

# Work and Pensions Committee

## Oral evidence: Benefit sanctions beyond the Oakley Review, HC 814

Wednesday 7 January 2015

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Written evidence from witnesses:

- [Centre for Economic and Social Inclusion](#)
- [Disability Rights UK](#)
- [Employment Related Services Association](#)
- [Mind](#)
- [Citizens Advice Scotland](#)
- [Welfare Conditionality project](#)
- [Methodist Action North West](#)
- [Trussell Trust](#)
- [Dr David Webster](#)

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Members present: Dame Anne Begg (Chair), Debbie Abrahams, Graham Evans, Sheila Gilmore, Glenda Jackson, Paul Maynard, Nigel Mills, Anne Marie Morris, Teresa Pearce, Mr Michael Thornton

Questions 1 -83

Witnesses: **Tony Wilson**, Policy Director, Centre for Economic and Social Inclusion, **Philip J. Connolly**, Policy and Communications Manager, Disability Rights UK, **Kirsty McHugh**, Chief Executive, Employment Related Services Association, **Paul Farmer**, Chief Executive Officer, Mind, and **Matthew Oakley**, recent independent reviewer of JSA sanctions, gave evidence.

**Q1 Chair:** Can I thank you for coming along this morning? This is the first evidence session of our inquiry into sanctions. We have got a lot to get through before Parliament prorogues for the general election, and this is obviously a wide-ranging and important inquiry. We have two panels of rather a lot of witnesses this morning, so I hope that you all feel that you have a chance to have your say, but I will be moving things along so we can keep to time, if that is possible. Can I begin by asking, beginning with you, Philip, if you can introduce yourselves for the record?

**Philip Connolly:** My name is Philip Connolly. I am the Policy and Communications Manager for Disability Rights UK

**Paul Farmer:** Paul Farmer, Chief Executive of the mental health charity, Mind.

**Kirsty McHugh:** I am Kirsty McHugh. I am Chief Executive of the Employment Related Services Association, and we are the representative body of the employment support sector.

**Matthew Oakley:** Matthew Oakley, author of the independent review that provoked or pre-empted this

investigation or inquiry.

**Tony Wilson:** I am Tony Wilson. I am the Director of Policy at the Centre for Economic and Social Inclusion.

**Q2 Chair:** Thank you very much and you are all very welcome. We have a lot of questions. As I said, Matthew, you did the initial independent review, which was limited in its scope and perhaps did not cover everything that we would like to cover, which is partly the reason for our inquiry. Your review was published four months late. It was published on the day that the House rose for the summer recess. Why was that?

**Matthew Oakley:** The first thing I would like to say to that is that I really appreciated the work that the Department did with me on the review. I found everyone from Jobcentre Plus advisers to policymakers, all the way through to Ministers, really helpful and supportive of the work I was doing, allowing me to undertake the review in a completely independent and impartial manner. I just want to put that on the record.

In terms of time scales, the review was tasked with reporting back on the period that covered a year following the passing of the Act, which I believe finished on 31 March. Is that right? It was some time around then. There was a certain amount of uncertainty around what that meant in practice, so what we decided, as a team, between me and the team of officials working with me, was that we would use the data that was published, I believe in March, which was covering up to the December period. We waited for that data to come out to make sure that the results were as timely as possible, and covered most of that year long period. That took a certain amount of redrafting and re editing of the report to ensure that the results were consistent with what that data said.

The key thing to say is that there was nothing sinister, certainly from my part, which I experienced. Partly a reflection of the time scale was my changing of jobs and the limited time to redraft to make sure that I was happy with what I was saying.

**Q3 Chair:** You are saying that the delay was from your side, rather than from the Government side.

**Matthew Oakley:** There were two things. One was that we needed to wait until that data had been published, and that took a certain amount of redrafting. Secondly, I wanted to make sure that the report was completely watertight. As you all are aware and appreciate, it is a very contentious and important area, so I wanted to make sure that the drafting was right. Really, the report sat with me for a little bit whilst I did that.

**Q4 Chair:** You said that you came to conclusions independently. Were you not constrained by the terms of reference of your report? Would you have liked to have gone further and wider?

**Matthew Oakley:** Of course I was constrained by the terms of reference. The terms of reference were the terms of reference, and I was working within those. It is important to say that an awful lot of work went into even just looking at and assessing the system under those terms of reference. A broader report would have taken an awful lot longer and taken an awful lot more resource and time.

It is also important to say that communication and understanding are hugely important in the sanctions system. Without that, no system in the world would be fair, efficient or effective. Really, I do think that communication, understanding and the terms of reference, or the remit of the review, were hugely important and should have been set as they were. With that said, and as my review does conclude and talk about, there are of course wider issues that should and could be considered around sanctioning. I would hope that that would be undertaken as a matter of course, by the Department and by you, in your scrutiny role. Of course, I would support any further work in this area, because it is hugely important to get it right.

**Q5 Chair:** The Government has recently said at different times that it has accepted all your recommendations, will be accepting or has accepted some of your recommendations, and will look at others. What actually is the position with regard to what the Government have already put into place with regard to your recommendations, and what do they still need to do that they said they would do and have not done?

**Matthew Oakley:** I probably know about as much about this as you do. I am now an outsider and I do not routinely monitor what the Department is doing, certainly in the detail that is needed to assess the full extent of whether they are putting in place these measures. What I have seen on the positive side is that there is now a

guide on the gov.uk website, which was created while the review was being undertaken, which explains jobseeker's allowance sanctions, the process for appeals for reconsideration and hardship payment. That is a really positive step forward.

The one place I would push there is that, if you go on to the gov.uk website and search for "benefit sanctions", it does not come up in the search page for quite a while. It is prominently displayed in the jobseeker's allowance pages, but not if you search on the website. I would push the Department to do more there, perhaps, and also to extend that guide to cover ESA sanctions and other sanctions that are possible.

In terms of the other recommendations, I have seen, and I am sure you have all seen, the update that the Department published in December. That focused a lot on the communications side of things. I am waiting for more, basically. The one thing that I would say, which is really important to consider, is that it would be very hard to pick up progress in a lot of these areas without seeing more evidence and more evaluation. I would be very keen that the Department continues to invest in evaluation and proper data collection, to ensure that they are testing whether claimants are understanding the requirements that are placed on them, whether if they are sanctioned they understand why and, if they are in place of being sanctioned, whether they understand how they can take the next steps in terms of appeal, reconsideration and claiming hardship payments.

**Q6 Chair:** Your summing up of the Government's response is that they have accepted some, but there is work to be done on others.

**Matthew Oakley:** There is of course work to be done. Some of the recommendations clearly could not be implemented immediately. Some will take renegotiation of contracts; I am sure that Kirsty can talk about that. Others will take time in Parliament, either for primary or secondary legislation, and I think it is right that they take time to get those issues right straight away. With that said, there are other issues that could be addressed much more quickly. On the housing benefit issue, I do not know whether that has been addressed or not.

**Chair:** I will let you finish, but that was going to be our next question. Was there anything else? We will move on to that question, then, from Glenda Jackson.

**Q7 Glenda Jackson:** Thank you, Chair. It is on the issue of housing benefit or, rather, sanction claimants' housing benefit, being inappropriately stopped. In response to concerns, the Government have said that they will, where necessary—there is a question there in itself—tell claimants to inform their local authority that they have been sanctioned. Dr David Webster has said that this is "clearly not a reliable solution". Do you agree with that?

**Matthew Oakley:** I completely agree with that. What my review and the Government's response outlined was that there should be an intermediate measure, which was ensuring that claimants knew to contact the local authority. In the medium to longer term, that should be a system that is clearly done by the Government. Frankly, the legislation sets out when, where and how people should be sanctioned and, if they are being sanctioned incorrectly or their housing benefit is removed because of that, that is the fault of the Government and they should be taking action to make sure that that does not happen. As I understand it—and I can only comment on what was published shortly before Christmas in the DWP update—that seemed to imply that there was an IT solution that was already in place. I do not know the details of that, but perhaps that would be more appropriate for someone from the local authority to answer.

**Q8 Glenda Jackson:** On that issue of IT, do you think that would be a solution to the problem?

**Matthew Oakley:** My understanding of the problem is that it was caused by local authorities not having enough information or misapplying the rules, because the information they were sent through from DWP was unclear. An IT solution could solve that adequately, yes.

**Q9 Chair:** Was that because what the local authorities were being told was that their entitlement to JSA had stopped and, therefore, the housing benefit was stopped, rather than that it effectively had been suspended because of a sanction? It was just that explanation that was missing.

**Matthew Oakley:** There was a lack of clarity with that, yes, and a lack of consistency with how that information

was applied.

**Q10 Glenda Jackson:** Could I just ask any of you this? I find very curious the Government's response "where necessary" to tell the claimants. I cannot think of an area where it would not be necessary. Would anybody like to tighten up on that? It is clearly a responsibility, you would say, that DWP should be informing local authorities.

**Matthew Oakley:** It sounds sensible to me.

**Tony Wilson:** Yes, I agree.

**Q11 Glenda Jackson:** Thank you very much. Your review, Mr Oakley, recommended that the Government pilot pre sanction written warnings and non financial sanctions, both of which the Government say they accept "in principle". I think this is to everybody, and not just to you, Mr Oakley: do you support the introduction of pre sanction written warnings?

**Matthew Oakley:** Can I kick off? The review recommended that this pilot is for a relatively limited amount of people, for those people who are moving on to the Work Programme who had spent up to a year on Jobcentre Plus, but who had not been sanctioned in that time. They had clearly been complying with the rules and regulations, and understanding what they needed to do. If then they are sanctioned as soon as they hit the Work Programme that does, to me, certainly indicate that perhaps there is a lack of understanding about what the requirements are. That should flag and signal a lack of understanding, rather than a deliberate act of non compliance with the regulations that have been set. That was really where I was looking to focus attention.

The idea is not a new one. It was mentioned in the Freud review in 2007. It was mentioned in the Paul Gregg review in 2008 as well. Really, it is just thinking about how we can improve understanding and make sure that, when the Government are sanctioning people, it is because they have wilfully not complied with the regulations, rather than just simply misunderstood what is going on.

**Q12 Glenda Jackson:** The Government has said that pre written explanations before sanctions would require legislative change. Do you agree with that? I find it curious as an MP to be asking you that question.

**Matthew Oakley:** Yes, I would imagine that is almost certainly true. I would not see that as being a significant barrier to change, given the level of pilots, tests and small changes to legislation which are coming through the House, and also through secondary legislation, quite regularly. I certainly would not see that being an insurmountable barrier to change.

**Q13 Glenda Jackson:** That would be across the board, would it? Obviously there are certain categories of claimants who will need specific explanations of what the sanctions are about, either because of mental health difficulties or learning difficulties. Across the board, is this going to cover those specific kinds of most vulnerable cases, do you think?

**Matthew Oakley:** I would say that I think it should be piloted first and then, learning from that, it should be rolled out as and when appropriate. I would not want to see this rolled out across the system without proper testing and proper evaluation to see what the impacts would be.

**Q14 Glenda Jackson:** Would you argue for the proper testing and proper evaluation to begin with the most vulnerable claimants, for example the two categories that I have just mentioned?

**Matthew Oakley:** I do not see why that would not be the case, given that potentially the riskiest people are involved.

**Tony Wilson:** Just a brief point: to some extent, I think this is happening already. There are some examples that we have heard of in local authorities of people with chaotic lives—people who are vulnerably housed or rough sleepers, for example—where Jobcentre Plus advisers are contacting the local authority case worker when somebody fails to attend an interview or a meeting to try to resolve issues before a sanction has to be applied.



That in itself is a form of early warning, early engagement or effective and intelligent use of the system. I do not think it follows that primary legislation would be needed just to be more sensible and intelligent in how we apply the existing rules.

Having said that, I think it would be better if it were enshrined in primary legislation. There are three or four of Matthew's recommendations that would require primary legislation. This inquiry is a very good opportunity to make the case for a new Act or amendments to the existing Act in the next Parliament, which could address some of these issues without turning this into a free for all, entirely discretionary system, but it could be one that has better intelligent use of early warnings, earlier engagement and joint working.

**Paul Farmer:** Just to follow up on the point really, we would certainly support, for those people who experience particularly serious mental health problems, a cushion, if you like, or a place where people can have the situation very clearly explained to them, so that they can fully understand the situation in which they find themselves. One of the great challenges of the system as it currently is at the moment, particularly as it applies to those people who are on ESA—and obviously this is beyond the original scope of Matthew's report—I think the overall levels of communication and understanding undermine the broader issue of the application of the system. We would support the kind of common-sense approach that says that you need to have good-quality communication among the people who are working with those individuals, but we would also support the enshrining of that in legislation, so that you can have a much more systematic approach and people feel reassured that there is a process that applies to them before a sanction is applied.

**Q15 Sheila Gilmore:** I take the point that there may be a need for legislative change, primary or secondary, given the terms of the 2012 Act and the clauses in that relating to this matter. It sounds almost as though there is a sort of chicken and egg situation. You have built legislation and all the changes need to be worked out well, and the best way of doing that is to do pilots. However, there seems to be some hesitation that you cannot even do a pilot unless you change the legislation. Surely it is open to Government to pilot something with a view to getting better legislation. I do not really understand the reservation here.

**Matthew Oakley:** I completely agree. I would imagine it would, for instance, be relatively easy to pilot this through Universal Credit, where there is a great deal of flexibility within the legislation. It could potentially, I would imagine, go through secondary rather than primary, but I am not the expert. I would imagine that would be the case, and we can move quickly.

**Q16 Chair:** Presumably if there were these pre sanction written warnings, it would take away an awful lot of the uncertainty, anxiety and confusion that claimants are feeling at the moment, which is what we have in a lot of the personal testimony that we have. They just do not know why they are being sanctioned and they do not understand it. They can have something that is written and they can refer to, and that they can take to someone else who can interpret it for them.

**Matthew Oakley:** I do agree with that. Where I would pause slightly, as the review highlighted, is that the vast majority of people who are claiming jobseeker's allowance in particular are not sanctioned. I do not think any of us would want to put in place a system that undermines the conditions that people are already complying with and already undertaking, with full knowledge of what they are expected to do, to try to tackle a problem elsewhere.

What I would really suggest is that this is targeted on people where we can identify clearly that they have been complying with the rules, as demonstrated by being on jobseeker's allowance and not being sanctioned, and then there is a change in behaviour that means that they are sanctioned out of the blue, when there has been a change. That clearly then identifies a group of people who might be struggling with understanding. The review did speak to people who just said, "Actually, I felt like staying in bed today." We would not want to say to them, "Actually, you are free to do that once, because we will give you a written warning." We need to make sure that the system is maintained as a strong and effective conditionality regime.

**Q17 Paul Maynard:** I have read your report, Mr Oakley, about 10 times now. I am still struggling with one particular paragraph and what it is trying to tell me. There is a part where you refer to the fact that a group of jobseeker's allowance applicants, about 28%, have been sanctioned but, when you consulted DWP's figures, only

11% had been sanctioned. I have been trying to get my head around what that is trying to tell me and what point you were seeking to make by including that information. What lay behind that particular figure? What factors are coming into play?

**Matthew Oakley:** If I remember correctly that is referring to a DWP piece of research a few years back. What I was really just trying to say is that there is an overall level of confusion around the sanctions system. Some people, when asked about their benefit experiences, say they have been sanctioned, when in fact they have not been sanctioned; they have just had a benefit level change because of a change of circumstance, or because they have entered work, even. They might be earning a certain amount of money and that means that their benefit award has been reduced, and they regard that as a sanction.

Similarly, other people who have been sanctioned do not say that they have been sanctioned. It is the other way around. It is really just to say that the whole system is quite misunderstood by claimants. From the review and the people we spoke to, even the word “sanction” can be quite confusing to claimants, for whom it is not necessarily something that they understand on a day-to-day basis, what that actually means.

**Q18 Paul Maynard:** Would it be fair therefore to say that perhaps the word “sanctions” has grown, in terms of its meaning to the welfare community, as it were—academics and beyond—to be greater than its actual application within the system? For example, I have met people who have had a benefit suspension, which is arguably more draconian than a sanction, yet they say that they have been sanctioned. Is there a need to focus down the debate on what a sanction actually is, rather than use it as a catch-all term for many of the other problems in the system, including the actual work capability assessment itself?

**Matthew Oakley:** I would agree with that. It is incumbent on all of us to make sure that we are using language effectively, but also on DWP to make sure it is communicating effectively with claimants who could be at risk of either sanction, disallowance or suspension, and understanding what those circumstances are and how they can avoid them.

**Q19 Paul Maynard:** I just have one final quick one. A lot of your report is about communication and the clarity of communication. You referred to the Litchfield reviews and phrases like “organisational justice”, and the fact that people have to be seen to be treated fairly within the system. A lot of what Mr Litchfield’s most recent review was focusing on was communicating adverse decisions. Do you think there is greater scope for the Department to learn from what Mr Litchfield is saying about work capability assessment decisions, and to apply that to where sanctions are occurring—for example the focus that goes on communicating the adverse decision verbally, rather than in writing, soliciting good reason verbally, before communicating an adverse decision? Do you think that there is sufficient alignment between sanctions and how the Department is viewing adverse decisions from the likes of the work capability assessment? Do you think sanctions are almost the poor relation in terms of communicating bad news to welfare recipients?

**Matthew Oakley:** As with the work capability assessment conversations, it is obviously a very difficult conversation to be having, often in person, saying to someone, “You are going to be sanctioned”. I know from advisers we spoke to that there were mixed views about how well that would go down in a jobcentre, for instance, and certainly worries about abuse and/or physical violence in jobcentres. That said, the review did recommend that the Department should ordinarily be recording claimants’ preferred route of communication. It is a recommendation that the Social Security Advisory Committee also made recently. The Department should be using that preferred route of communication to let people know that they are at risk of a sanction and that they have been sanctioned, if and when that happens. That could be through text message, letter, phone, email or in person, depending on what the claimant decides. That for me is the key; it is about personalisation and making sure that we have a system that meets the needs of claimants, in terms of their communication and their preferences.

**Q20 Glenda Jackson:** Oddly enough, my question was about what you have just said—the personalisation of this information. Again, this is anecdotal; it is exclusively from my own constituency, in the main. People see different decision makers. They endlessly have to go through this process of explaining things over and over again, because the individual is not their individual, if you see what I mean, as far as the decision makers are concerned. I cannot see any way around that. I cannot see that the Government are suddenly going to flood in additional people

or earmark that. Is there any way that there can be some system put in place whereby the individual decision maker has all the facts, even though they may be seeing that claimant for the first time? I see lots of nodding heads. Jump in if you have some response to that.

**Kirsty McHugh:** The sharing of information between different parts of the system is really important and does not work anywhere near well enough. We have got the situation with the WCA still not being shared with the outsourced providers. For instance, somebody is in the WRAG group; they have been referred to the Work Programme; there has not been sufficient explanation of what the Work Programme is going to entail for them, and the Work Programme provider does not have the WCA; and then that individual does not engage, for whatever reason it might be. It might be that, actually, they have been put into the WRAG group incorrectly. It might be there has been a deterioration of their condition, or maybe they simply do not understand. They then have no engagement with the front-line adviser; they are not playing ball. What do they do? Because the information is not shared, it means it is far more likely to potentially end up with raising a sanction doubt. That is not in anybody's interest at all; it cannot be the right way. If we were able to share information more successfully across different parts of the system, we would avoid some of that.

**Philip Connolly:** We have members in welfare rights organisations reporting this problem to us, and they have said that the information within DWP is spread over a number of computer systems. They mention JSAPS, MSRS and LMS. LMS is the only one I am actually familiar with myself; I think that is the local management system. With Universal Credit too, we are obviously going to get a new computer system. What data is going to be transferred we do not know, so there is a real issue here about the data that people source from to make internal decisions. It is spread over many systems.

**Q21 Debbie Abrahams:** My question is to Mr Oakley. You said in your earlier remarks to the Chair that you thought as a matter of course DWP would undertake further investigation. I appreciate it was not within the scope of your original inquiry, but I wonder if you have a personal view on the appropriateness of some of the sanctioning that is being undertaken.

**Matthew Oakley:** It is a difficult question. In terms of keeping it under review, that is the same across all Government Departments. Every policy should be kept under review and should be reviewed in terms of the effect it is having. The one thing, drawing on evidence that came in from the review, that a number of people commented on was the extent of changes in the sanction system in the last two Parliaments. Certainly since the Paul Gregg review in 2008, there has been quite a sizeable escalation in the severity of the level of sanctions and, to my knowledge, there has not been a full investigation or a full evaluation of the impacts that has had. That is what I would be suggesting we go for—a stock take of where we have got to, the effect it is having and the impacts it is having on movements into work, agreement with the system, whether people support the system, and fairness and impacts more broadly.

**Q22 Debbie Abrahams:** Thank you for that. Are you surprised that the Department has resisted this, and that Ministers have resisted it more broadly? We have undertaken to do this inquiry, which will also be fairly narrow because of the time availability and so on, but the Department and Ministers have resisted doing a wider investigation into the effect of sanctions on all claimants.

**Matthew Oakley:** I am not aware of those discussions particularly but, certainly from experience in DWP, I am sure there are evaluations ongoing.

**Q23 Debbie Abrahams:** My final point is again about your own view. It was not within the scope of your inquiry but what do you think about the efficacy of sanctions in their key task, which is to get people back into work? How effective do you think they are at getting people back into work?

**Matthew Oakley:** My knowledge of the academic literature suggests that the conditionality system as a whole is a key element of ensuring that people are doing as much as they can to take up the support that is available from the state, and that has been shown across international experience. There are issues, as I just said, about the changes that have happened in the last 10 years and whether they are continuing to be the case, but certainly at a principle level, the existence of a conditionality regime that is backed up by sanctions—there are very few people who would argue that that should not be in place in a fair and effective welfare system.

**Q24 Debbie Abrahams:** Can you say that there is a causal relationship between sanctions and getting people into work?

**Matthew Oakley:** I believe that is what the academic literature says, yes. Just a quick prod at DWP: if we had more information about movements into work rather than going off benefit, it would be much easier to evaluate.

**Tony Wilson:** On that final point, the key point is that link between sanctions and movements into employment. I very much agree with Matt—and I think there is a lot of evidence—that looking at the benefit conditions, employment support, the threat of and the inevitable existence of sanctions, as a consequence for not engaging in support and not meeting the conditions, as a system, is more effective than the alternatives. This has been shown internationally. We talked about some of the evidence in our submission—very good, robust, meta evaluations, evaluations of evaluations, big studies internationally—which concluded that that is one of the most effective models.

It is also quite clear from what successive Governments have done, the New Deal probably being the best example of a series of increasing support, increasing requirements, and a threat of sanction. That includes employment impacts as well as benefit impacts. However, is there evidence that sanctions of themselves, being sanctions, lead to a movement into work? The evidence is far from clear. There is some evidence that it may increase the likelihood of entering employment, but it often appears to be poorer-quality employment, temporary employment or unstable employment. There are very clear offsetting negative impacts, which are likely to outweigh any small, marginal positive impacts. Those positive impacts are not felt by all groups so, actually, there is no evidence that sanctions themselves should be an objective if you are trying to increase employment.

I would argue that sanctions themselves are a failure. Something has gone wrong when a sanction is applied. Either the individual has not met their responsibilities, the state or the institutions have not successfully communicated those or enabled those to happen, or the system has not worked, if you like. An ideal system would have very few sanctions being applied, rather than very many, but it would have very strong compliance with the system, engagement with the right conditions and the right support. I do feel that we end up looking at this the wrong way around. A rising trend of sanctions does not mean a better system. Actually, if I were in the Government's shoes, I would be very deeply concerned about this and wanting to understand how we can get those sanction numbers back down.

Also on the point about evidence, the severity point that Matthew makes is really key. There is an evidence free zone about whether increasing the severity of sanctions, of itself, has any positive or negative impact. We just do not know; it has never been tested. Whether we have an independent review or not, it is quite striking that the Government have not commissioned an evaluation of this. This is one of the most important reforms that the Government have introduced in this space in the last five years. They are evaluating Universal Credit. They have evaluated the Work Programme. They have evaluated local housing allowance reforms. They have evaluated the social sector size criteria. They have evaluated really everything as they should, the benefit cap as they should. They have not evaluated sanctions. Regardless of whether you have the review or not, let us evaluate it. Let us do the research and understand what impact it is having.

**Debbie Abrahams:** I would agree with you. Just for the record though, there is emerging evidence of a direct correlation between sanctions and the impact of claimants leaving JSA, not for the purpose of work. That is a really worrying trend. What happens to them?

**Tony Wilson:** That would be consistent with the evidence, again. I will talk some more about some of the qualitative research we have done in local areas, which has shown up quite different impacts for different groups as well.

**Kirsty McHugh:** Very briefly from the provider point of view, I am in absolute agreement with Matt and Tony. We think the evidence base needs to be increased. Generally, the providers believe that there is a role for sanctions to be part of the toolbox, but they should be a last resort really, when things have gone very badly wrong. Nobody wants to put people into that situation. There is something that needs to be looked at around the impact on the more vulnerable jobseekers, which you have identified as a Committee, but also there are people out there who have been repeatedly sanctioned, and this does not seem to be having any impact. What is happening there? Is it because they are living very chaotic lives and they are vulnerable? Are they working? There could be a whole host of different things and, actually, that needs to be looked at as well.

**Q25 Graham Evans:** Just on that point, the evidence of the people that you represent, and also Tony, is that when sanctions were threatened or imposed, these people disappeared because they were working in the black economy and were also claiming benefit. Once the sanctions were put in place, they disappeared off the register, not necessarily into paid employment, as we would all wish them to do, but disappeared wherever they came from. A lot of people did come off the register in my constituency because of that. Is that typical in your example of your members?

**Kirsty McHugh:** I do not think there is a sufficient evidence base, if I am honest. One of my members, out of their own pocket, commissioned an external agency to go and knock on doors of the X number of people who had been referred to them who had not been participating at all. This was a Work Programme provider. There is a proportion who just do not participate. Regardless of the methods of communication, there had not been any ability to get them into the office or whatever else was going on. Of course, this is the sort of person who is likely to be referred for a sanction doubt.

They employed a company. It was young women who went along and knocked on the door to find out what was going on. There were about 200 houses, from memory. Some of them probably were working. A lot of them though, more of them, were wrong addresses. It was wrong information. They went along, thought there would be people there, and they just were not there at all. There was some element of ill health, but the biggest issue was about information flows not being correct.

**Q26 Paul Maynard:** Specifically on your project that you referred to in your evidence, it states that there were some people who were found to be already working. It does not give any figures at all. Clearly 200 is quite a small sample size. I have heard an ample amount of anecdotal element that there is an element of those who are being sanctioned who are working in the black economy and come off benefit because they cannot combine working in the black economy with the new conditionality of the claimant commitment. Are you or Mr Wilson aware of any more detailed research on an interaction between the black economy and the sanctions regime, or whether any research is being planned? It is a tempting avenue to go down for a politician to say, “They are all working in the black economy”, but there does need to be some evidence base to assess the size of that, if there is any at all.

**Tony Wilson:** No is the answer. No, I am not aware of that research or of any research having been commissioned or been done but, by its nature, it would be very hard. If you go back about a decade to the last research looking at the impacts of sanctions, from memory, about a third of the people who they tried to contact who had been sanctioned they simply could not reach. Of the two thirds they did reach, very few if any—I suspect actually not any of them—would have been in the black economy. They would be in that minority, so I do not think it is typical, necessarily, that these would be the characteristics of people being sanctioned.

Similarly, we pick that up anecdotally, not usually—in fact never, to my knowledge—by interviewing somebody who has worked in the black economy and been sanctioned. We usually pick this up through engagement with Jobcentre Plus staff, local authority staff and so on. I think it is an area that is really worth looking at and trying to do proper research on. It would be very hard to do that research and find those people.

**Q27 Paul Maynard:** Could I have one more quick question to Kirsty? We had evidence from the Caritas Social Action Network, CSAN, about examples in Liverpool of a charity, Nugent Care, where people who had been referred to the Work Programme and were contesting that decision to place them in the WRAG were not going on to JSA, as was being recommended, but rather were making applications to the Liverpool crisis fund, because they felt they could not meet the conditionality requirements of going on to JSA. That is clearly one example in Liverpool. Is that something you are familiar with elsewhere in the country—that those who are contesting their work capability assessment outcome are not going on to JSA and are therefore not getting the same amount of money they could do because of that conditionality aspect?

**Kirsty McHugh:** That is happening. We gave in our evidence the feedback we had from members about why there has been an increase in ESA sanctions. One of the big issues that is coming through is of people who have been put into the WRAG and are contesting that decision, or they could have been put into fit for work; they could have been put on to JSA, and again they are contesting that decision. That leads to a set of behaviours that does not mean that they are getting the support that they need.

**Q28 Paul Maynard:** If they are rejecting their placement in the WRAG group, therefore, they are less likely to want to engage anyway in the conditionality aspects of that.

**Kirsty McHugh:** Yes.

**Q29 Paul Maynard:** Therefore, in a sense, the problem is not so much the sanctions regime; it is the inadequacy, once again, of the work capability assessment to correctly assign these individuals.

**Kirsty McHugh:** When you are talking about people who are on or have been on ESA, it is very difficult to look at sanctions without looking at the WCA.

**Chair:** We have some questions coming up on that particularly but, Philip, you were trying to get in.

**Philip Connolly:** I wanted to mention two things, first of all in response to what Debbie said. There is evidence I have become aware of from hosting a seminar just before Christmas with economists. The evidence that was presented at this seminar, which I think members are aware of, from David Stuckler, is that people are coming off benefits but not actually going into work. There is a lot of uncertainty as to what actually is happening to those people.

**Q30 Chair:** One of our recommendations in more than one report is that the offload does not give evidence, so we are well aware of that.

**Philip Connolly:** I think it is worth also exploring not whether these people are working in the black economy, but whether they are being financially supported by other people. We should not be moving to an automatic assumption that somehow these people are in work.

**Q31 Graham Evans:** On Kirsty's point about the 200 people for whom this thing was done, what we are talking about is potentially fraud and error.

**Kirsty McHugh:** The majority was error.

**Graham Evans:** Fine; I said fraud and error. The point is that if you go to a bank, for example, you have to provide your address and so on to open an account. To get your benefits, there is an awful lot of work so that, if you are a recipient of benefits, you need to prove what your name and address are, and so on and so forth. A lot of people are getting paid benefits but clearly, based on what you have said and our own anecdotal evidence, their actual address is false or wrong.

**Kirsty McHugh:** Or wrong. It could just be a legitimate mistake within the system.

**Chair:** I am going to move on in a second. Paul, I think you were trying to say something, and then Anne Marie is going to come in, and then we are going to move on to ESA.

**Paul Farmer:** Just very briefly to reiterate a point made earlier, we absolutely see conditionality and sanctions as a last resort, and that particularly applies to people with mental health problems. Let me add into the conversation that there is some really interesting and helpful guidance around the use and application of what is called a core visit. We are not aware of core visits being applied at all in trying to understand what might be happening to individuals who are potentially at risk of a sanction. We might want to ask DWP how that guidance is being used, because we are certainly not aware of that being used.

**Chair:** That is fine. That was going to be one of our questions.

**Q32 Anne Marie Morris:** This leads into the questions about vulnerable groups, which I know Sheila is going to be asking. With regard to communication, Matthew has already talked about two types. You have the stuff you have to pull from the web and, although there have been some reviews, the inadequacy of what is there in how you search. The other part of it is clearly the individual communication with the individual claimant. While you have said we should move to something that includes a personalised option—text messaging, emails, etc.—I have a particular question for Mr Connolly and Mr Farmer. Where you have individuals with mental health or other

disability problems, is this something the Government could do in the short term? Personalisation will take time, whereby an adviser actually knows people who have these problems and can make the communication work better. Are there particular concerns you have about the plethora of communication options available? They do not quite include things that are going to work for your particular groups.

**Philip Connolly:** Perhaps I could say something first. I have been dealing with this issue for eight years, in a way. DWP have a system of mass communication to a mass audience, and it is not really in a position to make exceptions. However, there are legal obligations on DWP to make those exceptions and to communicate with people in accessible formats, for example people who are blind or partially sighted. This does not happen as a standard practice. There ought to be a provision so that, on the data systems, when they first interview claimants, they can capture what their access requirements are and any other issues that are going to interfere with their ability to communicate with this person.

This particularly applies to people with learning disabilities, but also to people with mental health conditions, who may find it very difficult to engage with brown envelopes with windows in them. I have said repeatedly to DWP that if people are not responding to communication, maybe we need to find another way of communicating with them or with somebody that they are happy to receive the communication on their behalf. I think there is a massive issue about how DWP communicates generally, and it is failing even to meet its own legal obligations.

**Paul Farmer:** There are clearly two dimensions to this, are there not? There is the way in which written communication is delivered and choices of access to receive that written communication. I am not sure I would want to receive a text message. People with mental health problems tell us they would not want to receive a text message telling them that they have been sanctioned. That does not feel terribly appropriate, but there is also the interaction between individual advisers across the system and people on a human level. In both cases, people with mental health problems tell us that the level of expertise, knowledge and understanding is not sufficient to get those messages right. Of course, we appreciate the complexity and difficulty of delivering a high volume set of communications, but Mr Connolly is absolutely right that, for many people, the fear of what lies behind that envelope is extremely stressful, anxiety inducing and has to be handled incredibly sensitively and carefully. Too often, people tell us it does not feel like that for them.

**Q33 Sheila Gilmore:** This question is to Kirsty first. The ERSa evidence was suggesting that sanctions that would be most appropriate for non engagement—the words were “motivational or behavioural”. Could you explain that a bit further? To what proportion of claimants do you think that applies?

**Kirsty McHugh:** Gosh, I would not want to put a percentage on it. You are more likely to get somebody into work if you have got a good relationship between the adviser and the jobseeker, fundamentally. What all my members will tell me is that, once you have somebody saying, “I can work and I want to work”, then it is almost job done, because it is about getting somebody’s mindset into the right place. Often, if people have been on incapacity benefit or ESA for an extended period, they have been told, “You’re too ill to work. Work isn’t for you.” Therefore, it can take quite a long time to challenge that in a supportive way to get people to say, “Okay, this is how we’re going to do it.”

Is a sanction going to help people along this route? Probably not, in the majority of cases. However, if there are individuals who really do not want to engage at all, and they have been referred to the Work Programme or indeed another programme, what do you do? They are not engaging. Do you just leave them? Then the provider could be accused of parking that individual and performance levels would go down, etc. For that sort of individual who is not engaging at all, maybe a sanction doubt could be raised.

With that said, there is the issue of vulnerability. If somebody is not engaging, it could be because there is a mental health difficulty, as Paul says. The WCA has not been shared with the provider; that may not be visible. Therefore, it is about the communication and the sharing of information with Jobcentre Plus, and potentially other parts of the system as well, to ascertain whether there is anything else going on with that person that means that they are not actually complying with a programme they have been mandated to in many cases.

**Q34 Sheila Gilmore:** Is there the opportunity or the resource among your members to make that distinction and find that out? You said it would be helpful if the WCA was shared, and I think we said that in our last report as well, but it still is not happening. When the Work Programme was set up, I remember being taken on a visit to a provider in my area, and there were a lot of things said about how there would be the opportunity to look in depth

into people's problems and so on. Is that happening? What kinds of tools are used at the moment, when people are first referred, to work out if they do have some of these problems that you have described?

**Kirsty McHugh:** All providers will carry out an assessment of need. That could be a psychosocial behavioural type approach; it could be something that is more focused on employability, depending on what that jobseeker is presenting with and the quality of information that has come across from Jobcentre Plus. What my members tell me is that it often takes a number of meetings to actually get under the skin of what is going on with that individual. For instance, there could be drug and alcohol issues, which are often not acknowledged, even to the individual. There are often mental health difficulties, which could be combined with something else. For people on ESA, there is often not just one problem; there are often two. It could be musculoskeletal and there is also depression, for instance, and it could take you a while to actually ascertain what is going on. From there, you could put in place a support package.

If you have somebody who is just not engaging, they are not turning up or maybe they have turned up once and then they are not responding, you cannot do that. That is the sort of individual, particularly if there has been a deterioration for whatever reason, where a sanction doubt is more likely to be raised, but they could be vulnerable. There are concerns about how we identify the vulnerable within the system. Bear in mind as well that DWP will come along and sit with providers and, if they think that individuals should have been sanctioned and they have not been, they will say, "Why have you not done this?" So there is that element going on as well.

**Q35 Sheila Gilmore:** From that perspective the follow-through accusation or assertion has been that because more people on ESA and WRAG are going into the Work Programme, there is an increasing number of people being sanctioned, yet the performance for this group, in terms of getting people into work, is quite low, so the assertion is that you are more likely to be sanctioned than you are to get a job. Are you concerned about that? What steps are you taking to deal with that?

**Kirsty McHugh:** The ESA performance is the biggest concern out there, and we have to get it right for the next round of contracts because, frankly, there is not enough money in the system to meet the needs of people on ESA. There just isn't. Tony will back me up in relation to that, our independent expert.

**Tony Wilson:** Yes.

**Kirsty McHugh:** However, we cannot just wait until the next round of contracts. We have to see what we can do now. It is about health money; it is skills money. That is very difficult to knit together around the individuals. The number of people starting ESA at the moment is about 12%. That is not the job outcome figure; that is lower, because obviously there is a time lag in that, but we do know that, once somebody has started work on ESA, they are likely to stay in work. The sustainment levels are high, because they have made that mental leap and they want to work.

We think the increase in ESA sanctions is to do, as you said, with the increase in the number of people coming through on ESA, so there is a correlation in relation to that. There has been an increased focus on performance—everyone wants to see performance going up—that might be leading to more sanction doubts being raised, but then there are issues around the work capability assessment and people being referred to WRAG and, therefore, the Work Programme who should not be.

Secondly, they could be, once they are in WRAG, spending their time contesting that decision rather than engaging with the programme, because their mindset is, "I've got to get back on my higher benefit, because I am too ill to work." All those things have a particular impact in relation to this as well.

**Q36 Debbie Abrahams:** We know that in 2012 13 there was a 250% increase in sanctions of ESA claimants. Matthew's report indicated that 90% of sanctions originated from Work Programme providers. Do we know what percentage of ESA claimants that are sanctioned originate from Work Programme providers?

**Kirsty McHugh:** The sanction doubts being raised—I do not know that off-hand. That should be available, should it not, from DWP?

**Tony Wilson:** I do not know the figure.

**Debbie Abrahams:** But it has suddenly increased.



**Kirsty McHugh:** The number of people coming through on ESA has radically increased as well, over that period. We had very few coming through on ESA to begin with. That is not the whole picture, but it is part of the picture.

**Tony Wilson:** There is a more worrying point about this, though: the huge growth in ESA more generally. Providers are doing what DWP requires them to do. This is Government policy, rather than providers' action on their own behalf, off their own backs, to refer people to sanction. This is an area again where there is no evidence. In fact, the evidence suggests that conditionality generally for ESA claimants has not worked in the past. There is no evidence about a positive impact from work focused interviews, nor indeed from Pathways to Work, nor indeed so far from the Work Programme. That evidence will become available as we improve our evidence base, as we test more things, as we do more work.

The fact that sanctions are running so far ahead, frankly, of any understanding of what works, and developing an effective model of conditions and support for people on ESA, is deeply worrying. We said in our evidence that it has got to the point where we should suspend the application of sanctions for people on ESA until we actually have a much clearer idea of what the journey and the support looks like, what works in terms of conditions of support and the impact of sanctions.

**Q37 Debbie Abrahams:** I wonder if Philip and Paul wanted to comment on this. There was a report from Salford at the weekend about how ESA sanctions were actually exacerbating the ill health of people already on it.

**Paul Farmer:** As we said in the submission of our evidence, we think this is a symptom of a much deeper problem about ESA. Other witnesses are also emphasising there are some really fundamental challenges about the nature and the structure of ESA for people. To try to paint that picture a little bit more, people are telling us that, in terms of their engagement, there is a lack of mutual understanding. A quote from somebody who gave a submission to a report we published last year: "Advisers had little knowledge about mental health and, when I asked to see the specialist, it became apparent that she knew little more than the others. There was no apparent sympathy or understanding of my background. Some Jobcentre staff were harsh, threatening and unsympathetic. It made me tearful."

Secondly, there is a fear of sanctions. Again, another quote from our report: "During my time on the Work Programme, I was hospitalised due to an overdose but, because I was so petrified they wouldn't believe me or that the information would get lost and I would get sanctioned, I turned up to my appointment a couple of days later anyway." There is an underlying impact on the psychological well-being of many people who are on ESA at the moment, and then you add into that this extremely concerning high level of application of sanctions for people on ESA, up from 1,700 a month to 4,800 a month, and people with mental health problems being disproportionately affected in sanction application.

There really is quite a fundamental problem here, and of course the great shame about this is that people with mental health problems have got one of the highest want to work rates of any disability group. Kirsty is right: if you can get that information and the engagement right, then you can support. Hopefully we will have time to come on to this; we have got some really good examples of programmes that are running in a conditionality free space, where the success rate is four to five times higher than the success rate of the Work Programme approaches.

**Q38 Glenda Jackson:** Is there any regional breakdown on the escalation of sanctions?

**Paul Farmer:** Yes.

**Philip Connolly:** I would like to say that what we need to do is go to a relationship of trust—there is currently a relationship of fear—between the Government and the claimant, where the claimant is confident that they are going to get support that is tailored and personalised, which is going to make a difference to their job prospects. There are many aspects of that support that people currently are not getting—for example peer to peer support, and sometimes contact with an individual job coach with a high level of intelligence about the local labour market conditions. There are many types of support they are not getting. The support that is currently on offer is too small, too generic; it is about job searching or CV writing. It is support that they have frequently had before that may not have made a difference to their prospects in the past, and then they are faced with sanctions. More people are being sanctioned than are actually getting jobs, as has been said.

We need to re-engineer that relationship of trust because, as other people around the table have said, we want to see a climate where people who want to work actually feel confident that the support is going to make a difference to their prospects. We will definitely see outcomes from that.

**Q39 Sheila Gilmore:** Some of the guidance that DWP has produced, at least on paper, sounds good. For example, one I was going to highlight was the guidance stating that, “Where appropriate, a member of the DWP Visiting Team will visit ESA claimants in their homes, where the claimant has a mental health condition or learning difficulties and has failed to attend an interview or participate in a prescribed activity.” I am sure you would support that but, in your experience, does that happen? Have you experienced that?

**Philip Connolly:** There are relatively good guidelines around safeguarding, but it is our experience that these are not being adhered to and also that these guidelines are increasingly being treated as just merely guidance. They have no legal status anyway, so we are actually seeing them increasingly being ignored. For example, for those 60% of people on ESA who have a mental health condition or a condition that is going to affect their cognition, only in 8% of cases has a GP been contacted with an ESA113 form to seek the further medical evidence to be able to take into consideration what decision should be made with regard to whether they should be sanctioned or not. There are lots and lots of aspects where the guidance is increasingly being ignored, which I think is to the detriment of everybody in the system.

**Paul Farmer:** It is really unclear whether the guidance is always being used, and we would welcome some greater clarity around that. I would agree with Philip that guidance is pretty good actually. If it was really applied more regularly, it would help plug some of those information gaps that Kirsty was talking about. The ability to try to give the providers the best possible chance of supporting the individual could be very helpful, but it is very unclear and we are not hearing of any examples of people receiving things like a core visit, for example.

**Q40 Paul Maynard:** Mr Farmer, you have made some interesting comments about people with a mental health condition and the sanctions regime, but I am just trying to get you to a conclusion from what you are saying. If the sanctions regime is operating on a risk and reward philosophy, i.e. people will do something because the alternative is far worse, is that appropriate for those with a mental health condition? I would suggest that no, it is not. You have issued a report—I think it is called “We’ve Got Work to Do”—where you alluded to this, where you had a much better success rate. Can you talk a bit about how conditionality features, if at all, in those models? If we were to go to the logical conclusion of all of that—that people with a mental health condition need to have some separate regime in terms of sanctions and conditionality—would you have any concerns that that might be a stigmatising separation, or would that actually be a positive development? That was quite a bundle of questions.

**Paul Farmer:** Let me just try to unpack that as briefly as I can. I am conscious of time. First of all, the evidence is telling us very clearly that the current approach for supporting people with mental health problems who want to find work is not working, particularly for those people on ESA. Actually the situation on JSA is a bit more mixed and a bit more debatable but, certainly on ESA, it really is not working.

The report we published, and we would be very happy to give Members copies of the report if that would be helpful, looked at a number of schemes using the individual placement and support model, which I think is a very well evidence based approach. These schemes are currently run in this country; they are normally run by voluntary organisations. They are funded normally either by the mental health trust or by the local authority, sitting on the side of supporting people with serious mental health problems. They are totally conditionality free programmes. They are locally based programmes, and the evidence suggests that they are pretty effective. They are delivering a 20% to 25% success rate in supporting people back into work, so they are pretty successful, and they are mainly working with people who are in secondary mental health services, so they are working with people with, by definition, quite serious mental health problems.

Our contestation has always been that the construction of the current programme is both generic and national in its structure, whereas the evidence base, as it applies to people with mental health problems, tells us that a more local and more specific programme would be more effective in supporting people with mental health problems to go back to work.

The challenge that faces DWP in its future contracting arrangement is how much those local initiatives can be scaled up and how local DWP can go in its commissioning approach. Our report advocates taking people with mental health problems who are currently on ESA out of the current process, which would include taking them out

of the current conditionality process. I should be clear: we are not totally opposed to conditionality. We have made that point. We think that, if you are trying to understand how you support people who experience severe depression, schizophrenia and bipolar disorder—particularly thinking perhaps about those people who have experienced the instrument of the role of the state in applying compulsory treatment to them under the Mental Health Act—compulsion in this context, as applied to somebody, has wider connotations for people. That is what many people tell us—there is a better gain, for the individual, for the providers and also crucially for the taxpayer, in helping and supporting people into work. We would argue that that is the case.

We understand that there are some potential risks around creating a separate scheme. I accept the point you make about stigma, and we of course are lead partners in the Time to Change campaign, which is all about tackling stigma. There is a strong argument for saying that as integrated a programme as possible should be applied. We have to look at the end goal here. The end goal surely has to be supporting people with mental health problems who are not currently in work and want to work, to find them work as quickly as possible. That is the best way to eradicate stigma in its broadest sense. Positively, we are beginning to see many more employers recognising the benefit of supporting the mental health of their employees. We think that the climate is beginning to change and make that more conducive. It is almost that the barrier—the inconvenient truth of the current programme—is that it was not designed for people with mental health problems. As a result of that, it is not working for people with mental health problems.

**Kirsty McHugh:** Can I just add one thing? Paul has just missed one important point, which I think is about the amount of money in the system as well. It does not matter whether you have one programme or two programmes. If you have a separate local programme and it is not properly funded, and it is all payment by results, you are going to have the same problems that we have now. We have to bear that in mind as well.

**Q41 Teresa Pearce:** Mr Wilson, your submission strongly supported one of our recommendations in our JCP report, which was that conditionality should be balanced out with in depth advice and support from the JCP, so that it should be a contract on both sides. Do you think Jobcentre Plus does that?

**Tony Wilson:** In many cases, yes, it does. It can, and it does actually, particularly where people are becoming long term unemployed or have particular barriers to work—people with longer durations, for example. Many young people will usually have a named adviser, and they will provide employment support. However, things have changed quite a lot even in the last year or two years in people’s perceptions of the role of Jobcentre Plus and actually in the role that Jobcentre Plus is playing. What we hear again and again, in in depth qualitative research in local areas and with residents affected by welfare changes and so on, is a feeling that they are not getting access to employment support and that Jobcentre Plus, essentially, is trying to catch them out and find reasons to suspend payment.

**Teresa Pearce:** It is like the old fashioned unemployment benefits office.

**Tony Wilson:** Yes exactly, which leads on to the second point—that there is an increasing risk that we are starting to see a separation. The rationale for creating Jobcentre Plus was to bring together benefits administration and employment support in the same place, so that conditions for receipt of benefit, the BA function, sat alongside the old Employment Service and the Benefits Agency. The Employment Service function and employment support sat alongside that and that worked as an integrated system. We know that that was independently evaluated, and we know Jobcentre Plus was very effective in that.

What we are hearing and seeing is some separation of that now, with much more focus on compliance with benefit terms, and suspension of payments where there are doubts about a change of circumstance. One case study that came up in our research was an ESA claimant, who became entitled to personal independence payment and failed to notify Jobcentre Plus—why should they even be expected to?—that they were now receiving that other benefit. They had their payment suspended until it was determined whether there was any impact on their benefit receipt. These sorts of stories, and similarly you find a couple on formation and separation and so on, are deeply concerning and point to quite a different relationship. That has inevitably generally run alongside a reduction in the number of advisers, and particularly specialist advisers, to provide that work coach or personal adviser type of role.

One of the really big points that we have not talked about today, which is really important, is the impact. It comes back to Philip’s point about building a relationship of trust. People who are not required to attend Jobcentre Plus do not volunteer for support, because they see this system as being punitive—as being harsh and trying to catch

them out, as it were. For lone parents with young children, people with health conditions, non working partners and people on low incomes, when they want to get employment support, they do not go to Jobcentre Plus, because they are worried it will lead to conditionality, sanction, a query about their benefit receipt and so on. The loss of other local support systems essentially means that those people are falling through cracks.

It is deeply worrying. We now have a growing number of people who are outside mandatory employment programmes, mandatory support, but do not really have anywhere to go to if they want to get help to find work. That points to trying to rebalance that role for Jobcentre Plus.

**Chair:** The sanctions regime could be putting people off who do not qualify for any money, but have an underlying entitlement, from actually seeking support.

**Tony Wilson:** I would go so far as to say that the sanctions regime is putting people off who are not required to attend Jobcentre Plus, because they fear that, if they do attend Jobcentre Plus, it will lead to doubts being raised about their entitlement; it will lead to them being reassessed and so on. Whether that is because of people's perceptions of what would happen or the reality of what is happening is another matter. A lot of it is because of their social norms. They see what happens to people around them and are fearful of it. This has come up again and again in different parts of the country, in different research that we have done. It has come up with enough frequency that we can say it is happening with some certainty.

Related to that, people who become sanctioned are then also pushed away from employment support. If you have a six month sanction, where do you go if you want to get help to find work? The last place you are going to go is back to Jobcentre Plus. We risk creating a group of people who are outside any form of employment support.

**Chair:** On that note, can I thank you very much for coming along this morning? We have got through a lot, but there is plenty more we could have been asking you about. Can I say thanks and can I ask you to move out very quickly so we can get our second panel in?

Witnesses: **Keith Dryburgh**, Policy Manager, Citizens Advice Scotland, **Professor Peter Dwyer**, Professor of Social Policy, University of York, and Principal Investigator, Welfare Conditionality project, **Nikki Hart**, Blackpool Food Partnership Co-ordinator, Methodist Action North West, **Chris Mould**, Chairman, the Trussell Trust, and **Dr David Webster**, Honorary Senior Research Fellow, University of Glasgow, gave evidence.

**Q42 Chair:** Can I extend our welcome to our second panel this morning? We have got a lot to get through with a lot of witnesses, so thank you very much for coming along this morning. Can I ask you if you can introduce yourselves for the record?

**Keith Dryburgh:** My name is Keith Dryburgh. I am the Policy Manager at Citizens Advice Scotland.

**Professor Dwyer:** My name is Pete Dwyer. I am Professor of Social Policy at the University of York, and I lead an ESRC funded project on welfare conditionality sanction support and behaviour change.

**Nikki Hart:** Hello, I am Nikki Hart. I am the Project Co ordinator for Blackpool Food Partnership and I work for Methodist Action North West.

**Chris Mould:** My name is Chris Mould. I am the Chairman of the Trussell Trust, which runs the largest national food bank network in the UK.

**Dr Webster:** My name is David Webster. I am an Honorary Senior Research Fellow at Glasgow University.

**Chair:** As I say, welcome this morning. The first set of questions comes from Graham.

**Q43 Graham Evans:** My questions are on the current system. The claimant commitment is designed to further intensify job search requirements under Universal Credit. DWP will be able to require some claimants to spend 35 hours per week looking for work—a full time job looking for a full time job, as it were. Is there any need for Jobcentre Plus to prescribe specific actions by using jobseeker's directions, Peter?

**Professor Dwyer:** For me, one of the key issues in relation to Universal Credit is the fact that, for the first time, we have an extension of conditional requirements now being applied to people in low paid work. It is not just about those who are inactive in the paid labour market, but the conditionality threshold that is written into that piece of legislation can say to people who are on in work benefits on low paid jobs that they may have to look for another job, look for a better paid job, in relation to the receipt of Universal Credit, or be subject to sanction and fine. That for me is a major step change in the way in which conditionality is being applied.

The claimant commitments, in a way, are about the balance of the relationship between the so called adviser and the client or a claimant of welfare. The problem with them is that, essentially, they might perhaps put all the onus on that individual, even though the individual may already be in work or may face barriers to work. We need to be thinking about the other side of the equation, the support that is offered, as well, as we heard earlier in the session.

**Dr Webster:** I would just like to add that we do not really know what jobseeker's directions are used for. One speculates that they are used for things like telling claimants that they should learn English or that they should smarten themselves up in the way they dress and things like that, but nobody actually knows. There were very few jobseeker's directions used throughout the history of their existence, until the last couple of years, when they increased very sharply under the coalition Government, but they are still quite a minor element compared to actively seeking work or the equivalent—the claimant commitment.

**Q44 Chair:** With the introduction of in work conditionality, could it be possible that somebody could be sanctioned for not earning enough money, so they will lose money because they are not earning enough money?

**Professor Dwyer:** In principle—I have the figures somewhere, but essentially—if you are not earning the minimum wage for 40 hours a week equivalent, and you are in receipt of in work benefits, you can be sanctioned as somebody who is working hard in a job, because you are effectively not earning enough money and are reliant on in work welfare support. You can also be subject to a system of fines. Whether or not that is actually being applied at the moment, I have my doubts because, as we all know, Universal Credit is in a rollout phase that has been delayed. In principle that is written into the legislation.

**Graham Evans:** In practice, I have never heard of that.

**Professor Dwyer:** I do not think we have had a chance to see it in practice yet. Quite frankly, if the Government were to put the focus on low paid poorer citizens, who are doing their best through paid work and to start sanctioning them, threatening them with fines or requiring them to look for better paid employment, it would probably be in error, given the fact that people are doing their best.

**Graham Evans:** Nobody is suggesting that.

**Professor Dwyer:** That is part of the legislation and part of the framework.

**Chair:** That is the problem; it has not happened yet.

**Graham Evans:** It is hypothetical.

**Professor Dwyer:** I am sorry; it is not hypothetical. It is underpinning Universal Credit and it is part and parcel of the proposals that underpin Universal Credit, so it is not hypothetical. It is not happening yet and I do not expect it to happen sometime soon.

**Q45 Graham Evans:** You used the term “so called adviser”. You described the Jobcentre Plus advisers as “so called advisers”. What do you mean by that?

**Professor Dwyer:** It is probably a loose use of language, but part of the role of advisers in Jobcentre Plus is to offer support, offer pathways into employment, engage with people perhaps but, at the moment, one of the key

concerns about the system is that the system seem very much orientated on the sanctions side rather than the support side.

**Q46 Graham Evans:** We did an investigation into Jobcentre Plus and we did not come across that at all, nor do I see that in the two jobcentres that I go to see. The advisers who I meet on a regular basis care passionately about trying to help their customers to get into paid work.

I am going to go on to the next question to Dr Webster. Changes since the 1980s have established a more active employment support system, with a stronger link between unemployment benefit and engagement with the labour market, which successive Governments have supported and all parties have supported. You believe that active labour market policies would be enhanced by the removal of what you describe as “threat and compulsion”. What evidence is there to support your view?

**Dr Webster:** There is a lot of evidence from the voluntary sector, which has produced a lot of reports that have pointed out that inappropriate referrals to projects are much more likely if advisers can simply direct people to do them. That came out particularly strongly in Catherine Hale’s report for Mind, which was published in July, which showed that 80% or 90% of the ESA claimants were saying that little or no account had been taken of their needs in referring them to work related activities. Now, the point about the voluntary system is that you cannot refer to something that is too inappropriate, because you cannot make them do it, so really it is a fundamental point that the existence of compulsion does make inappropriate referral to types of support much more likely.

It is worth looking at a historical thing. One of the unemployment insurance Acts around about 1920 introduced provision for the first time for compulsion to direct claimants to go on training schemes. That provision was not used until about 1930 or 1931, and then it was used for two years and then dropped. If you read the Ministry of Labour report of the time, they said that basically training schemes are more effective if they are voluntary.

**Q47 Graham Evans:** You do not believe that people should be compulsorily encouraged to go for job applications and work experience.

**Dr Webster:** I believe, along with most people who have commented—well, practically everybody who has commented on this—that most people who are unemployed want to work. They want a job. It is not necessary to run a system on the assumption that most people do not want to work. It does not fit the facts. The basic approach should be to work with the claimant and get them suited. You respect their own strategy for getting work and facilitate them. If they need advice, if they are not pursuing a sensible strategy, the first recourse should be to give them that advice. Why do you have to have a system that is based on a fundamental assumption that people have to be compelled to do things that they do not want to?

**Q48 Graham Evans:** There are taxpayers who work hard and pay taxes. Therefore, if you are in receipt of benefit, there are rights and responsibilities. Part of the responsibility is that, if you are fit for work, you should actively pursue that. What would you say, just as an example, to a group of people who work in the black economy but, at the same time, claim benefits, such as jobseeker’s allowance? Do you not think that they should perhaps be sanctioned?

**Dr Webster:** That is fraud. We have a judicial system that is set up to deal with fraud, and I regularly read cases in the paper where people have been prosecuted for benefit fraud. Why do we need a parallel secret penal system for benefit claimants who are perfectly innocent?

**Q49 Graham Evans:** Dr Webster, you do think that there should be some form of sanctions, even if it is prosecution for fraud.

**Dr Webster:** I certainly believe that there must be a judicial system that deals with the issue of fraud, absolutely. I also think that there have to be conditions attached to unemployment benefit. You cannot abolish conditions, because it is an insurance scheme. Any insurance scheme obviously has conditions. To claim unemployment benefit, you have to be unemployed, which means you have to be available for work, able to work and looking

for work. These are conditions that you cannot get away from, but that is different. For most of the existence of unemployment insurance, the conditionality has meant ensuring that people actually meet the conditions for unemployment benefit but, over the last 20 years, we have seen this shift towards running what is, in effect, a parallel penal system. We need to ask fundamental questions about whether we need or want a parallel secret penal system alongside the judicial system.

**Q50 Graham Evans:** What do you mean by “secret penal system”?

**Dr Webster:** It is a secret penal system because the decisions are made in secret by officials. The claimant is not present. They are not legally represented. The punishment is applied before there has been any hearing. If they get a hearing, then it is only long after the punishment has been applied. The scale of penalties is more severe than the scale of penalties that is available to the magistrates courts or sheriff courts in Scotland. You are talking unmistakably about a penal system that has a set of characteristics which, I would suggest, are totally unacceptable in a democratic society.

**Q51 Graham Evans:** These things have happened through all Governments. You fundamentally disagree that there should be any sanctions whatsoever.

**Dr Webster:** No, the penal aspect has crept up over the last 30 years, in a number of incremental changes that have never been thought about or discussed as a whole. The starting point was in fact a concept of meeting the conditions, the qualifications, for unemployment insurance. The word that was used was “disqualification”; it was not “sanction”. We need to stand back and look at the system that we now have as a totality, and say, “Is this kind of system actually acceptable?” It is my belief that all the problems that we have been talking about and were talked about in the previous panel this morning are not an accidental occurrence, when you are running a system like this. They are an inevitable result of a secret penal system that has grown up without proper safeguards.

**Q52 Graham Evans:** I have spoken to people who are Jobcentre Plus advisers, and I have asked them about sanctions. In my constituency, relatively few sanctions are given out. I have asked them about the process for giving out sanctions on a case-by-case basis. I find that the way that they go through it is very professional. It is certainly open, it is not secret, and they do it very reluctantly. I have to ask you, if someone has signed up to look for a job, a 35 hour commitment to look for employment, and there has been a job interview that the individual has failed to attend, they have not gone into the Jobcentre Plus as they said they would, and so on and so forth, do you believe that there should never be a sanction?

**Dr Webster:** The legal position at the moment is that you cannot be sanctioned for not doing what you said you would do. If you challenge a sanction and go to a tribunal, the only matter that the judge will consider is whether you took such steps as were reasonable to help you find employment in your circumstances. That is the legal position. What DWP is doing is sanctioning people willy nilly for not doing arbitrarily imposed things. They say to claimants that they have to apply for 30 jobs in a fortnight and then they only apply for 29, and they sanction them. This is completely absurd.

**Graham Evans:** I do not agree with you, Dr Webster. I have two Jobcentre Pluses in my constituency and to describe sanctions being dished out willy nilly is bizarre and completely ridiculous.

**Keith Dryburgh:** I was wondering if I could make a point on your first question on the claimant commitment, because that is quite central to how the sanctions regime actually works. We have concerns that people have specific needs and circumstances that are not identified during the interview in which the claimant commitment is agreed and then, effectively, those people are set up to fail, because they have signed an agreement that does not actually match their needs. We need jobcentres to proactively identify people who have specific needs and make sure that is in the claimant commitment. We have seen people who have very severe literacy problems and that is not part of their claimant commitment. They are looking for any type of work. There are people who have not been able to work for 30 years because of a back condition and, again, that is not on their claimant commitment and they are required to take jobs as cleaners. If the claimant commitment is not right, and in a lot of cases it is not at the moment, then that is setting people up to fail.

**Q53 Graham Evans:** What you are saying is that, on a case-by-case basis, the devil is in the detail. You have to make sure that the commitment is appropriate to the individual.

**Keith Dryburgh:** Particularly for people who have come from IB or ESA, people who have been found fit for work; those are the people who are worst affected that we see, and people with mental health conditions that are not necessarily apparent in the first interview and then become very apparent when there is a sanction imposed. It is paramount that jobcentres investigate and identify these issues. We are concerned that claimants feel that they need to sign claimant commitments straightaway, and that they are not taking it away with them because of the climate of fear that we discussed. People will just sign things because they are scared that they will get sanctioned if they do not, so we have to be constructive in interviewing them, in the first place.

**Chris Mould:** On this point about disproportionate and apparently punitive sanctions decisions, food banks that we get reports from right across the country give us frequent examples, particularly since the latter part of 2012, of what appear to be very disproportionate decisions. We see this spread right across the country. We can identify some jobcentres that seem to be more likely to head that way than others, so there is definitely a lack of consistency of practice. We do see decisions related to people only being a few minutes late for appointments or people who have been given multiple appointments, one of which has been cancelled, and redress takes too long. The point that strikes us most powerfully is that many of the clients we help are helped for a short period of time, a few weeks, whilst they are acquiring the redress and the decision is being overturned. We see the end result and that reinforces, from the food bank and volunteers' perspective, the inappropriateness, the unfairness and the punitive nature of the decision, because it was overturned; it just took too long.

**Chair:** We have questions on trends in sanctioning; Debbie.

**Q54 Debbie Abrahams:** I was very interested in what you were saying, Professor Dwyer, about the Universal Credit regulations and in work conditionality. We included that in our JCP report in the beginning of last year. I actually asked the Secretary of State last month what conditions there would be for in work sanctions, and he was not able to answer me. Since then, we have had the autumn statement, which shows quite clearly the reduction in tax credits that is being budgeted for, so you have hit on something very important. My question specifically is: will you be monitoring that as part of your work?

**Professor Dwyer:** One of the groups that we are interviewing is Universal Credit claimants in three locations we have chosen: Inverness, Manchester and Bath. Those are pilot areas. What is interesting is, when we put the team together to do this project, which was about two to two and a half years ago—these things take time—Universal Credit was an idea, almost. It was in its infancy. We have had to add that group of claimants, or what we call welfare service users, to the overall study because of that change, so that in work conditionality, for want of a better phrase, is something that we will be looking at. We are at the very early stages of interviewing those people, because obviously we are doing a lot of interviews.

**Q55 Debbie Abrahams:** You have just mentioned the claimant commitment. This is obviously preceding the rollout of UC, which we know has been very much delayed and so on, but is there a relationship? Has anybody got evidence of the relationship between the use of the claimant commitment and the increase in sanction rates?

**Dr Webster:** The formal introduction of the claimant commitment, which took place between October 2013 and around about April this year, does not seem to have had any effect on the statistics for sanctions. I would expect that claimants not adhering to their claimant commitment would come under the "not actively seeking work" category, which has not actually risen as a result of the claimant commitment being introduced. In a sense, the Government had done this already, because the real increase in sanctions for not actively seeking work came earlier.

**Q56 Debbie Abrahams:** Can I move on then? I am with you, Dr Webster, in relation to your views about sanctions being applied as a last resort. I understand that you do not feel that that is the case; would you like to explain a little bit why you do not?

**Dr Webster:** The first thing that I would say is that, if sanctions were being applied as a last resort, you would expect to find something in the internal staff guidance of DWP telling staff to apply them as a last resort. There is nothing of the sort in those staff manuals. If you take as a parallel the procedures that are being introduced for



mandatory reconsideration, there the Government certainly want a situation where going to a tribunal is a last resort, and they have put in any number of steps that have to be followed to make sure that it jolly well is a last resort. The claimant is not allowed to fill in a form now to trigger a mandatory reconsideration. The form that triggers a mandatory reconsideration is filled in by a DWP official, but only a couple of steps after the claimant has lodged their objection to the sanction. The Government has designed this process, which is set up to ensure that a tribunal hearing will be a last resort, but in the case of sanctions there is nothing like that. If you look at the manuals, they just say that the claimant is sanctionable if they do X, Y and Z.

**Professor Dwyer:** In relation to sanctions and whether they are a last resort or not, two things are important. I take the gentleman's point that some front-line providers and front of desk support staff work proactively to support people, but other people certainly report that, in their interactions with particular members of staff in particular places, decisions to sanction are taken and not clearly explained. The issue of discretion of what is called street level bureaucrats is vital.

The other side of it that is important, which seems to be increasingly part of the system, is the application of an almost automatic sanction, so a lack of discretion. It is a situation where somebody turns up a few minutes late and pleads the case, but they are told, "No, you're late. There's a sanction." There is an issue of discretion of individual people administering and implementing policy, but there is also the increasing automation, almost, of sanction, which is something a colleague at York looking at the Work Programme has mentioned in discussions around these issues.

**Q57 Debbie Abrahams:** I am with you, Professor Dwyer. There have been some comments by former JCP advisers about the inappropriateness of sanctions. Keith mentioned some claimants being set up to fail because of a targeted approach to sanctions. Will you be looking at this in your work?

**Professor Dwyer:** Essentially what we are trying to do is explore, if people were sanctioned, why they were sanctioned and the impact of that, yes. The other side of it, which I am keen to emphasise, is that we do see welfare conditionality as sanction and support. One of the key things at the moment is that the support side, as I started saying, has been almost relegated to being secondary. It is vital if the system is going to enable people into fulfilling work, sustainable work, etc.

**Q58 Paul Maynard:** Could I very quickly ask Professor Dwyer, just on the issue of discretion in particular, if there is not a moral dilemma here? The more you try to make the system more transparent, rigorous and rules based, so people are clear over what triggers a sanction and what does not, are you then not diminishing the amount of discretion that a frontline member of staff can actually exercise, because they have to stick within ever more rigid guidelines? Do you see that tension? How might we resolve that?

**Professor Dwyer:** There certainly is a tension, and the tension cuts to the heart of the personalisation agenda, because the Government is committed to the extension of conditionality, its intensification, but also importantly they say it is personalisation. That must mean some element of discretion from providers who are offering support to people, taking into account the multiple needs of certain vulnerable groups in particular, as has been mentioned. There is a tension, and I do not think that that has been resolved.

It appears at the moment—and this is my personal opinion, not based on evidence from the study; one thing I want to say is that our study is ongoing, so it is too early to make definitive statements—that the sanction aspect of it is to the fore and is being foregrounded, maybe as a deterrent to worklessness. The support side is being lost perhaps.

**Q59 Paul Maynard:** To horrify Dr Webster, who I actually find a degree of common ground with—I am sorry to tell you that—would you therefore not agree that, perhaps over the past 40 to 50 years, the development of conditionality and sanctions regimes has become an end in itself? Rather than related to actual work outcomes, we develop a policy of conditionality based upon implementing a policy of conditionality, with a sanctions regime that then follows it. That has become almost a parallel policy sphere away from actually linking it to how it delivers a job outcome.

**Professor Dwyer:** I would agree. The thing that is interesting to me, as someone who started looking at this as a PhD student 20 years ago, is the way that points of principle have almost been lost from the debate. There is a

mainstream consensus that conditionality, with an emphasis on sanction and a work first approach, is the way forward. That is quite a recent development. I remember writing my PhD in 1994, reading a Labour Party document, for example, which said, “We will not use the blunt Tory tool of compulsion”, yet within two years there has been a switch and an acceptance of a principle of conditionality, of using primarily sanction as a lever to change the behaviour of claimants. We need to unpick and understand that, and see whether it is reasonable, ethical and justified. That is one of the things we are trying to do at the moment.

**Q60 Debbie Abrahams:** Dr Webster, if I could mention some figures first of all, in terms of the money withheld as a result of sanctions for JSA claimants, we know that in 2009–10 this was £11 million. Between April and October 2012, this rose to £60 million. Unfortunately, we have not been able to access data from the Department for Work and Pensions on the money withheld for JSA sanctions since the new sanctions regime has been set up in October 2012. I understand that you have estimated that this is £300 million. Could you just clarify that position, please?

**Dr Webster:** Yes. Actually £275 million, I think, is what I am saying. That is on the assumption that people would not have left JSA.

**Debbie Abrahams:** That is a 25 times increase since 2009–10.

**Dr Webster:** It is actually less than that, because the figure that you quoted for 2009–10 is only the amount withheld from what were then fixed length sanctions, because DWP was saying, “We can’t give you an estimate for the variable length sanctions, because we do not know how long they were.” I produced an estimate of those and my sum was about £50 million for that time, so the overall amount withheld from the whole sanction system was about £50 million, so it has now gone up to about £275 million. You would have to adjust that figure for factors. What DWP is now saying is, “We cannot give you an estimate, because we do not know what claimants would have done if they had not been sanctioned.”

**Debbie Abrahams:** You make assumptions.

**Dr Webster:** It is that sort of money, yes.

**Q61 Debbie Abrahams:** That is very helpful indeed. My final question is to Professor Dwyer. We talked in the previous panel about initial work that has been undertaken by a research group at the University of Oxford, which has looked at 370 local authority areas and has estimated that one in four JSA claimants who are sanctioned leave JSA. They go off flow, and more than half of those do so for reasons other than employment. How will you be investigating what happens to those claimants?

**Professor Dwyer:** The first thing to say about that is that even the most enthusiastic advocates of welfare conditionality—people like Lawrence Mead in America—accept that, although you might reduce the numbers on benefit, the outcomes are very varied. People often disengage; that is accepted. The way we are trying to investigate that is by interviewing 480 people three times over a two year period. Where people have been sanctioned, some of them may well walk away, and we are into their lived experience of sanctions and support, and the role that sanction might have played in their disengaging from the system or, more positively, the way in which, for some people, sanction or support may have promoted engagement.

It is not just a one way street. Again from some of the interviews we have done, without pre-empting them, I can think of situations and interviews, having spoken with colleagues, where people have received support and it is working for them at the time of first interview. We interview them over a two year period to see if anything changes in that period and, if so, the role of sanction and support.

**Q62 Debbie Abrahams:** Qualitative evidence is really important. Does anybody want to add to that?

**Keith Dryburgh:** We surveyed 55 welfare advisers on the front line last year on sanctions, and we found that the vast majority disagreed that sanctions have helped claimants find employment. 84% felt that sanctions actually push people off benefit and actively discourage people from claiming it in the first place, because they have had previous experience or their neighbours or friends have had claims in the past and have had problems. In the last session, it was mentioned that there is a gap between the unemployment rate and the claimant rate now. That has

been growing since the sanctions regime was amended in 2012, and half of people unemployed claim JSA now, which is historically low. The statistics show there is a gap and at least half the people who are unemployed are not given support, whereas they are actually on employment support, so there is definitely a case of people being pushed off benefit and not necessarily into work.

**Q63 Mike Thornton:** This is to Chris Mould. I believe that your data on food bank use indicates that about 30% of cases are delays to benefits; another 15% are due to benefit changes and so on. Did you have a category, or did you put benefit sanctions into any of that? Have you got any figures on what that would be on the benefit sanctions?

**Chris Mould:** No, we do not have any clear figures on sanctions specifically. Our data is collected from a referral voucher, which is completed by a care professional. We have over 30,000 agencies in the country that hold Trussell Trust food bank vouchers. They sign and verify that, to the best of their knowledge, the reason for someone needing help is valid. For 30% of the people who need help, the primary cause of that is categorised as benefit delay. That generally does not get used by the professional who is filling the voucher out to do with the sanction. Benefit change is usually the category that is used; that is 15%.

Overall, 45% of some 913,000 people who received emergency food support last year were there because of a primary problem with the receipt of social security support. It was delayed, there had a change in the level or there had been a sanction. We cannot separate it out without changing our vouchers or our data system. The strength is that we have a historical statistical run going way back to 2000. The weakness is that we have not adjusted it to get more targeted.

We quite regularly survey our food banks to find out more about their experience. 86% of our respondents, the last time we asked them about sanctions, which was recently, in November, told us that they had seen a significant increase in the number of people coming to food banks, the primary reason being that they have received a sanction. That is self-reporting in the sense that it is the care professional or the individual, so they may not be using the word “sanction” always to mean a sanction.

**Q64 Mike Thornton:** That is what we heard earlier, was it not? People who have a benefit change, a decrease for any reason or whatever, often just use the word “sanction”. You are incredibly knowledgeable about all of this, so would you personally like to throw in any kind of idea of what you think might be the percentage base on sanctions? Would you be willing to have a guess in public, on television, knowing that we would not have a go at you if you are wrong?

**Chris Mould:** No, I would not guess, but for sure I would say that there has been a significant change in the front-line experience since the latter part of 2012. Our volunteers in our food banks have been reporting with increasing distress and increasing anger the numbers of clients who have come to them who have had a catastrophic collapse in their income as a result of a decision by someone in Jobcentre Plus. They see the consequences; this is the point. Whether the decision is valid or not, there is a consequence.

The consequence is not just for the individual, but for the family. We see parents in tears, with children with them, not knowing how they have got into the situation they have got into, not understanding the communications that they have received. The volunteers in the food bank find difficulty interpreting the letters too, and so on and so forth. Many of these things are rectifiable—this is why we are trying to get more welfare rights advice into food banks—because things can be put right quickly by people who understand, who know who to phone and who know the language.

**Mike Thornton:** All of us around this table have that experience on a weekly basis.

**Q65 Chair:** Can I ask just Citizens Advice Scotland this? You have done some research on this, so do you have an estimate of what proportion of people who are accessing food banks are as a result of benefit sanction rather than just benefit change?

**Keith Dryburgh:** We have done some research on the cases that we get, and it is not necessarily valid by the standards of universities, but we would say it is the second most common reason for referring on after benefit delays. Certainly I would not put a figure on it, but a third is nowhere near. Definitely benefit delays and

sanctions are the two drivers. We find that roughly one in 42 clients who come into Citizens Advice are being referred to food parcels now, and for unemployed clients it is about one in 11 who come through the door, so the number is definitely increasing. I would not want to put a proportion on it.

**Chris Mould:** I can give you some figures from our “Emergency Use Only” report, which was done jointly with Oxfam and other bodies. The range is between 19% and 28% at a selected number of food banks—the proportion of people who were in the food bank as a consequence of a sanction. That tells you something about the differential application. Tower Hamlets was one of those at the bottom end of that range. Durham was at the top end, but that is just a small sample. Properly looked at, so it is academically valid, it is statistically valid but it does not tell you about 430 food banks in over 1,000 locations.

**Q66 Mike Thornton:** The only difficulty is that, if we are really trying to find out how many food bank visits are caused by sanctions, with your organisation, which is the biggest one in the country, the statistics from you would be really useful to try to find out what is actually going on. We cannot tell from anecdotal data, can we?

**Chris Mould:** We plan to change and develop the data system. There is an important point that we have to make as a caveat: the voucher is completed by a care professional and the claimant, and it is self-reporting. It is what they say is the primary cause of their problem with income, and we are not going to be resourcing ourselves to check that. We do believe that there should be a change in the way that the system is administered by DWP, so that there is an assumption, a presumption, that the customer and the claimant is someone who is worthy of respect. Therefore, when they say something has happened to them, they should be believed. We think that Jobcentre Plus should do more checking of data. We would be very happy to participate in the sharing of research and the exploration of the validity of this information, but we cannot afford to fund the research.

**Mike Thornton:** Your primary aim is to help people who need help, not to provide statistics. I totally understand that, and it is absolutely right. Just to move on a little bit, you did a recent report jointly with CPAG. You found around 30% of food—we have just talked about that, so we will just move on.

**Q67 Chair:** I was just going to see if Nikki has any statistics at all.

**Nikki Hart:** The discretionary scheme for Blackpool Council will definitely have some statistics on it, but it would be very small. It would show a Blackpool bias for our deprivation rates and everything, so it would not be that useful in this arena. We certainly could provide that.

**Mike Thornton:** It would be useful.

**Debbie Abrahams:** My only point was that again the Oxford group, collaborating with the University of Liverpool, have done some international and local stuff, within the 346 local authority areas, which has linked sanctions directly with increased food bank use. There is evidence there, and it was presented at the World Public Health Nutrition conference last year.

**Q68 Nigel Mills:** If the system provides one alternative to resorting to a food bank, it is the hardship payment. Have you seen any increasing awareness of hardship payments following the Oakley review, recommending that they become somewhat more widely publicised—perhaps Nikki or Chris?

**Nikki Hart:** No.

**Chris Mould:** Not yet. What we have seen over the last year is a surprising and distressing number of people who were not aware of the local welfare assistance scheme that they could have been helped by or the hardship payment that they should have been told about. There is a fundamental point: for most people who are sanctioned, the hardship payment is not available for at least two weeks, and it is very difficult to feed yourself and your family with no money over that two-week period.

**Keith Dryburgh:** To support that point, when we surveyed our advisers, 92% said that the process of appeals and hardship payments was not clearly explained to claimants by the jobcentre. That was June last year, and I do not think we have seen much improvement. I saw a case last week of a single father with three children who had survived for five weeks on a sanction without knowing that he could apply for a hardship payment. I do think that hardship payments should be automatic when there are children involved especially. It should not be up to

the claimant to find out and then apply. They should apply automatically.

**Q69 Paul Maynard:** In the case of Blackpool, do you find that the local Jobcentre Plus makes people who are being sanctioned aware that the hardship fund exists, or do you still get people coming to you unaware?

**Nikki Hart:** No, we do still get people coming to us who are not necessarily aware. Our biggest problem is that our Jobcentre is unique in how it works, which is why I am here. We are working with the discretionary scheme, which does the assessments, and then we have a whole range of agencies, like housing, probation, etc., which provide a service. It is always about looking at the underlying issues and, as part of that, we look at the conditions. As part of that, we give conditions to people that they need to fulfil and we then manage the resources. The service that we offer is quite unusual. It is all about working together. We have a range of agencies in Blackpool that are really trying to work together, and we really need DWP to be part of that process to work with us.

We have put conditions in place already. For example, if someone is getting a food parcel from the discretionary scheme and they have debt problems, we ask them to look at going to the credit union and, if they go back for another food parcel and they have not been to the credit union, we will say, "No, you need to go to the credit union to get that sorted before you get your food parcel." We will even take the food parcel to the credit union, so there are those conditions that go with it. We are not adverse to conditions being put in place, but we want DWP to work with us, because all the agencies are trying to work together.

**Q70 Chair:** Can I ask if there is a particular problem with the fact that the money is stopped immediately? The personal adviser says, "You're going to be sanctioned" before it has gone to review, and the review is when it is going to be reinstated. Is that causing particular problems with the way the system works?

**Keith Dryburgh:** I do not think there are too many systems where people are presumed guilty. For most people, if the adviser suspects that they have not followed the job direction and have not followed their claimant commitment, then the money is stopped immediately; if your sanction is reversed you get the money back, but you still have gone days or probably weeks without the income that you are entitled to.

**Chris Mould:** Chair, that is exactly what the food banks experience. Obviously we are aware that we are the emergency resource, so we are going to get a skewed picture. We are going to get to see people who have had a catastrophic drop in their income and have nowhere else to turn. What disturbs the people who have worked in food banks for many years is the fact that it takes longer than ever before to get a decision dealt with and overturned. We have always been around to help people who have made a mistake and have faced the consequences, and the local community is happy to give them food.

What we find very difficult is to give food for longer periods of time to people who need not have been there in the first place, because the decision that got them there was a wrong decision. We see nine weeks, sometimes several months, maybe three months, before a decision is overturned and things put right.

**Nikki Hart:** If I could add to that, again it is about going back to the fact that the financial condition should be a last resort. It is about actually providing other kinds of conditions first.

**Professor Dwyer:** On that point, an interview I conducted with a person who works in benefit advice in the north of England was very clear that, the way the system is set up now, although you can appeal, as mentioned before by Dr Webster, is becoming a barrier to people accessing support, in many ways. Often it can be two or three weeks before even the person advising them understands why they were sanctioned. By the time they get to the first step or they start the process, the sanction has finished and the person goes, "Right, forget it", so you get a sort of unvirtuous circle.

**Q71 Chair:** Do you have data on how many people are giving up the process in that way, before they actually get a resolution?

**Professor Dwyer:** I do not have an estimate on it, but the gentleman I interviewed said it was a serious and recurrent problem with the benefit advice centres he worked above and advised.

**Q72 Paul Maynard:** On that issue of appeal, I wonder whether Nikki or Chris have observed any pattern of people arriving for support who have been sanctioned and are not appealing the sanction. We have been trying to drill down today to how particularly vulnerable groups are being dealt with in the system, and one hypothesis is that everyone is equally liable to be sanctioned, but there are certain vulnerable groups that are least likely to appeal and go through the process of appeal, partly because of the time and partly because of the complexity. Do you observe anything at the individual food bank level in terms of how willing people are to appeal and whether certain groups are less likely to appeal than not appeal?

**Nikki Hart:** Yes. We use the third sector as advocates quite a lot for people, so we actively encourage them to be advocates for people, because people with learning difficulties, particularly mild learning difficulties, seem to fall through the net—people with mental health problems, as well, and people with multiple and complex problems. Definitely it is just all too much for them so, unless they have an advocate to work with them, they do not necessarily use the resources. Certainly our soup kitchens are quite hot on trying to help them. They do because they cannot manage the process.

**Chris Mould:** We run a system that provides a minimum of three days' emergency food assistance. It is nutritionally balanced food, and there is a limit to it—three vouchers in a six month period—and that is because we want to help people back into the support systems that exist.

Yes, we have seen a trend towards people feeling more reluctant to turn. We heard a discussion in the first session about the loss of focus on employment support. People do fear the statutory service that is meant to help them. They do have a starting point presumption that, actually, the people who are making these decisions do not have their welfare and their interests at heart. We found that, when we have put advisers into food banks—and that is just in a number of different parts of the country—who can access food bank clients right at the point when they are getting emergency food and look at their situation, you get better results in the resolution of the underlying problem.

I quoted Tower Hamlets earlier as one of the places where the number of people who were referred with sanctions was low. That is also a food bank where we have welfare rights advisers placed in the centre, and we get much better collaboration between the local authority, housing advice and the welfare assistance scheme than in places where that does not happen.

**Q73 Paul Maynard:** In your evidence, you have a rather long list of examples of where I would consider the food bank user had good reason not to be sanctioned. There is a good example in Farnworth with the gentleman who had a learning disability, where the adviser wrote down the dates in non chronological order. That would be obviously good reason, in my view. Are you seeing a pattern whereby clients who do have good reason not to be sanctioned, and who would therefore have a case for appeal, are not appealing and, therefore, that would strengthen the argument that Jobcentre Plus needs to extract the good reason from the customer, rather than vice versa?

**Chris Mould:** I cannot say we have seen a pattern, because we do not have the statistical comparators there.

**Paul Maynard:** Anecdotally?

**Chris Mould:** Anecdotally, what we see is a growing sense amongst clients that it is a little bit hopeless. This is to do with the sense of the punitive nature of the system and its administration. Something has changed in the last couple of years in the culture, but this is an anecdotal thing that we collect from meeting clients and volunteers, and from listening to our food banks, and we are spread right across the country. The only reason I would say the anecdotal approach has validity is that we also get stories of good practice, so we can say it is possible to do better because, in this town or that, they do better.

**Q74 Paul Maynard:** Just one more and I will promise to shut up: another vulnerable group that we probably have not covered much today are the homeless. Of course, we have an immense homelessness problem in Blackpool. I wanted to focus Nikki on that particular group. Do you think the current system of relying upon mail communication through the post works for them, when they do not necessarily have a long term address?

**Nikki Hart:** No, it does not work. We very much get into contact with them via advocates, so a lot of the work is advocates ringing on their behalf. That is where they are at a soup kitchen and the soup kitchen contacts us to say, "This person is not managing the benefit system", and we are linking them in with a discretionary scheme

and the mental health crisis team or whatever else.

**Q75 Paul Maynard:** Would it be accurate to say that, for the most vulnerable, i.e. those with high levels of transient mental health problems and homelessness, they need an individual advocate to go with them through the system to navigate it successfully or to have any hope of getting what they are entitled to?

**Nikki Hart:** Yes, and also to link up to the other services that are around them. As an example, we had a person at one of our distribution points who turned up suicidal. This was on Monday. When he turned up, we were able to connect him. He was not very communicative, but we managed to get his mental health crisis nurse's contact details, so they were then part of the process that linked up to the discretionary scheme and looking at what was going to happen next, in terms of food parcels, advice and support etc. There is often a range of professionals around a person, so it is not just about getting an advocate, but also about getting that range of professionals talking.

That is where we want DWP, talking with that range of professionals. Blackpool and Tower Hamlet are pretty similar. It is an ideal place to do a pilot, because we are a unitary authority and quite small. We want to support those people, and to look at how we can support people from very particular vulnerable groups, to work with DWP and other people.

**Q76 Paul Maynard:** Very quickly, are you aware of what occurs in Westminster where, I understand from CSAN's evidence, the Westminster Jobcentre Plus funds the Cardinal Hume Centre to work with these very groups of people to get a targeted outcome? Are you surprised that it is not more widely known that Jobcentre Pluses do that in some places?

**Nikki Hart:** Yes, totally. It was a real shock for us, because we have no communication with DWP really. It is very difficult, and it would be so, so supportive for us to be able to be working with them. In terms of the funds as well, we are at risk of not having the funds next year and we are all working together, so it would be ideal.

**Professor Dwyer:** Just on homeless people, in a previous study that I did a couple of years ago in Nottingham and London, we compared the priorities of service providers and users, clients. It was interesting. We were looking at people with complex needs—what we call multiply excluded homeless people—drug and drink issues, maybe abuse as a child etc. The thing that came out of that study was that, where there were conditions applied and sanctions and sticks were used, people just walked away. They literally disengaged. What made the difference for people changing their behaviour was where support workers, usually an individual or a service, went to them and went the extra mile, without saying, “In order to get this, you must do that”. People who are excluded like that have often had that all their lives, and that is what forces them away. Unconditional help or help on their own terms—personalised support that can get around some of the structural barriers and the conditions that are often placed upon them—works well for some.

**Q77 Sheila Gilmore:** I have a question about exactly when the lack of income kicks in. It did come up in the Oakley review, but the system seems quite complex. Maybe Keith can answer this from a CAB point of view. People appear to be able to lose their benefit when they are referred for a sanction, even if the actual decision to sanction has not been made, then you have the sanction and people losing the money, then you have the appeal system. There are a lot of points at which the money is lost, but do you get people coming who have lost income at the referral point rather than the decision point?

**Keith Dryburgh:** Yes, plenty of claimants come in who do not know why they have lost money and we have to find out that they have been sanctioned. Sometimes DWP is not clear if it is a sanction or a suspension.

**Q78 Sheila Gilmore:** Can you clarify the difference, as you understand it, between a suspension and a sanction?

**Keith Dryburgh:** It is very complex. I do not think the DWP staff always understand it either. It is very important actually, and claimants do not understand it, obviously. They think they have been sanctioned but, actually, their claim has been closed in a lot of cases, which then has an impact on housing benefit, council tax benefit and so on. I think it is fair to say that it is stopped at unexpected moments. Part of the review was that claimants need to

be told before it is stopped, because claimants will have their income stopped without knowing why and they have no leeway to plan to say, “Okay, I’ll keep a bit of money aside.” It is often stopped just before their payment date, so they are expecting a payment and it is not there, and that is the first they know about it. That still happens, and there is no way for the person to plan to cope with the break in income.

