psychiatric Morbidity Survey 2014. NHS Digital. 2016.

In Spring 2021, we also conducted five additional depth interviews with experts in the field from a range of third sector organisations to understand the opportunities and challenges of delegating consent and third party access in UC. Further details on the methodology are provided in the methodological note published alongside this report.

This report has focused on the specific issue of third party access within UC. Respondents, however, often raised broader problems with the design and administration of UC. While many of these questions are outside the scope of this report, in our previous work we have made a number of recommendations to address these systemic problems.¹⁵ Another group who may face particularly acute challenges with UC are those who lack the digital skills needed to use the predominantly online system. While a linked issue, the solutions for people who are digitally excluded due to capability challenges look different to those we concentrate on here, and this important issue has been covered in other reports and publications.¹⁶ Finally, our emphasis in this report is on third party access for those who have a trusted friend, family member or professional advisor who is able to provide support. Help for those who do not have this support is covered further in our work around money advice and mental health services.¹⁷

The rest of this report is structured as follows:

- **Section one** explores why people need help from family and friends to maintain their UC claim
- **Section two** sets out how the current system of third party access operates
- **Section three** considers the flaws in the current system
- **Section four** makes recommendations that would deliver a third party access system that better supports people experiencing mental health problems.

15. Bond N. Work and Pensions Committee's inquiry on Universal Credit: the wait for the first payment. Money and Mental Health Policy Institute. 2020.

16. See, for instance: <https://www.cas.org.uk/news/cas-warns-un-digital-divide-universal-credit>.

17. Bond N and Holkar M. Help Along the Way. Money and Mental Health Policy Institute. 2020.



Section one: Why people need help to manage their Universal Credit account

Our research with people with mental health problems has identified two key factors that drive the need for third party support in UC:

- Common symptoms of mental health problems make it harder to manage your claim
- There are pain points in the system that people with mental health problems find particularly difficult to navigate.

1.1 Symptoms of mental health problems can make it harder to maintain a claim

Common symptoms of mental health problems include lower concentration levels, increased impulsivity, memory problems and reduced planning and problem-solving skills.¹⁸ As Table 1 outlines, all of these can make it harder for people experiencing symptoms to navigate the UC system.¹⁹ Nearly six in ten (57%) respondents to our survey reported that their mental health problems had impacted on their ability to maintain their UC claim.²⁰

Table 1: Common symptoms of mental health problems and their impact on maintaining a UC claim

What is the problem?	What is the impact?	In the words of experts by experience
Depleted energy levels and motivation	Can make logging into your UC account and completing tasks tricky	"Sometimes, I end up missing messages completely as a result of my mental health."
Short-term memory problems	Can make remembering to check your UC account for messages or tasks difficult	"I sometimes forget to check my account and almost had my payment suspended once."
Reduced concentration	Can make completing tasks within tight timescales impossible	"I knew that I had a deadline but I couldn't focus or concentrate... I was struggling to think properly."
Difficulty understanding and processing information	Can mean interpreting correspondence and understanding tasks and calculations is challenging	"I panic that I am not doing things in time and that I am doing the wrong thing."
Social anxieties and communication difficulties	Can make resolving problems or seeking clarity an impossibility	"I find it difficult to... figure out how to talk to somebody through the site. It raises my anxiety to the point where I need to take meds."

18. Holkar M. Seeing through the fog. Money and Mental Health Policy Institute. 2017.

19. Bond N, Braverman R and Evans K. The benefits assault course. Money and Mental Health Policy Institute. 2019.

20. Money and Mental Health survey. Base for this question: 122 people with lived experience of mental health problems and claiming UC.

This need for support appears to come in part from the added demands the UC system makes on claimants. Under UC, claimants are required to be active participants in maintaining their claim, with more actions to complete. This is in contrast to the approach under legacy benefits, which required less active input from claimants.

For some people with mental health problems, these routine tasks and decisions involved in maintaining a UC claim are simply too arduous. In these instances, it is not necessarily the user interface or design of the service that make these tasks harder but the symptoms of their mental health problems. Accurate Work Capability Assessment decisions and effective discussions with Work Coaches – the main person a claimant interacts with from the DWP – that identify people's needs and capabilities should avoid claimants being required to complete tasks beyond their capabilities. However, people are regularly inaccurately assessed and placed in incorrect conditionality groups, meaning third party support is vital.²¹

1.2 Pain points in the UC system drive a need for third party support

A recurring finding from our research was that complexities in the UC system were driving a need for third party support. While the difficulties in setting up third party support are causing real distress, our research found that there are specific pain points in the UC system that are causing people to need help in the first place.

