Dear Frank

**ESA assessment for victims of Modern Slavery**

Thank you for your letter of 4 February 2019 regarding Employment Support Allowance (ESA) assessments and victims of Modern Slavery; in particular, how they are supported through the benefits system.

As you will know, Universal Credit does not label claimant groups, but instead seeks to identify people’s needs and respond appropriately and consistently, to support those for as long as they exist. Underlying this approach is the principle that additional support will be provided to individuals whose life events and personal circumstances mean that they will require more help. It also acknowledges that individuals may move in and out of situations where they require support, although we also realise that some individuals will not necessarily want or require this support.

Universal Credit is simpler and fairer than the legacy system, and is designed to focus resources for those who need them most and to provide support for people who can’t work or need help moving towards the labour market. We know that many people with health conditions want to work but do not always get that opportunity. For those who are able to, work is the most effective way to improve the well-being of individuals, their families and their communities.

Under Employment and Support Allowance and Universal Credit, there is no specific guidance on eligibility and assessment for confirmed victims of Modern Slavery, however, our guidance on vulnerable customers includes a section on human trafficking which explains that this is a form of slavery.
With particular regard to ‘Modern Slavery’, Jobcentre staff are sensitive to the challenges faced by victims of this terrible crime and have access to a wealth of information on working with claimants who are possible or confirmed victims of Modern Slavery. Information available covers Modern Slavery types including Human Trafficking, identifying victims and directing them to the agencies able to support them.

In addition to the information available, we have delivered an awareness raising programme for all front line staff to help them recognise the signs of slavery and know how to report potential cases. The Department has also added Modern Slavery to the Complex Needs training modules for new entrants and for existing staff transitioning to Universal Credit. We have also added Modern Slavery to the ‘Spotlight on Complex Needs’ product for frontline staff.

With regards to your questions about training and guidance for Work Capability Assessment Providers, although we don’t provide specific guidance on victims of Modern Slavery, before a Health Care Professional can carry out assessments they go through a formal approval process to ensure they meet the Department’s requirements in relation to experience, skills and competence. Their training includes professional standards and multi-cultural awareness to ensure people are treated as individuals throughout the process.

In your letter, you asked that we reconsider the 2017 Committee recommendation to introduce a specific easement for victims of Modern Slavery. I do welcome your suggestion, however, for claimants identified as victims of ‘Modern Slavery’, applying an automatic easement may not always be in their best interest. In fact, victims are more likely to benefit from the support Work Coaches can offer by tailoring work related activities and supporting them into work. Support includes, where appropriate, access to a range of courses, pre-employment support and work experience.

That said, in cases where a Work Coach feels it is appropriate to the individual’s case, they do have the provision to ‘switch off’ work related requirements for a period of up to a month at a time. Consideration to each individual’s needs is paramount and Work Coaches are flexible and will ensure requirements set are reasonable in light of the claimant’s circumstances.

Turning to the case you mentioned I can’t go into personal details for obvious reasons but from a policy perspective just because a victim has been subject to Modern Slavery in the past doesn’t mean they can never work again – so we might expect some claimants to move from being deemed unable to work towards being able to re-enter the labour market. If you are able to provide
additional details for Mr Simister, such as a National Insurance Number, I will ask officials to look into this case urgently.

Once again, I’d like to thank you for taking the time to write to me and I do hope you find my letter helpful and that it goes some way to assure you of our commitment to support those who are victims of Modern Slavery.

Yours sincerely,

Sarah Newton MP
Minister for Disabled People, Health & Work