**Dr Webster:** I can explain the theory behind the concept of suspension. It goes back to this distinction between qualification for the insurance benefit—meeting the conditions—and the idea of sanction as a punishment. Suspension occurs when a doubt is raised about whether the person is qualified to receive a benefit, because DWP argues, “We should not be paying out money to people who may not have an entitlement, because then that is creating a repayment problem”. It seems a different issue from actually applying a sanction, which they do not do until there is an actual decision.

However, the waters have been considerably muddled because, as a result of the Oakley review, DWP has now said that it is not going to suspend benefit before a decision in the case of not actively seeking work, which is the most common type of sanction. Whether it has implemented that yet or not, I do not know.

Of course, again there is a bit of a logic to that, because the whole concept of not actively seeking work has been tremendously stretched under the present coalition. In terms of the Jobseekers Act 1995, actively seeking work is taking such steps as are reasonable in your circumstances to give you the best prospect of employment, and then we have had lots of arbitrary requirements imposed on top of that, which have been treated as if not meeting them disqualifies people from getting any benefit at all, if you see what I mean.

As I said, to be unemployed, you have to be looking for work. The ILO accepts you are not unemployed if you are not seeking work, but what has happened is that that concept has been stretched and stretched so that you are being told you are not actively seeking work if you are not meeting these very arbitrary requirements, like the 35 hours a week or the 30 jobs a fortnight, or whatever. Because DWP has stretched this concept so much, it has in fact undermined the logic of suspension, which is essentially tied up with the concept of disqualification, because really they have turned what is a qualification to be considered as unemployed, namely actively seeking work, into a sanction effectively, so they should treat it the same administratively as a sanction.

**Q79 Anne Marie Morris:** I will make it quick. Does conditionality work? One of the things, Professor Dwyer, that you say is that “policymakers’ assumptions about conditionality and its effects remain largely untested”. How would you test?

**Professor Dwyer:** The way we are helping to explore it—I do not use the word “test”, because people are complex beings and it is not what we are doing—but the way we are going to explore it is by looking at the effects on individuals like those who experience conditionality in its various forms, in various arenas, how it might change lives and how it might trigger changes in behaviour or not. We are going to explore that through a large qualitative study with 480 people, interviewed three times essentially.

**Q80 Anne Marie Morris:** How are you going to unpick the cause and the effect? Is the consequence of the sanction that they obey the rules, as one outcome, or is it that they get into work? To the extent that you try to differentiate your answer, are they impacted by the extent of employment support they get? It is quite a knotty problem to try to unpick cause and effect.

**Professor Dwyer:** It is a very knotty problem, and I do not know whether qualitative research can do cause and effect in that precise way. What it can do is look at people in the round of their lives. It can look at other factors. It does not just look at the welfare system, but also at other forms of support, social networks that may or may not be available to them, issues of impairment, issues of education, ability, relationship breakdown, etc., and finds out how that mediates the ability to work. It is messy. At the moment, we cannot provide any answers, but hopefully in four years’ time we will be getting there.

**Chair:** A bit late for us. We have two months.

**Professor Dwyer:** I am sorry about that.

**Q81 Anne Marie Morris:** Is there any evidence that, by increasing the length or ferocity of the sanction,



that has a greater deterrent effect? In 2012 the rules were changed, and I wonder if there is any evidence as to whether that change has been used and whether it has actually made a difference.

**Professor Dwyer:** I am not qualified to answer that properly, but my suspicion is that intensification of sanction for a longer period, which came in, repeat sanctions and so on will not drive people into work; it will drive them further away from both work and collective welfare systems.

**Chris Mould:** From our point of view within the food bank, the increased duration of the sanction has driven lots more people to the food bank and created much more complex problems in their lives, which we would assume make it more difficult to put things right and get a job. We see people who have serious health issues that are a direct result of not being able to feed themselves properly and desperate anxiety. We talk to local and general practitioners who are at their wits' end about what to do, and so all we can do is prescribe medication that we should not be prescribing for people who have been driven to this situation, because the sanction appears to be punitive and is running for so long. It has consequences, and the consequences are that people end up without food.

**Q82 Anne Marie Morris:** Finally—Professor Dwyer, this is one for you—is there any international experience from other countries of a different system that perhaps looks at a more balanced approach of carrot and stick? Could you put in place something that is more of a carrot if you are actually complying with what has been asked of you, as opposed to or maybe juxtapositioned with a sanctions model, which is the one that we have?

**Professor Dwyer:** That is interesting. Several years ago, DWP used a carrot and stick approach in relation to JSA and issues of adult literacy and numeracy. They said to some people, in certain areas, “You must engage in an adult literacy course and numeracy course. If you don’t, we are going to cut your benefit. If you do not attend, it will have serious consequences, etc. It is a requirement.”

With another group in England, in a different area, they said, “If you come and engage with this, we will enhance your benefit by £50,” I think it was. “We will provide a bonus payment at the end.” What was interesting at the time, around 2005 when I was delving into that, is that I never got to what happened. These experiments have been tried, but the outcomes I could never get into. It does beg the question of principle again, which is where I started—about whether using sanction is appropriate in certain situations like, for example, trying to improve the literacy and therefore the job prospects of certain individuals. My opinion is that it is not the way forward.

**Q83 Anne Marie Morris:** Are there any final comments? Otherwise this is probably the final question.

**Nikki Hart:** Mine would just be that, if there was an individually tailored programme, on which the agencies all worked together to help support an individual, if there were some conditions as part of that that might be a really positive way forward, because it is about looking at the person as a whole, not just the job side of things.

**Chris Mould:** Ours is really simple. We would urge Government to try to take an impact assessment that goes beyond the narrowness of DWP and its budget. The consequence of a policy that has changed and is being applied in a way that is different from the way it was done before—what impact has that had on Health and its budgets? What impact has it had on local authorities and their capacity to cope with vulnerable people and support them? We think that there would be some changes in decision-making as a consequence of that bigger picture being taken.

**Keith Dryburgh:** I just want to say that I support the Committee’s call for a fundamental review of the sanctions regime. We are working in a bit of a vacuum here, in that we do not really know if there is a causal relationship between unemployment and sanctions. We are mixing up the means and the ends, I think. I also am really concerned that we talk about destitution now. That was a word we never ever used in public policy in the UK for years, and yet there are academic studies that are looking at whether destitution exists in the UK and they are finding that it does. Sanctions fit into that. Claimants should never be left without an income, and that support should be there. I recognise that that conditionality needs to be there but, equally, we cannot be putting people into destitution and pushing them away from employment.

**Chair:** What you are saying is very similar to the first panel this morning, which is that, if the sanctions are inappropriate or overly harsh, you end up driving people away from the support that is meant to help them rather

than towards it. You are all nodding.

Can I thank you very much for coming along this morning? We really appreciate it. This will help us greatly when we come to write our report, so thank you again.

## Written evidence submitted by Centre for Economic and Social Inclusion (SAN0143)

About the Centre for Economic and Social Inclusion

1. The Centre for Economic and Social Inclusion is the leading UK organisation dedicated to tackling disadvantage and promoting social inclusion in the labour market. We aim to do this through high quality research, thought leadership and by building communities that can learn from each other through events, training and online networks.
2. *Inclusion* provides services across the UK to a range of clients in central and local government, key public bodies, the voluntary and the private sectors. This includes the Department for Work and Pensions – for whom we are evaluating the Universal Support trials, Supervised Jobsearch Pilots and (with others) the Work Programme; local government; international bodies; and trusts and foundations.
3. This research draws on our own analysis of labour market and sanctions data; previous research on conditionality and sanctions regimes; and extensive recent qualitative research on welfare reform impacts – interviewing benefit claimants affected by sanctions and changes to benefit conditions.

## Introduction

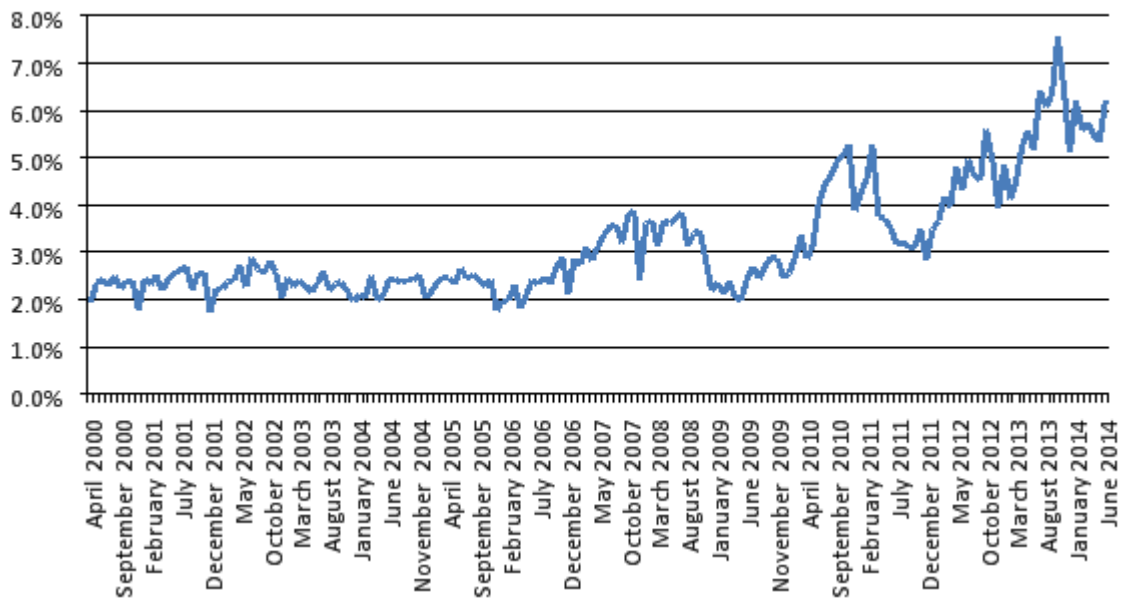
*"The unemployed should be required, as a condition of continued benefit, to attend a work or training centre, such attendance being designed as a means of preventing habituation to idleness and as a means of improving capacity for earnings."*

Beveridge Report, 1942

4. The principle of making unemployment benefits conditional on taking steps towards work is not a new one. Indeed it pre-dates even Beveridge – with cases dating back more than a hundred years where unemployment insurance was stopped for not taking up a job offer.
5. However the growth in the use of sanctions in recent years – and in particular since the introduction of new rules with the Welfare Reform Act 2012 – is perhaps without precedent. As **Figure 1** below shows, 6% of all claimants of Jobseeker's Allowance (JSA) are sanctioned every month<sup>[1]</sup> – the highest rate since records began in 2000, and likely to be higher than at any point before then.

### Figure 1 – Proportion of JSA claimants sanctioned each month

Sanctions decisions as a proportion of monthly claimant count



Source: Stat X-Plore, NOMIS and Inclusion calculations

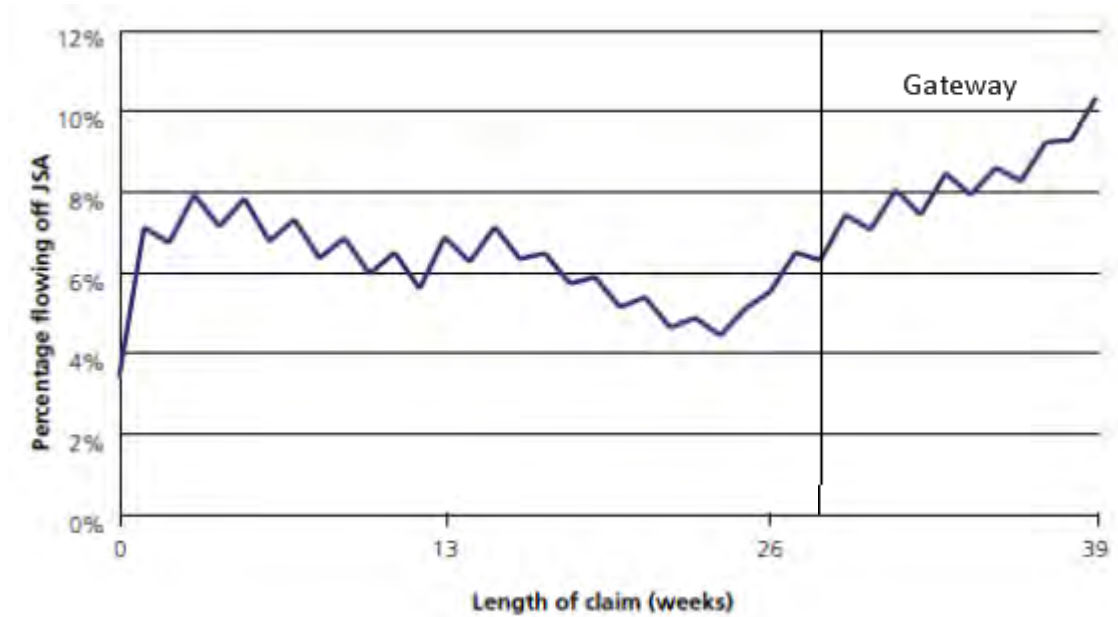
- 6. These figures do not include those cases where claimants are discouraged from claiming or staying on benefit. Direct data on this is not available, although we have found a number of examples of this in our qualitative research (particularly amongst younger unemployed people). However it is striking that the share of the unemployed that are not claiming Jobseeker's Allowance has risen relentlessly since around the time that new sanctions rules were implemented – from 37% of the unemployed in late 2012 to 51% now[2]. So, just over half of all unemployed people are now not receiving Jobseeker's Allowance, and therefore not receiving support to get back into work.
- 7. Perhaps of even more concern, in recent years we have seen growing numbers of sanctions being applied to claimants who have a health condition or impairment that limits their ability to work (claimants of Employment and Support Allowance, or ESA). The number of ESA claimants sanctioned has risen seven-fold since 2012 – from 2,201 in the first quarter of 2012 to 15,955 in the first quarter of 2014.
- 8. These large increases in the incidence of sanctions should be of deep concern. The application of a sanction represents a failure – whether that is of an institution, an individual, a wider system, or a combination of all three – and we know that this can have profoundly damaging impacts on those affected. We should all have an interest in understanding if there are ways that we can improve this system. For this reason, we warmly welcome the Committee's inquiries in this area.

Conditionality, support and sanctions

- 9. In our view, the design and application of sanctions needs to be considered alongside the design of benefit conditions and also employment support.
- 10. There are strong arguments for placing clear conditions on the receipt of unemployment benefits, with the threat of sanctions where conditions are not met. However we believe that there is strong evidence from the UK and internationally that the most effective systems combine clear conditions with the right support to meet them.
- 11. In the UK, this 'something for something' approach has proved to be highly effective – leading to more employment, fewer people on benefits and reduced inequality in the labour market. Probably the best example, given by Paul Gregg in his 2008 review of conditionality[3], is the New Deal 'gateway': where intensive adviser support was matched with increased requirements to attend interviews and undertake jobsearch. Figure 2 below illustrates this – with the likelihood of a claimant leaving JSA increasing sharply around the time that the 'Gateway' began (26 weeks – with an

apparent ‘deterrent effect’ earlier than this) and then continuing to rise during that period.

**Figure 2 – Proportion of young people flowing off Jobseeker’s Allowance each week by length of claim (2006/7)**



Source: Gregg Review

- 12. Looking internationally, there is also evidence that these models are often more effective than those with less conditional support. In one major study of 137 programmes across 19 countries<sup>[4]</sup>, that grouped interventions into one of six categories, it was found concludes that so-called ‘services and sanction’ models – that combine jobsearch support with the threat of sanction – were substantially more effective, and more cost-effective, than any other type of labour market programme. These impacts were clear across labour markets and groups, and over the longer term as well as short term.
- 13. We believe that within this approach, the threat of sanctions is a necessary part of having a conditional system. Repeated studies find that claimants report that knowledge of sanctions is a motivation to comply with benefit conditions – with recent DWP research<sup>[5]</sup> suggesting the same for a majority of both ESA and JSA claimants. However, knowledge of sanctions is not enough – the same DWP research concludes that “there was no evidence ... that knowledge of JSA conditions led to actual movement into work.” The threat of sanctions needs to be matched with the right support.
- 14. However while in our view there is a generally strong case for a system based on conditionality and support for the unemployed, the evidence is not entirely clear-cut. First, it is important to recognise that conditionality is generally better at moving people off benefit than it is at moving people into work (a point illustrated in evaluations of the Jobseeker’s Allowance regime). This points to the need for clearly setting objectives around increasing employment rather than reducing benefit receipt.
- 15. In addition, importantly, there is generally weak evidence on the effectiveness of conditions and sanctions for other groups. There is in particular no strong evidence that Work Focused Interviews have led to any positive impacts for those on incapacity benefits or ESA, and a wealth of qualitative evidence of negative impacts on those sanctioned.

**The role of sanctions**

- 16. We have set out that the threat of sanctions is a necessary part of the system for the unemployed in the UK. However, the evidence from a range of studies on the actual imposition of sanctions suggests that the impacts are far from clear cut, and over the longer term are more often than not negative.

17. As was concluded in a comprehensive review of sanctions impacts in the UK and internationally, conducted for the Joseph Rowntree Foundation[6]: "*[sanctions] strongly reduce benefit use and raise exits from benefits, but have generally unfavourable effects on longer-term outcomes (earnings over time, child welfare, job quality) and spill-over effects (i.e. crime rates).*"
18. We agree that the right principles for a sanctions system should be those set out by Paul Gregg in his review of conditionality, and expanded by Matthew Oakley in his sanctions review – that the system is fair, proportionate, well understood, and with a clear focus on improving employment outcomes.
19. In addition we would argue that a successful sanctions system should be one that is used sparingly and as a last resort. A system with high rates of sanction would represent a failure – with individuals not understanding their responsibilities, institutions unable to enforce them properly, and families and communities most likely worse off. Instead, over the last two years, we have instead seen an unprecedented increase in the use of sanctions and an inexplicable increase in their severity.

## The extent and severity of sanctions

20. In the space of less than two years (October 2012 to June 2014), 834,000 individual JSA claimants have been sanctioned. And for every one claimant who has been sanctioned, there has been roughly one more referral where a sanction has not been applied or has been overturned – causing stress, anxiety and often a temporary loss of income.
21. Just over half of sanctions applied have been so-called 'Low Level' sanctions – leading to a loss of benefit for four weeks, rising to 13 weeks for repeated failures. However 110,000 claimants have had at least one 'High Level' sanction – which leads to loss of benefit for 13 weeks, rising to 26 weeks for a second offence and three years for a third. So far, 1,800 claimants have had this sanction imposed – a figure that will only rise.
22. The previous system was largely based on benefits being temporarily stopped until claimants re-engaged, with sanctions of usually less than four weeks where they were applied. There was and is no clear rationale for the substantial increases in the severity of sanctions since 2012 – in particular, we are aware of no evidence that longer sanctions act as a stronger motivator to engage with support or to find work.

## Sanctions and disadvantaged groups

23. The Committee is seeking evidence on the application of sanctions among particular groups, including those disadvantaged in the labour market.
24. Our analysis suggests that there is clear evidence that young people are being disproportionately sanctioned, but that the available evidence does not suggest that disabled people, lone parents or black and minority ethnic groups are disproportionately sanctioned. However there are some caveats to this below, as our information on disability and health is limited.
  - **Young people** (18-24) account for 24% of the claimant count, but 38% of those sanctioned. In other words, young people are around 1.5 times more likely to be sanctioned than we would expect. This was also reiterated in a survey in mid-2013 for DWP of 1,900 young JSA claimants[7], which included the startling fact that fully one third of all young claimants reported that they had had their benefit stopped or reduced.
  - **Disabled people** account for 21% of all JSA sanctions. Recent data on the extent of (declared) disability is not available, but data from 2013[8] suggests that around one in five JSA claimants report that they are disabled – so at a very high level (all disabled people) there is no evidence of disproportionate impacts.
  - **Ethnic minorities** make up one in five JSA claimants and one in five of those sanctioned – there are also no variations for different minority groups.



- Finally, **lone parents** appear to be substantially less likely to be sanctioned than we would expect – they make up around 11% of the claimant count, but 6% of those sanctioned. This may reflect the fact that many lone parents are not subject to the same worksearch requirements as other JSA claimants.
25. These findings are overall somewhat reassuring, although it is important to note that there is no data available on the incidence of sanctions amongst more disadvantaged groups (for example those with mental health conditions, vulnerably housed, addictions, etc), where we might expect to find claimants more likely to fail to meet their conditions.
26. Indeed there is some evidence, from DWP research, that some disadvantaged groups may be being disproportionately affected by the new regime. The evaluation of the Youth Contract<sup>[9]</sup>, in particular, highlighted that *"Claimants with a longstanding health condition or disability were more likely than other claimants to say their benefit had been stopped or reduced (42 per cent compared with 30 per cent), and this was also higher among those who had been out of work for longer (32 per cent of those who had been out of work for a year or more)."*
27. Our local research has found good, recent examples where DWP and Jobcentre Plus have been developing local approaches to better support those with chaotic lives – for example through closer working with other key workers, and developing 'early warning' systems. Where this is happening it is welcome, and we would urge similar approaches to be adopted across the network.

## The impacts of sanctions

28. Other submissions will doubtless bring home the very real impacts that sanctions are having on claimants, their families and on local communities and services. Our research in local communities has found a range of impacts.
29. Among JSA claimants, we have identified two distinct groups:
- Those who experience only one sanction, are generally motivated to work, and may have increased their jobsearch as a consequence of this; and
  - Those who experience a series of sanctions, report very negative experiences of support, often have more complex needs, and often become dislocated, isolated, and in increasing hardship.
30. Among ESA claimants, we have found nothing but negative experiences – claimants with often complex needs, severe health conditions, poor awareness and understanding of the system, and very significant impacts on finances, wellbeing and health.
31. It is important also to recognise the very real, and negative, impacts that the sanctions regime is having on the standing of Jobcentre Plus – and the Work Programme – within communities. This is sometimes based on individuals' own experiences of sanctions, but often also on stories from families, friends and networks. The consequence is more often than not that marginalised and disadvantaged groups are reluctant to seek support, for fear that this will raise issues around their own entitlement to benefits.

## Reforming sanctions

32. Our starting point, like the Committee's, is to pick up where the review by Matthew Oakley left off. We strongly support his conclusions and urge the government to adopt them in full.
33. We were disappointed that the Terms of Reference for his review were limited to how sanctions are communicated. We believe that a wider review, looking at the purpose and design of the sanctions regime, should be an early priority for a new government. A key starting point should be to review the use of sanctions internationally. This is covered in some depth by Griggs and Evans<sup>[10]</sup>. Many or most of the systems that they reviewed had shorter and more flexible sanctions rules, often with

greater discretion and personalisation. Many also included access to hardship support that could effectively reinstate most of the lost benefit. However they also identified more punitive models – notably in Switzerland and in the US (which included the original ‘three strikes’ models in some states, where repeated sanctions could lead to long-term loss of benefit). There would be value in bringing this analysis up to date – as some countries have made their systems far tougher (e.g. Australia) while others have made them arguably less punitive (some US states) – and reviewing in much more depth how sanctions and support are applied and communicated in different systems.

34. Any review should also look at how sanctions, support and conditionality fit together. In our view, this must be viewed as a single system – with clear expectations alongside the right support. We believe that as part of this, there is a clear case for a more personalised approach that draws on behavioural insights – we support, in particular, the idea of using non-financial sanctions or early warnings before financial sanctions are imposed.
35. As noted, we have a number of concerns around the growth in sanctions among ESA claimants in particular. There is very little evidence that conditionality has been effective for this group, low understanding of the sanctions system, and overwhelmingly negative impacts where sanctions are applied. In our view there are strong arguments for suspending the sanctions regime until we have a clearer model for how we support ESA claimants to prepare for and find employment.
36. We also believe that there is a strong case for introducing independent oversight of how sanctions rules are applied. Sanctions are, in effect, a form of administrative justice. However they are subject to no independent oversight or monitoring. We would support the creation of an Ombudsman or Inspector with the power to examine cases and a clear remit to review the system.
37. Finally, we would urge the government to formally evaluate the impact of its sanction reforms. This should be a broad evaluation looking not just at the impacts on the likelihood of receiving benefit, or the impacts on the financial circumstances of those sanctioned, but also the wider economic and social impacts of reform. We believe that the lack of research and evidence behind the 2012 reforms is deeply concerning, and that the early impacts suggest that they risk causing lasting harm to individuals and families. They are also, in our view, undermining the important role that Jobcentre Plus must play in supporting the most disadvantaged to prepare for and find work.

15 December 2014

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[1] Source: Stat X-Plore and NOMIS. Unless otherwise stated, all sanctions figures given here are taken from Stat X-Plore

[2] Source: Inclusion analysis, based on Labour Force Survey and claimant count

[3] Gregg, P. (2008) *Realising Potential: A Vision for Personalised Conditionality and Support*, Independent Report to the Department for Work and Pensions

[4] Kluve J. (2010) The effectiveness of European active labor market programs *Labour Economics* 17 (2010) 904–918

[5] Bloch, A., Coleman, N., Coulter, A., Day, N., Hingley, S., Howat, N. and Romanu, E. (2013) *The Jobcentre Plus Offer: Final evaluation report*, DWP Research Report 852

[6] Griggs, J. and Evans, M. (2010) *Sanctions within conditional benefit systems: A review of evidence*, Joseph Rowntree Foundation

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[9] Coleman, N., McGinigal, S. and Hingley, S. (2014) *Customers’ experiences of the Youth Contract*, DWP Research Report No 865

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## **Written evidence submitted by Disability Rights UK (SAN0099)**

### **Introduction**

Disability Rights UK (DR UK) is a pan disability membership organisation led by disabled people seeking change. Our membership includes individual disabled people and also organisations working on their behalf including disabled people led organisations (DPULOs).

Many of our over three hundred member organisations give advice directly to disabled people, particularly in respect of benefit issues. DR UK run a second tier welfare rights advice line service where we assist front line advice workers with supportive information and advice.

In framing our response to this consultation we have drawn on our members views. In addition we carried news of our intention to produce this response via our website and social media and this also produced further testimony. We expect this submission to be of value to the committee's work but we would also welcome any opportunity to appear before the committee and provide additional evidence.

### **Question 1**

#### **To what extent are sanctions justified solely as a means of ensuring the unemployed benefit claimants fulfil the conditions of benefit entitlement?**

Key to the success of any relationship is trust and this is recognised in many areas of Government, for example the digital inclusion strategy published by the Government on the 4<sup>th</sup> of December 2014 lists the issue of trust as one of four reasons why people are not internet connected. The Government also recognises the value of that trust, the than broker a job outcome for them.

This is confirmed in Joseph Rowntree Foundation's latest annual, "Monitoring Poverty and Social Exclusion." The report says that for the last two years since the Work programme has been fully established the number of JSA claimants sanctioned for non-attendance has been higher than those finding work through it. For example in the most recent quarter 40,000 JSA claimants found work through the Work Programme, 26,000 less than the number sanctioned.

Similarly, the total monthly number of ESA claimants receiving an adverse sanction decision doubled from 3,750 in January 2014 to 7,507 in March 2014.

Yet over the three year period from June 2011 to June 2014 while 276,670 ESA claimants were referred to the Work Programme only 16,530 had a sustained job outcome.

DR UK believes that restoring trust means stopping almost all sanctions. The reward for the Government would be more "engaged" jobseekers and fewer "disengaged" claimants. The reward for providers would be more job outcomes and the dividend for the Government would in more tax receipts.

A further question arises over the justification for sanctions when the figures for successful appeals are looked at and the reasons behind these successful appeals.

"The number of people in Wales having their ESA sanctioned more than doubled over the past year – this is concerning. With nearly half of reviewed sanctions being found in favour of the claimant, there are serious questions the DWP needs to answer about the way they are being applied." Lesley Griffiths, Minister for Communities and Tackling

Poverty, Welsh Assembly.

“We have also seen people with literacy problems getting sanctioned and this can be because they are embarrassed to ask for additional help or simply cannot understand what actions they need to take.” Disability North, The Dene Centre.

## **Question 2**

**What evidence is there that benefit sanctions also encourage claimants to engage more actively in job seeking and ultimately move into employment? How could this be measured?**

“We have seen no evidence to suggest that sanctions would lead to more claimants being more engaged in actively seeking employment due to the threat of sanctions. On the contrary we think it would be more likely that claimants would be less trusting of the benefits system and lead to less motivated jobseeker.” Disability North, The Dene Centre.

## **Question 3**

**What are the wider implications of sanctions in terms of their impacts on claimants?**

DR UK believe this is not well understood but whilst some may dispute whether there is a causal link there has been a rise in disabled people making use of food banks, taking loans and having to make difficult choices between spending money on heating or eating. It is likely that many of those disabled people sanctioned will feature in the following statistics:

Energy- - There are 835,000 fuel poor households containing someone with a long term illness or disability, DfE.&C.C.2011.

Debt - In 2010/11, C.A.B. provided advice to more than 72,000 disabled people with debt problems, in September 2013, CAB's quarterly report noted that rent arrears to social landlords continue to rise and one third of landlord clients advised on possession/eviction were disabled or had a long term health condition.

Food - In July of 2013, research by Papworth Trust noted that nine out of ten disabled people were being forced to cut back on food or paying household bills after being refused emergency housing payments to help them pay the bedroom tax. A Disability Benefit Consortium survey quoted in the Times (17/12/13) found that 12% of disabled people were making use of food banks

## **Question 4 (a)**

**What are the current alternatives to the sanctions regimes? For example: how might the current system of financial sanctions be altered to make it more appropriate?**

In a word – safeguarding

Safeguards are included in Department for Work and Pensions (DWP) and Work Programme Provider (WPP) guidance to ensure that people with mental health conditions, learning disabilities, or conditions affecting cognition are safeguarded before any decision is taken to stop their benefit. We welcome the inclusion of these safeguards in DWP and WPP guidance but feel that there are still serious failings in the scope and application of the safeguards, meaning that tragic cases like that of David Clapson are not prevented.

The safeguards were introduced in 2000 following the death of a man suffering from schizophrenia. Mike Wood MP described how, in a case similar to that of David Clapson, his constituent “had starved himself to death with 9p in his pocket. When his body was discovered some weeks later, a scribbled note that lay nearby suggested that he believed that the authorities had killed him”. The coroner found that neglect by the Benefits Agency had contributed to the death and suggested that the Benefits Agency should have special rules for those suffering from mental illness. Since then special safeguards for claimants have been written into guidance for DWP staff and their sub-contractors.

The current version of these principles are included in ESA Guidance for Jobcentres and JCP Core Visit Referral Guidance. The guidance states that clients with a condition affecting their ability to understand and comply with conditionality must be visited before any decision is taken to stop their benefit or refer them for sanction and the procedures must be followed before each decision to stop benefit.

There are 3 core features of the DWP safeguarding process:

- 1) A visit to the claimant at home must be arranged before any sanction decision is considered. This should take place each time a decision is taken to safeguard claimants with fluctuating mental health conditions. The purpose of the visit is to explain the claimant’s responsibility to comply with conditionality and to determine whether they understand their responsibilities. The visit will be carried out by DWP Visiting Service. There must be two attempts to visit the claimant.
- 2) If it is not possible to visit the claimant or the attempted visits are unsuccessful then the DWP says that it has a ‘moral obligation’ to make organisations aware of potential incidents around vulnerable claimants. As such, they must attempt to contact the following sources to establish the claimant’s welfare:
  - a. Claimant’s appointee/power of attorney/next of kin
  - b. Claimant’s community psychiatric nurse
  - c. Social services
  - d. Police
- 3) Only after these steps have been taken should the DWP consider a sanction.

Work Programme Providers and their sub-contractors are only responsible for the initial visiting stage of this process. WPP Guidance says that a face to face discussion about a claimant’s non-compliance with a mandatory activity is a “‘high level’ must do”. WPPs must make ‘every effort’ (including visiting the claimant at home) to do this. WPPs should consider whether the claimant’s health condition may be a reason for their failure to comply before raising a compliance doubt.

If the DWP stop benefit for a customer without applying Mental Health Safeguards then, according to the guidance, they must reinstate benefit. If the DWP do not have information about the customer’s mental health at the time that they stop benefit but later receive this information then they must reinstate benefit.

The safeguards are an important protection for ESA claimants with mental health problems, learning disabilities, and conditions affecting cognition. However, there are a

number of problems with the safeguards:

1. The safeguards do not apply to Jobseeker's Allowance. JSA claimants with a mental health condition will not be protected by the safeguards. The Government's Oakley Review found that many JCP advisers thought there was a "vulnerable" group of people, including people with learning disabilities, who tended to be sanctioned more than the others because they struggled to navigate the system. The Oakley Review, which was limited only to JSA claimants, also stated that recent estimates from one prime provider of the Work Programme suggest that one in three of their new customers have health issues, mental health problems or a learning disability.
2. DWP require claimants to evidence their mental health conditions before they will apply safeguards. Gathering evidence of this can be difficult for people with severe mental health problems. Labour Market Decision Makers (LMDM) do not seem to be proactive in seeking information about claimants' conditions. Before the introduction of ESA, JCP routinely asked GPs for further information on all customers with a mental health diagnosis. Although nearly 60% of ESA claimants have a mental health diagnosis, the ESA113 form asking for further information is sent to GPs in less than 8% of cases.
3. When Jobcentre Plus refer clients to the WPP they include minimal information about the vulnerability of a client. This can mean that where JCP/DWP may treat a client as vulnerable the WPP may not.
4. The safeguards are not enshrined in legislation. This means that the safeguards are at risk of being watered down in successive versions of guidance. The guidance issued in 2000 dictated that sanction decisions should only be taken by DWP managers. This is no longer a requirement.
5. DWP records on vulnerability and mental health conditions do not seem to be accessible to all DWP/JCP staff. They seem to be held over a variety of databases and computer systems including the JSAPS, MSRS, and LMS systems.
6. Once a claimant has failed to comply with a mandatory activity the current WPP guidance does not seem to give the provider any discretion over whether to raise a compliance doubt, even where there is clearly good cause.
7. DWP Labour Market Decision Makers seem to be inconsistent in their application of the safeguards. Of 15,955 ESA sanctions imposed between January and March 2014 there were 9,851 (60%) sanctions imposed on customers diagnosed as having a Mental or Behavioural Disorder. It is doubtful that safeguards were fully complied with in all of these cases.
8. Where DWP Benefit Delivery Centre staff provide direct lines for the use of advice workers issues can often be quickly resolved for vulnerable claimants before they reach crisis point. Some Benefit Delivery Centres refuse to talk to advice workers. This refusal to engage with advice workers makes cases like that of David Clapson more likely.

## Recommendations

1. Safeguards should be expanded to protect JSA claimants with mental health problems, learning disabilities, and conditions affecting cognition.
2. Where a claimant is without an income and says that they have severe mental ill health, a learning disability, or a condition affecting cognition is particularly severe the DWP should make an effort to collect safeguarding information direct from the GP. In all cases Labour Market Decision Makers (LMDM) should be proactive in attempting to collect information about a claimant's mental health condition rather than relying on vulnerable claimants to supply information.
3. DWP should ensure all relevant information about vulnerable clients is communicated between JCP and Work Programme Providers.
4. Safeguards should be included in legislation.
5. Information about mental health and vulnerability should be collected on one system/database and easily accessible to all relevant staff.
6. WPPs should be given discretion over raising a compliance doubt where a vulnerable claimant clearly had good cause for not complying with a mandatory activity.
7. DWP and JCP staff should have extra guidance and training on safeguards for claimants with mental health problems, learning disabilities, and conditions affecting cognition. Cases should be audited to check that Labour Market Decision Makers are applying the safeguards correctly.
8. Clear guidance should be issued to all DWP Benefit Delivery Centres that they should provide direct contact details for managers in each team at the Benefit Delivery Centre to advice professionals working in the areas they process claims for and issue updates whenever the numbers are changed.

## **Question 4b**

### **Is there a case for non-financial sanctions?**

Though DR UK posed this question in seeking the views of its members no one chose to engage with the question. Consequently whilst there may be possible non-financial sanctions these could only follow from knowing whether sanctions per se were a good thing and they clearly aren't or knowing whether a punishment was more effective than a reward in welfare to work support and this also appears unproven.

## **Question 4c**

### **What form could non-financial sanctions take?**

DR UK does not have an answer to this question but would suggest that the question is also reversed – what non-financial rewards could be introduced to support compliance with appropriate and relevant conditionality?

We do believe that there are answers to this question and that these answers include affordable internet connection, access to peer to peer support, additional support for people in specific situations such as people with learning difficulties or mental health conditions and particularly where these conditions have contributed for example to low levels of literacy.

## **Question 4d**

**Are there any examples of good practice from other countries?**

*12 December 2014*

## Written evidence submitted by the Employment Related Services Association (SAN0145)

### Introduction

- 1.1. Please accept this as a submission from the Employment Related Services Association (ERSA) to the Work and Pensions Select Committee inquiry into benefit sanction policy beyond the Oakley review. ERSA is the representative body for the employment support sector. It has around 180 members ranging from large multinational providers through to small specialist organisations and spans the private, public and voluntary sectors. It has all the prime contractors of the major Department for Work and Pensions' major programmes in membership, along with a high number of subcontractors.
- 1.2. This submission has been informed by two specific pieces of work. The first was a consultation across ERSA members specific to the terms of reference of this inquiry; the second was a piece of work, earlier this year, between ERSA and East London charity, Community Links. This took the form of a short survey targeted at members delivering mandatory employment programmes, including but not limited to the Work Programme. A copy of the survey results is appended to this response.
- 1.3. By way of background, it is worth the Committee noting that all providers of mandatory programmes are contractually obliged to raise a doubt where a customer has not attended a mandated appointment or intervention, no matter what good cause is evident. Advisors have no flexibility on this issue, unless a customer is deemed 'vulnerable'. This submission concentrates on the impact the conditionality regime has on the service ERSA's members deliver and makes recommendations for the improvement of this service.

### 2. Provider attitudes towards mandation and the sanctioning regime

- 2.1 ERSA believes that it is difficult to comment specifically on the sanctioning regime without reference to the role of mandation in relation to employment programmes. Views are mixed across membership on mandation. However, a clear balance of members believe that mandation can play an important role in some individuals' journey back to the workplace. Indeed, many organisations delivering both the Mandatory Work Activity and Community Work Placement schemes have ample case studies demonstrating the changes in attitudes that good quality mandatory activity can bring.
- 2.2 However, there is also a consensus amongst providers that there are circumstances when mandating a jobseeker either to a particular type of provision or to an activity within a provision is likely to be inappropriate. This is particularly the case when health conditions are present. ERSA notes that voluntary schemes such as New Deal for Disabled People achieved good levels of performance. However, it also notes that this level of performance was related to the fact that participants were self selecting and that its voluntary nature meant that many people with disabilities who may have been able to work were not accessing provision. Overall, ERSA believes that the evidence base on the effectiveness of mandation is weak and that future decisions regarding when and how mandation is used in the design of employment support provision should be radically strengthened.
- 2.3 A similar balance of opinion exists in the provider community regarding the sanctions regime. Opinions are mixed, but the majority of providers appear to favour the application of a sanctions regime for the majority of Jobseekers Allowance (JSA) customers as part of a wider mix of tools to encourage participation in employment support. That said, there is consensus that the regime for those on JSA could be significantly improved and that

the evidence base related to the effectiveness of sanctions could be strengthened.

- 2.4 However, there is concern about the operation of the current sanctioning regime on those on Employment Support Allowance (ESA) and more vulnerable customers who are on JSA. These jobseekers may have more complex and hidden needs such as mental health and/or fluctuating conditions which may mean that engagement with back to work schemes may not be continuous. It is important to note that the balance of provider opinion does not believe that the ability to sanction should be removed altogether from the regime for jobseekers on ESA. However, there is concern about the process's current operation.

### **3. Concerns and recommendations related to the sanctions regime**

- 3.1 ERSA supports the recommendations of the Oakley review of sanctions and believes these should be implemented in their entirety. However, ERSA also believes that there are policy and process issues that could be helpfully addressed. These are set out below.
- 3.2 First, too many jobseekers are being referred to the Work Programme without a sufficient understanding of what it involves and the mandatory nature of participation. This leads ERSA to believe that more can be done to 'warm up' jobseekers by Jobcentre Plus in order to promote its benefits, yet clarify the responsibilities that participation involves.
- 3.3 Second, the current system is insufficiently nuanced, whilst some providers report confusion about roles and responsibilities between advisers and Jobcentre Plus. At present providers are contractually obliged to raise a sanction doubt where a customer has not attended a mandated appointment or intervention, no matter what good cause is evident. Advisers have no flexibility on this issue unless someone is classified as 'vulnerable'. This limited form of discretion is the only means a provider has of making the sanctions process more appropriate. However, there appears to be a range of issues in relation to the concept of 'vulnerability' (see 4.6).
- 3.4 ERSA recommends the introduction of a 'first warning' system or similar which would provide jobseekers with a clear indication of the consequences of a continued lack of participation, plus the introduction of a greater degree of discretion if non adherence to the regime is clearly due to good cause. In addition, ERSA believes that there needs to be greater clarity in the system about what constitutes a 'vulnerable' jobseeker and thus the exemptions to the need to raise a sanction doubt which apply for this category of jobseeker. Importantly this should apply to jobseekers on JSA as well as ESA as there may be people in this category, particularly when they have moved from Incapacity Benefit or ESA, who have significant needs.
- 3.5 ERSA is aware that allowing Work Programme providers a greater degree of discretion in relation to the sanction regime risks changing the relationship between advisor and jobseeker. This relationship needs to be a positive rather than a policing relationship. As such, ERSA supports the actual responsibility for sanctioning remaining with Jobcentre Plus and also believes that there needs to be investment in both advisers and communication with jobseekers about roles and responsibilities.
- 3.6 It is worth the Committee noting that many providers believe that JCP decisions apply the sanction prior to assessing the cause. There is a strong feeling that this is not the right way round and that JCP must routinely take an individual's circumstances into account prior to deciding to apply a sanction. This is particularly important in the case of fluctuating conditions.
- 3.7 ERSA members also believe that the timeliness of the sanction being issued must also be addressed. If there is a significant gap between raising a doubt and the decision coming through, this can have an adverse effect on customers, who may simply not connect the two issues. This is particularly the case if they have been participating positively more recently. Any sanction should therefore be as near to the time of the 'offence' as possible.
- 3.8 ERSA also supports the introduction of non financial sanctions, including requiring jobseekers to demonstrate a greater degree of compliance for a set period. However, ERSA believes that the DWP should properly assess the impact of such a move to ascertain whether non financial sanctions have a positive effect.

### **4. Jobseekers on ESA and the sanctioning regime**



- 4.1        ERSA notes the particular concern of the Select Committee about the impact of the sanctions regime on jobseekers on ESA. Although a definitive answer is difficult to reach, providers believe that the increase in jobseekers on ESA being sanctioned, could be due to the following factors:
- **Increased volumes of ESA jobseekers.** The increase in the number of ESA sanctions is believed to be closely related to the increased volume of ESA referrals onto the Work Programme.
  - **Increasing focus on ESA performance.** Providers have been trialling new and different ways to support ESA customers into employment. As a result, ESA performance has increased and is now hitting minimum performance levels. However, this increased focus on ESA customers may have led to an increase in the levels of sanctions experienced by this group.
  - **Factors related to the Work Capability Assessment (WCA)** and its impact on jobseekers, explored below.
- 4.2        In relation to the WCA, providers report that some jobseekers who have been referred to the Work Related Activity Group (WRAG) and thus to the Work Programme may be unable, due to ill health, to engage positively with the programme. In these cases, some providers either help jobseekers to appeal this decision directly or signpost to others who can. ERSA recognises this can be sensitive as no provider wishes to be accused of ‘parking’ jobseekers. However, there is no easy process to ‘back out’ a customer for providers to pursue. Clearly it would be inappropriate for customers who find themselves in these circumstances to be sanctioned. However, if there has been no participation at all in the Work Programme and the provider has little knowledge of the customers’ circumstances, doubts might be raised.
- 4.3        Providers also report that some jobseekers in the WRAG may concentrate on contesting the decision rather than engaging positively with employment support. This is perhaps not surprising as such customers may have spent many years believing themselves too ill to work and have therefore no history of participation in employment related activity. There is also some concern that the mandatory nature of the Work Programme may not have been fully communicated to this group.
- 4.4        There is a third, concerning, category of jobseeker who may accurately have been placed in the WRAG, but whose condition has deteriorated subsequently. Such customers may not have the wherewithal to ask for a reconsideration of their WCA, particularly if they suffer from a mental health condition. Again if there is simply no participation in the Work Programme it may be that the adviser feels there is little option than to raise a sanction doubt.
- 4.5        ERSA believes that in all these circumstances it is imperative that the decision maker at JCP undertakes a full review of an individual’s circumstances before applying a sanction. ERSA also believes that it would be beneficial for the WCA outcome to be routinely shared with the Work Programme provider. This has been recommended repeatedly since the outset of the programme, but has not been mainstreamed.
- 4.6        Given the above, ERSA believes that, in its current form, the sanctions regime does not always effectively support ESA jobseekers into sustained employment. However, the balance of ERSA members believe that the ability to sanction should remain in relation to jobseekers on ESA in case of need. To help the operation of the system however, ERSA recommends:
- Greater clarity being provided on what might constitute a ‘vulnerable’ customer and thus who can be exempted from the need to raise doubts. Many of these customers will be on ESA, although it is important to note that some may be on JSA.
  - Routine agreement between JCP and Work Programme providers about this definition of ‘vulnerability’ to minimise the risk of different stances being taken by different parts of the system
  - Removal of any concept that providers have not raised sufficient number of sanction doubts from the DWP performance management regime. At present, there appears to be some concern that audit processes may inadvertently encourage sanctioning as providers believe that they may be deemed non compliant with the contract if sanctions are not raised on particular customers.

## 5. Profile of jobseekers being sanctioned

- 5.1        Generally there is a lack of data on the demographics of jobseekers that receive a sanction. Information on the reasons for which a sanction has been applied does not appear to be collected in a systematic way and therefore it

is difficult to ascertain if a particular group is being sanctioned to a higher degree than others.

- 5.2 Anecdotaly, several members suggest that there may be higher levels of sanctions for jobseekers with a learning disability or mental health condition. This is fuelled by the fact that people with these conditions may have difficulty understanding correspondence, engaging with employment support, or understanding the impacts of not engaging. Given that WCAs are not routinely shared with providers, this lack of engagement may have led advisers to raise doubts.
- 5.3 Several of the homeless charities in ERSA membership report that sanctions disproportionately affect those who are homeless. Research from Homeless Link<sup>[1]</sup> found that a third of homeless people claiming JSA and nearly one in five claiming ESA had received at least one sanction.
- 5.4 According to a report by ERSA member, Gingerbread<sup>[2]</sup>, a higher proportion of single parents receive a non-adverse sanction decision. Non-adverse sanctions can be applied at different points in the sanctions process. The majority of non-adverse decisions affecting single parents are made via the original decision. However, a significant minority of non-adverse decisions are applied at decision review stage, indicating that single parents are being inappropriately referred for a sanction in the first instance or wrongly sanctioned as a result of the decision making process.
- 5.5 It is worth noting that there are particular exemptions in place to prevent lone parents and people who are homeless from being sanctioned. It appears that these exemptions are not always being recognised within the system. Further analysis of why this may be is required.

## 6. Evidence of impact of sanctions

- 6.1. ERSA is supportive of a full, independent review of the existing conditionality regime in order to evaluate its purpose and how successful it is as a tool for moving jobseekers into employment. Many ERSA members feel that a review is necessary and report that, in its current form, the regime has the ability to cause a great deal of stress and anxiety if wrongly applied. ERSA members also report that a significant time lag often exists between when a provider raises a doubt for a sanctionable offence and the time it takes for that sanction to be applied. Some providers report that on occasions there has been a time lag of up to one year, defeating the purpose of an adviser issuing a sanction to change the behaviour of a jobseeker at that present time, as well as undermining the adviser's authority in the process.
- 6.2. Whilst some ERSA members believe sanctions are not effective for particular jobseekers, others report that they can play a role particularly when the reason for non engagement is motivational or behavioural. Conditionality is most successful when it is delivered as part of a wider package of support and through a partnership model that encourages people to take control and responsibility for their own journey into employment. Conditionality has a role within this, but in order to deliver it successfully staff must be skilled and confident in their ability to apply it. Furthermore, the set of activities with which a jobseeker is being asked to comply must be appropriate for their individual circumstances.
- 6.3. It is also worth noting the diverse objectives of the different bodies with an interest in the operation of the sanctions regime. These interests include HM Treasury, the Department for Work and Pensions, providers, frontline advisers and jobseekers claiming an employment related benefit. The aims of these different bodies range from managing public finances, preventing fraudulent activity, ensuring compliance with a set of activities and as a requirement in return for receiving benefit. With such diverse aims the regime must be designed so that it is fit for all purposes.
- 6.4. ERSA believes there is also a need analyse cases where repeat sanctions have not led to a change in participation. One ERSA member carried out a review of individuals who had been referred to the programme but had failed to engage. This provider found that 20% of those who had received sanction doubts had not responded. It therefore commissioned an independent agency, at its own expense, to carry out 1,000 home visits to individuals who had been referred to the Work Programme, but had failed to participate. The provider was able to re-engage 75% of these customers, but found that the DWP had the incorrect address for 13%. Other customers appeared to be engaged in economic activity. ERSA believes that far more such analysis needs to be undertaken by the DWP of this cohort.

- 6.5. Members report a number of wider impacts that jobseekers may experience as a result of a sanction. These include housing benefit being stopped, a greater reliance on food banks, and increased stress and anxiety that can exacerbate existing mental health conditions. These repercussions are highlighted in the joint ERSA/Community Links survey which is appended to this response. Evidence from the Shaw Trust also indicates that understanding of the appeals process in relation to the sanctions regime, plus the hardship payment regime, is low. Given these issues, it is clear that there is a role for Jobcentre Plus, providers, along with other agencies, to highlight the appeals process and signpost to hardship funds.

## 7. Conclusion

- 7.1 ERSA members support some level of conditionality in the employment support regime. However, they also believe that the current system is too binary in nature, gives too little discretion to frontline advisers and too often features a 'sanction first, investigate later' approach by Jobcentre Plus decision makers. In particular, it believes that the evidence base for the application of sanctions is weak and may, in many cases, be counterproductive. As such it would support an overhaul of the system, with future policy in this area being based on a greater level of evidence than exists at this point in time.

*17 December 2014*

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[1] <http://www.homeless.org.uk/sites/default/files/site-attachments/A%20High%20Cost%20to%20Pay%20Sept%2013.pdf>

[2] <http://www.gingerbread.org.uk/uploads/media/17/9181.pdf>

Written evidence submitted by Mind (SAN0106)

Mind is the leading mental health charity in England and Wales. We provide advice and support to empower anyone experiencing a mental health problem. We campaign to improve services, raise awareness and promote understanding. Ensuring the benefits system is both fair and supportive for people with mental health problems is a key part our work due to the high numbers of people with mental health problems who receive this support.

1. Focus of Mind’s response

This response will focus on people with mental health problems who are sanctioned whilst on Employment and Support Allowance (ESA) in the Work-Related Activity Group (WRAG). Sanction statistics are not currently collected for people with mental health problems on Jobseekers Allowance (JSA). However, we know that many people on JSA do have mental health problems and so, from the evidence we present below, it is likely this group are at a similar risk of being inappropriately sanctioned.

2. Summary of key points

- People with mental health problems who receive ESA are being disproportionately sanctioned compared to other disability groups
- This is happening because:
  - The current system of conditionality is based on an assumption that people are out-of-work due to a lack of motivation or willingness, rather than the impact of their mental health problem and the barriers this leads to.
  - The current categorisation of benefit claimants is ineffective and inaccurate.
  - People with mental health problems are asked to undertake inappropriate activities and are under inappropriate levels of conditionality.
  - There is a lack of understanding of mental health throughout the whole benefits system.
- There is little evidence to show that sanctions are helping to move people with mental health problems closer to work
- Sanctions are having a detrimental effect on the health of people with mental health problems

3. People with mental health problems are being disproportionately sanctioned

- 3.1. Table 1 shows how the monthly number of sanctions for people on ESA has risen by almost 10 fold, from 600 in January 2012 to almost 5000 in December 2013.
- 3.2. The level of sanctions received by those with mental health problems in the WRAG is increasingly disproportionate to the proportion of people with mental health problems in this group. In January 2012, the percentage of those sanctioned who had a mental health problem was 52 per cent, however in December 2013 this figure was 62 per cent.
- 3.3. In November 2013, 61 per cent of ESA sanctions were received by people with mental health problems, despite this group making up only 48 per cent of the WRAG – a discrepancy of 13 per cent. This discrepancy has increased from four per cent in February 2012.
- 3.4. From the start of 2012 to the end of 2013 there was an overall increase in sanctions of 698 per cent. However, for all conditions apart from mental health problems this increase was 526 per cent, whereas for people with mental health problems, the increase was 859 per cent.[\[1\]](#)
- 3.5. It is clear from this evidence that, if you have a mental health problem, you are more likely to receive a sanction than if you have any other condition.

Table 1. Adverse Sanction Decisions for those with Mental and Behavioural Disorders

Month	All ESA Sanctions	Mental & Behavioural Disorders	% of sanctions	% of people in the WRAG with Mental and Behavioural Disorders	Difference
Jan-12	600	310	52		
Feb-12	750	380	51	47	+4
Mar-12	880	490	56		
Apr-12	910	480	53		

<b>May-12</b>	1,110	590	53	48	+5
<b>Jun-12</b>	1,020	580	57		
<b>Jul-12</b>	1,260	710	56		
<b>Aug-12</b>	1,120	610	54	49	+5
<b>Sep-12</b>	1,210	670	55		
<b>Oct-12</b>	1,640	900	55		
<b>Nov-12</b>	1,640	910	55	50	+5
<b>Dec-12</b>	1,190	670	56		
<b>Jan-13</b>	1,510	860	57		
<b>Feb-13</b>	1,270	730	57	50	+7
<b>Mar-13</b>	1,300	740	57		
<b>Apr-13</b>	1,800	1080	60		
<b>May-13</b>	2,170	1250	58	50	+8
<b>Jun-13</b>	2,160	1290	60		
<b>Jul-13</b>	2,245	1354	60		
<b>Aug-13</b>	2,193	1352	62	50	+12
<b>Sep-13</b>	2,603	1602	62		
<b>Oct-13</b>	3,372	2006	59		
<b>Nov-13</b>	3,837	2336	61	48	+13
<b>Dec-13</b>	4,789	2974	62		

#### 4. Why is this happening?

4.1. We believe there are four main reasons as to why there are a disproportionate level of sanctions faced by those with mental health problems:

- The current system of conditionality is based on an assumption that people are out of work due to a lack of motivation or willingness, rather than the impact of their mental health problem and the barriers this leads to.
- The current categorisation of benefit claimants is ineffective and inaccurate
- Claimants are asked to undertake inappropriate activities under inappropriate levels of conditionality
- There is a lack of understanding of mental health problems throughout the benefits system

#### 5. A system based on flawed assumptions

5.1. Conditionality and sanctions underpin current back-to-work support for those in the WRAG. This structure is based on the assumption that people don't want to work and need the threat of having their benefits withdrawn in order to engage in activities.

5.2. However, research shows that people with mental health problems have a high 'want-to-work' rate.<sup>[2]</sup> This is reflected in two recent surveys of people with mental health problems currently out of work, which showed that the majority of respondents wanted to be in employment if properly supported.<sup>[3]</sup> A DWP report also supports this.<sup>[4]</sup>

5.3. For people with mental health problems, it is usually the impact of their condition and a lack of understanding and support from employers that create the biggest barriers to finding or staying in work.<sup>[5]</sup> This current lever of conditionality has not proved successful in helping to move more people with mental health problems towards work. In essence, it is the wrong diagnosis leading to the wrong treatment. This is evidenced by the poor success rates of back-to-work support for those with mental health problems and the negative impact that sanctions, and the threat of sanctions, are having on people (see Section 9 below).

5.4. Of over almost 150,000 people with mental health problems on ESA who have been placed on the Work Programme, only 5 per cent have been helped into work, compared to the programme's overall success rate of over 24 per cent.<sup>[6]</sup> Jobcentre Plus does not record job outcomes for people on ESA for the support it provides but evidence suggests that the support provided is similar in nature to that on offer through the Work Programme, and is leading to similarly poor results.<sup>[7]</sup>

5.5. If support was based around the real reasons why people with mental health problems are struggling to work, rather than assuming a lack of motivation, then it would be more successful at addressing the barriers that people

are facing, would cause less distress and anxiety, and would result in more people moving closer to work.

6. **Poor categorisation**

- 6.1. The current isolated nature of the WCA means it functions as an eligibility test for ESA but not an assessment of what support is needed. People are placed in one of three groups based on the number of points they are allocated in the assessment.
- 6.2. However, there is no evidence to show the points people are scored means they will be assigned to a group with appropriate support and expectations. This is vital considering people may lose their benefit should the expectations placed on them not be appropriate.
- 6.3. The Welfare Reform Act 2012 demonstrates how the groups to which people are assigned and the expectations placed on people within each group are disconnected. The Act increased the range of activities that could be made mandatory for people in the WRAG and the severity of the sanctions for failing to complete these activities.[\[8\]](#) However, this significant change to what being in the WRAG entails did not lead to a review of the points threshold that decides who should be placed in this group. Referring to *Table 1* it is clear to see that since its introduction, people with mental health problems are more likely to receive a sanction than before.
- 6.4. We believe the process for allocating applicants to different groups and the groups themselves should be redesigned with a focus on these key considerations:
  - Whether they will be able to cope with the expectations that will be placed on them
  - Whether they will receive appropriate support to help them overcome their barriers
  - Whether the support and expectations will be conducive to their health improving

This approach would ensure that applicants are being placed in groups providing support that is more appropriate for them, resulting in fewer sanctions.

7. **Lack of specialist support and mandatory inappropriate activity**

- 7.1. We believe that it is the inappropriateness of mandated work related activity as well as a lack of specialist support that makes it difficult for people with mental health problems to engage with back-to-work schemes.
- 7.2. Schemes such as the Work Programme were meant to provide specialist support, ensuring appropriate and helpful activities, but this is not happening. The DWP’s own evaluation suggests that the Work Programme is not leading to the appropriate specialist support it aimed to provide.[\[9\]](#) Recent research also indicates that the support provided is generic and not tailored to individual needs.[\[10\]](#)
- 7.3. Not only is there a lack of specialist support, but the activities people are asked to do are often inappropriate. Their condition is not properly taken into account and they don’t feel involved in shaping these activities. In recent research of people in the WRAG:
  - Only 23 per cent of people felt their ‘action plan’ of support was appropriate for them
  - Only 21 per cent felt involved in making the plan and agreeing to the activities
  - Only around 30 per cent felt their advisor had adapted activities to take account of their condition and the impact it had on their ability to engage.[\[11\]](#)
- 7.4. People with more complex needs are often left ‘parked’ by providers and therefore do not receive specialist support.[\[12\]](#) This is in part due to insufficient financial incentives to support this group. We want to see sufficient resources directed towards those who need the most intensive support. However, our experience suggests that there are much more fundamental issues to be addressed than simply payment methods, and the system is fundamentally ill-equipped to provide the correct type of support.

8. **Lack of understanding of mental health problems**

- 8.1. Mental health problems are complex and may often be ‘invisible’ to an outside observer. A lack of understanding of mental health in the benefits system is contributing to the high levels of sanctions being applied to people with mental health problems.
- 8.2. Mental health problems have a wide range of symptoms including:

Low mood	Lack of energy
Difficulty concentrating	Low motivation
Loss of interest in everyday activities	Insomnia

Loss of appetite	Difficulties with social interaction
Irritation and agitation	Fear or panic
Self-doubt, worthlessness and hopelessness	Distress or intense emotionality
Compulsive activities or behaviour	Euphoria, elation or excitability
Intrusive or repetitive thoughts	Disturbed or illogical thought patterns
Paranoia	Suicidal thoughts or thoughts of self-harm
Delusions – beliefs or experiences not in line with accepted reality	Hallucinations – hearing voices, seeing images or experiencing sensations which others do not

8.3. If misunderstood or ignored, some of these symptoms could be interpreted as a lack of willingness to engage. It is also understandable that experiencing these symptoms could lead to someone struggling to attend a meeting or activity, especially if they are not appropriate for the person, or not accompanied with the right support.

8.4. Whilst advisers are supposed to be able to adjust conditionality to be appropriate to the person they are supporting, the rocketing rates of sanctions suggest that this is not happening. One reason for this is a lack of knowledge and understanding of mental health conditions amongst advisers. This leads to people being pushed into undertaking activities that are not appropriate for them, and not having the impact of their mental health properly taken into account if they do fail to attend a meeting or activity.

## 9. Sanctions are detrimental to people's mental health

9.1. Research shows that the vast majority of people (86 per cent) in the WRAG feel anxious about the risk of losing their benefits if they are not able to do the activities asked of them.[\[13\]](#) This means that people are less able to engage positively with the support they are being directed towards.

9.2. As a result of sanctions, thousands of people with mental health problems are also facing very difficult financial circumstances, which can lead to their condition being exacerbated.[\[14\]](#) Referring again to the symptoms that someone with mental health problems can face, it is clear to see that financial difficulties and debt are in no way helpful to people with mental health problems. In effect, sanctions push people with mental health problems further a position where they could consider moving back into work.

9.3. In fact, because of ineffective and inappropriate support, the threat of sanctions and the failure to address wider support needs, people in the WRAG are actually being pushed further from employment, their mental health is worsening and their confidence is decreasing.[\[15\]](#) Of over 400 people surveyed by Mind with mental health problems were asked about the impact of being on the Work Programme or with JCP:

- 83 per cent said it had made their mental health worse or much worse
- 76 per cent said it had led to them feeling less or much less able to work
- 83 per cent said it had made their self-esteem worse or much worse
- 82 per cent said it had made their confidence worse or much worse[\[16\]](#)

9.4. This means that conditionality and sanctions are not only proving ineffective at supporting this group to move towards work – they are often actually having the opposite effect.

9.5. While it's widely accepted people should take responsibility for the benefits they receive, it is also counter-productive for sanctions to be the foundation of the relationship between someone with mental health problems and their advisor. The use of conditionality for this group should be a last resort and only discussed when it seems someone is refusing to engage.

## 10. Conditionality isn't key

10.1. Mind's new report [We've got work to do](#) provides examples of back-to-work schemes that are not based on conditionality and sanctions but on person-centred and specialist support.[\[17\]](#) The schemes have proven to be much more effective in moving people with mental health problems closer to work. One of the key reasons why the schemes are so successful is because of their ability to fully engage and develop a trusting relationship with the client that isn't centred around the threat of sanctions. Rather, sanctions are seen as a last resort of engagement and a sign of failure by the scheme to properly support the client.

## 11. Multiple Needs

11.1. As a member of the Making Every Adult Matter (MEAM) coalition, formed by Mind, Homeless Link, Drugscope and Clinks,[\[18\]](#) we also believe it is important to consider our response not only in isolation, but also in relation to the responses of other members of the coalition. MEAM was formed to influence policy and services for adults facing



multiple needs and exclusion.

11.2. Many people who are currently sanctioned are those that MEAM represents, people with multiple needs. The MEAM coalition's Voices from the Frontline project has found that 79% of services feel sanctions are affecting over half of their service users with multiple needs. In fact sanctions were viewed as having the most negative impact of all welfare changes on people with multiple needs and the area of greatest concern.<sup>[19]</sup>

11.3. This is an issue that is often overlooked and we believe the Government should take steps to ensure more is understood about why people who are "already battling issues beyond most people's imaginations"<sup>[20]</sup> face sanctions.

## 12. Conclusion

12.1. People with mental health problems are facing an increasingly disproportionate level of sanctions, with no evidence that this is proving an effective way of supporting this group back to work. We believe these sanctions are often being applied inappropriately, as a result of setting activities that are not suitable for people and failing to take their mental health into account when deciding if they have 'good cause' for failing to engage. This is having a range of negative impacts: putting people who are sanctioned into difficult financial situations, and increasing anxiety for all claimants which is making people more unwell and less able to work.

## 13. Recommendations

- The Department for Work and Pensions should urgently investigate why a disproportionate level of ESA sanctions are falling on people with mental health problems. They should also seek to establish the level of sanctions for people with mental health problems on JSA.
- The use of conditionality for people with mental health problems should be a last resort and only discussed when it is clear someone is refusing to engage.
- There needs to be better mental health expertise throughout the whole benefits system.
- The decision around what benefit to direct people to should be based on a reformed WCA process and a consideration of whether:
  - They will be able to cope with the expectations that will be placed on them
  - They will receive appropriate support to help them overcome the barriers they face
  - The support and expectations will be conducive to their health improving.
- The next Government should take people with mental health problems on ESA out of the Work Programme and Jobcentre Plus and direct them to a new specialist back-to-work scheme. This new specialist scheme should be designed around the following principles:
  - Understanding and trust.
  - Individual ambitions and aspirations.
  - Specialist and person-centred support.
  - Proactive engagement with employers.
  - Continued support in employment.
  - Integration with health and other local services.
  - Focus on health outcomes as well as employment.

12 December 2014

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<sup>[1]</sup> Statistics calculated from Department for Work and Pensions FOI requests:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/295384/foi-79-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295384/foi-79-2014.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343310/foi-2014-2282.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343310/foi-2014-2282.pdf)

<sup>[2]</sup> See: Perkins R, Farmer P, Litchfield P (2009) Realising ambitions: Better employment support for people with a mental health condition and Catherine Hale (2014) Fulfilling potential? ESA and the fate of the Work-related Activity Group

<sup>[3]</sup> - Disability Benefits Consortium (2014) Big Benefits Survey 2014: of 819 people with mental health problems not currently in work, 58 per cent agreed or strongly agreed that they wanted a paid job, with only 20 per cent disagreeing, as they simply did not feel they would be able to work due to their health

- Catherine Hale (2014) Of 191 people with mental health problems currently or recently receiving back-to-work support through the Work Programme or



Jobcentre Plus, 61 per cent said they would want to work, with only 9 per cent saying they would not want to (the remainder being unsure)

[4] As referenced in Perkins R, Farmer P, Litchfield P (2009)

[5] Perkins R, Farmer P, Litchfield P (2009)

[6] Statistic calculated from answer to Parliamentary Question 209801, which states 147,790 people with mental or behavioural disorders have been referred to the Work Programme, with 7,550 gaining sustained job outcomes (<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2014-09-26/209801/>) (accessed November 2014) and Department for Work and Pensions (2014) DWP Tabulation Tool: Employment and Support Allowance Caseload: IB ICD summary code by Payment Type

[7] See: Work and Pensions Committee (2014) Employment and Support Allowance and Work Capability Assessments First Report of Session 2014-15 and Catherine Hale (2014)

[8] Welfare Reform Act 2012

[9] Department for Work and Pensions (2012) Work Programme evaluation: Findings from the first place of qualitative research on programme delivery

[10] Catherine Hale (2014)

[11] Catherine Hale (2014)

[12] Work and Pensions Committee (2013) Can the Work Programme work for all user groups

[13] Catherine Hale (2014)

[14] Mind (2008) In the Red: Debt and mental health

[15] Mind (2014) We've got work to do: Transforming employment and back-to-work support for people with mental health problems; Catherine Hale (2014)

[16] Mind (2014)

[17] Mind (2014)

[18] For more information please see <http://meam.org.uk/>

[19] Voices from the Frontline (2014) Evidence from the frontline: How policy changes are affecting people experiencing multiple needs

[20] Voices from the Frontline (2014)

## **Written evidence submitted by Citizens Advice Scotland (SAN0096)**

### **Introduction**

Citizens Advice Scotland and its CAB offices form Scotland's largest independent advice and advocacy network. Citizens Advice Scotland (CAS) is the umbrella organisation for Scotland's network of 82 Citizens Advice Bureau (CAB) offices. These bureaux deliver frontline advice services throughout over 200 service points across the country, from the city centres of Glasgow and Edinburgh to the Highlands, Islands and rural Borders communities.

In 2013/14, clients sought advice on 207,835 new issues related to benefits and tax credits – a 10% increase on the previous year. This represents 570 new benefit issues for every day of the year. There were 3,057 new JSA sanctions issues and 576 ESA sanction issues brought to bureaux in Scotland in 2013/14.

### **Summary**

Citizens Advice Scotland (CAS) welcomes the opportunity to respond to the Work and Pensions Committee's inquiry into benefit sanctions policy beyond the Oakley Review. We believe that the Review was too narrow in its remit and this inquiry represents a vital opportunity to take a wider look at the sanctions regime, its purpose and impact on claimants. In this response:

- We strongly support the Committee's call for a wider review of the sanctions regime. This review should be undertaken as a matter of urgency and consider the actual effectiveness of the sanctions regime in getting people back to work and the impact that it has on individuals, families and services.
- CAS cautiously welcomed the Oakley Review recommendations upon publication, despite the narrow remit of the Review. However, we are concerned about the progress that the Government has made on implementing recommendations, and about the recommendations that the Government not yet addressed. It would be useful for the Committee to be able to monitor the progress of the recommendations and hold the Government to account.
- There are a number of issues that were out with the remit of the Oakley Review that need to be addressed, including the ESA sanction regime as identified by the Committee in its terms of reference. We are also concerned about JSA claimants with disabilities, particularly former IB/ESA claimants, who are often unprepared for the harsh conditionality of claiming JSA and can also be worse affected by the consequences of a sanction.

### **Oakley Review**

While we welcomed much of what was proposed in the Review, we remain concerned about the slow implementation of many of the recommendations which do not seem to yet be making much difference on the ground. We believe that the implementation of promised reforms should be looked at in this inquiry.

Oakley also made a number of recommendations that do not appear to have been taken up by the Government. We believe that these recommendations would improve the sanctions regime and should be looked at again by the Government. These include:

- Assessing new claimants' needs at the outset of a claim
- Ending conflicting requirements on claimants by JCP and external contractors
- Improved communications between JCP and contractors
- Allowing contractors to consider 'good reason' before making a referrals for a sanction
- Piloting warning letters to claimants.

## Issues out of the remit of Oakley review

There are a number of issues of concern which were out with the remit of the Oakley Review. These include, but are not limited to, the following: how sanctions impact on Employment and Support Allowance (ESA) claimants; digital accessibility and its impact on sanctions; and the appeals and reconsideration system.

### Employment and Support Allowance (ESA) claimants

We believe it is essential that the ESA sanctions regime is included in a wider ranging review of sanctions. As the Committee has noted, there has been a recent rise in ESA claimants being sanctioned. This is a significant concern given the health and potential vulnerability of the claimants. We would question the appropriateness and effectiveness of sanctions and conditionality being applied to this claimant group, particularly given the poor employment outcomes that the Work Programme has achieved for the ESA Work Related Activity Group (WRAG). Case evidence from bureaux shows the impact that sanctions have on ESA claimants.

- A South of Scotland CAB reports of a client whose ESA claim was sanctioned due to a mistake by a work programme provider. The client informed the provider that we could not attend a meeting, but the wrong box was ticked and the client was sanctioned. The provider has attempted to advise the DWP of the mistake and that the client has engaged in work activities for weeks, but no action has been taken. The client has now been living on the sanctioned rate for eight weeks. The client claims that he has lost two stone in weight as he cannot afford to eat.
- An East of Scotland CAB reports of a client who is currently receiving ESA in the work related activity group and is required to attend 'Triage' on a regular basis. He was given a 20% sanction in February for not attending and his payment for yesterday was stopped. When attending the bureau he seemed medically distressed and had to leave prematurely. His doctor has certified that he is not well enough to undertake the bus journey to the work programme provider, but he makes regular phone calls to them. It was stressed to the DWP that this client was in desperate need of money given his difficult medical condition and although they were asked if there was anything else they could do, they did not offer to make a hardship payment.

### JSA claimants with health problems/disabilities

In each of the past five years (2009/10 – 2013/14), disabled people have received around a quarter of JSA sanctions.<sup>[1]</sup> This statistic, allied with case evidence from citizens advice bureaux, suggests that claimants with disabilities are disproportionately likely to be unable to meet conditionality requirements and be sanctioned. Case evidence suggests that many of these claimants are former ESA or Incapacity Benefit claimants who have been found fit for work in their work capability assessment and who then struggle to meet the demands of claiming JSA.

In order for the DWP to comply with its duties under the Equality Act 2010, they should ensure that they proactively identify claimants who have a disability under that Act, particularly clients with learning disabilities or mental health conditions, or other conditions that may affect their capacity to understand and comply with the requirements placed on them. DWP must put in reasonable support and adjustments to ensure that these claimants do not get penalised by the sanctions regime for a reason relating to their disability.

- A South of Scotland CAB reports of a former ESA claimant whose JSA claim was sanctioned. The client has severe depression but was assessed as fit for work after being awarded 9 points in his work capability assessment. The client claimed JSA and was quickly directed to apply for a job 40 miles from his home. The client said that his condition would prevent him from making this journey

on a daily basis and he was therefore sanctioned for four weeks. The client is not sure what happened next, but it appears that his claim was closed entirely.

- An East of Scotland CAB reports of a client who was sanctioned at his first meeting with a Jobcentre adviser when he believes he had made reasonable efforts to find work. He wanted guidance because he had been on ESA since October 2013 but found the adviser to be hostile and felt that she wanted to find cause to sanction him. When the adviser called the DWP, there was confusion about whether or not he had been sanctioned and when they eventually confirmed that he had, could not say how long for and when a decision would be made on length of sanction.

CAS is concerned that people with specific needs and circumstances are not being identified during the interview in which the Claimant Commitment is agreed. Many do not understand what they are signing up to, or the importance of expressing at this stage any personal circumstances which may impact on their ability to carry out their job seeking activities, such as: disabilities or medical conditions; literacy issues; lack of digital access or care responsibilities. When bureau advisers were surveyed in June 2014, 80 per cent said they felt that conditionality on claimants is not usually or never appropriate and realistic for them to achieve.<sup>[2]</sup> Below are cases which demonstrate how these circumstances impact on some claimants:

- An East of Scotland CAB reports of a client who was sanctioned for two weeks for allegedly not doing enough to find work. The client cannot read and write, which he has told the Jobcentre on numerous occasions. He has been looking for work but tends to visit workplaces canvassing for employment and notes all of these at signing on but on this occasion he has been sanctioned.
- An East of Scotland CAB reports of a client who suffers from scoliosis, other back problems and a weak shoulder. The client had a letter of medical support dating back to 1981. The client had not worked since she was 17-years-old due to her health issues. She felt that the Jobcentre did not help her and that the jobs that were being suggested (e.g. cleaning jobs) were inappropriate. The client risks being sanctioned if she is unable to keep up with her claimant commitment.

It is crucial that individuals' circumstances are explored in depth at the Claimant Commitment stage as their ability to keep up with the conditionality placed on them will depend on what is agreed at this initial interview.

### **Other groups affected by sanctions**

Scottish Government analysis published in 2013 highlighted that sanctions tend to affect the most vulnerable in society, including young people, lone parents and disabled people. We are particularly concerned that young people receive a disproportionate share of sanctions. 16-24 year olds received 39.3% of sanctions in Scotland in February 2014<sup>[3]</sup>, but only accounted for a quarter of overall claimants. We are concerned that young people lack the experience and skills needed to meet the often bureaucratic demands of the benefit, particularly if they have not claimed benefits in the past. The result of small infringements can be disproportionately punitive sanctions. Any changes to the sanctions process should bear in mind the support needs of young people, who are the biggest client group affected.

- A West of Scotland CAB reports of an 18 year old client who received a 13 week sanction within three weeks of receiving JSA. The client had failed to conform with the direction to upload his CV to his jobseekers account. The client maintained that he had done this at home, but that something must have gone wrong. When shown how to upload the CV in his next appointment, the client offered to run home and upload the CV straightaway and return with the completed data. However, the suggestion was turned down and a 13 week sanction applied.
- A South of Scotland CAB reports of a 19 year old who came for advice in a distressed state. The

client claims JSA after losing her job over the summer. The client had no money to pay for the £9 bus ticket to sign on at the Jobcentre, but upon asking if she can sign on by phone was told that she would be sanctioned if she did not attend in person.

We are also concerned by recent statistics showing that lone parents are receiving an increasing number and proportion of overall sanctions (rising from 0.5% of sanctions in 2008/09 to 4.8% in 2013/14)[\[4\]](#). While this is partially explained by an increase in the number of lone parents claiming JSA (moving from Income Support), we are concerned that the JSA regime does not take into account the needs of those with specific barriers to employment, particularly those with childcare needs. Given the situation of lone parents, sanctions to their benefits can have a much bigger impact on themselves and their children than for other claimants.

- A West of Scotland CAB reports of a single parent with two dependent children who has lived with a sanction for five weeks without realising that he could have applied for a hardship payment. The client has been surviving on child benefit and child tax credit, and is now £500 in rent arrears.

### **Digital issues and the digital jobcentre**

Bureaux in Scotland have seen a large number of cases in which clients are being sanctioned because they have failed to use IT correctly to carry out their jobsearch. Many of these clients have no IT skills and/or no access to the internet. A survey of Scottish CAB benefits clients carried out in 2013 found that only 54% have access to an internet connection at home, and less than a quarter (24%) feel able to apply for jobs or benefits online without help[\[5\]](#).

This is even more concerning when compounded with the introduction of new 'Digital Jobcentres'. This shift includes removing the standalone job points and installing new computers, as well as removing the 'warm phones' that were available for claimants to use. Citizens advice bureaux in Scotland have seen many cases which suggest that Digital Jobcentres present a barrier to accessibility where people do not have the skills to carry out their benefit claim or job-search online and have an increased risk of sanctions.

- A West of Scotland CAB reports of a client who has an appointment with Jobcentre Plus today and is concerned because she has been unable to complete the Claimant Commitment. She does not have a computer and has no computer skills. The Job Centre sent her to the Skills Development Centre to create an e-mail address and upload her Job Match online and create a CV. She was told at the Centre that they could not help her because of her literacy problems.
- An East of Scotland CAB reports of a client who has been sanctioned for not applying for jobs online. The client had informed several 'personal advisers' that she didn't have a computer and was not IT literate without an offer of support. The client enrolled herself in a computer basics course, but has not been sanctioned for not looking for work online.

### **A wider review of sanctions**

CAS welcomes the Committee's recommendation that there needs to be a full independent review which examines the purpose, effects and efficacy of the sanctions regime.

Outlining the purpose of the sanctions regime, the DWP have said:

"The new JSA sanctions regime, which was introduced in October 2012, encourages people to engage with the support being offered by Jobcentres by making it clearer to claimants what they are expected to do in return for their benefits – and that they risk losing them if they don't stick to the

rules.” <https://www.gov.uk/government/news/benefit-sanctions-ending-the-something-for-nothing-culture>

Yet, when surveyed, around two thirds of bureau advisers felt that conditionality neither encourages clients to do more or better jobsearch activity (65 per cent), nor makes claimants do jobsearch activity who wouldn't have done otherwise (67 percent)[6].

Bureau evidence suggests that rather than encouraging engagement with Jobcentre Plus, sanctions often act to prohibit engagement. For example, claimants who have been sanctioned often have no money at all, meaning they are unable to catch the bus to the Jobcentre to sign-on or buy mobile phone credit to contact the DWP about being unable to attend a meeting. Sanctions can also affect the individual's relationship with the Jobcentre, provoking feelings of anxiety which makes them less willing to engage.

- An East of Scotland CAB reports of a client who advises that he was previously in receipt of ESA for approximately 13 months but after a medical was refused ESA and has subsequently been claiming JSA for five weeks. The client advises that due to the pressure of the JSA Claimant Commitment he has to complete six job searches (one per day) and is now suffering from severe stress, depression and anxiety and cannot cope with the pressure that is being applied by the Jobcentre. The client advises that he is due to have an interview with a DWP disability adviser but it is not for over three weeks and has already been waiting for four weeks. He has already discussed his condition with his GP as he has feelings of dread and fear when he has to attend the Jobcentre, which is having a detrimental effect on his health.

The Scottish Government have compared the number of adverse sanctions decisions applied with the number of individuals who received them between October 2012 – March 2014, and found that a number of individuals were receiving multiple sanctions. This is particularly the case for low level sanctions for which there were 38% more sanctions decisions than individuals receiving them[7].

The fact that there is such a high level of repeat sanctions suggests that the system may not be encouraging the behaviour change that the DWP hopes it does, and in fact sanctions may be presenting barriers to carrying out job search activities, rather than encouraging engagement.

There is some evidence that suggests that sanctions may be pushing some people out of the benefits system entirely, before they have found employment. A Scottish Government report published in November 2014 states that: “[during February 2014] over a quarter (26.1 per cent) of all individuals who faced a sanction decision had their decision cancelled”[8]. The authors of the report attributed this to weaknesses in the administration system, but high numbers of cancellations may in fact be an indicator of people deliberately removing themselves from the benefits system following a sanction. We do not know what other financial support, if any, they might be turning to, or forms of work not recognised by the DWP as formal employment.

- An East of Scotland CAB reports of a client who had been sanctioned and came to the bureau to make a complaint against the Jobcentre. The client advised that she has been so affected by her treatment by Jobcentre advisers that she wants to cancel her JSA claim after the mandatory reconsideration decision is received. She feels that she would rather struggle without income than endure the stress caused by the threat of sanctions.

## Impact on claimants

While the effectiveness of the sanctions regime in achieving its purpose of getting claimants into sustained employment is unclear, the same cannot be said of the negative impact of sanctions on the finances and wellbeing of claimants and their families.



A single JSA claimant will typically receive £72.40 a week. Claimants will often have very little money left by the time of their next payment. If a sanctions referral is made shortly before the next benefit payment is due, this can leave claimants with no money at very short notice. They then have to survive without any money for the duration of the sanction. For the clients seen in bureaux this regularly leaves them in crisis, with no money to buy food, buy phone credit, to top up pre-payment meters for heating, to cover bills or debt repayments, or meet their Jobcentre obligations.

- An East of Scotland CAB reports of a client who has been sanctioned for missing an appointment at the Jobcentre. He had read his work book but did not realise there was a fold-out page at the back and that was where the appointment was written. He applied for a hardship payment last week and should have received it on [date] but the money was not paid. He has had no electricity for nine days and has not eaten properly for six and is on medication for depression and anxiety.
- A South of Scotland CAB reports of a 19-year-old client who attended the bureau in distress. She is new to the area with no family and is living in homeless accommodation. Having previously 'signed on' via fax, she has now been told she must attend Job Centre Plus every fortnight. She was due to attend today but had no money for the bus as she is on hardship payments due to a previous sanction (note that return fare to the nearest Job Centre Plus is £8.90). When the CAB adviser phoned the Jobcentre to see if the client could sign on by phone, the client was told she had to attend or would be sanctioned. The adviser reiterated that the client has no money, no food and no electricity. The Jobcentre adviser asked if the CAB could provide funds for bus fare.

Figures released by the Trussell Trust in November 2014 showed that 124 per cent more people were referred to its foodbanks in Scotland during April – September 2014 compared with the same period last year. In their *Emergency Use Only* report<sup>[9]</sup>, the Trussell Trust found that 20-30% of people accessing foodbanks said that their household's benefits had recently been stopped or reduced because of a sanction.

When CAS carried out an adviser survey in June 2014<sup>[10]</sup>, advisers said that clients employ a range of strategies to survive without benefit income. The most common regular strategies are to skip meals and request a food parcel. Many clients also go without gas or electricity, turn to family, friends or sources of charitable support. Worryingly, 77 per cent of advisers said that clients who have been sanctioned sometimes or regularly turned to formal loans to survive.

Sanctions may also put financial and other types of arrangement at risk. More than nine out of ten advisers (92 per cent) said that they have seen cases where a sanction has put rent or council tax repayment plans at risk of falling apart, which can lead to serious consequences including court action and eviction.

Not only do sanctions have serious consequences for the claimant and their family, but they also impact on other services. As well as advice services, it is likely that the health and social detriment often caused by sanctions shifts costs onto other public services further down the line, whether this be crisis support such as the Scottish Welfare Fund, social services, the NHS, housing and homelessness services or debt and bankruptcy administration.

## Summary

We strongly support the Committee's call for a wider review of the sanctions regime. This review should be undertaken as a matter of urgency and consider the actual effectiveness of the sanctions regime in getting people back to work and the impact that it has on individuals, families and services. In particular, this should consider the impact of sanctions on ESA claimants and JSA claimants with disabilities. In

addition:

- We strongly recommend that the use of non-financial sanctions, particularly written warnings, should be piloted and implemented.
- Claimants should never be left without an income. Hardship payments should be paid automatically and not left to a claimant to find out about and apply for.
- Claimants should receive a written notification at least 10 working days prior to a sanction decision being applied to allow them the opportunity to budget for the drop in income.

*12 December 2014*

## References

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- [2] Citizens Advice Scotland (July 2014), *Sanctioned: What Benefit?*
- [3] Scottish Government (November 2014), *JSA Sanctions in Scotland: An analysis of the sanctions applied to Jobseekers Allowance claimants in Scotland*
- [4] Ibid.
- [5] Citizens Advice Scotland (2013), *Offline and Left Behind*
- [6] Citizens Advice Scotland (July 2014), *Sanctioned: What Benefit?*
- [7] Scottish Government (November 2014), *JSA Sanctions in Scotland: An analysis of the sanctions applied to Jobseekers Allowance claimants in Scotland*
- [8] Ibid.
- [9] Trussell Trust et al. (November 2014), *Emergency Use Only*
- [10] Citizens Advice Scotland (July 2014), *Sanctioned: What Benefit?*



Written evidence submitted by the **Welfare Conditionality: Sanctions, Support and Behaviour Change Project (SAN0054)**

## 1 Executive summary

1.1 Our five-year (2013-2018) ESRC funded project *Welfare conditionality: sanctions support and behaviour change*, involving researchers from six universities, is exploring the ethics and effectiveness of welfare conditionality. We are particularly investigating the effects of sanctions and support on the lives of nine groups: unemployed people, those claiming Universal Credit, lone parents, disabled people, social tenants, homeless people, individuals/families subject to antisocial behaviour orders/family intervention projects, offenders and migrants.

1.2 There has been a substantial escalation in the use of JSA sanctions. The evidence suggests that those with specific vulnerabilities and complex needs, such as homeless people, lone parents and disabled people, have been disproportionately affected by intensifying welfare conditionality. Young people are more severely affected by the rapid growth in benefit sanctions than other age groups, though the reasons for the disproportionate risk of sanctioning they face are not yet clear. There is now a discernible upward trend in both the number and rate of ESA claimants who are sanctioned.

1.4 Although conditionality is currently embedded in a broad range of policy arenas and its use has been extended over time to previously exempt groups (eg, lone parents with children younger than 12, disabled people), policy-makers' assumptions about conditionality and its effects remain largely untested. Our own research seeks to answer detailed questions about how the system works in practice, which groups are affected, why and how.

1.5 International evidence on conditionality reviewed in the first phase of the study indicates that benefit sanctions (especially severe sanctions) substantially raise exits from benefits, and may also increase short-term job entry; but the longer-term outcomes for earnings, job quality and employment retention appear unfavourable. In particular, concerns remain about the destinations of those who exit benefits, and whether increasing numbers are becoming 'disconnected' from both work and welfare. There are also concerns about unintended (and less intended) consequences of conditionality, particularly the hardship faced by those excluded from benefits, services and/or support as a result of failing to meet behavioural requirements.

1.6 We recommend further exploration of alternative models that might ease the effects of sanctions, and/or give incentives and support to help claimants into training and work.

## 2 Introduction

2.1 Our project *Welfare conditionality: sanctions support and behaviour change* is a five year (2013-2018) programme of research funded by the Economic and Social Research Council. It brings together researchers working in six English and Scottish Universities - University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the hub for this partnership.

2.2 We are exploring two key questions linked to the effectiveness and the ethics of welfare conditionality:

- First, how effective is welfare conditionality in changing the behaviour of those in receipt of welfare benefits and services?
- Second, are there any particular circumstances in which the use of conditionality may, or may not be, justifiable?

