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An irresponsible gamble: managed migration to universal credit

An advertisement for universal credit in Cardiff.

OWEN STEVENS

Between now and the end of 2024, the Department for Work and Pensions (DWP) plans to move everyone who is currently claiming 'legacy' benefits onto universal credit (UC). Legacy benefits are tax credits, employment and support allowance (ESA), jobseeker's allowance, housing benefit and income support. What will the process involve? What are the risks for people affected? And is there a better way forward?

Managed migration will see 1.7 million people moved from legacy benefits onto UC. Nearly half of the people still claiming legacy benefits have been on ESA – the benefit for people who are too ill to work – for several years. These ESA claimants are likely to have complex

needs which will make it difficult for them to go through the managed migration process.

The other large group remaining on legacy benefits are claimants in receipt of tax credits, many of whom are likely to be parents.

Compulsory self-managed migration?

‘Managed’ migration might imply a seamless process of moving people onto UC, but this is not what will happen. The process might more accurately be described as compelling claimants to ‘self-manage’ their migration.

Ultimately, this compulsory self-managed migration will mean people who cannot take the appropriate steps to migrate (for example, because of a disability) will lose their legacy benefit – with no UC entitlement to replace it. Even if they subsequently reclaim after having had no income for some time, these people will have lost access to extra payments of UC (called transitional protection) which protect people from being worse off at the point they move onto UC. The DWP estimates that 900,000 people on legacy benefits will eventually be worse off on UC.

The process

The DWP’s plan is that all remaining legacy claimants will be given an individual deadline by which to submit a claim for UC. They will then have three months to make the claim, which can be extended if the DWP agrees there is good reason to do so. The DWP states that there is no right to appeal a decision not to extend the deadline (although it may arguably be wrong). The people who miss their deadline for claiming UC will have their legacy benefit stopped. Those who then fail to claim UC within one month of having their benefit stopped will miss out on transitional protection if they subsequently submit a claim.

The stakes are high: stopping benefit for claimants, particularly those in the most vulnerable circumstances, could have serious consequences. The past decade has seen a number of cases, such as that of Errol Graham, in which people who have had their benefit stopped have subsequently died.

The choice

It is inevitable that at least some claimants will not be able to successfully make a claim for UC within the time available. They will therefore be without benefit income and facing the very real threat of destitution. It is possible that some will not manage to resolve this situation.

The government has *chosen* an approach to managed migration that risks serious consequences for some of the most vulnerable benefit claimants. It must be remembered that these claimants’ circumstances will not have changed: the reason they are forced to move to UC is simply because the government has decided it. This is despite the fact that:

- the group of claimants to be put through the process is known to be made up of a disproportionately high number of people with disabilities or vulnerabilities
- the process of claiming UC is known to be difficult for those lacking IT skills.

Other choices are available. Instead of ending legacy benefits, the DWP could use the information it holds about people’s legacy benefit entitlement to automatically make a UC award, cutting out the need for the individual to make a claim (perhaps



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subject to subsequent verification, as happened during the pandemic). Such a process would clearly be fairer and safer.

The government has automatically transferred claimants between benefits in the past, for example between incapacity benefit (IB) and ESA. Although the DWP made errors transferring people between IB and ESA,¹ there’s no compelling reason to place all the responsibility – and risk – onto the claimant in the transfer to UC. The DWP could have learnt from the mistakes it made with IB to ESA and avoided them in transferring people to UC. Certainly, those mistakes should not be used as an excuse to foist the responsibility onto claimants for managing a change the department is making.

Bolton town centre. As part of the DWP’s managed migration ‘discovery phase’, 500 claimants in Bolton and Medway received migration notices in May 2022.



Ultimately, this compulsory self-managed migration will mean people who cannot take the appropriate steps to migrate (for example, because of a disability) will lose their legacy benefit – with no UC entitlement to replace it.



On 29 June 2022, then Secretary of State for Work and Pensions, Thérèse Coffey, assured the Work and Pensions Select Committee that she had taken a decision which would mean that benefit would not be stopped for any vulnerable claimants during the discovery phase of managed migration. However, she was unwilling to publicly state what this decision involved. These assurances are simply not good enough: the safety of vulnerable or disabled claimants cannot rest on a wink and a nod. Vulnerable claimants must, instead, be protected through rights set out in legislation.

The Harrogate pilot

The DWP committed to carrying out a pilot of the managed migration process to learn how best to move people to UC without resorting to stopping legacy benefits.² Parliament agreed to a cap of 10,000 managed migration cases, after which the DWP would need to return to Parliament for permission to roll out managed migration nationwide.