Respondents with mental health problems found some of the basic elements of the UC system relatively easy to use. As Figure 1 shows, almost six in ten (58%) respondents found it easy to add a note to their journal, with one in five (20%) describing it as difficult.²² Nearly half (47%) found it is easy to learn how to navigate the system, such as the home page, to-do list or journal, while a one in three (32%) said it was difficult.²³

But there were obvious pain points in the UC system too. Only a quarter (26%) of respondents found it easy to understand which change in circumstances they needed to tell the DWP about²⁴ and two-thirds (67%) of respondents found it difficult to understand how the DWP had calculated UC payments.²⁵

Six out of ten (67%) respondents found it difficult to challenge sanctions or deductions²⁶ and over half (53%) found it difficult to re-negotiate or make amendments to their claimant commitment.²⁷

"I said to my work coach I wasn't able to meet the commitments of 30 hours work a week that had been automatically given to me, even though when we met I was clear about my depression being debilitating. He said he understood and I assumed that meant it would be removed but it was merely changed to 15 hours. I said in the journal I was not even managing that and they replied to say that was ok and to just note what I did manage. But this left me feeling really confused as to whether I would be sanctioned and why they didn't just reduce the commitments completely."

Expert by experience

21. DWP. National Statistics ESA: Work Capability Assessments, Mandatory Reconsiderations and Appeals. March 2020.

22. Money and Mental Health survey. Base for this question: 240 people with lived experience of mental health problems and claiming UC.

23. Money and Mental Health survey. Base for this question: 241 people with lived experience of mental health problems and claiming UC.

24. Money and Mental Health survey. Base for this question: 237 people with lived experience of mental health problems and claiming UC.

25. Money and Mental Health survey. Base for this question: 234 people with lived experience of mental health problems and claiming UC.

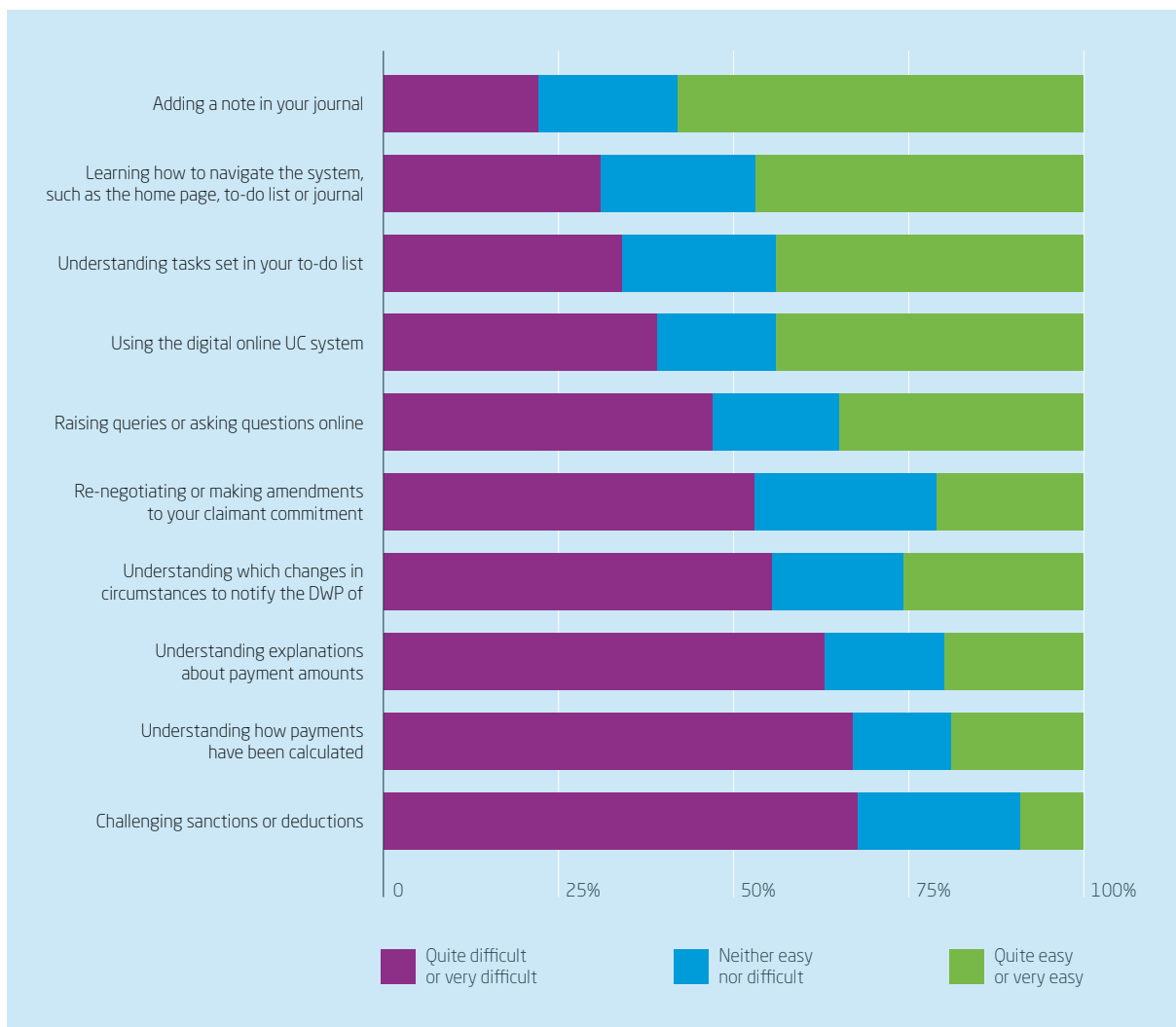
26. Money and Mental Health survey. Base for this question: 180 people with lived experience of mental health problems and claiming UC.