2.3 Our research involves interviews with people from nine cities and towns in England and Scotland (Bath, Bristol, Edinburgh, Glasgow, Inverness, London, Manchester, Peterborough, and Sheffield) who experience varying types and degrees of welfare conditionality in their everyday lives. The focus is on nine particular groups: unemployed people, those claiming Universal Credit, lone parents, disabled people, social tenants, homeless people, individuals/families subject to antisocial behaviour orders/family intervention projects, offenders and migrants. Our briefing papers available at <http://www.welfareconditionality.ac.uk/category/publications/> offer further discussion of issues in relation to conditionality and these groups. We are conducting three waves of repeat qualitative longitudinal interviews over a two year period with 400 participants subject to welfare conditionality, to establish the longer term effects of the sanctions/support they experience. Our final report will be published in early 2018. For this reason we cannot offer definitive information on the effects of sanctions at this stage. However, our extensive review of existing literature on this topic does offer some evidence from the UK and abroad, and we summarise relevant findings here. The evidence offered here in summary is available in more detail, with full references, in the Round Up drawing on the first phase of the project published by the Joseph Rowntree Foundation at: <http://www.jrf.org.uk/sites/files/jrf/Welfare-conditionality-UK-Summary.pdf>. Our evidence in this submission follows the order of the committee's areas of interest and questions.

### **3 Employment and Support Allowance (ESA) sanctions, including: whether the current ESA sanctions regime is appropriate and proportionate for jobseekers with ill health and disabilities; and the reasons for recent sharp increases in the number of ESA sanctions** **Whether particular groups of ESA and JSA claimants (by impairment type; age; gender etc.) are proportionately more likely to be sanctioned than others**

3.1 Findings from our review of UK and international evidence suggest that the distribution of welfare sanctions varies among different groups, and that some groups are particularly affected.

3.2 There has been a substantial escalation in the JSA sanctions, and growing concerns about the impact of these on vulnerable groups, specifically those experiencing homelessness, lone parents and disabled people. Indeed, government recognition of this has prompted an easing of work requirements for some recently homeless JSA claimants, as long as they take reasonable steps to find accommodation. The DWP is also piloting a scheme to help vulnerable homeless people access Jobcentre Plus support and avoid sanctions. This action at policy level is welcome.

3.3 Some minority ethnic groups may also be disproportionately sanctioned<sup>[1]</sup>, which could reflect issues around language, understanding and communication.

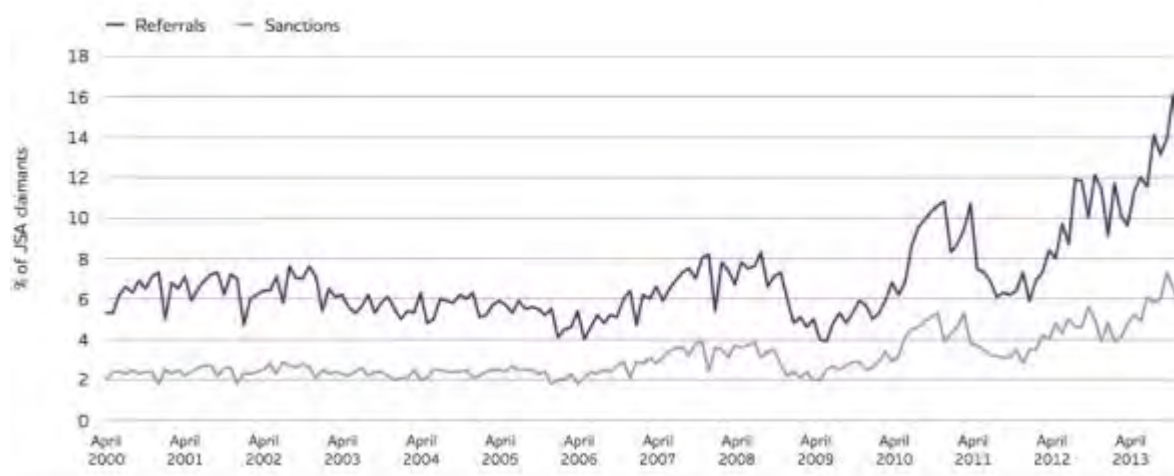
3.4 The Oakley review identified particular difficulties faced by the most vulnerable claimants (eg, those with limited understanding of English or learning disabilities). Advisers involved in the review identified "a 'vulnerable' group who tended to be sanctioned more than the others because they struggled to navigate the system".

3.5 However, what is most clear from the available UK statistical evidence is that young people are more severely affected by the rapid growth in benefit sanctions than other age groups. As Figure 1 indicates, the recent escalation of sanction rates applies to all age groups. But the under-25 group has had a consistently higher sanction rate than other age groups, and individuals in this group account for 41 per cent of all sanctions issued under the new regime from October 2012 to December 2013 (Figure 2). This confirms that sanctioning is now a significant risk for an under-25 JSA claimant, affecting 8 per cent of claimants in this age group per month in 2010–11 (averaged over this financial year), and rising to 8.4 per cent in 2013–14 (part-year).

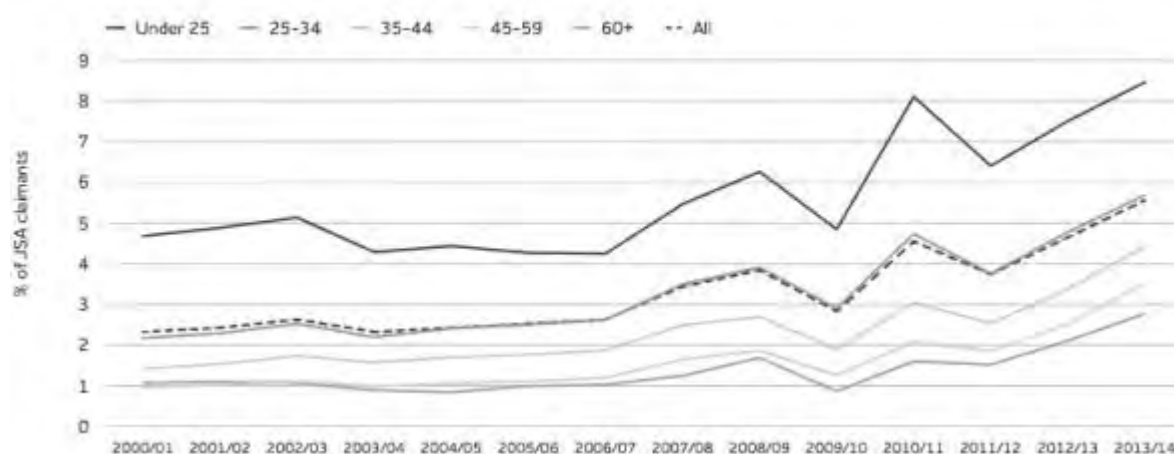
3.6 There is now a discernible upward trend in both the number and rate of ESA claimants who are sanctioned. The rate of sanctions for ESA WRAG claimants has risen from a low of 0.08 per cent per

month in June 2011 (before reconsiderations and appeals), to 1.16 per cent in June 2014. After reconsiderations and appeals, this amounted to 5,132 ESA sanctions in June 2014, the highest monthly figure since sanctions were introduced for this group in 2008<sup>[ii]</sup>.

**Figure 1: Monthly Referral and Sanction rates 2000-2013 – % of all JSA claimants**



**Figure 2: Monthly adverse decisions as % of all JSA claimants**



**4 To follow up the Committee's recommendation for a full independent review, to investigate the purpose, effects and efficacy of benefit sanctions, and to consider the issues such a review would need to take into account**

**4.1** In the UK the use of conditional welfare arrangements that combine elements of sanction and support which aim to 'correct' the 'problematic' behaviour of certain welfare recipients is now an established part of the welfare, housing and criminal justice systems. A strong mainstream political consensus exists in favour of conditionality and it is currently embedded in a broad range of policy arenas. Its use has been extended to cover groups that were previously, largely, exempted from job search and training activities (eg, lone parents and disabled benefit recipients). Simultaneously, the sanction regime has been intensified.

**4.2** However, policy-makers' assumptions about conditionality and its effects remain largely untested. Our own research is examining a series of key questions that we believe have relevance to the committee's inquiries. They include:

- How effective is conditionality in promoting and sustaining behaviour change over time among diverse

groups of welfare recipients?

- How might conditionality be used to bring about positive behavioural change and ensure more effective support to some of the most vulnerable groups in society?
- What are the ethical and practical implications of making access to welfare and housing support conditional on behaviour?
- Can sanctions which lead to the reduction or removal of welfare and housing support be ethically justified if such measures achieve positive behavioural change? If so, in which circumstances?
- What forms of support and engagement are required to bring about and sustain behavioural change in differing welfare contexts?
- What are the immediate and longer term impacts of sanctions and/or packages of support on individuals' behaviour, circumstances and opportunities?
- In which ways do frontline welfare practitioners understand, justify and implement conditionality and what are the effects of any differentiation in approaches?
- To what extent do age, gender, ethnicity, disability and social class mediate the effects of conditionality in promoting and sustaining behaviour change?
- How, if at all, do the differing legislative frameworks that exist in England and Scotland affect the implementation, and experiences, of conditionality?

## **5 What are the current sanctions regimes trying to achieve and what evidence is there that they work?**

### **- To what extent are sanctions justified solely as a means of ensuring that unemployed benefit claimants fulfil the conditions of benefit entitlement?**

5.1 Welfare recipients are subject to various forms of 'conditions' when accessing state support. The committee's questions relate to conditions of conduct (or behavioural conditions). While some would argue that the 'punishment' of non-compliers and achieving reductions in welfare expenditure have now emerged as additional key objectives, the main stated goal of conditionality within the benefit system is to influence claimants' behaviour by incentivising them to actively seek work and move off benefits<sup>[iii]</sup>.

5.2 The scope and scale of behavioural forms of conditionality, as well as the severity of the sanctions applied for failure to comply with the required conduct (eg, attending appointments with employment advisers), has increased substantially since the 1980s. Some particular groups - notably lone parents, disabled people, offenders and some categories of migrants - have also been targeted for specific conditionality measures. For example, offenders now enter the Work Programme from 'day one' of their prison release, rather than 9 or 12 months after starting claiming JSA. Newly arrived EEA 'jobseeker' nationals face a minimum earnings threshold, a 'genuine prospect of work' test and restrictions on entitlement to Housing Benefit, Child Benefit and Child Tax Credit.

5.3 Our review of a wide range of evidence from the UK and abroad has drawn these preliminary conclusions on the effects of this type of conditionality:

- Sanction-backed conditionality regimes do seem to reduce benefit use by both lowering benefit take-up and speeding up benefit exit, as has been most dramatically illustrated in the case of the US. But concerns remain about the destinations of those who exit benefits, and in particular about whether increasing numbers are becoming 'disconnected' from both work and welfare.
- There is some European evidence (though little that is UK-specific) that benefit sanctions can shorten periods of unemployment and raise short-term job entry rates, but the evidence available on their longer-term impacts is much more limited, and on balance negative, suggesting that benefit sanctions may lower the likelihood of sustainable employment and incomes over time.
- Moreover, the current evidence base does not enable one to untangle the relative impacts of the job search conditions themselves, the sanctions regime that enforces them, and any accompanying forms of support. There is a notable lack of empirical evidence in either the UK or elsewhere on the effectiveness of conditionality in other spheres, particularly in the case of social housing.
- There are some indications, however, that when combined with appropriate support, initiatives that include conditional or enforcement-based elements may lead to positive behavioural outcomes in

relation to street-based lifestyles and anti-social behaviour. Nonetheless, across all of these realms of welfare conditionality there are a range of concerns about unintended (and less intended) consequences, particularly the hardship faced by those excluded from benefits, services and/or support as a result of failing to meet behavioural requirements.

## **6 What evidence is there that benefit sanctions also encourage claimants to engage more actively in job-seeking and ultimately move into employment? How could this be measured? What are the wider implications of sanctions in terms of their impacts on claimants?**

6.1 Conditional welfare approaches rest on the assumption that the problems they seek to address are fundamentally behavioural in nature and are therefore amenable to remedy through incentives and sanctions (mainly the latter). This has been forcefully rejected in some quarters, with critics arguing that the root causes of, for example, ‘entrenched’ and/or intergenerational unemployment<sup>[iv]</sup>, or economic inactivity amongst sick and disabled people<sup>[v]</sup>, do not lie in individual patterns of behaviour. Rather, they argue, the causes of worklessness are structural, such as barriers to workforce participation and weak demand for labour.

6.2 Another key assumption underpinning the perspectives of advocates of conditionality – that people will, on the whole, respond in an *economically rational* manner – has also been brought into question. For instance, it has been suggested that offenders may “be less responsive to sanctions because they could be accustomed to deprivation”<sup>[vi]</sup>, and that homeless people with complex needs may fail to respond ‘rationally’ as they do not comprehend the consequences of their actions (or inactions) with work-related and other programmes.

6.3 There are also concerns about the practical prospects for enhancing the *well-being* of targeted groups related to the kind of employment that sanctions may ‘activate’ people into. In the UK, the ‘low-pay, no-pay’ cycle has been highlighted as particularly acute, undermining the paternalist case (that sanctions are ‘in their best interests’), albeit that those in low-paid work are still likely to be *less* poor than those reliant on out-of-work benefits<sup>[vii]</sup>. Another relevant example would be the controversy over the ‘high risk’ nature of enforcement measures designed to combat street culture activities: while in some cases these measures prompt positive behaviour, in other instances they may displace the problem and drive vulnerable people away from support.

6.4 Material hardship is commonly reported by sanctioned claimants across the developed world, particularly those with dependents and/or no other source of income, such as from savings or family/friend/partner support. While in the UK sanctioned claimants are able to apply for a reduced level ‘hardship payment’, these awards are discretionary and subject to stringent access rules, with only about one quarter of sanctioned JSA claimants actually receiving them<sup>[viii]</sup>.

## **7 What are the alternatives to the current sanctions regimes?**

**For example:**

- **How might the current system of financial sanctions be altered to make it more appropriate or effective?**
- **Is there a case for non-financial sanctions?**
- **What form could non-financial sanctions take?**
- **Are there examples of good practice from other countries?**

7.1 We are able to offer some evidence on trends in and effects of conditionality from our review of existing research. The final paragraph (7.3) contains our recommendations for action.

7.2 The patterns we have identified in sanctions are consistent with the international evidence, especially from the US, that the most vulnerable claimants are at greatest disadvantage within highly conditional systems, for example, those with mental health problems or low levels of qualifications or



work experience, as well as ethnic minorities[xi]. The heightened sanctioning risk for younger people cited above is also consistent with international evidence, particularly from the US[x].

7.3 Some research points to alternative models or approaches. In the past conditionality in respect of out of work benefits has been characterised as involving both ‘carrots’ (incentives and supports) and ‘sticks’ (sanctions) to encourage people to engage in paid work. Over the past decade the role and potential of appropriate support has been somewhat marginalised and the extended use of sanctions is now predominant. We believe some alternatives could offer potential ways forward and we therefore **recommend for further exploration** a small number of approaches:

- **A more graduated approach to sanctions** that could involve incremental increases and/or a warning system. In the Netherlands, for example, only a percentage of benefits is withdrawn from sanctioned recipients, rather than all benefit[xi].
- **Improving the quality and level of support** available to benefit recipients to enhance access to meaningful, sustainable work. Some states in the US have scaled down large-scale, universal workfare programmes in preference for ‘softer’ and more flexible models that offer greater support to those with the most barriers to work[xii]. There is some evidence that monitoring work search activities has a positive impact of itself. A study from Northern Ireland found that this was independent of adjustments in sanctions or other aspects of conditionality.[xiii]
- **Incentivising benefit recipients** to undertake training, educational or job search activities. This approach could draw on other areas of public policy where incentives are used to promote behavioural change.

11 December 2014

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# Written evidence submitted by Trussell Trust (SAN0127)

## 1.1 Background

The Trussell Trust co-ordinates over 400 foodbanks in the UK providing a minimum of three days' nutritionally balanced emergency food and support to people experiencing crisis.

In 2013-14 Trussell Trust foodbanks gave three days' food to 913,138 people nationwide. Of those helped, 330,205 were children. In the first six months of the current 2014-15 financial year almost 500,000 people received three days' food, a 38% increase on the same period last year.

Trussell Trust statistics are collected using an online data collection system into which foodbanks enter the data from each foodbank voucher that has been given to a client by a front line care professional eg social worker, CAB. The Trussell Trust system records the number of adults and children given three days' emergency food, using a similar measurement system to NHS A&E visitors. Trussell Trust figures are always reported in this way. We cannot measure unique users on a national scale, but recent evidence collected from a sample of foodbanks suggests that over 50 per cent of foodbank users were only helped once over a six month period.

Trussell Trust foodbank vouchers also include a tick box for the main crisis cause, as determined by the referral agency (such as doctor, social worker, JCP etc). There is not a specific box for 'Benefit Sanction', and sanction is usually recorded as 'benefit change' or sometimes as 'benefit delay'. In order to gain a greater understanding of the impact of sanctioning we have conducted two surveys of Trussell Trust foodbanks this year (see below). *NB We are currently reviewing our data gathering, and will be adding 'sanctions' as a specific referral reason to our foodbank voucher forms.*

Our recent report '[Emergency Use Only](#)' (in partnership with Oxfam, CPAG and Church of England) also provides valuable insight into the impact of sanctioning and its link to foodbank use.

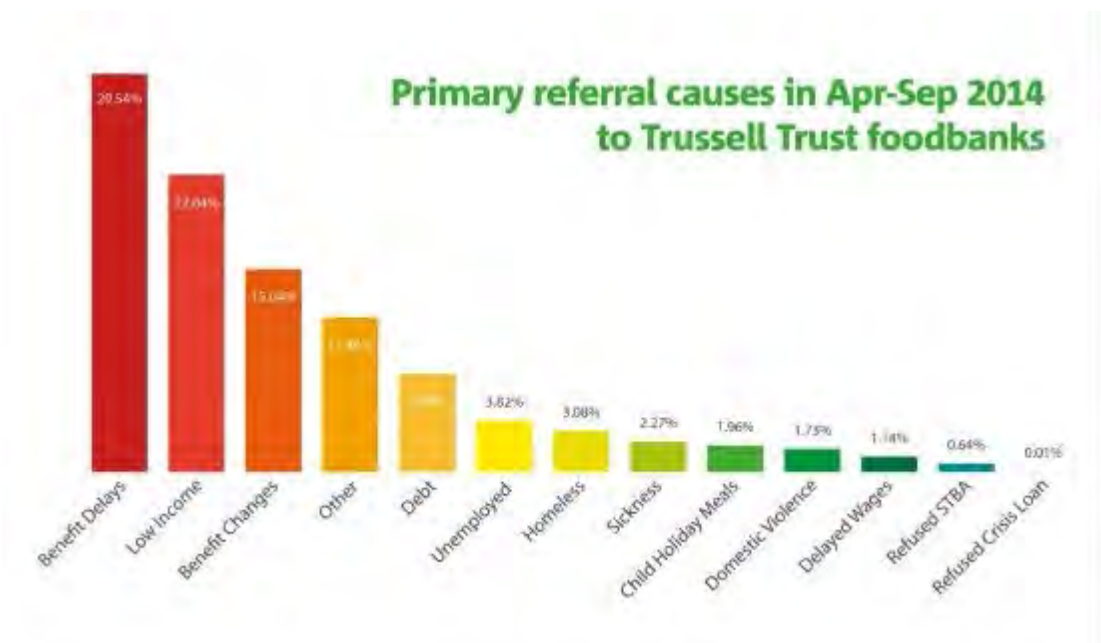
## 1.2 Statistics and sanctions: 2013/2014/2015

Data collected by the Trust indicates that problems with welfare, including sanctioning, are increasing demand for foodbanks. **83%** of Trussell Trust foodbanks surveyed in March/April 2014\* reported that benefit sanctions, which have become increasingly harsh, have caused more people to be referred to them for emergency food in the 2013/14 financial year. Over 50 per cent of referrals to foodbanks in 2013-2014 were a result of benefit delays or changes, including sanctions.

*\*This survey captured evidence from 140 foodbanks covering a variety of UK regions, including both urban and rural locations.*

Recent mid-financial year figures from the Trussell Trust (April – September 2014/2015), demonstrate that problems with the social security system (including sanctions) continue to be the biggest overall trigger for foodbank use (45%), of which 'benefit delays' accounted for 30% of referrals, and 'benefit changes' 15%.





In a [survey](#) conducted for this submission in November 2014 ([view here](#))\*, **86%** of Trussell Trust foodbanks who responded said they had seen an increase in foodbank referrals as a result of sanctioning (49% of foodbanks said that they have seen a significant increase in the proportion of clients coming to their foodbank as a result of benefits sanctions and 37% of foodbanks have seen a slight increase).

27% of foodbanks said that they are seeing **many** instances of people being sanctioned for seemingly **unfair** reasons and 49% are seeing **some instances** of unfair sanctions.

*\*51 Trussell Trust foodbanks across a range of regions responded to this survey*

### 1.3 Emergency Use Only

The Trussell Trust has worked in partnership with Oxfam, CPAG and the Church of England on a recently published report: '[Emergency Use Only](#)'. This report consists of independent in-depth research into the drivers of foodbank use based on interviews with foodbank users. It was conducted within Trussell Trust foodbanks.

As that report says: "'Sanctions' featured strongly in the in-depth interview participants' reasons for food bank use. Supporting this finding, the additional administrative data collected in three food banks indicated that around 20-30% of food bank users had had their benefit reduced due to a sanction. This varied from 19% in Tower Hamlets, 23% in Epsom and Ewell, and 28% in County Durham. Sanctions could have a considerable long-term impact, especially when missing money was never restored even on appeal."

### 1.4 Evidence from Trussell Trust foodbanks: Case studies

Trussell Trust foodbanks consistently report that more people are coming to them as a result of sanctioning, and that many of these sanctions appear to be unfair. We asked foodbanks to provide specific examples of this, a selection of which are listed here (see [survey](#) for more):

Client from Clay Cross Foodbank:

"Genuine mistake ... I had two appointments booked in different places – work assessment and work capability assessment. I went to one and was immediately penalized for not attending the other. It is a Friday afternoon so I don't know where else I can turn before the weekend."

Suzanne, Renfrewshire foodbank:

Suzanne's husband used to be a clinical nurse but suffered a nervous breakdown and couldn't work, she was then made redundant whilst pregnant. They lost their house and car just before the baby was born.

Living on benefits with Suzanne caring for her children and her husband, her husband was then sent two dates for the same ESA appointment, so the family contacted the benefits office who told them to go to one and not the other. After attending the correct appointment and not attending the other, their benefits were sanctioned as he 'hadn't turned up'. They were reduced from £100 pw to £50 pw for their family of four. After 1.5 months, they had not had any contact about the status of their appeal or time frame for their sanction.

They had a 15 year old son and an 18 month baby. They had also been hit by removal of the spare room subsidy, as they have 3 bedrooms (extra £40 to pay).

Suzanne's mother had Parkinson's, and Suzanne was her carer. She walked 4 miles every day to her house, which when she'd not had a meal in weeks was 'exhausting'.

**"I have gone without to feed my kids, and would go without again. It's heartbreaking to open the kitchen cupboards and struggle to feed my boys. I never thought I'd be in this situation. I used to take people to foodbanks when I was a social worker. It is nice to have someone offering real help"**

The couple appealed the sanction, and – after threatening legal action – the sanction was overturned and the payments backdated. The family had been through an incredibly difficult time and needed to use the foodbank whilst they appealed the decision. They lived on £50 per week for three months. It caused both parents to suffer high levels of stress and anxiety, and made simple tasks like paying for transport to take their son to school immensely difficult.

Further examples of sanctions from Renfrewshire Foodbank:

1. Gentleman who missed appointment due to being at hospital with his partner who had just had a still born child.
2. Gentleman who carried out 60 Job searches but missed one which matched his profile. Attention was given to that one and the other 60 ignored.
3. Young couple who had not received any letters regarding an appointment which was thus subsequently missed. Their address at DWP was wrongly recorded. They were left with no money for over a month.
4. Several cases of being a few minutes late due to bus delays. These people expressed to us how when they are on time they often are left waiting long periods before being dealt with.
5. Gentleman who had secured employment and due to start in three weeks. He was sanctioned in the interim period because JCP told him he was still duty bound to send CV to other companies. He was left without money for those 3 weeks.
6. Young man who was homeless and awaiting HGV driving documents told he had not done adequate Job search
7. Young man who only completed five searches when it should have been more. His words, 'It has totally broken my spirit'
8. Young man with learning difficulties wrote, 'My money keeps getting stopped for some reason and I don't know

why'

9. Young man who secured employment but in the interim was sanctioned for not looking for work. The money he was denied prevented him from being able to pay travel to the job which he then lost. The system of sanctioning actually cost him the job instead of supporting him to maintain it.

York foodbank:

A gentleman had an appointment at the job centre on the Tuesday, was taken to hospital with a suspected heart attack that day, missed the appointment, sanctioned for 9 weeks.

Wokingham foodbank:

Mother of three in tears as she asked for food for her family. Sanctioned because she failed to attend an interview that the DWP had cancelled.

Durham Foodbank:

Sanctioned for failing to attend a course despite being there.

Sanctioned for failing to complete job search diary despite being present (confirmed by jobcentre) at jobcentre job search sessions.

Sanctioned for insufficient detail in job search reports - second JCP officer could see no problem with records.

Sanctioned for not applying for enough jobs online - library was limiting access to computers to 30 minutes a day due to cuts in their opening hours.

Cromer and District Foodbank:

A gentleman who requested permission to attend the funeral of his best friend; permission declined; sanctioned when he went anyway.

Two individuals in the past few months, both diabetics, sanctioned, unable to buy food - one became ill and sent by GP to hospital.

Two young men (unconnected) presented - both told of having no food because of sanctions; both were on treatment for mental health problems; both said their tablets had to be taken with food to be effective ..... no food, no tablets ..... worsening mental health results.

Several sanctioned because allegedly had not sent in required forms - only to find after some weeks that they HAD been sent and received.

One man sanctioned for attending a job interview instead of Job Centre Plus - he eventually got the job so did not pursue grievance against the JCP.

Mid-Norfolk Foodbank:

One case where the claimants wife went into premature labour and had to go to hospital. This caused the claimant to miss an appointment. As we operate in a rural area claimants are reliant on buses which can be delayed. No leeway given.

Sparkhill Foodbank:

Examples: being ill; going to a funeral; childcare responsibilities - all of which they have let the Job Centre know in advance. A recent example: client being sent off for training but this coincides with their time/day to sign on so when client attends the training (after having confirmed with the JCP that this is ok), they are then sanctioned despite being told to attend training instead.

Farnsworth and Kearsley foodbank:

A more recent example is of someone who missed an appointment because he has learning difficulties and his advisor had written his appointments dates down in a random order instead of chronologically and he didn't realise.

Bridgend Foodbank:

A client recently told us that he failed to attend an interview as his father died in hospital that day...he was summoned to attend one week later...the day of his father's funeral. One week after that he was sanctioned for missing two appointments and was given a voucher to attend our Foodbank. He left saying "at least you people could see that my head was all over the place".

## **1.5 Evidence from foodbanks: *Why are people being sanctioned?***

(see [survey](#) for full results)

Foodbanks surveyed listed a variety of reasons, including people attending funerals instead of job clubs, people missing appointments (often for reasons outside their control), problems with literacy, lack of access to computers, transport etc, attending hospital appointments/emergencies.

### **A few examples:**

Lutterworth & Villages foodbank:

Lack of information being available or failure to understand the system

Loss of paperwork by authorities

Failure to attend job interview (lack of suitable transport links in semi-rural area) – Sometimes the clients don't know why!

Dukeries and District foodbank:

Missed appointments as not got the bus fare to get to the benefits office.

Bexley Foodbank:

Missing appointments, sanctions given are as high as 13 weeks. One lady was given a sanction even though she had been admitted to hospital the night before on a 999 call so could not attend the appointment, even with this reason she was still sanctioned.

Richmond Foodbank:

Conflicting appointments, lack of funds to meet travel, administrative errors, notice of not being able to make appointments ignored.

York Foodbank:

missed appointments, often genuine reasons why. Not applied for enough jobs, again, genuine reasons why this was the case.

Sparkhill Foodbank:

Missed/late appointments. Some clients have been illiterate or unable to access the internet so can't demonstrate what they have done to look for work.

Clifton NG11 foodbank:

Funerals, hospital appointments, job interviews, sent a letter of appointment after the date given, joining families together, depression, disabilities (can't leave the house ), parents splitting, domestic abuse.

Cardigan Foodbank:

The main reason for sanctions is missing or not attending appointments for all sorts of reasons. These have been due to not being able to afford the bus fare to get to training meeting; One was an 18 year old that had to travel 10 miles by bus, the bus was late, he arrived at the JCP 5 minutes late, he was sanctioned for 2 weeks, had no money so they advised him to go to the job centre to get a food voucher.

Glenrothes Foodbank:

Missed appointments because they live in homeless accommodation and their mail is often missing/interfered with. Notified cancellations for funerals. Notified cancellations for hospital appointments. Notified cancellations because of lack of bus fare/access to travel. Late arrival because of public transport problems Late arrival because of a failure to estimate the exact time it will take to walk seven miles to the place of appointment

Gravesham Foodbank:

Reasons given have been: no credit on mobile phone therefore cannot keep contact with agency. Couldn't make appointment due to sickness but agency wouldn't believe me. The agency keeps losing evidence submitted and say I haven't submitted it.

Selby Foodbank:

We have had 3 due to late attendance. Two due to late buses into town, and also one case of illness resulting in sanctions due to non-attendance on time.

Helson and The Lizard Foodbank:

Because we live in an area where most work is seasonal, many people find themselves out of work for the winter months, sadly they have to wait, sometimes up to three weeks for benefits to 'kick in'. Also sanctions against people being a little late for an appointment or because they do not apply for enough jobs are totally unreasonable. Our bus service is, to say the least inadequate and due to the very rural, isolated area in which we live, many jobs are just not accessible for many people. Cars, although a necessity in rural locations are not an

option for the majority of people receiving benefits.

Abergavenny Foodbank:

Unable to access computers to complete forms and job searches  
Loss of documents in the post or office by DWP  
missed appointments  
Letter for appointments arriving after the interview or medical assessment date.

Kinson and West Howe Foodbank:

Late for an appointment  
Missed work club due to family illness  
Missed sign on appointment due to hospital stay

Rickmansworth foodbank:

Missed appointment due to conflicting appointments or health issues. Difficulty accessing due to cost of transport.

Malvern Hills Foodbank:

Change of address that doesn't get registered. Applications that have been lost and the client has to begin again.

Coventry Foodbank:

Missed appointments, arriving late, incorrect information given/left out in jobsearch. Not making a effort to look for work. Jobs saved in hotmail account instead of universal jobsearch site.

Crosby Area Foodbank:

Mixture of missed appointments, sometimes when at a course or interview sent on by Job Centre. Poor communication when apologies sent for appointments ie messages not passed on.

## 1.6 Potential solutions to reduce foodbank use related to sanctions:

The Trussell Trust would suggest that the recommendations on sanctions made in Emergency Use Only be adopted. We would also support the adoption of all recommendations related to sanctioning made in the APPG on Food Poverty and Hunger's report 'Feeding Britain'.

Our [survey](#) also includes suggestions on improvements to the sanctions process made by individual foodbanks, for example:

Norwich Foodbank:

'Opportunity (maybe just one) to reschedule - this could be when funerals or interviews are on the same day as appointments so known in advance and the appointment can be changed. Very clear information and guidelines when an appointment is cancelled what the implications are / might be (i.e. sanction) and if a sanction, how long it will be imposed for and how much and why and the right to appeal - this information needs to go out much quicker than is currently happening. Provide a period for an opportunity for a client to explain why an appointment was missed and this could include proof of interviews / funeral / illness etc.'

## **1.7 Conclusion**

Many Trussell Trust foodbanks across the UK have reported an increase in numbers needing emergency food from foodbanks as a direct consequence of sanctions, many of which have appeared to be unfair.

The Trussell Trust has found that in many instances lack of information about sanctions has contributed to the long term impact on the lives of those attending foodbanks. An example of this is the problems arising from the impact of sanctions on payment of Housing Benefit. The failure to provide clear information about sanctions to the local authority can have a particularly severe effect on the payment of Housing Benefit, leading in some cases to the threat of eviction. They can also lead to, or exacerbate, problems with debt.

The Trussell Trust would welcome the opportunity to provide oral evidence to the Inquiry.

*12 December 2014*

## Written evidence submitted by Dr David Webster

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#### SUMMARY

This submission follows earlier submissions on JSA sanctions by the author to the Committee's *Inquiry into the Role of Jobcentre Plus in the reformed welfare system*. It updates the main facts and figures about JSA and ESA sanctions; corrects misrepresentations about sanctions by Ministers and officials; points out that many of the Oakley review's recommendations are not being acted upon; exposes the weaknesses in the justifications which the DWP and its predecessors have put forward for their sanctions regime; and argues that the system of sanctions imposed by officials should be scrapped. Sanctions are not an evidence-based system designed to promote the employment, wellbeing and development of the labour force. This is a chaotic system, based on ideology and characterised by cruelty, incompetence, inefficiency, malpractice and dishonesty, which is doing immense damage to the least privileged in our society, and working against many other public and voluntary programmes aimed at addressing social ills. A combination of 'silo' thinking by officials in the DWP and its predecessors, and ideological gestures by politicians, has led to the growth of what is a huge secret penal system, rivalling in its severity the mainstream judicial system but without the latter's safeguards. Sanctions should simply be abolished. Entitlement conditions would have to remain, but they should be based on respect for the claimant and accompanied by an effective safety net for those who do not meet them. 'Active labour market policies' which have something to offer the claimant would carry on and indeed be enhanced by the removal of threat and compulsion.

#### Introduction

1. I submitted evidence on JSA sanctions during 2013 to the Committee's earlier *Inquiry into the Role of Jobcentre Plus in the reformed welfare system*,<sup>[1]</sup> which remains relevant. Since then I have produced further papers on JSA and ESA sanctions (**Appendix**). Where statements made here are not supported by specific references, substantiation will be found in these papers, which also contain other relevant material.

2. The purpose of this further submission is to:-

- Update the main facts and figures about JSA and ESA sanctions
- Correct misrepresentations about sanctions by Ministers and officials
- Point out that many of Oakley's recommendations are not being implemented
- To expose how weak is the DWP's rationale for its sanctions regime
- To argue that the system of sanctions imposed by officials should be scrapped.

#### JSA and ESA sanctions: The key facts

3. The DWP's published statistics on 'adverse decisions' systematically understate both JSA and ESA sanctions, because they remove cases which are overturned on reconsideration or appeal. Yet these overturned sanctions can do quite as much damage as those that are not overturned.<sup>[2]</sup> The true total of JSA and ESA sanctions before reconsiderations/appeals in the year to June 2014 was an estimated 1,030,000 (**Figure 1**). The Committee's previous report used statistics running to June 2013. The further year's data shows a further rise in JSA sanctions before reconsiderations or appeals from about 6 per cent of claimants per month to about 7 per cent, and after reconsideration/appeal from about 5 per cent to about 6 per cent (**Figure 2**). These are by far the highest rates since JSA was introduced in 1996. The monthly *rate* of JSA sanctions has stabilised, while the total *number* has started to fall, reflecting the fall in the claimant count.

4. Under the Coalition the main reason for JSA sanctions has been 'not actively seeking work',<sup>[3]</sup> followed by 'failure to participate in the Work Programme'<sup>[4]</sup> (**Figure 3**). By June 2014 the Work Programme had produced 312,780 JSA job outcomes and 545,873 JSA sanctions.

5. ESA sanctions have escalated rapidly since mid-2013, reaching over 1 per cent of WRAG claimants per month before reconsiderations/appeals in June 2014. The rise is entirely due to 'failure to participate in work related activity' (**Figure 4**). Changes in the WCA have meant that people in the WRAG as a whole have probably been becoming fitter, and this may have led to more demands being reasonably placed on them. But an important recent study (Hale 2014) suggests that a more likely explanation is that the DWP is making more unreasonable demands.<sup>[5]</sup> Sanctions themselves make inappropriate referrals more likely, since staff do not have to bother to consider the claimant's needs.

6. The DWP has still published no figures on Mandatory Reconsiderations, introduced on 28 October 2013. Mandatory Reconsideration appears to have caused a collapse in Tribunal appeals. Only 23 Tribunal decisions on JSA and ESA sanctions were reported in the second quarter of 2014, compared to a normal monthly rate into the thousands. If this is due to delays in decisions, or to the increased



burden on claimants, rather to an increase in decisions favourable to claimants, then it is causing further injustice and hardship. There were already severe delays: over 25,000 claimants receiving (pre-mandatory) reconsideration decisions in May and June 2014 had waited at least 6 months.<sup>[6]</sup> Oakley recommended set timescales for decisions on sanctions referrals and reconsiderations. The government accepted this but has not set a date. The statistics underline how difficult it will be to establish reasonable timescales if present sanction rates continue.<sup>[7]</sup>

### Particular groups of people who are more likely to be sanctioned

7. Young people aged 18-24 incur JSA sanctions at twice the rate of other groups.<sup>[8]</sup> Risk declines with age. Men are almost 50 per cent more likely to be sanctioned than women.<sup>[9]</sup> Ethnic minorities are at higher risk of sanctions, and disabled JSA claimants at higher risk of repeat sanctions. The framework for disability monitoring is inadequate.<sup>[10]</sup> The rate of sanctions for ESA WRAG claimants with mental and behavioural conditions is one third (33%) higher than for those with other conditions.<sup>[11]</sup>

8. Homeless people are also at greater risk, although there are no relevant statistics. This is because they lack a stable address and their situation makes them less able to cope.<sup>[12]</sup>

### The negative effects of sanctions

9. Official research on the impact of sanctions on individuals is inadequate. Ministers are still relying on a study (Peters & Joyce 2006) for which the fieldwork was carried out in 2005, when the rate of sanctions was under half its current level. At that time disallowances for voluntary leaving and misconduct accounted for over a quarter (28 per cent) of all sanctions and disallowances; this group of claimants is different, because they have just had a job, are better resourced and are often eligible for contributory benefit. Moreover the researchers failed to contact one third of their selected sample, ensuring that vulnerable groups such as homeless people were not represented.

10. Nevertheless a large body of research indicates that sanctions have many damaging effects.<sup>[13]</sup> Those who suffer most are the people who are most disadvantaged to start with, and have no financial or family resources to fall back on. Sanctions weaken their position further. Poor people tend to be in a state of crisis much of the time, and sanctions add a further crisis.

### Misrepresentations of the sanctions system

11. DWP Ministers and officials frequently misrepresent the sanctions system. The following are some examples.

*'A tiny minority'*

12. DWP claims that 'Sanctions are only used ..... for a tiny minority who don't follow the rules'.<sup>[14]</sup> The Employment Minister Esther McVey claimed that 'The vast, vast majority of people don't get sanctions.'<sup>[15]</sup> In fact, one fifth (19%) of JSA claimants were sanctioned in the five years 2008-12.<sup>[16]</sup> This is an underestimate as it does not include sanctions overturned on reconsideration or appeal, and the proportion will be higher now, probably around a quarter.<sup>[17]</sup>

### Repeat sanctions

13. The Explanatory Memorandum to the October 2012 Regulations claimed (para. 7.1) that 'Of those who are sanctioned the vast majority receive just one sanction during their claim'. Many unemployed people have repeated spells of unemployment and may be sanctioned during any one of them; and in the commonest type of sanction, for not seeking work, the DWP closes the claim, ensuring that there cannot be a further sanction during it. But in any case, multiple sanctions are common.

14. All the following are underestimates, as already explained. During the new regime from 22 October 2012 to 30 June 2014, the average number of sanctions per sanctioned individual was 1.73. From April 2000 to June 2014 the average was 2.04. Half a million people (41.1%) received two sanctions, and 21.5 per cent more than two. There were 46,328 people who received ten or more sanctions, on average 13.2 each.

15. The excess during each month of the number of sanctions over the number of sanctioned individuals has been growing, indicating more repeat sanctions *within the same month*. From 2000 to 2005, it was around 1,000. This means that at most around one thousand individuals received more than one sanction in the month. But the Coalition pushed the number up to 6,000, and then further to hit 12,000 in October 2013. In the latest quarter it was 7,000.<sup>[18]</sup>

*'A last resort': Sanctions by duration of unemployment:*

16. The DWP's Permanent Under Secretary, Robert Devereux, and Work Services Director, Neil Couling, claimed to the Public Accounts Committee that sanctions become more frequent the longer claimants go on claiming, because the DWP 'does more work' with longer standing claimants.<sup>[19]</sup> The DWP also frequently claims that sanctions are 'a last resort'.<sup>[20]</sup> Esther McVey claimed 'Sanctions are only applied in the most serious cases..... We'll do everything to stop you having a sanction'.<sup>[21]</sup> For the last couple of years such assertions could not be challenged because the DWP had stopped publishing the relevant data. But the recent FoI response 2014-4134 shows they are incorrect. **Figure 5** shows that the probability of sanction is the same irrespective of duration of claim.<sup>[22]</sup>

### Alleged wilfulness of sanctioned claimants

17. Esther McVey claimed 'The people who get sanctions are wilfully rejecting support for no good reason'.<sup>[23]</sup> After examining the relevant research the Scottish Government concluded 'Research shows that claimants who face sanction are often unable to comply with conditions rather than unwilling.'<sup>[24]</sup>

*‘Over half of JSA claimants say they are more likely to look for work because of the threat of sanctions’*

18. Peters & Joyce (2006, p.6) found that ‘just over two-fifths of (sanctioned) respondents said they were more likely to look for work as a result of benefit sanctions’. Gregg (2008, p.32), in his official review for the Labour government, misreported this as ‘*Over half*’ (emphasis added) of JSA claimants say that they are more likely to look for work because of the threat of sanctions’. The DWP (2008a, p.4), in a major policy review of sanctions, repeated this mistake in identical wording. The mistake was then again repeated, to both Houses of Parliament, in the debates on the 2012 sanctions regulations, as one of the main justifications for them,[\[25\]](#) although the Explanatory Memorandum reported the figure correctly.

19. The figures quoted did not have their apparent significance in the first place. As noted earlier, when Peters & Joyce did their fieldwork, 28 per cent of sanctions/disqualifications were for voluntary leaving or misconduct. These claimants will obviously say that not drawing benefit will make them more likely to look for work. But by 2013 this proportion had fallen to 4.4 per cent.

*‘More likely to follow the rules’*

20. More recently, Ministers have taken to claiming that ‘Seventy-two per cent of claimants say that they are more likely to follow the rules due to the presence of sanctions’.[\[26\]](#) The report from which this is taken[\[27\]](#) does indeed show this. But later on the same page this report states: ‘there was no evidence from the survey that knowledge of JSA conditions led to actual movement into work’.

*Impact on the voluntary sector*

21. Over the last couple of years, a large volume of evidence has shown that sanctions are having a massive impact on the voluntary sector, diverting their resources to firefighting and disrupting their work with service users. Yet the Explanatory Memorandum to the 2012 Regulations, which drastically increased the severity of sanctions, stated: ‘A full impact assessment has not been prepared for this instrument since it has no impact on the private sector or civil society organisations’.[\[28\]](#)

## **The Oakley Review**

22. The Committee’s major concern about the Oakley Review has been its limited scope. However it is important to realise that the majority of its recommendations are not being acted upon. The government has claimed that it has accepted all the recommendations, and at the time of writing this statement still stands on the DWP website.[\[29\]](#) But the correct position was stated by Lord Freud on 4 November: ‘We are considering all recommendations made by the Oakley Report and we have already implemented a number of improvements.....*We will look at* the remaining recommendations’ (emphasis added).[\[30\]](#)

23. The following key Oakley recommendations have been rejected by the Government:

- Assess new claimants’ needs properly
- End conflicting requirements on claimants by Jobcentre Plus and external contractors
- Improve communications between Jobcentre Plus and contractors
- Allow contractors to consider ‘good reason’ for non-attendance at interviews etc., thus avoiding huge waste through unnecessary referrals
- Pilot warning letters

24. Various others have been accepted without a timetable, or are merely receiving consideration.[\[31\]](#)

## **The DWP’s rationale for sanctions**

25. Sanctions have become part of what J.K.Galbraith called the ‘conventional wisdom’. But there is no rational basis for the current UK regime. Although there is evidence of an effect in getting people off JSA, and weaker evidence of small effects in getting people into jobs, there is a huge amount of evidence of offsetting negative effects. DWP never refers to these even though its own research frequently shows them. There is no consideration of knock-on effects on other public services. There has never been any DWP or official attempt to make an overall assessment of costs and benefits of sanctions. There has also never been any serious consideration of alternative ways of influencing behaviour.

26. I am currently reviewing the rationale which has been offered by UK ministers or officials in support of sanctions. This work is not complete but the following are some key points to emerge to date.

*Oakley on sanctions*

27. The DWP is currently claiming that ‘The recent independent Oakley review confirmed that (sanctions) are vital to a properly functioning welfare system’.[\[32\]](#) While Oakley did make a passing comment on this point,[\[33\]](#) his review did not consider the question at all and indeed it was outside his terms of reference.

*Lengthening of disqualifications for voluntary leaving and misconduct*

28. As of 1986, 98 per cent of disqualifications/sanctions were for ‘voluntary leaving’ or ‘misconduct’, and the maximum length since 1913 had been 6 weeks. Ministers noticed that these disqualifications were rising during the economic recovery when they thought they should be falling. So they increased the maximum penalty to 13 weeks in 1986. Internal monitoring indicated that this had hardly any effect.[\[34\]](#) They then increased it to 26 weeks in 1988. A further study then found that the further increase had little effect either.[\[35\]](#) The Employment Service’s official historian concluded ‘The new severe penalty probably made the labour market more rigid rather

than more flexible... Ministers would have done better to revisit their decision'.<sup>[36]</sup> The 26 weeks remained in place until October 2012, when it was changed to 13 weeks for a first 'failure', 26 weeks for a second and 156 weeks for a third. No evidence was offered by DWP for this new scale.

29. As noted in this author's earlier papers,<sup>[37]</sup> voluntary leaving goes down in a recession and rises in a boom, simply because people are more willing to give up a job when it is easier to get another. There is no point to lengthened sanctions at all.

### *Severity of sanctions*

30. More generally, there is no evidence to support the extreme severity of the UK sanctions regime, in terms of amount of loss and duration. Gregg (2008, p.41), for instance, cited Abbring et al. (2005) and van den Berg et al. (2004) to support his claim that sanctions 'work'. The Netherlands sanctions studied by Abbring ranged from around 5% of the previous wage for 4 weeks, to 25 or 30% for 13 weeks. Those studied by Van den Berg were a maximum 20% reduction in benefits for one or two months. The German 'Harz' system also involves only percentage reductions.<sup>[38]</sup> Svarer (2011, p.756) reported that 88% of the Danish sanctions he studied were for only 2-3 days. There appears to be no evidence that heavy sanctions are more efficacious than mild ones, and in fact the point does not seem to have been researched at all, except for DSS (1989) already quoted, which showed the opposite.

### *Escalation of sanctions for repeat 'failures'*

31. There appears to be no evidence to support the idea of increased penalties for repeated failures. This appears to be based solely on *a priori* reasoning arising from a 'punishment' model of sanctions.<sup>[39]</sup>

### *Increases in the penalty for missed interviews*

32. In April 2010 the Labour government changed the penalty for missing an interview from 'disentitlement' (closing the claim) to a minimum one-week sanction. Its White Paper (DWP 2008b, p.113) justified this as follows: 'As a result of people failing to attend appointments or work programmes, there are around 12,000 Jobseeker's Allowance claim terminations per month. Many job seekers return shortly after their claim has been closed down to start a new Jobseeker's Allowance claim. In this costly process of termination and reclaim, only one or two days of benefit are lost to the claimant, which is a poor deterrent at a high administrative cost'. This is vague where it should be precise, and does not add up to a justification of the change. How many missed appointments (as opposed to non-attendance at work programmes) were there? In how many of the terminated cases did the claimant actually have a good reason? Why was no research done on this?<sup>[40]</sup> How many jobseekers returned 'shortly after', and how shortly was 'shortly' in practice? And why has there never been any evaluation whether the change actually improved attendance? <sup>[41]</sup>

33. The Coalition in October 2012 increased the sanction further, to four weeks/13 weeks. It offered no justification and has done no evaluation.

### *'Toughness' of caseworkers*

34. The DWP (2014a, p.1) claimed to the Scottish Parliament Welfare Reform Committee that Swiss evidence indicates that "'tough" rather than co-operative attitudes of caseworkers' were among four factors which could raise employment rates. The paper on which this was based (Behnke et al. 2010) actually found that claimants assigned to 'unco-operative' caseworkers had a *lower* likelihood of employment. The conclusion that 'unco-operative' caseworkers were more effective was based on statistical modelling. This is questionable for several reasons including problems in translating between the three Swiss languages, and the fact that disadvantaged jobseekers were more likely to have 'unco-operative' caseworkers. Moreover, the authors concluded that the hypothetical positive effects of 'unco-operativeness' were 'not due to an increased use of instruments such as sanctions'. The caseworkers labelled 'unco-operative' (on the basis of a single question in an attitude survey<sup>[42]</sup>) did not have a statistically significantly greater likelihood of imposing sanctions. So this evidence provides no support for sanctions or for 'toughness' as practised by DWP.

### *'JSA reduced the claimant count by about 8 percentage points'*

35. DWP (2008a, p.2) has claimed that 'the Jobseekers Allowance regime reduced the claimant count by about 8 percentage points.' The paper on which this was based (Manning 2009) actually states that 'JSA resulted in large flows out of claimant status, but....not primarily into employment.' Sanctions also push people into unsuitable, unsustainable jobs (Petrangolo 2009, Arni et al. 2012). During the current recovery UK has had an unprecedented growth of low productivity jobs and in-work poverty – a worsening of the low pay, no pay cycle, with twice as many workers on the minimum wage as in 1999 (Corlett & Whittaker 2014), and UK labour costs now lower than Spain's.<sup>[43]</sup>

### *Hardship payments*

36. Up to 1988 all disqualified claimants were entitled to Supplementary Benefit reduced by 40% but assessed on the normal rules. For non-contributory claimants, Michael Portillo removed the entitlement to what became Income Support and introduced discretionary hardship payments. He and Peter Lilley then extended this to contributory claimants in 1996. 'Hardship payment' is yet another misnomer, since its design ensures that those who are already poor certainly will suffer hardship. 'Vulnerable' claimants can apply immediately, but most have to wait two weeks before they can even apply. The official DWP Decision Makers' Guide<sup>[44]</sup> acknowledges that the two week wait will often damage the claimant's health.<sup>[45]</sup> The criteria for 'hardship' are specific to the sanctions regime and are particularly harsh – for instance, a person with cash in hand equal to their 'applicable amount' will be refused

even if the money is owed to a payday lender.<sup>[46]</sup> They are designed to ensure that the claimant has no other resources left and has exhausted any possible assistance from family and friends, thus destroying their resilience.<sup>[47]</sup>

37. The design of this system was not based on any evidence and it has never been subject to any evaluation. It appears that politicians and policy makers have taken at face value official statements that the provisions are designed to prevent hardship, and assumed that they do. Gregg (2008) is an example of this: he stated<sup>[48]</sup> that sanctions should not cause ‘excessive hardship’ but did not consider any evidence or make any relevant recommendations.

**Abolition of the sanctions system**

38. It is clear that sanctions are not an evidence-based system designed to promote the employment, wellbeing and development of the labour force. This is a chaotic system, based on ideology and characterised by cruelty, incompetence, inefficiency, malpractice and dishonesty, which is doing immense damage to the least privileged in our society, and working against many other public and voluntary programmes aimed at addressing social ills.

39. A combination of ‘silo’ thinking by officials in the DWP and its predecessors, and ideological gestures by politicians, has led to the growth of what is a huge secret penal system, rivalling in its severity the mainstream judicial system but without the latter’s safeguards.<sup>[49]</sup> Claimants are treated worse than offenders. The scale of penalties is higher than in the Sheriff/ Magistrates Courts (£286.80 - £11,185.20 compared to £200 - £10,000). There is no legal representation. Since the Social Security Act 1998 abolished independent adjudication, Jobcentre staff have had no personal responsibility to apply the law honestly but are mere agents of the Secretary of State. In contrast to the courts, DWP officials have no duty to consider the claimant’s circumstances or knock-on effects before deciding the level of penalty, or to call for social work reports. And the secret nature of the proceedings is clearly leading to widespread misconduct within DWP. The Tribunal appeal system is almost useless: it is used by only 3% of JSA and 1% of ESA sanctioned claimants, and because its decisions set no precedents, the same abuses are constantly repeated by DWP.<sup>[50]</sup>

40. Punishment belongs in the judicial system. Sanctions should simply be abolished. Entitlement conditions would have to remain, but they should be based on respect for the claimant and should be accompanied by an effective safety net for those who do not meet them. ‘Active labour market policies’ which have something to offer the claimant would carry on and indeed be enhanced by the removal of threat and compulsion. The Committee asked ‘Are there examples of good practice from other countries?’ In my view it should be asking how it was that the UK survived and prospered for over seven decades from 1913 with minimal use of anything that could be called a sanction.

12 December 2014

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## Figure 1

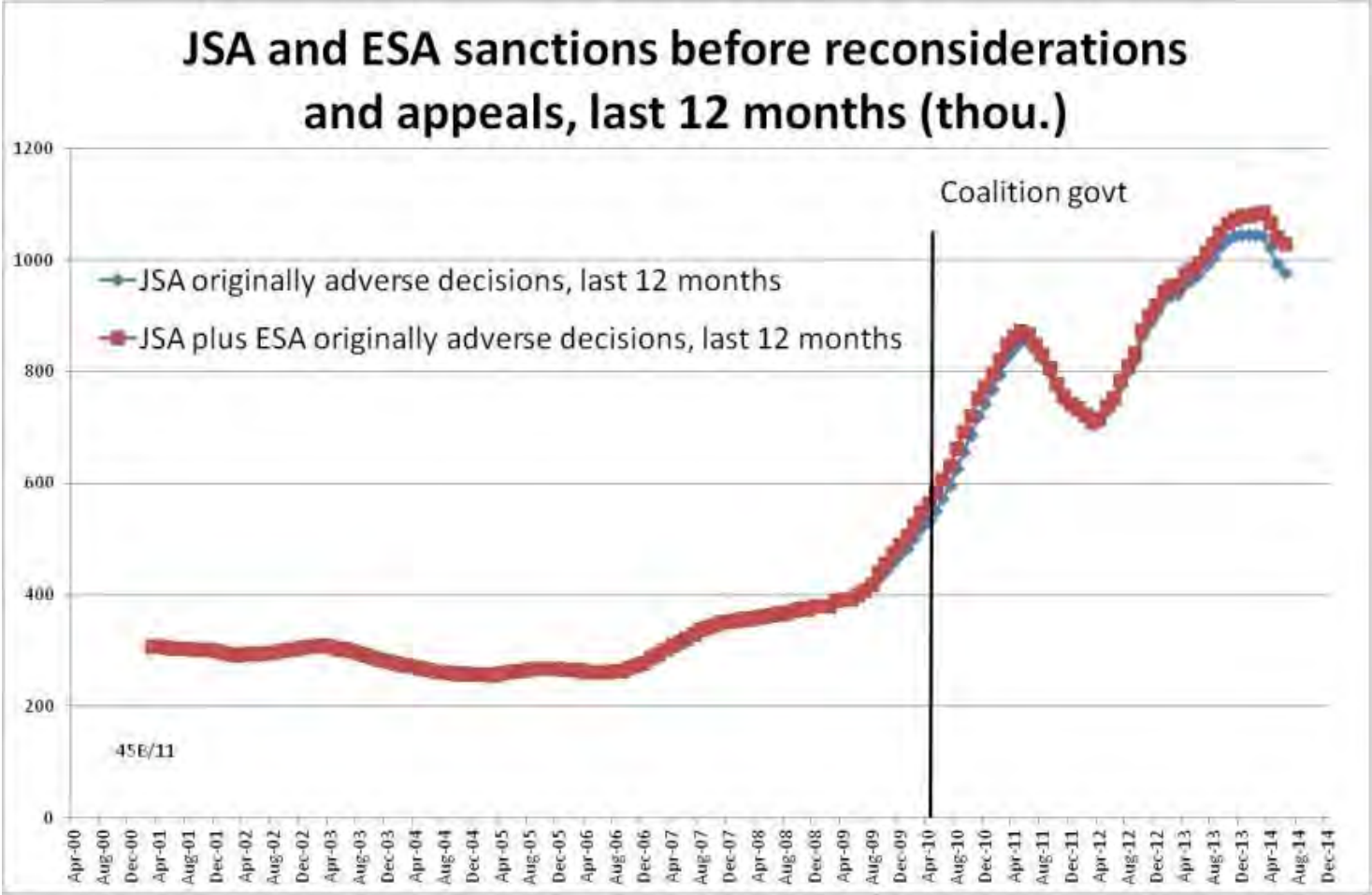


Figure 2

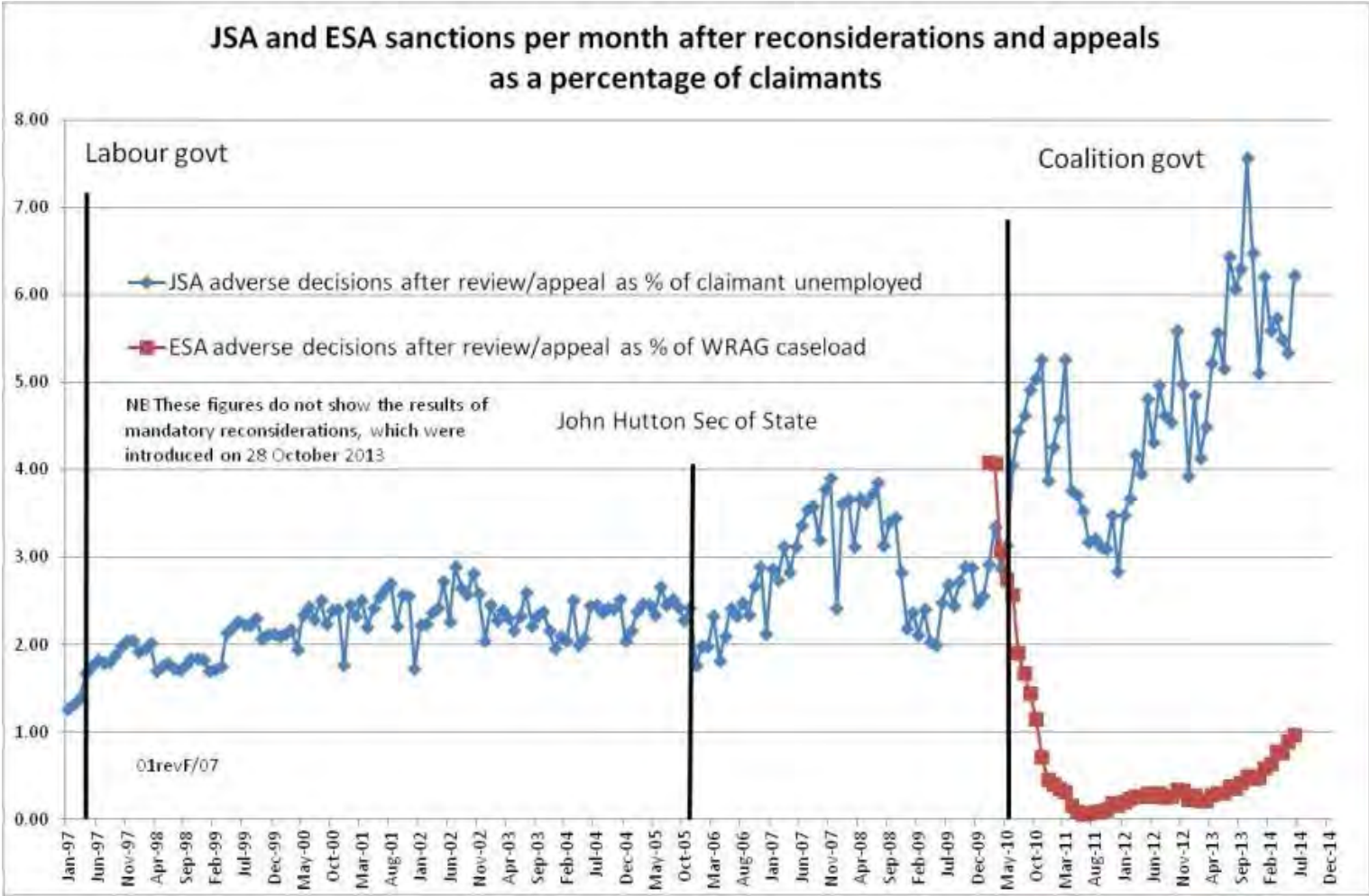


Figure 3

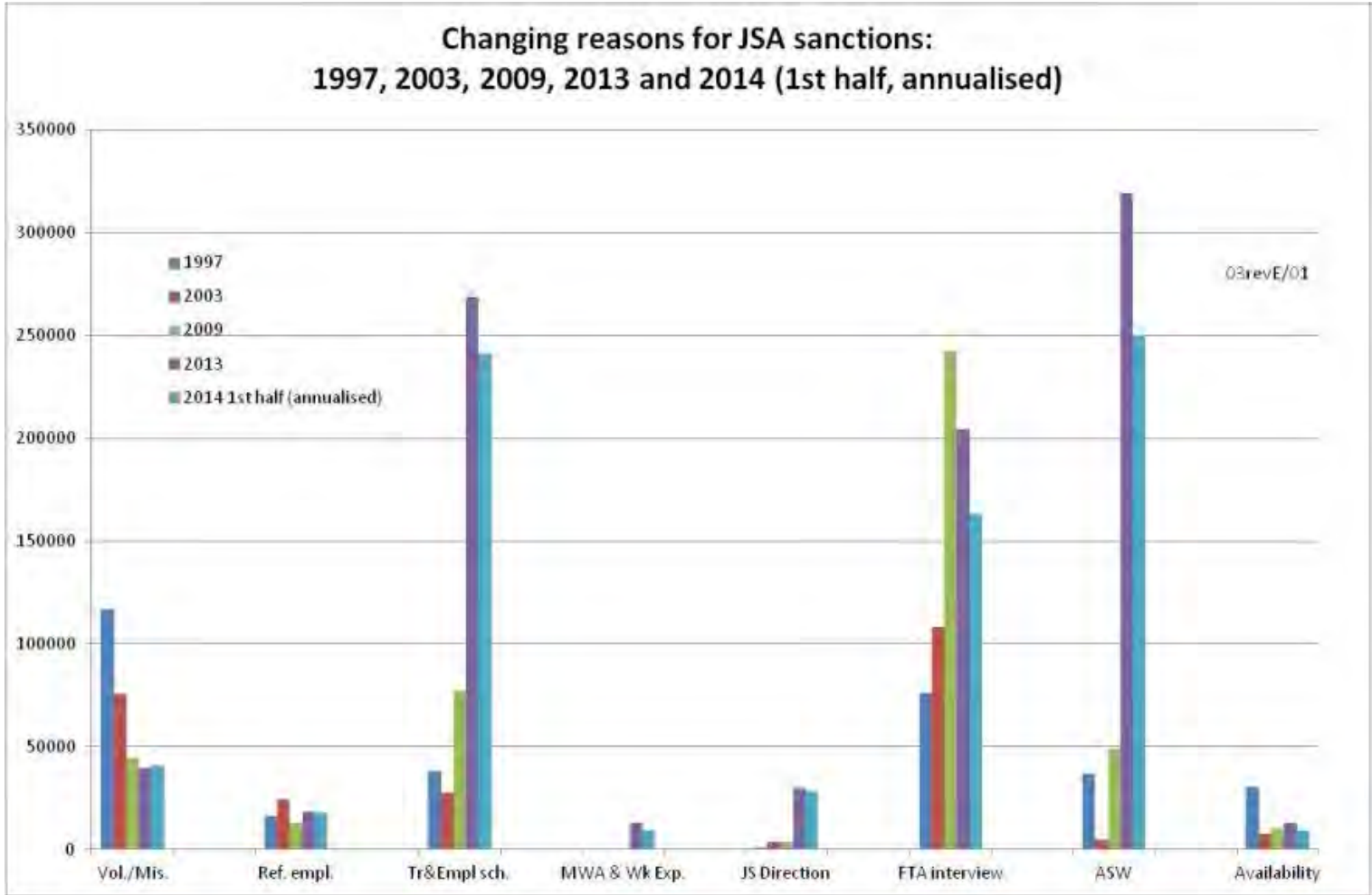


Figure 4

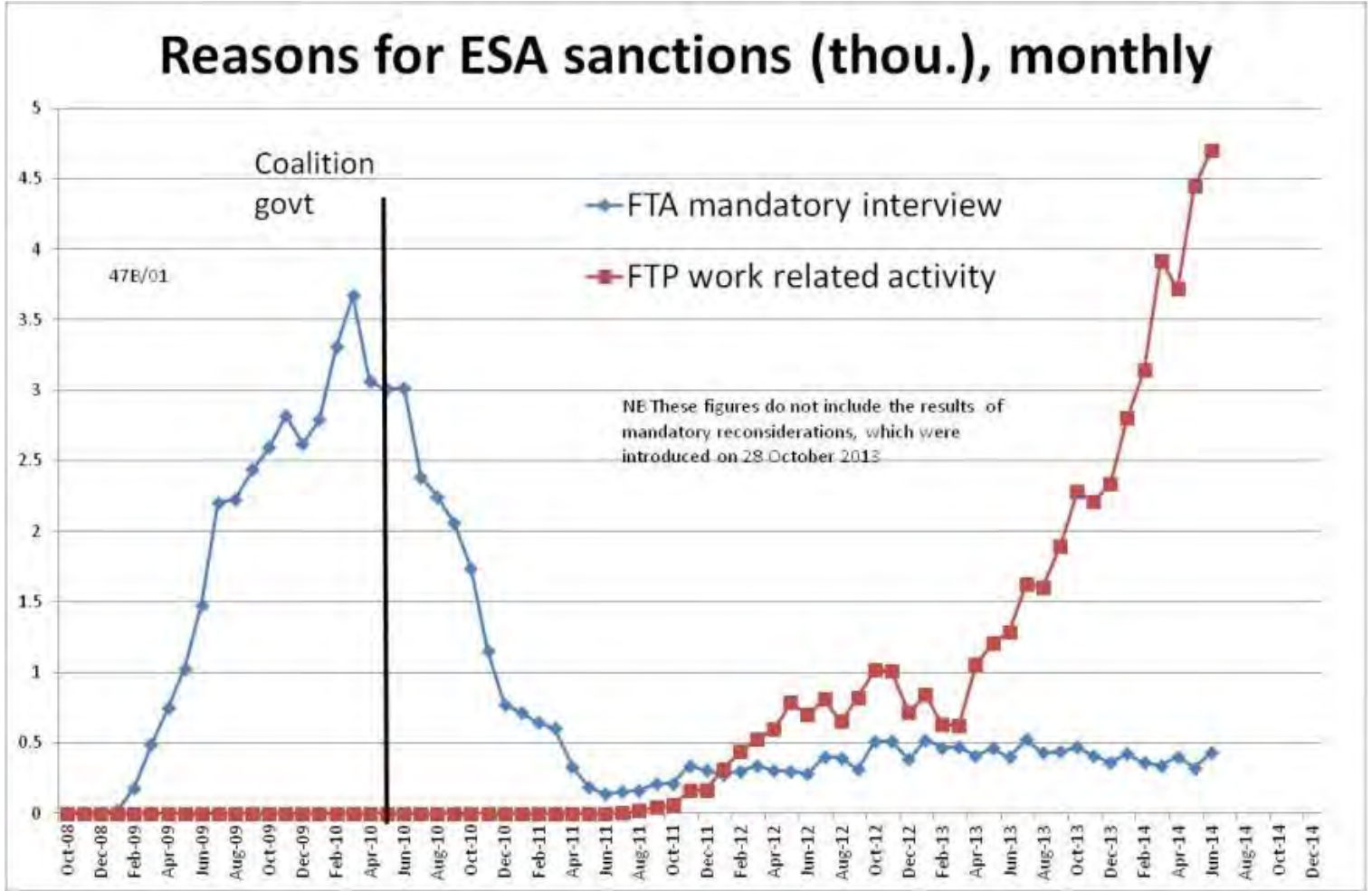
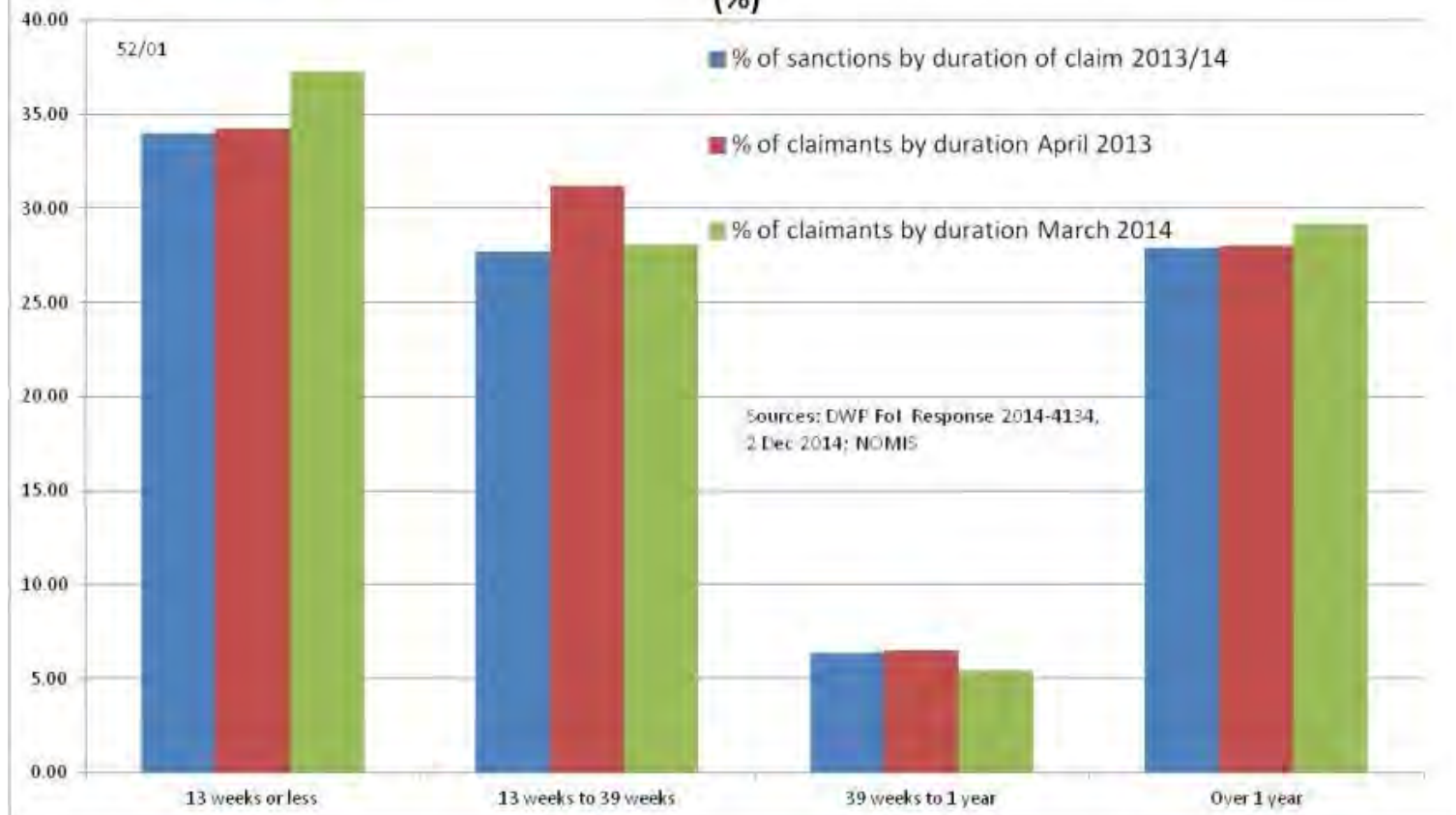


Figure 5



**JSA: Comparison of distribution of sanctions by duration of claim 2013/14 with distributions of claimants by duration of claim, April 2013 and April 2014 (%)**



## Appendix:

### PAPERS ON BENEFIT SANCTIONS BY THE PRESENT AUTHOR since the evidence submissions to the Committee's Inquiry into the Role of Jobcentre Plus in the reformed welfare system

The following are available on the Child Poverty Action Group webpage

<http://www.cpag.org.uk/david-webster>

[Evidence submitted](#) to the Independent Review of JSA sanctions for claimants failing to take part in back to work schemes ([Oakley review](#)) (revised 13 January 2014)

[Evidence submitted](#) to the [All-Party Parliamentary Inquiry into Hunger and Food Poverty](#): The Role of Benefit Sanctions in Creating the Need for Voluntary Food Aid (revised 2 July 2014)

[Evidence submitted](#) to the [Fawcett Society inquiry](#) *Who Benefits? An independent inquiry into women and Jobseekers Allowance* (updated 8 July 2014)

JSA Sanctions: [A guide to the Oakley report and the government's response \(11 September 2014\)](#)

Briefings on the DWP's quarterly JSA/ESA sanctions statistics releases (*these continue the series begun with the Further supplementary evidence to the House of Commons Work & Pensions Committee Inquiry into the Role of Jobcentre Plus in the reformed welfare system, The DWP's Updated Statistics on JSA Sanctions: What do they show?*, 20 November 2014):

- [19 February 2014](#)
- [14 May 2014](#)
- [13 August 2014](#)
- [12 November 2014](#)

The following is available at <http://www.welfareconditionality.ac.uk/category/blog/>

Not so smart! Comments on the Policy Exchange report 'Smarter Sanctions: Sorting out the system' by Guy Miscampbell (24 March 2014)

The following is available on the Scottish Parliament website at

[http://www.scottish.parliament.uk/S4\\_Welfare\\_Reform\\_Committee/20140401\\_papers.pdf](http://www.scottish.parliament.uk/S4_Welfare_Reform_Committee/20140401_papers.pdf)

Scottish Parliament Welfare Reform Committee, Inquiry into Benefit Sanctions: Written submission from Dr David Webster: JSA and ESA Sanctions, WR/S4/14/6/10, 1 April 2014



The following can be requested from <http://eprints.gla.ac.uk/88620/>

‘Jobseeker’s Allowance sanctions and disallowances’ *Working Brief* 233 (2013), pp. 6-7

- 
- [1] This author made three evidence submissions on JSA sanctions to the Work & Pensions Committee Inquiry into *The Role of Jobcentre Plus in the reformed welfare system*: Second Report of Session 2013–14, HC 479, 28 January 2014. They were ‘JSA Sanctions and Disallowances’, revised & corrected 8 August 2013; ‘Geographical Variations in JSA Sanctions and Disallowances’, 8 August 2013; and ‘The DWP’s Updated Statistics on JSA Sanctions: What do they show?’, 20 November 2014.
- [2] If a claimant loses their home as a result of a sanction, for instance – as quite often happens – they will not get it back simply because they have received a refund. Sanctions before reconsideration or appeal cannot be found exactly from the data published by DWP; the figures quoted here are estimates.
- [3] ‘Not actively seeking work’ is a misnomer. It usually means that the claimant is actively seeking work but has not done exactly what they are told by Jobcentre Plus. The great majority of such sanctions appear to be unlawful, since the law does not require jobseekers to do what they are told, nor even to do what is in their Jobseeker’s Agreement or ‘claimant commitment’, but to take such steps as are likely to give them the best prospect of finding work and are reasonable in their circumstances.
- [4] ‘Failure to participate’ is also a misnomer since it usually means that the claimant has missed a single interview when they have in fact been participating fully (on this point see Oakley (2014), pp.43-44). The legal points made here were borne out in the nine Tribunal hearings on JSA sanctions which the present author attended in Glasgow during the summer of 2014.
- [5] Mind has subsequently issued a further important report (Mind 2014) on the unsatisfactory and damaging nature of employment services for people with mental health issues.
- [6] The DWP’s incidental disclosure of the delays in the pre-existing reconsideration system is explained in the author’s November 2014 sanctions statistics briefing.
- [7] Details on the propensities of claimants to request reconsideration or to appeal to Tribunals, and on their success rates, are in the author’s sanctions statistics briefing for November 2014.
- [8] Watts et al. (2014), p.6; an earlier analysis is in Webster (2013), para.6.
- [9] Webster (2014), para.9
- [10] Webster (2013), para.16-17
- [11] DWP Freedom of Information response 2014-79, 18 March 2014
- [12] Homeless Watch (2013) and Broadway & St Mungo’s (2014). The Jobseeker’s Allowance (Homeless Claimants) Amendment Regulations 2014 No. 1623, 21 July, and DWP Memo DMG 16/14 at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/327633/m-16-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/327633/m-16-14.pdf), introduced the idea that people who have been homeless for months, as opposed to those who have just lost their home, do not have their job search capabilities affected by their homelessness. As with so many features of the sanctions system, there is no empirical evidence to support this view.
- [13] It is probably unnecessary to detail these damaging effects here as the Committee will receive much evidence on them. Sanctions undermine health (up to and including death) through hunger, malnutrition, cold and stress; family and friends suffer hardship and damaged relationships; they cause homelessness and child abuse, drive people to Food Banks, increase debt and crime (‘survival theft’ and violence), push people into worse jobs to which they are unsuited (with lasting ill-effects), undermine the support work of Jobcentre Plus, and make claimants reluctant to complain about malpractice by officials, contractors or employers. They have also undermined the usefulness and acceptability of national unemployment insurance for everyone. References are in Webster (2013), para. 21-23 and there is a lot of evidence in the submissions to Oakley at <http://www.cpag.org.uk/content/oakley-sanctions-review-responses-other-organisations>
- [14] *Guardian*, 23 October 2014, at <http://www.theguardian.com/society/2014/oct/23/benefit-sanctions-investigated-mps>
- [15] *Guardian*, 6 November 2013, at <http://www.theguardian.com/society/2013/nov/06/benefits-sanctions-jobseekers-allowance>
- [16] DWP Fol response 2012-4383, 21 December 2012
- [17] I submitted Freedom of Information requests to the DWP to obtain an update on the proportion of claimants who are sanctioned over 5 years, and information on a number of other points relevant to this submission. They have not responded within the statutory time limit and have asked me to accept their apologies. I will pass on the information to the Committee if and when it is received.
- [18] DWP does not publish data in such a way as to enable extraction of the number of people subjected to the escalated penalties of 13, 26 or 156 weeks brought in by the Coalition in October 2012.
- [19] Public Accounts Committee, Fifth Report of Session 2013–14: *Department for Work and Pensions: Responding to change in jobcentres*, May 2013, Q131, Ev 18 and Q146, Ev20.
- [20] E.g. DWP Fol response 2014-4134, 2 December 2014; also multiple statements in the media.
- [21] *Guardian*, 6 November 2013, at <http://www.theguardian.com/society/2013/nov/06/benefits-sanctions-jobseekers-allowance>
- [22] The huge escalation in the number of ‘intermediate’ sanctions, in which the claimant’s claim is closed, is distorting the claimant unemployment figures, reducing both the published total of claimant unemployed and the apparent duration of unemployment. Nevertheless, the conclusion drawn here is valid.
- [23] *Guardian*, 6 November 2013, at <http://www.theguardian.com/society/2013/nov/06/benefits-sanctions-jobseekers-allowance>
- [24] Scottish Government (2013)
- [25] House of Commons Eighth Delegated Legislation Committee, 11 September 2012, col.11; House of Lords, 8 October 2012, col.GC372. The ministers concerned promptly admitted their mistake when it was pointed out to them: Baroness Stowell of Beeston, letter to Lord McKenzie of Luton and email to Dr David Webster, 14 November 2012; Mark Hoban MP, letter to Dr David Webster, 4 December 2012.
- [26] E.g. DWP (2014b), p.5.
- [27] DWP (2013), Table 6.2, p.157
- [28] Explanatory Memorandum to the Jobseeker’s Allowance (Sanctions) (Amendment) Regulations 2012, No. 2568, para.10.3.
- [29] <https://www.gov.uk/government/publications/jobseekers-allowance-sanctions-independent-review>
- [30] House of Lords written answer HL 2436, 4 November 2014.
- [31] Oakley’s remit was to consider process issues. But he was also excluded from considering any but ‘back to work schemes’ sanctions. Thus he did not consider one

particularly glaring process issue. This is that since the October 2012 regulations, claimants accused of not actively seeking work are subject to both a disqualification and a sanction, the latter being adjusted so that the length of time the claimant is off the register added to the length of the sanction sums to four weeks (for a first ‘failure’). This is the source of truly enormous confusion. It generates two sets of case papers for what are legally two separate decisions, and the claimant must submit two separate appeals as well as reapplying for JSA. It also leads to the claimant’s Housing Benefit claim being closed, generating rent arrears and possible eviction. Although the government is proposing to change its notifications to local authorities to prevent loss of HB in other cases, it is not doing so in this case. Since this is the largest single reason for sanction, this is a very serious matter indeed. As in other aspects of the sanctions system, it appears that DWP ministers and officials are unconcerned about administrative efficiency. More detail on this and other points is in the author’s Guide to the Oakley Report.

[32] DWP FoI response 2014-4134, 2 December 2014

[33] in the first paragraph of his Foreword, p.4.

[34] DSS (1989), para.1

[35] DSS (1989), para.5

[36] Price( 2000), p.269

[37] Webster (2013), Figure 4 and Footnote 6.

[38] <http://www.hartziv.org/hartz-iv-sanktionen.html>

[39] See this author’s critique of the Policy Exchange’s report *Smarter Sanctions* (2014), which is a prime example of *a priori* ‘punishment’ thinking.

[40] It should be noted that terminated claimants would be very unlikely to use the appeal system, since they could get their money reinstated very quickly by reclaiming. They would not bother to undertake the lengthy appeal process for the small amount of money at stake. It follows that there will have been particularly large numbers of wrongful terminations that were going unchallenged.

[41] It is worth noting that this White Paper’s comments do undermine the rationale for the 2012 Regulations’ doubling up of disqualification and sanction in the case of ‘intermediate’ ‘failures’. If the process of termination and reclaim is so costly, why do it in addition to a sanction when it makes no difference to the actual length of the penalty?

[42] In the Swiss research, advisers were classified as ‘co-operative’ if they agreed with the statement ‘dass die Kooperation des Stellensuchenden sehr wichtig ist und dessen Wünsche berücksichtigt werden sollten’. Most of those classified as unco-operative agreed with the statement ‘dass Stellenzuweisungen bzw. Arbeitsmarktliche Massnahmen manchmal auch gegen den Willen des Stellensuchenden durchgeführt oder verweigert werden’. The words ‘tough’ or ‘toughness’ or their German equivalents did not appear anywhere in this research.

[43] *Financial Times*, 25 August 2014

[44] <http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

[45] Para. 35099

[46] Para. 35198

[47] The hardship payment regime under Universal Credit is even harsher. The payments become repayable, the 80% rate is abolished, reapplication has to be made in every 4-week period, all including 'vulnerable' must demonstrate 7 days' compliance with job search conditions before applying, and applicants have to demonstrate that they have made every effort to eliminate expenditure on anything except accommodation, heating, food and hygiene (The Universal Credit Regulations 2013, No.376).

[48] Gregg (2008), pp.14, 30, 38, 69, 70, 71, 76.

[49] See also Adler (2013).

[50] The Administrative Justice and Tribunals Council (2011, p.31) recommended that there should be formal feedback from the Tribunals to the DWP about systemic failures revealed by the cases coming before them. But this has not been acted upon.

### **Written submission by Methodist Action North West (SAN0139)**

This is the response to the Sanctions Inquiry from the Blackpool Food Partnership and the Blackpool Food Providers Forum. It gives a range of views and concerns from a large group of Blackpool Providers who are trying to work together to tackle poverty.

Blackpool appears to be in a unique position of having Council, voluntary services, private sector and statutory agencies trying to pull together to address the underlying issue of food poverty. However, one of the agencies that has no involvement in the process of addressing the underlying issues that creates the need for sanctions is the Department for Work and Pensions. They appear to be part of the problem rather than the solution, and that is something that can be changed.

Here is an example of Blackpool when it works well: A woman with mild learning difficulties has received her second sanction and turns up at a church door distraught, she has eaten in 4 days. A vicar advocates on her behalf to the Discretionary Team of Blackpool Council. The team explain to the advocate that she did not attending a job club to receive the help she need to complete the forms, when she was advised to last time she received Discretionary Support. She also has debt problems that need to be resolved and her rent is excessive. The vicar talks to the woman who has a low level of confidence and it is agreed that the food parcel will be dropped off at a smaller Church job club for her to pick up when she attends, the vicar agrees to walk with her to the first session. She is also booked in that day to see Credit Union to talk through the debt. The Discretionary Team organise for the housing department to talk to the landlord about the excessive rent. She also gets gas and electricity on a card.

However, it would be much more useful if the Department for Work and Pensions was part of that process. If they had found out that she struggled with reading and writing and couldn't use a computer and had sent her on a course rather than sanctioning her. If they had asked her if she was managing her finances, encouraged her to attend a well- advertised budget advice session in her local church and to talk to the Credit Union advisor based at the department.

It would be fantastic to have a Job Centre that had housing advice sessions; that advertised cook and eat sessions; that referred people to drug and alcohol advisory services; that actively encouraged volunteering and we can go on.... We need the Job Centre to be an active part of the solution.

Blackpool is a perfect place to trail this approach, It is a small geographical area with a Unitary a Authority and a wide spread of poverty related issues.

Here is our joint and mixed response to the particular questions posed by the inquiry:

#### **1. Is the current ESA sanctions regime appropriate and proportionate for jobseekers with ill health and disabilities? Please describe why –**

There is little support or flexibility for job seekers who have disabilities, for example: it's not easy for them to walk the streets dropping off CV's. People with learning difficulties are not given any flexibility and are expected to complete paperwork and online forms. Disabled people with severe health problems have been harassed to attend non-compulsory appointments to the point that is has affected their health. The sanction regime is totally inappropriate for them.

Many of our volunteers have health related issues but work hard to complete volunteering roles. There is no credit given to this by DWP, in fact it is seen as a hindrance to getting a job. Yet our volunteers receive accredited training, develop increased confidence, work experience and skills and support with their CV.

Many of the people we work with are "vulnerable" in that they have a learning disability, mental health problems, drug/alcohol problems or multiple issues. They don't have a mobile phone or easy computer access so miss appointments

and are often treated without respect.

ESA medicals however do need a complete review. There are cases where we believe doctors have been intimidated into giving ESA status. We see ESA claimants who could easily be on JSA yet see people with disabilities and learning difficulties struggling on JSA who should so obviously be on ESA.

It has become a system that can be exploited if you know how. It would benefit from a joint approach by local social workers, health professionals and other services with the DWP to review cases regularly.

## **2. Are some groups more likely to get sanctioned than others? (sexuality, gender, disability etc)**

There are a variety of groups who we perceive as more likely to get sanctions.

New claimants are more likely to get sanctioned as they don't understand the system. They perceive this as particularly harsh, considering they have a work history and have been contributing to the system that is now sanctioning them.

People with mild learning difficulties are not perceived as having a disability but will struggle with the tasks required of them and are much more likely to receive a sanction.

People who are focused on other problems such as a close relative or child in hospital or very sick at home; recent bereavements; and family breakdown are more likely to receive sanctions as they struggle to manage multiple situations. But there doesn't seem to be a protocol for dealing with crisis situations or the long term effects of these.

People who are struggling to manage their mental health problems and/or addictions or have complex needs are more likely to be sanctioned.

Homeless young people often struggle with managing their need for a roof and fulfilling a benefit agreement, and are more likely to be sanctioned.

Alternatively there are offenders, claiming benefits, that can quite easily get out to commit crimes, but claim ESA because they are too ill with anxiety and depression to work.

A joined up approach is much more likely to help all of these groups move forward.

## **3. Do sanctions encourage people into work?**

Approximately, half of our group could not see any benefit in sanctions, and considered that they were never suitable. That sanctions were demoralising, that they reduced motivation to attend interviews and performance at them, and had seen no evidence of them working to move people forward into work at all.

The other half thought that sanctions had encouraged people to attend training courses; because financial benefits have been linked to attending the course. It is therefore common sense that sanctions can be linked to attending other services. It has increased attendance at job clubs. But it doesn't necessarily increase motivation to get a job or personal confidence at interviews.

In fact, the current reward for getting a job, doesn't outweigh the personal risks involved. The risk of failure, demotivation, ability to manage time, loss of personal time, ability to be accountable, and the risk of losing both job and benefits. The benefits of working are not perceived as particularly high.

However sanctions are changing culture. Some people are slowly coming round to the idea that they have to at least try to find work. There is a cultural shift in attitude towards not working. There had previously been some people who wanted to work and not live off benefits and another happy to claim what they called 'PAY' for their foreseeable future.

The fear of a financial sanction can motivate people to take a step they wouldn't take without it. To attend a course, switch on a computer for the first time, get the help they need. As such they are the reality when a person will not accept any help. But it is only suitable as a last resort when non-financial sanctions have been tried and people are refusing help to move forward. They are not suitable as an initial or even second step.