The DWP started the pilot in Harrogate in summer 2019 and, for this pilot only, made a commitment that no-one would have their benefit stopped if they failed to make a claim for UC by their deadline.³

The DWP notified 80 people on legacy benefits that they would be required to claim UC as part of the Harrogate pilot, 53 of whom were formally issued with a migration notice. Thirty-eight of those people had made a claim for UC by the time the pilot was suspended in March 2020, due to the pandemic.⁴

Thérèse Coffey told Parliament that the Harrogate pilot yielded ‘valuable insights’⁵ and ‘a considerable amount of learnings’.⁶ However, she subsequently told the Work and Pensions Select Committee that ‘not a lot’ was learned and that ‘the main thing learned from Harrogate was not to do it the way it was done in Harrogate’.⁷

Worryingly, it has come to light that six people in the Harrogate pilot missed their initial deadline for claiming UC.⁸ We only know this because of a parliamentary question. The DWP did not publish this information proactively, and has not committed to providing progress reports on the number of people missing their deadline in the rest of managed migration. The DWP says that it does not hold information on whether the six people that failed to meet their deadline for claiming UC had complex needs or disabilities,⁹ and so is presumably unable to draw conclusions from the pilot on the best way to support such claimants through managed migration.

Avoiding accountability

Instead of continuing with a Harrogate-style pilot, the DWP has begun to learn about managed migration through a ‘discovery phase’. This phase started with 500 claimants in Bolton and Medway receiving migration notices in May 2022.¹⁰ In late July, 250 claimants in Falmouth and Truro were issued with migration notices, and further migration notices were issued in Bolton and Medway. 250 claimants in Harrow were sent notices in mid-August and 250 claimants in Northumberland were issued notices in mid-September. The DWP has



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stated that everyone in ‘the first groups of claimants in this initial phase of discovery’ will get a minimum one-month extension on top of the initial three months to claim.¹¹ The earliest point at which the DWP will start to know whether vulnerable people are getting into difficulties in making claims for UC in the discovery phase is this autumn.

There is much less transparency about the discovery phase than was committed to in the Harrogate pilot. Before the Harrogate pilot was ended by the pandemic, the DWP had planned to publish an evaluation strategy and full evaluation for the pilot: it does not plan to do so for the discovery phase.

The evaluation strategy would have set out key questions the DWP would have used to evaluate the pilot. The evaluation strategy was never published so it is not possible to properly assess the results of either the pilot phase or the discovery phase against any criteria.

A woman looking out of an upstairs window in Newent, Gloucestershire.



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The evaluation of the pilot would have enabled the DWP to report on the extent to which it had achieved its aims (as set out in the evaluation strategy), and also to understand how it could improve the design and delivery of managed migration.

The documents that the DWP has published about the Harrogate pilot do not fulfil its promise to publish an evaluation strategy and an evaluation. Without these particular documents, neither Parliament nor anybody else can hold the DWP to account before managed migration is rolled out.

In July 2022, the DWP laid regulations in parliament to lift the 10,000 cap on the number of people who can be migrated.¹² This happened despite the fact that the DWP has not published an evaluation nor carried out meaningful testing, and before we know whether people are struggling to make the move to UC during the discovery phase. The House of Lords Secondary Legislation Scrutiny Committee has drawn the regulations to the special attention of the House, saying:¹³

‘The department does not yet have a firm plan for achieving its objective of completing the transition by the end of 2024, nor does it explain why providing evidence to Parliament after 10,000 claims would obstruct that objective... Removing the 10,000 claimant cap also removes the requirement for further legislation before [the] DWP can expand the rollout nationally. In doing this, [the] DWP also removes any obligation to involve Parliament, particularly the House of Lords, in the decision to expand the rollout.’

The regulations, which were laid under negative procedure, will continue to have effect unless a motion to annul them is agreed by 20 October 2022. The opposition has laid a motion seeking to annul the regulations¹⁴ although, at time of writing, it remains to be seen whether the motion will be debated or will be successful.



Unless the regulations are annulled then, after a slow start, there will be a dramatic increase in the rate of claimants going through managed migration, expected in the second half of 2023. The Social Security Advisory Committee, an independent body that advises the DWP, states that there is no question that this presents the most significant risk in the UC programme so far.¹⁵

Rolling the dice

The DWP's approach to managed migration is an irresponsible gamble. The DWP is pushing ahead with a plan that compels everyone on legacy benefits to make a claim for UC, regardless of their ability to make it through the process and in the absence of any information about how disabled or vulnerable people have coped with managed migration to date. The risks for claimants – many of whom have been on sickness benefits for a number of years or are the parents of young children – are high. Many people could be left without an income and facing destitution.