27. Money and Mental Health survey. Base for this question: 205 people with lived experience of mental health problems and claiming UC.

While these tasks are inevitably made trickier by the effects of mental health problems, people told us how the system's basic design compounded these challenges.

These specific tasks were hard to understand, lacked transparency and were not easy to access or initiate within the online system. To overcome these pain points, people tried to turn to third parties for support.

Figure 1: Ease of use of specific tasks involved in maintaining a UC claim



Source: Money and Mental Health survey of 423 people with lived experience of mental health problems.
 Base: 180-241 people who had navigated various parts of the UC system and how easy or difficult they found it to manage.

1.3 The consequences of being unable to access third party support

For those who do struggle to keep up with the management of their UC account, the consequences can be devastating. People described being sanctioned for being unable to complete the tasks required to maintain their claim. Others had claims shut down and lost entitlements altogether.

"I was unable to maintain my Universal Credit account on some occasions because I didn't understand some of the questions or information that was required, I didn't know what I had to do. I was sanctioned, which made my mental health quite bad."

Expert by experience

"I was completely disabled mentally for a number of years and this was never taken into account and I lost lots of entitlements and once tried to commit suicide."

Expert by experience

Faced with these repercussions, informal support from family and friends can be a lifeline. Over half (57%) of respondents reported that at some point they had needed help from family or friends to manage their UC account,²⁸ and just under half of those (48%) always or often needed such help, equivalent to one in four (27%) of all UC claimants surveyed.²⁹

"I have in the past been unable to speak to DWP as I am not the person making the claim. This resulted in my daughter not receiving her benefits and causing her distress."

Carer

"They stopped all benefits because my sister did not attend a meeting. But because they only notified her of the meeting through the UC portal, there was no way anyone would have known about it because she can no longer use a computer. I became aware when I noticed the payments stopped."

Carer

Section one summary

- The symptoms of mental health problems can make it difficult to undertake the regular tasks involved in maintaining a UC claim.
- Relative to the previous benefits system, UC has increased the level of administrative burden on claimants to manage their UC account.
- Pain points in the UC system – including challenging sanctions and understanding how payments are calculated – are leading people with mental health problems to seek out third party support.
- The consequences of not maintaining your UC claim can be dire. Financial consequences such as sanctions, deductions or lost entitlements can mean people cannot meet their essential living costs. The effects of coping with lost incomes can aggravate mental health problems and delay recovery.

²⁸ Money and Mental Health survey. Base for this question: 237 people with lived experience of mental health problems and claiming UC.

²⁹ Money and Mental Health survey. Base for this question: 134 people with lived experience of mental health problems and who have ever needed help with managing their UC account from family or friends.



Section two: Third party access in UC

2.1 The current options for third party access

Not everyone with a mental health problem will need support to navigate the UC system; many can manage their accounts independently. Others may need help with specific tasks sometimes, while some may always need support.

For those who do require support, there are two primary ways for a third party to act on another person's behalf in UC:³⁰ explicit consent and appointeeship. The claimant's mental capacity is the crucial consideration

when weighing which mechanism to use, with vast differences in the power the two approaches delegate and their impact on privacy.

As Table 2 sets out, where claimants have the relevant mental capacity to manage their UC account, the third party access mechanism that should be invoked is explicit consent. Where the claimant lacks the relevant capacity to manage their account, an appointeeship is likely to be the most appropriate tool.

Table 2: Third party access mechanisms specific to benefits and UC

Mechanism	Details	Powers delegated
Explicit consent ³¹	A claimant can delegate 'explicit consent' for a third party to liaise with the DWP on their behalf.	The specific powers and access to information delegated remains the choice of the claimant and is time-limited.
Appointeeship ³²	A third party can be appointed by the DWP when an individual is considered to lack the relevant mental capacity to manage their UC account. The third party is responsible for claiming, managing and receiving UC payments on the other person's behalf.	Appointeeships delegate wholesale powers and access to information to the third party.

³⁰. For the purpose of this report we have excluded Deputyships and Lasting Power of Attorneys from this research. These are explored in full in Bond N, Evans K and Holkar M. A little help from my friends. Money and Mental Health Policy Institute. 2019.