#### **4. What are the wider implications of giving a sanction?**

It was agreed that Sanctions increased the workload for all agencies in Blackpool, except the DWP, without any additional resources to manage this.

In Blackpool, churches and other agencies are trying to fill increasing gaps in service provision without having the skills or resources to be able to make a long-term commitment to help people resolve their underlying issues. This means that they are crisis managing, often, but not exclusively, as a result of sanctions.

Working together is the only effective solution to this, but it does require investment. For example if a church wants to start a peer mentoring project for people with addictions, it needs the skills and expertise and training from the agencies around it to achieve it. But the agencies are pushed by short-term tendering contracts to reduce staff and provide a minimal service. However, the added value is significant if this working together can be achieved.

People placed in a vulnerable position by an unexpected loss of income are at increased risk of offending, particularly shop lifting. They are open to exploitation particularly from loan companies, and unscrupulous people. They often exhibit an escalation in drug misuse and other poor coping strategies as a result of the stress of the situation. This means that their food and sometimes their children's food and clothing needs may not be addressed.

There is a drastic reduction in health due to lack of adequate food and heating. People who previously showed signs of managing their current situation quickly display mental health decline. They exhibit a loss of esteem and hope and become more disengaged from society with a "them and us" mentality.

We have people attend for food parcels shaking with the distress of their situation and crying that they have had to resort to "begging for food". We have had people who were too ashamed to come over the threshold of the door to pick up the parcel. We recently took a parcel to a Children's Centre for a mum who had been in tears on the phone because she had received the sanction two days before her child's birthday and now hadn't got the money for a birthday cake. Sainsbury's donated it and we added it to the parcel.

For people who recently worked, they express a loss of confidence in the welfare system as a whole.

#### **5 Is there a case for non-financial sanctions? What form could these take?**

It is essential that the DWP works with other agencies to address the core reason behind missed appointments, to find out what support needs to be put in place to enable them to meet requirements and overcome their current barrier.

Adding additional stress can be counter-productive unless it is targeted at addressing the underlying reasons.

Non-financial, personally tailored sanctions with multi-agency involvement are a more constructive way forward. This could include: attendance at drug and alcohol advisory sessions; budgeting and life skills courses; appointments with the job club; volunteering days; community service; peer mentoring; attending health appointments; joining a personal development programme; attending a housing appointment; receiving counselling sessions.

However, sometimes financial sanctions are a last resort and may need to happen. This already happens in the food arena in

Blackpool, for example: Social services, a Children’s Centre, the Discretionary Team, the Salvation Army and Methodist Action NW decided through a joint discussion not to give a woman with children a food parcel. She was well known and well supported by these agencies, some of whom worked with her on a daily basis. They requested that a food parcel request was denied as this would hinder the person’s ability to take personal responsibility and move forward, and assured the agencies that this wouldn’t have any repercussions on the children. The woman was shocked that the groups were working together and the Social worker was then able to support the woman to alter her approach to budgeting and priorities, which in the long-term would help both her and her family.

*15 December 2014*

# Freedom of Information request 2013-2901

Received 25<sup>th</sup> June

Published 12<sup>th</sup> July 2013

## Information request

**“I don't know if you remember, but I asked whether you could get me a simple statistic on the proportion of Jobseekers Allowance claimants who are registered as disabled (on the JSA database - I am aware that some may have chosen not to declare a disability).**

**As far as I can see, the stats should be readily available. On the sanctions statistics, for example, you can break down the number of JSA sanctions by their disability status. What I am looking for is the far simpler statistic of general Disability status of JSA claimants. (If you have this as any kind of time series, that would be great.)”**

## DWP response

A person can self-declare in the Job Centre whether or not they consider themselves to *"have a physical or mental impairment which has a substantial and long-term effect on their ability to carry out normal day to day activities"*. This information is recorded via the “Person with Disability” (PWD) marker on the Labour Market System (LMS). The data from LMS only shows whether the person *currently* considers themselves as disabled, so we therefore cannot give a time series and can only give a current point in time figure on the proportion of JSA claimants who consider themselves disabled. Because this is a self-declared variable, there are limitations. It is inevitably less complete and accurate than a more objective variable such as gender.

The latest published statistics for JSA relate to end of November 2012. They show that there were 1,443,540 JSA claimants, of whom 340,450 (24%) currently have a PWD marker present on the latest LMS client extract. (Source: DWP LMS Client Extract (May 2013) and 100% WPLS (November 2012). Figures are rounded to the nearest 10.)

This disability information using the PWD marker is not published for the JSA caseload as a whole, but is published for JSA claimants who have been referred to the Work Programme here:

[http://tabulation-tool.dwp.gov.uk/WorkProg/wp\\_cuml jo/payment\\_group/clndsbmt/a\\_cnref\\_r\\_p ayment\\_group\\_c clndsbmt\\_mar13.html](http://tabulation-tool.dwp.gov.uk/WorkProg/wp_cuml jo/payment_group/clndsbmt/a_cnref_r_p ayment_group_c clndsbmt_mar13.html)

and for those referred to Work Choice here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/203397/wc\\_may13.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/203397/wc_may13.pdf)

You may also find it useful to know that statistics on unemployment based on the Labour Force Survey (LFS) are published on the Nomis website [www.nomisweb.co.uk](http://www.nomisweb.co.uk), the Office for National Statistics official website of labour market statistics, which allows you to construct your own tables. The LFS measures all people who meet the internationally agreed definition of unemployment, namely those who are without a job, want a job, are seeking a job, and are available to start work, and is not dependent on being in receipt of benefit.

To produce a table of the number of unemployed who are disabled, based on the LFS, go to [www.nomisweb.co.uk](http://www.nomisweb.co.uk). Select **Advanced Query** in the **Detailed Statistics** and then select the dataset **Annual Population Survey/Labour Force Survey** and choose **Annual Population Survey**. From here select **variables** and use the drop down menu to select **Disability Level by Economic Activity**. From here you can create your table by choosing **Unemployment Rate/Disabled**.

In addition to the above, ONS publish a table alongside their monthly Labour Market Statistics bulletin that includes unemployment numbers and rates for different definitions of disability. The list of latest releases is available at:

<http://www.ons.gov.uk/ons/publications/all-releases.html?definition=tcm%3A77-21589>

Select the latest release (currently June 2013) then click on [Labour Market Statistics Data Tables \(Excel Spreadsheets\), June 2013](#) ). Then select "Summary tables" and look at Table A08.



# We've got work to do

Transforming employment and  
back-to-work support for people  
with mental health problems

December 2014





# Foreword



During the eight years I have been CEO of Mind, the issue of work and mental health has been continually rising up the agenda of politicians, employers and health services. There has been increasing recognition that more needs to be done to help people stay well at work, to avoid people falling out of work because of mental health problems, and to support people who are out of work because of their mental health to move closer to employment.

The attention paid to this vital area has been very welcome, and has undoubtedly led to improvements in how people with mental health problems are supported in a range of situations. However, the scale and pace of change has been nowhere near sufficient: the majority of workplaces are still not taking the mental wellbeing of staff seriously enough; huge numbers of people continue to fall out of work because they are experiencing a mental health problem but not getting the support they need; and too few people with mental health problems are being helped back into work.

As we near the next General Election and the start of a new Parliament, there is a welcome opportunity for political and public debate to zoom out and look at the bigger picture, learn from what has gone before, and develop bold plans for creating a more positive future. I firmly believe that addressing issues around mental health and employment will be one of the key challenges that the next Government will need to get to grips with.

Because of the prevalence of mental health problems in the context of work, benefits and back-to-work support, the case for action is indisputable. Policy makers should conclude, as we have, that if the process of in-work, out-of-work and back-to-work support for people with disabilities does not work for mental health, then it simply isn't working.

- Mental health is the leading cause of sickness absence in the UK, with 70m sick days in 2013.<sup>1</sup>
- Over a third of people with mild to moderate mental health problems, and almost two thirds of people with more severe mental health problems are unemployed.<sup>2</sup>
- Almost half of people receiving Employment and Support Allowance are claiming primarily because of mental health problems.<sup>3</sup>

This all leads to a cost to the UK economy, through sickness absence, lost productivity, and benefits expenditure, of £70–£100 billion per year.<sup>4</sup> Even more importantly, from Mind's perspective, it means that hundreds of thousands of people are finding it harder to recover from their mental health problems because they are not getting the support they need.

With such clear rewards for getting this right, why hasn't it been fixed already? With the increased attention this area of policy has been receiving, there has been no shortage of discussions, conferences, policy documents and government announcements. While these interventions have often made a useful contribution to the debate, they have failed to grasp the scale of the challenge and propose reform that is sufficiently ambitious to address it.

This report brings together years of Mind's work in this area to explain how and why the workplace, the benefits system, and back-to-work schemes are so often failing to provide the support that people with mental health problems need to stay in, return to, or start work. We have set out our vision of what needs to be done to create a system that works. This vision is bold and ambitious, and will not be easy to achieve. But it is a vision the next Government will need to realise if it is to address this vital issue, and improve the lives of millions of people.

A handwritten signature in black ink that reads "Paul Farmer". The signature is written in a cursive, flowing style.

Paul Farmer  
Chief Executive, Mind





# Imagine for a moment...

Something's changed. You don't feel like yourself anymore. You have trouble sleeping. Negative thoughts keep going round and round in your head, making you feel anxious. You struggle to concentrate on things and you feel low all the time.

The job you once enjoyed is now overwhelming. You've been there three years, been promoted twice and are responsible for a team of people. What would they say if they knew how you felt? The last time someone admitted they had a mental health problem they were quietly forced out.

You try to seek help but find out you'll have to wait months to see a counsellor. Work is going downhill. You start having to take days off for 'flu' just to cope. To make it worse, no-one seems to notice how bad you're feeling.

Finally, you tell your manager how you feel. They seem sympathetic, if a little awkward, and suggest some time off work. In the six weeks you're off, your manager calls only once. When you return to work there's no support in place. Things go from bad to worse. You feel you have no option but to leave your job.

Weeks pass. There's no sign of the counselling. You desperately want to get back into work, but you're just not well enough. Your savings are dwindling and the bills are piling up. You know you have no other choice, you're going to have to ask for support. You sheepishly head down to your nearest jobcentre to talk to someone to explain what's happening. You expect support (and perhaps a little compassion), but instead all the focus is on what you need to do to get and continue receiving benefits. What you thought would be a positive step forward has only made you feel worse and you slip further into depression.

There is some hope though. You've been told there's a special type of support for people with disabilities and health conditions. This sounds promising. But then you get asked to go to an assessment to prove you're unwell.

Trying to explain what's going on in your head to your partner, family and friends is hard enough, never mind telling a complete stranger.

At the assessment, the questions you're asked don't allow you to explain why your mental health makes it hard for you to work. There's no discussion about the support that could help you recover and get back into work.

You don't feel trusted or understood. It all seems to be about making a black and white decision about whether you should get benefits.

Thankfully you are granted benefits on the condition you attend a scheme to help you return to work. You're hopeful about the scheme but worry about losing your benefits if you struggle to take part because of your illness.

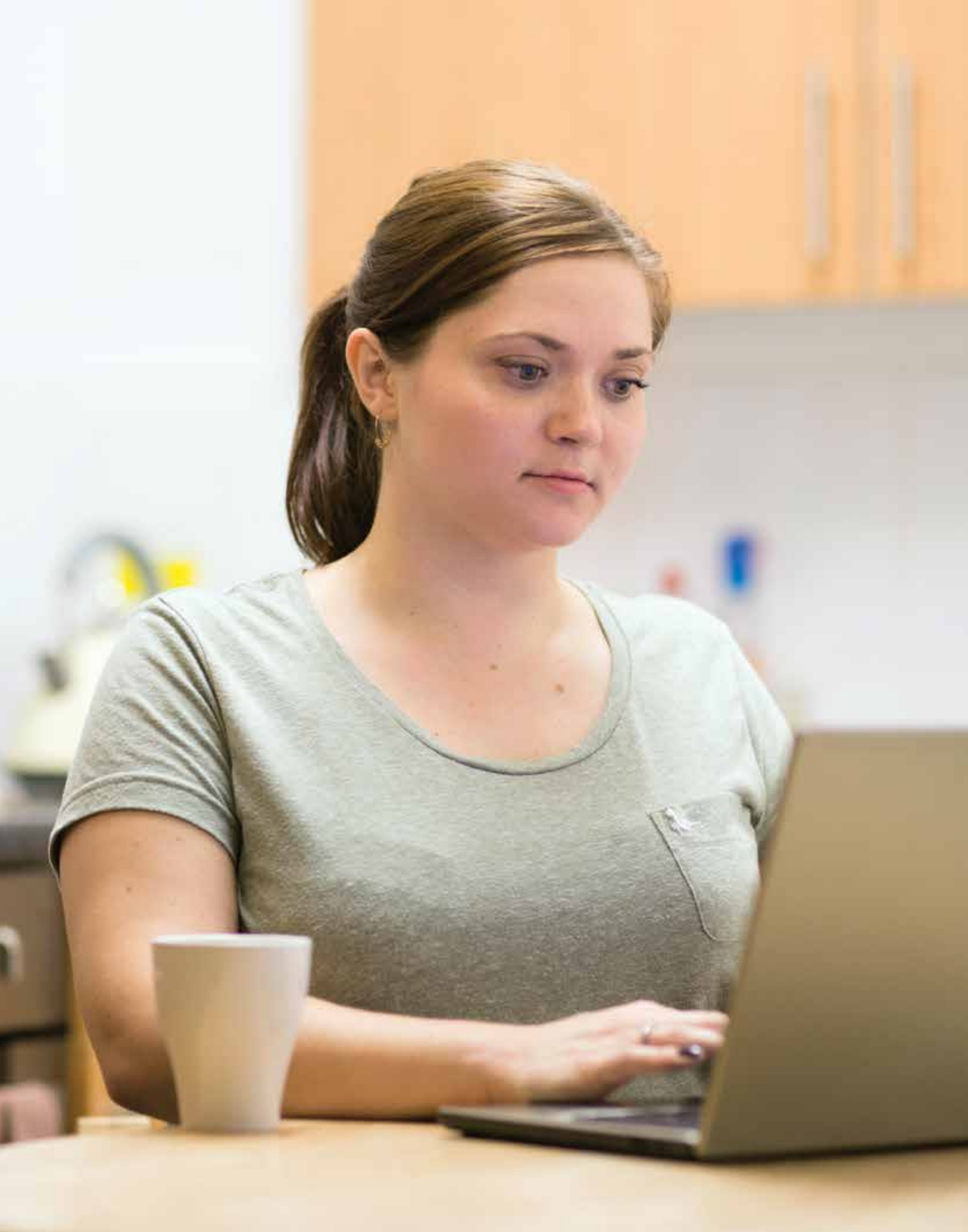
You meet an advisor who says you need to attend CV writing classes and group workshops on positive workplace behaviour. You find this confusing. You held down a job for years, you want to work and you know how to get a job. It's your mental health problem that's making things difficult.

The classes and workshops don't tell you anything you don't already know. After a couple of weeks you start to think, "This is actually making me feel worse." You feel like you're wasting your time, but the threat of losing benefits means you have to attend.

One morning you feel so anxious, you can't face leaving the house let alone spending time in a class with people who don't understand how ill you are. No-one asks how you are but instead your benefits are stopped and you have to start the process over again.

With no support to help you get better and overcome the challenges you'd face going back to work, you feel like there's no way out. It feels like they've forgotten that you're in this situation because you're unwell, not because you don't know how, or want to work. It just doesn't seem right.

Things need to change.



# Introduction

The story you've just read is about a journey experienced by hundreds of thousands of people with mental health problems across the country. Thousands of them have spoken to us about this journey and the same issues arise again and again. This report is about the challenges they've faced in work, with the benefits system, and with back-to-work support.

Over the last five years, Mind has been working on each stage of this journey. We have been listening to the people we represent, hearing from services supporting people at the frontline, analysing the evidence of what is and isn't working, and engaging with Government, providers and employers to shape how policies and services are designed and delivered.

We have reached the conclusion that, whilst there have been improvements to some parts of the journey, they have not been sufficient to make a real difference to the lives of people with mental health problems. Much wider and more fundamental reforms are needed. They need to be designed and delivered with an understanding of the whole journey and how people experience it.

Reforms need to begin by understanding what it's like to experience a mental health problem and why this can make it difficult to work. Based on this, support for people experiencing a mental health problem in work needs to improve, so that more people can remain in employment. Workplaces that are more mentally healthy will benefit all staff and will be more receptive and appropriate for people with mental health problems moving into work.

When people do fall out of work because of their mental health, they need to be supported and understood by the benefits system and, where appropriate, directed towards effective back-to-work schemes.

Current government back-to-work schemes are failing people with mental health problems because they are not built on a proper understanding of why people

have ended up out of work and what support they will need to move closer to work.

Appropriate work, combined with the right support, is good for people's mental health. For many people who are out of work because of a mental health problem, a return to employment will be a key part of their recovery. However, too often, the objective of moving people into work is used to justify a 'tough' approach of making benefits conditional on people engaging in back-to-work activities. This approach is proving ineffective and often inappropriate. Only a tiny minority find work and many report that their mental health, confidence, and ability to work decline even further.

Most people with mental health problems want to be in work but need support to overcome the barriers they face – being listened to and understood, managing their health condition, improving their confidence, gaining new skills, and being in an appropriate job with the right support.

We believe, by building a system that understands this, many more people can be helped to stay in, return to, or begin work. However, this won't be achieved by tweaking the current system. We need fundamental reform that addresses the false assumptions and lack of understanding about mental health that currently hinders the progress of so many people, and instead provide the support people with mental health problems want and need.

This report describes the journey that so many people are experiencing and explains what is going wrong at each stage. It sets out what needs to be done to create a system that works.



# Recommendations

## Better in-work support

1. Employers need to do more to promote wellbeing in the workplace and support people with mental health problems to stay in work, following the lead of those who have signed up to Time to Change or joined such campaigns as Business in the Community (BITC) or City Alliance.
2. The next Government must do more to promote better in-work support to employers, which includes:
  - expanding on current schemes such as Disability Confident
  - promoting schemes that recognise the work of good employers
  - continuing to support the Time to Change campaign to tackle stigma and discrimination
  - reforming the Government's Two Ticks scheme
  - ensuring SMEs are supported to provide comprehensive in-work support.
3. The next Government should improve its own in-work support offer to people with mental health problems who are at risk of falling out of work.
  - Access to Work should be better promoted and made more accessible for people with mental health problems and should aim to direct at least 10 per cent of the budget towards this group.
  - The new Fit for Work service should retain its person-centred approach to supporting people during sickness absence but must also effectively engage employers in the process.

## A fair and responsive benefits and back-to-work system

The next Government should:

1. Redesign the benefits and back-to-work system to support positive and open engagement with people with mental health problems rather than focussing on unfair assumptions about a lack motivation or willingness to work.
2. Promote a better understanding of mental health, and why people with mental health problems may be out of work, among all relevant frontline staff and contracted providers within the benefits and back-to-work system.
3. Lead and foster a balanced debate about benefits, focusing on the real reasons the vast majority of people need support, such as the difficulties people with mental health problems may face in finding work.




## An effective gateway to support

1. The next Government should redesign the Work Capability Assessment (WCA) so it better understands the barriers to work that people with mental health problems face and what support they would need to overcome them.
2. The decision around what benefit to direct people to should be based on this reformed WCA process and a consideration of whether:
  - they will be able to cope with the expectations that will be placed on them
  - they will receive appropriate support to help them overcome the barriers they face
  - the support and expectations will be conducive to their health improving.
3. Knowledge of an individual's barriers to work and what support they need to overcome them, gained from a reformed WCA, should be shared with advisors and providers to help them shape personalised and tailored back-to-work support.

## Better back-to-work support

The next Government should:

1. Take people with mental health problems on ESA out of the Work Programme and Jobcentre Plus (JCP) and direct them to a new specialist back-to-work scheme.
2. Create a new specialist scheme for people with mental health problems on ESA, designed around the following principles:
  - Understanding and trust.
  - Individual ambitions and aspirations.
  - Specialist and person-centred support.
  - Proactive engagement with employers.
  - Continued support in employment.
  - Integration with health and other local services.
  - Focus on health outcomes as well as employment.

A woman with vibrant red hair styled in a bun is shown in profile, looking out a window. She is wearing large, gold-colored hoop earrings and a black shirt with a colorful floral pattern. The background is a bright window with green frames.

**“I was suffering in  
silence because  
managers and  
colleagues didn’t  
know what I was  
going through.”**

# I: Living and working with a mental health problem

## Chapter Overview

- Mental health problems and their symptoms can make work difficult, and work can have a negative impact on people's mental health.
- With the right support, people with mental health problems can remain in work.
- Understanding the barriers faced by people with mental health problems is key to helping them stay in or move into work.

## Symptoms of mental health problems

Mental health problems are complex and there are many different types. They can affect the way you think, feel and behave and can also be considered a disability, just like some physical health problems.<sup>5</sup> Often there is a lack of understanding about what people with mental health problems go through and the challenges they face in everyday life. Symptoms like anxiety or low mood are familiar to most of us but other symptoms (some specific to particular conditions) are often forgotten. They include:

- Difficulty concentrating
- Loss of interest in day-to-day activities
- Loss of appetite
- Irritation and agitation
- Self-doubt
- Feelings of worthlessness and hopelessness
- Compulsive activities and behaviour
- Intrusive or repetitive thoughts
- Delusions
- Lack of energy
- Low motivation
- Insomnia
- Difficulties with social interaction
- Fear or panic
- Disturbed or illogical thought patterns
- Paranoia
- Suicidal thoughts or thoughts of self-harm
- Hallucinations.

Although medication can help relieve some of these symptoms, it can also have side effects, such as drowsiness, poor concentration, slowed thinking, sleep disturbance, nausea and shaking.

## Impact of mental health problems at work

Experiencing a mental health problem can cause great difficulty in someone's day-to-day life and can also have big implications for their working life. Here are some examples of the effects mental health problems can have on working situations.

Working situation	Impact of mental health problems
Social interaction	Self-doubt, intrusive thoughts, paranoia and low mood can make it difficult to be involved in social situations, whether it be meeting with customers or presenting to colleagues.
Concentration and attention	Difficulty with concentration is a common symptom of mental health problems. Having to finish that report in time, or focus throughout important meetings may become difficult and distressing.
Physical exertion	Having not been able to sleep, or losing your appetite could leave you with no energy to complete tasks at work. You could also be distracted or confused, leaving yourself at the risk of injury.
Dealing with pressure	Anxiety and low mood may affect your ability to deal with pressure at work, leading to further distress, particularly when coupled with factors like difficulty in concentrating, or compulsive behaviour.
Ability to communicate	Mental health problems can make it difficult to organise your thoughts and lead to confusion when trying to communicate. Anxiety around social interaction can also hinder your ability to communicate.

Despite these barriers, many people with mental health problems are able to work, and research shows that people with mental health problems have a high 'want-to-work' rate.<sup>5</sup>

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## The relationship between work and mental health

The context and conditions in which someone works can clearly have a significant impact on their mental health, and their ability to stay in work if they do have a mental health problem. Effective in-work and back-to-work support must take this into consideration.

It is widely acknowledged and evidenced that employment is generally good for mental health and wellbeing.<sup>7</sup> However, inappropriate or poor quality work can have as negative an effect on people's mental health as not being in work.<sup>8</sup>

As such, being in work does not necessarily lead to good mental health or recovery from a mental health problem.

Work itself can also have a negative impact on people's mental health. People who are employed report that work is the single most stressful factor in their lives, above debt, health and relationships.<sup>9</sup> We often hear from people who are struggling to cope with the challenges of long hours, unrealistic expectations or deadlines, unmanageable workloads, lack of control over work, the blurring of traditional work-life boundaries, and job insecurity.

This issue gets insufficient attention from policymakers and employers, who often fail to recognise just how much our wellbeing is affected by the workplace environment and culture.

## Employer attitudes and workplace culture

**“One of the key issues for me is that it’s not only difficult to find a job but also difficult to find a job where the employer is happy to take on someone with a mental health problem.”**

Employers play a huge role in determining whether people with mental health problems are able to find and stay in work. Yet we know that many employers have negative views about mental health problems.

Fewer than four in ten employers would knowingly employ someone with a mental health problem<sup>10</sup>

40 per cent of employers view workers with mental health problems as a ‘significant risk’<sup>11</sup>

We frequently hear from people who have been bullied, demoted or dismissed because of their mental health problems.

A 2011 Populus poll of 2,006 adults in employment revealed that of those who disclosed a mental health problem, 22 per cent were sacked or forced out of their jobs.<sup>12</sup> This is clearly a factor that needs to be considered and addressed if more people with mental health problems are to be supported into work, and is discussed further in the next chapter.

### Andy, 52

Andy has personal experience of falling out of work due to mental health problems. He used to be a headteacher but after suffering from a deep depression and not gaining the right support, he had to leave his role.

“Up until 2005 I was, on the surface, a successful, competent head teacher. I lost ‘it’ nine years ago and have since struggled to get ‘it’ back. If you have been at the top of your profession, it is a long way down. I used to successfully run a popular and well-respected school. But running a school takes its toll, especially for someone with anxiety.

“On the surface, I was Mr Congeniality – calm, in control, pleasant, efficient, organised. But in my head I was slowly burning out. One day the smouldering flame extinguished – I fell into the pits of a deep depression and had a complete emotional breakdown.

“I want to work, but acknowledge that to do so I may need support from time to time. I need a safety net, not a harness; a flexible system that acknowledges the fluctuating nature of mental health problems, not a rigid structure that restricts ambition and creates obstacles and uncertainty every step of the way.”



**“I had many anxieties about facing people, a lack of confidence and fears my depression and anxiety would get in the way.”**



## 2: Supporting people experiencing a mental health problem in work

### Chapter Overview

- Poor in-work support is widespread, with mental health a taboo in many workplaces.
- Employers should prioritise mental health and wellbeing among staff.
- Promoting good in-work support should be a key part of any Government employment policy and would help reduce the need for back-to-work support.

Too often, people with mental health problems fall out of work because they haven't been adequately supported in their job. However, falling out of work is often the worst possible outcome. It can make people more unwell, and those off work for more than six months have only a 20 per cent chance of returning to work in the next five years.<sup>13</sup>

Employers that create supportive working environments and make appropriate adjustments for staff will reap the benefits. Some £2.4 billion is spent every year on employees who leave work because of a mental health problem.<sup>14</sup>

Adjustments for mental health are often about a change of attitude or culture and are usually relatively small and inexpensive.

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### Poor in-work-support

A 2013 Populus poll<sup>15</sup> commissioned by Mind revealed:

- 45 per cent of workers say staff are expected to cope without mentioning stress at work
- 42 per cent of workers believe that in their workplace stress is regarded as a sign of weakness or that you can't cope
- only a third agreed that time off for stress is treated as seriously as time off for physical illness.

Many workplaces are simply not conducive to staff maintaining good mental health. People frequently tell us they do not feel able to seek support when they need it, and the right sort of support is often not available.


These barriers to seeking support are even more

pronounced in workplaces where employers do not talk about mental health and have not taken positive steps to support and maintain good employee mental health. Unfortunately this picture is still the reality in the majority of organisations.

- 72 per cent of employers have no specific policy to help staff maintain good mental health.<sup>16</sup>
- Almost half of employees say their organisations do not promote health and wellbeing and only 28 per cent said they knew what wellbeing benefits were on offer and how to access them.<sup>17</sup>
- A third of UK organisations, which have identified stress as one of their top five causes of absence, are not taking any steps to address it.<sup>18</sup>

## Scared to speak out

It's a huge problem that people with mental health problems often still feel they need to lie about why they are absent from work, as telling their employer the real reason isn't an option and would result in being judged and possibly dismissed. Outdated and damaging views about the impact a mental health problem can have on somebody's ability to carry out their role are all too common.



94 per cent of UK business leaders admit that mental health prejudice is an issue in their organisation.<sup>19</sup>

It's not surprising that many people feel unable to open up about their mental health in work, which in turn creates a culture of silence.

- 30 per cent of people wouldn't feel able to tell their boss if they were stressed at work and nearly half say they would feel uncomfortable talking about their mental health.<sup>20</sup>
- Less than half of people with a mental health problem had told their manager.<sup>21</sup>
- While stress has forced one in five workers to call in sick, 95 per cent say they have lied to their boss about the real reason for not turning up.<sup>22</sup>

This self-perpetuating taboo not only leads to significant underreporting of the problem, but also reinforces prejudice. Problems can spiral as people don't get the timely support they need which could steer them away from developing a more serious problem.

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## Managers lack confidence on mental health

**“Working reduced hours helped initially but I felt unsupported by my manager and pressured into increasing my hours back up before I was really ready to. So it defeated the purpose.”**

Due to a lack of understanding of mental health, managers can be unaware that their staff are struggling or, if issues are suspected, they often lack the confidence to broach the subject. Most managers don't feel they have enough training or guidance to support staff. Over half of managers said they would like to do more to improve staff wellbeing but they needed more training and guidance. Almost half said they would like to do more but it is not a priority in their organisation.<sup>23</sup>

Organisations often lack confidence and awareness around developing appropriate policies, support and adjustments to help people with mental health problems stay healthy in work. Only 30 per cent of the UK workforce has access to specialised occupational healthcare and even for those that do, we hear that it is often poor, ineffective or unhelpful for people with mental health problems.<sup>24</sup>

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## Access to health services

**“Support from my GP was excellent, but she was unable to refer me on to mental health services as no one was accepted unless nearly dead or dying.”**

Although employers have a key role to play, it is also incumbent on the health system to ensure people are getting the support they need to stay well and stay in work.

Outside of the workplace, sources of support are hugely overstretched and mental health services are unable to cope with demand for psychological therapies. The Chief Medical Officer (CMO) reports that 75 per cent of people with diagnosable mental illness receive no treatment at all.<sup>25</sup>

Huge variations in referral rates and waiting times around the country are making people more unwell. One in ten people are waiting over a year between referral and assessment, while four in ten wait more than three months. Once assessed, most people start therapy within three months, yet a third wait longer. While waiting, two thirds feel they have become more mentally unwell.<sup>26</sup>

This means that people are struggling to access the support they need, which makes it harder for them to stay in or get back into work.



## What good in-work support looks like

**“I had regular contact with my employer during absence from work and received phone calls and flowers. I also had an assessment from Occupational Health on my return to work. Colleagues ensured I had regular breaks away from the PC when back at work and made sure I got a suitable lunch, even if I didn’t feel like eating. If I had a bad day I could phone or email in and say I was working from home and feel no pressure.”**

Employers should be taking the mental health and wellbeing of their staff seriously, and this is something that Government should proactively support and encourage, as recommended by the Chief Medical Officer.<sup>27</sup> Three in five people surveyed by Mind said that if their employer took action to support the mental wellbeing of all staff, they would feel more loyal, motivated, and committed.<sup>28</sup>

With the right support, people with mental health problems can, and do, make a hugely valuable contribution to workplaces all over the country. If this support is not available, the talent and experience of hundreds of thousands of people will be missed out on.

We recommend employers take a three-pronged approach (see below) to managing mental health at work.

### 1. Promote wellbeing for all staff

Effective management is the key to unlocking the potential of employees and preventing stress or poor mental health. Raising awareness of wellbeing and promoting open discussion helps to overcome mental health stigma. Encouraging a good work/life balance allowing flexible hours or home working, ensuring staff have autonomy as well as promoting positive working relationships and social activities are also key.

### 2. Tackle the causes of work-related mental health problems

Work environment and culture can be triggers for stress and poor mental health. Solutions include training managers to recognise mental health problems, support employees and help them to manage their workloads, improving the physical environment, providing on-the-job coaching and publicising available support, such as Employee Assistance Programmes (EAPs). Ensuring regular supervisions or one-to-one meetings are standard practice is crucial, to build trust and give employees an opportunity to raise issues at an early stage with managers.

### 3. Support staff experiencing mental health problems

Everyone’s experience of a mental health problem is different and so is the support they need. Policies on reasonable adjustments and phased returns to work are crucial but the first step is to establish honest, open communication with the employee.

Adjustments could include:

- Flexible hours or change to start/finish time
- Changes to role (temporary or permanent)
- Increased support from managers in prioritising and managing workload.

Some top organisations do talk about mental health now and prioritise it. Sadly, this enlightened approach is far from universal and we need a stronger business voice on mental health. A number of initiatives are working to encourage more businesses to take the mental wellbeing of their staff seriously and do more to support staff who are experiencing mental health problems.

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### Time to Change (TTC)

England's biggest programme to end the stigma and discrimination faced by people with mental health problems works with organisations, engaging them on this issue and generating tools and resources for them. Over 260 organisations have made a public commitment to tackle mental health stigma by signing the pledge, including BAE Systems, British Gas, BT, Channel 4, E-ON, Lloyds TSB, and PepsiCo.

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### City Mental Health Alliance (CMHA)

Launched in October 2013, the CMHA is a coalition of City-based employers committed to breaking down stigma and creating a culture where mental wellbeing is nurtured as part

of good business practice. Championed by senior leaders, the Alliance is business-led and expert-guided and aims to create a culture of good mental health for City workers, increase understanding and share best practice. Founding organisations include Bank of America, Merrill Lynch, Deloitte, Goldman Sachs and KPMG.

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### Business in the Community's (BITC) Workwell Mental Health Champions Group

This group provides clear leadership from business, for business, on mental wellbeing. Its goal is to help mental health become a strategic boardroom issue, and encourage employers to take preventative and supportive action on employee mental health just as they do on physical health. Founding members include BT, Bupa, RBS, and Mars.

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## Role of government

Government also has a key role to play in this area. Through schemes like Disability Confident and Two Ticks, they can encourage employers to do more to understand disability and support people in the workplace. However, these schemes need to be built upon and expanded if they are to have a widespread and significant impact.

Government can also directly support employers through schemes such as Access to Work, which can provide the advice and resources that are needed to help someone with mental health problems stay in work. However, this scheme has been hugely underused for mental health, with only four per cent of the budget in 2013-14 being spent on this group.<sup>29</sup>

## Our vision for in-work support

If government and employers get in-work support right, it will lead to improved wellbeing for all employees and fewer people will fall out of work. This in turn will lead to fewer people needing support from benefits, back-to-work schemes, and healthcare services. Better in-work support will also make workplaces more receptive and appropriate for people with mental health problems trying to move into work.

## Recommendations

1. Employers need to do more to promote wellbeing in the workplace and support people with mental health problems to stay in work, following the lead of those who have signed up to Time to Change or joined such campaigns as Business in the Community (BITC) or City Alliance.
2. The next Government must do more to promote better in-work support to employers, which includes:
  - expanding on current schemes such as Disability Confident
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## Anne-Marie, 28

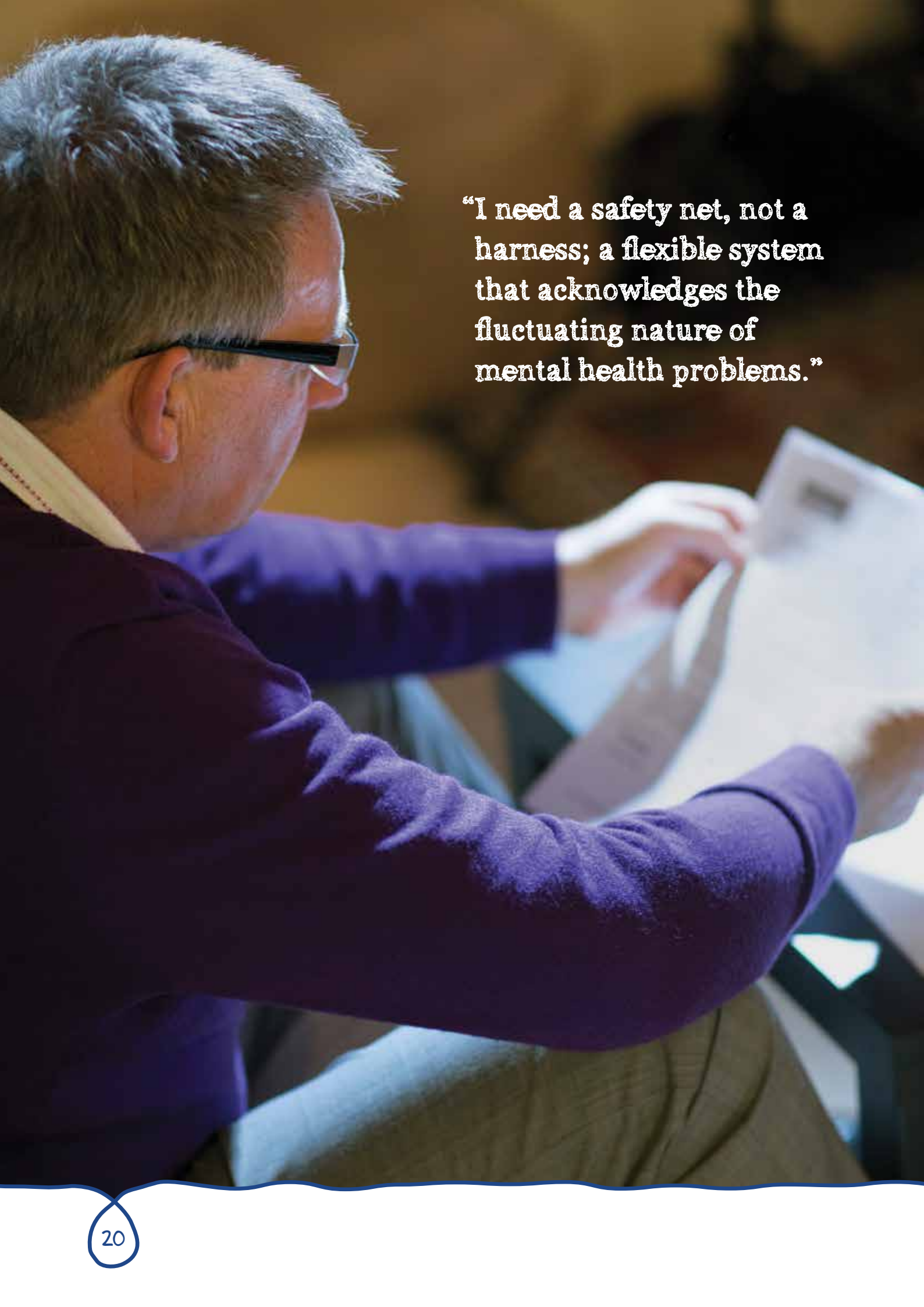
Anne-Marie spent over 11 years working in a customer-facing role - assisting customers, stocking shelves, and working on tills. She enjoyed being able to give customer satisfaction, especially shopping with elderly and disabled people. It helped her feel better about herself. However, due to a mental health problem she cannot currently work.

"I was suffering in silence because managers and colleagues didn't know what I was going through. At work they just didn't have the knowledge to deal with a mental health illness. So I didn't bring it up because I was afraid of being judged or being looked down on.

"If I had a broken leg, they could have physically seen it, and workplace adjustments would have been made. Every job by law has a first aider so if someone hurts or burns themselves or falls down the stairs, there is someone to assist them or professional help is available. But what happens when my mind goes into crisis? Where do I go in the workplace? I was taking my problems home and I was causing further damage to myself. But in the workplace where are there avenues for us to turn to or people to speak to?"

While off from work due to illness, Anne-Marie felt increasingly isolated, neglected and rejected which led to her trying to take her own life. After leaving hospital work wasn't on her mind.

"I remember returning to work and I felt so lost. I wasn't sure what I was supposed to do and I didn't really know where I was. I had a meeting about why I was off and how they could support me. I wasn't in a place to tell them my needs or say 'This is what I require'. So I just went back to work and was very unhappy, which led to me being off again."

A man with grey hair and glasses, wearing a purple sweater, is shown in profile, looking down at a stack of papers. He is holding a white envelope or document. The background is blurred, showing other people in a room.

**“I need a safety net, not a harness; a flexible system that acknowledges the fluctuating nature of mental health problems.”**

# 3: The benefits system and how it affects people with mental health problems

## Chapter Overview

- People with mental health problems want to be in employment, and it is the barriers caused by their condition, rather than a lack of motivation, that makes work difficult.
- The benefits and back-to-work system often assumes that people don't want to engage with support and need to be pushed into it.
- These assumptions fundamentally undermine the design and delivery of support for people with mental health problems, making it ineffective and often inappropriate.

Benefits provide a vital lifeline for people who are unable to work at this time because of their mental health problems. People frequently tell us that they feel the benefits system is working against them rather than supporting them. We've found that this is because of a lack of understanding about mental health problems, and assumptions that are made about why people have ended up on benefits.

## Why people aren't in work – assumptions and reality

**“Many years ago before all this happened, when I had my breakdown, I had a really good job and I loved it. One day, I do want to go back into work and be more independent.”**

People with mental health problems have a high 'want-to-work' rate.<sup>30</sup> This is reflected in two recent surveys of people with mental health problems currently out of work, which showed that the majority wanted to be in employment. It is usually the impact of their mental health problem and the environment they are expected to work in that create the biggest barriers to employment.<sup>31</sup> Yet the benefits system does little to recognise this, and instead operates on two flawed assumptions, which are:

- people are likely to overstate the impact of their condition – either intentionally in order to maximise their support from the benefits system, or simply as

a result of inaccurate beliefs about how much their condition actually impairs their ability to work

- the main barriers to overcome are people's lack of motivation and/or willingness to engage with back-to-work support and to, ultimately, return to work.

Since mental health problems fluctuate and are largely 'invisible' to an outside observer, it can be easy to assume that someone is ok when they are actually struggling. Symptoms such as low mood, problems with social interaction and issues with motivation could be confused with a lack of ambition to work or willingness to engage.



## The impact of misplaced assumptions

**“There was no apparent understanding or sympathy with my background. Some jobcentre staff were harsh, threatening and unsympathetic. It made me tearful.”**

The flawed assumptions described above have a significant impact on people with mental health problems at key points in the benefits and back-to-work system.

- The feeling of being ‘processed’ by the benefits system rather than listened to and understood.
- The way in which the WCA assesses people, looking to the individual to ‘prove’ their condition affects their ability to work, and making inferences about their ability to perform activities rather than simply discussing this directly.<sup>32</sup>
- The type of employment support offered to the majority of people through Jobcentre Plus (JCP) and

the Work Programme, focusing on issues such as punctuality and motivation rather than addressing the specific barriers people face as a result of their mental health problem.<sup>33</sup>

- The heavy focus on conditionality and sanctions in the benefits system, which assumes people are unwilling to engage with support and need the threat of benefit cuts to motivate them.

These misplaced assumptions are leading to ineffective support, as shown by the fact that the vast majority of people with mental health problems are not being supported to move towards work. In essence, it is the wrong diagnosis leading to the wrong treatment.


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## The public debate about benefits

**“I don’t want to be on benefits because at the moment I’m made to feel like a scrounger. I’ve even had everyday people question it.”**

These assumptions reinforce, and are reinforced by, the public debate about benefits. Through our membership of the Who Benefits? campaign, we have expressed serious concern about the debate around benefits in politics and

the media, and the impact this has on people supported by benefits.<sup>34</sup> Research by the campaign shows that rhetoric around benefits has a real impact on the people who need support from benefits. Of people surveyed:



38 per cent said their confidence and self-esteem was affected because they worry that the general public think negatively of them being on benefits.

31 per cent said their mental health is affected.

15 per cent said they experienced verbal abuse because of being on benefits.<sup>35</sup>

The Disability Benefits Consortium (DBC) Big Benefits survey found similar results.

- 81 per cent of respondents with mental health problems felt ashamed of being on benefits because of societal attitudes.
- 84 per cent felt that society looks down on them.<sup>36</sup>

All of this only makes it harder for people to overcome the barriers they face which lead to them needing support from benefits.

## Our vision for a fair and responsive benefits and back-to-work system

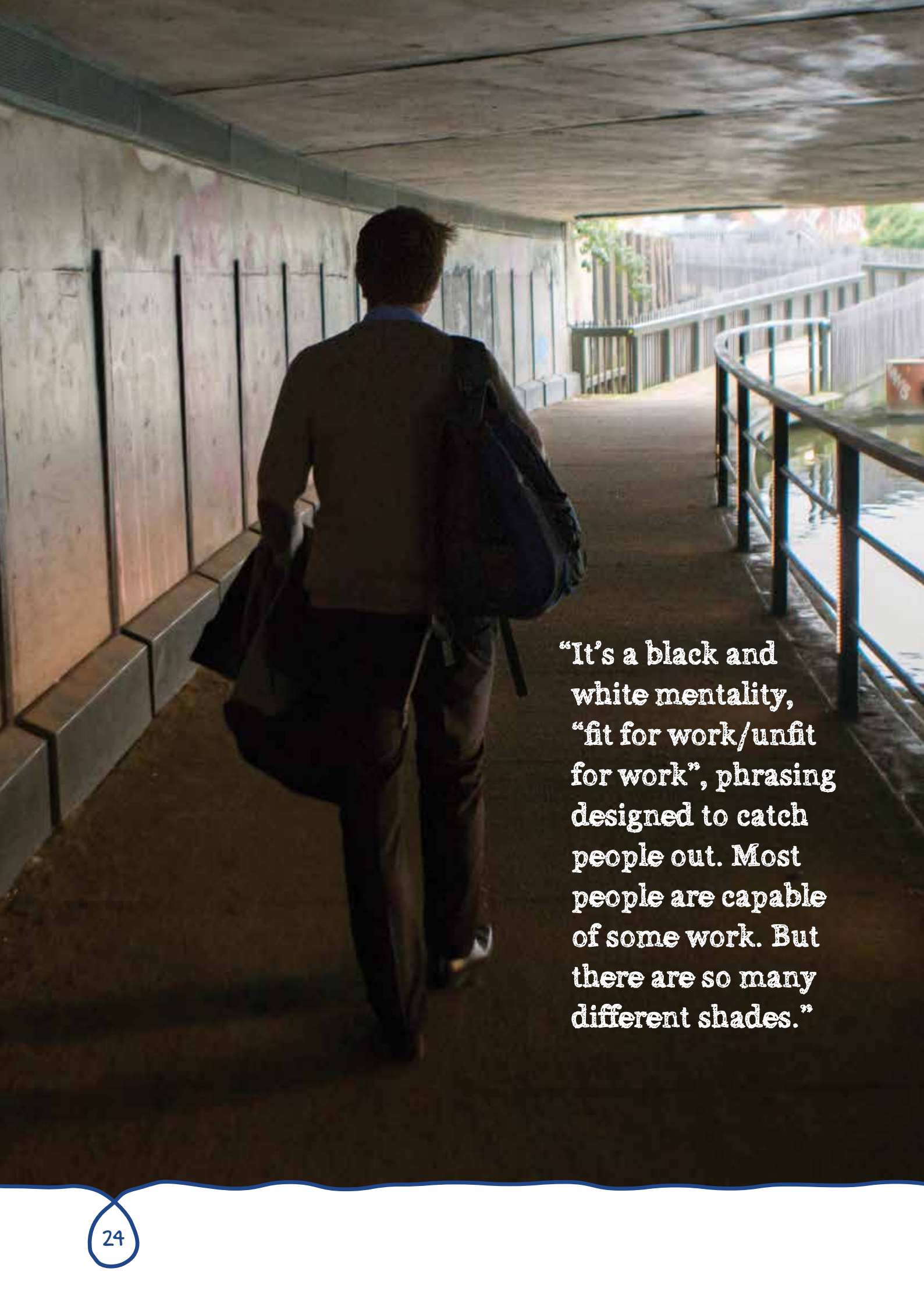
If the benefits and back-to-work system is to become effective at supporting people with mental health problems, it needs to be built around an understanding of why people with mental health problems need support. The misplaced assumptions described in this chapter need to be recognised, challenged, and overturned if future reforms of this system are going to have real impact.

## Recommendations

The next Government should:

1. Redesign the benefits and back-to-work system to support positive and open engagement with people with mental health problems rather than focussing on unfair assumptions about lack of motivation or willingness to work.
2. Promote a better understanding of mental health, and why people with mental health problems may be out of work, among all relevant frontline staff and contracted providers within the benefits and back-to-work system.
3. Lead and foster a balanced debate about benefits, focusing on the real reasons the vast majority of people need support, such as the difficulties people with mental health problems may have with finding work.



A person with dark hair, wearing a dark jacket and trousers, is walking away from the camera down a concrete walkway. They are carrying a large dark bag over their shoulder and a briefcase in their right hand. The walkway is on the left side of a concrete bridge or overpass, with a metal railing on the right. The ceiling is made of concrete slabs. In the distance, a curved ramp or staircase is visible, leading up to a building with a glass facade. The lighting is somewhat dim, suggesting an overcast day or a shaded area.

**“It’s a black and white mentality, “fit for work/unfit for work”, phrasing designed to catch people out. Most people are capable of some work. But there are so many different shades.”**

# 4: The Work Capability Assessment the gateway to support?

## Chapter Overview

- The WCA is not only stressful for people with mental health problems, but also fails to understand and recognise the barriers to work people face.
- The WCA should play a crucial role as the gateway to back-to-work support, but at present it only really functions as a benefits eligibility test.
- The WCA needs to positively engage with people with mental health problems, and better understand the barriers to work they face, to help improve the support they receive.

The WCA is used to assess eligibility for ESA and plays a critical role in deciding what sort of financial support people can access, what back-to-work support will be available, and what people will be expected to do in order to continue to receive the benefit.

The WCA has been a problematic area of policy, with over 50 recommendations from five Independent Reviews, and substantial criticism from government committees and disability organisations. However, these

criticisms have tended to focus on the technical design and operation of the WCA. This has led to ongoing reform that has, to some extent, improved the process for people with mental health problems. However we believe that if the WCA is to effectively understand the barriers people with mental health problems face and support them to move closer to work, it needs more fundamental reform with a greater focus on the wider role it plays in the back-to-work process.

## Mental Health and the WCA

There is widespread recognition that the WCA is particularly problematic for people with mental health problems. The fourth Independent Review of the WCA stated that there “remains considerable concern that the current system is not operating as well as it might for this group”,<sup>37</sup> and the Work and Pensions Select Committee have called for the WCA to be made more responsive to those with mental health problems.<sup>38</sup>

People with mental health problems face particular difficulties engaging with the WCA process. This is because they may find it hard to advocate for themselves and communicate the impact their condition has on their ability to work. In addition, the process can have a particularly negative impact on people with mental health problems because of the anxiety it often causes. A recent Disability Benefits Consortium (DBC) survey found:

90 per cent  
of respondents  
with mental health  
problems found the  
assessment process  
stressful

over 85 per cent  
felt that it made their  
health worse.<sup>39</sup>

These difficulties were recognised in a recent Judicial Review about the WCA, which concluded that the WCA process is disadvantaging people with mental health problems by not adequately responding to these difficulties.<sup>40</sup>

Despite this criticism and the ensuing reforms, people with mental health problems continue to feel that the process does not work for them or understand their condition. A recent survey found that:

- 70 per cent of respondents felt their condition had not been properly understood
- 60 per cent of respondents felt they had not been asked in adequate detail about how their condition affects their ability to work<sup>41</sup>

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## Role of the WCA

The third Independent Review of the WCA stated, “The end-to-end WCA process intends to evaluate objectively a person’s capability for work so that appropriate support can be provided to help them back to work.”<sup>42</sup> However, the current isolated nature of the WCA means it functions as an eligibility test for ESA but not an assessment of what support is needed.

Through the WCA, people are placed in one of three groups based on the number of points they are allocated in the assessment:

- **‘Fit for Work’** – for people who are considered ready to return to work now
- **Work-Related Activity Group (WRAG)** – for people who are not considered ready to work now, but are seen as able to start preparing for a return to work
- **Support Group** – for people who are considered to be both unable to work now, and not ready to start preparing for work

There is a problem with this approach. There’s no evidence to show the points people are scored means they will be assigned to a group with appropriate support and expectations.

The Welfare reform Act 2012 increased the range of activities that could be made mandatory for people in the WRAG and the severity of the sanctions for failing to complete these activities.<sup>43</sup> However, this significant change to what being in the WRAG entails did not lead to a review of the points threshold that decides who should be placed in this group.

The findings of the Evidence Based Review of the WCA further highlight how the assessment and categorisation sit separately.<sup>44</sup> Expert panels looking at ESA applications were instructed by the DWP to consider people ‘fit for work’ if they may be able to work with the assistance of adjustments such as flexible or altered hours, periods of disability leave, and having access to a support worker.

In 83 per cent of cases where the expert panel found someone ‘fit for work’, they indicated they would need, on average, at least two of these adjustments. However, in reality it is often very difficult for people to get access to this support. For most people facing these kind of barriers to work, the WRAG would be a much more appropriate group.

The WCA needs to have a much greater focus on the barriers people face being in work and what support they would need to overcome them. The process for allocating applicants to different groups should be redesigned with a focus on these key considerations:

- Whether they will be able to cope with the expectations that will be placed on them.
- Whether they will receive appropriate support to help them overcome their barriers.
- Whether the support and expectations will be conducive to their health improving.

This approach would ensure that applicants are being placed in groups that are appropriate for them. It would also refocus the allocation process on ensuring that people get the support that they need to overcome the particular barriers they face.

A more accurate and comprehensive WCA would be required, one which fully understands the barriers someone faces, the support they could benefit from and how they would cope with the requirements of the group they are placed into.

Once the WCA has allocated someone to a particular group, it should provide key information for staff at subsequent stages in the back-to-work process. However, it is currently rare for the information collected in the WCA to be passed onto the providers tasked with supporting people back to work. This immediately restricts the ability of the advisor to direct people to appropriate support activities that are productive in helping them to move closer to work.<sup>45</sup>

## Our vision for an effective gateway to support

If the benefits and back-to-work system is to help more people with mental health problems into work, it has to be able to engage with them positively, make sure they feel understood and supported, and help them to overcome the barriers they face. Since the WCA plays such a key role in this process, and is the first key point of contact for many people, it is particularly important that people believe that this process is fair and accurate, and that it is there to understand the impact of their condition and direct them to the support that they need.

## Recommendations

1. The next Government should redesign the Work Capability Assessment (WCA) so it better understands the barriers to work that people with mental health problems face and what support they would need to overcome them.
2. The decision around what benefit to direct people to should be based on this reformed WCA process and a consideration whether:
  - they will be able to cope with the expectations that will be placed on them
  - they will receive appropriate support to help them overcome the barriers they face
  - the support and expectations will be conducive to their health improving.
3. Knowledge of an individual's barriers to work and what support they need to overcome them, gained from a reformed WCA, should be shared with advisors and providers to help them shape personalised and tailored back-to-work support.

## Lee, 38

Lee has had numerous mental health problems for a number of years including depression, anxiety and personality disorder. For a number of years he received incapacity benefit but with the changes to the benefits system he was automatically moved over to ESA and placed in the Work Related Activity Group, before being asked to have a WCA.

"Personally it was a disaster. I received the form to fill in first. I had two weeks to gather evidence but that wasn't enough time. I made a request for a private room, but when I got there I ended up being locked in a room with a security guard. My appointment should have been at eleven o'clock and I didn't actually get to see anybody until quarter to one. There were no windows I had anxiety and I was having panic attacks."

After being assessed, which Lee found very stressful, he was placed in the WRAG.

"I had to attend a weekly self-help management course at my local Jobcentre. The course lasted for six weeks and I had to attend or face sanctioning. But it was focussing more on people in pain, people who had bad backs and first aid. It was based on physical health, and I did say a number of times at these meeting that this doesn't apply to me. I'm not in pain as such, I have a mental health problem.

"If the group was actually set up for people with mental health problems, rather than just physical disability, to let people talk about their worries and fears about the workplace and that sort of thing, I think that would have helped me tremendously. Now I don't know what's happening or whether I'm going to receive another ATOS assessment, the thought of which is actually scaring the hell out of me."





People should be  
nurtured through a  
situation when they're  
not feeling well  
instead of having to  
have a battle

# 5: Why back-to-work support isn't working for people with mental health problems

## Chapter Overview

- Mainstream government back-to-work support schemes are failing people with mental health problems, offering generic and inappropriate support due to a lack of understanding about mental health and misplaced assumptions about why people need support.
- Specialist schemes have proved to be much more effective for this group, but are only offered to a small minority of people with mental health problems.
- Bold action is required. Whilst the Government has acknowledged the issue, the scale of the challenge has not been fully recognised. People on ESA should be taken out of these mainstream support schemes and directed to a new specialist scheme.

Government back-to-work schemes are failing to support the vast majority of people with mental health problems to move into employment. The mainstream support offered through JCP and the Work Programme has proven to be insufficient and, often, inappropriate for this group. With over 45 per cent of those on ESA having mental health

problems as their primary condition, and many more also experiencing mental health problems as a secondary condition, bold action is needed to improve the outcomes for this group.<sup>46</sup> This chapter explains why these schemes are failing this group and why simply amending existing schemes will not meet the scale of the challenge.

## Back-to-work schemes for people on ESA

People placed in the Work Related Activity Group (WRAG) of ESA are required to engage with support provided by JCP or the Work Programme, depending on how far away from being able to work they are considered to be. JCP can also refer people onto Work Choice but, as discussed below, this only happens in a small number of cases.

- Of over almost 150,000 people with mental health problems on ESA who have been placed on the Work Programme, only 5 per cent have been helped into work, compared to the programme's success rate of 24 per cent for people without a health condition.<sup>47</sup>

JCP does not record job outcomes for people on ESA, which means it is impossible for the Government or others to properly evaluate the support provided. However, evidence suggests that the support provided is similar in nature to that on offer through the Work Programme, and is leading to similarly poor results.<sup>48</sup>

Both the Work Programme and JCP are providing generic support, focusing on basic job-seeking skills and behaviours.<sup>49</sup> This is particularly disappointing for the Work Programme, which was expected to direct people towards specialist support, "providing each individual with what they need".<sup>50</sup>

Work Choice was created for people seen as having complex employment support needs related to their health or disability. It is a voluntary scheme that focuses on “helping individuals to achieve their full potential and moving towards being more independent” but it also “ensures employers get the support they need to employ more disabled people”.<sup>51</sup>

People on both ESA and JSA can be referred to Work Choice by Disability Employment Advisors (DEAs) within JCP. Since its inception in 2010, 78,740 people have started Work Choice with 29,520 finding employment (29%).<sup>52</sup> For people with mental health problems the outcomes are extremely positive, far exceeding mainstream schemes.

### Work Choice success rate for those with mental health problems<sup>53</sup>

Condition	Started	Job outcomes	% success rate
Severe mental health	650	240	36.9
Mild-moderate mental health	11,020	4,490	40.7

However, referrals to Work Choice are aimed at those participants who are expected to be capable of working over 16 hours per week within six months. As a result, many more people are referred to Work Choice from JSA than from ESA.<sup>54</sup>

This means that the more personalised and flexible model is considered appropriate for those deemed to be relatively close to work, while a much more generic approach, with tougher requirements, is used for people with much more significant barriers.

The Government’s Disability and Health Employment Strategy (DHES) indicates that Work Choice and other similar programmes will continue to only be provided for a minority, “The majority of disabled people with health conditions who need employment support will receive our mainstream offer”.<sup>55</sup> This is a far from obvious conclusion, when all the evidence is that this ‘mainstream offer’ is returning very poor results for people on ESA, and is proving particularly ineffective for people with mental health problems, who make up such a large proportion of this group.

## Why mainstream schemes are failing

The mainstream government back-to-work support being provided to most people on ESA because of their mental health problems isn’t working. This is the culmination of a wider system that is failing to understand people with mental health problems who are struggling to work, and provide the support they need.

### Lack of understanding of mental health and related barriers

**“The advisors had little knowledge about mental health and when I asked to see the specialist they had, it became apparent she knew little more than the others.”**

Before people on ESA are passed onto JCP or the Work Programme, they will have been through a WCA categorisation process that often fails to properly assess what barriers they are facing and what support they need to overcome these barriers. As explained in Chapter 4, this is a missed opportunity to positively engage with people and gather vital information to shape the employment support services they receive.

Without this information, JCP and Work Programme providers are starting from a difficult position. With a lack of expertise in mental health, and often working from misplaced assumptions, back-to-work schemes

tend to end up providing generic support to people with mental health problems, failing to properly address the barriers they are facing.

We do not believe that Work Programme providers or JCP are doing enough to ensure that staff have sufficient expertise and understanding in mental health to support the large proportion of their clients who are experiencing mental health problems. Jobcentres do employ Disability Employment Advisors (DEA) to provide specialist support for people with disabilities. However, the numbers of DEAs has decreased by 30 per cent between May 2011 and May 2014.<sup>56</sup>



Support that is ineffective and often inappropriate

**“They simply did what I could already do on my own, put together a CV and search for jobs. There was not enough support geared to my specific difficulties. Every task was the same for everyone. Not everyone’s needs are the same.”**

This lack of understanding and expertise around mental health leads to back-to-work schemes advisers not having the capacity to identify the sort of support people might benefit from.

Within JCP there seems to be a lack of relevant services to refer people onto, even if their barriers had been correctly identified. Instead, people are referred onto a limited number of classes and workshops that do little to help most people with mental health problems move closer to work.

It was expected that the Work Programme would be better equipped to refer people onto specialist services, through the network of sub-providers that the prime providers were expected to establish. However, the DWP’s own evaluation of the Work Programme suggests that this is not leading to appropriate specialist support being provided.<sup>57</sup>

Instead, people with more complex needs are often left ‘parked’ by providers.<sup>58</sup> This is, in part, due to insufficient financial incentives to support this group. We want to see sufficient resources directed towards those who need the most intensive support. However, our experience suggests that there are much more fundamental issues to be addressed if schemes like the Work Programme are to be effective for people with mental health problems.

Not only is there a lack of specialist support, but the activities people are asked to do are often inappropriate, their condition is not properly taken into account, and they don’t feel involved in shaping these activities.

If people are not involved in deciding what their support will look like, and do not feel the support they are being directed to is appropriate for them, they are much less likely to be able to engage.

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In recent research of people in the WRAG:

Only 23 per cent of people felt their ‘action plan’ of support was appropriate for them

Only 21 per cent felt involved in making the plan and agreeing to the activities

Only around 30 per cent felt their adviser had adapted activities to take account of their condition and the impact it had on their ability to engage.<sup>59</sup>

## Excessive focus on conditionality and sanctions

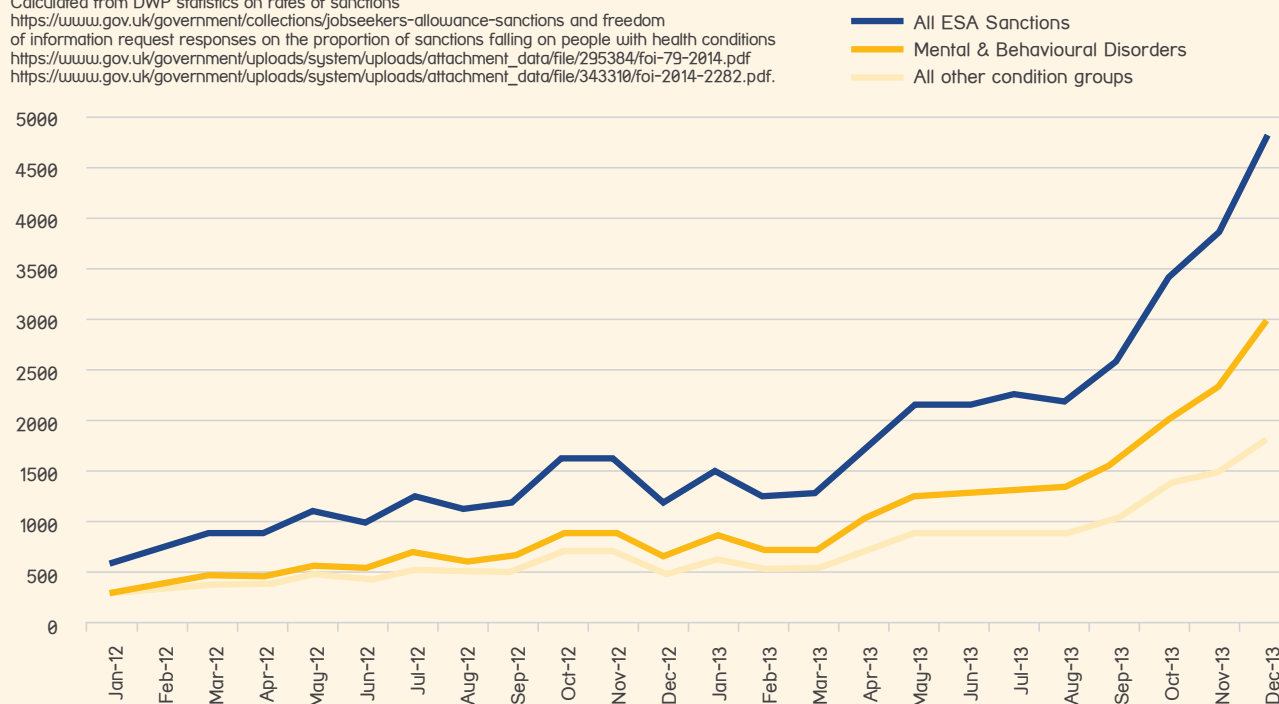
**“It didn’t help at all. If anything it caused even more stress, worry, anxiety. It was really hard for me to push myself to go to these [appointments] every week, knowing that if I didn’t go or if I was late then my benefit would be stopped.”**

There has been an increasing use of conditionality and sanctions for people on ESA. Yet there is little evidence that it is an effective way of structuring support for this group. Because of the particular characteristics of mental health, this group are at a significantly greater

risk of sanctions being inappropriately applied. It’s hard to see an alternative explanation for the increasing proportion of ESA sanctions falling on this group. This is unacceptable and needs to be urgently reviewed.

### ESA Sanction Rates 2012-2013

Calculated from DWP statistics on rates of sanctions  
<https://www.gov.uk/government/collections/jobseekers-allowance-sanctions-and-freedom-of-information-request-responses-on-the-proportion-of-sanctions-falling-on-people-with-health-conditions>  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/295384/foi-79-2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/295384/foi-79-2014.pdf)  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/343310/foi-2014-2282.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343310/foi-2014-2282.pdf)



As a result, thousands of people with mental health problems are facing very difficult financial circumstances, which they tell us exacerbates their condition.<sup>60</sup> Research shows that the vast majority of people (86 per cent) in the WRAG feel anxious about the risk of losing their benefits if they are not able to do the activities asked of them.<sup>61</sup> This means that people are less able to engage positively with the support they are being directed towards.

## Lack of local integration and understanding of people's wider circumstances

A DWP evaluation of the Work Programme suggests the support being offered to people in the WRAG is not matching the complexity of the barriers people face.<sup>62</sup> This reflects the reality of life for many people we talk to in this situation. They are facing multiple issues alongside their health and employment situation, such as debt or housing problems, but do not receive support for these. Work Programme providers and JCP seem to lack the specialist expertise and support services to address these issues, or may simply not see it to be part of their remit. These issues will often be rooted in the individual's location, requiring local knowledge and contacts to resolve.

As a result, large national providers covering a whole region as part of their Work Programme contract, will often struggle to fully understand and address these issues.

This lack of proper local integration also makes it difficult for providers to ensure that they are linking in with the person's health support, understanding the local economy, and proactively engaging with local employers to find relevant and suitable job opportunities. Connections with local health support are particularly important to ensure that services are working together to promote someone's recovery from their mental health problem.

## People ending up more unwell and further from work

**“My experience with the Work Programme has made me extremely anxious and exacerbated my mental health problems. Rather than helping me back to work, it has made me more ill.”**

Because of ineffective and inappropriate support, the threat of sanctions and the failure to address wider support needs, back-to-work schemes are actually pushing people on ESA (not just those with mental health problems) further from employment, worsening their mental health and decreasing their confidence.<sup>63</sup> Research carried out for this report shows that this effect is particularly acute for people with mental health problems.

Of over 400 people with mental health problems asked about the impact of being on the Work Programme or with JCP:

83 per cent said it had made their mental health worse or much worse.

75 per cent said it had led to them feeling less or much less able to work.

82 per cent said it had made their confidence worse or much worse.

83 per cent said it had made their self-esteem worse or much worse.<sup>64</sup>

## The scale of the challenge

We do not believe the scale of the challenge has been fully recognised, or appropriate and commensurate reforms considered.

Some of the problems with current support schemes have been recognised by the Government who are now, through the DWP and Department of Health, undertaking pilots of new models of back-to-work support for people with mental health problems. This is a positive step forward, and we would welcome the introduction of some of the innovations being considered. However, we are concerned that these

pilots, based on recommendations in the DWP's Psychological Wellbeing and Work report, are largely focused on testing relatively minor and isolated changes to the system.<sup>65</sup>

There seems to be a sense that it will be possible to simply 'patch-on' improvements to the current system that will address the failure of these schemes, without looking at the fundamentals. Although we look forward to the evaluations of these pilots, we believe their focus will be too narrow to deliver sufficient reform to address the scale of the challenge we are describing.

### Richard, 45

Richard has suffered mental health problems since he was a teenager and has struggled to work because of this. He went through the WCA and was placed in the WRAG and put on the Work Programme in Derby, which he had to travel by public transport to, which in itself he found very difficult. He eventually managed to get a job of his own volition but unfortunately, due to ill health, fell out of this job and has now been placed in the Support Group.

"I went into the Work Programme with an open mind and hoped they would be able to help, but was appalled by the service I received. They didn't know anything about me or my mental health condition and, rather than find this out, they just did a tick box assessment, asking questions such as "are you prepared to commute?"

The advisors had little knowledge about mental health and when I asked to see the specialist they had, it became apparent she knew little more than the others. Eventually I started seeing the same person more than once, but at first someone different every time, which was difficult. Basically there was very little understanding about my condition and therefore no personalised support, just all generic support.

Just going to the office was stressful, as it was a very busy and loud environment (even keeping the radio on during interviews). The whole experience was very alienating.

During my time on the Work Programme I was hospitalised due to an overdose but because I was so petrified they wouldn't believe me or that the information would get lost and I would get sanctioned, I turned up to my appointment a couple of days later anyway."



## Our vision for back-to-work support

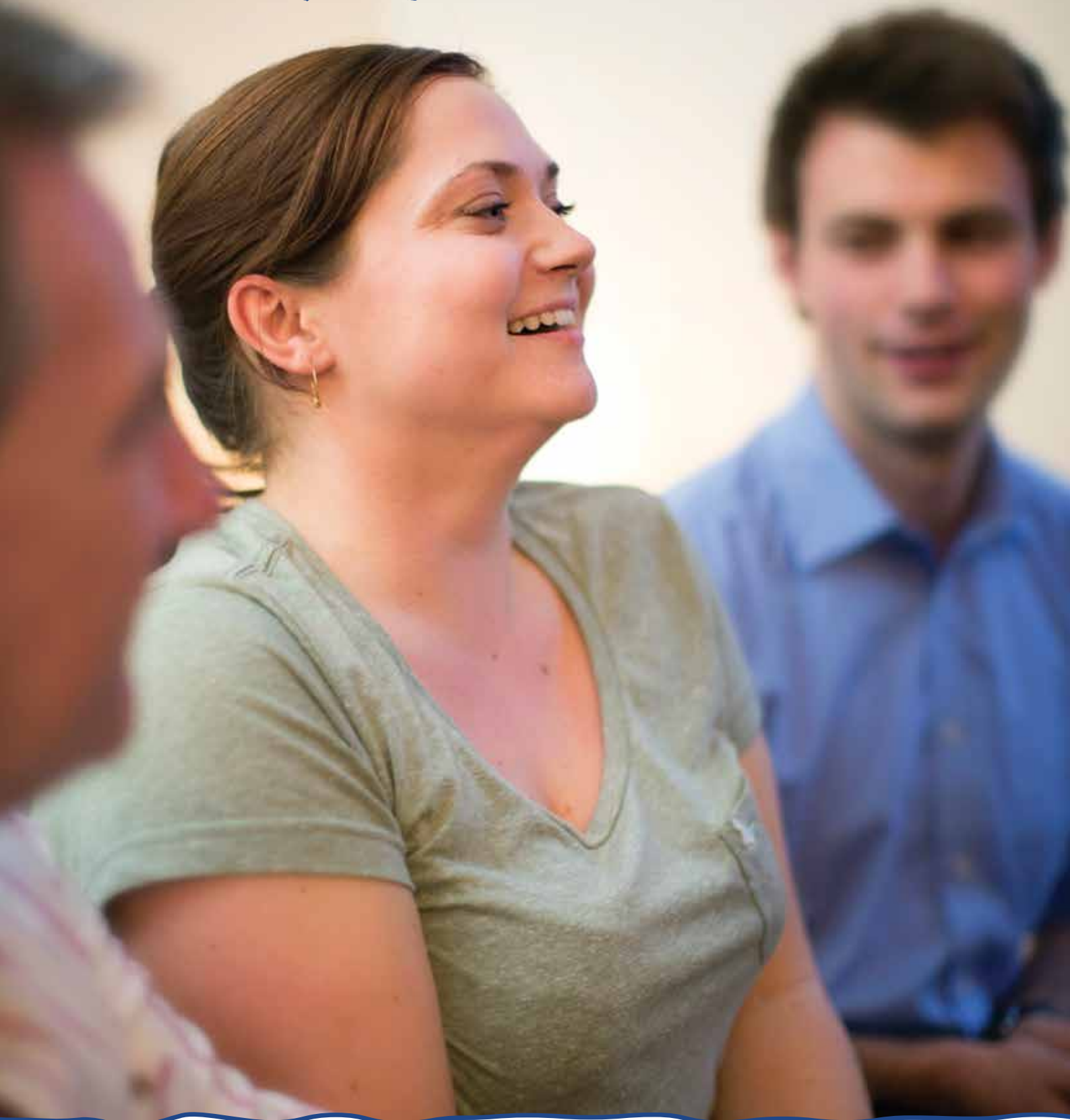
It's clear that mainstream back-to-work schemes are not working for people with mental health problems. The evidence shows that they are not suitable for people with mental health problems, not only leading to poor job outcomes but also making their mental health worse. Because of the fundamental flaws in these schemes, bold action is required. Amending current schemes will not be sufficient - instead we need a new specialist scheme, built around the principles described in the next chapter.

## Recommendations

1. The next Government should take people with mental health problems on ESA out of the Work Programme and JCP and direct them to a new specialist back-to-work scheme.
2. This new scheme should be designed around the principles set out in the following chapter.



**“The one to one support I received was incredibly helpful, which gave me confidence ... I always moved at my own pace.”**





# 6: Our vision for back-to-work support for people with mental health problems

## Chapter Overview

- A new model of support for those with mental health problems should focus on the individual, understanding their barriers to work and how to overcome these.
- It should be delivered on a local basis and integrated with local services, working with employers not only to provide suitable jobs, but also ongoing support.
- The success of back-to-work support should not just be judged on whether it finds someone a job or not, but also on the wellbeing of that person.
- The Individual Placement and Support model (IPS) incorporates all of these principles and has had significant success at supporting people with mental health problems into work.

We believe tweaks to the current system are insufficient. In this chapter we argue for a bold new alternative, and set out the key principles that a redesigned scheme needs to be based on. These principles are derived from what we have heard from people with mental health problems and the evidence we have seen about what sort of support works for this group.

Creating a new scheme for people on ESA would have some key advantages:

- It would be built around more accurate assumptions about the motivations and support of people with mental health problems.
- The structure of the scheme would ensure that specialist local support, relevant to the person's condition and circumstances, would be available to them.
- It would represent a new start and would help to regain the trust of people with mental health problems who have largely lost faith in the system.

# The principles of a new back-to-work scheme

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## Principle 1: Support should be based on understanding and trust

**“Genuine emotional support from an advisor you can trust who has real knowledge about your conditions and actually cares about the people they work for and their wellbeing.”**

Support schemes for this group need to understand what it is like for people experiencing a mental health problem. This means the people providing these schemes need to have expertise and experience of working with people with mental health problems. They also need to work with their clients to understand the variety of issues they may be facing.

Many people with mental health problems struggle with social interaction and find it hard to open up to an advisor. Being able to communicate effectively with people with mental health problems, and help them to describe the barriers they face, is vital to establishing what sort of support they need. Consistency of support, i.e. having one key point of contact, is also essential for people to be able to establish a relationship of trust with their advisor.

This relationship of trust needs to work both ways – participants in the scheme need to feel that their advisor understands them and is there to help them. Advisors need to start from the assumption that participants are being honest about the barriers they are facing, want to engage with support and want to move closer to work if the right support is offered in the right way.

While it's widely accepted people should take responsibility for the benefits they receive, it is counter-productive for sanctions to be the foundation of the relationship between someone with mental health problems and their advisor. Instead, the use of conditionality for this group should be a last resort and only discussed when it seems someone is refusing to engage.

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## Principle 2: Support should focus on individual ambitions and aspirations

**“I want to be treated like an individual not like I'm being pushed through a sausage machine.”**

Support should focus on what sort of work people would like to do and what their skills are suited to. If job outcomes are to be sustainable, people need to feel that the job is right for them and provides them with the opportunities to develop and progress. This group of people are out of work because of their health, not necessarily a lack of skills or experience – indeed, many people with mental health problems will have previously been in highly skilled and well paid work. Services need to be equipped to support people with a variety of previous experience and should not simply be looking to push people into any vacancies that arise.

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## Principle 3: Support should be specialised and person-centred

In a Mind survey of people who had experience of back-to-work support, a “person-centred approach”, i.e. focusing on their specific barriers and needs, was the most commonly mentioned aspect of good or desired back-to-work support.<sup>66</sup> There needs to be a dedicated, knowledgeable team who understand disability and illness.

Once people's barriers, needs and ambitions have been identified, an action plan of appropriate and sufficiently specialist support should be drawn up. This should be co-produced with the individual so that they feel in control of the support they are going to be engaging with, and confident that it is appropriate and manageable.

This approach would bring employment support more in line with services like social care, which starts from the position that someone has been found to face additional barriers, and works with them to explore how these can be overcome. Similarly, it is increasingly the case in healthcare that the patient ‘owns’ their care pathway or, in other words, the system places the person at the centre, being reactive to their needs. In contrast, for people placed in the WRAG, the DWP very much ‘own’ the pathway, and people are expected to comply with, rather than shape, this pathway.

In line with this idea that support should revolve around the person, there should be a wide range of specialist support available for people to choose from. This support should be offered by a variety of providers with different expertise and experience. This would also help to create a more diverse market of locally available support, with providers flourishing or failing depending on how effective and appropriate people and advisors find their support to be.

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#### Principle 4: Support should proactively engage with employers

**“They need to find employers who will actually take on people with mental health issues.”**

In our survey, the role of employers and in-work support was also seen as key by people with mental health problems. Respondents called for closer links with employers to find and create suitable job opportunities, and to address stigma and lack of understanding.

Since getting the right sort of job, with the right sort of in-work support, is vital for people with mental health problems, advisors have a key role to play in working with local employers to find suitable roles, ensure support will be available, and promote the people they are supporting. Only advisors with the appropriate skills, local knowledge and connections will be able to perform this brokerage role effectively.

This should also have a longer term impact on the accessibility of the local jobs market for people with mental health problems, reducing stigma and discrimination and making workplaces more open, suitable and supportive.

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#### Principle 5: Support should continue into employment

**“You should have someone to keep in contact, raise any concerns with my employer if needed, monitor my work load, and know me well enough to know if I was struggling.”**

As well as supporting someone to move into a job, back-to-work schemes should help someone to stay in that role. This could involve simply checking in with someone on a regular basis to see how they are doing, but could also involve ongoing brokerage with the employer to ensure that the person is receiving the support they need. This support should last for as long as it is needed to ensure that the person is able to maintain employment, even if their mental health worsens.

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#### Principle 6: Support should be integrated with health and other local services

Since people's health, and the impact it has on them, is such a key barrier to engaging with support and returning to work, employment support should be integrated with health support. Employment and health services should be aware of the support and advice people are receiving from each and it should be ensured that this advice and support is complementary.

Returning to work can be a key part of someone's recovery from a mental health problem, but their recovery should be seen as the primary objective. Therefore, employment support providers need to understand the fluctuations and changes in the health of the people they are supporting, and ensure that the support offered is having a positive impact on their health.

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#### Principle 7: Support should be focused on health outcomes as well as employment

The impact that employment support, and a potential return to work, has on someone's health should also be part of the measured outcomes. Programmes could use current information such as the Health and Social Care Information Centre Mental Health Bulletin or the Public Health Outcomes Framework, or look to models such as the Warwick Edinburgh Mental Wellbeing Scale.<sup>67</sup>

This would also help account for costs saved elsewhere to the local economy (for example, secondary mental health services or Improving Access to Psychological Therapies (IAPT)) and allow for easier integration and better commissioning. If Clinical Commissioning Groups are expected to reach certain employment outcomes, and employment services to reach certain health and wellbeing outcomes, the commissioning and delivery of these services would reflect this.

## The IPS model

The best model currently operating that fulfils the principles outline above is the Individual Placement and Support (IPS) approach. IPS has been shown to be twice as likely to enable people with severe mental health problems to enter work as any other employment support scheme.<sup>68</sup> The recent Psychological Wellbeing and Work report also estimated a benefit-cost ratio of 1:41, with the Government saving £1.41 for each £1 spent on the IPS model.<sup>69</sup>

Although it has not been used as much for people with mild to moderate conditions, the model addresses many of the concerns we have about the support currently on offer to this group. Furthermore, the evidence of the IPS model's success with people with more severe conditions and more complex barriers is surely more

convincing as a default approach for all people with mental health problems than the minimal success rate of mainstream government schemes.

IPS looks to secure paid employment that matches the person's interest and aspiration by co-producing a plan of action, rather than requiring them to undertake certain activities. Support continues once the person gets a job and, as these schemes are often based in secondary mental health care service, they are integrated with the person's health support. At the heart of the IPS approach is the need to build a strong, long-term relationship of trust between the advisor and the person being supported, understanding and addressing the barriers they face.

### Principles of IPS

1. Every person with mental illness who wants to work is eligible for IPS support.
2. Employment services are integrated with mental health treatment services.
3. Competitive employment is the goal.
4. Personalised benefits counselling is provided.
5. The job search starts soon after a person expresses interest in working.
6. Employment specialists systematically develop relationships with employers based upon their client's work preferences.
7. Job supports are continuous.
8. Client preferences are honoured.<sup>70</sup>

In 2009, four separate Government reports all recommended that the IPS approach should be used for people within mental health services who want to gain employment,<sup>71</sup> but we are yet to see a large-scale roll-out of the model despite its success.

Interest has generally led to suggestions of taking individual elements of the model and 'patching' them on to existing schemes. These suggestions miss the point – it is through embracing all the key principles outlined above that IPS is so successful. As such, nothing short of a redesigned scheme which is based around the principles outlined in this chapter and has learned the wider lessons of the IPS model, such as the need to commission at a local level, will be able to replicate its success. The annex of this report contains three case studies of schemes based around the IPS model that are achieving positive results of people out of work because of their mental health problems.



## Our vision for back-to-work support

In this chapter we have outlined what we think a new back-to-work scheme for people with mental health problems on ESA should look like. A scheme built around the principles described in this chapter would be far more effective at supporting people with mental health problems into work and would also help to contribute to improved health outcomes.

## Recommendations

The next Government should create a new specialist scheme for people with mental health problems on ESA, designed around the following principles:

- Understanding and trust.
- Individual ambitions and aspirations.
- Specialist and person-centred support.
- Proactive engagement with employers.
- Continued support in employment.
- Integration with health and other local services.
- Focus on health outcomes as well as employment.







# Conclusion

In this report we have described how each stage of the journey we have been looking at – from being in work, to falling out of work, to trying to move into work – is failing to properly support people with mental health problems. We have explained how a lack of understanding and misplaced assumptions about people with mental health problems undermine the whole of this journey. And we have set out the reforms that are needed to make this journey work.

This is the beginning of a vital discussion about how we:

- support more people to stay well in work
- prevent so many people falling out of work because of mental health problems
- help more people who are out of work because of their mental health to move closer to employment.

It is a process that will take time, effort and resources, but the benefits of getting it right are immense. We hope that everyone who has a role to play in this process of reform will embrace the vision we have set out, and work with us to make it a reality.

# Annex – Examples of effective schemes built around the IPS model

## Workplace Leeds

### What is it?

Part of Leeds Mind, WorkPlace Leeds is an employment service that specialises in supporting people with a wide range of mental health problems to find and retain employment. With over 20 years of experience, they work in a friendly and supportive way, using an individually-tailored and collaborative approach to enable clients to meet their goals. Many of the people they work with have been off sick for 12 weeks or more.

The service was commissioned by NHS Leeds and Leeds City Council (Adult Social Care) in 2011, with Clinical Commissioning Groups recently funding an expansion of the job retention service.

### How it works?

WorkPlace Leeds uses the IPS model, including CV building, interview skills, job search and tailored applications, as well as confidence-building, one-on-one sessions, advice on benefits, and practical assistance to overcome barriers such as childcare difficulties or public transport issues. It also offers Peer Employment Support interventions to develop confidence and a shared understanding of the struggle to get back to work.

It recognises that there are no quick fixes and the journey can be a long one, and it takes time to support clients to achieve goals such as volunteering or training along the way. Whilst work is the focus, there is a recognition of the journey to that goal.

### Working in partnership

Support is delivered in partnership with mental health, social care and housing services and works closely with referrers to ensure an integrated approach. This includes partnership with the secondary mental health service, Leeds and York Partnership Foundation Trust (LYPFT), which is strengthened further through links with the Trust's Vocational Lead practitioners. They have also worked in partnership with JCP to identify gaps in service provision.

### Staff

All staff complete experiential training in resilience-building, employment specialisms and creativity in mental health. More than 50 per cent of people working at Leeds Mind have lived experience of mental health difficulties, or have cared for someone with a mental health condition.

### Success rates

The annual cost to WorkPlace Leeds of supporting someone with severe and enduring mental health issues into employment is £5,819, compared to the £13,700 cost to the Work Programme of supporting an ESA claimant.

In 2013:

- 93 people gained paid employment (21 per cent)
- 94 per cent of clients remained employed
- 185 (48 per cent) were in training
- 110 found volunteering places (28 per cent)

### Client Comments

**“If I’d been put under pressure to apply for jobs, I wouldn’t have achieved anything.”**

**“After I met my employment specialist, I was even more optimistic. He made me feel confident, really put me at ease. I was comfortable talking to him about anything.”**

**“The caring and compassionate input made such a difference.”**

## Working Well – Manchester

Built around the offer of intensive and integrated support aimed at helping individuals tackle their own barriers to work, Working Well in Greater Manchester is supporting 5,000 people who've been on the Work Programme for two years.

Vital to Working Well is the role of keyworkers who work one-to-one with clients and an emphasis on integration of local services. Through the use of a local integration board consisting of local employers, mental health services, drug services, housing services etc., there is an opportunity to provide 'co-case support.' This means the keyworker can broker in support where necessary.

Crucial to the pilot is that people can access the services they need in the right order and at the right time for them.

The pilot also focuses on wellbeing outcomes, using the Warwick Edinburgh Mental Wellbeing Scale, as well as employment outcomes to monitor its success. Whilst clients are mandated to attend their first appointment with the service, there is an emphasis on the role of the keyworker in building a relationship with the client and promoting the benefits of the support. This approach has proved successful, with keyworkers effectively promoting the benefits of the scheme to their customers, leading to high return appointments and retention rates.

## Solent Mind

### What is it?

Funded by Portsmouth City Council, Solent Health Trust and local IAPT services, Solent Mind offers employment advice and support to both those from secondary and primary mental health care.

### How it works

The support is focused around a person-centred approach with each client seen and treated as an individual. Where the client faces external difficulties that are impacting upon their employment or them gaining employment (for example, housing problems), they aim to help solve these, or where possible signpost them to the appropriate services.

For those referred through secondary mental health services, they hold clinics in the local inpatient unit and the Adult Mental Health Service and offer advice and support in regards to job retention and exploring work, voluntary work or training upon discharge. For clients from primary health care settings they offer similar support, included attending IAPT services.

### Integration

Whilst not co-located with health care services, Solent Mind uses the same patient management system as the local IAPT team, ensuring that they are able to keep up to date with clients and share information. It is this open communication and information that helps make the service so successful.

### Success rates

For those referred from Primary Mental Health Services (mild to moderate):

- 20.5 per cent found new work with the help of the service
- 51.4 per cent were able to retain their employment and resolve issues they were facing at work

For those referred from Secondary Mental Health Services (severe and enduring):

- 23.8 per cent found new work with the help of the service
- 19 per cent were able to retain employment and resolve issues they were facing at work
- 38 per cent engaged in a training or educational opportunity

### Client comments

**"I felt like it helped very much having you there."**

**"Today is a happy day, I'm really pleased to be returning to work."**

**"I can't tell you how invaluable your support has been."**

**"Thank you so much for all of your time today – I feel like I am moving forward already."**

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We provide advice and support to anyone  
experiencing a mental health problem.  
We campaign to improve services, raise  
awareness and promote understanding.

