



**WELFARE REFORM, WORK FIRST POLICIES
AND BENEFIT CONDITIONALITY:
REINFORCING POVERTY AND SOCIAL
EXCLUSION?**

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Table of Contents

Executive summary and key findings.....	5
1. Introduction and methods.....	12
2. Policy context: welfare reforms and the tightening of benefit conditionality	15
2.1 The scale and intensity of welfare cuts – on households, individuals and areas	15
2.2 Stricter sanctions regime	16
2.3 In work conditionality	17
2.4 The role of the Work Programme (WP) and pricing model.....	17
2.5 The benefits cap.....	18
2.6 Conditionality and target groups	18
3. Justification of benefit conditionality and stigmatising claimants.....	20
4. Increased conditionality reinforcing poverty and social exclusion.....	22
4.1 Disabled people and Work Capability Assessment ‘not fit for purpose.’	22
4.2 Single Parents and increased barriers to work.....	25
4.3 Sanctions inappropriately used.....	27
4.4 The Work Programme failing disadvantaged groups.....	32
4.5 Impact on claimants’ access to representation and advice	35
4.6 The adverse and negative financial impacts of increased conditionality	38
4.7 From poverty on benefits to in work poverty: challenges of ‘making work pay’	41
5. Discussion and recommendations: formulating a social rights perspective on welfare conditionality	43
References.....	48

Executive summary and key findings

Introduction and methodology

In 2010 the Coalition Government (CG) as part of major changes to the welfare and benefits system introduced a more stringent workfare (or work first) regime than under previous New Labour Governments - access to benefits becomes conditional on tougher work and work search requirements, and the reforms also involves an increased the use of benefit sanctions. The CG established its flagship welfare to work programme via the Work Programme involving an extension of the market in the provision of welfare to work services for long term unemployed. At the same time the Government has implemented welfare spending cuts on an almost unprecedented scale.

The emergence or growing interest in a rights discourse relating to contemporary welfare reforms has followed increasing evidence of the cumulative impacts of welfare conditionality and expenditure cuts on disadvantaged groups and the wider population. The debate about how the current reforms impacts on individual human rights is now seen as a key issue in terms of policy and campaign .These themes will be explored in this paper.

The purpose of this report is to:

- (1) Analyse and assess the implementation of the Coalition Government welfare reforms with a specific focus on different aspects of welfare and benefit conditionality
- (2) Assess the extent to which conditionality reinforces poverty and social exclusion of benefit claimants
- (3) Consider the how the welfare reforms and increasing conditionality impact on the social rights of claimants

The researchers used a qualitative case study methodology based on a literature review and documentary analysis derived from a review of government reports and statistics, reports from industry associations, academic papers, and recent media articles. This review was complemented by obtaining qualitative and quantitative data via key informant interviews with relevant stakeholders and policymakers.

Policy Context: Coalition Government welfare reforms and conditionality

The scale and intensity of welfare cuts – on individuals and areas

The implementation of public expenditure cuts by the Coalition Government provides an important context and backdrop to the rules and changes in benefit conditionality. In fact restricting access to benefits constitutes a key vehicle for the CG welfare cuts. In their assessment of public service cuts, Butterworth and Burton estimate that by 2015 annual spending on local government will be cut by £16 billion and spending on benefits and tax credits cut by £22 billion. The combined cuts to local government and spending on benefits –

welfare functions which are important to ameliorate poverty – account for 50.8% of all cuts. The cuts have impacted disproportionately on deprived areas and communities – more than two-thirds of the 50 local authority districts worst affected by the reforms could be described as ‘older industrial areas.’

Stricter sanctions regime

Sanctions, in the form of loss of benefit, will be enhanced under the new Universal Credit (UC) system. The CG goals are to provide a ‘clear and strong’ sanctions regime, which will be easy to understand and explain, and which will “incentivise claimants to meet their responsibilities.”

In work conditionality

UC involves in-work conditionality with the requirement for claimants to attain an ‘earning threshold’ set at the level of effort it is reasonable for an individual to undertake.