³¹. Gov.UK. Universal Credit consent and disclosure of information. Department for Work and Pensions. 2018

³². A corporate appointee is also an option, however, as we are primarily considering access for family and friends this is not included within our analysis

What the law says about third party access

How these mechanisms are designed and used draw heavily on two key pieces of legislation:

- **The Mental Capacity Act 2005** – The Act dictates that third party access should be provided in a way that protects a person's autonomy, supporting them to make decisions wherever possible, rather than allowing someone else to make decisions on their behalf.³³ A person's mental capacity is relative and not binary. It exists on a spectrum, with a person's ability to make financial decisions both time- and circumstance-specific. Third party access mechanisms must be designed with these principles in mind.
- **General Data Protection Regulations 2018 (GDPR)** – The GDPR requires that consent must be specific, explicit, easy to withdraw and kept up to date if the person's situation changes. Third party support to maintain a UC claim often involves sharing personal data. This can infringe on the claimant's privacy and create fraud or financial abuse opportunities. As such, the DWP must take great care to ensure data is shared safely. The DWP usually processes personal data based on consent (that the individual has given explicit permission to use their data for this purpose) or contract (that personal data must be processed to fulfil a specific agreement between the individual and the DWP).

Which third party access mechanisms do people currently use?

The results of our survey suggest that versions of explicit consent are the most commonly-used of these formal mechanisms. As Figure 2 shows, more than four in ten (45%) respondents who needed help with maintaining their UC claim had verbally given the DWP consent to speak with a family or friend on their behalf - equivalent to one in four (27%) of all surveyed on UC.³⁴ A minority (21% of those who needed help or 10% of all those on UC) had managed to successfully delegate consent on an ongoing basis by using the online system or in writing.³⁵ A small but not insignificant number of respondents had used an appointee to allow a family or friend to help with the ongoing management of their UC account.³⁶

Although these third party access mechanisms are available, in practice people often rely on informal workarounds to get support. Almost half (46%) of respondents who had relied on support had shared their UC online login and password account details to allow a family or friend to help them maintain their claim, or 22% of all UC claimants surveyed.³⁷ Sharing such information, even with a trusted person, is incredibly risky, placing people and the DWP at risk of fraud. Beyond direct financial considerations, it can also compromise people's rights to privacy and autonomy.

33. Mental Capacity Act 2005. c.3. (1).

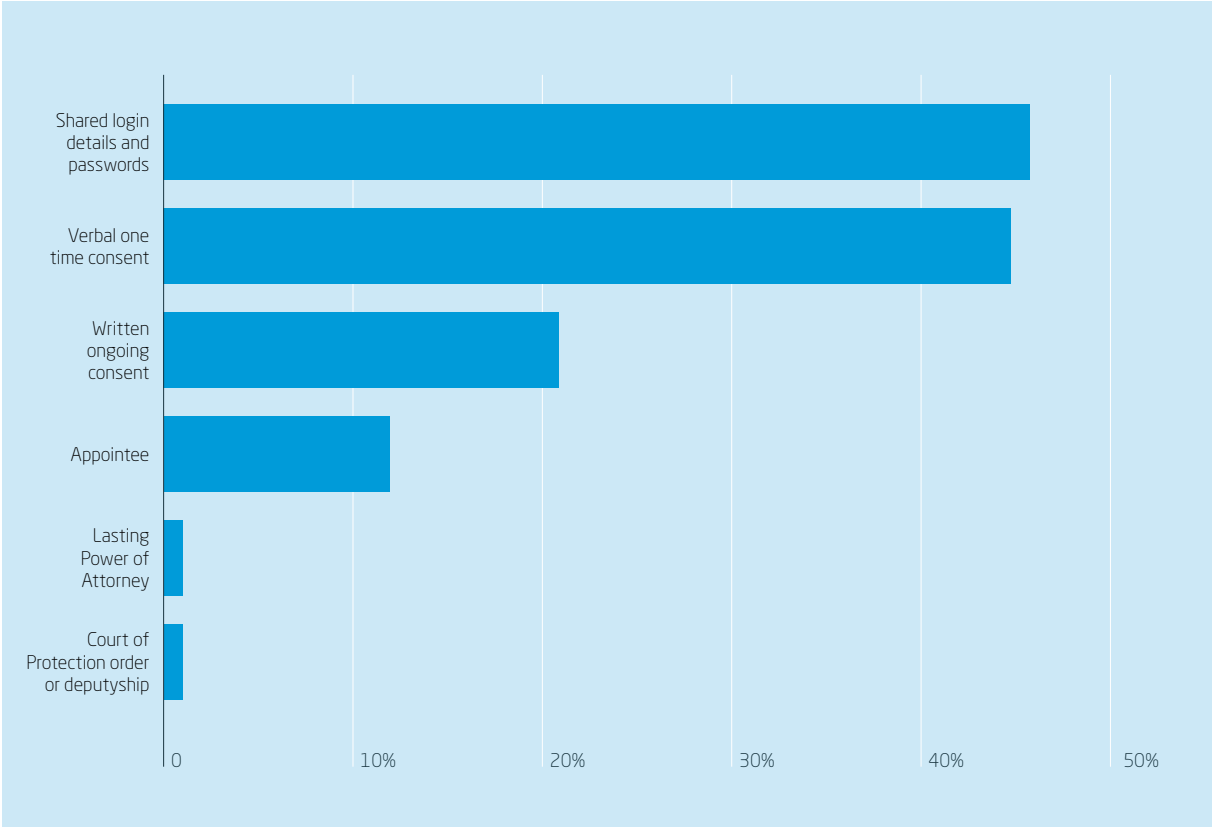
34. Money and Mental Health survey. Base for this question: 112 people with lived experience of mental health problems and who had used a third party access mechanism to allow a friend or family member to help them make or manage a UC account.