Mind's registered charity number is 219830.



## **Freedom of Information request 2014-79**

**Date received 8<sup>th</sup> January 2014**

**Date of response 18<sup>th</sup> March 2014**

### **Information request**

For each month from October 2008 to June 2013 inclusive, please give the number of adverse ESA sanctions decisions broken down by the Summary International Classification of Diseases (i.e. ESA Total; Other; Mental and Behavioural Disorders; Diseases of the Nervous System; Diseases of the Circulatory or Respiratory System; Diseases of the Musculoskeletal system and Connective Tissue; and Injury, Poisoning and certain other consequences of external causes) so that the total in each month matches the adverse decisions figures given in Table 2.1 in the DWP sanctions statistics release of 6 November 2013.

Should any part of this request be undeliverable due to cost or practical considerations, please give top priority to providing figures for June 2013 and then work backwards month by month as far as possible.

### **DWP response**

In response to your query as a whole, I can confirm that the Department does hold some information falling within the description specified in your request. However, we estimate that the cost of complying with your whole request would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under section 12 of the FOIA the Department is not obliged to comply with your request and we will not be processing your full request further.

However we are able to provide you with the following information within the cost limit which will give an estimate of the information you require. Table 1 shows the number of adverse Employment and Support Allowance (ESA) sanction decisions, broken down by the Summary International Classification of Diseases (ICD). Please note that as medical condition was not recorded until February 2010 the most recent ICD value held is shown so this may not be the condition the claimant had at the time of the sanction.

Please note that ESA sanctions are only applied to those in the Work Related Activity Group (WRAG), and not the Support Group, therefore comparisons should only be made with the ESA WRAG caseload and off-flows statistics

published here: <https://www.gov.uk/government/collections/employment-and-support-allowance-caseload-statistics>. For example, the percentage of the total ESA WRAG caseload who received an adverse sanction decision for the quarter ending May 13 was 0.9%.

For further information on ESA sanctions please see the Benefits Sanctions section here:

<https://www.gov.uk/employment-support-allowance/what-youll-get>

**Please note that the figures supplied are derived from unpublished information and have not been quality assured to National Statistics or Official Statistics publication standard. They should therefore be treated with caution. Please read the table notes.**

**Table 1: The number of adverse Employment and Support Allowance (ESA) sanction decisions, by ICD (disease) Summary Code, Great Britain: October 2008 to June 2013**

	All	Other	Mental and Behavioural Disorders	Diseases of the Nervous System	Diseases of the Circulatory or Respiratory System	Diseases of the Musculoskeletal system and Connective Tissue	Injury, Poisoning and certain other consequences of external causes
<b>Total</b>	<b>64,890</b>	<b>19,810</b>	<b>27,680</b>	<b>1,800</b>	<b>2,540</b>	<b>7,120</b>	<b>5,930</b>
Oct-08	-	-	-	-	-	-	-
Nov-08	-	-	-	-	-	-	-
Dec-08	-	-	-	-	-	-	-
<b>2008</b>	<b>10</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Jan-09	20	10	-	-	-	-	-
Feb-09	180	90	50	10	10	10	20
Mar-09	490	240	150	10	10	40	40
Apr-09	750	370	210	10	30	70	60
May-09	1,030	490	320	20	40	90	70
Jun-09	1,480	670	500	40	40	120	110
Jul-09	2,230	970	740	50	90	200	180
Aug-09	2,240	960	790	40	80	210	160
Sep-09	2,450	1,000	830	50	100	270	220
Oct-09	2,620	980	920	60	100	300	270
Nov-09	2,830	960	1,040	70	120	330	310
Dec-09	2,630	770	1,080	60	90	320	320
<b>2009</b>	<b>18,960</b>	<b>7,520</b>	<b>6,640</b>	<b>420</b>	<b>680</b>	<b>1,960</b>	<b>1,740</b>
Jan-10	2,800	840	1,080	70	140	330	340
Feb-10	3,330	980	1,320	100	140	420	380
Mar-10	3,690	1,030	1,580	90	140	450	400
Apr-10	3,070	890	1,250	90	140	350	350

May-10	3,020	810	1,350	70	140	330	320
Jun-10	3,040	860	1,250	80	130	370	340
Jul-10	2,390	640	1,020	70	110	300	260
Aug-10	2,250	630	940	50	80	290	270
Sep-10	2,060	560	870	60	90	240	260
Oct-10	1,750	500	720	60	60	220	190
Nov-10	1,150	310	530	40	40	120	110
Dec-10	780	210	350	30	30	100	70
<b>2010</b>	<b>29,320</b>	<b>8,240</b>	<b>12,250</b>	<b>810</b>	<b>1,240</b>	<b>3,500</b>	<b>3,280</b>
Jan-11	710	210	330	20	30	80	50
Feb-11	650	170	300	20	30	80	60
Mar-11	600	160	290	20	30	70	40
Apr-11	330	90	150	10	10	40	30
May-11	190	40	100	10	10	20	20
Jun-11	140	40	70	-	-	20	10
Jul-11	160	50	70	10	-	20	20
Aug-11	190	60	80	-	10	30	10
Sep-11	260	60	120	10	20	40	20
Oct-11	270	70	150	10	10	30	10
Nov-11	510	140	270	20	20	40	20
Dec-11	480	120	250	20	20	50	30
<b>2011</b>	<b>4,490</b>	<b>1,190</b>	<b>2,160</b>	<b>150</b>	<b>180</b>	<b>490</b>	<b>310</b>
Jan-12	600	150	310	20	20	50	40
Feb-12	750	210	380	20	20	80	40
Mar-12	880	200	490	40	30	70	50
Apr-12	910	210	480	30	40	90	50
May-12	1,110	280	590	40	40	120	50
Jun-12	1,020	230	580	40	40	80	50
Jul-12	1,260	280	710	40	50	130	50
Aug-12	1,120	250	610	50	50	100	70
Sep-12	1,210	290	670	40	50	120	50
Oct-12	1,640	410	900	50	40	160	90
Nov-12	1,640	360	910	70	70	160	80
Dec-12	1,190	220	670	40	50	140	70
<b>2012</b>	<b>13,320</b>	<b>3,090</b>	<b>7,300</b>	<b>470</b>	<b>490</b>	<b>1,300</b>	<b>670</b>
Jan-13	1,510	300	860	60	50	160	90
Feb-13	1,270	240	730	50	40	150	70
Mar-13	1,300	210	740	70	50	170	70
Apr-13	1,800	300	1,080	90	60	180	90
May-13	2,170	390	1,250	100	80	230	130
Jun-13	2,160	390	1,290	80	70	240	100
<b>2013</b>	<b>10,210</b>	<b>1,820</b>	<b>5,940</b>	<b>430</b>	<b>350</b>	<b>1,130</b>	<b>540</b>

**Source:** Information, Governance and Security Directorate (DWP)

**Notes:**

1. Data rounded to the nearest 10. ‘-‘denotes nil or negligible. Totals may not sum due to rounding method used. Figures are to 30 June 2013, which is the latest data available at the time of the request.
2. ICD (disease) summary code: ICD (disease) code Causes of incapacity are based on the International Classification of Diseases, 10th Revision, published by the World Health Organisation. Medical condition is based on evidence provided at the start of the claim and so may not represent a claimant's most recent medical condition. The "Other" category includes claimants with an unknown medical condition. Please also note that where someone has more than one diagnosis or disabling condition only the predominant one is used.
3. A medical condition does not confer entitlement to Employment Support Allowance and the decision on entitlement is based on the claimant's ability to carry out the range of activities related to physical and mental function, assessed by the Work Capability Assessment.
4. For ESA claimants, data on medical condition is only available from February 2010 onwards so the medical condition shown above prior to this date may not have been the condition at the time the sanction decision was made.
5. The low numbers in 2011 are a result of previous employment programmes ending.
6. Please note that the figures supplied are derived from unpublished information and have not been quality assured to National Statistics or Official Statistics publication standard. They should therefore be treated with caution.

# Freedom of Information request 2014-2282

Date received: 19 May 2014

Date of response: 20 June 2014

## Information request

For each month from July 2013 to December 2013 inclusive, please give the number of adverse ESA sanctions decisions broken down by the Summary International Classification of Diseases (i.e. ESA Total; Other; Mental and Behavioural Disorders; Diseases of the Nervous System; Diseases of the Circulatory or Respiratory System; Diseases of the Musculoskeletal system and Connective Tissue; and Injury, Poisoning and certain other consequences of external causes) so that the total in each month matches the adverse decisions figures given in Table 2.1 in the DWP sanctions statistics release of 14 May 2014.

## DWP response

The table below shows an estimate of the number of adverse Employment and Support Allowance (ESA) sanction decisions, broken down by the Summary International Classification of Diseases (ICD) cause of incapacity recorded at the start of the claim.

Please note that ESA sanctions are only applied to those in the Work Related Activity Group (WRAG), and not the Support Group, therefore comparisons should only be made with the ESA WRAG caseload and off-flows statistics published here: <https://www.gov.uk/government/collections/employment-and-support-allowance-caseload-statistics>

For example, the percentage of the total ESA WRAG caseload who received an adverse sanction decision for the quarter ending Aug 13 was 1%.

For further information on ESA sanctions please see the Benefits Sanctions section here:

<https://www.gov.uk/employment-support-allowance/what-youll-get>

**Please note that the figures supplied are derived from unpublished information and have not been quality assured to National Statistics or Official Statistics publication standard. They should therefore be treated with caution. Please read the table notes.**

**The number of adverse Employment and Support Allowance (ESA) sanction decisions, by ICD (disease) Summary Code, Great Britain: July 2013 to December 2013**

	All	Other	Mental and Behavioural Disorders	Diseases of the Nervous System	Diseases of the Circulatory or Respiratory System	Diseases of the Musculoskeletal system and Connective Tissue	Injury, Poisoning and certain other consequences of external causes
<b>Jul</b>	2,245	373	1,354	78	79	256	108
<b>Aug</b>	2,193	380	1,352	92	55	218	102
<b>Sep</b>	2,603	433	1,602	98	102	238	130
<b>Oct</b>	3,372	586	2,006	108	124	390	161
<b>Nov</b>	3,837	620	2,336	169	108	428	180
<b>Dec</b>	4,789	809	2,974	170	138	490	206

**Source:** Information, Governance and Security Directorate (DWP)

**Notes:**

1. Cells in this table have had statistical disclosure control applied to avoid the release of confidential data. Therefore totals may not be the sum of the individual cells. Figures are to 31 December 2013, which is the latest data available.
2. ICD (disease) summary code: ICD (disease) code Causes of incapacity are based on the International Classification of Diseases, 10th Revision, published by the World Health Organisation. Medical condition is based on evidence provided at the start of the claim and so may not represent a claimant's most recent medical condition. The "Other" category includes claimants with an unknown medical condition. Please also note that where someone has more than one diagnosis or disabling condition only the predominant one is used.
3. A medical condition does not confer entitlement to Employment Support Allowance and the decision on entitlement is based on the claimant's ability to carry out the range of activities related to physical and mental function, assessed by the Work Capability Assessment.
4. **Please note that the figures supplied are derived from unpublished information and have not been quality assured to National Statistics or Official Statistics publication standard. They should therefore be treated with caution.**



# WELFARE SANCTIONS AND CONDITIONALITY IN THE UK

Conditional welfare arrangements require people to behave in a certain way to access welfare goods, such as cash benefits, housing or support services. These behavioural conditions tend to be enforced through penalties or 'sanctions' that reduce, suspend or end access to these goods. This paper examines the efficacy and ethicality of conditional forms of welfare. It considers existing evidence about how effective welfare conditionality is at achieving and sustaining desired forms of behavioural change; what the impacts are; how different groups fare; and to what extent welfare conditionality can be morally justified.

## Key points

- Behavioural requirements for out-of-work-benefits are the most high-profile form of conditionality, but pronounced strands of conditionality have also emerged in relation to anti-social behaviour, social housing and homelessness policies, particularly in England.
- Sanctions are now used much more frequently within the welfare benefits system. The severity of sanctions has also increased and conditionality is now applied to previously exempt groups (e.g. lone parents, disabled people).
- Benefit sanctions are having a strongly disproportionate effect on young people under 25, and there is also evidence of severe impacts on homeless people and other vulnerable groups.
- International evidence indicates that benefit sanctions (especially severe sanctions) substantially raise exits from benefits, and may also increase short-term job entry; but the longer-term outcomes for earnings, job quality and employment retention appear unfavourable.
- Little evidence is available on the impact of welfare conditionality in other spheres, such as social housing.
- There is qualitative evidence to suggest that, with appropriate support, interventions including elements of conditionality or enforcement may deter some individuals from anti-social behaviour and street-based lifestyles.
- The 'theories of behaviour change' underpinning conditionality have been questioned by commentators from both the Right and the Left, particularly with respect to the assumed 'rationality' of welfare recipients' responses to financial sanctions and incentives.
- There are also concerns that welfare conditionality leads to a range of unintended effects, including: distancing people from support; causing hardship and even destitution; displacing rather than resolving issues such as street homelessness and anti-social behaviour; and negative impacts on 'third parties', particularly children.

## Authors

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SEPTEMBER 2014

# INTRODUCTION

This *Round-up* synthesises evidence collected during the initial stages of a five-year Economic and Social Research Council (ESRC) funded research study – ‘*Welfare Conditionality: Sanctions, Support and Behaviour Change*’ – being conducted by six UK universities<sup>1</sup>.

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The study focuses on two key questions:

- How effective is welfare conditionality in promoting and sustaining behaviour change amongst welfare recipients?
- To what extent, and on what grounds, can welfare conditionality be morally justified?

It seeks to establish a comprehensive evidence base on the *efficacy* and *ethicality* of conditionality across a diverse range of welfare service users, including: unemployed people; lone parents; disabled people; social tenants; homeless people; individuals/families subject to anti-social behaviour orders or family intervention projects; offenders; and migrants.

The study is predominantly qualitative in nature, involving a major programme<sup>2</sup> of interviews with senior policy-makers and other influential ‘key informants’; focus groups with frontline workers charged with implementing conditional welfare policies; and repeated in-depth interviews with ‘welfare recipients’. It compares the implementation of welfare conditionality in England and Scotland, and across six case study cities (Bristol, Edinburgh, Glasgow, London, Peterborough and Sheffield).

This *Round-up* synthesises evidence gathered in the first year of the project, prior to the start of the fieldwork. It draws on the following sources:

- current UK and international evidence on the effectiveness and ethicality of conditional forms of welfare;
- a series of policy briefing papers<sup>3</sup> detailing the application of conditionality to the eight welfare recipient groups above;
- statistical analysis of available quantitative data on the volume and trends in the application of benefit sanctions and other aspects of welfare conditionality<sup>4</sup>; and
- a theoretical mapping of key concepts associated with welfare conditionality.

## What is ‘welfare conditionality’?

Welfare recipients are subject to various forms of ‘conditions’ when accessing state support, including the following (adapted from Clasen and Clegg, 2007):

- **Conditions of category:** entitlements are conditional on membership of a defined category of support (e.g. being unemployed, disabled, homeless, etc.);
- **Conditions of circumstance:** eligibility criteria exclude or include individuals on the basis of their circumstances (e.g. passing a means test or demonstrating a particular level of need);
- **Conditions of conduct (i.e. behavioural conditions):** demand for particular patterns of behaviour from welfare recipients.

The recent shift towards a much greater emphasis on conduct conditionality is the main focus of this *Round-up* (Dwyer and Wright, 2014). While the application of sanction-backed behavioural

conditions within the benefits system are often seen as the 'archetypal' form of welfare conditionality, increasingly conditional approaches have also emerged in other areas of social policy, including in relation to social housing, homelessness and anti-social behaviour (ASB). Behavioural conditions tend to be enforced through the use of penalties that reduce, suspend or end access to benefits, housing or other welfare 'goods', though conditional welfare arrangements may also combine sanctions with support and/or incentives to enable and encourage welfare recipients to behave in particular ways. Relevant interventions range from overt 'punishments' – such as the withdrawal of benefits, eviction from social housing, or the imposition of Anti-Social Behaviour Orders (ASBOs) – to broader forms of 'social control' that seek to change behaviour through a more subtle mix of 'nudging', 'persuasion' and/or 'social pressure' (Dolan, *et al.*, 2012; Grant, 2012).

## Conditionality in welfare benefits

### The evolution of conditionality in welfare benefits

Conditionality has been a longstanding feature of welfare benefit entitlements in the UK. Access to unemployment benefits, for example, has always been conditional on recipients being involuntarily unemployed and available for work. However, the scope and scale of *behavioural* forms of conditionality, as well as the severity of the sanctions applied for failure to comply with the required conduct (e.g. attending appointments with employment advisers), has increased substantially since the 1980s. Some particular groups – notably lone parents, sick and disabled people, offenders and some categories of migrants – have also been targeted for specific conditionality measures.

A series of social security reviews conducted by the Conservative Government (1979–1997) led to the introduction of a 'stricter benefit regime' from the late 1980s and culminated in the introduction of Job Seekers Allowance (JSA) in 1996, a pivotal change which intensified monitoring of **unemployed** claimants' job-seeking behaviour. The incoming Labour Government in 1997 adopted a 'work first' and 'work for all' approach, embracing JSA's monitoring of claimants' job search activities, backed up by benefit sanctions in cases of non-compliance. A range of measures were also introduced to 'make work possible' and 'make work pay', including increased financial support for childcare, as well as the introduction of the National Minimum Wage, increased levels of Child Benefit, and tax credits to assist low-income families.

These 'enabling' measures were implemented alongside an expansion in the reach of work-related conditionality to previously exempt groups, with **lone parents** – previously subject to 'light' if any conditionality – increasingly targeted (Whitworth and Griggs, 2013). Compulsory 'Work Focused Interviews' for lone parents on Income Support (IS) were introduced from 2001. Lone Parent Obligations (LPO), implemented from 2008, have seen an incremental reduction in the age threshold of the youngest child that enables lone parents to qualify for IS, rather than the much more conditional JSA; by 2012, this threshold had been lowered to age 5. Under LPOs, lone parents deemed able to work are treated in broadly similar terms to other JSA claimants, albeit that some LPO 'flexibilities' have been incorporated to recognise the responsibilities involved in caring for a child. Also in 2008, Employment and Support Allowance (ESA) was introduced to replace Incapacity Benefit (IB) and IS for **sick and disabled people**, with this benefit embracing more conditional elements (and the use of sanctions) for those deemed capable of 'work-related activity'.

The current UK Coalition Government has further intensified benefit conditionality. Initially, this included a dramatic increase in the use of *fixed length sanctions* (imposed for failure to satisfy work-related activity requirements), while *varied length sanctions* (associated with 'voluntary unemployment') and *entitlement sanctions* (related to benefit eligibility), which previously dominated, tended to decrease or remain static, although the recession may have affected these as well (e.g. fewer people leave jobs voluntarily when job opportunities are scarce). Under a new JSA sanctioning regime introduced in October 2012, the maximum sanction – for repeated 'high level' non-compliance – is now complete withdrawal of benefits for three years. Claimants in the 'work-related activity group' (WRAG) of ESA also face more stringent sanctions under a new regime introduced in December 2012: those who fail to comply with the conditions for receiving the benefit now receive an open ended sanction, followed by a fixed period sanction when they re-comply. The sanctionable amount has increased to 100 per cent of the work-related activity component of benefit for a single claimant (from 50 per cent for the first four weeks and 100 per cent thereafter under the previous regime).

The Work Programme (WP) – introduced in 2011 – consolidates previous employment programmes and contracts out responsibility for employment support to private companies and third-sector bodies, with a significant ‘payment by results’ element. **Offenders** who claim JSA now enter the Work Programme from ‘day one’ of their prison release, rather than 9 or 12 months after starting claiming as for other groups (Ministry of Justice (MOJ), 2010; Fletcher *et al.*, 2012). In addition, any individual claiming JSA within thirteen weeks of leaving custody will be mandated to the Work Programme. These developments reflect policy-makers’ ambition to help unemployed offenders into work as a means of combatting recidivism, and were given further impetus by a landmark Government data-sharing project which revealed that a substantial proportion (26 per cent) of claims for out-of-work benefits in England and Wales at 1 December 2010 were made by ‘offenders’ who had received at least one caution or conviction between 2000 and 2010 (the equivalent figure for JSA specifically was 33%), with 5 per cent of claims made by offenders who had been released from prison during the same period (MOJ & DWP, 2011).

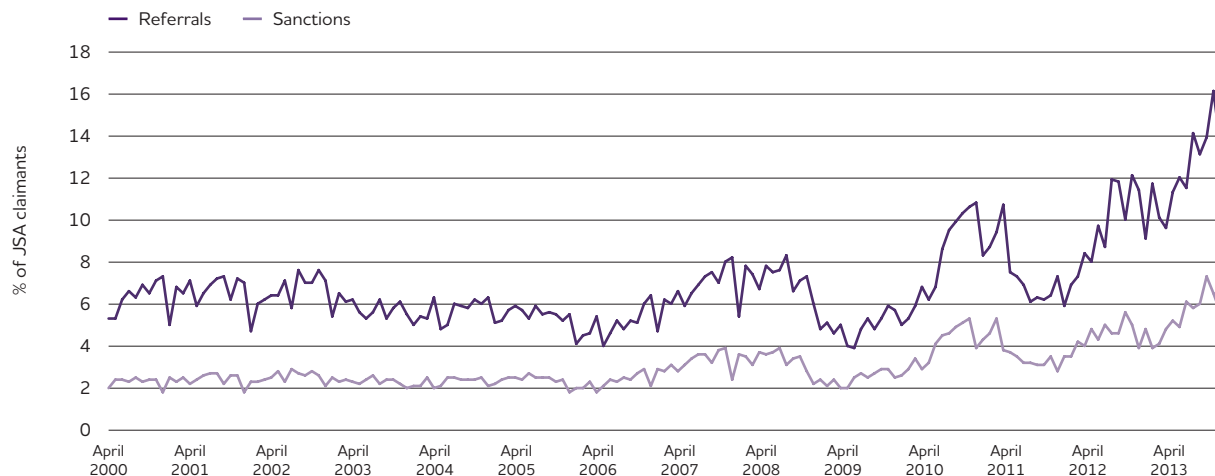
Recent and ongoing UK immigration and asylum policy has strengthened the long-established link between **migrants’** legal status and widely divergent rights to residence, work and welfare (Dwyer *et al.*, 2011). Alongside ‘stratified conditions of eligibility’ (Morissens and Sainsbury, 2005) the notion of ‘earned citizenship’ has become more prevalent, with permanent residence and access to full rights to work and welfare increasingly conditional on migrants demonstrating economic self-sufficiency. Most recently, the UK Government has introduced new measures to further limit European Economic Area (EEA) nationals’ rights to access benefits. These include a minimum earnings threshold, a ‘genuine prospect of work test’ and restrictions on entitlement to Housing Benefit, Child Benefit and Child Tax Credit for newly arrived EEA ‘jobseeker’ nationals (BBC, 2014b; Kennedy, 2014).

The roll out of Universal Credit further extends the scope and strictness of the conditionality regime. Individual ‘Claimant Commitments’ (now in place in most Job Centre Plus offices) increase job-seeking expectations for most claimants, with the default requirement that claimants treat looking for work as their full-time job. In addition, claimants of Universal Credit who are in work but on a low income are to be subject to conditionality for the first time. Those whose weekly gross earnings fall short of a ‘conditionality threshold’ (equivalent to around 35 hours work per week paid at national minimum wage rates) will be expected to meet the threshold by working more hours and/or increasing their pay rate, finding a second job to supplement their income, or getting a new job with better wages; otherwise they are potentially subject to sanctions (DWP, 2010; Dwyer and Wright, 2014). The Minister for Employment recently announced a big change in the nature of benefit conditionality, with new jobseekers set to face *pre-claim* behavioural requirements including preparing a CV, setting up an email address and registering on the Government’s new jobs website ‘Universal Jobmatch’ (DWP, 2014).

### Statistical evidence on the use of sanctions within welfare benefits

Statistics on the rates of ‘referrals’ of JSA claimants for sanctioning, and ‘adverse decisions’ resulting in actual sanctions, indicate four phases over recent years: relative stability from 2000–2006; a pulse of increased referrals and sanctions through 2007 and 2008; then an increasing use of referrals and sanctions after the Coalition Government took up office in 2010 (see Figure 1); finally, after dropping back in 2011, sanctions have surged upwards to higher levels through 2012 and 2013. Overall, monthly sanctions rates have risen from about 2 to 2.5 per cent of claimants in this earlier period, to around 3.5 per cent in 2008, and 5 per cent in 2010–11, and again to around 6 per cent by late 2013 (actually peaking at 7.3 per cent in October 2013).

**Figure 1: Monthly Referral and Sanction rates 2000–2013 – % of all JSA claimants**



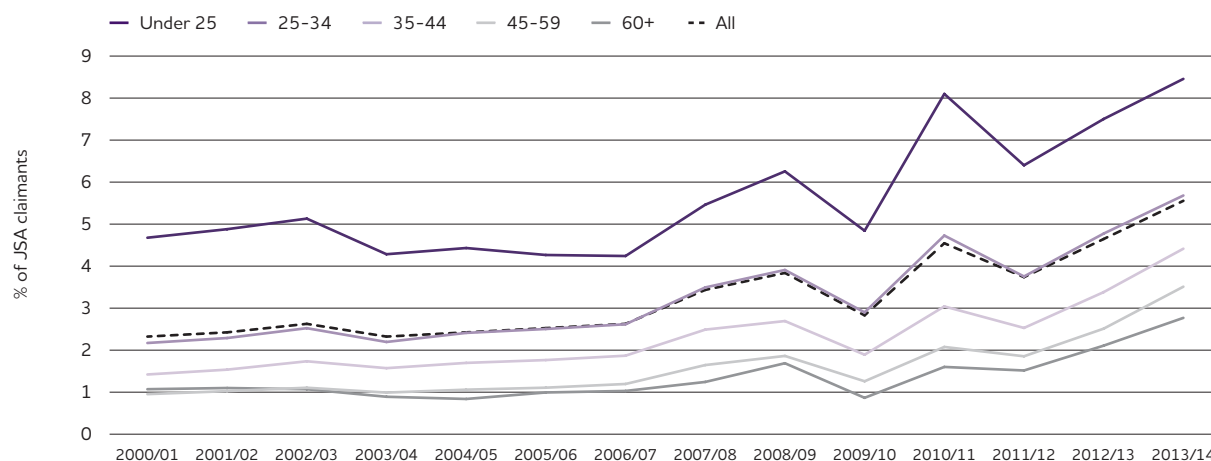
It has been argued (Webster, 2014c and personal correspondence) that the 2007–08 spike reflected a ministerial and policy change to strengthen conditionality at that time. Much higher general unemployment following the onset of recession from 2008 through to 2010 led to a fall in the rate of sanctions. Given that conditions in the labour market then did not significantly alter for a couple of years, the big pulse in referrals and sanctions in 2010–11 appears mainly to reflect the policy impact of the change of Government (see Webster 2013a, 2014c). In this light, the subsequent falling back in 2011–12 is somewhat surprising, but appears to have resulted from the introduction of the WP, and the shifting of the supervision of many claimants to WP contractors. By 2013 referral and sanctions rates had once again risen, exceeding those in 2010 (also note the growing gap between referral and sanction rates, discussed further below).

The number of sanctions issued by WP providers has escalated rapidly, with over 290,000 issued in 2013, up from 185,000 in 2012 and over double the level issued by equivalent programmes before 2010 (MacInnes *et al.*, 2013; Oakley, 2014). Between the introduction of the new sanctions regime in October 2012 and September 2013, almost one million individuals were referred for sanctioning, and more than half a million (528,000) received an adverse decision.

Recent statistics show a substantial escalation in the JSA sanctions applied to vulnerable groups, specifically lone parents and disabled people (BBC, 2014a). There is also evidence that those with complex needs, such as homeless people, have been disproportionately affected by intensifying welfare conditionality (Crisis, St Mungo's and Homeless Link, 2012; Homeless Watch, 2013). Recognition of this has prompted an easing of work requirements for some recently homeless JSA claimants, as long as they take reasonable steps to find accommodation<sup>5</sup>. Some minority ethnic groups may also be disproportionately affected (Scottish Government, 2013, Bramley *et al.*, forthcoming; see also Webster, 2013a), which could reflect issues around language, understanding and communication (Peters and Joyce, 2006; Dwyer, 2009). The recently published independent review of sanctions applied to JSA claimants through mandatory back to work schemes, undertaken by Matthew Oakley on behalf of the Department for Work and Pensions (DWP), identified particular difficulties faced by the most vulnerable claimants (e.g. those with limited understanding of English or learning disabilities). Advisers involved in the review identified “a ‘vulnerable’ group who tended to be sanctioned more than the others because they struggled to navigate the system” (Oakley, 2014, p.35). These patterns are consistent with the international evidence, especially from the US, that the most vulnerable claimants are at greatest disadvantage within highly conditional systems, for example, those with mental health problems or low levels of qualifications or work experience, as well as ethnic minorities (Pavetti *et al.*, 2003; Meyers *et al.*, 2006; Schram *et al.*, 2009).

However, what is most clear from the available UK statistical evidence is that young people are more severely affected by the rapid growth in benefit sanctions than other age groups. As Figure 2 indicates, the recent escalation of sanction rates applies to all age groups. But the under-25 group has had a consistently higher sanction rate than other age groups, and individuals in this group account for 41 per cent of all sanctions issued under the new regime from October 2012 to December 2013. Figure 2 confirms that sanctioning is now a significant risk for an under-25 JSA claimant, affecting 8 per cent of claimants in this age group per month in 2010–11 (averaged over this financial year), and rising to 8.4 per cent in 2013–14 (part-year).

**Figure 2: Monthly adverse decisions as % of all JSA claimants**



Again, this heightened sanctioning risk for younger people is consistent with international evidence, particularly from the US (Pavetti *et al.*, 2003), and has been apparent in the UK for some time (Peters and Joyce, 2006). One explanation that has been offered is that younger claimants have a more ‘relaxed’ attitude to sanctioning as a result of the financial safety net provided for some by their families (Peters and Joyce, 2006, p. 17). Less reassuringly, it has also been suggested that they may be more likely to live in insecure or chaotic circumstances that make it difficult for them to comply with the strictures of the welfare system, and/or have less experience in how to navigate a highly conditional system (Fitzpatrick *et al.*, forthcoming; YMCA, 2014). It is also possible that some direct or indirect discrimination within the welfare system is placing young people at particular risk of financial penalties.

Worryingly, a recent sharp rise in reserved/cancelled decisions<sup>6</sup>, particularly the latter, appears to relate largely to errors in the paperwork submitted by WP contractors to DWP (Webster, 2014c). More broadly, there are increasing concerns about the levels of ‘wrongful sanctioning’, both in terms of the impact on ‘innocent’ claimants and the cost of appeals processes to the State (Miscampbell, 2014b; Oakley, 2014), though (for reasons that aren’t entirely clear (Adler, 2013)) independent tribunal appeals are made by only a very small number of sanctioned claimants (on average 3.1 per cent of sanctioned claimants appealed to tribunals in 2013, Webster, 2014d)<sup>7</sup>. Adler (2013) raises broader concerns about the significant discretion accorded to frontline staff in imposing sanctions and the (increasingly) limited means of redress available to sanctioned claimants.

In the recent review of sanctions referred to above, Oakley argues that an effective sanctioning system must offer those who are sanctioned “easily accessible and understandable recourse to appeal, and potential redress”, and acknowledged the confusing and complex nature of the current system, recommending various ways the system can be made clearer for claimants.<sup>8</sup> It should be noted that the scope of the Oakley review was limited to issues of communications and process, and to claimants mandated to back to work schemes (HM Government, 2013, see also Webster, 2014a). However, Oakley does refer to wider issues noted in the evidence submitted, including the effectiveness and proportionality of the sanctions regime; the quality of sanctions decisions and employment support; and the application of sanctions through Jobcentre Plus (the majority of sanctions) and to ESA



claimants (Oakley, 2014).<sup>9</sup> While the number of sanctions issued to ESA claimants is relatively small in comparison with JSA sanctions, there is now a discernible upward trend in both the number and rate of ESA claimants who are sanctioned. The rate of sanctions for ESA WRAG claimants has risen from a low of 0.06 per cent per month in June 2011, to 0.69 in November 2013 and an estimated 0.86 per cent in December 2013. This amounted to 4,789 ESA sanctions in December 2013, the highest monthly figure since sanctions were introduced for this group in 2008 (Webster, 2014d).

### The impact and effectiveness of conditions and sanctions within welfare benefits

While some would argue that the 'punishment' of non-compliers (Webster, 2014b) and achieving reductions in welfare expenditure (Griggs and Evans, 2010) have now emerged as additional key objectives, the main stated goal of conditionality within the benefit system is to influence claimants' behaviour by incentivising them to actively seek work and move off benefits (Miscampbell, 2014b).

Based on a systematic review of international evidence, Griggs and Evans (2010) conclude that:

*"... sanctions for employment-related conditions (full-family sanctions in the case of US welfare systems) strongly reduce benefit use and raise exits from benefits, but have generally unfavourable effects on longer-term outcomes (earnings over time, child welfare, job quality) and spill-over effects (i.e. crime rates)." (p.5)*

Evidence from the US makes clear that the very severe sanctions applied in some states have produced substantial declines in welfare programme caseloads (see also Mead, 2011), but the US evidence for positive effects on job entry is far weaker, and with respect to earnings, is on balance negative. European evidence on the short-term effects of actually imposed sanctions on unemployment benefit claimants demonstrates a consistent and substantial increase in employment entry rates and/or reduced unemployment durations, particularly when sanctions occur early in a claim (Muller & Steiner, 2008; Hofmann, 2008). However, while data on longer-term impacts is scant, a key study in Switzerland which considered the effect of both the threat and imposition of sanctions found that they lowered the likelihood of sustainable employment and incomes over time (Arni *et al.*, 2009). Evidence on the wider 'spill over' effects that can be directly attributed to sanctions appears very limited, but one UK study identified an unfavourable impact on local property-related crime rates (Machin and Marie, 2004). The evidence on child welfare is likewise far from definitive, but some work in the US suggests raised levels of child safety concerns associated with welfare sanctions (Paxson and Waldfogel, 2003).

While severe sanctions (particularly immediate full-family sanctions in US) appear to have the most dramatic impacts on benefit exits, there is evidence from the Netherlands that less severe sanctions can be effective in increasing transition rates from welfare to work (Abbring *et al.*, 2005 and see Webster, 2014b).

Also highly relevant to the question of the effectiveness of welfare sanctions in 'driving' behavioural change (Miscampbell, 2014b) are the findings from a wide range of studies reviewed by Griggs and Evans (2010) about claimant knowledge and understanding. Evidence from both the UK and US indicates that, while welfare recipients are usually aware that penalties are part of the system, they often have little knowledge of when they could be imposed or how they could be avoided or reversed, implying that claimants are often "...effectively being punished for a lack of understanding rather than (deliberate) non-compliance." (p.6). The recent independent review of the operation of JSA sanctions raised similar concerns, in particular around the poor understanding of the sanctioning system among the most vulnerable claimants (Oakley, 2014, see also DWP, 2013a). It appears that very few make an active choice not to meet the conditions of benefit receipt (Goodwin, 2008; see also Scottish Government, 2013).

Material hardship is commonly reported by sanctioned claimants across the developed world, particularly those with dependents and/or no other source of income (e.g. from savings or family/friend/partner support) (Griggs and Evans, 2010). While in the UK sanctioned claimants are able to apply for a reduced level 'hardship payment', these awards are discretionary and subject to stringent access rules, with only about one quarter of sanctioned JSA claimants actually receiving them

(Webster, 2014b). The Oakley review has recently raised concerns that the most vulnerable claimants find it hardest to access hardship payments, in part because “only those claimants that asked about help in Jobcentre Plus were told about the hardship system” (Oakley, 2014, p.38). The review recommended that clear information about this system be included in all sanction-related letters sent to claimants. Depending on local access rules, sanctioned claimants facing hardship may also be able to access support through local welfare support schemes (which replaced key elements of the national Social Fund from April 2013), but DWP funding for these schemes will end in 2015 (DCLG, 2013).

Welfare reform and benefit sanctions have been identified as key factors driving demand for food banks by low-income people across the UK (Sosenko *et al.*, 2013; Lambie-Mumford, 2014). A recent survey of housing associations in Scotland reported significant levels of hardship amongst sanctioned tenants, including “where sanctions are leaving tenants destitute, with no money for rent, fuel or food” (SFHA, 2014, p.2). While no systematic research has been undertaken to establish the extent of destitution caused by sanctions in the UK, light should be shed on this issue by a study recently commissioned by JRF on *Destitution in the UK* (due to report in late 2015). Linked to these material impacts, sanctions and conditionality have also been associated with negative physical and mental health outcomes, increased stress and reduced emotional wellbeing (Dorsett, 2008; Goodwin, 2008; Peters and Joyce, 2006; Griggs and Evans, 2010).

UK-specific evidence on the effectiveness of welfare conditions and sanctions in achieving their ultimate stated goal – getting claimants into sustainable employment – is sparse. A qualitative study of the impacts of mandatory WFLs and associated sanctions on lone parents concluded that “the sanctions regime appeared to have a negligible impact upon the labour market behaviour of the lone parent customers involved in this study” (Goodwin, 2008, p.61). A more recent study, however, assessed the impact of the LPO and compared this to earlier interventions targeting lone parents (ISER/DWP, 2013). It found that the impacts of LPOs were “considerably higher” than the estimated impacts of these alternative approaches, and in particular LPOs were “clearly much more effective at moving lone parents off out-of-work benefits and into work” than interventions involving less conditionality (p.75). However, as with other research in this area, it is hard to separate out the distinct impacts of higher levels of support, intensifying conditions, and/or greater exposure to sanctions. The study found LPOs to be less effective among younger lone parents and parents of older children, with the explanation offered that these groups are typically less work-ready or experienced. That said, there are indications from one UK-based study (in Northern Ireland) that intensifying job search monitoring can, on its own, reduce registered unemployment levels, independent of adjustments in benefit sanctions or other aspects of the conditionality regime (McVicar, 2010).

Earlier UK studies exploring the intermediate outcomes of benefit sanctions on securing compliant claimant behaviour indicate mixed results (Griggs and Evans, 2010). On the one hand, the threat of sanctions was found to be instrumental in persuading some claimants to participate in work programmes (Joyce *et al.*, 2005), or to step up job search activities, especially following a penalty (Peters and Joyce, 2006). However, other claimants were unwilling or unable to comply regardless of the consequences, and it was suggested that sanctions could have counter-productive ‘scar effects’ in generating hostility towards services and/or more negative views about work (Dorsett, 2008; Joyce *et al.*, 2005). Fletcher (2008), for example, argues that benefit sanctioning may strengthen the hostility of offenders towards authority, propelling them further away from the benefit system and mainstream institutions.

International evidence (from Australia and the Netherlands in particular) suggests that performance-based contracting of employment programmes improves the short-term job prospects of participants by 5 to 10 per cent, and there is also some limited evidence that contracting out these services can be cost efficient (Finn, 2008). Current official statistics make clear, however, the limited success of the current UK WP in achieving positive employment outcomes. Data issued in June 2013 shows that only around one in seven JSA claimants achieved a ‘Job Outcome’ within 12 months following their referral to the programme, and only around one in 25 ESA claimants (DWP, 2013b). That said, there has been some improvement in outcomes since the inception of the scheme and some contend it is too soon

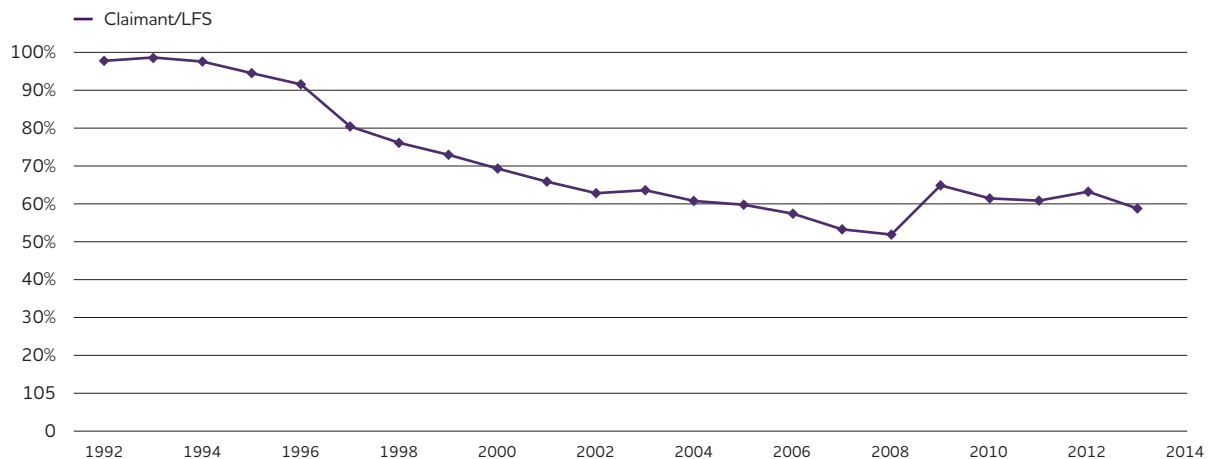
to judge its performance (Holmes and Oakley, 2013). The picture is least encouraging for vulnerable groups far from the labour market, and some have suggested that WP prime contractors are making an economic decision not to focus their efforts on the most disadvantaged claimants, such as homeless people, despite the higher premium attached to achieving successful outcomes in these cases (Crisis, St Mungo's, & Homeless Link, 2012; Sanders, Teixeira and Truder, 2013). This corresponds with international evidence (Finn, 2008) and UK evidence from the early evaluation of the programme (Newton *et al.*, 2012; Rees *et al.*, 2013) suggesting a degree of 'cherry picking' by providers to focus on cases most likely to succeed. That the current system is failing those with 'multiple disadvantages' has recently been acknowledged by the think-tank Policy Exchange, who have called for a radical overhaul of Jobcentre Plus and employment support (Miscampbell, 2014a).

There have been longstanding concerns in the UK about large numbers of exits from unemployment and sickness benefits to 'unknown destinations' (Blyth, 2006). The recent spike in 'cancelled' sanctions decisions may be further evidence that increasing numbers of claimants may be simply leaving the JSA system, deterred by the general rigour of the conditionality regime, without necessarily entering paid work (Bramley *et al.*, forthcoming; Finn and Goodship, 2014; SFHA, 2014), although these cancelled decisions may reflect other factors including administrative errors by WP contractors. It is in this light that the House of Commons Work and Pensions Committee (2014a, p.31) has recommended that benefit off-flow targets (a key performance measure for Jobcentre Plus) be immediately replaced with 'off benefit and into work' measures. The Government have rejected this recommendation, on grounds of the impracticality and cost of collecting such data within the present system, but they are exploring plans to pilot employment-related performance measures under Universal Credit (House of Commons Work and Pensions Committee, 2014b).

Indirect evidence that the tightened sanctions regime is reducing benefit use without concomitant entry into employment can be found by comparing the claimant-based unemployment count with the 'official' survey-based unemployment measure<sup>10</sup> (Bramley *et al.*, forthcoming). In 1995, claimant unemployment was nearly as high as the survey-based rate (94%). Following the introduction of JSA, it fell to 75 per cent in 1998 and continued to fall to 62 per cent in 2002 and to 51 per cent by 2008. These sustained falls may have reflected the general improvement in employment conditions in this period, but it also seems likely that the sanctions regime and active job search requirements associated with JSA will have contributed to this downward trend. The ratio then jumped sharply to 64 per cent in 2009, at a time when general unemployment was rising rapidly in the economic crisis, with both sets of figures rising by 600,000 or 2 percentage points. Since then, the ratio has fallen again, particularly in 2010, and then again in 2013.

Clegg (2008) discusses the general relationship between claimant and survey-based (ILO) unemployment, based on data and estimates going back to the 1970s. Various reasons for divergences are discussed and, in particular, it is argued that people move from defining themselves as 'active' (even if unemployed) in favourable labour market periods to 'inactive' in recessionary conditions, and vice versa. This has the effect of increasing the gap between survey/ILO unemployment in 'good times' and reducing it in recessions. This effect explains the upward movement shown in Figure 4 in 2008–09, and some part of the fall in 2012–13. However, Clegg is silent on the reasons for the very large, and historically unprecedented, increase in the gap between ILO and claimant unemployment in the period to 2007, largely sustained through the subsequent Great Recession. We would argue that it is likely that the increasing level of sanctions is 'driving' people off JSA, or is discouraging them from applying in the first place. This latter point has echoes of the US experience of deliberate 'diversion' from welfare via the 'hassle' associated with making benefit claims (Finn and Goodship, 2014; Mead, 2014).

**Figure 3: Ratio of claimant unemployed to survey-based unemployed 1992-2013**



This is clearly a highly contentious area and, as Griggs and Evans (2010) comment, there is a need for much more evidence on: the impacts of benefit conditionality and sanctions in the longer term (e.g. on income and work sustainability); the range of exit destinations (formal or informal work, education, re-partnering, caring roles or 'disconnection' from both work and welfare); and differential impacts by claimant characteristics (e.g. age, gender, ethnicity, health and migration status). Unravelling the distinctive impacts of the job search conditions themselves, the sanctions regime that enforces them, and any accompanying forms of support, would be especially valuable. Specifically in the UK, evidence on the patterns and duration of any hardship associated with dramatically increased use of sanctions would be important, particularly where it impacts on third parties, such as children.

## Conditionality in anti-social behaviour policy

Tackling ASB has been a key priority for successive UK and Scottish governments, with a tendency for the scope of ASB-related conditionality to broaden in terms of the people, behaviours and geographic areas covered. As well as requiring local authorities and social landlords to tackle ASB, the 1997–2010 Labour governments substantially increased the range and forms of legal and non-legal mechanisms available to do so, as part of a 'triple-track' approach of prevention, support and enforcement (Respect Task Force, 2006). ASBOs were a key new intervention made available to local authorities, the police and registered social landlords. These civil orders aim to protect the public from behaviour that causes, or is likely to cause, 'harassment, alarm or distress'. They require that individuals desist from, or adhere to, particular behaviours ('behavioural' conditions) and/or proscribe them from entering defined areas ('geographical' conditions), and are effective for a minimum period of two years. Envisaged as a balanced and supportive intervention, ASBOs were intended to be delivered through Individualised Support Orders, though these were not widely used in practice. Breach of an ASBO is a criminal offence, carrying a maximum penalty of five years imprisonment.

Other key mechanisms introduced to tackle ASB have included:

- Acceptable Behaviour Contracts (normally between a young person and their parent/guardian, their landlord, school or the police): these voluntary and non-legal mechanisms seek to codify the rights, responsibilities and required actions of individuals and agencies.
- Parenting Orders: POs can be imposed by a court when a 10 to 17 year old is convicted of an offence; is subject to an ASBO; where a Child Safety Order is made; or where a parent has been convicted of failing to ensure the child attends school. They require parents to attend counselling or guidance sessions and failure to engage with this support can result in a fine of up to £1,000.

- The pilot of Housing Benefit Sanctions (2007–2009) introduced a mechanism for households to be sanctioned for failure to engage with support, though in practice no sanctions were used in the pilot period (Flint *et al.*, 2011).
- Dispersal Orders: these enable the police to disperse groups of two or more people from particular areas, where their presence or behaviour has resulted in – or is likely to cause – a member of the public to be harassed, intimidated, alarmed or distressed.
- Family intervention projects: FIPs became a key strand in response to ASB in the late 2000s and continue to be so under the current Government's 'Troubled Families Programme' which requires local authorities to identify their most troubled families and redesign their services to intervene early and 'turn their lives around'. FIPs seek to address the underlying causes of ASB in families through holistic, whole-family interventions. Though the emphasis has tended to be on support and *voluntary* engagement, engagement in such projects can be a condition of families remaining in social housing tenancies (Batty and Flint, 2012).

Data on the use of these various mechanisms in practice is patchy. Where available, it suggests a decline in the use of several interventions: the use of ASBOs has declined in England and Wales<sup>11</sup> from a peak of 4,122 in 2005 to only 1,329 in 2012 (Ministry of Justice, 2013). There has also been a substantial (53 per cent) fall in the number of POs in England and Wales since 2009–10 (from 1,026 to 486 in 2012–13) (Youth Justice Board/Ministry of Justice, 2014). On the other hand, the use of FIPs appears to have increased over time (Department for Education, 2011), with recent figures showing that at March 2014 almost 100,000 families had been supported under the Troubled Families Programme (DCLG, 2014).

The Anti-Social Behaviour, Crime and Policing Act (which received Royal Assent on 13 March 2014) consolidates and further extends legal powers around ASB, replacing ASBOs with Injunctions to Prevent Nuisance and Annoyance (IPNAs) and Criminal Behaviour Orders (CBOs); broadening the range of behaviours that may be defined as 'anti-social'; lowering thresholds and burdens of proof; increasing requirements for positive behaviours and extending the geographical reach of interventions.<sup>12</sup> Implementation of this new framework may prompt a renewed surge in ASBO-like interventions following their recent decline. There has also been a focus on enabling social (and private) landlords to respond to and manage ASB, including proposals to widen grounds to evict households where members have been convicted of other offences, including those relating to the riots. In Scotland, there has been a particular emphasis on promoting positive behaviour through mentors and role models and through proactive engagement with support. Scotland has also expanded the capacity of social landlords to respond to ASB, a trend that continues under the current Housing (Scotland) Act (see below).

Overall, evidence on the effectiveness of ASB-related forms of conditionality is uneven and inconclusive. There is a lack of robust evidence evaluating the effectiveness of ASBOs and the available evidence reaches mixed conclusions. In a review of ASBO use in Scotland based on four in-depth case studies, DTZ and Heriot-Watt University (2007) found that in 27 per cent of cases examined, it was considered that there had been an improvement in perpetrator behaviour following an ASBO being granted. In 29 per cent of cases there had not (though this does not preclude future improvements).

Ministry of Justice data suggests that a fairly high proportion of ASBOs are breached – around 30 per cent within a year of being issued. ASBO breaches are particularly common among under-18s, with over two-thirds of 10 to 17 year olds having breached their ASBO at least once by the end of 2012, compared with around half of adults subject to an ASBO (Ministry of Justice, 2013). As DTZ and Heriot-Watt University (2007) note however, that an ASBO has been breached does not necessarily indicate that it has had no positive behavioural impact: in around a third of cases where improvements in behaviour were recognised, the individual had been subject to further complaints about their behaviour or had breached the ASBO.



It is key to recognise here that ASBOs are intended to relieve communities affected by ASB. This is best achieved by changing the behaviour of the 'perpetrator' of ASB, but may also be pursued by removing the perpetrator from a particular area (e.g. through eviction from a social housing tenancy or by legally enforceable requirements that the perpetrator not enter certain areas, see above). In this latter case, ASBOs potentially *displace* rather than resolve behavioural issues, albeit that this may offer some very welcome relief to longstanding victims (DTZ and Heriot-Watt University, 2007).

The provision of support is generally considered to be an important component of ensuring the long-term success of ASBOs, though related supportive interventions have been underused in practice (Squires, 2008). Perhaps related to this, ASBOs remain a highly contentious policy tool for achieving behaviour change (Flint, 2006; Millie, 2009 and Squires, 2008), with calls for more supportive, preventative and less stigmatising responses to ASB rather than enforcement-based interventions (Squires and Stephen, 2005; DTZ and Heriot-Watt, 2007).

The evidence base concerning the effectiveness of FIPs is particularly contentious (see Batty and Flint, 2012, for an overview), not least due to the close connection between FIPs and the Coalition Government's Troubled Families Programme<sup>13</sup>, and in particular Louise Casey's controversial personal study of troubled families (DCLG, 2012a). A second DCLG publication provided a somewhat more robust account of the existing evidence base (DCLG, 2012b) and suggested that evaluations of interventions had largely been positive (e.g. Lloyd *et al.*, 2011), including in reducing anti-social behaviour (and consequently, reducing eviction). The report identified five key family intervention factors linked to success: a dedicated worker; practical hands-on support; a persistent, assertive and challenging approach; considering the family as a whole and gathering the intelligence; and a common purpose and agreed action. The report was criticised however for failing to acknowledge wider structural or societal factors that impact on the effectiveness of FIPs (e.g. poverty or overcrowded or low-quality accommodation) or the impacts of austerity measures on services that FIPs access for their users (such as funding cuts to voluntary organisations). It has been argued that assessing the effectiveness of FIPs requires a complex approach, which takes account of the multiple goals (crisis management, stabilisation, 'soft' and 'hard' outcomes) these interventions pursue (Batty and Flint, 2012). Such assessments are rendered yet more complex by the diversity of approaches between FIPs in terms of ethos, resources and the balance between support and sanctions (Flint and Hunter, 2010; Flint *et al.*, 2011; Flint, 2009, 2011).

## Conditionality in social housing

Although social housing tenancies have always had an element of conditionality, security of tenure has been considered an essential element of social housing since it was formally introduced in 1980 with bi-partisan support (Bradshaw *et al.*, 2008). Nonetheless, both national policy rhetoric (particularly in England) and local practice reveal a range of ways less secure social housing tenancies may potentially be used to influence the behaviour of tenants considered 'anti-social', 'welfare dependent' or otherwise deemed to have problematic lifestyles or patterns of conduct (Flint and Nixon, 2006).

In England, new forms of social tenancies have been introduced that delay security of tenure for new tenants until satisfactory completion of a 'probationary' period. New flexibilities were also introduced under the Localism Act 2011 that enable social landlords to offer fixed-term (minimum of two years), renewable tenancies to all new social tenants, with Government guidance suggesting that decisions regarding renewal may take into account income, employment status, under-occupancy and behaviour (Garvie, 2012). Ending security of tenure for new social tenants is ostensibly aimed at ensuring the efficient allocation of scarce housing to those most in need (Fitzpatrick and Pawson, 2013), but at the same time social landlords are being encouraged to give longer tenancies to employed people or those who contribute positively to their neighbourhoods (DCLG, 2010). Moreover, Government has indicated that it would like to see a higher priority given in social lettings to ex-service personnel, working households and others making a 'community contribution' (DCLG, 2012). This indicates a shift away from need and back towards behavioural forms of 'deservingness' in the allocation, and retention, of social housing in England.



The implications of these recent policy changes for ‘conditionality’ in social housing in England are complex. Fixed-term tenancies could potentially be a powerful new tool for “disciplining the poor” (Marsh, 2013), but this does depend on the extent to which social landlords decide to adopt the fixed-term tenancy regime in practice, and how ‘behaviourally-focused’ the tenancy renewal criteria adopted locally turn out to be. The limited available evidence suggests that tackling under-occupation is the most widely favoured objective among those (mainly Conservative) local authorities adopting the new fixed-term regime in their published tenancy strategies (Fitzpatrick & Pawson, 2013). A recent online survey of housing associations found that half of the 48 organisations which responded either had already introduced fixed-term tenancies or were considering doing so (Rallings, 2014). Nonetheless, given the likely time and resource implications, it has been argued that aggressive deployment of the new powers is likely to seem unattractive to social landlords at the point when detailed tenancy review procedures need to be implemented (Fitzpatrick and Pawson, 2013).

The conditionality agenda appears to have very little purchase within social housing in Scotland, beyond the concerns noted below with respect to ASB, and there continues to be a strong presumption in favour of social housing providing a secure ‘home for life’. The recently passed Housing (Scotland) Act includes measures to give social landlords more flexibility in how they allocate their stock, but the most contentious proposal in this regard – to allow them to take applicant age into account – has been dropped. A proposal to introduce an initial (probationary) tenancy for all new social housing tenants – envisaged as an additional means of addressing ASB – was dropped at an earlier stage after vigorous campaigning from voluntary organisations (Shelter Scotland, 2013). The Housing (Scotland) Act nonetheless includes a range of other measures focusing on ASB within the social rented sector, reflecting a common theme north and south of the border. This includes allowing a minimum period to be put in place before anti-social tenants are eligible for social housing, allowing landlords to use Short Scottish Secure Tenancies for applicants and tenants with a history of ASB, and simplifying evictions for tenants convicted of a serious offence. However, the focus in Scotland is on sustaining tenancies, and the Act also includes new tenants’ rights for eviction cases to be reviewed.

Across the UK, evidence about the effectiveness of, or even the implementation of, increased conditionality in the social housing sector is sparse. Little is known about the use of fixed-term or probationary tenancies, far less the extent to which they are employed to impose conduct conditions beyond the core landlord concerns with regard to payment of rent and desistance from ASB. Virtually nothing is therefore known about their effectiveness in promoting and sustaining behavioural change. In part, this reflects the diversity of practice in the sector, with social landlords and local authorities utilising different forms of tenancies and incentive schemes, and little centralised collation of practice. In Australia, specifically New South Wales, where the fixed-term social tenancy regime is longer-standing, there is little evidence of ‘positive’ impacts on tenant behaviour, and in fact some indications that tenancy reviews which take income into account in assessing continuing eligibility might be counter-productive with respect to labour market participation (Fitzpatrick & Pawson, 2013).

In both England and Scotland, softer ‘non-binding’ measures – such as Good Neighbour Agreements, incentive schemes and Household Ambition Plans (Croucher *et al.*, 2007, Marsh, 2013) – are also employed by some social landlords to encourage ‘good’ behaviour on the part of social tenants. However, again it is not clear how widespread such approaches are, nor how assiduously they are monitored and implemented in practice.

## Conditionality in homelessness policy

Shifts towards more conditional, interventionist and enforcement-based approaches that seek to change people’s behaviour are also evident in homelessness policy. Uniquely, some groups of homeless people in the UK have legally enforceable rights to rehousing (Fitzpatrick *et al.*, 2009). This right has always been conditional on applicants meeting various criteria, including being ‘unintentionally homeless’, but policy shifts initiated in the early 2000s sought to further ‘responsibilise’ those in housing need. Homeless applicants are now expected to consider all ‘housing options’ for resolving their situation rather than simply access their statutory entitlements (Fitzpatrick *et al.*, 2012). Despite substantial differences in the statutory homelessness framework in the two jurisdictions, this emphasis on ‘housing options’ has signalled a recalibration in the relationship between state and citizen, with the

former taking on a more 'activist' role in encouraging the latter to behave as active 'house seekers' rather than passive welfare recipients (Pawson, 2007). There is evidence that this has prompted a more creative, problem solving approach on the part of many local authorities, which may better meet the needs of homeless applicants than simply processing their case through the statutory system (Pawson *et al.*, 2007). However, there are enduring concerns that substantial declines in levels of statutory homelessness in both England and Scotland since the introduction of housing options may mean that some local authorities are 'diverting' homeless people away from claiming their statutory entitlements (Fitzpatrick *et al.*, 2012). In England specifically, provisions of the Localism Act 2011 which allow for 'compulsory' (i.e. without applicant consent) discharge of the main homelessness duty via the offer of a private sector tenancy may be acting as a disincentive to homelessness applications in some parts of the country (Fitzpatrick *et al.*, 2013).

At the same time, policies and services addressing the most extreme and visible form of homelessness – rough sleeping – have seen an escalation in the use of enforcement-based, coercive and interventionist approaches in England (there remains little appetite for such approaches north of the border). Policies combining 'care' and 'control' in line with an ethic of 'tough love' can be traced back to the late 1990s when improvements in the accessibility and quality of services were accompanied by increased expectations that rough sleepers actively engage with support (Fitzpatrick and Jones, 2005). A renewed emphasis on tackling a 'hard core' of rough sleepers – in particular those engaged in related street activities of begging or street drinking – emerged in the early 2000s. An array of tools have been promoted by central government, including:

- arrests: under the Vagrancy Act 1824 begging and persistent begging are arrestable offences, as is rough sleeping if the individual has been directed to a 'free place of shelter' and failed to take this up;
- ASBOs: these civil orders (see above) have been issued to those engaged in street activities;
- Controlled Drinking Zones such as Designated Public Places Orders (DPPOs), within which individuals refusing to comply with police requests that they stop drinking or surrender alcohol for confiscation can be arrested and fined;
- 'designing out': manipulating the built environment to make it less conducive to rough sleeping and other street activities (e.g. removing seating, installing 'spikes' and gating off certain areas);
- and diverted giving schemes: campaigns that seek to encourage the public to give to charity rather than giving money directly to those who beg.

There has also been a trend towards 'interventionist' approaches in support services, which increasingly expect homeless people to engage with support and/or alter their lifestyle and behaviour. Street outreach services have increasingly adopted 'assertive' approaches which explicitly seek to persuade homeless people to move into accommodation, rather than merely ameliorate their experiences sleeping rough (Parsell, 2011). Hostel improvement programmes have encouraged staff to take a more proactive approach to moving people on from homelessness into settled accommodation (Jones and Pleace, 2010). More recently, following the roll-out of 'No Second Night Out' principles across England, local authority funded services are increasingly requiring 'new' rough sleepers to engage with a 'single service offer' (this sometimes comprising 'reconnection' to another area); failure to comply can leave them ineligible for support from other participating agencies (Homeless Link, 2014; see also Johnsen and Jones, forthcoming).

These trends have been paralleled recently by increasing interest in – and some small-scale and localised development of – initiatives that relax requirements around service user engagement and behaviour change, particularly for 'entrenched' rough sleepers with multiple and complex needs. 'Housing First', for instance, enables service users to access settled housing, but choose the level and manner of their engagement with support (Johnsen and Teixeira, 2010; Johnsen, 2013; Busch-Geertsema, 2013). Approaches based on 'personalisation' – including personal budgets – seek to engage people with support more on their 'own terms' rather than those dictated by the state or service in question (Hough and Rice, 2010; Brown, 2013).

The use of enforcement-based and interventionist responses to rough sleeping and street culture have generated considerable controversy, largely in the context of limited evidence regarding the effectiveness of such initiatives. There are indications that, when accompanied by intensive tailored support (and practice in this regard varies substantially), the use of ‘hard’ enforcement measures (e.g. ASBOs) can in some circumstances lead to positive behavioural outcomes (e.g. desistance from ASB and engagement with drug treatment programs and other services) for people living in desperate, even life-threatening circumstances (Fitzpatrick and Johnsen, 2009; Johnsen and Fitzpatrick, 2007, 2010). Enforcement in these instances can act as “a ‘crisis point’ prompting reflection and change” (Johnsen and Fitzpatrick, 2007, p.54), albeit that it can also have the capacity to undermine the wellbeing of individuals targeted by displacing them from sources of support or diverting them into more dangerous or damaging activities (e.g. sex-work or acquisitive crime).

The reasons why such approaches ‘work’ for some homeless people but not others are at present poorly understood (Johnsen and Fitzpatrick, 2007) and in this sense, such approaches represent a high-risk strategy for this vulnerable group. ‘Softer’ forms of enforcement – such as controlled drinking zones and ‘designing out’ – while often viewed as effective from the perspective of the local community and residents, do not appear to benefit the individuals targeted (Johnsen and Fitzpatrick, 2007).

## Justifying and contesting conditionality

The fundamental case for ‘conduct conditionality’, and certainly welfare sanctions, is “rooted in the concept of reciprocity” (Miscampbell, 2014b, p.8). This is the *contractualist* idea that, in return for welfare assistance, claimants must do all that they can to find work and cease their dependence on benefits. We can also see (fainter) echoes of this contractualist notion in other welfare spheres, for example, the requirement that homeless people ought to do all that they can to resolve their own housing problems under housing options, and in some of the instruments that are used in ASB programmes to define the responsibilities of perpetrators.

This concern with reciprocity is closely allied to *communitarian* notions of citizenship that focus on the mutually-reinforcing responsibilities citizens owe to each other. It also links to a particular conceptualisation of ‘fairness’ or *social justice* which is intolerant of ‘free riding’ and sees ‘deservingness’ as a key moral criterion for the allocation of societal goods, with deservingness defined primarily in relation to preparedness to make a societal contribution via paid work.

There are also a range of *utilitarian* arguments in favour of conduct conditionality, which stress its efficiency in promoting overall societal well-being and ensuring that the best possible use is made of finite resources. Some of these utilitarian arguments relate to the financial costs to society as a whole (and taxpayers in particular) of, for instance, having large numbers of people receiving welfare benefits or the pressure placed on a limited social housing stock by high levels of statutory homelessness. There are also non-financial utilitarian arguments in favour of intervening to tackle, for example, ASB in the interests of the rest of society, and in particular to protect the well-being of those directly affected.

Finally, some justifications of welfare conditionality take a quite different tack, focusing on *paternalist* justifications that welfare conditionality, even benefit sanctions that are acknowledged to cause short-term hardship, are in the long-term best interests of welfare recipients as it encourages them to free themselves from poverty and welfare dependency. Paternalist arguments are critical to the case for conditional and enforcement-based interventions on homelessness, and to a lesser extent with respect to ASB, where the vulnerabilities and complex needs of many of those involved are recognised by at least some stakeholders. Conditionality from this perspective serves not only to protect people from the consequences of their own poor decision making, but also promotes a (different) conceptualisation of *social justice* by operating to benefit the least advantaged.

Those who oppose conditionality, particularly in welfare benefits, tend to do so on interconnected ‘moral’ and ‘empirical’ grounds. The moral case against sanctions – and welfare conditionality more broadly – tends to be rooted in a rights-based vision of *social citizenship* that is unconditional, at least with respect to the meeting of fundamental needs. In this view, regardless of people’s ‘culpability’, the

status of citizenship should guarantee access to a minimum standard of welfare as a matter of right. Advocates of *human rights* expand this approach to argue that unconditional welfare rights should be made available to all, citizens and non-citizens alike, on the basis of shared human needs and frailty (Dean, 2013). These approaches are clearly irreconcilable with a contractualist or communitarian notion of citizenship that makes access to rights conditional on first fulfilling responsibilities. This disagreement reflects people's fundamental moral and political values and cannot be resolved via an appeal to evidence. In practice, however, it seems that even those with a strongly contractualist perspective tend to favour some sort of basic 'subsistence' standard of living that would be protected regardless of people meeting their social obligations, ensured in the social security setting, for instance, through hardship payments that prevent extreme hardship (Miscampbell, personal correspondence).

However, opponents of conditionality also dispute a wide range of the empirical claims or assumptions underpinning conditional approaches.

First, conditional welfare approaches rest on the assumption that the problems they seek to address are fundamentally *behavioural* in nature and are therefore amenable to remedy through a mix of incentives and sanctions (mainly the latter). This has been forcefully rejected in some quarters, with critics arguing that the root causes of, for example, 'entrenched' and/or intergenerational unemployment (Shildrick *et al.*, 2012), or economic inactivity amongst sick and disabled people (Lindsay and Houston, 2011), lie not in individual patterns of conduct, but in societal-level factors, such as barriers to workforce participation and weak demand for labour.

Second, another key assumption underpinning the perspectives of advocates of conditionality – that people will, on the whole, respond in an *economically rational* manner to sanctions and incentives (Miscampbell, 2014b) – has also been brought into question. Behavioural economics has highlighted that human decision making occurs in conditions of uncertainty, often under pressure, relying on 'rules of thumb' rather than rational calculations (Dawney and Shah, 2005; Darnton, 2008), with human preferences being multiple and contradictory, rather than consistent and ordered, and extending well beyond the economic (see also Hoggett, 2001; Lukes, 2005). These accounts suggest that welfare recipients may respond to conditionality in ways that depart radically from policy-makers' expectations. For instance, it has been suggested that offenders may "be less responsive to sanctions because they could be accustomed to deprivation" (Newton *et al.*, 2012, p.83), and that homeless people with complex needs may fail to respond 'rationally' as they do not comprehend the consequences of their actions (or inactions) with work-related and other programmes (DrugScope and Homeless Link, 2013). Interestingly, criticism about the naiveté of the rational economic model is not confined to the Left. For example, Mead (2014) has argued that:

*"As to the essence of conditionality, it's not economic. It's about authority. What gets recipients to work in America is chiefly being told clearly that they have to work. Economic payoffs are secondary."*

Recognition of the limits of economic incentives in driving behavioural change may explain the emphasis on exerting "social pressure" (or "public shaming" (Webster, 2014b, p.7)) on non-compliant benefit claimants in proposals recently put forward by Policy Exchange, by paying their benefits via a pre-paid 'yellow card' as a "non-financial sanction" (Miscampbell, 2014b).

Third, there are concerns about the practical prospects for enhancing the *well-being* of targeted groups via conditional approaches related, for example, to the kind of employment that sanctions may 'activate' people into. In the UK, the 'low-pay, no-pay' cycle has been highlighted as particularly acute (Shildrick, *et al.*, 2010; Wright, 2012), undermining the paternalist case for benefit conditionality, albeit that those in low-paid work are still likely to be *less* poor than those reliant on out-of-work benefits (Goulden, 2014). Another relevant example would be the controversy over the 'high risk' nature of enforcement measures designed to combat street culture activities: while in some cases these measures prompt positive behaviour, in other instances they may displace the problem and drive vulnerable people away from support (Johnsen and Fitzpatrick, 2007, 2009).

Fourth, critics point to the evidence of material and other forms of *hardship* endured not only by those directly subject to benefit sanctions, but also those ‘diverted’ away from benefits altogether who may become ‘disconnected’ from both work and welfare. Opponents of conditional approaches see them as punitive, disciplinary and iniquitous, ‘punishing the poor’ by holding them to standards of conduct not required of more advantaged groups (Dwyer, 1998; Deacon, 2004; Manchester CAB, 2013; Standing, 2011).

For some, however, this is at heart a moral argument that, notwithstanding the evidence about the consequences of sanctions, the use of sanctions is morally justified because they uphold core societal norms of reciprocity and (a particular conception of) fairness. Whether or not this argument is deemed compelling will depend on one’s personal political outlook and values.

## Conclusion

This *Round-up* has provided an overview of policy developments, trends, key debates and available evidence concerning conditional approaches to welfare. Though benefit sanctions are the most prominent form of welfare conditionality, increasingly conditional, interventionist and enforcement-based elements have emerged in other social policy realms, particularly in relation to ASB, social housing and homelessness. In addition to an expansion in scope, some forms of conditionality (in particular benefit sanctions) appear to be more frequently used now than in the past, with the severity of sanctions and range of behaviours covered having also increased. There is strong evidence that benefit sanctions are having disproportionate effects on particular groups, especially vulnerable people and younger age groups.

Sanction-backed conditionality regimes do seem to reduce benefit use by both lowering benefit take-up and speeding up benefit exit, as has been most dramatically illustrated in the case of the US. But concerns remain about the destinations of those who exit benefits, and in particular about whether increasing numbers are becoming ‘disconnected’ from both work and welfare. There is some European evidence (though little that is UK-specific) that benefit sanctions can shorten periods of unemployment and raise short-term job entry rates, but the evidence available on their longer-term impacts is much more limited, and on balance negative, suggesting that benefit sanctions may lower the likelihood of sustainable employment and incomes over time. Moreover, the current evidence base does not enable one to untangle the relative impacts of the job search conditions themselves, the sanctions regime that enforces them, and any accompanying forms of support. There is a notable lack of empirical evidence in either the UK or elsewhere on the effectiveness of conditionality in other spheres, particularly in the case of social housing. There are indications, however, that when combined with appropriate support, initiatives that include conditional or enforcement-based elements may lead to positive behavioural outcomes in relation to street-based lifestyles and ASB. Nonetheless, across all of these realms of welfare conditionality there are a range of concerns about unintended (and less intended) consequences, particularly the hardship faced by those excluded from benefits, services and/or support as a result of failing to meet behavioural requirements.

## About the ESRC project

The future stages of the ESRC project will provide a wealth of qualitative evidence on the medium to longer-term impacts of welfare conditionality on the behaviour of a wide range of welfare recipient groups. The study will allow us to provide an in-depth account of the ‘rational’ or otherwise nature of recipients’ responses to the combination of behavioural conditions, penalties, support and incentives found in the modern welfare system, and also how the individuals charged with administering conditional welfare interventions interpret and implement these measures. The interrelationship between various forms of conditionality across different social policy arenas and interventions will also be explored. The distinct policy frameworks in Scotland and England will provide scope for considering the impact of different approaches on the experiences of key groups subject to welfare conditionality. The normative and empirical data generated will also help to inform debates on the extent to which, and on what terms, welfare conditionality might be considered morally justifiable.



## About this paper

This *Round-up* draws on an ongoing study *Welfare Conditionality: Sanctions, Support and Behaviour Change* (ESRC Grant number ES/K002163/1) and was written with contributions from members of the wider project team: Professor Peter Dwyer, University of York; Professor Del Roy Fletcher, Sheffield Hallam University; Professor John Flint, University of Sheffield; Professor Sarah Johnsen, Heriot-Watt University; and Dr Sharon Wright, University of Glasgow. More information on the project can be found at: [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk)

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## Endnotes

- 1 University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York.
- 2 See [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk)
- 3 Summaries of these briefing papers can be found at [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk)
- 4 This forthcoming paper will be available at [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk)
- 5 See <http://www.homeless.org.uk/sites/default/files/site-attachments/Easement%20Regulations%20Guidance.pdf>
- 6 Decisions are 'cancelled' when the claimant is no longer claiming JSA at the time of the referral, or the paperwork for the referral has not been properly completed. Decisions are 'reserved' when the claimant has stopped claiming between the time of referral and the time of decision. In this latter case, people may have left JSA before a sanction can be imposed on them, but the sanction will apply if they re-claim a benefit.
- 7 Since October 2013 those wishing to appeal an adverse decision are required to request internal 'reconsideration' prior to appeal to a tribunal. The stated aim is to try to help resolve disputes without an appeal, and this seems likely to depress further the number of such appeals that are made.
- 8 The government have accepted and are already implementing a number of Oakley's recommendations: see <https://www.gov.uk/government/publications/jobseekers-allowance-sanctions-independent-review-government-response>
- 9 To access evidence submitted to the review by a range of organisations, see <http://www.cpag.org.uk/content/oakley-sanctions-review-responses-other-organisations>
- 10 This is based on the Annual Population Survey (alias Labour Force Survey) using the ILO definition of unemployment and seeking work.
- 11 No centralised data on the use of ASBOs is available in Scotland.
- 12 See <http://services.parliament.uk/bills/2013-14/antisocialbehaviourcrimeandpolicingbill.html>
- 13 See <https://www.gov.uk/government/policies/helping-troubled-families-turn-their-lives-around>

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## FOR FURTHER INFORMATION

This summary is part of JRF's research and development programme. The views are those of the authors and not necessarily those of the JRF.

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Disability Analysis Division

Work Choice:  
Official Statistics

May 2013

# Executive summary

This is the official statistics publication on Work Choice. It contains figures on all Work Choice providers **excluding Remploy**, from October 2010, up to and including **March 2013**. The job outcomes counted in this publication are supported, unsupported (yet to be sustained) and unsupported sustained outcomes for which the provider has received a payment, plus unsupported outcomes for which the provider is not paid for.

Between 1<sup>st</sup> April 2012 and 31<sup>st</sup> March 2013 there were:

- 21,780 referrals for 19,820 individuals
- 15,750 starts for 15,170 individuals
- 7,660 job outcomes for 7,490 individuals

In the last financial year for which data is available (1<sup>st</sup> April 2011 – 31<sup>st</sup> March 2012) there were:

- 17,190 referrals for 16,010 individuals
- 12,790 starts for 12,480 individuals
- 5,680 job outcomes for 5,630 individuals

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# 1 Introduction

## 1.1 Work Choice

### 1.1.1 Summary

This publication contains figures on all Work Choice providers **excluding Remploy**, from October 2010, up to and including **March 2013**. Annexe A provides more detailed breakdowns. Figures given for the most recent quarter will be subject to revision as more complete data becomes available.

The table below shows the reporting period for each quarterly publication:

Quarter of publication	Reporting period
May	Full financial year which ended in March of current year
August	First quarter of current financial year
November	First two quarters of current financial year
February	First three quarters of current financial year

**Note:** This document contains official statistics on Work Choice. The statistics cover referrals, and associated starts and job outcomes. Management Information on Work Choice is produced separately from this note and is used for internal monitoring purposes. This publication uses different measures and different data sources and is not comparable.

### 1.1.2 Background

On 25<sup>th</sup> October 2010, WORKSTEP, Work Preparation and the Job Introduction Scheme were replaced by Work Choice.

Work Choice helps people with disabilities whose needs cannot be met through other work programmes, Access to Work or workplace adjustments. This might be because they need more specialised support to find employment or keep a job once they have started work.

Work Choice is tailored to meet an individual needs. It focuses on helping individuals to achieve their full potential and moving towards being more independent. Work Choice also ensures employers get the support they need to employ more disabled people.

The Work Choice programme is delivered by providers funded by the government. There are three different sections called modules:

**Module one: Work Entry Support**

All new participants will enter Module One of Work Choice. This module lasts for up to six months. Individuals receive help with personal skills and work-related advice to get them into supported or unsupported work.

**Module two: Short to Medium Term In-Work Support**

Once a participant has found paid supported employment (or self-employment) supported by Work Choice of 16 hours or more a week, the provider will work with the employer and participant to identify the support required for the participant to start work and stay in their job. This module lasts for up to two years.

**Module three: Longer-term In-Work Support**

Individuals receive help to progress in their job and where appropriate, help them move into unsupported work. This module is not time limited.

**1.1.3 Methodology**

The Work Choice referrals and starts figures in this publication are derived from the Labour Market System (LMS) Opportunity Type database. Providers send monthly data returns to DWP, containing information on individuals who have achieved a job outcome through Work Choice. This outcome data is recorded on the Provider Referrals and Payments System (PRaP). The referrals and starts information from LMS is then merged with the job outcome information from PRaP to build a complete picture of an individual's journey through the Work Choice programme, and enables figures on referrals, starts and job outcomes to be produced. The merged LMS and PRaP data is then merged with the DWP's National Benefit Database, to identify any benefits received by individuals four weeks prior to their Work Choice referral date.

## 2 Headline Statistics

These statistics are figures for all Work Choice customers (excluding those referred to Remploy) in the current financial year.

### 2.1 Referrals, Starts and Job Outcomes (1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013)

#### 2.1.1 Referrals

21,780 referrals for 19,820 individuals. Of which:

- 20,950 were from new customers
- 820 were from transitional<sup>1</sup> / retention<sup>2</sup> customers

#### 2.1.2 Starts

15,750 starts for 15,170 individuals. Of which:

- 15,320 were from new customers
- 430 were from transitional / retention customers

#### 2.1.3 Job Outcomes

7,660 job outcomes for 7,490 individuals. Of which<sup>3</sup>:

- 4,890 were supported job outcomes
- 4,350 were unsupported job outcomes
  - Of which 1,230 unsupported job outcomes were sustained for at least six months by the end of the current reporting period

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<sup>1</sup> Individuals who transferred over to Work Choice from WORKSTEP, Workprep or Job Introduction Scheme are referred to as Transitional customers.

<sup>2</sup> If an employee (or a self-employed person) becomes newly disabled, or their existing disability changes in a way that puts their prospects of continued employment at serious risk, (and Access to Work cannot provide an immediate solution), then support from Work Choice may be required to ensure the employee retains their job. These customers are referred to as Retention Customers.

<sup>3</sup> An individual can obtain a supported and unsupported outcome in the same reporting period. In this instance, they would be counted once in the total job outcomes, and once in each of the supported and unsupported totals.



## 2.2 Cohort analysis

Looking at a six-month cohort of Work Choice programme starts between 1<sup>st</sup> April 2012 and 30<sup>th</sup> September 2012, there were 7,440 starts to Work Choice in this period. Of which 2,630 (35.4%) had obtained a job outcome by 31<sup>st</sup> March 2013.

# 3 Work Choice process

## 3.1 The key aspects of the Work Choice process

Work Choice is delivered by a Prime Provider in each of the 28 Contract Package Areas (CPAs). Prime Providers can sub-contract with a range of other specialist or niche providers to support disabled people who are eligible and suitable for the programme, in overcoming their complex employment needs related to disability. Remploy is also delivering the Work Choice business model, providing a choice for customers/claimants in most CPAs, though Remploy figures are **not** counted in this publication.

The aim of Work Choice is to provide a voluntary, tailored, coherent range of specialist employment services which can respond more flexibly to the individual needs of disabled people and their employers and make better use of resources.

The key principles underpinning Work Choice focus on:

- those who most need specialist support;
- less prescription and greater flexibility;
- better links between elements of provision;
- better consistency and quality of provision;
- provision for all types of disability;
- opportunities for the customer/claimant to exercise choice and control;
- job outcomes;
- improved support for people in either employment or self employment;
- improved progression to unsupported employment;
- achieving potential within longer-term supported employment.

Work Choice participants should have the same pay and conditions as other, non-supported employees doing similar jobs. Providers agree arrangements with employers and ensure that people have the same access to training and development opportunities as other employees. This helps encourage progression

both within Work Choice modules and towards unsupported employment where appropriate.

The Disability Employment Advisor (DEA) has a pivotal role as the gatekeeper for the Work Choice programme in ensuring that only eligible and suitable disabled people are referred. Referrals to the DEA may be made from a number of sources – e.g. Work Choice providers including Remploy, external partners, and customer/claimant self-referrals. Also, JCP advisers may refer JSA and ESA claimants facing complex employment situations arising from their disability to the DEA for assistance and possible consideration for Work Choice.

All new participants enter Module One of Work Choice where they work with their provider on a detailed Development Plan to address their complex barriers and employment support needs. Minimum levels of support must be maintained on a monthly basis. Providers are expected to be flexible to the needs of customers/claimants. Support should be sufficient to enable participants to engage in at least eight hours preparation for work entry per week. The support could include one to one help or less intensive support and advice depending on the participant's needs. As the participant progresses through Module One, their level of activity on the programme should increase up to 16 hours per week as they prepare to make the transition into work.

In Module Two, once a participant has found paid supported employment (or self-employment) supported by Work Choice of 16 hours or more a week (NB this could be more than one job which adds up to 16 hours or more a week) the provider will work with the employer and participant to identify the support required for the participant to start work. The provider must provide a range of support tailored to the needs of the individual participant depending upon their circumstances.

Module Three recognises that some participants will need support in employment for the foreseeable future. All participants should be helped and encouraged to progress to unsupported employment where appropriate. The provider must work with the participant or with others on behalf of the participant (e.g. their employer) to ensure that for at least four hours per month the participant is engaged in activity aimed at developing their full potential at work. This may include up to four hours one-to-one guidance, or a more advisory role, depending on the participant's needs, level of independence and abilities. As in Module Two, this might include, for example, learning new skills, broadening their role or responsibilities, learning new ways of

working, etc. The opportunities for working towards progression must remain to the fore in all planning discussions.

Providers of Work Choice are expected to provide certain elements of the normal Access to Work provision as part of their service to their programme participants. Prime Providers have access to a Work Choice-dedicated Access to Work team who will provide advice and support on applications. Anyone moving into **unsupported** work at any point would be able to make an application to Access to Work in the normal way.

Providers receive a service fee for each individual who starts Work Choice. They receive a further payment if that individual obtains a job outcome, and a final payment if that job outcome is sustained – unsupported for at least 6 months.

# Annexe A: Work Choice Breakdowns

Totals may not sum due to rounding

Table 1: Number of Work Choice referrals, starts and job outcomes by financial quarter

Quarter	Referrals	Starts		Total Job Outcomes <sup>4</sup>	Of which are Supported Outcomes	Of which are Unsupported Outcomes	Of which are Sustained Unsupported Outcomes <sup>5</sup>
Q3 2010-11 <sup>6</sup>	17,960	15,940		290	N/A	290	230
Q4 2010-11	5,570	4,850		1,170	120	1,050	780
Q1 2011-12	4,050	2,710		1,400	400	1,060	860
Q2 2011-12	3,690	2,810		1,310	570	870	710
Q3 2011-12	3,960	3,170		1,380	690	940	710
Q4 2011-12	5,500	4,090		1,560	800	1,120	850
Q1 2012-13	4,780	3,520		1,690	960	1,220	800
Q2 2012-13	5,210	3,920		1,500	920	1,030	420
Q3 2012-13	5,310	3,880		2,190	1,690	1,090	N/A
Q4 2012-13	6,490	4,440		1,780	1,330	1,020	N/A
<b>Total</b>	<b>62,490</b>	<b>49,330</b>		<b>14,260</b>	<b>7,480</b>	<b>9,690</b>	<b>5,380</b>

<sup>4</sup> Where an individual has both a supported and unsupported outcome, the first outcome is counted here.

<sup>5</sup> Unsupported employment sustained for at least six months.

<sup>6</sup> A large number of cases from WORKSTEP, Workprep and Job Introduction Scheme were transferred over to Work Choice on the go-live date of 25<sup>th</sup> October 2010.

Table 2: Number of referrals by provider and financial quarter

		2010-11	2011-12	2012-13					Of which have started Work Choice	Of which have achieved a job outcome
Provider	Total	Q3 and Q4	All four quarters	Q1	Q2	Q3	Q4			
Shaw Trust	35,740	13,250	9,880	2,770	2,840	3,040	3,970		28,950	8,500
Advance Housing and Support Ltd	2,330	820	520	230	260	240	260		1,690	410
CDG Wise Ability Ltd	1,800	950	370	110	180	80	110		1,580	560
Momentum	1,540	600	400	150	130	130	130		1,300	420
Ingeus UK Ltd	2,170	650	650	230	150	220	270		1,490	350
The Pluss Organisation	5,170	2,180	1,330	400	420	380	460		4,110	1,260
Seetec	3,110	770	1,020	220	380	340	380		1,820	300
Working Links	10,640	4,310	3,040	660	840	890	900		8,390	2,450
<b>Total</b>	<b>62,490</b>	<b>23,520</b>	<b>17,190</b>	<b>4,780</b>	<b>5,210</b>	<b>5,310</b>	<b>6,490</b>		<b>49,330</b>	<b>14,260</b>



Table 3: Number of referrals by Contract Package Area and financial quarter

Contract Package Area	Total	2010-11	2011-12	2012-13					Of which have started Work Choice	Of which have achieved a job outcome
		Q3 and Q4	All four quarters	Q1	Q2	Q3	Q4			
CPA1 - Highlands, Islands, Clyde Coast and Grampian	1,540	600	400	150	130	130	130		1,300	420
CPA2 - Forth Valley, Fife and Tayside	1,540	630	360	100	160	100	190		1,330	430
CPA3 - Glasgow, Lanarkshire and East Dunbartonshire	1,780	610	450	180	160	110	270		1,350	440
CPA4 - Ayrshire, Dumfries, Galloway and Inverclyde, Edinburgh, Lothians and Borders	2,060	760	530	200	190	130	260		1,650	590
CPA5 - North and Mid Wales, South East Wales	2,120	820	650	120	160	180	190		1,790	530
CPA6 - South West Wales, South Wales Valleys	3,310	1,400	860	260	210	290	300		2,880	1,080
CPA7 - Northumbria, South Tyne and Wear Valley	2,140	970	470	130	170	170	240		1,750	450
CPA8 - North and East Yorkshire and The Humber, Tees Valley	2,290	930	600	160	140	230	230		1,900	460
CPA9 - Cumbria and Lancashire	1,680	580	590	130	90	160	130		1,280	510
CPA10 - Greater Manchester East and West, Greater Manchester Central	2,810	700	930	270	250	270	380		2,100	610
CPA11 - Merseyside, Cheshire, Halton and Warrington	2,180	730	640	180	190	210	240		1,740	470
CPA12 - West Yorkshire	2,690	850	820	240	280	220	280		1,960	490
CPA13 - Derbyshire, South Yorkshire	2,760	740	880	240	240	310	340		2,170	600
CPA14 - Nottingham, Lincolnshire and Rutland	1,890	640	440	130	180	150	340		1,580	400
CPA15 - Leicestershire and Northamptonshire	1,860	690	550	120	160	150	180		1,490	350
CPA16 - The Marches, Staffordshire, Coventry and Warwickshire	2,880	950	900	220	270	260	280		2,290	580
CPA17 - Birmingham and Solihull, Black Country	2,330	820	520	230	260	240	260		1,690	410
CPA18 - Cambridgeshire and Suffolk, Norfolk	2,400	1,110	590	150	180	170	190		2,020	620
CPA19 - Bedfordshire and Hertfordshire, Essex	2,980	1,240	730	190	210	270	340		2,330	530
CPA20 - Waltham Forest, Redbridge, Havering, Barking and Dagenham, City and East London	1,350	470	460	80	120	120	110		910	210
CPA21 - Central London, West London, Barnet, Enfield and Haringey	3,110	770	1,020	220	380	340	380		1,820	300
CPA22 - Lambeth, Southwark and Wandsworth, South London	2,170	650	650	230	150	220	270		1,490	350

		2010-11	2011-12	2012-13					
Contract Package Area	Total	Q3 and Q4	All four quarters	Q1	Q2	Q3	Q4	Of which have started Work Choice	Of which have achieved a job outcome
CPA23 - Berkshire, Buckinghamshire and Oxfordshire	1,360	470	420	120	90	130	110	1,140	270
CPA24 - Hampshire and Isle of Wight	1,800	950	370	110	180	80	110	1,580	560
CPA25 - Kent, Surrey and Sussex	3,400	1,450	850	190	300	310	300	2,660	870
CPA26 - Gloucestershire, Wiltshire and Swindon, West of England	1,910	890	530	140	110	140	120	1,550	490
CPA27 - Dorset and Somerset	1,700	780	490	100	110	90	130	1,460	470
CPA28 - Devon and Cornwall	2,480	1,320	510	160	140	160	190	2,150	770
<b>Total</b>	<b>62,490</b>	<b>23,520</b>	<b>17,190</b>	<b>4,780</b>	<b>5,210</b>	<b>5,310</b>	<b>6,490</b>	<b>49,330</b>	<b>14,260</b>

Table 4: Number of referrals by Primary Disability and financial quarter<sup>7</sup>

Primary Disability	Total	2010-11	2011-12	2012-13					Of which have started Work Choice	Of which have achieved a job outcome
		Q3 and Q4	All four quarters	Q1	Q2	Q3	Q4			
Missing / Unknown	24,550	23,520	1,020	N/A	N/A	N/A	N/A		21,550	6,400
Conditions Restricting Mobility / Dexterity	5,430	N/A	2,110	690	790	810	1,030		3,990	1,170
Visual Impairment	1,300	N/A	590	170	170	170	200		920	270
Hearing and / or Speech Impairment	1,980	N/A	940	260	250	220	310		1,430	430
Long-term Medical Conditions	3,960	N/A	1,510	510	580	610	750		2,840	860
Moderate to Severe Learning Disability	4,120	N/A	2,150	450	470	520	520		3,030	730
Mild Learning Disability	6,560	N/A	3,060	810	810	850	1,030		5,060	1,400
Severe Mental Illness	510	N/A	230	60	70	80	70		350	100
Mild to Moderate Mental Health condition	7,290	N/A	2,840	950	1,070	1,090	1,340		5,250	1,530
Neurological Conditions	2,010	N/A	880	250	260	260	350		1,450	410
Multiple Conditions	4,790	N/A	1,850	610	730	710	880		3,460	960
<b>Total</b>	<b>62,490</b>	<b>23,520</b>	<b>17,190</b>	<b>4,780</b>	<b>5,210</b>	<b>5,310</b>	<b>6,490</b>		<b>49,330</b>	<b>14,260</b>

<sup>7</sup> Primary Disability information is only recorded on LMS from 3<sup>rd</sup> May 2011 onwards.