The role of the Work Programme (WP) and pricing model

The WP is the CG’s flagship welfare to work programme aimed at assisting people who are long term unemployed into employment. The WP operates around a pricing structure as a way of incentivising providers to assist people to sustain work. Providers are funded on payments by results basis structured in relation to initial attachment to the programme, job outcomes, job sustainability with additional payments made for higher performing contractors..

Conditionality and target groups

Single Parents

Increased conditionality for single parents (Lone Parent Obligations) has been gradually rolled out since November 2008. Under universal credit, single parents whose youngest child is aged five or over will be subject to all work-related requirements as they are under jobseeker’s allowance (JSA)(see below).

Disabled people

Every Income Support, Job Seekers Allowance and Employment and Support Allowance claimant is to have a claimant commitment as a condition of entitlement. The commitment will set out the general expectations on each benefit claimant; the requirements placed upon them and will also be clear about the consequences for the claimant of failing to meet these agreed standards. People claiming Employment and Support Allowance (ESA) must undergo the Work Capability Assessment (WCA) which is designed to determine eligibility for (ESA) There are extra conditions associated with claiming ESA. Claimants can be placed in the

Work Related Activity Group (WRAG) for people who are unwell but may be able to do some work.

Job Seekers Allowance (JSA) Claimants Agreements

Claimants will normally have to accept a claimant commitment instead of a jobseeker's agreement, as a condition of entitlement, which will include details of their availability for work and work-seeking activity. Jobseekers may undergo mandatory work or community work activity (work for benefits).

Findings

Justification of benefit conditionality and stigmatising benefit claimants

Respondents were specifically concerned about the current media attacks on benefit claimants and the principles of welfare support as a safety net and cushion against poverty. The welfare reforms have shifted the focus on benefits and benefit claimants are seen as a 'problem' and narratives of 'dependency' have led to a stereotyping of benefit claimants. Keeping benefits low is seen as an 'incentive' to find employment.

The report highlights how stigmatising benefit claimants can have exclusionary consequences – as evidenced in some people reluctant to take up benefits and that people may drop out of the benefit system altogether.

Increased conditionality reinforcing poverty and social exclusion

Disabled people

Disabled people's negative experience of the Work Capability Assessment (WCA) is reflected in the poor record of assessment of health conditions and is considered 'not fit for purpose.' The dissatisfaction with the assessment is increasing and causing considerable stress and hardship for disabled people.

The appeal process has been made more difficult for claimants who will be without the benefit claimed pending the outcome of their request for a mandatory reconsideration. The very real concern is that many claimants will abandon their dispute because they do not have any money. There is an inadequate level of Work Programme resources committed to supporting ESA people.

Single parents

Analysing the impact of conditionality on single parents provides insights into the way the welfare reforms, cuts and workfirst policies disadvantage women. Single parents will be subject to tougher work seeking requirements where there is generally a lack of flexibilities to

take account of child care and family responsibilities. As conditionality is tightened access to affordable child care is difficult. Single parents have many 'work-life' challenges in accessing and sustaining employment. The lack of opportunities and resources to access vocational training is seen as a major issue and this contributes to the creation of further barriers for single parents to progress in the labour market.

Sanctions inappropriately used

There has been a significant increased use of benefit sanctions under the Coalition Government. Over the whole period of the Coalition, JSA sanctions have run at 4.81% of JSA claimants per month. This is double the level of approximately 2.42% during the Labour government from May 1997 to April 2010.

A finding of the Oakley Review is that poor communication is seen as an important factor behind incorrect sanctions. Evidence to the Work and Pensions Select Committee Enquiry (December 2014) suggests that the sanction process is punitive with respect to vulnerable groups. It is claimed that those who are already without resources, are driven into total destitution and hunger.