35. Ibid.

36. Ibid. 13 respondents had used an appointee.

37. Ibid.

Figure 2: Third party access mechanisms used by UC claimants



Source: Money and Mental Health survey of 423 people with lived experience of mental health problems. Base 112 people who had relied on a friend or family member to support them to maintain their UC claim. For further detail of options provided, see methods note.

Section two summary

- Receiving help with maintaining a UC claim typically requires claimants to delegate consent for a third party to access personal information and in some instances decision-making powers.
- While the formal third party mechanisms – explicit consent and appointeeships – are used, almost half of survey respondents reported that they relied on informal workarounds like sharing usernames and passwords to get the support they needed to manage their UC account.



Section three: Flaws in the third party access system

Despite routes to getting third party support with UC, our research suggests that for too many people with mental health problems the options are proving insufficient. In this section we set out why people are either unable to get third party support or are forced to turn to more informal and risky workarounds.

3.1 Providing sufficient information online to delegate explicit consent is almost impossible

In theory, the model of providing explicit consent is not contentious. It protects people's privacy and preserves their autonomy, giving claimants' choice and freedom over how and when they share personal information with a third party. However, it has proved hugely problematic in practice, both for claimants trying to delegate consents and for third parties.³⁸

The system requires claimants to record the exact permissions they are delegating in the journal page of their account. This includes:

- Giving consent for your personal information to be shared
- Giving the name of the person you want the information to be shared with
- Explaining your relationship with the person you are delegating consent to
- Outlining what information you want to be disclosed
- Explaining why the information is needed.

Our research has identified three key problems with delegating explicit consent within the online journal:

- There is no explanation that the journal page is where explicit consent should be given in order to delegate permissions, leaving claimants to guess where best to provide this information.
- There is no guide anywhere in the UC system setting out what information is needed in order to set up third party help. The specific information required – as set out in the bullets above – can only be found by navigating away from the UC online system.³⁹
- There are no prompts to help people think through what they might want their third party to do or what information they might need. While a DWP advisor may be able to support a claimant to provide all the required information in a telephone call or face-to-face, there are no equivalent nudges or prompts online.

Within this system, accurately identifying the specific information required and articulating what the problem is would be challenging for anyone. Doing so when experiencing a mental health problem can be impossible.

³⁸. SSAC. The draft Universal Credit (Managed Migration) Regulations 2018: SSAC report and government response. November 2018.

³⁹. Gov.UK. Universal Credit consent and disclosure of information. DWP. 2018. (Accessed: 10/05/21) <https://www.gov.uk/guidance/universal-credit-consent-and-disclosure-of-information>.

3.2 The verbal explicit consent process is inaccessible

Previous Money and Mental Health research has found that more than half (54%) of survey respondents who have experienced mental health problems have serious difficulties using the telephone.⁴⁰ Relying on telephone consents as an alternative to overcoming the challenges of an online system is therefore insufficient.

"I have found the most difficulty with communication; it is impossible to speak to anyone without the claimant being present... My son gets extremely anxious when waiting for anything and cannot speak on the phone. It is impossible for him to answer questions correctly as he is often deluded and gives very convincing fantasy answers."

Carer

Calls to the DWP can be lengthy, with reports of long wait-times before speaking to an advisor. In a 2019 survey, only one in twenty (5%) survey respondents said that, when calling the DWP, JobCentre Plus or their local council, the phone was always or often answered quickly. Three-quarters of survey respondents (75%) reported that the phone was rarely or never answered quickly.⁴¹

For claimants who are experiencing symptoms of mental health problems, such as anxiety or impulsivity, it can be a near-impossibility to manage their fears or frustrations in order to remain on the phone for extended periods.

"I have social anxiety that makes verbal communication overwhelming, and having to go through the security questions was daunting. It was really difficult for me and my carer to make phone calls together because of my chaotic routine."

Expert by experience

In order to overcome the challenges of online explicit consent, conference calls are routinely used by advice organisations, enabling them to speak with the claimant and DWP advisor at the same time. While this presents an alternative method of providing explicit consent, it can be particularly problematic for people experiencing mental health problems, who may either struggle to use the phone or who lack the knowledge to utilise this work-around.

40. Holkar, M. Evans, K. Langston, K. Access essentials. Money and Mental Health Policy Institute. 2018.

41. Money and Mental Health survey of 394 people with experience of mental health problems who had phoned the DWP, JCP or local council about their benefits. 2019.

3.3 There are variations in how explicit consent is interpreted

The design of the system not only presents difficulties for claimants. It can be challenging for DWP staff to know precisely what information a claimant has consented to share and for how long that consent is valid. When claimants record consent in online journals, DWP staff are required to decide what data to share with a third party to facilitate them fulfilling the claimant's request. This lends itself to human error, particularly where staff interpret consents differently or where permissions are worded vaguely.