Table 5: Number of referrals by financial quarter and benefit claimed / participation on employment programme four weeks prior to programme referral<sup>8</sup>

Benefit Combination	Total	2010-11	2011-12	2012-13					Of which have started Work Choice	Of which have achieved a job outcome
		Q3 and Q4	All four quarters	Q1	Q2	Q3	Q4			
No benefit / employment programme	9,050	6,340	1,210	290	320	360	520		7,850	3,190
JSA (without DLA)	22,750	4,560	7,640	2,260	2,600	2,640	3,050		16,790	4,130
JSA and DLA	11,240	2,710	3,970	1,100	1,070	1,090	1,300		8,710	2,020
IB/SDA/ESA (without DLA)	3,580	810	1,120	340	340	400	570		2,640	810
IB/SDA/ESA and DLA	5,670	1,700	1,830	500	500	490	640		4,260	890
DLA (without JSA or IB/SDA/ESA)	9,410	6,910	1,290	250	330	290	340		8,410	2,970
Other combination of benefit / employment programme	800	480	140	40	40	40	70		670	250
<b>Total</b>	<b>62,490</b>	<b>23,520</b>	<b>17,190</b>	<b>4,780</b>	<b>5,210</b>	<b>5,310</b>	<b>6,490</b>		<b>49,330</b>	<b>14,260</b>

<sup>8</sup> Other combinations of benefit / employment programme category includes those not in receipt of Jobseekers Allowance (JSA), Disability Living Allowance (DLA), or Incapacity Benefits (IB/SDA/ESA), but were in receipt of one or more of Income Support (IS), Carer's Allowance (CA), Bereavement Benefit (BB), Widow's Benefit (WB) or were participating on an employment programme.

Table 6: Cohort analysis of referrals each financial quarter. Number which have since started Work Choice and obtained a job outcome<sup>9</sup>

Quarter of Work Choice referral	Number of referrals	Number of starts	% which have started	Number of job outcomes	% of starts which have obtained a job outcome
Q3 2010-11	17,960	16,340	91.0%	5,210	31.9%
Q4 2010-11	5,570	4,420	79.4%	1,010	22.7%
Q1 2011-12	4,050	3,150	77.7%	870	27.7%
Q2 2011-12	3,690	2,880	78.2%	750	25.9%
Q3 2011-12	3,960	3,030	76.4%	950	31.5%
Q4 2011-12	5,500	4,210	76.6%	1,420	33.8%
Q1 2012-13	4,780	3,610	75.6%	1,290	35.8%
Q2 2012-13	5,210	3,880	74.5%	1,320	33.9%
Q3 2012-13	5,310	3,920	73.9%	940	N/A
Q4 2012-13	6,490	3,880	N/A	490	N/A
<b>Total</b>	<b>62,490</b>	<b>49,330</b>	<b>78.9%</b>	<b>14,260</b>	<b>28.9%</b>

<sup>9</sup> Numbers and proportions of starts / job outcomes will increase for more recent quarterly cohorts as individuals are given a longer time to start / obtain a job outcome.



# Welfare Conditionality

SANCTIONS, SUPPORT AND BEHAVIOUR CHANGE

GO



## Publications

- [Briefng Papers](#)
- [Welfare Sanctions and Conditionality in the UK](#)
- [Expert Panel 3: Understanding behaviour change and the role of conditionality](#)
- [Expert Panel 2: Approaches to Conditionality in a Range of Welfare Contexts](#)
- [Conference Presentations](#)

# Publications

## Briefng Papers

Posted on [September 25, 2014](#) by [Welfare Conditionality](#) in [Publications](#) | [Leave a comment](#)

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The following briefing papers were written by members of the research team and outline the ‘state of play’ in each policy area at the start of the project. Each link will download a pdf file.

[Briefing Paper: Anti-Social Behaviour](#)

[Briefing Paper: Disability](#)

[Briefing Paper: Homelessness](#)

[Briefing Paper: LoneParents](#)

[Briefing Paper: Migrants](#)

[Briefing Paper: Offenders](#)

[Briefing Paper: Social Housing](#)

[Briefing Paper: Unemployment](#)

What do you think? Please leave your thoughts and comments below.

## Welfare Sanctions and Conditionality in the UK

Posted on [September 11, 2014](#) by [Welfare Conditionality](#) in [Publications](#) | [Leave a comment](#)

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Conditional welfare arrangements require people to behave in a certain way to access cash benefits, housing or support services.

These conditions tend to be enforced through penalties or ‘sanctions’ that reduce, suspend or end access to these goods.

This Round-up considers how effective welfare conditionality is, what the impacts are, how different groups fare, and to what extent it can be morally justified.

It finds that:

- benefit sanctions are disproportionately affecting young people under 25, and there is evidence of severe impacts on homeless people and other vulnerable groups;
- international evidence indicates that benefit sanctions substantially raise exits from benefits, and may increase short-term job entry; but there are unfavourable longer-term outcomes for earnings, job quality and employment retention;



- there are concerns that welfare conditionality can have unintended consequences, including: distancing people from support; causing hardship and even destitution; displacing rather than resolving issues such as street homelessness and anti-social behaviour; and negative impacts on 'third parties', particularly children.

To download a pdf of the report, visit the [Joseph Rowntree Foundation website](#) or read the [blog by Beth Watts and Suzanne Fitzpatrick](#)

## Expert Panel 3: Understanding behaviour change and the role of conditionality

Posted on [May 15, 2014](#) by [Welfare Conditionality](#) in [Publications](#) | [Leave a comment](#)

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The third expert panel event took place at Sheffield Hallam University on Monday 12th May 2014. Experts from a range of fields presented their research on behaviour change in relation to conditionality. The presentations are available to download by clicking the links below:

[‘Do models of behaviour change allow for conditionality?’](#) Presentation by [Dr Will Leggett](#), University of Birmingham

[‘Behavioural Insights and conditionality’](#) Presentation by Samuel Nguyen, [Behavioural Insights Team](#) (presentation unavailable for download)

[‘Behaviour change as a conditional ‘neoliberal’ form of citizenship’](#) Presentation by [Dr Jessica Pykett](#), University of Birmingham

[‘Welfare reform and the behaviour of the unemployed’](#) Presentation by Prof Karl Taylor, University of Sheffield

Read more about the event in Beth Watts' [blog post](#)

## Expert Panel 2: Approaches to Conditionality in a Range of Welfare Contexts

Posted on [March 6, 2014](#) by [Welfare Conditionality](#) in [Publications](#) | [Comments Off](#)

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The second expert panel event took place at the University of Glasgow on Thursday 27th February 2014. Experts from a range of fields presented their research on conditionality in different contexts. The presentations are available to download by clicking the links below:

[‘Sanctions, Support and Change: Lessons from Criminal Justice’](#) Presentation by [Prof Fergus McNeill](#), University of Glasgow

Keynote: [‘Inside the Global Workfare Project: Where Welfare State Politics Meets Street-Level Practice’](#)  
Presentation by [Prof Evelyn Brodtkin](#), University of Chicago (forthcoming)

[‘Conditionality in public cash transfers: Theory and evidence’](#) Presentation by [Dr Francesca Bastagli](#), Overseas Development Institute (forthcoming)

[‘Children’s rights and children’s welfare in Latin America: What about the workers?’](#) Presentation by [Prof Jean Grugel](#), University of Sheffield

[‘Conditionality without employability: welfare reform and people with health and disability-related barriers to](#)

[work](#)’ Presentation by [Dr Colin Lindsay](#), University of Strathclyde

## Conference Presentations

Posted on [January 6, 2014](#) by [Welfare Conditionality](#) in [Publications](#) | [Leave a comment](#)

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The project team have delivered presentations to several conferences already as part of the project. To download a pdf of each conference presentation, just click on the links below.

[Prof. John Flint](#), presentation to [Housing Studies Association Conference](#), April 2013

[Prof. Suzanne Fitzpatrick](#), presentation to [Housing Studies Association conference](#), April 2013

[Prof. Suzanne Fitzpatrick](#), presentation to [University of New South Wales and University of Queensland](#), May 2013

[Prof. Peter Dwyer](#), presentation to [‘Citizenship and Society’ Conference](#), Lisbon, June 2013

[Prof. Peter Dwyer](#), presentation to [‘Carrots and Sticks’ Conference](#), University of Leeds, July 2013

[Prof. Del Roy Fletcher](#), presentation to [Social Policy Association Conference](#), July 2013

[Prof. John Flint](#), presentation to [Social Policy Association Conference](#), July 2013

[Dr Sarah Johnsen](#), presentation to [Social Policy Association Conference](#), July 2013

[Prof. John Flint](#), presentation to [‘Carrots and Sticks’ conference](#), University of Leeds, July 2013

## Expert Panel: ‘Welfare Conditionality: Conceptualising and Justifying Conditionality?’

Posted on [December 16, 2013](#) by [Welfare Conditionality](#) in [Publications](#) | [Comments Off](#)

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The first event of the project was an International Expert Panel, discussing the concept of conditionality and whether it was justified. The links below will download pdf versions of the speakers’ presentations.

[13.12.11 Mapping the Key Concepts](#) Presentation by [Dr Beth Watts](#), Heriot-Watt University

[13.12.11 Reasons and Conditions](#) Presentation by [Prof Lawrence Mead](#), New York University

[13.12.11 Conditionality and Political Economy](#) Presentation by [Dr Chris Grover](#), Lancaster University

[13.12.11 Individual Autonomy](#) Presentation by [Prof. Dr. Sigrid Betzelt](#), Berlin School of Economics and Law

[13.12.11 Ethics and Social Welfare](#) Presentation by [Prof. Hartley Dean](#), London School of Economics and Political Science

[Watch two short videos of the speakers discussing their views of Welfare Conditionality](#)

## Publications

Posted on [December 9, 2013](#) by [Welfare Conditionality](#) in [Publications](#) | [Comments Off](#)

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Our publications will be updated here during the course of the project.



An ESRC large grant

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## Conditionality Briefing: Anti-social Behaviour

John Flint

Addressing anti-social behaviour (ASB) has been a key priority for successive UK and Scottish governments. In England, the Coalition Government is introducing the *Anti-social Behaviour, Crime and Policing Bill* which consolidates and extends existing legal powers and is aiming to ‘turn around the lives’ of 120,000 families during this Parliament supported by the *Troubled Families Programme*. In Scotland, the 2009 Framework, developed by the Scottish Government and the Convention of Scottish Local Authorities (COSLA) – ‘*Promoting Positive Outcomes*’ continues to underpin policy and practice addressing ASB.

### Key points

- Conditionality is inherent to a range of mechanisms addressing ASB, including social housing tenancies, Parenting Orders, Anti-social Behaviour Orders and Acceptable Behaviour Contracts.
- Despite research evidence highlighting the importance of early, supportive, holistic and whole-family interventions, and the limitations of legal remedies, sanctions and ‘non-negotiable support’ continue to comprise key elements of interventions.
- Debates and discourses about ASB interventions have identified different perspectives about the respective role of agency and structure as causal explanations of ASB and competing emphasis on the balance between individuals’ rights and responsibilities.
- An important recent development in policy and practice has been the emphasis on ensuring the take up of support by individuals or households engaged in ASB and the extent to which non-take up of support should itself be subject to sanctions.
- There is a considerable research evidence base, including evaluations of key intervention mechanisms, but debates have been characterised by significant disagreement between researchers, practitioners and policymakers about research methods, interpretation of findings and the causal links between interventions and outcomes.
- There are diverse theories of change that seek to explain how and why individuals’ conduct alters and the role of ASB interventions in this change. Although rational/economic and cost-benefit frameworks have often been applied to evaluations and underpin the rationales of some intervention mechanisms, evidence increasingly suggests that other factors, such as emotion, environment and the role of key workers are essential, particularly in achieving earlier sequential developments and ‘softer’ outcomes that are the prerequisite of transformative, and more measurable, change .

## Background

Addressing ASB was a major priority for the New Labour governments and the Scottish Executive/Government (see Flint, 2006; Millie, 2009a, 2009b, Respect Task Force, 2006; and Squires, (2008) for overviews of this period). New Labour's governance of ASB became equated with a 'triple-track' approach of prevention, support and enforcement or what has been termed 'coercive welfare.' New statutory requirements for local authorities and registered social landlords to tackle ASB were introduced, supported by a range of new mechanisms, including Anti-social Behaviour Orders, Parenting Orders, Dispersal Orders, Acceptable Behaviour Contracts, enhanced powers of eviction, introductory or probationary tenancies and Family Intervention Projects. ASB has remained a high priority, with periodic escalations in governmental and media interest driven by events such as the death of Fiona Pilkington and her daughter in 2007 and the riots in urban England in 2011. The current UK Coalition Government is introducing a new Anti-social Behaviour, Crime and Policing Bill which consolidates and extends existing legal powers and the Government is also aiming to 'turn around the lives' of 120,000 families during this Parliament supported by the Troubled Families Programme (Communities and Local Government, 2012a, 2012b, 2012c). In Scotland, the 2009 Framework, developed by the Scottish Government and the Convention of Scottish Local Authorities (COSLA) – 'Promoting Positive Outcomes' continues to underpin policy and practice addressing anti-social behaviour.

## Key policy developments on conditionality

Conditionality linked to appropriate conduct has always been present in key mechanisms, such as housing tenancy agreements (in the social and private sectors) and education. However, since 1997, there has been an increase in the range, scope and forms of conditionality related to ASB, with growing numbers of legal and non-legal mechanisms to enact this conditionality and a wider range of conduct and welfare provision being subject to regimes of conditionality. New forms of tenancy have been introduced, strengthening the powers, range and remit of eviction, with probationary, introductory and, in Scotland, Short Secure Tenancies, being developed to ensure that access to, and sustainability of, a tenancy is conditional on appropriate behaviour. Anti-social Behaviour Orders (ASBOs) required individuals to desist from, or adhere to, a range of behaviours. These were envisaged as being balanced by supportive interventions, delivered through Individualised Support Orders, though this was very varied in practice. Mechanisms such as Acceptable Behaviour Contracts and Good Neighbour Agreements sought to codify the rights, roles, responsibilities and actions of individuals and agencies. Parenting Orders, and initiatives such as the Pilot of Housing Benefit Sanction, introduced a further mechanism of conditionality, whereby individuals could be sanctioned for their failure to engage with packages of support. Family Intervention Projects became an increasingly prominent mechanism for tackling anti-social behaviour (Batty and Flint, 2012). Although

engagement with such projects was often a condition of individuals remaining in social housing tenancies, the projects were based on holistic, whole-family interventions coordinated by a key worker and often delivered by charitable organisations, with support and voluntary engagement, rather than punitive sanctions, being their main focus. There has also been a renewed emphasis on early intervention, seeking to address inter-generational problems and avoid problematic behaviour from escalating.

In England the Coalition Government has advocated a 'rehabilitation revolution' focused on prevention and a 'second chance society.' In a critique of New Labour governance, the Coalition argued that current formal powers impose stringent conditions to stop future ASB but don't address underlying causes (Home Office, 2012). There is a more explicit recognition of economic arguments for intensive intervention and a critique of enforcement-focused measures such as ASBOs. However, the current government's approach retains key elements of the previous regime, including an emphasis on early intervention, intensive whole family projects, sanctions and a belief in 'non-negotiable' support. The Coalition Government continues to support the use of Parenting Orders and to believe that sanctions act as a deterrent. The new powers to be introduced through the Anti-social Behaviour, Crime and Policing Bill actually broaden the range of behaviours that may be defined as 'anti-social', lower thresholds and burdens of proof, increase requirements for conditional positive behaviours and extend the geographical reach of intervention. A new discretionary ground for possession will be created where a tenant or person living with them has been convicted of an offence committed at the scene of a riot anywhere in the UK (House of Commons Library, 2013). The Coalition Government has recently focused on rogue landlords as a causal element of criminality and ASB. Existing legislative powers include Mandatory Licencing of Houses in Multiple Occupation and Additional Licencing of Houses in Multiple Occupation, discretionary selective licencing and Special Interim Management Orders. There is also an emphasis on enhancing the responsibilities and capacities of private landlords to regulate conduct and manage ASB.

It is important to note that there are key differences between Scotland and England and Wales relating to the Children's Hearing System in Scotland; different social work and criminal justice frameworks; the new unitary police force in Scotland (and not introducing Police and Crime Commissioners) and homelessness legislation. In Scotland the 2009 Framework 'Promoting Positive Outcomes' continues to drive the approach to tackling ASB, based on four key pillars of prevention, intervention, engagement and communication. Key principles include an emphasis on early intervention, addressing causes as well as symptoms; and promoting positive behaviour (through role models and mentors). As in England, Family Intervention Projects have been a key mechanism for addressing the problems of the most vulnerable households. The forthcoming Housing Bill in Scotland will introduce a qualifying period before succession to a tenancy, allow a minimum period to be put in



place before anti-social tenants are eligible for the allocation of social housing, allow landlords to use Short Scottish Secure Tenancies for applicants and tenants with a history of anti-social behaviour and simplify evictions for tenants convicted of a serious offence. However, the focus on Scotland is on sustaining tenancies, the Bill will include tenants' rights for evictions cases to be reviewed, and the Scottish Government has decided not to introduce an initial probationary tenancy for all new social housing tenants.

## **Key arguments for and against conditionality in anti-social behaviour policy and practice**

Commentators in favour of conditionality, and increased conditionality, in ASB interventions argue that access to welfare services, as limited and rationed goods, has always required minimum behavioural requirements (for example, social housing tenancies and children's attendance and behaviour at school) and have always been premised on a contractual and reciprocal basis. Secondly, they argue that ASB has a direct and significant negative impact on other citizens such that forms of intervention, including conditional access to welfare, are justified. Commentators also argue that the efficacy of ASB interventions (including support elements) is enhanced by forms of conditionality and sanction as these can act as triggers or frame decision-making such that conduct is improved. These can be framed in moral terms, whereby, for example, the threat of sanction results in an individual engaging with support services, resulting in subsequent positive behaviour change and outcomes.

Those who object to increased conditionality in ASB interventions argue, firstly, that the multi-faceted and often intergenerational vulnerability underpinning ASB be addressed rather than focusing on problematic conduct per se. They argue that sanctions (including fiscal penalties) merely exacerbate vulnerability and reduce the propensity of individuals to engage with agencies and support. Thirdly, they argue that conditionality or sanctions (for example linked to access to or sustainability of a social housing tenancy) risk harming third parties (such as children) for the actions of others. Commentators also challenge the efficacy of conditionality and sanction-based interventions, for example, arguing that rational and economic models of decision-making do not reflect the lives of anti-social individuals, or that models of intervention based on a holistic, supportive and voluntary ethos are more effective than punitive, sanction-based approaches.

## **Conclusions**

The future stages of our research project will enable us to investigate further, and establish empirical evidence about, the key debates highlighted above. These include the extent to which dominant rationales underpinning existing ASB interventions (rationality, economics, cost-benefits) reflect the reality of individuals' lives; how complex assemblages and packages of support interact with sanction

mechanisms, how a new emphasis on proactive and positive conduct are mechanised through new forms of sanction; how ASB interventions are linked to other social policy interventions in housing, education and offending; and how a more nuanced and sophisticated moral and ethical framework may be applied to the diverse range of mechanisms, and differentiated outcomes, for individuals subject to ASB-related interventions.

## About the Project

*Welfare Conditionality: Sanctions, Support and Behaviour Change* is a major five year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme, running 2013-2018. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities i.e. University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership. Central to our work is a desire to inform international policy and practice through the establishment of an original and comprehensive evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project please visit [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk) or contact the Project Manager, Fleur Hughes on 01904 321299 or email [info@welfareconditionality.ac.uk](mailto:info@welfareconditionality.ac.uk)

## About the Authors

Prof John Flint is Professor of Town and Regional Planning at the University of Sheffield and is leading on the Anti-social Behaviour element of the research.

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## 'Emergency Use Only' Report: Understand and reducing the use of foodbanks in the UK

Use of emergency food aid in the UK has dramatically increased over the last decade, with a ground-breaking 'Emergency Use Only' report released today listening to the voices of foodbank users to explore what drives foodbank usage in the UK.

The research was jointly conducted by us, alongside Oxfam, Child Poverty Action Group (CPAG) and the Church of England, examining why people are turning to foodbanks, how foodbank use fits with their wider coping strategies, and what might be done to reduce the need that leads to foodbank use.

40 in-depth interviews with Trussell Trust foodbank users were conducted, supported by data collected from more than 900 recipients to give a moving insight into the reality of poverty & why foodbanks are needed.

David McAuley, Trussell Trust CEO said: *"This new evidence brings into sharp focus the uncomfortable reality of what happens when a 'life shock' or benefit problem hits those on low incomes: parents go hungry, stress and anxiety increase, and the issue can all too quickly escalate into crippling debt, housing problems and illness. The Trussell Trust has consistently said that too many people are falling through gaps in the social security system. The voices of food bank users heard in this report have informed the united call from four respected anti-poverty bodies to implement simple fixes to the welfare system. We welcome the opportunity to engage positively with politicians of all parties in order to work together to enable solutions for the poorest in the UK."*

**Key findings from the research showed:**

- Food banks were predominantly a last-resort, short-term measure, prompted by an 'acute income crisis' – something which had happened to completely stop or dramatically reduce their income
- Income crisis could be caused by sudden loss of earnings, change in family circumstances or housing problems. However, for between half and two thirds of the users from whom additional data was collected, the immediate trigger for food bank use was linked to problems with benefits (including waiting for benefits to be paid, sanctions, problems with ESA) or missing tax credits
- Many food bank users were also not made aware of the various crisis payments available in different circumstances, and even fewer were receiving them
- 19-28% of users for whom additional data was collected had recently had household benefits stopped or reduced because of a sanction and 28-34% were waiting for a benefit claim which had not been decided
- Many food bank users faced multiple challenges, including ill-health, relationship breakdown, mental health problems or substantial caring responsibilities. Many were unable to work or had recently lost their job. The frequency of bereavement among food bank users was also a striking feature of this research

Read the [Executive Summary](#) and full 'Emergency Use Only' report.



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## Conditionality Briefing: Disabled People

Peter Dwyer, Jenny McNeill & Lisa Scullion

The welfare rights and responsibilities of disabled people are increasingly subject to contestation and redefinition. Whereas previously both governments and the public viewed the relatively unconditional claims of long-term sick and disabled people to welfare as legitimate, in recent decades conditionality has been increasingly applied to disabled people in receipt of social security benefits in the UK. In future, the majority of people in receipt of incapacity benefits will be expected to actively engage in training or work search activities or face benefit sanctions.

### Key points

- In line with their stated 'Third Way' reforms of the welfare state, consecutive New Labour governments extended their rights and responsibilities agenda to encompass disabled people. An initial phase that emphasised incentivising and supporting incapacity benefit claimants into paid employment gave way to a second phase of policymaking focused much more on enforcing compulsory job search and training activities through the use of sanctions.
- The Coalition Government has consolidated and extended the commitment to conditionality, with an emphasis on reclassifying significant numbers of disabled people as fit for work.
- Advocates of conditionality in relation to disabled people argue that many claimants are unemployed rather than incapacitated, with barriers to work often being attitudinal.
- Critics argue that the extension of conditionality and its more rigorous application for many in receipt of incapacity benefits is inappropriate, punitive and largely ineffective in helping disabled people into paid employment. They stress structural factors such as adverse labour market conditions, individual impairment and recurrent ill health as significant in limiting paid employment.
- The rights and responsibilities of disabled people are subject to reconfiguration. Previously, disabled people have actively fought to overcome disabling attitudes and barriers to assert their equal rights to paid employment. In response to recent policy changes and the imposition of conditionality many are now keen to defend and reassert disabled people's rights to welfare.
- The ongoing attempt to 'rewrite the welfare contract' for disabled people has become a key site of contestation within UK welfare reform and debates about the circumstances in which the use of conditionality may, or may not, be ethically justified.



## Background

The link between work and entitlement to disability benefits have been strengthened in recent decades. For example, the introduction of the 'All Work Test' in 1999 refocused the medical examination used to determine eligibility for incapacity benefits to emphasise claimants' capacity for work rather than any impairments which might limit it. Previously, UK governments and citizens tended to support the claims of long-term sick and disabled people to social security benefits without a need for them to meet specified job search or training activities (Dwyer, 2014). This reflected wider ideas about disabled people being 'deserving' of largely unconditional collective support because their inactivity in the paid labour market (PLM) emerged from recognised personal impairments. Critics have noted that such attitudes may themselves be disabling and have long campaigned for the eradication of disabling attitudes and environments to enable disabled people to realise effective rights to paid work (Barnes 1992; Roulstone and Prideaux, 2012). Building on the policies of their New Labour predecessors, the current UK Coalition Government has enthusiastically endorsed the application, extension and intensification of the conditionality for disabled people that was introduced under New Labour (Patrick, 2012).

## Key policy developments: disabled people and conditionality

Against a backdrop where expenditure on sickness and incapacity benefits increased from £5B in 1979 to £24B in 1996/7, New Labour governments (1997-2010) questioned many taken for granted assumptions about disabled people's rights and responsibilities as part of its wider programme of welfare reform (Hewitt, 1999). Initially, policies emphasised enabling disabled people to enter paid employment through incentives and support (for example, Disabled Persons Tax Credit and voluntary participation in the New Deal for Disabled People). However, throughout its later years in office a "significant extension of labour market conditionality for incapacitated claimants" and the imposition of "a workfare-style regime" occurred (Allirajah, 2005: 4).

New Labour signalled a desire to end the 'sick note culture' (Johnson, 2005) and saw the use of benefit sanctions as a legitimate means to reduce the number of people receiving incapacity and sickness benefits in the UK by over a third (Garthwaite, 2011). The Government-initiated Freud Report (2007) called for a 'strengthened framework' to 'rebalance the system' away from unconditional welfare, and recommended an increase in the frequency of state interventions and the future extension of conditionality to cover all economically inactive benefit recipients, including the majority of disabled recipients.

Subsequently, in October 2008, the Government announced the phasing out of Incapacity Benefit, disability related Income Support and Severe Disablement Allowance and introduced a new benefit, Employment and Support Allowance (ESA) for claimants unable to work due to illness or disability. Significantly, ESA introduced overt work-related conditionality for claimants of incapacity benefits for



the first time. Following an initial 13 week 'assessment phase', all new ESA claimants are placed on a basic allowance at Jobseeker's Allowance (JSA) rates and undergo a Work Capability Assessment (WCA). Three outcomes are possible depending on the result of the WCA. A minority identified as having severe conditions and 'limited capability for work-related activity' are placed in the 'Support Group.' These individuals then have unconditional access to an enhanced rate of ESA benefit and are not required to participate in work related activities. Those placed in the 'Work Related Activity Group (WRAG) receive a lower level of ESA and are required to engage in work related activity such as job search, attending interviews with personal advisors or participation in work experience schemes. Finally, a third group of claimants, i.e. those found fit for work, are disqualified from ESA and transferred onto the JSA regime with its stricter conditionality rules and lower benefits (Dwyer, 2008; Patrick, 2012).

The current Coalition Government is committed to a comprehensive overhaul of the UK social security system in which extending and intensifying the principles and mechanisms of conditionality and strengthening sanctions are central elements (Dolan et al., 2010). This includes an enthusiastic endorsement of ESA as an appropriate mechanism for reclassifying significant numbers of disabled people as fit for work, or work related activity and training, and a restated commitment to the WCA, despite extensive criticisms (Marsh, 2012).

In June 2011, the Coalition Government abolished the various 'Pathways' and 'New Deals' and replaced them with the Work Programme. This programme of back-to-work support (delivered by a range of private and third sector organisations), allows a large degree of discretion in the mix of personalised sanction and support used to activate individual clients. The 2012 Welfare Reform Act, alongside other policy changes such as Mandatory Work Activity and the introduction of Universal Credit further impacts on disabled benefit claimants. Mandatory Work Activity allows advisors to require certain claimants, held to have a poor work record and limited commitment to job seeking, to undertake a four week unpaid work placement. Disabled people in the WRAG are mandatorily subject to the Work Programme once they are judged to be fit for a return to work within a three month period. Failure to complete a Mandatory Work Activity placement without good cause results in the imposition of sanctions (Patrick, 2012). New, more robust sanctions for existing JSA and ESA claimants, introduced in order to align with the Universal Credit model, now prevail. From December 2012 claimants face sanctions at 100% of the full value of their ESA with an open-ended period of sanction applicable to repeat offenders who fail to comply with advisers and re-engage with their specified programme of work related activity (DWP, 2013).

The full effects of these reforms on disability benefit recipients' lives are yet to emerge. However, available statistics on both disallowance (i.e. those who following a WCA are found fit for work and transferred onto JSA) and sanctions illustrate significant impact on considerable numbers of disabled people's lives (rf. Webster, 2014).

## Key arguments for and against conditionality in relation to disability

The extension and intensification of work-focused conditionality has triggered much controversy and passionate debate. Commentators in favour of the application of conditionality for disabled people argue that “in the UK many claimants are unemployed rather than truly incapacitated” (Mead, 2011a: 281). They point to exponential growth in both the number of claims and the cost of incapacity benefits and a clustering of recipients in areas that have seen significant industrial decline since the 1980s. Financial incentives built into the old system of UK incapacity benefit encouraged people to make rational choices to claim more generous disability benefits rather than the lower JSA amounts. Employment services effectively colluded in this process and diverted people onto higher level incapacity benefits and arguably “only a relatively small proportion of those ‘diverted’ into incapacity benefits cannot work; as such, the issue is about the type or how much work they can do” (Beatty and Fothergill, 2002: 817).

Those who support conditionality believe that barriers to work among many in receipt of disability benefits are largely attitudinal and it is entirely appropriate to use conditionality in an instrumental way and require those who are able, to engage in job search and training activities, or face sanctions (Mead 2011b). Certain commentators acknowledge that the significant rise in people claiming sickness and incapacity benefits (from 750, 000 in the late 1970s to 2.6 million currently), is most likely due to a combination of both individuals with impairments withdrawing from paid employment and a reluctance by employers to retain or hire disabled people. However, they argue that the ‘conditionality light’ model applied to those in the WRAG is “very different from the conditionality for the unemployed [with] no requirement to seek work or to take any job offered and if a job taken does not work out there is a right to return to benefit” (Gregg, 2011: 283). More broadly, even if it is accepted that some individual WCA decisions to date have been flawed, supporters argue that the underlying principle of focusing on an individual’s capacity, rather than incapacity, to work is sound (Harrington, 2010).

In contrast, those who object to the application of conditionality for disabled people view its imposition as an attempt to enforce paid work in order to tackle the assumed ‘perverse incentives’ built into the previous disability benefits system. Conditionality is seen as inappropriate because it individualises the problem of unemployment and fails to take account of the continuing societal/structural barriers that exclude disabled people from meaningful engagement with the PLM (Scope, 2011; Weston 2012). It is further flawed because it prioritises supply side measures (e.g. ensuring the work readiness of individuals) whilst marginalising demand side issues (e.g. lack of available jobs and employers reluctance to take on people with impairments). Wedded to an individual, as opposed to a social model of disability, conditionality is likely to prove ineffective (Patrick, 2011) without a more radical transformation of the workplace and the eradication of societal barriers which continue to prevent and constrain disabled people’s work opportunities (Roulstone and Barnes, 2005).

Critics (including disabled people's organisations and mainstream charities) are concerned both about the way in which the WCA has been applied and the broader principles of activation and conditionality underpinning ESA. Consequently, there are "fears that the WCA is incorrectly finding people fit for work, while also placing people for whom work is not a realistic prospect in the WRAG" (Patrick, 2012: 312).

Beyond issues related to the operation and implementation of ESA and the WCA, there are more fundamental concerns about how sickness and disability are being re-conceptualised and understood. It is suggested that the media and politicians have played a role in changing how disabled people are represented in both policy and public debates and that an essentially moral 'vilifying discourse' (Garthwaite, 2011) now dominates, which reclassifies the majority of disability benefit claimants as fraudulent 'scroungers' capable of work (Grover and Piggot, 2013).

## Conclusions

The extension of welfare conditionality to disabled people, the resultant reclassification of some as fit for work and the increased expectation of job search and training activities for the majority of disability benefit recipients in the UK has provoked fierce debate. Weston (2012) has called for wider recognition of the diverse levels of needs and experience that exist among those in receipt of incapacity benefits. She also highlights personalised packages of support, rather than the application of benefit sanctions, as most likely to enhance labour market entry and sustained paid employment for disabled people. An exploration of the ethics and efficacy of both these elements of welfare conditionality will be a central feature of our qualitative fieldwork with welfare practitioners and disabled people.

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For further information about the project please visit [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk) or contact the Project Manager, Fleur Hughes on 01904 321299 or email [info@welfareconditionality.ac.uk](mailto:info@welfareconditionality.ac.uk)

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## Conditionality Briefing: Homelessness and 'Street Culture'

Sarah Johnsen, Suzanne Fitzpatrick & Beth Watts

Recent years have witnessed an escalation in the use of conditional, enforcement and/or interventionist approaches in responses to rough sleeping and 'street culture' activities such as begging and street drinking. These have been marked by increasing expectations that homeless people engage with supportive interventions and/or desist from behaviours that have a detrimental effect on their own wellbeing or that of other people.

### Key points

- The escalation in the use of enforcement, coercion and interventionism in the homelessness sector has been most marked in England. The most common measures used have included: Anti-Social Behaviour Orders (ASBOs), arrests under the Vagrancy Act 1824, controlled drinking zones, dispersal orders, diverted giving schemes, and manipulation of the built environment to 'design out' street activity.
- Rough sleepers and other non-statutory ('single') homeless people throughout the UK have also been subject to the increasing conditionality of welfare benefits and use of sanctions for those who fail to comply with specific behavioural requirements, particularly as regards seeking work or engaging in work-related activity. Some of these have been relaxed very recently in recognition of their disproportionate impact on especially vulnerable groups, including rough sleepers.
- Evidence regarding the effectiveness of such initiatives, and the extent to which and manner in which they are accompanied with supportive interventions, remains limited. Their implementation has also caused a great deal of controversy within and beyond the homelessness sector, in large part as a result of the vulnerability and complex needs of many of the individuals targeted.
- Stakeholders who endorse the use of conditional, enforcement or interventionist approaches typically do so on grounds that rough sleeping and street culture has a negative impact on local business and tourism, is intimidating to members of the public, and/or is highly damaging to the individuals involved given strong associations between such activities and substance misuse.
- Those who oppose such initiatives generally do so because they believe that they can exacerbate the already difficult circumstances of vulnerable people by for example depriving them of support services, subjecting them to increasingly severe penalties (including lengthy prison sentences), and/or 'driving' them into more dangerous spaces or activities.



## Background

Street homelessness has been a policy priority in the UK for some time, with successive governments investing substantial resources in attempts to reduce its prevalence from the 1980s onwards (Jones and Johnsen, 2009). In England, recent years have witnessed the increasing use of 'control' as well as 'care' in various initiatives targeting rough sleepers; so too people involved in 'problematic street culture' such as begging and street drinking (Fitzpatrick and Jones, 2005; Johnsen and Fitzpatrick, 2010). Rough sleepers and other non-statutory ('single') homeless people throughout the UK have also been affected by the increasing conditionality of, and use of sanctions within, the welfare benefit system more generally (Homeless Watch, 2013). These developments have generated a great deal of controversy within and beyond the homelessness sector, largely in the context of limited evidence regarding the effectiveness and ethicality of such initiatives as regards this vulnerable group.

## Key policy developments on enforcement, interventionism and conditionality

The ascendance of what has been described as a 'tough love' ethic in responses to homelessness, evident in England far more than in other UK jurisdictions, can be traced back to the late 1980s (Fitzpatrick and Jones, 2005). Improvements in the accessibility and quality of services at the time were accompanied by an increase in expectations that rough sleepers 'come inside' and actively engage with the support available. Later, in the early 2000s when the number of rough sleepers had reduced significantly, policy attention was increasingly directed to the 'hard core' remaining, especially those involved in 'street culture' activities. Begging was a particular focus under the Government's mandate to combat anti-social behaviour, but street drinking was also targeted, as was rough sleeping to a lesser extent (Johnsen and Fitzpatrick, 2010).

Central Government endorsed the use of a range of measures employing various degrees of force, coercion and/or persuasion to combat rough sleeping and problematic street culture in England. These were adopted in different combinations, and with varying degrees of associated support, by local authorities (Johnsen and Fitzpatrick, 2007). The main tools promoted, most of which remain in use, include:

- *Arrests under the Vagrancy Act 1824* which specifies that begging and persistent begging are arrestable offences; also that it is an offence to sleep rough, albeit only when an individual has been directed to a 'free place of shelter' and failed to take this up.
- *Anti-Social Behaviour Orders (ASBOs)*<sup>1</sup>, these being civil orders intended to protect the public from behaviour that causes 'harassment, alarm or distress'. A breach of ASBO conditions is a criminal offence carrying a maximum penalty of five years imprisonment.



- *Controlled drinking zones* such as Designated Public Places Orders (DPPOs), within which individuals refusing to comply with police requests that they stop drinking or surrender alcohol for confiscation can be arrested and fined.
- *Dispersal Orders*, giving the police powers to require groups, such as street drinking 'schools' to disperse from a designated public place. Refusal to comply is a criminal offence.
- '*Designing out*', that is, manipulation of the built environment to make it less conducive to street culture activities (by removing seating or gating off 'hotspot' areas, for example).
- *Diverted giving schemes*, that is, campaigns attempting to dissuade members of the public from giving money to people who beg and to give directly to charity instead.

There has also been a trend toward increasing levels of 'interventionism' in support services, reflecting an escalation in expectations that homeless people 'engage' and/or change aspects of their lifestyle or behaviour (Dobson, 2011; Whiteford, 2010). Street outreach services, for example, traditionally employed an 'ameliorative' approach, but now widely adopt a more 'assertive' stance which overtly aims to persuade street homeless people to move into accommodation (Parsell, 2011). Similarly, under the Places of Change (Hostels Capital Improvement) Programme, hostel staff were encouraged to adopt a much more proactive approach to moving people on from homelessness services into settled homes, jobs and/or training (Jones and Pleace, 2010). More recently, the No Second Night Out (NSNO) approach piloted in London required 'new' rough sleepers to engage with a 'single service offer' (SSO) developed by homelessness agency staff; failure to do so rendered them ineligible for support from participating agencies within that area (Hough et al., 2011). Such requirements have become more commonplace as most local authorities across England have endorsed NSNO principles (Homeless Link, 2014), albeit that the prevalence and means of SSO implementation varies geographically (Johnsen and Jones, forthcoming).

This trend has nevertheless been paralleled by the development of (or at least increasing interest in) initiatives that relax requirements regarding service user engagement and behaviour change. At present, these initiatives have been few in number, small in scale, and targeted at the most 'entrenched' or 'service resistant' rough sleepers, the majority of whom have multiple and/or complex support needs. Two notable examples of such interventions include: a) the introduction of 'Housing First' which enables service users to determine the extent and manner of their engagement with support without compromising their eligibility for settled housing and other services (Johnsen, 2013; Tsemberis, 2010); and b) emergence of the 'personalisation' agenda which engages with service users more 'on their own terms' than is typically the case with traditional outreach, often utilising individualised budgets in so doing (see for example Brown, 2013; Hough and Rice, 2010; Teixeira, 2010).

Rough sleepers and other homeless people in all parts of the UK have also been affected by the increasing conditionality of welfare benefits and use of sanctions for those who fail to comply with specific behavioural requirements. Those in receipt of Jobseekers Allowance (JSA), for example, can have their benefits reduced or stopped if they do not attend advisory interviews, turn down a job or training offer, fail to apply for particular jobs, or leave work or training. Employment and Support Allowance (ESA) recipients may be sanctioned for not participating in a work-focused interview or compulsory work-related activity. Sanctions may apply for a minimum of four weeks and a maximum of three years (see Homeless Watch, 2013). The requirements affecting some homeless people have however been relaxed recently in light of evidence that they and other vulnerable groups are disproportionately affected by sanctions (Homeless Watch, 2013; see also Oakley, 2014). In this vein, in July 2014 Jobcentre Plus advisors were granted discretionary powers to temporarily exempt rough sleepers and homeless people in supported accommodation from requirements that they be available for work, actively seek work or participate in the Work Programme (Spurr, 2014).

### **Key arguments for and against enforcement, interventionism and conditionality**

Those stakeholders in favour of the use of enforcement and greater degrees of interventionism typically justify their stance on grounds that street homelessness and street culture: has a negative effect on local business and tourism; is intimidating to members of the public; and/or is damaging to the individuals involved given strong associations between street activities (begging and street drinking in particular) and substance misuse (Fitzpatrick and Johnsen, 2009; Fitzpatrick and Jones, 2005). Advocates of enforcement typically justify its use on grounds that 'service resistant' individuals are unlikely to alter their behaviour unless compelled to do so and therefore argue that it is irresponsible to 'allow' them to continue behaving in ways that are detrimental to their own wellbeing (and in extreme cases can prove fatal). Some also argue that the ability of people to make decisions in their best interests is impaired by substance misuse and/or severe mental health problems, thus the decision about whether or when to engage with support cannot justifiably be left to the service user (see Johnsen et al., 2014). Many commentators will also point to evidence that when accompanied by intensive tailored support, the use of enforcement measures (e.g. ASBOs) can in some circumstances lead to positive outcomes (e.g. engagement with drug treatment programs), albeit that they also have the capacity to undermine the wellbeing of individuals targeted, and the reasons why they 'work' for some homeless people but not others are at present poorly understood (Johnsen and Fitzpatrick, 2007).

Stakeholders who oppose the use of enforcement and interventionist approaches generally do so on grounds that the difficult circumstances of vulnerable people may be exacerbated, by for example: denying them access to support services; subjecting them to increasingly severe penalties (including

lengthy prison sentences); and/or 'driving' them into more dangerous spaces or activities via geographical or activity displacement (Crisis, 2003; Housing Justice, 2008). In their view, such approaches contravene the therapeutic conditions required for people to recover from addiction and serious trauma, for example, as service resistant people may be more receptive to non-interventionist approaches based on 'kindness and gentle persuasion' than they are to those making explicit demands regarding behaviour change (Murray and Johnsen, 2011). For many (particularly faith-based) organisations, interventionist approaches seriously challenge core tenets of their value systems, most notably notions of unconditional care (or 'love') and hospitality (Johnsen, 2014). Furthermore, opponents of conditionality highlight the disproportionate impacts of welfare benefit sanctions on homeless people (see above). Particularly grave concerns have been expressed about deleterious outcomes (including potential destitution) for homeless people with multiple and complex needs (e.g. co-occurring mental health and substance misuse problems) given their limited capacity to comprehend the consequences of their actions or inactions as regards work and work-related activity (Homeless Watch, 2013).

## Conclusions

The future stages of this study will enable the further investigation of, and collation of empirical evidence to inform, the key debates highlighted above. These will include assessments of: the impact of sanctions (or threat thereof) on the engagement of homeless people with supportive interventions and/or desistance from harmful behaviours; the influence of the balance and timing of support and sanction on individual behaviour; the influence of complex needs such as addiction and/or mental ill health on homeless peoples' receptivity to conditional or interventionist approaches; and the intersections between 'street-based' forms of interventionism and conditionality and other social policy initiatives, most notably in the housing, anti-social behaviour and welfare fields. The distinctions between England and other UK jurisdictions in the use of enforcement in particular will provide scope for exploring the impact of divergent policy rationales and frameworks on the lived experiences of a key group subject to welfare conditionality.

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<sup>1</sup> The Anti-Social Behaviour, Crime and Policing Bill, which received royal assent in March 2014, introduced new powers to replace ASBOs, including Injunctions to Prevent Nuisance and Annoyance (IPNAs) and Criminal Behaviour Orders (CBOs) (Home Office, 2014).



## Conditionality Briefing: Lone Parents

Sarah Johnsen

**In comparison to other OECD countries, the UK has until recently employed a relatively 'light' conditionality regime as regards the welfare eligibility of lone parents. Lone parents' entitlements to UK welfare benefits have however been increasingly tied to their participation in the labour market in recent years, such that active attempts to seek paid work are now a mandatory requirement for the continued eligibility of most.**

### Key points

- The introduction of mandatory Work Focused Interviews (WFIs) in 2001 was a significant change, affecting lone parents on Income Support (IS) with a youngest child aged 5 or older. WFIs were extended to all lone parents on IS from 2004. WFI requirements have become more intensive over time, most notably via the incorporation of mandatory Action Plans in 2005 and introduction of Personal Adviser discretion in determining the frequency and duration of WFIs for lone parents with a youngest child aged 1-4 from April 2014.
- The implementation of Lone Parent Obligations (LPOs) in 2008 heralded further change, in that parents with a youngest child aged 12 or over were no longer entitled to IS solely on grounds of being a lone parent. The LPO age threshold as regards youngest children reduced incrementally in subsequent years, to 10 or above in 2009, 7 or above in 2010, and 5 or above in 2012.
- Under LPOs, lone parents deemed able to work are treated in broadly similar terms to other Jobseeker Allowance (JSA) claimants, that is, are required to be available for and actively seeking paid employment. Some lone parents are exempted on ground of their own or a child's ill health or disability, however, and may claim Employment and Support Allowance (ESA) or remain eligible for IS.
- Further changes introduced in April 2014 mean that lone parents with a youngest child aged 3 or 4 may be required to attend courses, volunteer or undertake other mandatory work-related activity if they receive IS solely on the basis of being a lone parent, are in receipt of Universal Credit, or are in the ESA Work-Related Activity Group.
- The 'activation' reforms affecting lone parents are typically justified on grounds that paid work benefits lone parent families financially; also that it improves parents' physical and mental health and wellbeing outcomes. Moreover, the promotion of lone parents' participation in the paid workforce is widely regarded as a critical ingredient in attempts to combat child poverty.
- Key objections to activation measures include: insufficient recognition given to personal and structural barriers restricting lone parents' participation in paid work; the devaluation of unpaid care; lack of evidence regarding long-term outcomes; the weak financial gains associated with acquisition of paid work; and the disproportionate impact of LPOs on women which are said to compound their existing labour market disadvantage.



## Background

Lone parents have been a particular focus within welfare to work policies across OECD (Organisation for Economic Cooperation and Development) nations due to their disproportionately high poverty rates and, in several countries, low employment rates (Finn and Gloster, 2010). Lone parents comprise one quarter of all households with dependent children in the UK, proportionally more than most OECD countries (Avram et al., 2013). The UK is reported to have 'lagged behind' other European countries in applying work-related conditions to lone parents in receipt of benefits (Wright, 2011), but 'activation' reforms have been applied incrementally since the late 1990s, such that lone parents' entitlements to social assistance benefits have been drawn ever tighter around their participation in the labour market (Tinsley, 2014; Whitworth, 2013a).

## Key policy developments on conditionality

Until relatively recently, lone parents claiming social security benefits in the UK were not required to look for paid employment until their youngest child reached school leaving age, and the formal policy on lone parent work-related requirements within the benefit system was neutral in that it neither encouraged nor discouraged paid work (Finn and Gloster, 2010). Changes from the late 1990s onwards have however been characterised by increased expectations regarding paid employment, such that active attempts to seek paid work have become a mandatory requirement for most lone parents' continued eligibility for social assistance (Whitworth and Griggs, 2013).

The early New Labour years have been described as a "time of incremental inroads into a comparatively light work-related conditionality regime" (Whitworth and Griggs, 2013, p.126). The New Deal for Lone Parents (NDLP), introduced in 1998, offered lone parent Income Support (IS) claimants access to Jobcentre-based employment support to improve their job readiness and employment opportunities on a voluntary basis (Casebourne et al., 2010). The NDLP's introduction was however preceded by cuts to lone parent benefits in 1997, via the withdrawal of the One Parent Benefit and Lone Parent Premium on Income Support (Wright, 2011).

The introduction of mandatory Work Focused Interviews (WFIs) in 2001 for lone parents on IS with a youngest child aged 5 or older, and their extension to all lone parents on IS with a youngest child aged 0-5 from 2004, represented a significant change (Knight et al., 2006). Some lone parents were exempt and attendance could be deferred for others, but participation became a condition of benefit receipt for the vast majority. Over time WFIs became more intensive and frequent, most notably through the incorporation of mandatory Action Plans after 2005, which must be agreed with a Personal Adviser and specify steps lone parents can take to prepare for work (Finn and Gloster, 2010).



A further significant change was the introduction of Lone Parent obligations (LPOs) in 2008, which meant that lone parents with a youngest child aged 12 or over would no longer be entitled to IS solely on grounds of being a lone parent, and were thus transferred onto Jobseekers Allowance (JSA). The age threshold as regards youngest children reduced incrementally in subsequent years: to 10 or above in October 2009, 7 or above from October 2010, and 5 or above from May 2012. Under LPOs, lone parents deemed able to work are treated in broadly similar terms to other JSA claimants, that is, are required to be available for, and actively seeking, paid employment.

Some lone parents are exempt from LPOs, however. Lone parents with a health problem or disability which limits their ability to work may be entitled to Employment and Support Allowance (ESA) rather than JSA, but within the ESA scheme may also be required to engage with work-related activities if deemed capable of doing so (Avram et al., 2013). Those receiving IS for reasons other than being a lone parent, for example foster carers or parents in receipt of Carer's Allowance because their child has a disability, remain eligible to claim IS (Finn and Gloster, 2010).

Lone parent 'flexibilities' were incorporated into JSA regulations in 2008 in recognition of the responsibilities involved in caring for a child (Casebourne et al., 2010; Coleman and Lanceley, 2011). These flexibilities allow lone parents to refuse a job where no appropriate or affordable childcare is available and exempt them from requirements to seek work if their child has been excluded from school and it is not reasonably possible for them to make alternative care arrangements, for example (see Gingerbread, 2011). Existing evidence suggests that these flexibilities are often misinterpreted or poorly communicated by Jobcentre Plus advisers, however (OPFS, 2014).

Since July 2011 lone parents have also been affected by the Coalition Government's consolidation of employment activation schemes under the Work Programme (Graham and McQuaid, 2014). Early evaluations suggest that the support provided under the Work Programme is poorly suited to the needs of lone parents (Whitworth, 2013b). Job outcomes for lone parents have been particularly poor: 2.6% of lone parents moved into employment during the first 14 months of Work Programme implementation, compared with 3.5% across all groups, with disabled people being the only group with a lower success rate at 2.3% (House of Commons Work and Pensions Committee, 2013).

The introduction of Universal Credit, being phased in between 2013 and 2017, has also had an impact on lone parents (Graham and McQuaid, 2014; Lane et al., 2011). It has been noted that Universal Credit potentially offers greater flexibility for school-hours working and/or enhanced access to childcare subsidies (Davies, 2012; Whitworth and Griggs, 2013). Campaigning agencies have however expressed concern about the fact that lone parent flexibilities are not replicated in their entirety under Universal Credit proposals, with many being relegated to guidance (as opposed to regulation) and others having been qualified so as to narrow their application (Gingerbread, 2013).

Two further significant changes came into effect in April 2014 (TSO, 2014). First, Jobcentre personal advisers were granted discretion to determine the frequency and duration of WFIs for lone parents with a youngest child aged 1-4 who claimed IS solely on the basis of being a lone parent. Second, advisers were granted powers to require lone parents with a youngest child aged 3 or 4 to undertake mandatory work-related activity (WRA) (e.g. attend courses or do voluntary work) if they are in receipt of IS, Universal Credit, or are in the ESA Work-Related Activity Group (WRAG). Lone parents may restrict their availability for WRA unless this falls within their child's normal school hours or when their child is in the care of another person aged over 18.

### **Key arguments for and against conditionality**

Proponents of work activation reforms typically justify their use with lone parents on either paternalist or contractualistic grounds (Whitworth and Griggs, 2013): the former endorses the financial and wider benefits of work for lone parents and their children and the latter emphasises requirements that everyone contribute to society via paid work wherever possible. With regard to the former, the influential Gregg Review (Gregg, 2008, p.10) for example called for greater conditionality on grounds that "more and more families were failing to enjoy the financial and non-financial benefits of paid work". Similarly, the Freud Review (Freud, 2007) discussing the future of welfare to work policies cites evidence that work is "good for physical and mental health and wellbeing" (Waddell and Burton, 2006, p.ix), and a key aim of the LPO regime was to "increase the number of lone parents moving into work, as a way of reducing child poverty among lone parent families, as well as to promote the wider benefits from a move into paid work" (Avram et al., 2013, p.18). Implicit in many such accounts is the view that lone parents have a 'duty' to work given the associations between non-engagement with paid employment and poverty, and the negative impacts of poverty on the wellbeing and long-term prospects of children (Davies, 2012). Moreover, elements of contractualism are apparent in some justifications of the use of conditionality, with the Department for Work and Pensions (DWP) for example referring explicitly to a "new social contract with lone parents" wherein "the offer of increased help would be balanced with the responsibility of individuals to make the best use of that support or face a loss of benefit" (DWP, 2007, p.14). In the same vein, in a recent evaluation of the JSA sanctions regime, Oakley (2014, p.4) asserts that "Benefit sanctions ... ensure that in return for the support provided by the state, claimants are held accountable for doing all that they can to take on that support and move back into work".

A number of objections to activation reforms have been voiced, however. Many commentators argue that they take insufficient account of the personal factors (e.g. health, poor skills and/or work experience) and structural obstacles (e.g. high child care costs, limited job availability etc.) underpinning the low rate of lone parents' participation in paid work (Haux, 2011; Whitworth, 2013a). Some are highly critical of 'discursive misrepresentation' linking negative images of 'dependence' to

long-established messages about stigma and benefit receipt despite compelling evidence that most lone parents 'want' to work (Wright, 2011). Others object to the devaluation of unpaid care and failure of measures to accommodate caregiving responsibilities as a citizenship obligation (Burchardt, 2008; Davies, 2012). Yet other critics argue that whilst welfare-to-work programmes internationally do generally report initial positive employment outcomes for lone parents (Finn and Gloster, 2010), evidence regarding job retention and longer-term wellbeing is sparse (Graham and McQuaid, 2014; Whitworth and Griggs, 2013). There are particular concerns regarding outcomes for the approximately 15% of lone parents affected by LPOs who are not receiving any out-of-work benefits and are not in work (Avram et al., 2013) and the detrimental effect of sanctions on lone parents' financial and psychological wellbeing (Gingerbread, 2009; Joyce and Whiting, 2006); so too emerging evidence that those who face the greatest labour market disadvantage are the most likely to be sanctioned (Finn and Casebourne, 2012). Some commentators also claim that the 'positivity' of work-related outcomes may be overstated given the weak financial gains associated with acquisition of work (Coleman and Riley, 2012; Whitworth and Griggs, 2013), especially in a context where most poor children in the UK now live in 'working' households (Aldridge et al., 2011). In addition, it has been argued that LPOs affect women disproportionately and compound their existing labour market disadvantage (Davies, 2012).

## Conclusions

The future stages of this study will enable the further investigation of, and collation of empirical evidence to inform, the key debates highlighted above. These will include assessments of: the balance and timing of support and sanctions experienced by lone parents; the impact of conditional welfare (and threat of sanctions) on the extent and nature of lone parents' preparation for and engagement with the paid workforce; the effects of welfare conditionality on lone parent households' financial circumstances and other aspects of wellbeing; the influence of individual and family circumstances such as the age and/or needs of children, parental education levels and health etc.; and the intersections between lone parent work activation reforms and other social policy interventions in, for example, the housing, disability, migration and/or anti-social behaviour fields.

## About the Project

*Welfare Conditionality: Sanctions, Support and Behaviour Change* is a major five year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme, running 2013-2018. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities i.e. University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership. Central to our work is a desire to

inform international policy and practice through the establishment of an original and comprehensive evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project please visit [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk) or contact the Project Manager, Fleur Hughes on 01904 321299 or email [info@welfareconditionality.ac.uk](mailto:info@welfareconditionality.ac.uk)

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## Conditionality Briefing: Migrants

Peter Dwyer and Lisa Scullion

The identification of 'migrants' as a discrete group subject to welfare conditionality raises several significant issues. Important definitional questions - who counts as a migrant and who does not - need to be considered, as do broader debates concerned with rights to enter and reside in the UK and the ways in which UK immigration and welfare policies combine to establish and structure diverse rights to residence, work and welfare. Additionally, conditionality in a narrower sense needs exploration i.e. the ways in which migrants may experience behavioural conditionality in their interactions with varied welfare agencies.

### Key points

- 'Migrant' is a general descriptor that triggers a host of definitional debates and categorisations based on differentiation by, for example, country of birth or citizenship, nationality, ethnic origin, migration pathway, immigration status and/or temporal dimensions concerned with length of stay and types of movement.
- Discussions about migrants and conditionality need to be informed by consideration of the intersection of immigration and welfare policy and also anti-racist critiques concerned with understanding how 'race' and ethnic difference impact on migrants' experiences of sanction and support.
- Recent New Labour administrations and the current Conservative/Liberal Coalition have introduced a series of immigration and asylum Acts, alongside numerous restrictive regulations to consistently reduce and curtail many migrants' rights to residence, work and welfare in the UK.
- Immigration triggers contentious debate about the legitimacy of migrants' claims to collective systems of welfare. Those who favour restricting migrants' entitlements to welfare routinely cite both economic and sociological arguments focused on how migrants may undermine and abuse national welfare systems by migrating to nations where more generous welfare benefits are available. This is despite evidence suggesting that citizens routinely get a better deal from welfare states than migrants, and that the longer term benefits of migration to host nations potentially outweigh costs.
- Financial, cultural and behavioural aspects of conditionality are increasingly a feature of UK immigration and welfare policy.
- Literature that explores welfare to work policy in relation to migrants, ethnicity and behavioural conditionality indicates that discriminatory and racialised attitudes may be significant in influencing both higher levels of sanction and lower quality of support for migrants (and Black and Minority Ethnic citizens more generally), when compared to the wider population.



## Background

The term 'migrant' is a general descriptor that triggers a host of definitional debates and categorisations based on differentiation by, for example, country of birth or citizenship, nationality, ethnic origin, migration pathway, immigration status and/or temporal dimensions concerned with length of stay and types of movement (Anderson, 2013). A long-term international immigrant is defined as:

A person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence (UN, 2013).

Recent and ongoing UK immigration and asylum policy has strengthened the long-established link between immigration status and the widely divergent rights to residence, work and welfare available to different migrants, dependent upon their specific socio-legal status (Bloch and Schuster, 2002). Further useful distinctions can be made between three broad groups within the general population of international (im)migrants resident in the UK, namely: those seeking asylum; nationals of European Economic Area (EEA) states; and Third Country Nationals (TCNs) (i.e. from non EEA countries). Beneath this simple tripartite separation, complex rules, regulation and case law define individual migrants' entitlements and responsibilities in the UK (cf. Bolderson, 2011; Dwyer et al. 2011; Kennedy, 2014 for discussions).

Alongside 'stratified conditions of eligibility' (Morissens and Sainsbury, 2005) the notion of 'earned citizenship' has become more prevalent. For many migrants, permanent residence and access to full rights to work and welfare are increasingly conditional on first demonstrating economic self-sufficiency. Those looking to apply for naturalised British citizenship status after 5 years must demonstrate good character through financial probity and the absence of a criminal record (Home Office, 2013a). For TCNs in particular, financial and cultural conditionality, in the form of minimum English language proficiency and annual income levels, are also a feature of recent immigration policy (Gower and Hawkins, 2013).

Aside from broader debates about the ways in which immigration policy combines with welfare policy to remove or restrict rights, certain migrants - most notably TCNs with refugee status or indefinite leave to remain and EEA migrants - may also be subject to the application of behavioural conditionality as unemployed and/or disabled people, lone parents, etc. The available literature on migrants' interactions with welfare agencies that implement conditional welfare interventions illustrates a number of concerns.

## Key policy developments on conditionality and migration

Under New Labour (1997-2010) legislation systematically separated asylum seekers from mainstream welfare provisions, removed the right to work and heralded policies which, at best, provided limited and highly conditional support for some while simultaneously promoting the destitution of others (Dwyer, 2010; Bale, 2013). Following the expansion of the European Union (EU) in 2004, transitional rules enabled the pre-existing EU-15 Member States to dictate the conditions under which EEA migrants from the new Accession states of Central and Eastern Europe could access employment within their territories for up to seven years. The UK government subsequently introduced the, now lapsed, Worker Registration Scheme (for A8 nationals<sup>1</sup>) and the Accession Worker Card for A2 nationals, both of which restricted their rights to public welfare in the UK (Currie, 2008).

Following the arrival of significant numbers of A8 migrants, New Labour further cemented its commitment to 'stronger borders' and 'firm but fair' 'managed migration'. In 2008 it acted to close entry routes for low skilled, TCN labour migrants by introducing the Points Based System (Lewis et al. 2012). Seeking to maximise the benefits of migration and minimise the impacts at a local level (DCLG, 2008: 5), the Borders, Citizenship and Immigration Act (2009) established new rules that further denied TCNs access to social assistance benefits and local authority housing or homelessness assistance.

The current UK Coalition Government has extended New Labour's restrictive approach. They have introduced an annual 'migration cap', which limits the number of TCN labour migrants allowed to enter the UK. Additionally, they have sought to reduce family orientated migration by targeting 'sham marriages' and introducing age limits and English language requirements for spouse visa holders. Student visa numbers have also been reduced. The Immigration Bill (2013) focuses on reducing 'illegal entry' and attempts to stop migrants "abusing public services to which they are not entitled" (Home Office 2013b: 1). An increase in restrictive immigration policy is likely as the Coalition Government seeks to deliver the Prime Minister's pledge to make the entry rules for new non-EEA migrants (with exception of very wealthy and/or highly skilled migrants) the toughest in Europe (Cameron, 2013).

Extending rights to UK welfare benefits and services to European migrants remains controversial for some. Since 2006, EU law has stipulated that all EEA migrants, including those who are economically inactive, have an initial, three month, right to residence in other Member States. In 2013 the European Commission instigated infringement proceedings against the UK government as it continues to deny EEA nationals the right to claim benefits solely on their three month right to reside. Most recently, and perhaps swayed by the antipathy displayed towards migrants generally, the UK government has introduced new measures to further limit EEA nationals' rights to access benefits. These include a minimum earnings threshold, a 'genuine prospect of work' assessment and restrictions on entitlement

to Housing Benefit for newly arrived EEA 'jobseeker' nationals (Kennedy, 2014). Under this 'activationist-plus' regime, the UK government is also looking to exclude EEA migrants from certain additional allowances available under Universal Credit rules (O'Brien, 2013).

## Key arguments for and against conditionality

Immigration triggers contentious debates about the legitimacy of migrants' claims to collective systems of welfare. Although some argue that, given the EU's increasing role we have entered an era of 'semi sovereign welfare states' (Hemerijck et al., 2013), nation states continue to retain primacy in setting out the broad principles and specific eligibility arrangements that govern access to collective welfare benefits and services (Corrigan, 2009). Within the UK, and elsewhere, those who advocate further restrictions on entitlement and increased conditionality for migrants often cite the need to retain national sovereignty over immigration policy in order to prevent 'benefit tourism' by migrants looking to abuse welfare systems. This is despite evidence that citizens often get a better deal from welfare states and that such discrepancies widen in respect to migrants of colour (Morissens and Sainsbury, 2005).

Van Oorschot (2008) notes that negative views often dominate public and political debates concerned with migration and welfare due to economic concerns about the potential for immigration to trigger increased welfare state expenditure, which is consequently seen as undermining the fiscal viability of a nation's collective welfare arrangements. Proponents of such arguments view migrants as an added burden on increasingly stretched welfare budgets because they are deemed to be disproportionately dependent on welfare. Counter arguments have been made by others who state that the long term contributions of migrants routinely outweigh their costs to the welfare system (Dustmann and Frattini, 2013). However, as van Oorschot states, empirical evidence to settle the argument one way or another is disputed by those who take up opposing positions.

Drawing on the work of Freeman (1986), van Oorschot also notes the significance of sociological arguments about why immigration may be viewed as problematic for welfare states. Such debates centre on concerns about diversity undermining the legitimacy of the solidaristic collective welfare arrangements of national welfare states. Here welfare states are considered to be bounded systems of collective welfare that emerged alongside the racialised development of nation states, in which decisions about who can access support are commonly based on notions of belonging, merit and desert (cf. Morris, 2007), decided by, and reserved for, citizens. This goes some way to explaining why it is "consistently true that the informal solidarity Europeans feel towards migrants is low when compared with solidarity shown towards other vulnerable groups" (van Oorschot, 2008: 12). The continuing relevance of racism and xenophobic intolerance needs to be emphasised; however, concerns about newly arrived migrants being in competition with disadvantaged established

communities for finite local jobs and welfare resources also needs to be acknowledged (Cook et al., 2012; Pemberton and Scullion, 2013).

Those who object to the application of welfare conditionality in relation to migrants have raised a number of important issues. Breidahl's (2012: 119) consideration of 'immigrant targeted activation' in Scandinavian welfare states highlights a tendency toward 'welfare chauvinism' whereby "harsher policies have been introduced and implemented more eagerly when the target group for activation reforms has been immigrants". Furthermore, Monnat (2010: 679) – with reference to Black and Latino women in the US - states that "race remains a significant predictor of welfare outcomes". The broader issue of discriminatory and racialised attitudes influencing the sanction and support decisions of welfare administrators has resonance with noted problems faced by Black and Minority Ethnic communities in relation to the UK welfare state (cf. Craig, 2007).

A DWP report on minority ethnic clients' experiences of Jobcentre Plus notes that some respondents on the New Deal for Young People, particularly Pakistani, Bangladeshi and Black African respondents, reported a perceived punitive approach to the application of benefit sanctions, which, on occasion, resulted in people abandoning the programme and thus losing their entitlement to JSA (Hudson et al. 2006). UK studies with refugees provide similar evidence of unreasonable sanctioning decisions (Scottish Refugee Council, 2013). In a small scale study by Dwyer (2009), refugees routinely stated that they had little or no comprehension of how conditionality operated and stated that staff did not adequately explain the rules and/or tended to view them as lacking the will to find work. Some were subject to inappropriate sanctions for breaches of regulations caused by a lack of English and/or accessible information. Certain evidence indicates that EEA migrants may face similar difficulties when trying to access conditional unemployment benefits (Cook et al., 2008).

Shutes (2011) points to a key tension between the welfare to work rhetoric about personalised training and support packages for refugees (and others who face multiple disadvantages), and the short-term 'work first' approach that underpins providers' contracts. She argues that providers are likely to engage in 'creaming' and 'parking' practices i.e. selecting the most job ready individuals and offering only limited assistance to those "considered hardest to help and therefore more difficult to place in work" (2011: 563), such as those with limited education or English language capabilities.

## Conclusions

When undertaking the fieldwork that is central to the Welfare Conditionality: Sanctions, Support and Behaviour Change study, we intend to explore how those charged with implementing and administering conditional welfare interventions interpret and make sense of both issues related to race and ethnicity, and the behaviour of migrants who may be subject to the imposition of systems of sanction and support. Additionally, in our repeat qualitative interviews we hope to fill a gap in current

knowledge in relation to migrants' lived experiences of the "new politics of the welfare" (Rodger, 2008: 87) and the ways in which international migration and ethnicity may mediate the effects of conditionality.

## About the Project

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<sup>i</sup> The Accession 8 (A8) states are: Poland, Lithuania, Estonia, Latvia, Slovenia, Slovakia, Hungary and the Czech Republic. The Accession 2 (A2) nations of Romania and Bulgaria joined the EU in 2007.





## Conditionality Briefing: Offenders

Del Roy Fletcher

Offenders have traditionally been subjected to sanctions and support to promote behavioural change in the criminal justice system. This approach is increasingly defining their experience of the benefits system. Successive UK governments have sought to help offenders into work as a means of reducing the high rates of re-offending. This has extended the active welfare state into the criminal justice system and led to a closer alignment of welfare and criminal justice policies.

### Key points

- Conditionality is increasingly defining offender experiences of both the criminal justice and benefit systems. Policy makers have sought to identify offenders in the benefits system and help them into work as a means of combatting recidivism. These developments have been given further impetus by a landmark government data share project which has found a significant proportion of claims for out-of-work benefits are made by offenders.
- Additional support has been provided to offenders e.g. through making Work Programme employment support available from 'day one' of release and the proposal for extending statutory support to short-sentenced prisoners. However, these apparently rehabilitative measures expose offenders to greater sanctioning and may reinforce the revolving door of prison, breach and recall back into custody.
- Offenders have not featured prominently in debates about the role of sanctions and support in the welfare system. There is little evidence regarding how offenders have experienced growing conditionality and its impact on their behaviour.
- A key justification for providing additional support to offenders is the potential for realising significant reductions in both welfare expenditures and the high costs of re-offending. Sanctions are being used to ensure that individuals take up the additional support.
- It is not clear whether conditionality is effective at changing the behaviour of vulnerable groups and, if so, in what circumstances. Offenders often have complex and multiple needs including homelessness, unemployment, drug/alcohol problems, mental health needs and learning disabilities. Some may not fully understand their responsibilities or behave rationally.
- Those objecting to increased conditionality for offenders have argued that it exacerbates vulnerability and risks harming third parties such as children; may propel individuals away from the benefits system and raise crime rates and the prison population.

## Background

The use of sanctions and support has become an integral feature of offender experiences of the benefits system. There has been a series of UK policy reforms since the mid-1980s that emphasise greater compulsion and enforce a stricter benefit regime. Unemployment benefits have always been conditional on unemployment being involuntary, with an expectation of active job search. It is the sharp focus on individual behaviour that is new (Larsen, 2001).

It is in this context that policy makers have increasingly sought to identify offenders in the benefits system and help them into work as a means of reducing high recidivism rates. The Social Exclusion Unit (2002) has estimated that the cost of recorded crime committed by ex-prisoners was £11 billion per year and suggested that work could reduce re-offending by up to a half. Consequently, the active welfare state has been extended into the criminal justice system. There are nearly 140 prison-based Employment and Benefit Advisers to help prisoners into employment on their release. Recent proposals have sought to transform prison regimes to prepare prisoners for the labour market as part of a package of measures which promises a 'rehabilitation revolution' (Ministry of Justice, 2010).

An increasingly closer alignment of welfare and criminal justice policies has also become evident. In 2009, the Permanent Secretaries of the Department for Work and Pensions (DWP) and the Ministry of Justice (MOJ) commissioned a joint strategic review of offender employment services. A key objective was to develop a delivery framework that would articulate the roles and responsibilities of Jobcentre Plus and the National Offender Management Service (NOMS). This was facilitated by a number of initiatives including the introduction of single points of contact within Jobcentre Plus and Probation to work together on offender issues and a legally approved data sharing form for use between front-line staff.

These developments were given further impetus by a landmark data share project in 2011. The intention was to share administrative data between the DWP, MOJ and HMRC to improve the evidence-base on the links between offending, employment and benefits. This has resulted in a database of 3.6 million offenders who have received at least one caution or conviction in England and Wales between 2000 and 2010 and have a benefit and/or a P45 employment record during this time. This showed that 26% of the 4.9 million open claims for out-of-work benefits as at 1st December 2010 in England and Wales were made by offenders (MOJ and DWP, 2011).

## Key policy developments on conditionality

There have been three key Coalition Government policy developments that significantly increase the conditionality applied to offenders:

- The day one mandation of prison leavers onto the Work Programme.
- The extension of statutory supervision to short-sentenced prisoners.
- The development of intensive community punishment with a core of punitive elements.

The Work Programme is the Coalition Government's flagship employment programme. Believing that early intervention is the key to preventing re-offending and that many prison leavers experience significant barriers to work, the Government has brought forward the mandatory JSA entry points on the Work Programme of nine or twelve months. From March 2012, all prison leavers who claim JSA entered the programme from 'day one' of their release. In addition, any individual claiming JSA within thirteen weeks of leaving custody are also referred to the programme. Sanctions are used to ensure that offenders engage with support. Individuals who do not co-operate with Work Programme providers will be sanctioned and lose benefits (DWP Press Release, March 6th 2012). However, there are concerns that providers will 'park' offenders and not provide the necessary support. Consequently, an additional payment to incentivise Work Programme providers to work with offenders linked to reducing re-offending is also currently being piloted.

Additional support is also being provided to short-sentenced prisoners. Prisoners serving sentences of less than 12 months account for the majority of those released each year. On average they have 16 previous convictions and lead 'chaotic lives' characterised by drug and alcohol problems (National Audit Office, 2010). Between a third and a half are not involved in work or courses and spend almost all day in their cells (National Audit Office, 2010). They have the greatest level of need, receive the least help during their incarceration and are the group most likely to be reconvicted. The Offender Rehabilitation Bill 2013 extends statutory supervision to short-sentenced former prisoners. Previously, unless aged 18-21, years there was no requirement for supervision by the Probation Service for those released from short custodial sentences. The supervision will be the responsibility of voluntary groups, charities and private companies who will be paid only if a certain proportion of offenders do not commit further crimes. Increased support is again tied to sanctions. 'We will introduce a scale of available measures, to provide a range of options for challenging offenders who fail to engage with providers. This will include consideration of the option of custody as a last resort' (Ministry of Justice, 2013: 19).

The proposal to develop intensive community punishment draws upon the Intensive Alternatives to Community (IAC) pilot programme. IAC orders typically lasted 12 months and combined intensive probation supervision with a mix of demanding requirements and interventions (accredited programmes to tackle offending, unpaid work, curfew, specified activities e.g. basic skills, reparation

etc.). The maximum length of curfew courts can impose will be extended from 12 hours a day to 16 hours, and the overall duration from 6 months to 12 months.

## Key arguments for and against conditionality for offenders

Offenders have not featured prominently in debates about the role of sanctions and support in the welfare system. It is, however, possible to discern four key justifications of increased conditionality for offenders:

- Economics: helping offenders into work will reduce welfare expenditures and the costs of re-offending.
- Mutualism: people have obligations and responsibilities to each other. 'By enabling them to pay their own way sooner rather than later through immediate entry onto the Work Programme, we will break the cycle of crime earlier for more offenders, which is in the interests of us all' (Blunt, DWP Press Release March 6th 2012).
- Quid-pro-quo: providing assistance requires beneficiaries to 'give something back'. The 'day one' requirement means that employment support is provided earlier but offenders must take up the offer.
- Paternalism: conditionality encourages behaviour that is in the best interests of the welfare claimant. This justification underpins the decision to extend statutory support to short-sentenced prisoners. 'In order to support compliance, there must be consequences for offenders who will not engage with efforts to rehabilitate them' (Ministry of Justice, 2013: 19).

Those who object to increased conditionality for offenders have argued that it is:

- Disciplinary: it is a mechanism for punishing marginalised groups and may increase the prison population.
- Indiscriminate: it exacerbates vulnerability and risks harming 'third parties' e.g. partners and children. Smith et al (2007) found that imprisonment brings a multitude of challenges for families who face systematic impoverishment.
- Ineffective: in terms of changing the behaviour of vulnerable groups who may not fully understand their responsibilities and whose rationality may be severely compromised (see Social Security Advisory Committee, 2011). The evaluation of the Work Programme has suggested that sanctioning may be particularly ineffective with offenders. 'Ex-offenders were also thought to be less responsive to sanctions because they could be accustomed to deprivation' (Newton et al, 2012: 83).

- Diversionary: it seeks to force individuals off benefits and thus reduce public expenditures rather than change individual behaviour (see House of Commons Committee of Public Accounts, 2013).
- Exclusionary: sanctioning may strengthen the hostility of offenders towards forms of authority and propel them further away from the benefit system and mainstream institutions (Fletcher, 2008).
- Criminogenic: conditionality may increase local crime rates (Machin and Marie 2004). O'Connor et al (1999) have also shown that the coping strategies of some individuals subjected to sanctions have included engagement in informal work and crime.

## Conclusions

The future stages of our research project will enable us to investigate further, and establish empirical evidence about, some of the key debates highlighted above. These include the extent to which dominant justifications underpinning increased welfare conditionality reflect the 'lived reality' of offender lives; the extent to which the threat of sanctions influences the propensity of individuals to engage with support; the relative balance of support and sanctions experienced by individuals; the way in which support interacts with sanctions; how and why offenders respond in the way they do to conditional support; what is most effective at facilitating positive engagement with support; how conditionality in the benefits system interacts with sanctioning in the criminal justice system.

## About the Project

*Welfare Conditionality: Sanctions, Support and Behaviour Change* is a major five year programme of research funded under the Economic and Social Research Council's Centres and Large Grants Scheme, running 2013-2018. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities i.e. University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership. Central to our work is a desire to inform international policy and practice through the establishment of an original and comprehensive evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project please visit [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk) or contact the Project Manager, Fleur Hughes on 01904 321299 or email [info@welfareconditionality.ac.uk](mailto:info@welfareconditionality.ac.uk)

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## Conditionality Briefing: Social Housing

Suzanne Fitzpatrick, Beth Watts & Sarah Johnsen

Social housing is an important site for the governance of anti-social behaviour (ASB), as well as being a key arena for other forms of conditionality aimed at regulating the conduct of low-income populations. These housing-based forms of social control are typically exercised via tenancy agreements and allocations criteria, both of which have become potentially much more conditional in England as a result of the Localism Act 2011. In sharp contrast, the behavioural conditionality agenda appears to have little purchase within social housing in Scotland, except with regard to measures to address ASB, which have been further extended by the recently passed Housing (Scotland) Act 2014.

### Key points

- The Localism Act 2011 introduced 'flexibilities' enabling social landlords in England to offer fixed-term, renewable tenancies to all new social tenants, with a statutory minimum term of two years. Government has indicated that income, employment status, under-occupancy and behaviour may all be taken into account in the renewal of such tenancies.
- As part of this radical package of social housing reforms in England, 'Affordable Rents' of up to 80% of market rates were also introduced, and new powers for local authorities to restrict eligibility for social housing and to discharge their statutory homelessness duty via fixed-term private tenancies without the need for applicant consent.
- In Scotland, there are no plans to introduce a fixed-term tenancy regime or the English 'Affordable Rent' model. The Scottish Government has recently decided not to proceed with proposals to introduce an initial (probationary) tenancy for all new social housing tenants.
- Advocates of increased housing-related conditionality argue that social housing traps tenants in worklessness and 'welfare dependency', and/or that social housing is a 'welfare service' and those whose circumstances improve should be required to leave.
- Opponents of increased conditionality dispute that social housing is a 'mechanism of social exclusion', and articulate a series of objections to fixed-term social tenancies, including potential work disincentive effects, concerns about community destabilisation, and the potential for negative impacts on social tenants' psychological well-being.



## Background

UK social housing originated principally as 'workers' homes, and a 'step up' from the poorer quality private rented homes most tenants would have formerly occupied (Lupton et al., 2009). However, since the 1970s a general trend has seen social housing coming to occupy an increasingly 'residual' role in accommodating poorer and/or disadvantaged households largely to the exclusion of others (Malpass, 2004). This shift was associated with the post-1970 emergence of a needs-based social housing allocation system, including the establishment of priority access to social housing for statutorily homeless households (Fitzpatrick & Stephens, 1999). Alongside this, and arguably even more important, was the exit of better-off social tenants via Right-to-Buy, in the context of a substantial overall contraction in the size of the sector. Social housing now accounts for only 17% of dwellings in England, though Scotland still retains a larger social rented sector at 24% of stock (Pawson & Wilcox, 2013).

While re-affirming a commitment to its 'safety net' role for the poorest households, the 1997-2010 Labour Government saw social housing as a key site in its drive to 'consumerise' public services, as exemplified by the official support given to the introduction of 'choice-based lettings systems' (Malpass & Victory, 2010). Under the post-2010 UK Coalition Government, the rhetoric of consumer choice for social tenants has largely been dropped, with a much stronger emphasis on the primary role of social housing as meeting 'genuine' or 'crisis' needs, intrinsic to which is the shift from indefinite to fixed-term tenancies discussed below (Fitzpatrick & Pawson, 2013). The policy landscape on social housing is quite different in Scotland, with a continued strong presumption in favour of social housing providing a secure 'home for life', and the establishment of a strengthened set of legal entitlements for homeless households (Fitzpatrick et al, 2012). There are, however, some common themes north and south of the border, particularly a preoccupation with ASB (Flint, 2014).

## Key policy developments on enforcement, interventionism and conditionality

Successive governments have sought to utilise enhanced conditionality within social housing tenancies to influence the behaviour of social tenants considered 'anti-social', 'welfare dependent' or otherwise 'deviant' (Flint and Nixon, 2006), with Ministers periodically raising the prospect of linking social housing tenancies to voluntary and community activities or actively seeking employment (e.g. Flint, 2008). At local level, there has always been ambiguity about the extent to which social landlords can utilise tenancy agreements to enforce 'pro-social' behaviour amongst their tenants. Non-binding measures such as Good Neighbour Agreements (Croucher et al., 2007) and incentive schemes (Marsh, 2013) are employed by some social landlords to encourage and reward 'good' behaviour on the part of social tenants.

**In England** the introduction of starter, introductory and family intervention tenancies means that that full security can be delayed for new tenants pending satisfactory completion of a 'probationary' 12-

month period or reduced for those subject to behavioural concerns. In the Localism Act 2011, the Coalition Government took this agenda considerably further by introducing new 'flexibilities' enabling (but not compelling) social landlords in England to offer fixed-term, renewable tenancies to all new social tenants so that "... this scarce public resource can be focused on those who need it most, for as long as they need it." (Department for Communities and Local Government (DCLG), 2010, p.2). The statutory minimum fixed term is two years for the new 'flexible tenancies', but Government has indicated that a five-year minimum term should be standard practice<sup>1</sup>. While there is no national guidance on tenancy renewal, the Government has indicated that income, employment status, under-occupancy and behaviour may all be taken into account (Garvie, 2012).

Fixed-term tenancies could therefore potentially be a powerful new tool for "disciplining the poor" (Marsh, 2013), but this does depend on the extent to which social landlords decide to adopt the fixed-term tenancy regime in practice, and how 'behaviourally-focused' the tenancy renewal criteria adopted at local level turn out to be. The first wave of draft Tenancy Strategies<sup>2</sup> published indicated that under-occupation was the most widely favoured objective amongst those (mainly Conservative) local authorities adopting the new fixed-term regime (see also Inside Housing, 2013), with around half of all draft Strategies also envisaging reference to a household's financial means in reviewing expiring tenancies. A recent online survey of housing associations found that half of the 48 organisations which responded either had already introduced fixed-term tenancies or were considering doing so (Rallings, 2014). Nonetheless, given the likely time and resource implications, it has been argued that aggressive deployment of the new powers is likely to seem unattractive to social landlords at the point when detailed tenancy review procedures need to be implemented (Fitzpatrick & Pawson, 2013). The introduction of fixed-term tenancies in the Localism Act was part of a package of radical policy measures which also included the introduction of an 'Affordable Rent' model, allowing social landlords to charge up to 80% of market rates, and new powers for local authorities to impose restrictions on eligibility for access to social housing (albeit that the statutory 'reasonable preference' criteria for prioritising allocations remain, including with respect to statutorily homeless households). There are also new powers for local authorities to discharge their statutory homelessness duty via the offer of fixed-term private tenancies, without the need for applicant consent.

The implications of these combined changes for 'conditionality' in social housing in England are complex. Ending security of tenure for new social tenants is ostensibly aimed at ensuring the efficient allocation of scarce housing to those most in need, but at the same time social landlords are being encouraged to give longer tenancies to employed people or those who contribute positively to their

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<sup>1</sup> Though there are reports that two-year tenancies are likely to be routinely used with some groups such as young people, see Twitch (2013).

<sup>2</sup> English local authorities have been given a new statutory duty under the Localism Act to prepare a 'Tenancy Strategy', to which housing associations operating locally must 'have regard'. These Strategies must include reference to whether fixed-term tenancies are acceptable locally and on what basis they should be reviewed on expiry.

neighbourhoods (DCLG, 2010). Moreover, the Coalition Government has indicated that it would like to see a higher priority given in social lettings to ex-service personnel, working households and others making a 'community contribution' (DCLG, 2012). This implies a shift away from need and back towards behavioural forms of 'desert' in the allocation of, and retention of, social housing in England.

**In Scotland** there are no plans to introduce a general fixed-term regime or rent increases of the order emerging under the English 'Affordable Rent' model. Housing lists must be open to all over 16s, and the allocation of social housing has traditionally been more tightly regulated by national legislation than is the case in England. However, in 2012 the Scottish Government consulted on giving greater 'flexibilities' to social landlords in how they allocate and manage social housing (Scottish Government, 2012). In August 2014 the Housing (Scotland) Act passed into law<sup>3</sup>, introducing measures to: replace the reasonable preference groups for social housing allocations with a broader and more flexible prioritisation framework; allow landlords to take account of property (but not income) in allocating social housing; extend the qualifying period before succession to a social tenancy; and a range of measures on ASB. The Scottish Government decided not to proceed with its proposal to introduce an initial (probationary) tenancy for all new social housing tenants, which had been envisaged as an additional means of addressing ASB. This rejection of probationary tenancies has been treated as a major tactical victory by Shelter Scotland and other voluntary organisations that campaigned vigorously against it (Shelter Scotland, 2013).

## **Key arguments for and against enforcement, interventionism and conditionality**

Commentators in favour of increased conditionality in social housing focus on two key arguments: the welfare dependency argument; and the equity argument.

Advocates of the **welfare dependency** argument see social housing as "perpetuating a vicious circle of dependency" because it "locks... people into properties" and undercuts personal responsibility (Greenhalgh & Moss, 2009, pp31-32). From this perspective, conditionality mechanisms allowing such households to be ejected from social housing will incentivise them to (re)engage with the labour market and generally be more productive citizens. Attempts to rebut the welfare dependency argument dispute that social housing is a 'mechanism of social exclusion', with Robinson (2013), for example, arguing that the stability offered by secure social housing, far from locking tenants out of the labour market, can "render work a more financially viable option" (p. 11). Against this, an in-depth review of social housing in England found that, while sub-market social rents should theoretically enhance work incentives, there was little hard evidence of this occurring in practice (Hills, 2007). Nonetheless, other authors have pointed out that there is no credible evidence to support the

<sup>3</sup> See <http://www.legislation.gov.uk/asp/2014/14/contents/enacted>

proposition that the power to evict social tenants upon the expiry of a fixed-term tenancy will enhance their engagement in the labour market or any other aspect of their well-being (Fitzpatrick & Pawson, 2013). There are also moral objections to evicting households in social housing who remain workless, not least the impact on any children in the household.