To make things worse, the DWP is pursuing this plan with little to no evidence that it will be able to move everyone to UC safely. What little evidence we do have suggests that a high number of claimants will miss their deadline for claiming UC.¹⁶

In 2019, the previous chair of the Work and Pensions Select Committee, Frank Field, accused the government of a 'distressing pattern' of 'wilfully missing the point' over demonstrating readiness for managed migration. In his words:¹⁷

'We, like so many others, have asked the government not to move to "managed migration" until it demonstrates it is ready to do so safely, without exposing a single claimant or their children to debt, hunger, or homelessness. The government doesn't seem to understand that this

is not the same as showing us how many staff it has trained up, how many stakeholders it has briefed, or that it has managed to get its computers working. What matters, and what the Department should be testing and learning from, is the outcome of all of this for claimants, particularly the most vulnerable claimants... To put it bluntly: without looking at outcomes for claimants there is no point, for anyone other than the Department itself, of these tests or what it intends to learn from them.'

By pressing on with managed migration before it has learned anything meaningful from the discovery phase, the government is wilfully missing the point yet again.

The DWP must cut its losses, redesign managed migration, and choose to prioritise the needs of claimants.

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Footnotes

1. National Audit Office, *Investigation into errors in Employment and Support Allowance*, 2018
2. Universal Credit, *Move to Universal Credit Update for the UC Programme Board*, 2019, available at https://data.parliament.uk/DepositedPapers/Files/DEP2021-0836/7G-UCPB_16-04-19-Paper6 Move_to_Universal_Credit_Update.pdf
3. House of Commons, *Statement made on 12 March 2019 by Secretary of State for Work and Pensions*, HCWS1399, available at <https://questions-statements.parliament.uk/written-statements/detail/2019-0312/HCWS1399>
4. Department for Work and Pensions, *Response to Freedom of Information request*, 13 April 2022, available at <https://www.whatdotheyknow.com/request/805093/response/2021020/attach/3/IR2%20R2021%2099324.pdf>

5. House of Commons, *Statement made on 25 April 2022 by Secretary of State for Work and Pensions*, HCWS780, available at <https://questions-statements.parliament.uk/written-statements/detail/2022-0425/hcws780>
6. House of Commons, *Hansard*, 8 November 2021, col 8
7. House of Commons, *Oral evidence: The work of the Secretary of State for Work and Pensions*, HC 549, 29 June 2022, available at <https://committees.parliament.uk/oralevidence/10490/pdf/>
8. House of Lords, *Question for Department for Work and Pensions*, HL640, 6 June 2022, available at <https://questions-statements.parliament.uk/written-questions/detail/2022-06-06/hl640>
9. *Ibid.*
10. The DWP has told stakeholders that couples, people with sight impairments, people approaching pension age and some other groups have been excluded from the first part of the discovery phase.
11. Department for Work and Pensions, *Letter to Chair, Work and Pensions Select Committee on universal credit migration*, 17 May 2022, available at <https://committees.parliament.uk/publications/22289/documents/164915/default/>
12. The Universal Credit (Transitional Provisions) Amendment Regulations 2022, No.752
13. House of Lords Secondary Legislation Scrutiny Committee, 10th Report of Session 2022–23, HL Paper 56, 21 July 2022, available at <https://committees.parliament.uk/publications/23222/documents/169579/default/>
14. Parliament, *Early Day Motion 319*: tabled on 20 July 2022, available at <https://edm.parliament.uk/early-day-motion/60026>
15. Social Security Advisory Committee, *The Universal Credit (Transitional Provisions) Amendment Regulations 2022*, 2022, available at <https://www.gov.uk/government/publications/the-universal-credit-transitional-provisions-amendment-regulations-2022>
16. Other problems with the current approach to managed migration and transitional protection are set out in Child Poverty Action Group, *Early insight into managed migration*, 2022, available at <https://askcpag.org.uk/document-downloads/208086/early-insight-into-managed-migration---briefing-note-for-select-committee>
17. Work and Pensions Select Committee, *Government "wilfully missed the point" on UC managed migration tests*, 5 July 2019, available at <https://old.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/universal-credit-managed-migration-government-response-published-17-19/>

A family looking for clothes at Lewisham Donation Hub in London.



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