"I phoned the DWP about a client who had two deductions being taken off their Universal Credit. They provided me with the information I needed about the advances the client had outstanding, but they refused to provide the outstanding balances of the other debts."

Professional advisor

3.4 Duration of consent can prove problematic

The government guidance on UC consent and disclosure of information stipulates that "explicit consent does not last forever, it usually lasts until either the specific request is completed or the end of the assessment period, after the one in which the consent was given."⁴² This is ambiguous and open to interpretation. Staff may conclude that a matter is completed as information has been provided to resolve an issue. Still, third parties often find that further clarification is required, and follow-up calls are needed. In practice, this means that claimants are being required to give consent repeatedly, often causing unnecessary distress and difficulty.

3.5 Appointeeships are a powerful but blunt instrument

For people who are acutely unwell – for instance when they do not have the relevant mental capacity to manage their financial affairs – appointeeships are an invaluable tool. It allows those who would otherwise be unable to make or maintain a claim to do so.

However, when it comes to meeting the needs of people with fluctuating mental capacity and capacity limitations, appointeeships can be problematic. Appointeeships are intended to mirror the functions of the Lasting Power of Attorney (LPA), a legal document that allows a person with mental capacity to appoint someone to help them to make decisions, or to make decisions on their behalf. Appointeeships are for people who do not have the financial means or backing to apply for LPA.

Despite similarities, there are fundamental differences in the basic premise underlying LPAs and appointeeships. The Mental Capacity Act (MCA) specifies that LPAs are a tool for both "supported" and "substitute" decision-making. This means that all efforts should first be made to ensure a person can be supported to make a decision for themselves. Where efforts to do so are exhausted, a donor can, where necessary, make a substitute decision on their behalf. Appointeeships, however, differ from LPAs in that they are solely a substitute decision-making tool. They allow another person to make decisions about benefit claims, manage those claims, and receive payments on another person's behalf.

⁴² Gov.UK. Guidance: Universal Credit consent and disclosure of information. March 2018 (Accessed 07/02/20) <https://www.gov.uk/guidance/universal-credit-consent-and-disclosure-of-information>.

"It [appointeeship] works (mostly) well now. They [the DWP] used to insist on calling me, and I couldn't understand or remember what they were telling me, so it is good that now they contact my carer by default. However, it means that now I sometimes don't know what's going on: i.e. they [the DWP] tell him, but they don't tell me, which makes me feel like a child. Why can't they tell us both?"

Expert by experience

"Even though my carer explained my difficulties on my forms, they still tried to ring me even though I don't answer my phone. Each time we made contact, I still had to go through security questions. They suggested my carer becomes Power of Attorney, but we didn't want this as it takes my independence away."

Expert by experience

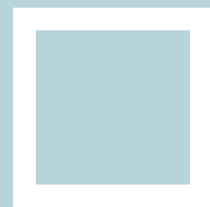
While this may serve the needs of a small group of people, appointeeships will not be appropriate for the vast majority of people with mental health problems. Appointeeships are not based on principles of empowerment and do not lend themselves to shared decision-making.

Section three summary

- Third party access in UC is not working well for people with mental health problems.
- The process to delegate permissions via explicit consent is unclear and poorly explained, making it incredibly difficult, if not impossible, to record consents accurately.
- Delegating explicit consent online requires claimants to navigate the very tasks and demonstrate the same skills which led to them

requiring assistance in the first instance. If claimants cannot navigate the main system, they are unlikely to be able to navigate the process for accessing support.

- The main alternative to explicit consent – appointeeships – delegate wholesale powers and infringe on privacy and autonomy. There is, currently, very little in between these two options.



Section four: Recommendations: what change should look like

4.1 A stepped approach to support

Having identified how the current UC system does not meet the needs of many claimants, in this section we set out what people with mental health problems want to see change. With the current third party access mechanisms, people face a trade-off between their privacy and autonomy, and their need for help. Both main routes to third party support present serious concerns, with explicit consent being at times impossible to navigate, and appointeeships often transferring too much power and infringing on people's privacy.⁴³

Our research finds that people with mental health problems want a stepped approach to support with maintaining their claim, with more streamlined routes to less intrusive assistance, along with effective checks

and protections for the most powerful delegation mechanisms. As Table 3 sets out, this approach starts with the principle of least intrusive intervention – for instance providing information and moral support – before, in line with a person's need, escalating in the levels of support offered and privacy and autonomy that is delegated.

A UC system informed by this approach would better meet the needs of claimants with mental health problems. In the rest of this section, we discuss the changes required to deliver a third party support system that is easy to access while maximising privacy and autonomy, along with how to make the main UC system simpler to use.