Central to the **equity** case for increased conditionality is the notion that social housing is a 'welfare service' (Paris et al., 1985) and those whose circumstances improve should be required to leave (DCLG, 2010). The tighter targeting of public subsidy implied in this argument appeals to the neo-liberal conception of efficient government, while policy positions which prioritise the most needy and vulnerable are attractive across much of the political spectrum. There is also a pro-conditionality argument from consistency: if 'need' is accepted as the most legitimate rationing device for access to social housing, then this begs the question as to why need should not equally be relevant to the retention of such housing (Dwelly & Cowans, 2006). In practice, however, the scope for freeing up space in UK social housing through ejection of 'better off' tenants has been demonstrated to be extremely limited (Fitzpatrick & Pawson, 2013). A range of other objections have also been raised to the removal of social tenants' tenure security, including work disincentive effects, concerns about community destabilisation, and the potential for negative impacts on social tenants' psychological well-being.

## Conclusions

The future stages of our research project will enable us to investigate further, and establish empirical evidence about, the key debates highlighted above. In particular: the extent to which English social landlords actually adopt fixed-term tenancies in practice, and how 'behaviourally-focussed' any tenancy renewal criteria turn out to be; the extent to which any such conditional housing interventions impact on the lived reality, well-being and behavioural responses of social tenants; the interrelationship between these housing-based forms of conditionality and other social policy interventions, particularly in the ASB and welfare fields; and how a more nuanced and sophisticated moral and ethical framework may be applied to the diverse range of mechanisms, and differentiated outcomes, for individuals subject to housing-related conditionality interventions. The particularly sharp distinction identified between England and Scotland in the social housing realm provides scope for exploring the impact of divergent policy rationales and frameworks on the lived experiences of a key group subject to welfare conditionality.

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## Conditionality Briefing: Unemployed People

Alasdair B R Stewart and Sharon Wright

Benefits and employment services for unemployed people in Britain have always been based on work-related conditions. In recent decades, there has been a change in priority, away from viewing financial support from the state whilst unemployed as a respectable earned entitlement. Instead, policy makers have become mainly concerned with moving people 'off benefits and into work' (DWP 2010a; 2010b) by threatening sanctions (temporary withdrawal of essential benefit income) in order to ensure compliance with particular job search requirements.

### Key points

- There has been an increase in requirements to:
  - prove job search activities (by attending interviews with advisers and filling in forms);
  - attend welfare-to-work schemes (e.g. the Work Programme); and
  - take part in work placements (workfare).
- Job-search conditions have been extended to groups - such as ill or disabled people and lone parents, those claiming in-work benefits (tax credits or Universal Credit) and the partners of claimants - who were not previously treated as if they were unemployed.
- People claiming benefits must comply with job search and work-related requirements or face tough financial penalties, of up to three years of benefit withdrawal under Jobseeker's Allowance (JSA) and Universal Credit (UC).
- For-profit private providers have become increasingly involved in delivering employment services (e.g. the Work Programme) to long-term unemployed people, with a range of other public/quasi-public and voluntary sector agencies involved mainly as sub-contractors. Payments are made when clients find 'sustainable' jobs.
- Successive governments since the 1990s have justified financial penalties (sanctions) and compulsory support as necessary to tackle so-called 'welfare dependency'. This has been given renewed importance by the rise of 'austerity politics' placing importance on the reduction of the 'welfare bill' as a key way to reduce the UK's budget deficit.
- Critics argue that the ideas of 'welfare dependency' are myths and see policies based on these notions as ineffective, oppressive, stigmatising, divisive and exclusionary. Welfare-to-work programmes have been found least effective for those with severe or multiple barriers to employment (who are 'parked', whilst the easiest to assist are placed). Opponents have argued that welfare reform has disciplined marginal groups in order to create a flexible labour workforce.



## Background

Since the earliest interventions in the late 19th Century, there has been a core concern with restricting access to out of work benefits only to unemployed people seen as ‘deserving’ and actively seeking work. The principle of earned entitlement when involuntarily unemployed was fundamental to unemployment insurance throughout the Twentieth Century (since its introduction in 1911 and at the heart of the post-war welfare state). However, since the late 1990s, there has been a cross-party consensus on both anti-welfare rhetoric and increasing welfare conditionality for unemployed people. Welfare reforms have restricted access to benefits that are harder to claim, of lowering value and more easily lost for non-compliance. This approach has also been incrementally extended to other groups (primarily lone parents and sick or disabled people) who have been redefined as ‘workless’ potential workers, despite their time and capability restrictions.

## Key policy developments on enforcement, interventionism and conditionality

Sanctions and compulsory support for unemployed people have developed over three main political eras to become more intense and extended to broader groups.

First, the Conservative governments’ response to mass unemployment in the 1980s was to tighten eligibility to unemployment benefits, introduce the Stricter Benefit Regime and review the social security system. Jobseeker’s Allowance (JSA) was introduced in 1996. JSA has two forms, Income-Based JSA and Contributions-Based JSA, which reduced the period of entitlement (from two years to six months) earned by previous employment and extended means-testing. 16 and 17 year olds lost entitlement (except for discretionary payments in ‘exceptional circumstances’) and the rates of benefit for under 25s were reduced. JSA also introduced pre-specified standardised formats for adviser interviews, with narrowly-defined outcomes and requirements to write back-to-work plans in the Jobseeker’s Agreement and record job seeking activities in Jobsearch Diaries.

Second, the New Labour governments (1997-2010) followed this approach (as part of its Third Way ideology, Giddens 1999), but sought to ‘make work pay’ via minimum wages and tax credits and ‘make work possible’ by providing child care. ‘Work first’ welfare reform was developed with a series of welfare-to-work programmes (New Deals, Employment Zones, and Work-Based Training) for multiple target groups. Support and sanctions systems were also brought together when the Employment Service and Benefits Agency were merged to form Jobcentre Plus in 2001. This was designed to make “a far more active system based on work” (HM Treasury 2001: 27), by making Work Focussed Interviews compulsory for most benefit recipients (including lone parents and ill or disabled people). In 2009, the Flexible New Deal replaced previous programmes and set up a contracted-out system of employment services.

Third, the UK Coalition government (2010–present) introduced two key conditional policies for unemployed people: Universal Credit and the Work Programme (Finn, 2013). Universal Credit (UC) is designed to replace six benefits available to people of working age, with the stated goals of reducing complexity and to ‘make work pay’ (DWP, 2010a and b). UC (due for implementation 2013-17, but delayed by e.g. IT issues and overspending, NAO, 2013) extends job seeking and work-related conditions to previously exempt groups (Dwyer and Wright, 2014; Pennycook and Whittaker, 2012; Royston, 2012). UC claimants will be assigned to different levels of conditionality based on perceived ability and readiness to work; ranging from full conditionality for lone parents and couples with older children, to work preparation for those who are ill or have a disability and no conditionality for those with a disability or serious health condition that prevents them from working. A new feature of Twenty-first Century benefits provision is a strong focus on financial penalties. The UK Coalition Government introduced a tougher benefits regime in October 2012, which has led to a dramatic increase in the use of harsher benefit sanctions (up to three years of disallowance). 4.2% of JSA claimants receive a sanction every month (Webster 2013). The partner policy to UC is the Work Programme (2011-present) that uses a ‘black box’ approach to delivery and a prime contractor / supply change model with payments by results based on a recognition of some groups being more expensive to help than others.

### **Key arguments for and against conditionality for unemployed people**

Proponents of strict sanctions and compulsory support for unemployed people see this approach as a means to tackle so-called ‘welfare dependency’. Recently, the centring of political debate around ‘austerity’ has reinforced arguments to use conditionality to secure savings on public spending. The goal of welfare reform has then been construed as enabling “people along a journey toward financial independence from the state” (DWP, 2010b: 31). In terms of outcomes, Labour’s welfare-to-work programmes were evaluated as successful in assisting more benefit recipients into jobs than would have gained paid employment without the programmes (Hasluck and Green, 2007; NAO, 2007a) with 1.8 million people entering paid work from a New Deal programme between 1998 and 2007 (NAO, 2007b).

Opponents, however, have contended that the idea of ‘welfare dependency’ is largely a myth and that policies based on such myths have negative effects. Evaluation evidence shows that despite the success of the New Deal programmes, the main beneficiaries were unemployed people rather than lone parents and ill or disabled people (Dewson et al., 2007; NAO, 2007a). Work Programme providers have underperformed for JSA clients and have failed to meet the minimum standards for assisting ill or disabled Employment Support Allowance clients into employment (DWP, 2013). Despite being designed to avoid providers ‘creaming’ those easiest to help and ‘parking’ those farthest from the labour market, both continue to be prevalent (Meagre et al., 2013; NAO, 2012;

Newton, et al. 2012). Peck (2001: 6) argued that workfare schemes are “not about creating jobs for people that don’t have them; [they are] about creating workers for jobs that nobody wants”. Similarly, Dean (2012) sees workfare as a means to reinforce the ‘flexibility’ of chronically insecure work that has flourished over the past four decades. Wacquant (2009; 2102) views welfare reforms as a project of neoliberal state-crafting that promotes freedom for the market economy with one hand and adopts a punitive policy regime for marginal groups with the other.

## Conclusions

The future stages of this study will enable the further investigation of, and collation of empirical evidence to inform, the key debates highlighted above. These will include assessments of: the differential extent of behaviour intervention experienced by unemployed people across various social groups; the impact of sanctions and compulsory support on lived experiences of being out of work, job seeking and entering employment; testing whether contracted-out support leads to ‘creaming’ and ‘parking’ of recipients; and the ethical concerns raised by policy-makers, front-line staff, and unemployed people in order to justify or dispute conditionality. Additionally, the gradual rolling out of Universal Credit allows an examination of how the intensification and extension of conditionality influences outcomes of those in receipt of it compared to those within the current welfare scheme.

## About the Project

*Welfare Conditionality: Sanctions, Support and Behaviour Change* is a major five year programme of research funded under the Economic and Social Research Council’s Centres and Large Grants Scheme, running 2013-2018. The project aims to create an international and interdisciplinary focal point for social science research on welfare conditionality and brings together teams of researchers working in six English and Scottish Universities i.e. University of Glasgow, Heriot-Watt University, University of Salford, Sheffield Hallam University, University of Sheffield and the University of York, which acts as the central hub for this collaborative partnership. Central to our work is a desire to inform international policy and practice through the establishment of an original and comprehensive evidence base on the efficacy and ethicality of conditionality across a range of social policy fields and diverse groups of welfare service users.

For further information about the project please visit [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk) or contact the Project Manager, Fleur Hughes on 01904 321299 or email [info@welfareconditionality.ac.uk](mailto:info@welfareconditionality.ac.uk)

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# WELFARE SANCTIONS AND CONDITIONALITY IN THE UK

Beth Watts et al  
10 September 2014

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These conditions tend to be enforced through penalties or ‘sanctions’ that reduce, suspend or end access to these goods.

This Round-up considers how effective welfare conditionality is, what the impacts are, how different groups fare, and to what extent it can be morally justified.

It finds that:

- benefit sanctions are disproportionately affecting young people under 25, and there is evidence of severe impacts on homeless people and other vulnerable groups;
- international evidence indicates that benefit sanctions substantially raise exits from benefits, and may increase short-term job entry; but there are unfavourable longer-term outcomes for earnings, job quality and employment retention;
- there are concerns that welfare conditionality can have unintended consequences, including: distancing people from support; causing hardship and even destitution; displacing rather than resolving issues such as street homelessness and anti-social behaviour; and negative impacts on ‘third parties’, particularly children.

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# Welfare Sanctions and Conditionality in the UK

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To download a pdf of the report, visit the [Joseph Rowntree Foundation website](#) or read the [blog by Beth Watts and Suzanne Fitzpatrick](#)

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# Exploring the impact of welfare conditionality on Roma migrants in the UK

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Successive Governments have sought to extend the use of welfare conditionality, as a defining feature of many recent welfare reforms. At the same time, successive Governments have also increasingly curtailed migrants' rights to welfare in the UK. Literature that explores welfare to work policy in relation to migrants and ethnicity suggests that discriminatory attitudes may be significant in influencing both higher levels of sanction and lower quality of support for migrant communities.

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## Conditionality and rights and responsibilities of migrants

Posted on [November 6, 2014](#) by [Welfare Conditionality](#) in [Blog](#), [Uncategorized](#) | [Leave a comment](#)

*In the next of our series of blogs highlighting the project's [briefing papers](#), Peter Dwyer and Lisa Scullion examine attitudes to migration and conditionality in the UK.*

Migration, it seems, is never far from the minds of politicians and the public alike. Only last week the government minister [Michael Fallon spoke of certain towns](#) being “under siege, [with] large numbers of migrant workers and people claiming benefits”. Although he has since apologised for his remarks, and accepted he should have used less emotive language, the rights and responsibilities of migrants who enter the UK to live and work and the impact

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## Conditionality and Offenders: Pushing individuals into the peripheral labour market?

Posted on [October 29, 2014](#) by [Welfare Conditionality](#) in [Blog](#) | [Leave a comment](#)

*Professor Del Roy Fletcher introduces his [briefing paper](#) on conditionality and offending:*

Offenders have traditionally been subjected to sanctions and support in the criminal justice system to promote behavioural change. This approach is increasingly defining their experience of the benefits system. Successive UK governments have sought to help offenders into work as a means of reducing the high rates of re-offending. This has extended the active welfare state into the criminal justice system and led to a close alignment of welfare and criminal justice policies (see [DWP and MOJ Joint Strategic Review of Offender Employment Services](#)). It is in this context that offenders have been targeted for specific behavioural measures and this is the focus of the next in our

series of [briefing papers](#).

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## Broken Britain? Welfare Conditionality and Anti-social Behaviour

Posted on [October 16, 2014](#) by [Welfare Conditionality](#) in [Blog](#) | [Leave a comment](#)

*In the next of our highlighted [briefing papers](#), [John Flint](#) explores anti-social behaviour in relation to conditionality.*

The riots in English cities in 2011 magnified debates about the extent to which a 'Broken Britain' had emerged in which urban disorder, and more mundane but persistent anti-social behaviour, were manifestations of crumbling community fabrics, declining citizen responsibility and a failing criminal justice system. Despite the furious debates following the summer of 2011, tackling anti-social behaviour has not been given the rhetorical or legislative prioritisation by the Coalition that had characterised the New Labour administration and, in particular, the personal commitment of Prime Minister Tony Blair to a 'Respect Agenda' which had seen a plethora of new measures and the introduction of the now infamous ASBO. However, as our recently published [Briefing Paper: Anti-Social Behaviour](#) discusses, the Coalition Government has recently introduced the new [Anti-social Behaviour, Crime and Policing Act 2014](#).

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## Enforcement, coercion and interventionism: evolving responses to homelessness and street culture

Posted on [October 6, 2014](#) by [Welfare Conditionality](#) in [Blog](#) | [Leave a comment](#)

*Part of our series highlighting the recently published [briefing papers](#), this blog by [Sarah Johnsen](#) examines the current state of conditionality and homelessness.*

Earlier this year, the installation of 'spikes' to deter rough sleepers from bedding down in the doorway of a luxury London apartment block prompted a social media storm and widespread public outrage. Attempts to make towns and cities less conducive to rough sleeping do in fact have a long history in the UK and overseas. They first hit the headlines in the USA, when a number of metropolitan authorities installed 'anti-homeless sprinklers' and seats that were impossible to lie on within public spaces. Here in the UK, the practice of gating off alleyways or removing seating is relatively commonplace in areas deemed to have a rough sleeping or street drinking 'problem'.

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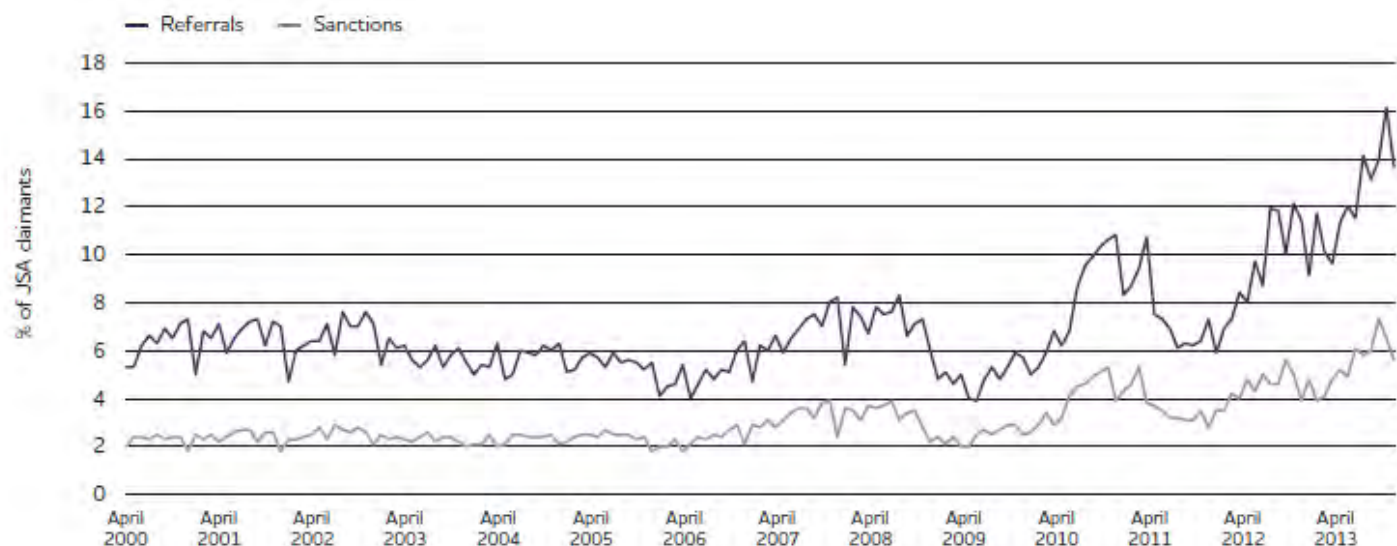
## Young Adults Hit Hardest by Benefit Sanctions

Posted on [September 11, 2014](#) by [Welfare Conditionality](#) in [Blog](#) | [Leave a comment](#)

*A [new report](#) published by the Joseph Rowntree Foundation today focuses on conditional welfare arrangements, which require people to behave in a certain way to access welfare goods. Sanctions within the benefit system seek to incentivise work-seeking behaviour on the part of claimants, with the intention of tackling 'welfare dependence' by increasing the rate and speed of job entry.*

Much recent controversy has surrounded the rapid escalation in the use of sanctions under Job Seekers Allowance (JSA) and Employment and Support Allowance (ESA). Monthly JSA sanction rates have risen from 2 to 2.5 per cent of claimants in 2000-2006 to 6 per cent by late 2013, and now stand over 7% (see Figure 1). While the number of ESA claimants affected by sanctions is small by comparison, a rapid increase in sanctioning of claimants in the 'work related activity group' is now also evident. According to [Dr David Webster](#), in 2013/14 there were just short of 1 million sanctions under ESA and JSA, the highest figure since JSA was introduced in 1996 by a considerable margin.

### Monthly Referral and Sanction rates 2000-2013 – % of all JSA claimants

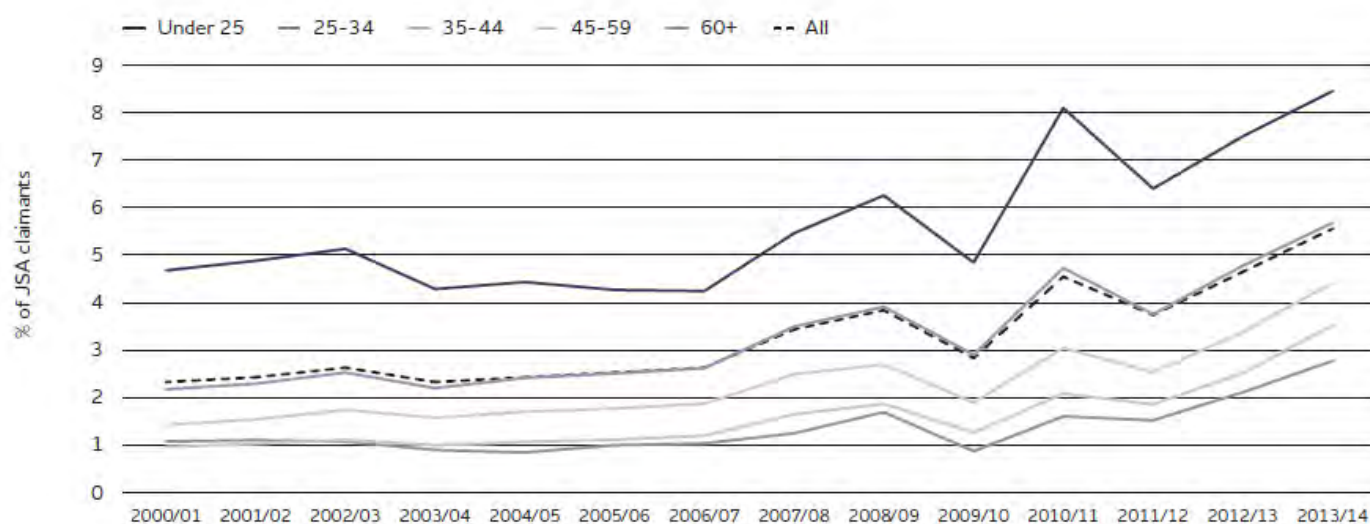


Commentators from a range of perspectives have highlighted the negative consequences of benefit sanctions, including causing hardship, and even in some cases destitution. While international evidence indicates that sanctions (especially severe sanctions) substantially raise exits from benefits, and may also increase short-term job entry, longer-term outcomes for earnings, job quality and employment retention appear unfavourable (see a review of the relevant evidence here [insert link to round-up]).

The disproportionate impact of sanctions on vulnerable groups (lone parents, disabled people, homeless people) has increasingly been recognised, including in the recently published independent review of sanctions applied to JSA claimants through mandatory back to work schemes, undertaken by Matthew Oakley on behalf of the Department for Work and Pensions (DWP). In its [response to the review](#), the Government outlined its intention to finding better ways to work with vulnerable claimants. The Government have also recently introduced 'easements' of work requirements for some recently homeless JSA claimants, as long as they take reasonable steps to find accommodation.

What has gained less mainstream political attention is the fact that under-25s face a substantially [higher risk of being sanctioned](#) than older adults, compared to around 5.5% of all claimants (see Figure 2).

### Monthly adverse decisions as % of all JSA claimants



The reasons for this heightened risk of sanctioning for younger people are not entirely clear, though it is interesting to note that international evidence, [particularly from the US](#), shows that young people elsewhere are similarly at risk. There are several factors that could be working alone or in combination to explain this:

1. younger claimants have a more relaxed attitude to sanctioning as they are more able than older groups to rely on help (financial or in kind) from their families;
2. younger claimants are more likely to have chaotic or insecure lifestyles that make compliance with behavioural conditions more difficult;
3. younger claimants are less experienced in navigating the behavioural requirements within the welfare system and are therefore more likely to fall foul of these conditions;
4. younger claimants face direct or indirect discrimination within the welfare system and are thus more likely to be sanctioned than other groups, even if they are equally 'compliant'.

Whatever the explanation for the disproportionate impact of sanctions on under 25s, it clearly gives cause for concern in a context where this group face significant challenges in other areas, with high rates of youth unemployment, [real declines in earning](#) (see also [here](#)) and high rents meaning that many young people are [unable to leave the family home](#) and those that do face [high rates of poverty](#). Until recently mainstream political debates about 'intergenerational justice' have tended to focus on restricted access to home ownership, higher university tuition fees and unpaid internships (for example see [here](#) and [here](#)). Less attention has been paid to the difficulties faced by the poorest young people.

While it has long been the case that single under 25s have received less generous benefits than older age groups, the strongly disproportionate impact of sanctions on this age group could be seen as a prelude to the gradual removal from the benefit system of all but the most obviously vulnerable young people (such as care leavers). Last year, [the Prime Minister suggested](#) that if a majority Conservative Government is elected in May 2015, it would seek to prevent under 25s from claiming housing or unemployment-related benefits under an "earn or learn" policy. This commitment has been formalised by the [Chancellor of the Exchequer, who has indicated](#) that a majority Conservative Government would seek to make a further £12bn cuts to welfare spending in 2016/17, with the removal of Housing Benefit eligibility from under 25s a key suggested means of achieving this. While the proposal sparked [some controversy](#), Labour has also [announced intentions](#) to introduce restrictions on young people's benefit entitlements if they win at the next election (see also [here](#)).

Thus the higher risk of sanctioning young adults face within the current benefits system may well be a harbinger of a much wider erosion of young people's welfare entitlements. This suggests a need to urgently revisit the question of how (poor) young people's transition to adulthood can best be supported, but also about the status of (poor) young people as citizens.

Beth Watts and Suzanne Fitzpatrick, September 2014

To download the full report visit the [Joseph Rowntree Foundation](#)

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**Welfare Conditionality**  
SANCTIONS, SUPPORT AND BEHAVIOUR CHANGE

GO

## Young Adults Hit Hardest by Benefit Sanctions

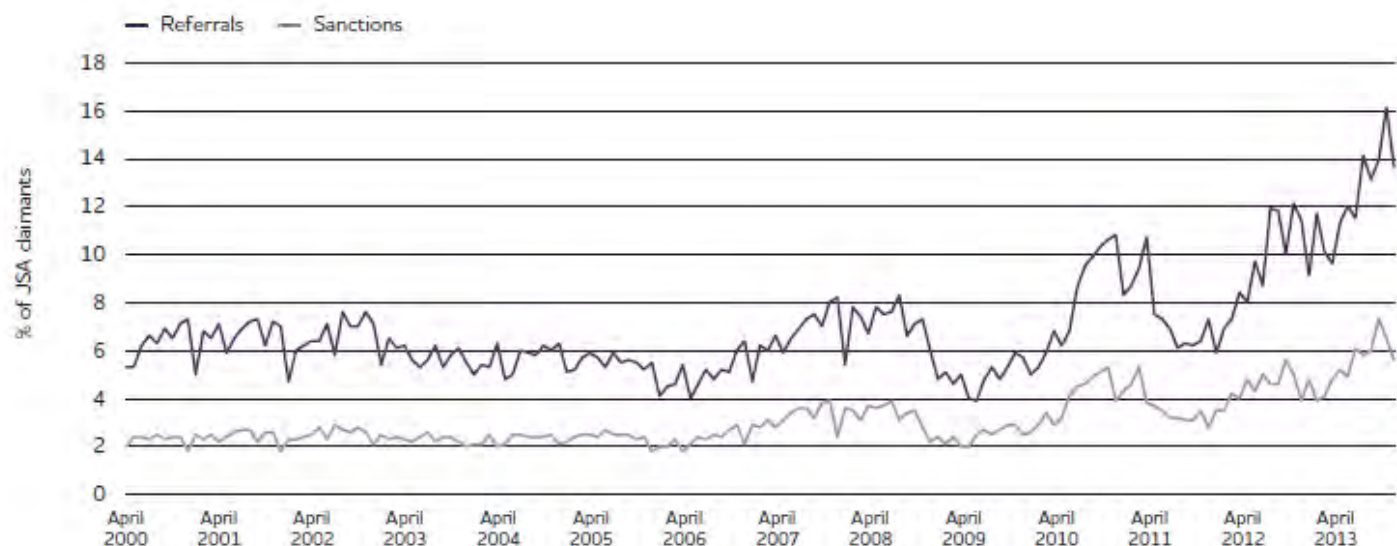
Posted on [September 11, 2014](#) by [Welfare Conditionality](#) in [Blog](#) | [Leave a comment](#)

*A [new report](#) published by the Joseph Rowntree Foundation today focuses on conditional welfare arrangements, which require people to behave in a certain way to access welfare goods. Sanctions within the benefit system seek to incentivise work-seeking behaviour on the part of claimants, with the intention of tackling 'welfare dependence' by increasing the rate and speed of job entry.*

Much recent controversy has surrounded the rapid escalation in the use of sanctions under Job Seekers Allowance (JSA) and Employment and Support Allowance (ESA). Monthly JSA sanction rates have risen from 2 to 2.5 per cent of claimants in 2000-2006 to 6 per cent by late 2013, and now stand over 7% (see Figure 1). While the number of ESA claimants affected by sanctions is small by comparison, a rapid increase in sanctioning of claimants in the 'work related activity group' is now also evident. According to [Dr David Webster](#), in 2013/14 there were just short of 1 million sanctions under ESA and JSA, the highest figure since JSA was introduced in 1996 by a considerable margin.

### Monthly Referral and Sanction rates 2000-2013 – % of all JSA claimants



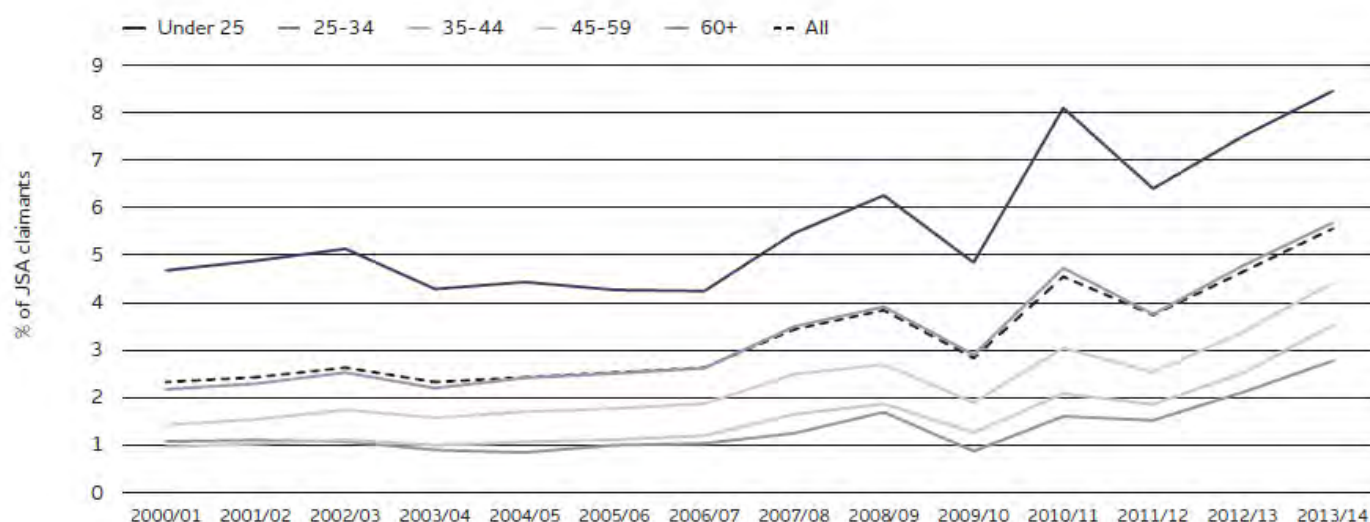


Commentators from a range of perspectives have highlighted the negative consequences of benefit sanctions, including causing hardship, and even in some cases destitution. While international evidence indicates that sanctions (especially severe sanctions) substantially raise exits from benefits, and may also increase short-term job entry, longer-term outcomes for earnings, job quality and employment retention appear unfavourable (see a review of the relevant evidence here [insert link to round-up]).

The disproportionate impact of sanctions on vulnerable groups (lone parents, disabled people, homeless people) has increasingly been recognised, including in the recently published independent review of sanctions applied to JSA claimants through mandatory back to work schemes, undertaken by Matthew Oakley on behalf of the Department for Work and Pensions (DWP). In its [response to the review](#), the Government outlined its intention to finding better ways to work with vulnerable claimants. The Government have also recently introduced 'easements' of work requirements for some recently homeless JSA claimants, as long as they take reasonable steps to find accommodation.

What has gained less mainstream political attention is the fact that under-25s face a substantially [higher risk of being sanctioned](#) than older adults, compared to around 5.5% of all claimants (see Figure 2).

### Monthly adverse decisions as % of all JSA claimants



The reasons for this heightened risk of sanctioning for younger people are not entirely clear, though it is interesting to note that international evidence, [particularly from the US](#), shows that young people elsewhere are similarly at risk. There are several factors that could be working alone or in combination to explain this:

1. younger claimants have a more relaxed attitude to sanctioning as they are more able than older groups to rely on help (financial or in kind) from their families;
2. younger claimants are more likely to have chaotic or insecure lifestyles that make compliance with behavioural conditions more difficult;
3. younger claimants are less experienced in navigating the behavioural requirements within the welfare system and are therefore more likely to fall foul of these conditions;
4. younger claimants face direct or indirect discrimination within the welfare system and are thus more likely to be sanctioned than other groups, even if they are equally 'compliant'.

Whatever the explanation for the disproportionate impact of sanctions on under 25s, it clearly gives cause for concern in a context where this group face significant challenges in other areas, with high rates of youth unemployment, [real declines in earning](#) (see also [here](#)) and high rents meaning that many young people are [unable to leave the family home](#) and those that do face [high rates of poverty](#). Until recently mainstream political debates about 'intergenerational justice' have tended to focus on restricted access to home ownership, higher university tuition fees and unpaid internships (for example see [here](#) and [here](#)). Less attention has been paid to the difficulties faced by the poorest young people.

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Beth Watts and Suzanne Fitzpatrick, September 2014

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# U Do models of behaviour change allow for conditionality? B

**Dr Will Leggett, Senior Lecturer in Sociology**  
**[w.p.leggett@bham.ac.uk](mailto:w.p.leggett@bham.ac.uk)**

**International expert panel on 'Understanding behaviour change and the role of conditionality', 12 May 2014**

# Overview

- Contexts for rise of conditionality and behaviour change
- Nudge and Think as behaviour change ideal types.  
Consider:
  - Model of the agent
  - Role of the state
  - Compatibility with conditionality?
- Initial conclusions/discussion start point

# Broad (contested) assumptions behind conditionality

- Agential rationality and capacity for responsibility
- Contractual state-citizen relation
- Ethic of 'rights and responsibilities'
- Retrenchment from universalism



# Context of behaviour change agenda

- Social complexity and ‘wicked’ problems
- Societal individualisation
- Hollowing out of state capacity
- Developments in behavioural sciences

# Nudge and human agency

- Modern policymaking has relied on unrealistic 'Econ' (homo economicus): rational, calculating, strategic
- Policy should instead 'go with the grain' of the all too human 'Human':
  - impulsive, short term, emotion driven
  - inertia in face of complexity
  - individualised but subject to social norms
  - subject to choice architecture: nudging...

# The Nudging state

- Ethic of libertarian-paternalism
- Intervene in choice environment: nudge subjects into choices that serve their best interests *as if judged by themselves*
- Does transparency affect efficacy?
- Attracts libertarian *and* paternalist critics

# Nudge and conditionality?

Nudge undermines the contractual basis of conditionality:

- ❑ The 'Human' not capable of taking sustained responsibility in a contractual relationship
- ❑ Conditionality needs longer term commitments, the Human (and nudges) are short term
- ❑ Conditionality requires a transparency that can render nudges ineffective
- ❑ Some practical insights from behavioural science *might* be compatible with conditionality (re efficacy, not philosophy)

# Think and human agency

- Think draws on deliberative, participative democratic theory
- Retains idea of rational, purposeful agent (but not necessarily utility maximiser)
- Focuses on capacity for collective deliberation to determine preferences, objectives, behaviours
- Theory tends to assume outcomes will have collectivist character

# The Thinking state

- Does not presume to know citizen's 'best interests' in advance
- State as facilitator, enabler of citizen deliberation
- Can learn with/from citizen deliberation?
- Focuses on optimising institutional settings/procedures for deliberation

# Think and conditionality

- Agents are capable of entering contractual relations, taking responsibility, civic minded
- Conceivable that conditional policy could be outcome of citizen deliberation
- Could be used to engage those subject to conditionality in different fields. Policy learning
- BUT what if deliberation leads to a rejection of conditionality per se, and/or radical alternatives governors don't like?



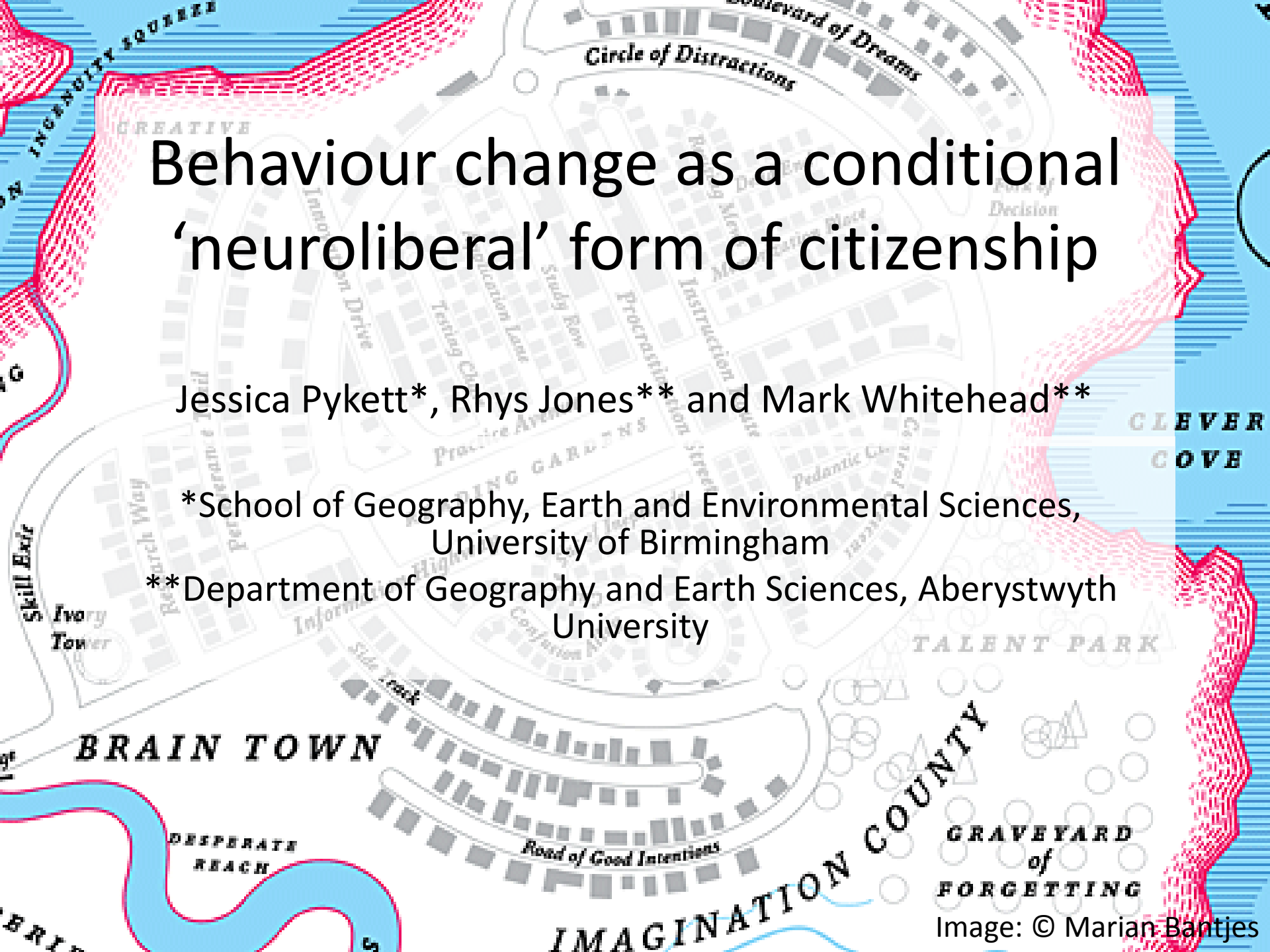
# Preliminary conclusions

- ‘Conditionality’ and ‘Behaviour change’ have different philosophical, political and evidential lineages (although critics will also point to resonances)
- Nudge’s vision of the agent and state action seems incompatible with conditionality – and even undercuts it
- Think’s deliberative model potentially more amenable to conditionality: but in ‘thicker’ and potentially subversive forms
- Normatively, deliberative theorists imagine ‘free’ deliberation. But could participation in deliberative processes be made a condition: a controversial ‘deliberative paternalism’??

# U Do models of behaviour change allow for conditionality? B

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A satirical map of 'Brain Town' and 'Imagination County'. The map features various streets and landmarks with humorous, brain-related names. Streets include 'Boulevard of Dreams', 'Circle of Distractions', 'Practice Avenue', 'Road of Good Intentions', 'Talent Park', 'Graveyard of Forgetting', 'Desperate Reach', 'Skill Exit', 'Ivory Tower', 'Research Way', 'Imagination Drive', 'Tuning Fork Lane', 'Sunny Row', 'Procrastination Street', 'Instruction Lane', 'Pedantic Lane', 'Confusion Lane', 'Side Track', 'Imagination County', 'Brain Town', 'Clever Cove', 'Graveyard of Forgetting', 'Desperate Reach', 'Skill Exit', 'Ivory Tower', 'Research Way', 'Imagination Drive', 'Tuning Fork Lane', 'Sunny Row', 'Procrastination Street', 'Instruction Lane', 'Pedantic Lane', 'Confusion Lane', 'Side Track'. Landmarks include 'Creative', 'Decision', 'Talent Park', 'Graveyard of Forgetting', 'Desperate Reach', 'Skill Exit', 'Ivory Tower', 'Research Way', 'Imagination Drive', 'Tuning Fork Lane', 'Sunny Row', 'Procrastination Street', 'Instruction Lane', 'Pedantic Lane', 'Confusion Lane', 'Side Track'. The map is drawn in a simple, hand-drawn style with red and blue lines for roads and water, and grey lines for buildings and streets. The text is in a mix of bold, sans-serif and serif fonts.

# Behaviour change as a conditional 'neuroliberal' form of citizenship

Jessica Pykett\*, Rhys Jones\*\* and Mark Whitehead\*\*

\*School of Geography, Earth and Environmental Sciences,  
University of Birmingham

\*\*Department of Geography and Earth Sciences, Aberystwyth  
University

GRAVEYARD  
of  
FORGETTING

Image: © Marian Bantjes

# Neuroliberalism at work in welfare-to-work programmes

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## Jobseekers' psychometric test 'is a failure'

US institute that devised questionnaire tells 'nudge' unit to stop using it as it failed to be scientifically validated

Shiv Malik

The Guardian, Monday 6 May 2013 12.39 BST

 Jump to comments (488)



The 'nudge' unit piloted the psychometric test in Essex despite being refused permission to do so. It has now been rolled out to other areas. Photograph: Danny Lawson/PA

An American psychology organisation has told a UK government agency to stop using a personality test on jobseekers because it is a failure.

The Behavioural Insight team, or "nudge" unit, which was created by David Cameron in 2010 to help people "make better choices", has been

18 November 2013

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 Ukip And Eurosceptic Tories 'Unpatriotic', Says Nick Clegg

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### DWP Accused Of Giving 'Fake And Patronising' Psychometric Tests To Jobseekers

Posted: 30/04/2013 14:15 BST | Updated: 30/04/2013 14:15 BST


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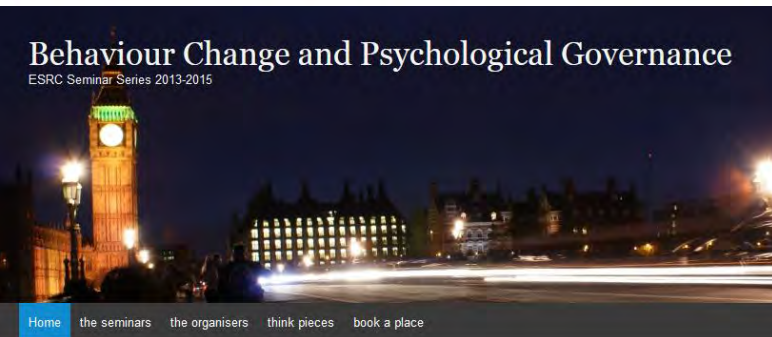
# Researching the impacts of the “new” behavioural sciences on public policy

## Soft Paternalism blog

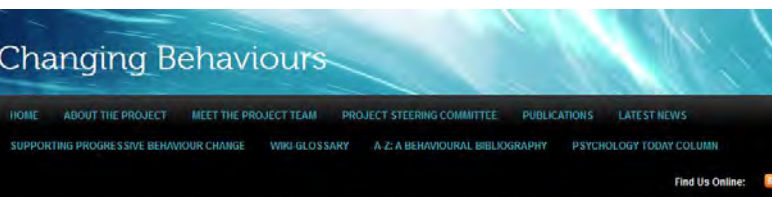
A research project blog about the time-spaces of libertarian paternalism



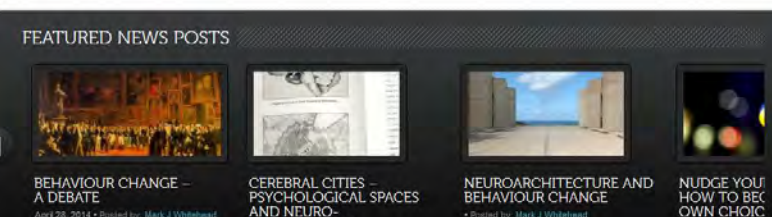
Leverhulme Trust (2008-2011): UK study “The Time-Spaces of Soft Paternalism”



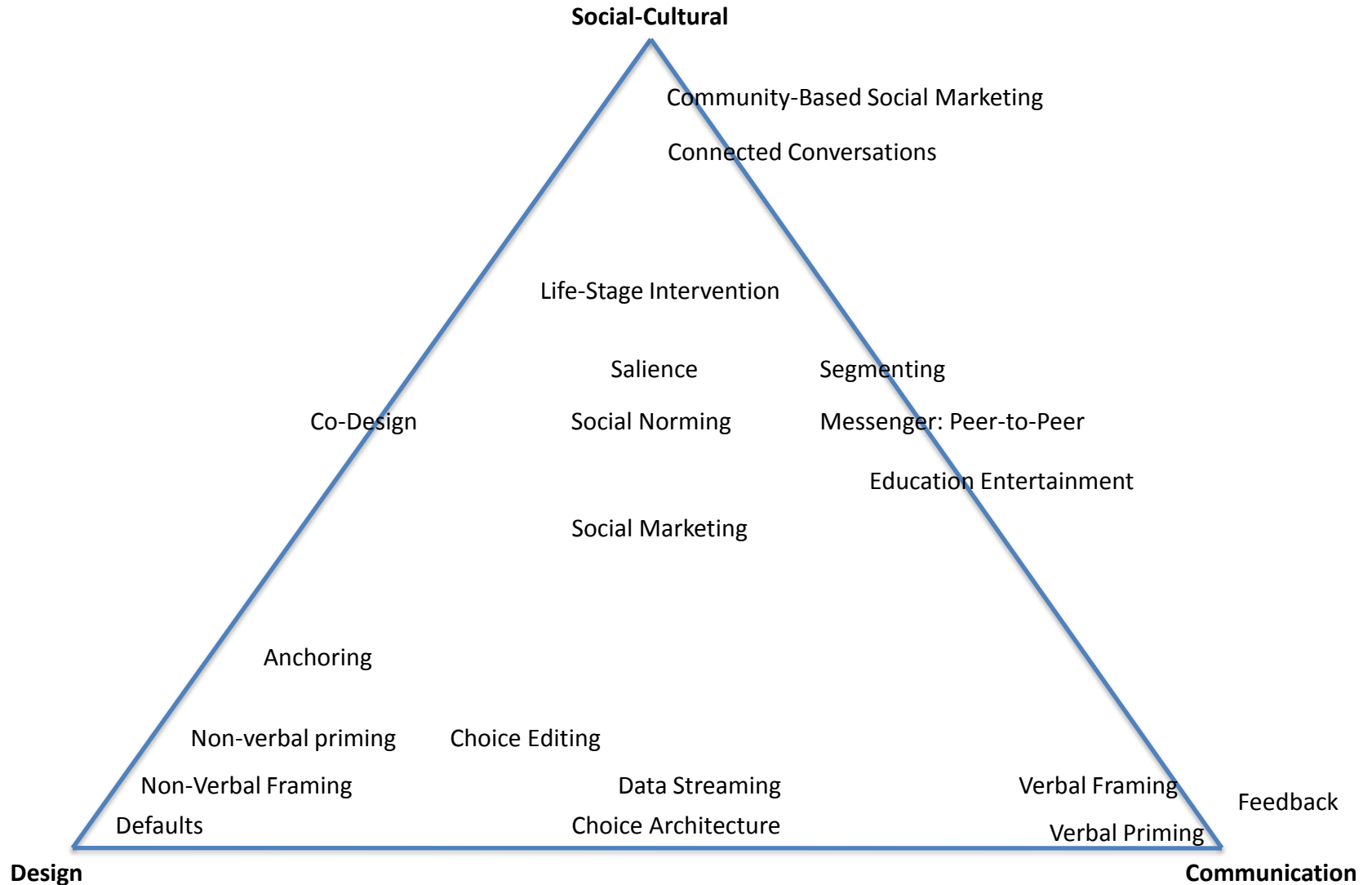
ESRC (2013-2015): Seminar Series “Behaviour Change and Psychological Governance”



ESRC (2013-2015): International study “Transforming Behaviours”



# Techniques of behavioural change





# Charting the emergence of behaviour change in the UK

- An **anthropological** approach (qualitative interviews with policy strategists)
- A **genealogical** approach (discourse analysis of policy texts)
- A **geographical** approach (how is time-space reconfigured; where do policies emerge; how are they mobile?)

“I asked Danny Kahneman [a Nobel Laureate and a key figure in the field of behavioural economics] if he would drop by ... about 2001–2002 ... . So Danny came in, and we’d invited some people, just for a chat around the table, to talk about these things, because you know I think we should be really interested in this sort of new literature, and he comes in and he says ... I’ve just been sent a draft of this paper, called libertarian paternalism ... and he says it’s really interesting, I think it’s going to be a very important paper, and so that was the first time I came across it.”

Policy strategist,  
Cabinet Office,  
interviewed Oct 2009



	Academic and popular publications	Policy publications	NGO/Think Tank publications	People and Events
2000-2003	“Libertarian Paternalism is not an oxymoron” (Thaler and Sunstein)			Richard Thaler, David Laibson, Sheena Iyengar and Shlomo Benartzi give talks to the DWP  Daniel Kahneman visits the Cabinet Office (2001-2)
2004	The Paradox of Choice (Schwartz);  Fooled by Randomness (Taleb)	Personal Responsibility and Behaviour Change (CO)  Choosing Health (DH)		Tabloids hail ‘fat tax’ at publication of Personal Responsibility and Behaviour Change. Tony Blair assuages nanny state fears in conference speech  Jill Rutter picks up same report at DEFRA and sets up Whitehall group for Behaviour Change
...				NHS Choices established
2012		Applying behavioural insights to reduce fraud, error and debt (BIT)  Test, Learn, Adapt: Developing Policy with Randomised Controlled Trials (BIT)	Acceptable Behaviour? Public Opinion on Behaviour Change Policy (Ipsos Mori)  Nudging citizens towards localism? (John and Richardson, British Academy)  Tax and benefit policy: insights from behavioural economics (IFS)	Sunset Clause to wind up Behavioural Insights Team reviewed by the BIT Steering Board in Summer 2012

From: Jones, R., Pykett, J. and Whitehead, M. (2013) “Psychological governance and behaviour change”. *Policy and Politics* 41: 2, 159-182.

# Government departments and policy think tanks promoting Behaviour Change

BIT: Behavioural Insights Team (in Cabinet Office)

HMT: Her Majesty's Treasury

CFEB: Consumer Financial Education Body

CO: Cabinet Office

COI: Central Office of Information

DECC: Department of Energy and Climate Change

DEFRA: Department of the Environment, Food and Rural Affairs

DCLG: Department for Communities and Local Government

DfT: Department for Transport

DH: Department of Health

DWP: Department of Work and Pensions

FSA: Financial Services Authority

GSR: Government Social Research

HSJ: Health Service Journal

IfG: Institute for Government

IFS: Institute for Fiscal Studies

IPPR: Institute for Public Policy Research

LGC: Local Government Chronicle

LGID: Local Government Improvement and Development (formerly The IDeA)

LSX: London Sustainability Exchange

NEF: New Economics Foundation

NICE: National Institute of Clinical Excellence

NSMC: National Social Marketing Centre (DH and Consumer Focus)

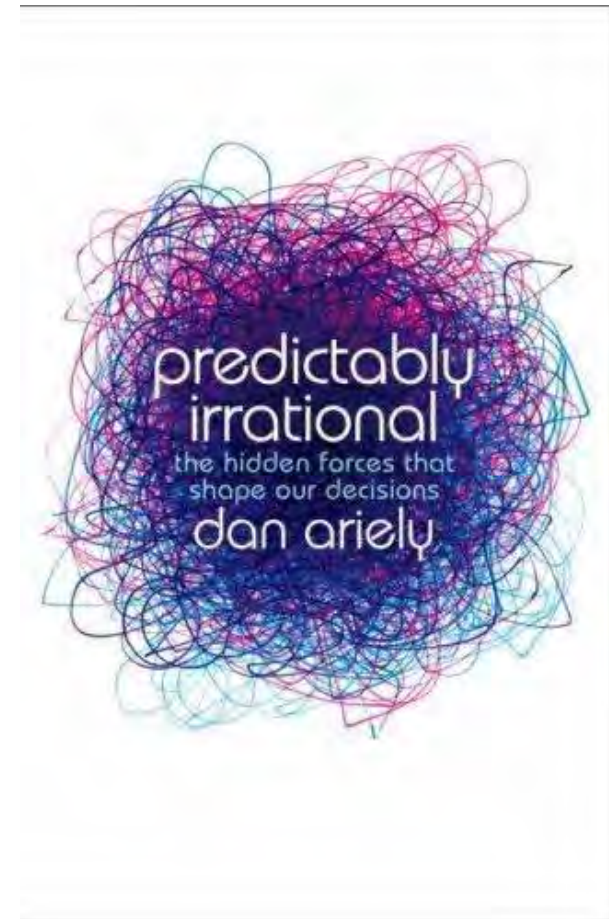
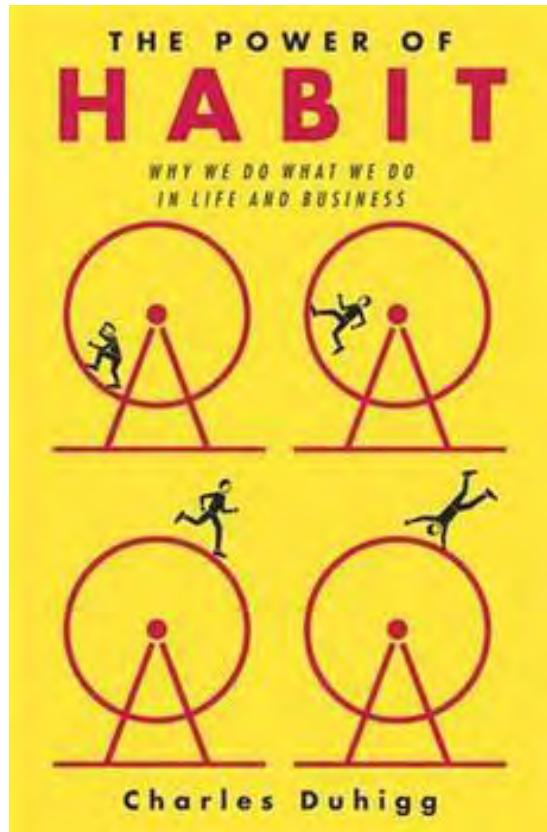
PSI: Policy Studies Institute

SDC: Sustainable Development Commission

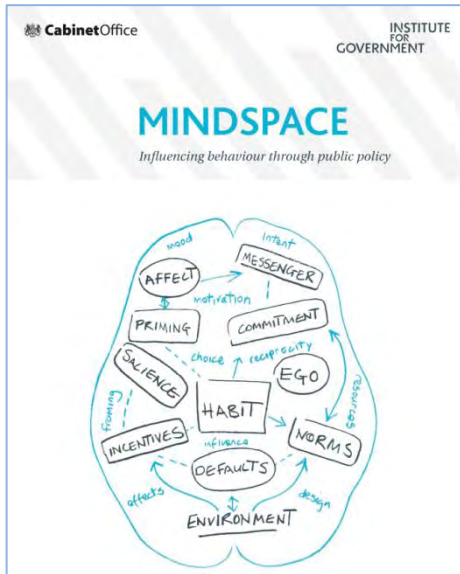
SFT: School Food Trust

SMF: Social Market Foundation

# Policies negotiating the (un)conscious



# Behaviour changing in the mind



“The Behavioural Insights Team, commonly known as the **'Nudge Unit'**, was set up in July 2010 with a remit to find innovative ways of encouraging, enabling and supporting people to **make better choices for themselves**”

<b>Messenger</b>	we are heavily influenced by who communicates information
<b>Incentives</b>	our responses to incentives are shaped by predictable mental shortcuts such as strongly avoiding losses
<b>Norms</b>	we are strongly influenced by what others do
<b>Defaults</b>	we 'go with the flow' of pre-set options
<b>Saliency</b>	our attention is drawn to what is novel and seems relevant to us
<b>Priming</b>	our acts are often influenced by sub-conscious cues
<b>Affect</b>	our emotional associations can powerfully shape our actions
<b>Commitments</b>	we seek to be consistent with our public promises, and reciprocate acts
<b>Ego</b>	we act in ways that make us feel better about ourselves

*Mindspace*, Cabinet Office, 2010

# The emotionally literate state

“I mean I think that (perhaps it’s just me), but I think that from a behavioural perspective people are intrinsically selfish, which is quite Nudge? I think that economics and the recent experience of economics has also demonstrated that **people are essentially emotionally-driven, irrational...**”

*(Department of Health Social Marketing Advisor, interviewed September 2009)*

In some ways the most challenging and fascinating stuff in this whole territory [of behaviour change] is once you start asking how do you influence essentially the policy not only of a rational government, but also **unconscious processing systems**

*(former Cabinet Office policy strategist (2), interviewed October 2009)*

if you do train people, prepare them with **learned optimism skills, resilience skills, cognitive skills** on how to cope with life, they’re much better placed then to make choices which are actually in their interest, and you...may need less law and forcing and libertarian paternalism as well. So I think that one of the other missing chunks in the kind of standard behavioural economics things is that it just ignores that other strand of **[positive] psychology** and there’s now a fairly strong evidence base behind it

*(former Cabinet Office policy strategist (2), interviewed October 2009)*

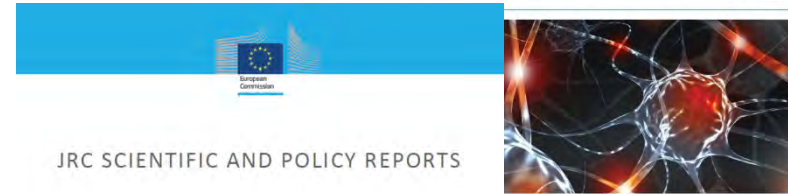
“when I was in government after 97, it’s probably about 2 or 3 years later **I tried finding out who were the experts of psychology and behaviour change in every department** and we did the first exercise (probably in about 2000) of trying to find what..., as I say we were holding meetings across Whitehall with the experts and trying to analyse what was the shared knowledge base in different fields about what did and didn’t work. So in particular we were gathering together the **Central Office of Information who led on their advertising campaign** to drink driving, people from **the educational world** who were trying to persuade 17 year olds to learn more, and DSS (or whatever it was then) on **Welfare to Work**, **DEFRA** on recycling and energy change and so on. It proved pretty hard finding who knew about this and there was **not a shared knowledge base** at all – there was not a shared framework of theory. **There’s a strong set of disciplines in British government, the economists, the social researchers, but not really a psychology or social psychology organised profession**”

former Cabinet Office policy strategist (2),  
interviewed October, 2009



# Going global...

1. Nudge is more global than you might think.
2. Nudge-type initiatives are prevalent in Less Economically Developed Countries
3. The global spread of the new behavioural sciences is being facilitated by non-governmental international organizations and multinational corporations
4. The insights of the new behavioural sciences are being applied to public policy in very different ways in different places throughout the world.



## Applying Behavioural Sciences to EU Policy-making

2013



## Behavior Change: The next target for the Gates Foundation — Financial Times

Posted on December 10, 2011 by The Refusers

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**MB Comment:** Activate your BS detectors: The Gates Foundation's latest project is behavior modification: Vaccination behavior. Apparently, Melinda Gates isn't satisfied with public compliance with Gates' vaccination programs. A puff piece interview in today's Financial Times reveals that the Gatesoids recently held a conference with the

use the technologies the

**Psychological Science and  
Behavioral Economics in the  
Service of Public Policy**  
IN THE SERVICE OF PUBLIC POLICY



# NGOs and International Bodies promoting Behaviour Change

A Little Bit of Hope

AusAID

BEHAVE

Behaviour Works (Australia)

Behavioural Architects

C-Change

Canyon Ranch Institute

Caribbean HIV/AIDS Alliance

Centre for Communications Programmes

Change Hub

Change Labs

Common Cause

Communication Initiative Network

Corporate Culture

Danish Nudging Network (I Nudge You)

Deutsche Bank

Euro Health Group

European Commission

Global Fund

Greenudge (Norway)

Hiam Health

Hygiene Central

Innovations Lab (Kosovo)

International Labour Office

International Medical Core

Japanese Social Development Fund

John Lewis

Manoff Group

Mindlab

National Social Marketing Centre (UK)

OECD

PATH Foundation

Population Services International (PSI)

Red Cross

Samoa Air

Sanitation and Water For All Partnership

Secretariat of the Pacific Community

SNV

Sustainable Brands

Tools of Change (Canada)

UNICEF

UNESCO

Unilever

United Nations Development Programme

United Nations Population Fund

University Research Co.

URC

USAID

World Bank

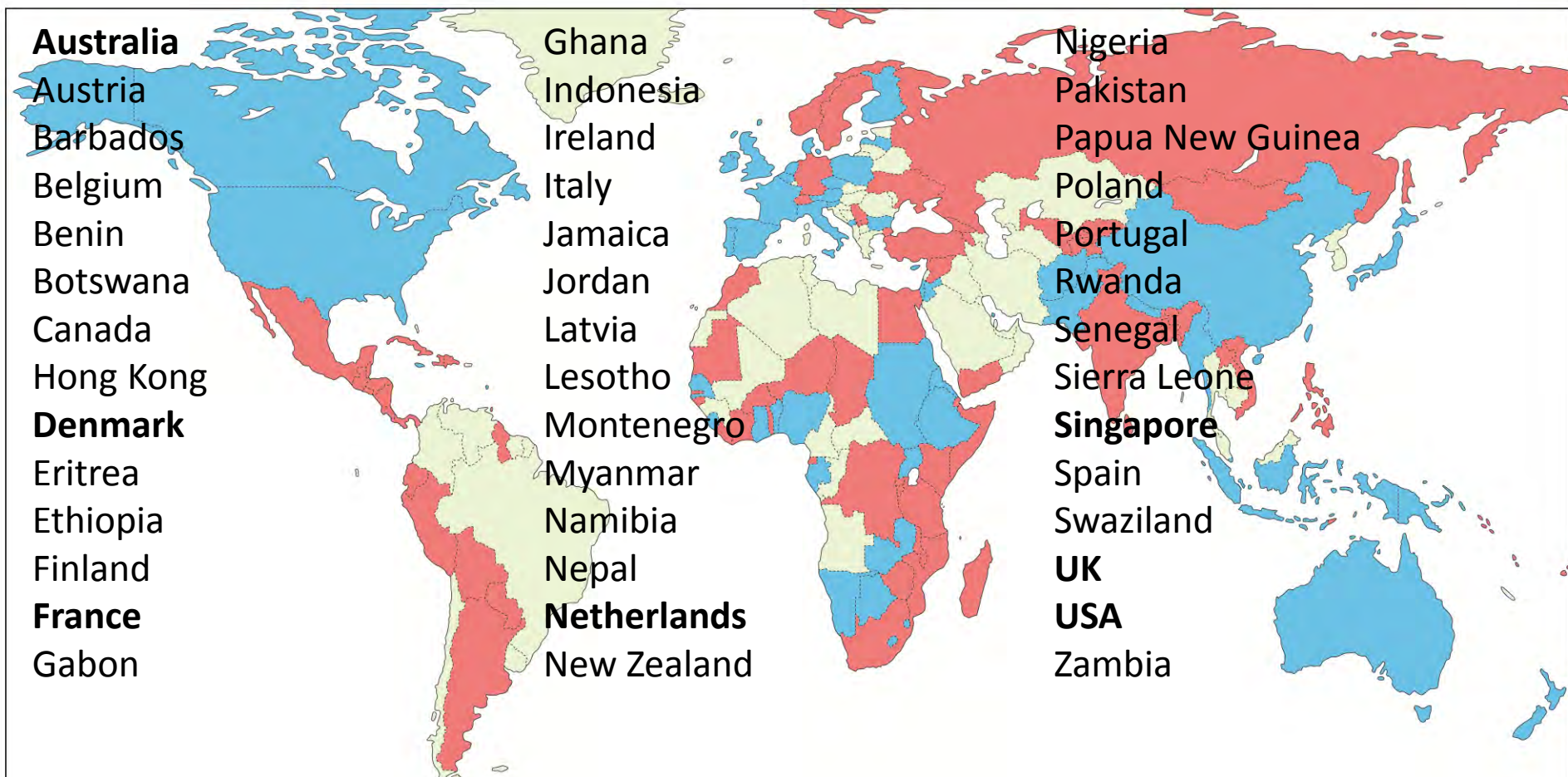
World Diabetes Foundation

World Economic Forum

# Nudging around the world

States with centrally orchestrated behaviour change programmes

Ad hoc adoption of nudge-type policies



From: *Nudging Around the World* Policy Briefing, Mark Whitehead, Rhys Jones, Rachel Howell, Rachel Lilley, and Jessica Pykett (available soon from [changingbehaviours.wordpress.com/](http://changingbehaviours.wordpress.com/))

# Negotiating 'neuroliberalism'

- Governing at the interface of conscious and unconscious thought and action that connects emotional response and rational deliberation
- From neoliberalism to neuroliberalism at the Chicago School (irrationality as a rationale for government)
- Neuroliberal policies are promoted as interventions that simply *work* experimentally

# **WELFARE REFORM AND THE BEHAVIOUR OF THE UNEMPLOYED**

**Sarah Brown and Karl Taylor**  
**Department of Economics**  
**University Of Sheffield**  
**InstEAD and IZA**

**“Understanding Behaviour Change and the Role of Conditionality”**  
**International Expert Panel. Monday 12th May 2014**

# Introduction and Background

- Impact of a welfare reform on the relationship between reservation wages, expected wages and unemployment.
- RW, the lowest wage at which an individual is willing to work, key role in labour market theory.
- An extensive empirical literature exists, which has explored the implications of RWs focusing on the duration of unemployment.

# Introduction and Background

- Empirical evidence has supported a positive relationship between RWs & the duration of unemployment predicted by job search theory.
- A number of issues have complicated the empirical analysis.
- In particular, RWs & the duration of unemployment are arguably jointly determined: RWs influence the probability of exiting unemployment & RWs are influenced by the duration of unemployment.

# Introduction and Background

- Two main approaches have been adopted to explore the relationship between RWs & the duration of unemployment.
- Lancaster & Chesher (1983) calculate elasticity of the RW with respect to the rate of arrival of job offers via non parametric procedures. This approach has been recently used by Blackaby et al. (2007) & Addison et al. (2009).
- The second approach is the IV approach of Jones (1988).



# Introduction and Background

- In the existing literature, EWs have not been explicitly incorporated into the empirical analysis.
- E.g., Lancaster & Chesher (1983) regard RWs, EWs & the duration of unemployment as jointly determined. However, within their non parametric approach they do not calculate the effect of EWs on RWs.
- We analyse the effect of EWs on RWs and how including EWs influences the relationship between the RW & the duration of unemployment.

# Introduction and Background

- Although individuals' expectations play a key role in many areas of economic theory, microeconomic evidence of their causes & effects is relatively sparse.
- Existing work focuses on financial expectations, exploring, e.g., consumption & saving (e.g., Brown et al., 2005, 2008, Das & van Soest, 1999 & Souleles, 2004).
- The absence of a wider research programme is perhaps reflective of both a shortage of relevant data & scepticism.

# Data

- Our empirical analysis is based on the British Household Panel Survey – *BHPS*.
- Random sample survey of each adult member from a nationally representative sample of more than 5,000 private households (approx. 10,000 individual interviews). First wave 1991. The same individuals are re-interviewed in successive waves.
- Given the availability of detailed information on job search in the *BHPS*, we focus on 1996 to 2002.

# Data

- The start of the study coincides with the introduction of the JSA, which tightened the job search requirements for benefit eligibility.
- Claimants had to sign a Job Seeker's Agreement (JSA) indicating: the type of job sought; when the claimant is able to work; and the steps taken to identify and apply for jobs.
- In 2003, Working Tax Credit & Child Tax Credit replaced WFTC, hence our sample ends in 2002.

# Data

- If the respondent *'is not currently working but has looked for work or has not looked for work in last four weeks but would like a job'*, he/she is asked to specify: *'What is the lowest weekly take home pay you would consider accepting for a job?'*
- Individuals are then asked: *'About how many hours in a week would you expect to have to work for that pay?'*
- We construct the hourly RW.

# Data

- Turning to EWs, job seekers were asked: *‘About how many hours in a week do you think you would be able to work?’*
- Such individuals are then explicitly asked about their expected wage: *‘What weekly take-home pay would you expect to get (for that)?’*
- We construct the hourly expected wage.
- The duration of unemployment is measured as the length of time in the current labour market spell (measured in days).

# Data

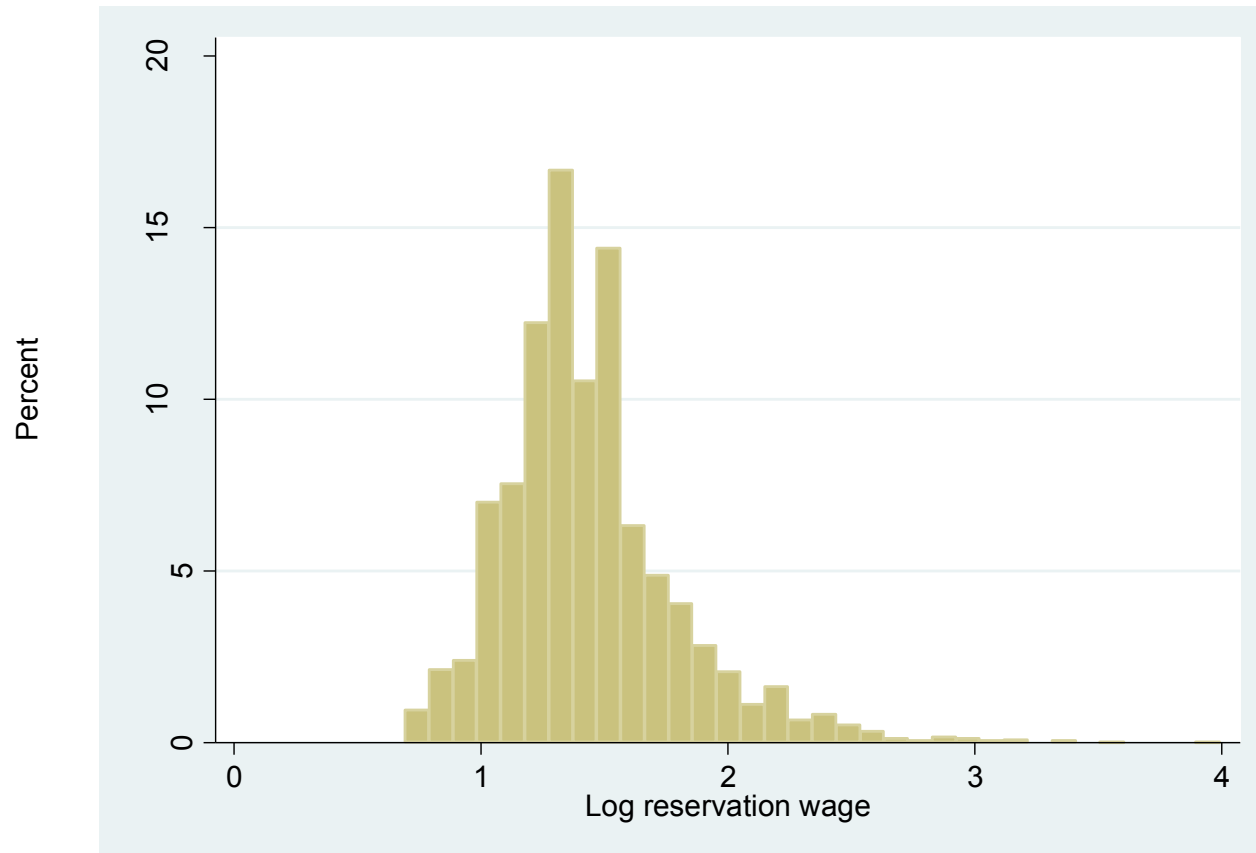
- The data set, which comprises individuals not in employment or self-employment, is unbalanced with 3,034 observations.
- It includes individuals of working age (16-65) who satisfy the rationality restriction of Lancaster & Chesher (1983):

$$UB \leq RW \leq EW$$

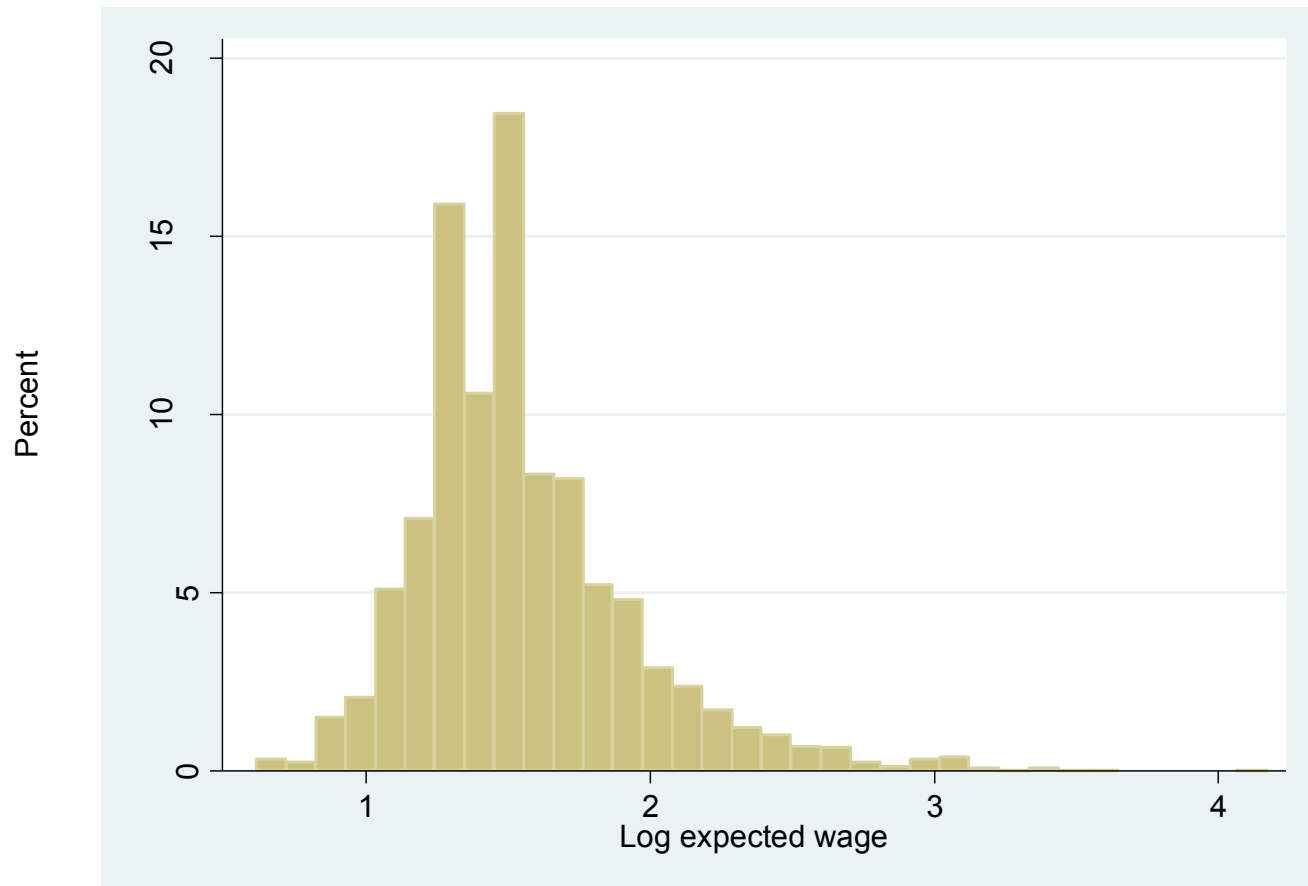
- 4% of the sample fail to meet this condition.



# Distribution of the Log RW; mean hourly RW is approximately £4.21



# Distribution of the Log EW; mean hourly EW is approximately £4.71



# RW, EW and the Minimum Wage

	1999	2000	2001	2002
MW	£3.60	£3.70	£4.10	£4.20
%RW>MW	65%	59%	58%	62%
%EW>MW	79%	70%	72%	74%

# Reservation Wages & the Duration of Unemployment

$$\log(t)_{it} = X_{1it}\beta + \gamma \log(rw)_{it} + \varepsilon_{1it}$$

$$\log(rw)_{it} = X_{2it}\phi + \lambda \log(t)_{it} + \varepsilon_{2it}$$

- $\gamma$  measures the elasticity of unemployment duration with respect to reservation wages.
- $\lambda$  measures the elasticity of reservation wages with respect to unemployment duration.

# Reservation Wages & the Duration of Unemployment

- $X_1$  and  $X_2$ : gender; ethnicity; marital status; educational attainment; regional unemployment rate; age; an index of job search intensity; a set of region, year & month of interview binary controls.
- To identify the unemployment duration equation,  $X_2$  also includes: log unemployment benefits; the log of the sum of all other types of benefit income; the log of pay in last job; working spouse; the number of children under 16; & the number of dependent children aged 16 to 19.

	Duration		Res. wage	
	COEF	TSTAT	COEF	TSTAT
Log(unemployment duration)			−0.836	(2.46)
Log(reservation wage)	1.948	(2.97)		
Regional UE rate	0.053	(1.61)	−0.012	(1.95)
Job search	−0.154	(4.00)	0.001	(0.07)
Log(UE benefits)			−0.327	(1.84)
Log(other benefits)			−0.065	(1.83)
Log(pay last job)			0.080	(2.39)
Chi squared [ <i>p</i> value]	1128.33	[0.000]	532.47	[0.000]
Observations		3034		

# Reservation Wages, Expected Wages and the Duration of Unemployment

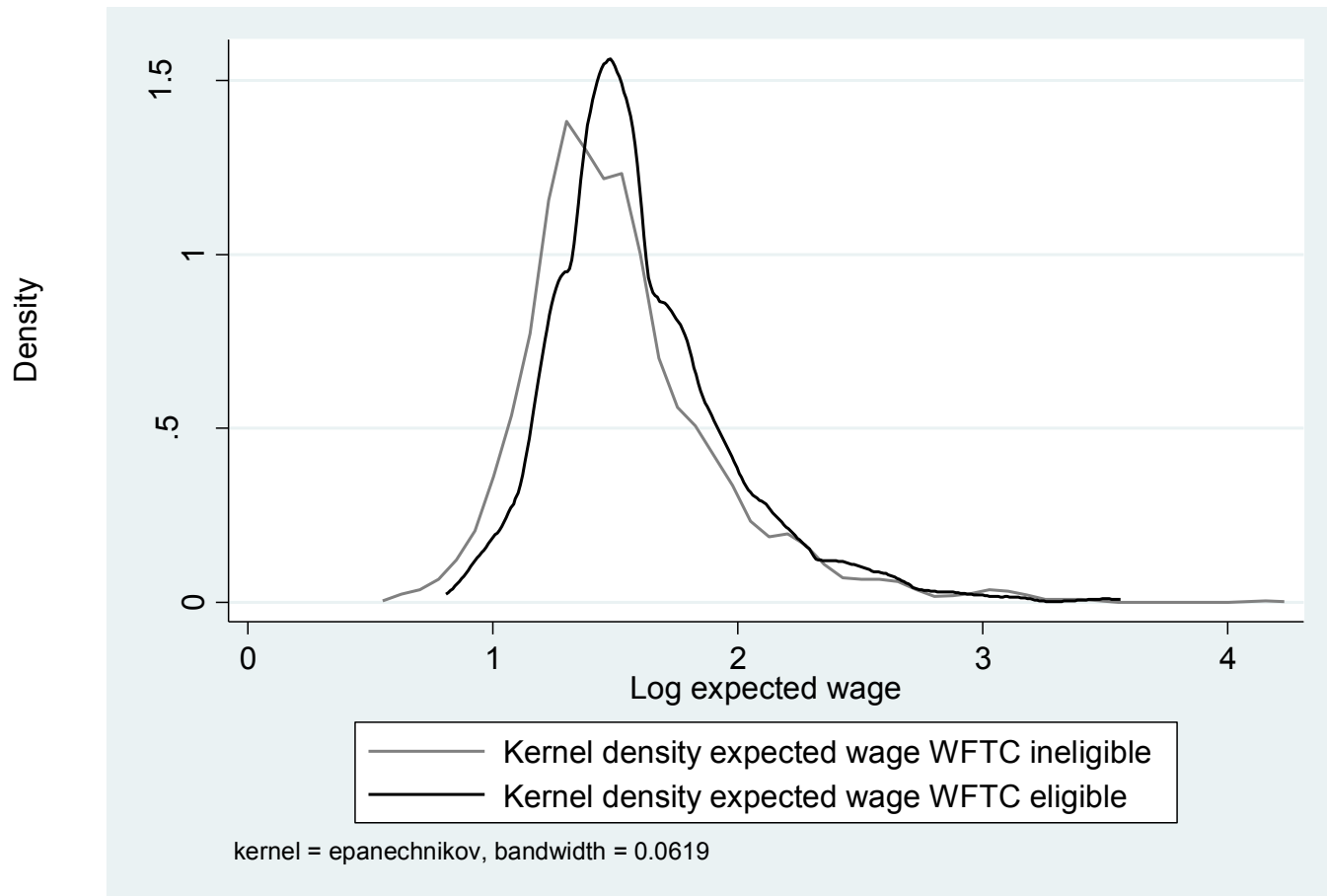
- Arguably, RWs, EWs & unemployment duration are jointly determined.
- The introduction of a change in labour market policy may act as an exogenous shock, impacting on the EW.
- We focus on the introduction of WFTC in the UK.
- We analyse how eligibility for WFTC influences the EWs of the unemployed.



# Reservation Wages, Expected Wages and the Duration of Unemployment

- WFTC aimed to encourage those currently in receipt of benefit income into employment.
- Approximately doubled the generosity of previous in-work benefits under Family Credit.
- Eligibility for WFTC depended on hours of work (i.e. one adult in the family must work 16 hours or more a week), the number of dependent children (under 16 or under 19 and in full-time education) and capital (less than £8,000).
- WFTC were introduced in October 1999 and were fully phased in by April 2000.

# Density Plot: Log EW by WFTC Eligibility



# Reservation Wages, Expected Wages and the Duration of Unemployment

$$\log(t)_{it} = X_{1it}\beta + \gamma \log(rw)_{it} + \varepsilon_{1it}$$

$$\log(rw)_{it} = X_{2it}\phi + \lambda \log(t)_{it} + \tau \log(ew) + \varepsilon_{2it}$$

$$\log(ew)_{it} = X_{3it}\eta + \varphi WFTC_{it} + \varepsilon_{3it}$$

- $X_3$  contains: gender; ethnicity; marital status; educational attainment; age; & wage level from their last period of employment.

# Reservation Wages, Expected Wages and the Duration of Unemployment

- Define WFTC in two alternative ways.
  - **Specification 1.** Binary indicator denoting eligibility for WFTC in any year from 1999;
  - **Specification 2.** Three binary indicators each equal to unity if it is the first, second, or third year that the individual has been eligible for WFTC.
- Specification 2 preferred a priori – expect effect to dissipate as individuals become more informed about labour market conditions once WFTC taken into account.

	Specification 1						Specification 2					
	Duration		Res. wage		Exp. wage		Duration		Res. wage		Exp. wage	
	COEF	TSTAT	COEF	TSTAT	COEF	TSTAT	COEF	TSTAT	COEF	TSTAT	COEF	TSTAT
Log(unemployment duration)			−0.805	(3.68)					−0.517	(3.52)		
Log(reservation wage)	1.858	(2.94)					1.841	(1.93)				
Log(expected wage)			1.479	(5.34)					1.488	(8.62)		
WFTC eligible					0.047	(3.18)						
WFTC eligible year 1											0.046	(3.11)
WFTC eligible year 2											0.051	(1.71)
WFTC eligible year 3											0.017	(0.31)
Regional UE rate	0.026	(0.78)	0.016	(3.17)			0.025	(0.75)	0.015	(3.58)		
Job search	−0.161	(4.19)	−0.009	(0.97)			−0.161	(4.19)	−0.005	(0.72)		
Log(UE benefits)			0.414	(2.71)					0.260	(2.36)		
Log(other benefits)			0.009	(3.53)					0.056	(3.48)		
Log(pay last job)			0.077	(3.56)	0.004	(2.09)			0.051	(3.52)	0.005	(2.12)
Chi squared [ <i>p</i> value]	1067.53	[0.000]	5209.43	[0.000]	754.70	[0.000]	1064.35	[0.000]	7970.17	[0.000]	744.87	[0.000]
AIC (BIC)			16,335.65	(16,979.54)					14,469.28	(15,119.19)		
Observations												

# Conclusion

- Incorporating EW into the framework lowers the effect of the RW on the duration of unemployment & moderates the inverse effect of the duration of unemployment on the RW.
- However, with the exception of one specification, the differentials in the key elasticities across the two models are not statistically significant.
- The effect of incorporating EWs only has a significant effect on the differentials in the key elasticities when controlling for the period of WFTC eligibility.
- Our empirical results also suggest that the introduction of WFTC had a positive influence on EWs, which in turn were positively associated with RWs.

# Conclusion

- Our empirical findings highlight the importance of incorporating wage expectations in the analysis of the behaviour & decision-making of the unemployed.
- Given the influence of EWs on RWs, policy-makers may be able to influence the reservation wages of those out of work.
- E.g., Government agencies such as Job Centre Plus may serve to not only help make job search more effective but also to shape EWs of the unemployed.
- An important part of the process is to help to inform those out of work about the operation of tax credits in order to influence their wage expectations.





# Welfare Conditionality

SANCTIONS, SUPPORT AND BEHAVIOUR CHANGE

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## Publications

- [Briefng Papers](#)
- [Welfare Sanctions and Conditionality in the UK](#)
- [Expert Panel 3: Understanding behaviour change and the role of conditionality](#)
- [Expert Panel 2: Approaches to Conditionality in a Range of Welfare Contexts](#)
- [Conference Presentations](#)

## Expert Panel 2: Approaches to Conditionality in a Range of Welfare Contexts

The second expert panel event took place at the University of Glasgow on Thursday 27th February 2014. Experts from a range of fields presented their research on conditionality in different contexts. The presentations are available to download by clicking the links below:

[‘Sanctions, Support and Change: Lessons from Criminal Justice’](#) Presentation by [Prof Fergus McNeill](#), University of Glasgow

Keynote: [‘Inside the Global Workfare Project: Where Welfare State Politics Meets Street-Level Practice’](#)  
Presentation by [Prof Evelyn Brodtkin](#), University of Chicago (forthcoming)

‘Conditionality in public cash transfers: Theory and evidence’ Presentation by [Dr Francesca Bastagli](#), Overseas Development Institute (forthcoming)

‘Children’s rights and children’s welfare in Latin America: What about the workers?’ Presentation by [Prof Jean Grugel](#), University of Sheffield

‘Conditionality without employability: welfare reform and people with health and disability-related barriers to work’ Presentation by [Dr Colin Lindsay](#), University of Strathclyde



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# Briefng Papers

The following briefing papers were written by members of the research team and outline the ‘state of play’ in each policy area at the start of the project. Each link will download a pdf file.

[Briefing Paper: Anti-Social Behaviour](#)

[Briefing Paper: Disability](#)

[Briefing Paper: Homelessness](#)

[Briefing Paper: LoneParents](#)

[Briefing Paper: Migrants](#)

[Briefing Paper: Offenders](#)

[Briefing Paper: Social Housing](#)

[Briefing Paper: Unemployment](#)

What do you think? Please leave your thoughts and comments below.