Table 3: A stepped approach to third party support in UC

What is the problem?	What is the impact?
Information and support	General information and help to understand entitlements; moral support at appointments.
Prompts and nudges	Prompts to check the online account for messages and notifications; reminders of tasks and requirements to complete.
Oversight and guidance	Monitoring the account for notifications and correspondence; guidance to interpret correspondence, understand payment calculations and benefit decisions.
Action	Responding to correspondence and notifications on behalf of the claimant; completing online journal commitments.
Action and advocacy	Raising queries and making phone calls to resolve problems; challenging benefit decisions and advocating on the claimants' behalf.

⁴³. LPA is another option here, and while a bespoke tool where donors can stipulate granular levels of access, the systems within the DWP are insufficient to execute these detailed requests.

4.2 Make third party access systems in UC easy to access

Make the explicit consent mechanism easier to use

As the main third party access mechanism, ensuring explicit consent works effectively should be a priority for the DWP. Simple changes could quickly address many of the challenges raised by people with mental health problems in this report:

- Offer clearer and more consistent prompts on what information is required, making it much easier for people to set up third party access online
- Provide a drop-down menu with options detailing exactly what information claimants wish to share⁴⁴
- Introduce a drop-down menu with options for how long consent is being granted.

These small changes would help ensure both claimants and the DWP staff understand exactly what is being requested and for how long. This should serve to protect claimants' privacy and minimise the need for repeated requests for the same support. The government has already committed to exploring how to improve the explicit consent model. But given the financial damage that can be caused by an inability to get third party support when it is needed, the DWP should urgently introduce these changes.

Proactively target vulnerable claimants to raise awareness of third party access options

The DWP is making progress with its plans to identify vulnerable claimants within the UC system and has developed a 'vulnerability marker' – due to be rolled out across the system in the summer. This allows the DWP to add a marker on a claimant's account to identify vulnerability to help DWP staff systematically improve the support they provide.⁴⁵ Given some respondents who would have benefited from third party support were unaware of how to access it, the DWP should develop an automated process that proactively notifies claimants with a vulnerability marker about the third party access tools available.

The Help to Claim service should routinely signpost claimants identified as having ongoing support needs to the third party access options within the online system. These changes would ensure that claimants can safely access support when they need it, thereby increasing take-up and preventing harm.

Introduce a 'Help to Manage' service

To build on its popularity, the Help to Claim service should be expanded to include a 'Help to Manage' service, supporting the most vulnerable claimants to maintain their claim. Coupled with the other recommendations within this report, this would support those claimants identified as vulnerable by the service and who do not have another source of more informal support from family and friends.

44. This could be similar to the list of 'Information that can be disclosed' in existing staff guidance on working with representatives: DWP. Guidance: Working with representatives: Guidance for DWP staff. April 2019. (Accessed 06/05/21). <https://www.gov.uk/government/publications/working-with-representatives-guidance-for-dwp-staff/working-with-representatives-guidance-for-dwp-staff>.

45. House of Parliament. House of Lords Select Committee on Economic Affairs and House of Commons Select Committee on Work and Pensions. Corrected oral evidence: Reports – Universal Credit isn't working: proposals for reform, and, Universal Credit: the Wait for the First Payment. 9 March 2021.

In the expert interviews for this report, money advisors told us they can feel trepidation for vulnerable claimants left to maintain their claim alone, fearing difficulties in navigating the system independently will mean people incur sanctions and lose entitlements altogether. Introducing a Help to Manage service as an extension of the existing Help to Claim service, would act as a safety net to some of the most vulnerable claimants.

4.3 Make the UC system simple to use

While an improved third party support system is crucial, there are also opportunities to reduce the pain points in the UC online journal that lead claimants to seek help in the first place. Presenting information about payment calculations simply and automating processes for challenging decisions would do much to help people manage tasks independently without support from a third party.

Additionally, improving the system for reporting a change of circumstances would also make it easier for people to manage alone. While a drop-down menu for a change of circumstances cannot be exhaustive, a clearer and more detailed list of what constitutes a change of circumstances⁴⁶ – similar to that provided on the Citizens Advice website – may reduce rates of individual fraud and error. In particular, it should help to reduce the number of 'claimant errors', in which individuals fail to provide accurate information about a change in circumstances, or 'capital error fraud', where claimants fail to declare changes to their finances as soon as they occur.

4.4 Design systems to maximise privacy and autonomy

While these changes could support people to access help quickly and efficiently, there are other fundamental changes to the UC system that would mean fewer people with mental health problems face difficulties in getting support. To achieve this, the DWP should:

- Develop a system of view-only access for authorised third parties, allowing claimants to share specific screens rather than their whole account with a friend or family member
- Introduce a system of duplicate notifications to authorised third parties, alerting both the claimant and their third party about new messages or tasks within their account.

While potentially transformative for people in need of support, many of the above proposals ultimately remain an intermediate solution, with wider change needed on third party consent. A number of these solutions stretch beyond UC, including reform of the LPA by the Office of the Public Guardian (OPG). We explore these broader and more fundamental proposals in our previous report, *A little help from my friends*.⁴⁷ Future models of third party access should ensure claimants have greater privacy over the information they share and more choice over the powers they delegate to a third party.

46. Citizens Advice. Check if a change affects your Universal Credit. October 2020. (Accessed: 06/05/21) <https://www.citizensadvice.org.uk/benefits/universal-credit/what-youll-need-to-do-on-universal-credit/check-if-a-change-affects-your-universal-credit/#:~:text=If%20you%20have%20an%20online,you%20should%20call%20the%20helpline.>

47. Bond N, Evans K and Holkar M. A little help from my friends. Money and Mental Health Policy Institute. 2019.

Build delegation into the design of the new single digital identity system from day one

Formal and informal support networks are not often recognised as an integral part of the benefits system, but the system would not function without them. The Government Digital Service is embarking on a programme to design and deliver a single digital identity system for online public services, which is set to replace the current Verify system after April 2023.⁴⁸ Embedding delegation into the design of the new service affords an opportunity to make delegation integral to digital identity services, ensuring people who need support can access it.

Design a modular appointee system

Given the problems identified in this report and our previous research,⁴⁹ the government should commit to evaluating the extent to which the current third party access tools in UC support people to retain autonomy and decision-making powers. If the government concludes the suite of mechanisms does not facilitate claimants to retain maximum levels of autonomy, or allow for both supported and substitute decision-making powers to be delegated, the DWP should design a 'modular' appointee system to ensure compliance with the MCA.

Appointeeships need to be proportionate to a person's need and capacity limitations. Recognising that mental capacity is not binary, and is circumstance- and decision-specific, a modular appointee system would identify granular stages to claiming and managing UC. This would allow claimants and appointees to choose the most suitable level of appointeeship they require to meet their needs. This approach would be fundamentally in keeping with the principles of the MCA, maximising autonomy and delegating the lowest level of decision-making powers to meet a person's needs.

As a minimum, the government should consider amending the Claims and Payment Regulations 2013. The Regulations currently stipulate that UC can be paid to another person on the claimant's behalf if it is necessary to protect the interest of the claimant or a severely disabled person.⁵⁰ A better approach can be found in the legislation relating to LPAs in the MCA, which sets out that people should in the first instance be supported to make decisions, and only where all efforts to do so are exhausted, should a substitute decision be taken on their behalf.⁵¹ The DWP should work with stakeholder organisations and the OPG to design the provision of information for appointees on carrying out their duties along these principles.

48. UK Parliament. Written Ministerial Statement on GOV.UK Verify and the single digital sign-on and digital identity assurance pilot. 27 April 2021.

49. Bond N, Evans K and Holkar M. A little help from my friends. Money and Mental Health Policy Institute. 2019.

50. The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulation 2013. Part 5 Regulation 57.

51. Mental Capacity Act 2005. c.9. (1).

Conclusion

For someone experiencing a mental health problem, many ordinary interactions and tasks can become daunting. The benefits system, which is intended to support people, can unfortunately too often be another source of difficulty and distress at an already challenging moment. Being able to turn to a trusted friend or family member when in need can be the difference between a quickly resolved problem, or a worsened health and financial situation.

With nearly 1.3 million people in receipt of UC also experiencing a mental health problem as of November 2020,⁵² a potentially significant group of vulnerable people stand to benefit from an improved third party access system.

The recommendations we make here to improve the explicit consent system would quickly deliver meaningful and welcome change. While we recognise that the DWP must balance trying to protect claimants' privacy and autonomy with their need for support, our research shows that the current approach is inaccessible for too many people who want a helping hand.

We have also outlined longer-term shifts in approach, which will require more time and thought to ensure the design is effective and the results are as intended – protecting claimants from potential harms. But with the economic and health effects of the pandemic unlikely to end soon, and with millions of new people set to claim UC for the first time in the coming years, the moment to address these issues is now.



52. Money and Mental Health analysis of University of Essex, Institute for Social and Economic Research. Understanding Society: COVID-19 Study, July-November 2020.

Table 4: Recommendations for the DWP in improving delegation and third party access in UC

Principle	Recommendation
Make third party access systems in UC easy to access	Make the explicit consent mechanism easier to use, introducing clearer prompts of the specific information required and offering more detailed drop-down menus of options.
	Raise awareness of third party access options by proactively targeting vulnerable claimants via the forthcoming 'vulnerability marker' and the Help to Claim service.
	Introduce a Help to Manage service to support vulnerable claimants to maintain their claim by expanding the existing Help to Claim service.
Make the UC system simple to use	Expand the change of circumstances drop-down menu to include a more comprehensive list of the changes in circumstances claimants are required to report.
	Present information and breakdowns about payment calculations simply.
	Automate the process of challenging decisions using drop-down menus and information tabs to guide claimants through the process.
Design systems to maximise privacy and autonomy	Develop a system of view-only access for authorised third parties, allowing claimants to share specific screens rather than their whole account.
	Introduce a system of duplicate notifications to authorised third parties, alerting both the claimant and their third party to new messages or tasks within their account.
	Build systems of delegation into the design of the new single digital identity system that would standardise processes for delegation and third party identity verification.
	Design a modular appointee system which protects the privacy and autonomy of people with fluctuating mental capacity.



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