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# Welfare Conditionality

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# Conference Presentations

The project team have delivered presentations to several conferences already as part of the project. To download a pdf of each conference presentation, just click on the links below.

[Prof. John Flint, presentation to Housing Studies Association Conference, April 2013](#)

[Prof. Suzanne Fitzpatrick, presentation to Housing Studies Association conference, April 2013](#)

[Prof. Suzanne Fitzpatrick, presentation to University of New South Wales and University of Queensland, May 2013](#)

[Prof. Peter Dwyer, presentation to 'Citizenship and Society' Conference, Lisbon, June 2013](#)

[Prof. Peter Dwyer, presentation to 'Carrots and Sticks' Conference, University of Leeds, July 2013](#)

[Prof. Del Roy Fletcher, presentation to Social Policy Association Conference, July 2013](#)

[Prof. John Flint, presentation to Social Policy Association Conference, July 2013](#)

[Dr Sarah Johnsen, presentation to Social Policy Association Conference, July 2013](#)

[Prof. John Flint, presentation to 'Carrots and Sticks' conference, University of Leeds, July 2013](#)

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# Sanctions, Support and Change: Lessons from Criminal Justice?

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Twitter: @fergus\_mcneill

# Boundaries and borders

- There is a longstanding recognition of the need to attend critically to the multiple relationships between punishment and welfare (e.g. David Garland, Loic Wacquant, etc.).
- But, even sociologists of punishment who recognise these symbiotic relationships are surprisingly myopic about and preoccupied with the prison.
- Hardly anyone looks sociologically at community sanctions and even fewer sociologists have studied fines. And we neglect punishment outside the CJS.

# More boundaries and borders

- When sociologists study punishment, they tend to examine its forms, functions, institutions, cultures and practices, and (sometimes) its lived experiences
- When criminologists study punishment, they tend to study effects, impacts and alternatives
  - Sometimes they link crime and desistance theories with punishment
- When philosophers talk about punishment, they talk about its (formal) justifications
- But the questions are obviously inter-dependent

# Justifying Punishment [Justifying conditionality?]

- Retribution and just deserts
  - A limiting principle?
- Denunciation
- Deterrence
  - General and individual
- Rehabilitation
- Incapacitation
- [Public protection/risk management]

# Theorising punishment [Theorising conditionality?]

- **Structural accounts**
  - Political economy; ‘varieties of welfare’ regime
- **Cultural accounts**
  - Public sensibilities
  - Penal ideologies and professional ideologies
- **Political accounts**
  - Governmental rationalities and technologies
  - Political systems, institutions, capacities
- **Conjunctural accounts (e.g. Garland)**



- Not **punishment** so much as **regulation**?
- 'Bottoms noted that **there was little or nothing disciplinary about the fine**, the non-incarcerating sanction that was expanding rapidly at the time. To explain this Bottoms made use of Foucault's (1984) distinction between discipline and regulation. Discipline is the axis of power focusing on the individual, working to normalize behaviour through retraining. **Regulation, its orthogonal axis of power, works to shape distributions by behavioural means**' (O' Malley, 2009: 73).

- ‘Those that are filtered out of the **disciplinary** criminal justice system are those who do not represent a problem, and who can be **regulated** through summary justice and the behaviourist justice technologies such as the fine. This includes the vast mass of motoring offenders. **Those who are filtered in, however, are in need of correction rather than merely regulation**’. (O’ Malley, 2009: 75)

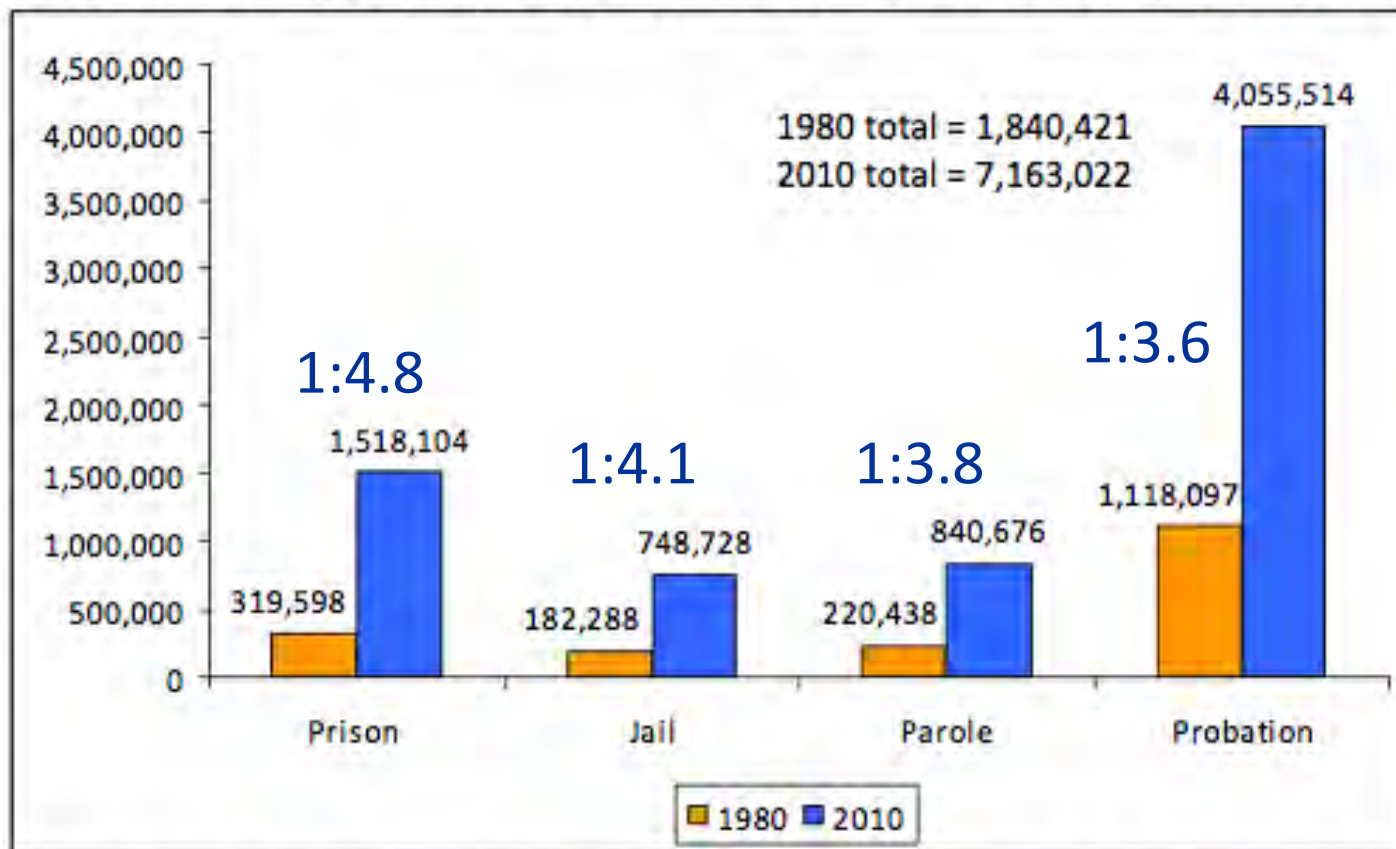
- An auto-penalty requiring no judge: strict liability and category based
- The fine as the price of crime?
  - A price one can choose to pay
- De-humanised regulation of (de-humanised) ‘dividuals’ – undifferentiated
- A penalty for a ‘consumer society’ ?
- A ‘limit sanction’ that defines where the ‘culture of control’ kicks in?
  - A sanction for those who are of and in the market, not those who are beyond its disciplines.

# Conditionality, suspension and fines

- Is welfare conditionality aimed at discipline, regulation or cost-saving/diminishing eligibility?
- How does withholding income differ from levying fines, if at all?
- Does the suspension of claims have something more in common with community sanctions (and other ‘sword of Damocles’ suspensions of punishment)?
- Common themes about conditional citizenship perhaps?

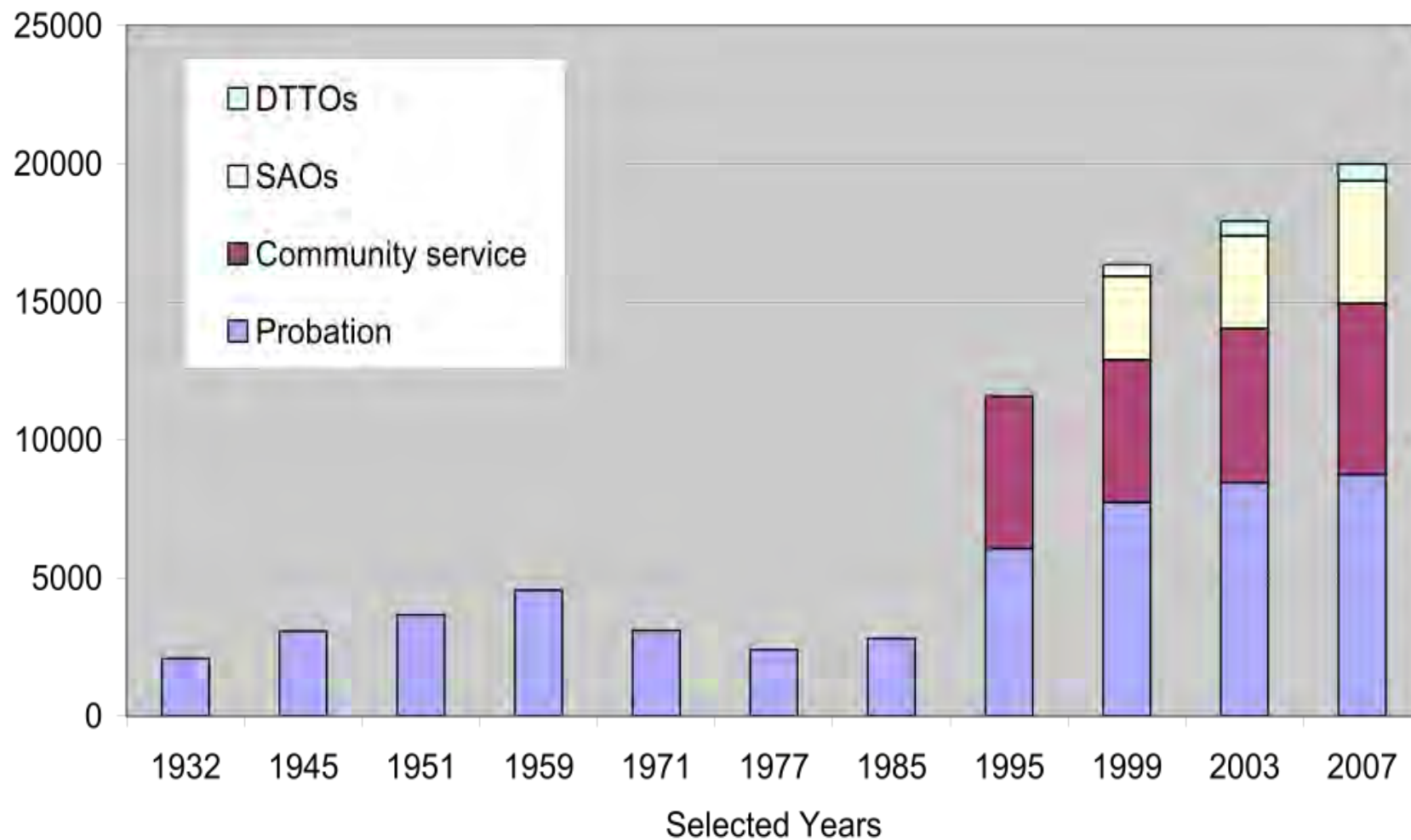
# Community corrections USA, 1980 & 2010

## POPULATION UNDER CONTROL OF THE U.S. CORRECTIONS SYSTEM, 1980 & 2010



**Source:** Glaze, L. E. (2011). *Correctional Population in the United States, 2010*. Washington, DC: Bureau of Justice Statistics; *Corrections: Key Facts at a Glance*. Washington, DC: Bureau of Justice Statistics.

## Number of Orders



## So what happened?

- The number of probationers in the US grew from 3 million in 1995 to over 4 million by the end of the decade (and 5 million by 2007).
- ‘... Community corrections experienced some of its most vicious public criticism, but it was also during this time that it experienced unprecedented growth and diversification’ (Wodahl, et al., 2011)
- Similar patterns elsewhere



- In most jurisdictions, CSM are deeply associated with and embedded in penal welfarism
- Penal welfarism, at least in some places, has been said to be eclipsed by a new penology or a culture of control
- So how and why are CSM apparently thriving? How have they adapted to survive a potentially hostile social and penal climate?

# Adaptation and legitimation

- Four key strategies (sometimes pursued simultaneously)
  - Managerial CSM
  - Punitive CSM
  - Rehabilitative CSM
  - Reparative CSM



# Sanctions as penal power

## Negative power/ Slicing off

- Imposing harms
- Taking away life
- Taking away (negative) liberty
- Taking away time or demanding effort
- Taking away worth/money

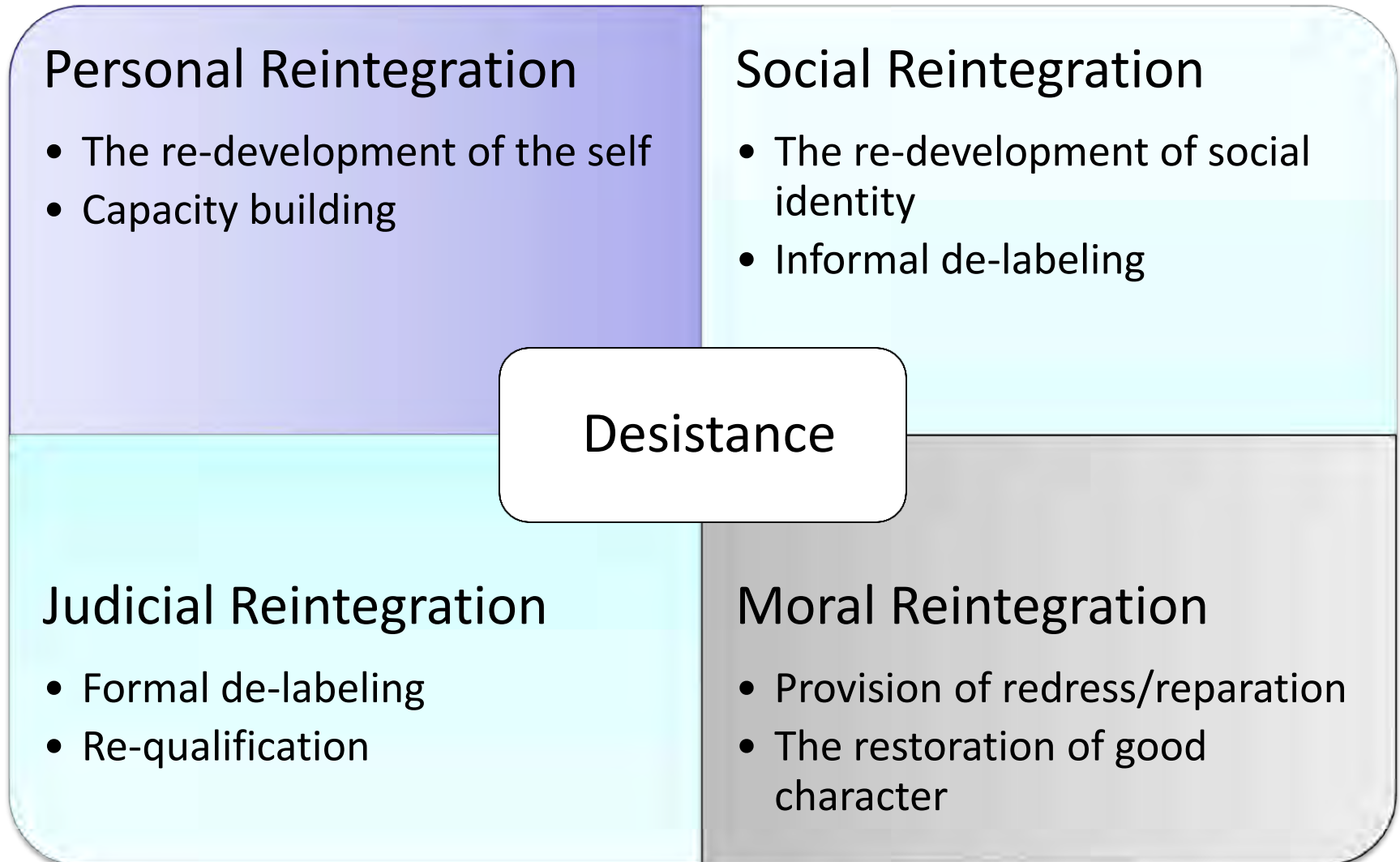
**Costs?**

## Positive power/ Grafting in

- Requiring goods
- Life enhancing
- Developing (positive) liberty
- Constructive time and work
- Enhancing worth/Compensating loss

**Risks?**

## One criminological framework for thinking about reintegrative sanctions?



## **A Conceptual Framework Defining Core Domains of Integration**



## Some problems for this framework

- Varying notions of nationhood and citizenship
  - I want a cosmopolitan republican version
- Looking beyond or behind social capital
  - The nature of reciprocity, trust and social connection
- Seeing integration as a two-way process
  - One that policy can disrupt as well as support (cf. similarities between discourses of ‘bogus’ asylum seekers, benefits ‘scroungers’, ‘criminals’).
- The dynamics of integration
  - ‘Resource acquisition (or loss) spirals’

- Legitimacy and compliance in supervised sanctions
  - Dynamic processes: formal, substantive and long-term compliance.
  - Different ‘motivational postures’ and different ‘compliance mechanisms’ in play.
  - Legitimacy is relational and critical to success... it is hard to win, easy to lose and even harder to recover once lost.
  - Compliance isn’t always good.



# Judging just sanctions

- **Constitutive:** Imposing just sanctions in good conscience requires a prior just order and should seek to restore it
- **Communicative:** What do sanctions say about us, for us and to us?
- **Productive:** What sorts of social goods do sanctions produce... *or destroy*?
  - Not merely the reduction of costs/harms
  - Not economic/market goods; moral goods



# Inside the Global Workfare Project: Where Welfare State Politics Meets Street-Level Practice

Prof. Evelyn Z. Brodtkin

The University of Chicago

Presentation at the University of Glasgow

February 27, 2014

# On *Work and the Welfare State*

- Investigating how workfare has taken shape on the ground in 6 countries: US, UK, DK, Germany, the Netherlands, and Australia.





# SLOs and the Changing Boundaries of Work & the Welfare State

- How to understand an emerging a global workfare project?
- How to advance the field of street-level research in a changing organizational environment?

# From SLBs to SLOs

- The declining role of *street-level bureaucracies*
- The emergence of *street-level organizations*  
....
- ... operating under new public management.



# The Global Workfare Project

- Workfare: generic label for policies promoting participation in the labor market and reducing cash benefits
- Many labels: welfare-to-work, welfare reform, labor market activation, jobseeker allowance, *revenu minimum d'insertion*.



# Workfare and Welfare “Reform” in the US

- 1996 legislative “reform” promoted as reducing dependency
- 2014: “Success story” or national failure?



# But what is workfare?

- Policy mix: Both “regulatory” v. “enabling” elements
- Barbier: policy labels as a political *référentiel*” or cognitive frame that deploy “fuzzy generalities” to mask “divergent realities”
- The challenge: to investigate ‘divergent realities’ taking shape on the ground



# A Street-Level Approach

- Conceptualizing the study of ‘*street-level organizations*’
- SLOs as mediators of policy and politics
- Seeing **big** by looking small.

# The Logic of Street-Level Practice

- Adaptive patterns of practice emerge from the “calculus of street-level choice.” (Brodkin, “Policy Work,” *JPART* 2011)
- $C=R:D$  (i)
  - C = choice
  - R = resources,
  - D = demands
  - i = incentives
- S-I practitioners will prefer choice that has higher “benefits” than “costs”
- Bias is patterned, but invisible and unmeasured in administrative metrics

# The Argument in Brief

- Workfare is now embedded in the policy architecture of advanced market democracies around the world.
- Workfare's expansion accompanied by project of governance and management reform – workfare's “second track” – altering arrangements and conditions under which workfare is delivered.
- Managerial reforms are bearing down on street-level organizations, undermining workfare's potentially “enabling” elements and intensifying its “regulatory” and punitive elements.



# SLOs: At the Nexus of Policy, Politics, and Management

- Theoretical framework
- Examples



# **Governance Reform and Labor Politics: The Case of Denmark**

- Larsen argument : Dismantling the PES reduced the political and administrative influence of organized labor and social partners; also changes locus of operational responsibilities. (Larsen 2013)



# Governance and Policy Reforms: The US Case

- TANF: Measure and reward caseload reduction and work “participation”
- Contracting, privatization, and performance measurement
- Street-level adaptations: how do they meet the numbers?
- Result? Street-level practices that shortchange the poor and unemployed.





# Celebrating US Welfare Reform: Is the Party Premature?


- In the US case, after nearly 28 years of welfare 'reform,' what does experience show?



# The Global Workfare Project: A Street-Level View


Workfare is a global project that is redrawing the boundaries between work and the welfare state, changing the state's role in buffering the consequences of market-derived inequalities and economic vulnerabilities.

Adopting a street-level approach to the study of the global workfare project make(s) visible otherwise invisible processes -- fueled by governance and mgt reforms – through which this shifts are advancing.



Our studies reveal how the global workfare project is taking shape on the ground, making transparent the complex organizational processes that are pushing back the welfare state's boundaries and enlarging the zone in which market principles prevail.

This project has profound importance, as it is making life ever more precariousness for the unemployed and those living at the economic margins.



As this project continues its advance, it will be crucial to investigate not only what the policies of workfare *say*, but also what they *do*.

# Open for discussion...

For additional comments or questions,  
please contact me at:

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Of  
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The Sheffield  
Institute for  
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Development.

# 'Children's rights and children's welfare in Latin America: What about the workers?'

**JEAN GRUGEL**  
**UNIVERSITY OF SHEFFIELD**

**SI::D** | *The Sheffield  
Institute for  
International  
Development.*

# Introduction: rights vs. welfare

- Children's rights and children's welfare debate (Grugel 2013)
- Rights rarely considered as template for welfare programmes
- 'Rights for children are important because they should act as a way to claim wellbeing and welfare more effectively, not as an alternative to it' (Children's rights activist, Argentina)
- Have rights advocates always understood the ways welfare regimes are created and operated (Dean 2008)?
- Rights as the burden of individual self-realization – what about state capacity?



# Background

- Where do debates on children's rights and children's welfare sit in relation to working children?
- Rights are unclear – pressure to end children's work comes primarily from ILO (Convention 182)
- Welfare approaches tend to be clearly opposed to children and young people working
- The presentation asks whether the emphasis of the current welfare programmes in LAC (CCTs) emphasis on taking children out of work is always for the best
- Draws on research in Bolivia and Brazil on working children and young people (in the case of Brazil, street working children)
- It is not research, per se, on welfare – the questions underpinning the research are around human rights and the citizenship of poor young people

# Conditionality in LAC

- The rationale for mainstream CCTs is that poverty is a reflection of the inter-generational reproduction of deprivation; this cycle must be broken through investment in ‘human capital’ (Standing 2011)
- CCTs aim to encourage parents to take children out of the labour market and invest instead in their education
- ILO representative in Bolivia: child labor was ‘a cultural problem of understanding rather than just a ‘response to poverty’.
- UNICEF staff officer: ‘there are different scenarios. There are families that are very poor and their children do not work and there are families that are poor and their children work’  
Interviews, La Paz, July 2013 – Grugel and Fontana, forthcoming

# Conditionality and child labour

- Policies to deal with child labour generally inspired by New Household economics (Becker 1982; Basu 1999) – not rights
- Child labour results from rational decisions taken by heads of households in situations where household needs are not being met by income deriving from adult labour
- Agency and preferences of children and young people are not taken seriously
- Work and education viewed as always mutually exclusive

# LAC CCTs

- CCTs come after massive cuts in 1980s/1990s to a welfare system that was already limited, leaving a 'truncated' welfare system (Barrientos 2009)
- By 2008 almost every LAC country had a CCT programme of some sort with coverage ranging from 12% of the population to 100% (Ecuador and Bolivia)
- The 'conditional' element varies, as do sanctions for non-compliance
- With Bolsa Familia in Brazil, generally regarded as one of the most successful of the programmes, non-compliance rarely leads to benefit cuts and is inclusive

# Positive evaluation of CCTs – Brazil

- Bolsa Familia has reached over 53 million since its inception in 2004
- Generally accepted that it has increased the numbers of children in education (primary education in particular) and take-up of health services (Barrientos and de Jong 2006)
- Non-compliance invites a social worker visit (rather than benefit cut)
- Applicants need to be on the electoral roll or have a tax identification number - incentive to citizenship?  
Additional cost?

## But ....

- Health and education services struggle to keep pace with demand – investments in health and schools have increased but still lag behind demand
- Gender impact is unclear – women are engaged as mothers and the burden falls on mothers not fathers (Molyneux 2006)
- Does little to support women's citizenship or gender equality



# Children, street work and education in Minas Gerais

- Data comes from a survey of over 3,000 children working on the streets in state of Minas Gerais (Grugel and Ferreira, 2011)
- 20% of the children without significant family ties – therefore not beneficiaries of Bolsa Familia
- Only around 33% of children claimed they gave all the money they earned to their families
- Around 30% spent it themselves – financial autonomy
- 70% said they enjoyed work – especially 12-16 age bracket



# Children, street work and education in Minas Gerais

- Many reported pleasure in being outside the home, sometimes because of violence, sometimes because of space or boredom
- Most reported that they attended school
- 90% of 10 year olds and 80% of 12 year olds claimed to be in school full time
- Children did not see school and education as incompatible
- Hecht (2002): street work has a positive, as well as negative, role in the day-to-day wellbeing of vulnerable children who sometimes achieve a sense of worth from work that they do not receive elsewhere

# Brazil

- Bolsa Familia : for children, not with them?
- Overall good outcomes for health and education for the poor, quite cheaply – but impact on very vulnerable group, street workers, is not clear
- Brazil survey shows strong evidence of that children and young people are making choices and demonstrating agency, in terms of the decision to enter the street labour market and in terms of how they spent the money they earned – this is not recognized by policy makers
- Brazilian youth seemed to us like Willis' cohort: 'Young people take the restricted and often meaningless available jobs in ways that seem sensible to them in their familiar world' (Willis 1977: 171)

# Bolivian CCTs

- Bono Juancito Pinto (for all children in public schools)  
– just US\$28, so long as they attend 80% of classes
- Bono Juana Azurduy for pregnant women –
- US\$260 for health care
- Renta Dignidad – US\$ 340 pension for those with no other pension (and a % for those who do)

# Juancito Pinto

- Government claims that the drop out rate from school has fallen from 6% to 2%, but data unclear (McGuire 2013)
- Educational infrastructure poor – and not enough investment going in
- Labour migration a problem – common amongst the poorest, especially in rural areas
- Birth registration still a problem in rural Bolivia so many of the poorest excluded

# Juancito Pinto and child labour

- Average child worker thought to earn US\$ 1,452 p.a. so US\$ 28 is not going to go far in persuading parents to take children out of the labour market
- Not clear that Juancito Pinto is about eliminating child labour (unlike in Brazil) but about support for primary schooling
- Contentious politics of child labour in Bolivia: pressure to eliminate child labour is seen internally by some as a violation of national traditions ('usos y costumbres') – Grugel and Fontana forthcoming

# Working children self-organization

- NATS have strong voice in domestic politics: eradication of child labour is 'an inappropriate international agenda ...what we would like more is a policy that reflects the politics of Bolivia because we have our own national reality. We don't live in the same world as other countries'
- 'We don't want labor eradication, we want it to be valued, since at the end we are contributing to the country'
- NATS claim that eradication of child labor is a form of age-based discrimination. Work is a human right – call for training and secure wages
- New Children's Code which is expected this year may lower the minimum age to enter the labour market legally to 12



# Bolivia

- Bolivia : the terms of conditionality are not the only problem - infrastructure, lack of other investments, ineffective state, nature of the labour market
- Nature of family structure: children and young people may be taking on enormous responsibilities for themselves and others and yet denied a voice in policies that directly affect them
- The preferences of young people in work?



# Conditionality and working children's citizenship

- What does social citizenship and inclusive development mean for working children and young people?
- Rights-based responses would argue that children's agency and preferences need to be understood and heard in policy debates
- How can voices of working children be heard – and should they get what they want?
- Should investments in education match pressure to attend school?
- CCTs are, in the end, cheap social policy
- LAC as the region that 'did not learn to tax' (Kaldor 1963)
- Policies on social mobility?

# Conditionality without employability: welfare reform and barriers faced by people with health and disability-related limitations

Dr Colin Lindsay

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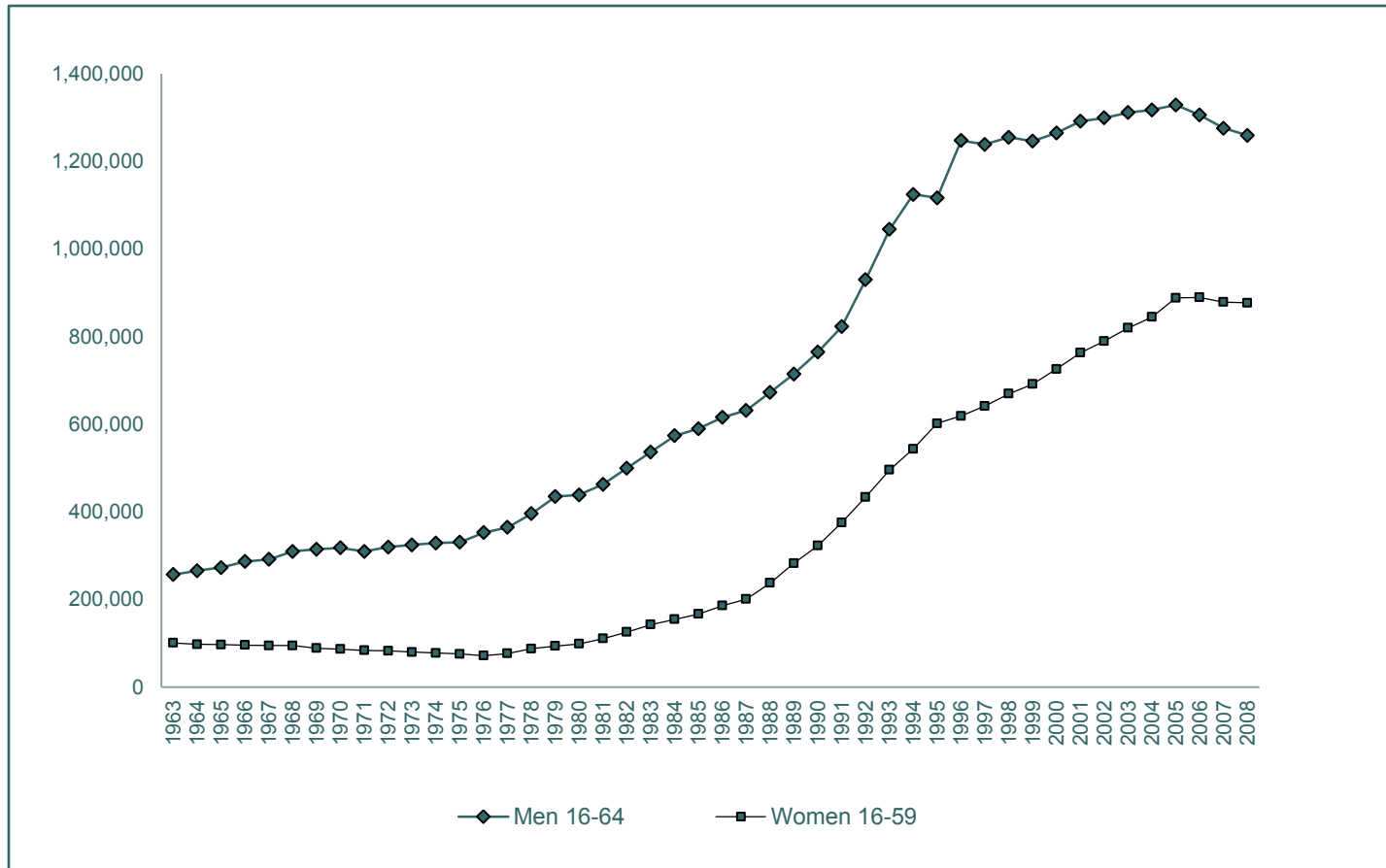
# Increased conditionality for people on health/disability-related benefits

- The health/disability benefits ‘problem’
- The role of conditionality in current policy agendas
- Is conditionality likely to work?
- Alternative policy suggestions based on evidence as to the nature of the disability benefits problem
  - Health and disability-related limitations
  - Employability gaps (**which cannot be addressed through conditionality/sanctions**)
  - Labour market disadvantage
- Concluding thoughts

## Welfare reform and challenges for health and employability policy the in the UK: **the problem**

- 2013: 2.5 million claiming ESA, IB and SDA – the main sickness/disability benefits for people of working age
- Only 1.3 million claiming unemployment benefits (JSA)
- Problems of: fiscal impact (and concerns regarding ageing); wasted human capital; risk of poverty/social exclusion; long term exclusion from labour market with impacts on employability; exacerbating individuals' health problems

# IB/ESA numbers in the UK



# Current UK policy and the role of conditionality

# Policy context in the UK

- 'Pathways to Work' activation programme (rolled out from 2003) amalgamated into generic Work Programme 2010
  - Work-first activation designed to move people towards work quickly
  - Evidence of parking of ESA claimants by WP providers (HoC 2013)
  - Subject to sanctions for non-compliance
- October 2008 – introduction of Employment Support Allowance
  - Stricter medical 'Work Capability Assessment' (WCA) – reassessment of new and existing claimants, to be repeated within 2 years (Harris and Rahilly 2011)
  - Most new ESA claimants now required to join 'Work-related Activity Group' or found 'fit for work'
  - Specifically designed to prevent most from accessing 'Support Group'
  - 1/3 of claims in first three years closed prior to WCA
  - Reviews have suggested WCA is 'mechanistic', 'lacking empathy' and invalid in identifying many (chronic; mental health) conditions (Harrington 2010)
  - Stricter Personal Independence Payment replacing DLA



# An increasing role for conditionality...

- Shift of tactic? From discredited WCA to use of sanctions and means-testing to eliminate people from benefit
- Increased means-testing: one year time limit on contribution-based ESA (WRAG group)
- Work-related activity group: paid at lower rate; compulsory attendance at WFIs; participation in Work Programme and other interventions
- Sanctions strengthened 2012: open ended sanction lifted when claimant re-engages, followed by a 1-4 week punitive sanction period. Claimants sanctioned 100% of personal allowance (£71 in 2012).
- Fits with elaborate sanctions regime proposed under Universal Credit
- Punitive sanctions regime reflects belief in need to “generate positive behavioural effects” (DWP, 21<sup>st</sup> Century Welfare, 2010)

# From conditionality to a sanctions culture in welfare to work

- Work Programme: 400K sanctions – double the number of job outcomes
- Sanctions common: 1/5 of JSA claimants 2007-12
- Clear upward trend in JSA and ESA sanctions (although only 0.5% of ESA claimants per month)

Webster 2014

News > Society > Benefits

## Jobcentre was set targets for benefit sanctions

- Inquiry launched after league tables revealed
- Leak shows pressure on staff to refer claimants

Patrick Wintour, political editor  
The Guardian, Thursday 21 March 2013 21:37 GMT



A manager at a jobcentre has leaked an email revealing the existence of a league table in her region for referrals to the stricter benefits regimes. Photograph: Rui Vieira/PA

The government has launched an inquiry after it was forced to admit that jobcentres have been setting targets and league tables to sanction benefit claimants despite assurances to parliament this week that no such target were being set.

A leaked email shows staff being warned by managers that they will be disciplined unless they increase the number of claimants referred to a tougher benefit regime.

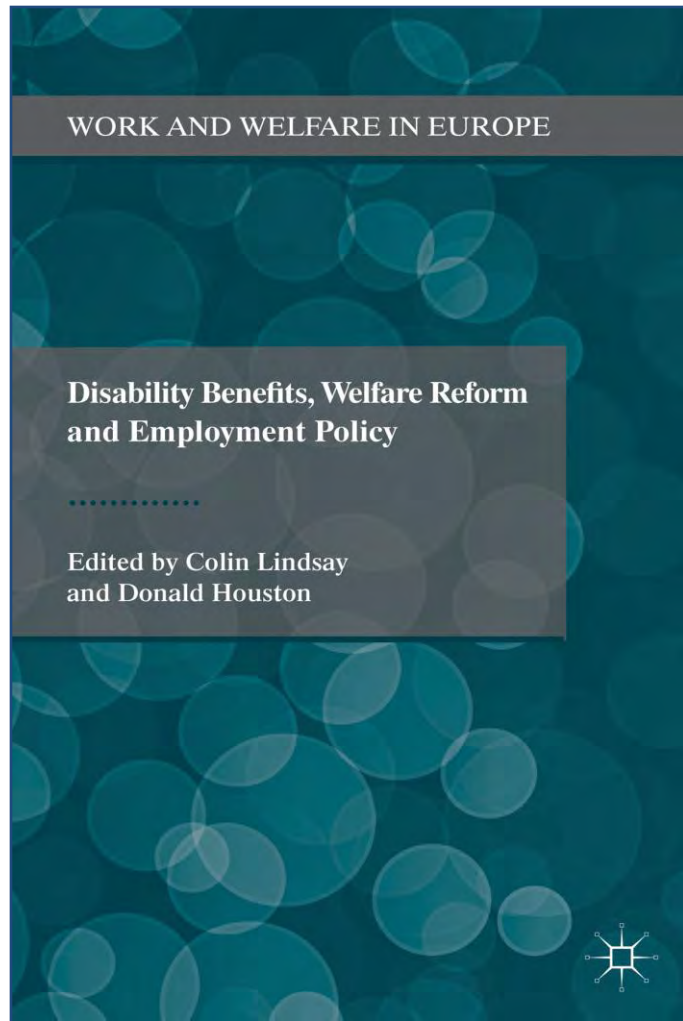


Will conditionality work?

# Will conditionality work?

- Increased conditionality/means-testing will restrict access to benefits, so will by definition reduce numbers on benefits...
- ... A familiar, tautological justification of 'work-first' activation
- Evidence that conditionality/sanctions increases employment rates far less clear (Webster 2013); as we can see from recent history!
- Longer-term evaluations suggest impacts after 2-3 years of 'human capital'-oriented activation are positive... but not sufficient evaluation evidence on long-term outcomes (Meager 2009)
- Conditionality (or rather sanctions) likely to be effective if the root of the ESA problem is behavioural/attitudinal...

Some alternative policy suggestions



What are the main causes of the high numbers of people on disability benefits? And what can we do about it?

Behavioural and other  
employability-related barriers



# Employability-related barriers – attitudes and behaviour

- Little evidence of underclass/‘learned’ dependency culture – IB/ESA claimants not ‘experts’ in benefits (Beatty et al 2010)
- Indeed, desire to work in disadvantaged communities is the only thing that facilitates cycling from work-first activation to low quality jobs and back into worklessness (Shildrick et al 2012)
- Interesting range of attitudes: specific health conditions, age and time out of work shapes attitudes to work (Green and Shuttleworth 2013)
- Mixed/limited relationship between attitudes towards work and job entry rates (Kemp and Davidson 2010)
- Financial incentives – little evidence of ESA claimants enjoying comfort/financial security from benefits (Garthwaite 2013)

# Other employability barriers

- ESA claimants disadvantaged in qualifications, skills, literacy, long durations on benefits, poor work records, concentrated in social housing, don't drive (Green and Shuttleworth 2010; Kemp and Davidson 2010)
- “Things outside health” – family, poverty, addiction – prevented progress on health among ‘Pathways’ clients (Lindsay and Dutton 2010)
- Age and health discrimination (by employers) seen as an added barrier (Kemp and Davidson 2010)
- Policy evaluations identify key role for employers and line managers in supporting transitions to work (Dixon and Warrender 2008)
- Employability barriers combined with health problems place IB claimants ‘at the back of the jobs queue’

Health and disability-related barriers

# Health and disability barriers

- Most IB/ESA claimants left work due to health (Beatty et al 2010); health a key barrier to work (Beatty et al 2010; Kemp and Davidson 2010)
- ESA claimants with multiple health conditions more likely to be 'permanently sick'; less likely to find work (Kemp and Davidson 2010)
- Longitudinal health data identify relationship between IB/ESA claiming and mortality (Norman and Bambra 2007)
- Sissons and Barnes (2013) data from 1700 claimants: health changes and employability factors key predictors of status
- BHPS suggests long-term relationships between health and labour market/benefit status (Jones et al 2010)
- Health professionals working with ESA claimants confirm a range of health problems and disabilities (Lindsay and Dutton 2013)
- Health services for ESA claimants used reliable measures to identify health problems and improvements (Kellett et al 2011)

## Health and disability barriers (2)

- Health problems increase the risk faced in recession: “they are among the first to be made redundant; they may well be offered incentives to leave; they have difficulty in competing in labour markets that suffer from over-supply...” (MacKay and Davies 2008)
- Explaining concentrations of IB/ESA is about ‘hidden sickness’ as well as ‘hidden unemployment’ – there are ill people on ESA, on JSA and in work (Beatty et al 2000, 2009, 2010)
- Evidence is that sick-at-work are diverted to ESA in areas of job loss; find themselves at back of the ‘jobs queue’
- So health matters, IB/ESA claimants were and are sick, but ill health does not in itself explain the rise in numbers...

# Labour market barriers

# Labour market barriers

- Labour Force Survey: spikes in IB after 1973, 80s and 90s recessions (MacKay and Davies 2008)
- In South England claiming rates half UK average; in Wales claiming rates are UK average + two-thirds (Anyadike Danes 2010)
- Crisis in cities: Glasgow – 59,000 (12% of working age population) claiming IB/ESA; 6% is British average
- *Relatively* few differences in characteristics of IB/ESA claimants in disadvantaged areas – there are just lots more of them (Brown et al 2008)
- But national, supply-side policy response fails to acknowledge impact of labour market effects on IB/ESA rates

Figure 1 Incapacity Benefit and Severe Disablement Allowance claimant rates by local authority area, February 2010

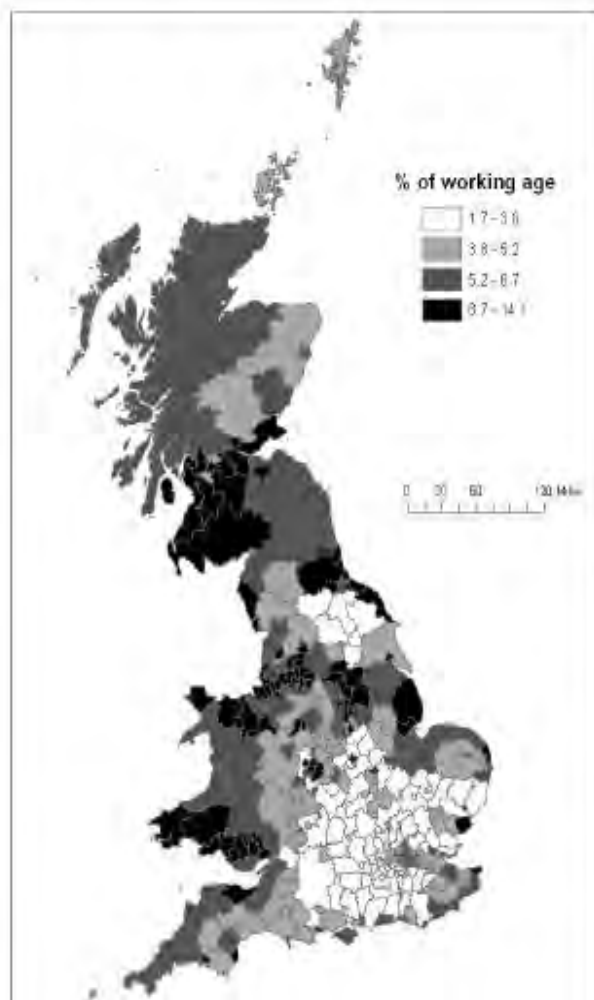
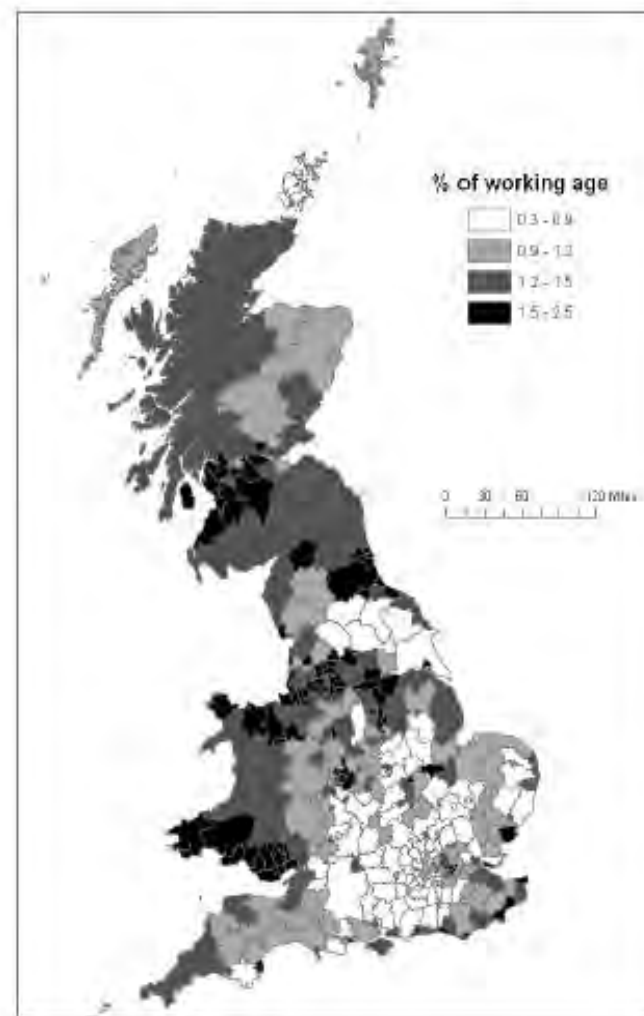


Figure 2 ESA claimant rates by local authority area, February 2010





*“The weight and range of evidence is such that we can say that it is simply a **fact** that labour market changes (and especially the long-term impacts of area-specific industrial decline and job destruction) are essential to explaining the rise in, and continuing high levels of, IB [and ESA] in some parts of the country.”*

Lindsay and Houston (2011) ‘Fit for Purpose? Welfare reform and challenges for health and labour market policy in the UK’, *Environment and Planning A*, Vol 43, p.710.

# Labour market barriers

- Clear relationship between job destruction, loss of manual jobs and diversion to IB among the 'working sick' (Beatty et al 2010)
- Uneven loss of manual jobs, only partial recovery through service sector growth, 'flexible' labour markets place those facing health and other barriers to work at back of jobs queue
- **Is it also about the *kind* of jobs we are creating?**
  - A polarised labour market characterised by cycling between benefits and short-term, low-paid jobs – without the flexibility to manage health
  - Under-employment: NI rules restrict access to SSP leading to ESA claims (Kemp and Davidson 2010)
- Economic restructuring/job destruction/ESA claiming concentrated in 'old' regions/depressed urban areas – more prosperous labour markets have: a) more jobs; b) better jobs with flexibilities to manage health; c) employers willing to adjust

Imagine we were to start again with  
activation and benefit policies for  
health/disability-related barriers...

# Challenges for policy – employment

- Reduced on-flow to IB/ESA largely explained by jobs growth – opportunities finally got to back of the jobs queue (Webster et al 2013)
- In areas where demand has remained sluggish there remained large numbers of ‘hidden’ or ‘real’ unemployed to be helped
- Consistent evidence of need to link activation, health and economic development strategies – need to create sustainable entry level positions that are accessible IB client group
- Need for holistic employability provision for multiple barriers
- Employers need to play role of full partners supporting returns to work, making adjustments, promoting occupational health

# Challenges for policy – health

- “Passive approaches have often exacerbated the labour market exclusion of people with a disability or chronic illness” (Bambra and Smith 2010, p. 76)
- Consistent evidence of health as key barrier, reason for job loss, limiter of job prospects, predictor of return to work
- First... address ‘hidden sickness’ at work (Beatty et al 2000, 2009, 2010)
- Lessons from ‘what works’: clinical evaluations of ‘Condition Management’ encouraging (Kellett et al 2011); voluntary NDDP had positive job outcomes (DWP 2013)
- Need to address both health and employability-related barriers – some clients will need to make gradual progress – ‘work-first’ activation and increased conditionality will not work

# How should policy be delivered?

- ‘Digging’ into stock of clients and increasing work-related activity – need for more intensive, holistic support
- Instead, under-funded work-first programmes; rigid contracting regime that rewards ‘quick wins’ and creaming

An alternative model might focus on:

- Functional matching (Entwistle and Martin 2005) – flexible, partnership-based governance based on which providers have expertise and added value in responding to the problem...
- Expert bodies like NHS (Lindsay and Dutton 2013) and local third sector (Green and Shuttleworth 2010) can help shape effective local services

# Conclusions

# Conclusions

- The IB/ESA problem is rooted in labour market, health and employability issues – which policy has failed to address by
  - neglecting spatial/labour market processes
  - failing to engage with the complexity of health/employability issues faced with individuals
  - failing to *constructively* challenging employers to be active partners in promoting health and inclusion
- Conditionality is largely irrelevant as a policy *solution* as it does not connect with any of these problems... but may be effective in driving people off benefits



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# Welfare Conditionality

SANCTIONS, SUPPORT AND  
BEHAVIOUR CHANGE

## Mapping the key concepts: issues, questions and debates

## Conceptual and theoretical aims

1. A comprehensive theoretical **map of the families of key concepts** associated with welfare conditionality
2. A theoretically-informed interrogation of the ethicality of the motivations for conditionality, viewed via the 'lens' of **competing normative frameworks** and a range of morally-relevant criteria



## Mapping families of key of concepts

- Distilled key concepts from the bid and key literature
- Grouped key concepts into overlapping ‘families’
- Collapsed and expanded categories based on consultation across team
- Developed working list of ‘families’ to focus on in mapping exercise
- Each ‘family’ is interrelated, and there is no implied hierarchy



## Mapping families of key concepts

1. **Conditionality**, conduct, behaviour, eligibility, sanctions, contractualism, paternalism, mutualism, desert, reciprocity, universalism
2. **Incentives and sanctions**, punishments, rewards, positive sanctions, negative sanctions, motivation, social control
3. **Social control**, social order, regulation, norms, coercion, sanctions, socialisation, conditionality
4. **Power**, force, coercion, authority, persuasion, enforcement, governmentality, legitimacy
5. **Rights**, entitlement, (social) citizenship, human rights, natural rights, moral rights, legal rights, enforceability, legalism, juridification
6. **Responsibilities**, duties, obligation, responsabilisation
7. **Discretion**, judgement, charity, legalism, creative justice, proportional justice

## Mapping families of key of concepts

8. **Dependency**, culture of dependency, welfare dependency, underclass, personal responsibility, self-reliance, independence, interdependence
9. **Underclass**, culture of poverty, dependency culture, deviance
10. **Activation**, workfare, active/passive welfare state, active/passive labour market policies, welfare-to-work, rationality, agency
11. **Libertarian paternalism**, nudge, budge, behavioural economics, behaviour change, choice architecture, hard paternalism, soft paternalism, autonomy
12. **Assertive engagement**, assertive outreach, interventionism, non-interventionism, coercive care, activist state, support, social control, rough sleeping
13. **Welfare subjects**, service users, welfare beneficiaries, welfare recipients, clients, customers, consumers, agency

## Approach to conceptual mapping

- **Key words:** identify broad 'family of concepts' covered in the entry
- **Definition(s):** definition(s) of key terms; relevant typologies and key distinctions
- **Key perspectives:** explores key perspectives and debates (academic and policy focussed) relevant to the family of concepts (e.g. 'for' and 'against')
- **References:** collated in Endnote database.
- c.100 pages and counting!



## Defining conditionality

Access to certain welfare entitlements should  
*“be subject to the condition that those who  
receive them behave in particular ways, or  
participate in specified activities”*

(Deacon, 1994, p. 53)

## Broader forms of conditionality

<b>Level of conditionality</b>	1. Category	2. Circumstance	3. Conduct
<b>Levers of conditionality</b>	Category definitions	Eligibility and entitlement criteria	Behavioural requirements
<b>Examples</b>	Being past retirement age (Pensions) Being sick (Universal health care)	Work history/ contributions (social security benefits) Extent of need/ 'vulnerability' (Homelessness)	Actively seeking work/ work focused activity (Unemployment benefits)

**Table 1:** Adapted from Clasen and Clegg's (2007) framework for conceptualizing and analysing (changing) patterns of conditionality in benefit provisions

## Conditionality and welfare state change

- An 'organising concept' for understanding welfare state change
- A broad and far reaching qualitative shift in the nature of welfare provision towards a new form of risk management
- A *“new politics of the welfare’... intent on converting the welfare benefits system into a lever for changing behaviour”* (Roger, 2008, p. 87)
- Extended across a diverse range of groups and social policy areas
- Generally understood in the context of welfare state retrenchment, but this is challenged by a comparative perspective (e.g. Bastalgi, 2009)

## Sanctions, incentives and support applied to different welfare groups

- Conditionality as a mode of social control which employs primarily sanctions, but also incentives and support, to enforce norm-conforming behaviour
  - > Unemployed people, low paid workers, disabled people, lone parents, and offenders = JSA/ESA benefit sanctions and the Work Programme
  - > Social tenants = probationary, fixed-term and family intervention tenancies
  - > Homeless people = 'care and control' measures, e.g. ASBOs, assertive outreach, reconnections
  - > Migrants = 'earned citizenship', no-choice dispersal

## Justifications of conditionality

### Deacon (2004)

**Contractualism:** citizens and the state have mutual obligations (e.g. to actively seek work/provide safety-net for the unemployed)

**Paternalism:** conditionality encourages behaviour in the best interests of the welfare claimant (e.g. encourage people to work, take up support, engage with services)

**Mutualism:** people have obligations and responsibilities towards each other

### Paz-Fuchs (2008)

**Deterrence:** harsh requirements deter potential recipients from claiming relief

**Morality:** certain activities (e.g. work) have inherent moral value; social control of certain groups necessary

**Economics:** 'fiscal' focus on using resources efficiently minimising public costs

**Quid-pro-quo:** providing 'relief' or assistance requires beneficiaries to 'give something back'

## Objections to conditionality

- **Conditions of fair reciprocity** are not met: basic needs claims *prior* to social obligations (Doyal and Gough, 1991; White, 2003)
- **Undermines core principles of the welfare state** and represents abandonment of **universalism** (Dwyer, 2004; Standing, 2011)
- **Disciplinary** mechanism for **punishing marginalised groups**: places further burdens most excluded sections of society and imposes costs on 'third parties' e.g. children. **Uneven** and **hypocritical** (Flint, 2002; Fitzpatrick, 2005; Rodger, 2008)
- High administrative **costs** (not offset by savings) and **deters** take up of benefits or services (Bastalgi, 2009)
- **Democratic deficit** and inadequate mechanisms of appeal/redress (Patrick, 2011; Standing, 2011, Webster, 2013)
- Can **undermine public support for welfare** provision/redistribution and promote '**politics of resentment**', anti-welfare populism (Larsen, 2006; Hoggett, et al., 2013).

## Relevant normative lenses

### Citizenship (liberalism vs. communitarianism)

- Do conditional welfare policies recognise and uphold the social rights of citizenship?
- Do conditional welfare policies encourage mutual respect and solidarity?

### Human rights

- Do conditional welfare policies recognise and uphold relevant conceptions of global human rights?

### Social justice

- Do conditional welfare policies deliver distributive outcomes that are 'fair' with respect to meeting need, rewarding desert, recognising merit, promoting equality, or enhancing capabilities?

### Utilitarianism

- Do conditional welfare policies 'work' in maximising overall societal welfare?

## Next steps

- Conceptual and normative mapping will inform project outputs and fieldwork
- 40+ key informant interviews with policy-makers and key stakeholders exploring motivations, justifications and ethics of conditional approaches
  - Continuities and differences across welfare groups
- 24 focus groups with frontline practitioners
  - Focus on moral reasoning of frontline staff
  - Implementation of formal rules and informal modes of control
- 480 welfare recipients subject to conditionality across 8 groups, interviewed 3 times at 12 months intervals
  - Transitions, adaptations and coping strategies, how these may change over time and why there may be diverse outcomes for different people
  - Normative perspectives of recipients on ethics of conditionality



## Discussion

- Is our conceptual mapping appropriate/comprehensive?
- Are we missing any key concepts/inter-relationships?
- Are there other normative lenses that we should consider?
- Are there bodies of work or key works that we need to be aware of?



# Conditionality: Reasons and Conditions

Lawrence M. Mead  
Department of Politics  
New York University









Raphael, "The School of Athens," 1509-10



# Prior publications:

- *Beyond Entitlement: The Social Obligations of Citizenship* (New York: Free Press, 1986).
- *The New Politics of Poverty: The Nonworking Poor in America* (New York: Basic Books, 1992).
- *Government Matters: Welfare Reform in Wisconsin* (Princeton: Princeton University Press, 2004)
- *Welfare Reform and Political Theory* (New York: Russell Sage, 2005) [edited with Chris Beem].



# Today's talk: main headings:

- Definition of conditionality.
- Reasons for conditionality.
- Conditions conditionality must meet.
- Research.



# What is conditionality?

- Connotes the ending of entitlement.
- Benefits now given conditional on work.
- Questions about lifestyle may be asked.
- Conditionality is different from:
  - Social insurance—here work is expected in advance of benefits.
  - Voluntary employment services.
  - Work incentives.





# Reasons for conditionality:

1. Economy.
2. Reciprocity.
3. Paternalism.



# 1. Economy:

- Work-testing benefits may save money.
- Conditionality can reduce dependency without cutting eligibility or benefits.
- May not save money if employing recipients raises costs.



## 2. Reciprocity:

- For recipients to work is seen as fair.
- Reflects an idea of common citizenship including obligations as well as rights.
- Obligations include work, not self-support.
- Counter to Marshall's ideas of welfare state.
- Left theorists also favor work.
- Does Rawls require entitlement?
- Broader ideas of democracy do not bar conditionality.



# Can civic labor replace work?

- In principle, unpaid tasks valued by society could justify dependency.
- The idea mothers can't work is outdated.
- White's criteria for civic labor: task must be socially valued and serve the social interest.
- Single mothers cannot justify dependency by parenting alone, must also work.
- Beem's theory of care work aims to meet civic labor criteria.



### 3. Paternalism:

- Work tests may be justified as good for the recipients.
- Reflects concern over the isolation of the poor.
- Many disabled would be better off working.
- Welfare reform was in fact favorable for most recipients.



# Moral issues:

- Is paternalism bad in J.S. Mill's sense—imposing direction on autonomous adults?
- Does paternalism infringe Biblical commands to help the poor?
- Paternalism returns to charitable approaches to poverty.



# Conditions for conditionality:

1. Politics.
2. Jobs.
3. Disability.
4. Other barriers to work.
5. Social fairness.
6. Implementation.

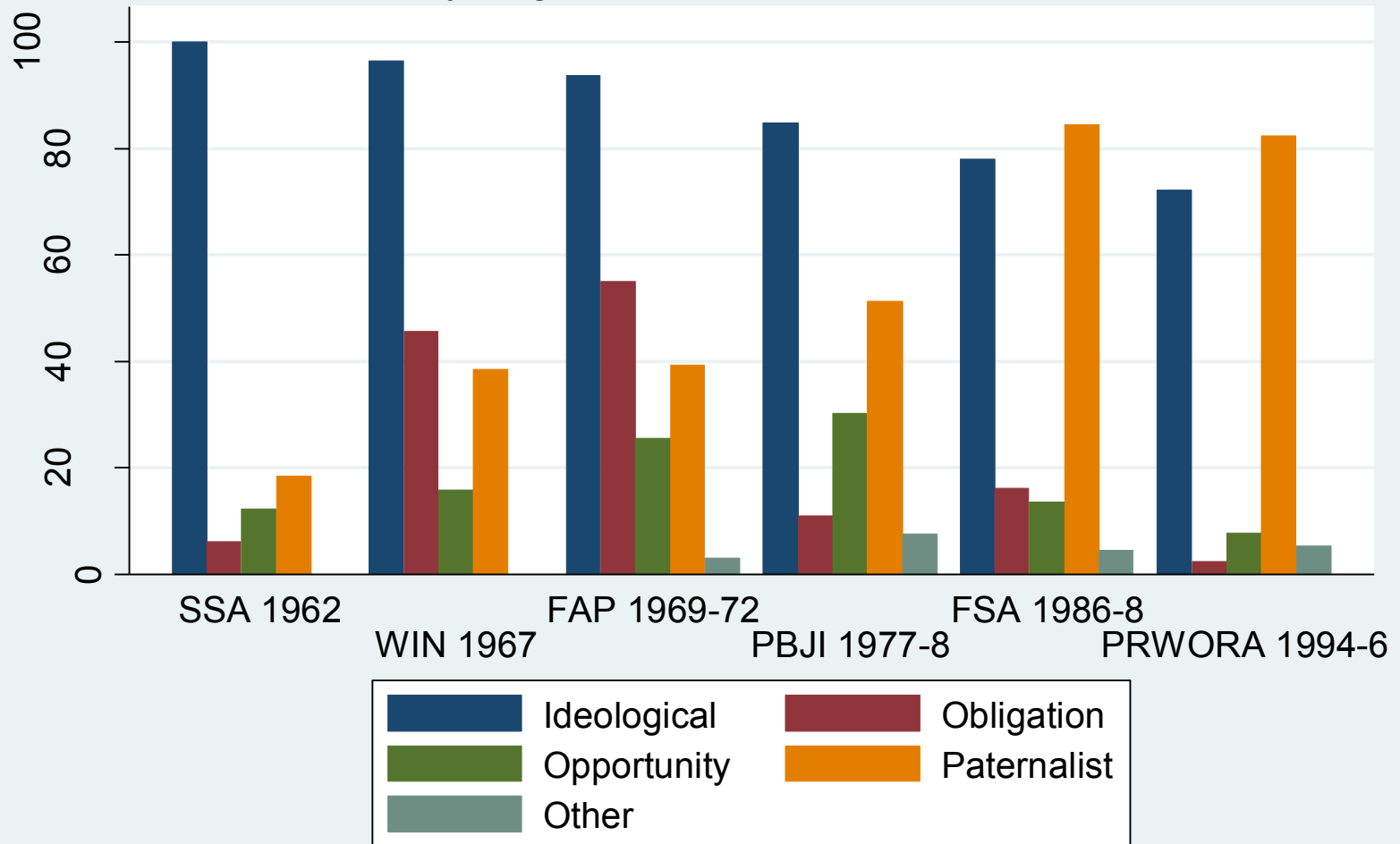


# 1. Politics

- Conditionality is a radical change.
- Requires broad political support.
- Work tests in US and UK have won bipartisan backing.
- Some intellectuals and advocates remain opposed, but most voters and politicians are in favor.
- American welfare debate has become less partisan, more practical over time.



Figure 2: Incidence of issue types  
By stage of welfare reform 1962-1996





## 2. Jobs:

- To expect work, jobs must be available.
- Unemployment figures don't reveal how easy it is to find work.
- Local staffs say enough jobs exist to expect work.
- Main constraint is work readiness, not the labor market.
- When poor adults do not work, few blame inability to find jobs.

# Reasons jobless poor adults (16 and over) gave for not working in 2011 (%):

	<u>Ill or disabled</u>	<u>Retired</u>	<u>Home/family</u>	<u>Couldn't find work</u>	<u>School or other</u>
<u>All incomes</u>	17	40	15	7	21
<u>Poor</u>	27	19	20	12	23

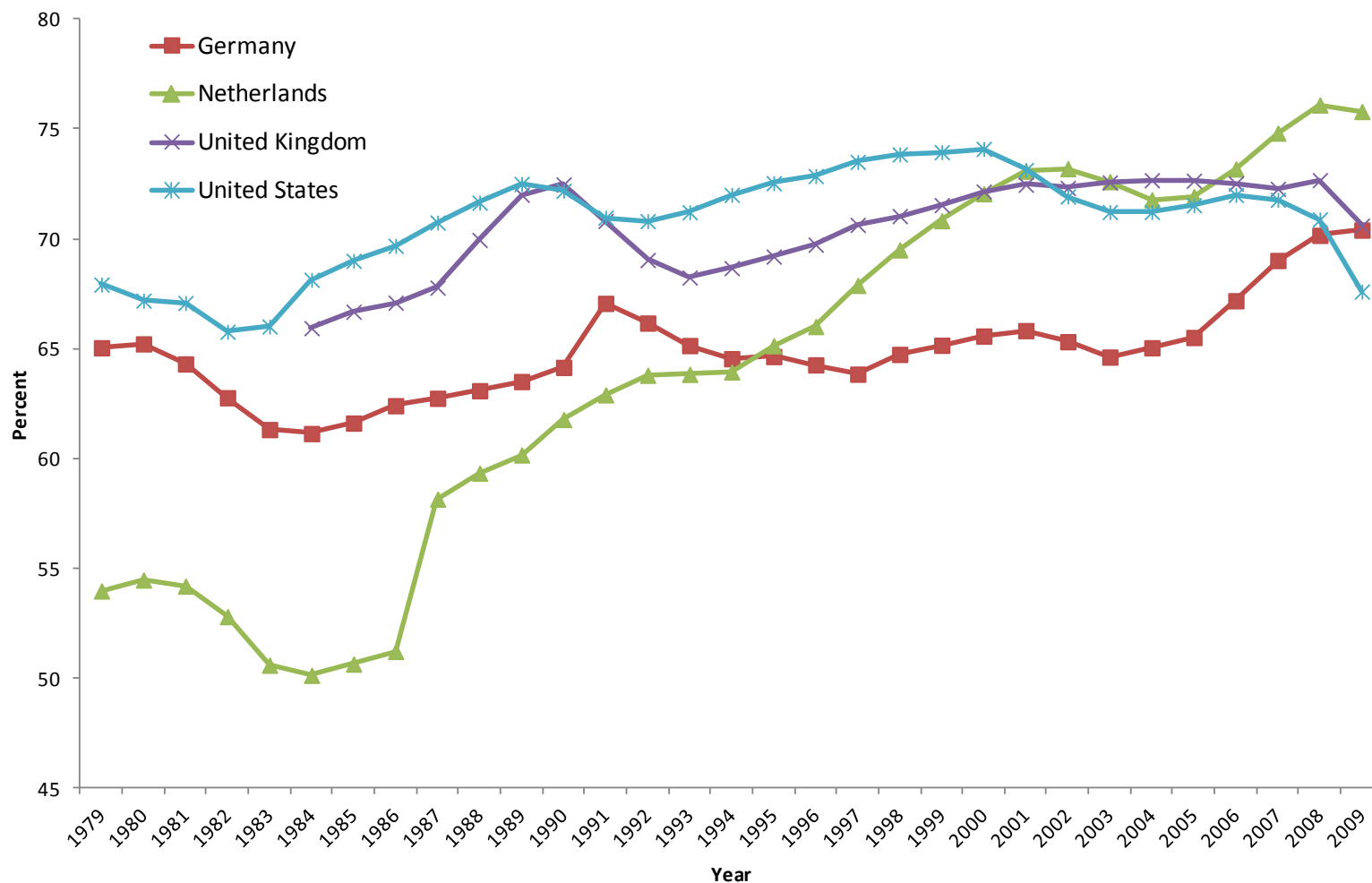
Source: U.S. Bureau of the Census, March 2012 Annual Social and Economic Supplement, table 24.



### 3. Disability:

- Are recipients able to work?
- American welfare reform showed most welfare mothers were employable.
- Disability caseloads are rising.
- Trend reflects political decisions rather than worsening health conditions.

**Figure 3**  
**Employment-Population Ratio in Select Countries, 1979-2009**



Note: These are employment-population ratios for the population between the ages of 15 and 64.  
Source: OECD Stat Extracts ([http://stats.oecd.org/Index.aspx?DatasetCode=LFS\\_SEXAGE\\_I\\_R](http://stats.oecd.org/Index.aspx?DatasetCode=LFS_SEXAGE_I_R))



## 4. Other barriers to work:

- Low skills, welfare disincentives, child care.
- None proved serious in the American reform.
- Work incentives have little effect on work levels, contrary to some recent research.
- The key to work is to require work—expanding opportunity is secondary.
- Barriers matter much more after one goes to work than before.



# Structural vs. individualist views:

- Conditionality is said to impose “individual responsibility,” criticize “moral failings.”
- The work demand is much more limited, implies no overall moral judgment.
- Many positions exist between the extremes.
- Moderates call for both help and hassle.
- Individual responsibility is the goal, not the assumption.
- The underlying issue is competence.
- How much to expect is finally a political decision.



## 5. Social fairness:

- Work must be demanded before issues of justice can be raised.
- Justice is debatable, but only workers can enter into that debate.
- Conditionality has no political bias.
- Welfare reform in America shifted the political agenda to the left.





## MORALS

Hard

Civic  
conservatism

Traditional  
right

Left

Right

## VALUES

Traditional  
left

Anti-gov  
liberalism

*Soft*

# MORALS

Hard

Civic  
conservatism

Traditional  
right

Left

Right

# VALUES

Traditional  
left

Anti-gov  
liberalism

*Soft*



## 6. Implementation:

- Work testing imposes serious new demands on government.
- Benefits must be paid while recipients are inducted into work programs.
- In America, the leading states in welfare reform had strong good-government traditions.

# Culture shaped implementation in US welfare reform:

<u>Overall score</u>	<u>Moralistic</u>	<u>Individualistic</u>	<u>Traditionalistic</u>	<u>No. of states</u>
6	MN OR UT WI			4
5	KS MI WA		TN	4
4		MO NJ NY OH RI		5
3	CA CO	MA	AZ NC WV	6
2			AL MS TX	3
1			FL GA	2
<u>No. of states</u>	9	6	9	24



# Research:

1. Recipient responses.
2. Linking benefits to work.
3. Diversion.



# 1. Recipient reactions:

- How do recipients respond to work demands?
- Disadvantaged recipients often appreciate “help and hassle.”
- The better off may resent and resist it.
- Group differences are important but little understood.



## 2. Linking benefits to work:

- How to emphasis both helping the needy *and* expecting work?
- Benefit and work agencies have different cultures.
- Struggles to combine them in US, WI, UK.
- Disability: need to avoid benefits until incapacity is certified.

### 3. Diversion:

- Goal is to raise work levels not only on aid but in the society generally.
- American reform achieved that through diversion, which is poorly understood.
- Work tests triggered a broader work enforcement by public opinion.
- How to extend that gain to poor men?
- *How can policy and opinion lead the culture?*





***Questions?***

# Conditionality and political economy: some observations

Chris Grover  
Senior Lecturer in Social Policy  
Lancaster University

International expert panel on conditionality  
York University,  
11 December 2013

# Today's presentation

- Approaching conditionality
- Political economy and social policy
- Dilemmas of capitalism
- Conditionality, labour supply and wage inflation
- Conditionality as a (quasi) market opportunity

# Approaching conditionality

- Administrative
  - available resources and maximised outcomes
  - does conditionality use resources effectively?
- Philosophical
  - justifications for conditionality from ideas about what is desirable
- Ethical
  - is conditionality the right thing to do

# Approaching conditionality

- Administrative and moral concerns with conditionality are closely related to political economy issues:
  - moral issues conjoin with concerns with the operation of market-based economies and productive engagement with them
  - administrative concerns with gateways to and exits from working age benefits; work incentives; comparisons between low paid workers and out-of-work benefit recipients

# Political economy and social policy

- Political economy is concerned with the social relations of the production, distribution and consumption of resources
- Much social policy analysis is political economic
  - who gets which resources and why?
- Conditionality as part of social security/labour market policy can be understood in political economic terms
  - How does it relate to the production, distribution and consumption of resources?

# Dilemmas of capitalism

- As a system of accumulation capitalism creates dilemmas:
  - for individuals:-
    - instabilities of work at a micro and macro level
      - various forms of unemployment
    - work as exploitative, exclusionary and disabling
      - why would people work?
  - for the state
    - how can the commitment to wage work be sustained?
    - consequences of unemployment/workless
    - tensions between accumulation, social reproduction and legitimation

# Dilemmas of capitalism

- Conditionality located in the dilemmas unemployment and worklessness creates for the state:
  - diswelfares of long-term labour market detachment
  - state intervention Vs neoliberal preference for the private over the public
    - conditionality as state regulated/funded practice in the accumulation of capitalism:
      - reproduction of labour discipline in a contradictory economic process
      - development of welfare (quasi) markets



# Conditionality, labour supply and wage inflation

- Conditionality as a means of ‘producing’ workers
  - the commodification of labour power
    - active proletarianisation – the ‘lasting transformation of non wage labour into wage labourers’ (Offe, 1984, p. 92)
    - ‘Merely to deny aid does not tell people what they should do instead of being dependent’ (Mead, 1997, p. 20)
- ‘Production’ of workers held to be good at an individual, but also at a macro-economic level

# Conditionality, labour supply and wage inflation

- Conditionality as a supply-side measure – role in managing wage inflation
  - long-term detachment from labour markets reduces competition for paid work:
    - ‘In any economy there has to be some short-term unemployment to ease mobility and restrain wage pressure by providing employers with a pool of workers able to fill vacancies. But long-term unemployment appears to be largely useless as it exerts very little downward pressure on inflation. This is because employers are generally unenthusiastic about long-term unemployed people as potential fillers of vacancies. Whether this reaction is justified... or not is unimportant’ (Layard, 1997, p. 190)

# Conditionality, labour supply and wage inflation

- The problem of labour market detachment and the effective labour supply:
  - ‘...by bringing workless people closer to the labour market and making them more effective at competing for jobs, total employment can be increased. With a more effective supply of labour, employers can fill their vacancies more easily and the economy can grow without hitting skills shortages or running into inflationary pressures. In a dynamic labour market, that growth leads to higher employment’ (HM Treasury, 1999, para. 4.10)
- Conditionality, commodification and economic stability:
  - supply and competition at entry level

# Conditionality as a (quasi) market opportunity

- Conditionality provides new opportunities for accumulation
- The neoliberal preference for the private over the public
  - ...a competitive market with larger and longer contracts, rewarding providers for sustained outcomes and significantly reducing costs, using competition on a continuing basis as the spur to greater effectiveness (SSWP, 2008, p. 21)
  - ‘welfare to work’ markets worth at least £1 billion per annum
  - c.20,000 people work in employment related services (the creation of a new class of welfare professional?)

# Conditionality as a (quasi) market opportunity

- Workless people as commodity:
  - economic value to service providers
  - traded between contractors and enterprises
- ‘Accumulation by dispossession’ (Harvey, 2005):
  - inter-country redistribution via commodification & privatisation – shifting resources from the poor to the rich
  - public sector austerity cuts in social security spending while large amounts paid to support employment service markets

# Conditionality, accumulation and the dangers of functionalism

- Conditionality has the potential to create its own tensions:
  - passive, rather than active, proletarianisation:
    - non-participation – conditionality as deterrent to claiming (what do people do as an alternative?)
    - long-term dependency – ‘parking’, ‘creaming’ and ‘gaming’ and the profit logic of conditionality
  - economic efficiency
    - under-employment – hours and work relevant to qualifications (low pay is better than no pay)
    - labour costs, under-investment and productivity
  - reproduction of labour power:
    - affects of conditionality on health
    - the emotionality of conditionality (anger, frustration, resentment)

# Conclusion

- There are ways of understanding conditionality beyond administrative and moral concerns
- A focus upon the political economy of conditionality suggests roles that include:
  - concerns with labour supply and macro-economic effects
  - constitution of (quasi) markets
- Conditionality is framed by tensions, that will require further interventions in the future



**Individual Autonomy:  
An analytical concept to grasp normative  
welfare state change and a new ‘Leitbild’  
for social policy**

International Expert Panel  
York University, Dec. 11, 2013

Prof. Dr. Sigrid Betzelt  
Berlin School of Economics and Law





1. Activation reforms as part of welfare state change
2. How to interpret activation reforms through the social citizenship framework?
3. Reflections on the core of social citizenship regimes:  
Autonomy
4. Analytical framework: Operationalisation of autonomy
5. Our findings – with a focus on gender & autonomy
6. Conclusions



...include reforms in 4 policy fields:

- Social Assistances schemes
- Unemployment protection (conditionality, cuts in benefits)
- Labour Law (flexibilisation, deregulation)
- Active Labour Market Policies (more targeted and short term measures)

...following a certain *work ethic*, reforms tend to *tighten the rules of reciprocity* in welfare provision although to different degrees (Dean 2007, other authors on activation types)

... reflect fundamental *normative change* and pave the way for further reforms and cuts, and represent a stepping stone to fundamental normative change



... redefine

- the **objective** of social policy intervention: shift from guaranteeing social security over the life cycle (F.X. Kaufmann) to maintaining employability and making social policy intervention 'efficient'
- the **norms** of state-citizen relationship (reciprocity): citizens become more responsible for their own life situation
- the citizen's **role** within democratic welfare states: clients or more or less productive members of the workforce rather than political citizens.

... create **tensions** with the citizens' needs, expectations, their sense of justice & self-perception as citizens, which may *undermine legitimacy and trust* in welfare state institutions

We may grasp this better if we consider the **citizens' autonomy, as the core of a social citizenship regime**



- The social citizenship debate: emerged in the Nordic and liberal welfare states where the state is responsible for providing tax-based social security schemes
- Social Citizenship denominates – more generally – the *relationship between the citizen and public institutions* in terms of social security provision
- The social citizenship regime – a definition (Jenson 2007)
  - A bundle of *normative ideas* about the citizens' social rights & obligations and the State's responsibility
  - Normative and institutional constructions of *membership* (in individual, social and political terms)
  - Institutional *modes which govern* the substance of State's social security provision and membership

# A social citizenship regime has got *two* dimensions



- The instrumental dimension
  - organises **membership** (which according to T.H. Marshall is based on civil, political and social rights). It regulates the citizen's participation
  - defines a degree of **solidarity** between the citizens by defining social statuses
  - may produce a '**sense of belonging**'. It may protect willful social/political identities.
- The substantial dimension
  - determines the minimum degree of **protection** from the market which citizens may expect from the public
  - shapes the **societal power relations** & degree of freedom between different groups of citizens and citizen/ state
  - defines the form of **reciprocity** (responsibility) between citizens and the State

# INDIVIDUAL AUTONOMY represents the core of social citizenship



- Autonomy denotes the substance of (social) citizenship
  - Includes the citizens' membership, but also freedom and well-being (takes account of complexity)
  - It is a relational concept and avoids ascriptions as it addresses the citizen as a social, political and economic societal actor
  - highlights the connection between the individual's identity and its political and social context
- Autonomy helps to characterize state intervention
  - .. as it represents a *normative criterion* for assessing policy outcomes by considering the change to individual autonomy or, increase / decrease of paternalistic intervention
  - ..as it draws the attention to *policy instruments*, using different modes and mechanisms of intervention
- Underlines justice & adequacy as criteria for social policy making

# Why we suggest autonomy as an analytical and normative concept

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Autonomy is a **relational** concept, referring to the relationship between the individual and its context:

- Individual private sphere
- societal position and status
- citizenship

Autonomy is a **multi-dimensional** concept, combines material with non-material needs (redistribution and recognition)

Autonomy is a **political** concept, considers people as *citizens*

- With rights to information and transparency, collective and individual rights to co-determination

# In social philosophical terms..



...autonomy basically conceives individuals as ‘reasonable’ (Kant), i.e. able to self-reflection and self-determination

...people are *more or less autonomous* and not fully or not autonomous at all..

...autonomy addresses three core dimensions:

- **Individually**, autonomy means having leeway for self-development and self-determined action (unfolding one’s identity)
- In the **societal** dimension autonomy denominates the citizens’ capacity to accept her/ his own status and role and accept those of others (mutual recognition)
- **Politically**, autonomy underlines a person’s role as political actor, having rights to participate in political decisions; how citizens feel treated, respected, encouraged (e.g. in activation processes)



# Autonomy as the core of a social citizenship regime (J. Jenson)



	Individual Dimension	Social Dimension	Political Dimension
Aspects of a person	Identity	Social Role	Citizenship
Objectives of political intervention	Protection against poverty & suppression (Justice)	Protection against disrespect & unfair treatment (Equality)	Protection against marginalisation & exclusion (Social integration)
Criteria to assess social policies	<b>QUALITY</b>	<b>ACCESS / STATUS</b>	<b>PARTICIPATION</b>
Mechanisms & Instruments (Examples)	<ul style="list-style-type: none"> <li>• Generous vs. minimum level benefits</li> <li>• Promoting high vs. low quality of employment</li> <li>• Affirmative action policies</li> </ul>	<ul style="list-style-type: none"> <li>• Enhancing vs. constraining access</li> <li>• Individualised vs. subsidiary benefits</li> <li>• Universal vs. selective access to social security</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement, hierarchical attribution of contracts</li> <li>• Guarantee of transparency, comprehensibility, co-determination</li> <li>• Gender-sensitive modes of interaction</li> </ul>

# The three criteria to test 'autonomy-protecting' social policies



## ■ **Quality**

- 'Generous' or poor social security benefits & services?
- Quality of jobs (changes to get an atypical or regular job)?
- Equal opportunity policies tackling inequalities on the LM?

## ■ **Access / Status**

- Conditionality of access to social security benefits (status or behaviour)?
- Indirect deregulation of employment by strict suitability criteria?
- Protection of once achieved employment status or menace of downward mobility by placement rules and procedures?

## ■ **Participation:**

- Is there scope for individual choice for 'activated' citizens?
- Does the frontline staffs' discretion allow for gender-stereotypical activation practices?
- Are rules transparent & comprehensible?



# Findings: Rising tensions between basic principles of welfare provision



*Part I: Intro & Conceptual Framework (Bothfeld/Betzelt)*

*Part II: Universal Adult Worker Norm: Tensions Equality - Diversity*

- **DK:** Immigrants / women (Karen Breidahl)
- **UK:** Lone parents (Sharon Wright)
- **Gender perspective (comparative chapter)** (Letablier/Eydoux/Betzelt)

*Part III: Erosion of Social Status: Tensions Core Workers - Periphery*

- **D & F:** Core worker status (Betzelt/Bothfeld; Béraud/Eydoux)
- **ES:** Atypical workers (Pérez/Laparra)
- **IT:** Young and female workers (Paolo Graziano)

*Part IV: Governance & Implementation: Tension Standardization - Individualisation*

- **NL:** Social assistance recipients (Rik van Berkel)
- **N:** Long-term social assistance recipients (Kildal/Nilssen)

*Part V: Conclusions (comparative chapter) (Betzelt/Bothfeld)*



# The activation dilemma for women's social citizenship:



**Activation policies re-address basic tension between equality and diversity –**  
it promises to reduce women's dependency, both from the state and the family, but it produces:

## Employment dilemma

- Living wages?
- Equal opportunities?

## Defamilization dilemma

- Work obligations for family carers?
- Sufficient care infrastructure?

## Welfare provision dilemma

- More or less individualised social security / degree of family subsidiarity?

# How are these dilemmas tackled in different welfare & gender regimes?



## ■ **Quality:**

- 'Generous' or poor social security benefits & services?
- High / low quality of labour market integration?
- Equal opportunity policies tackling gender inequalities on the LM?

## ■ **Access / Status:**

- Welfare benefits provided on an individual basis and allowing women to keep an independent household?
- Same access to labour promotion measures for women/mothers & men?
- Do job placement services counteract or maintain gendered labour market segregation?

## ■ **Participation:**

- Is there scope for individual choice for 'activated' citizens?
- Does the frontline staffs' discretion allow for gender-stereotypical activation practices? Are rules transparent & comprehensible?



# Observations for Germany



	Labour market regulation	Active labour market policies	Unemployment protection system
<i>negative</i>			
<i>positive</i>			
QUALITY	Rise of atypical and precarious employment	Cuts of ALMP Increased use of work tests	Cuts in benefits
ACCESS / STATUS	Low wage employment and mini-jobs as a trap	Enforced participation	Status segmentation (UB I & II) Stricter family subsidiarity
		Targeting (young, elderly)	Universal UB II benefit
PARTICIPATION	Redefinition of acceptable jobs	Client-segmentation	Lack of transparency and reliability

# What is the impact of activation on women's social citizenship / autonomy:

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- **Reduced quality & generosity of benefits** (esp. for women), thereby strengthening family subsidiarity or market dependence
- **Undermining of structures of social relations:**
  - Deteriorating *labour market status*, without enhancing gender equality (women in secondary labour market; eroded employment status)
  - Overstretching *economic dependencies between adult household members*
- **New governance modes according to cost-efficiency logic** tend to *disadvantage vulnerable groups* (e.g. lone mothers, migrants); *neo-paternalist attempt of steering individual behaviour*

# Conclusions (1): Autonomy as an analytical concept...



... allows to comprehensively understand the effects of activation policies:

Essential findings from 8 country case studies:

- **Re-commodification:** e.g. increasing low-wage sector & atypical jobs
  - **Erosion of core worker status:** e.g. menace of downward mobility; less status-protection
  - **Constraining citizens' participation:** e.g. lack of co-determination, standardized, not tailor-made activation measures
  - Implications for gender equality not positive either – **old & new social divides**
- ➔ More encroaching upon individual autonomy rather than enhancing it





# Conclusions (2): Autonomy as a new 'Leitbild' for social policy...



...is more appropriate than other notions (like self-responsibility, or well-being) to cope with the complexity of social policy objectives in the three dimensions:

## Individual dimension:

- Social policy instruments are oriented at diverse individual needs, without being narrowly fixed to gainful employment, „life-first approach“ (Dean 2007)
- Self-help and individual responsibility are promoted, but structural overburdening of individuals is avoided

## Social dimension:

- 'socially investive' objectives are reflected: Education, further training, empowerment to upward mobility (Sen's capabilities)
- Benefit eligibility rules combine universal with work-related or status-securing elements
- Quality of the employment system is improved (e.g. minimum wage-standards), labour market segmentation is reduced

## Political dimension:

- Paternalism of state intervention is avoided, individual rights are strengthened, transparency & co-determination of citizens is increased

# Thanks for your attention!



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## Activation and Labour Market Reforms in Europe Challenges to Social Citizenship

eds. Sigrud Betzelt & Silke Bothfeld

Palgrave, Work & Welfare Series  
June 2011

Recently published: **Bothfeld, Silke; Betzelt, Sigrud (2013): How do activation policies affect social citizenship? The issue of autonomy. In: *Social Policy Review* 25, Bristol: Policy Press.**



- Explorative research strategy
- 8 country case studies (different welfare state regimes)
- Authors decided about the specific focus they assessed as most relevant for their country
- Treated issues should be relevant for other countries as well (e.g. policies towards migrants; contractualisation)
- Common analytical framework as elaborated above:  
How can changes be interpreted in terms of autonomy?

# What dimensions are covered by the concept of individual autonomy?



- **Individual dimension: AFFILIATION**
  - 'felt membership' and the perception of protected identity
  - Based on socio-psychological experience (childhood & youth but also working and living conditions)
- **Social dimension: REFLEXIVITY**
  - Individual's capacity to define her respective status in society, and to tolerate and accept the status and needs of others
  - Depends on social structure, permeability of transitions, distribution of life chances
- **Political dimension: COMMITMENT AND PARTICIPATION**
  - Denotes the citizen's role as social and political citizen and as an active participant in 'public affairs'
  - Depends on how citizens feel treated, respected, encouraged (e.g. in activation processes)



## 1. AFFILIATION

- ‚felt membership‘
- To perceive self-esteem and self-awareness
- Developing a ‚unique‘ **identity** despite potential (psychological or physical) vulnerability
- Depends on socio-psychological context in childhood & youth but also on (economic & cultural) working and life conditions





## 2. REFLEXIVITY

- Individual's capacity to define her respective role in society, define a social status
- To prescind from her immediate needs and to develop more or less empathetic mutual relationships with co-citizens
- To tolerate and accept the needs of the ,other' – mutual recognition
- Depends on social structure, permeability of transitions, distribution of life chances





### 3. COMMITMENT AND PARTICIPATION

- Denotes the citizen's role as social and political citizen, as a more or less active participant in 'public affairs' and represents the supreme expression of the citizen's autonomy
- Can take spontaneous or deliberate forms, and be formalised or informal
- active participation depends on the citizen's individual and social autonomy and on specific mechanisms and tools that encourage people to participate





- **Hypothesis:** Universalised Adult Worker Norm
- affects individual self-determination & respect
  - does not recognize diversity of society
  - does not result in higher gender-equity in society