The Public and Commercial Services Union (PCS) has produced evidence that Jobcentres have targets for sanctions which is denied by the DWP. However one stakeholder interviewed has produced concrete evidence that there are targets. Furthermore a Union survey of jobcentre staff has revealed that staff Performance Improvement Plans (PIP) is being used as a basis of disciplining staff who do not meet targets for moving people off benefits.

The Work Programme failing disadvantaged groups

Conditionality is built into the WP through the contract, pricing structure and payment by results model which are seen to have two impacts. It encourages an oligopolistic welfare market, and reduces the scope for NGO's and other specialised providers to provide services to disadvantaged groups such as young people, women, disabled people and single parents. The pricing model tends to encourage 'creaming' and 'parking' of unemployed people. Providers are incentivised to signpost those who are more job ready and closer to the labour market.

The WP effectiveness is constrained by cuts in relevant support and 'wrap around' services and is considered to be under resourced in terms of meeting its objectives of providing support for 'hard to reach groups'. The UK devotes few resources to active labour market policies compared with other EU countries. The proportion of UK public expenditure per GDP invested in active labour market programmes is 0.34% which is below the EU average of 0.78%.

WP providers are sanctioning twice as many people as they are signposting into employment, emphasising the distorted priorities of welfare to work services.

Impact of increased conditionality on claimants' access to representation and advice

The cuts to local government services have had serious implications for advice services. CAB has stated that they are unable to meet demand due to financial cuts. Advice organisations have highlighted the significant increase in demand for services as a result of the welfare reforms. They are dealing with more complex cases, a significant increase in appeals as a response to the problems and challenges faced with dealing with WCA and dramatic rise in sanctions.

At the same time austerity measures has led to cuts in the funding of advice support as part of the overall cuts in local government expenditure. The implementation of Universal Credit will have implications for the role of as advice services in terms of the changes to the way benefit claims are managed.

The adverse financial impacts of increased conditionality

The scale and intensity of welfare spending cuts has been identified as a key cause of the increase in hardship for groups in work and those reliant on benefits. Problem debt can act as a significant barrier to finding work.

There is little evidence that keeping benefits at below subsistence level will incentivise people to work and will have the opposite effect. In 2010/2011 there 61,468 people were given 3 days emergency food and support by the Trussell Trust and this rose to 913,138 people in 2013-2014. At least four million people in the UK do not have access to a healthy diet; nearly 13 million people live below the poverty line, and it is becoming harder and harder for them to afford healthy food. More than half a million children in the UK are now living in families who are unable to provide a minimally acceptable diet.

From poverty on benefits to in work poverty: challenges of 'making work pay'

Most respondents identified the nature of the labour market as a key reason why it can be difficult to find and retain a job which pays a 'living wage.' This is one of the major challenges to implementing in work conditionality. One of the key barriers to 'making work' pay relate to the fact that employment is dominated by low paid jobs and many of these (5.2 million) workers are paid below the minimum wage.

Under-employment is a significant issue – there has been a marked increase in those in self-employment, part time work and zero hour contracts who wish to work more hours.

A survey carried out by the Chartered Institute of Personnel Development (CIPD) found how tough the labour market is:- with four unemployed jobseekers chasing a vacancy, with 45 jobseekers chasing every unskilled vacancy.

Discussion and recommendations: formulating a social rights perspective on welfare conditionality

Evidence suggests that conditionality itself seems to play a relatively minor role in driving employment outcomes and there are potential longer term dis-benefits - issues of sustainability, as well as low pay and continued poverty in work. Taken together the cumulative impact of the reforms – public service cuts, benefit caps, higher benefit sanctions, changes in benefit rules and conditions of entitlement, accelerated migration of IB claimants onto ESA through the WCA, and additional requirements for benefit claimants is a shift towards a residual model of welfare.

The central narrative that underpins the Coalition Government policy is the ‘attack’ on benefit ‘dependency’ which has involved an almost relentless assault on the idea of benefits as a positive and essential element of social welfare.

We identify the social and human rights implications of more restrictive benefit conditionality. A rights based approach to welfare is useful and its strength is that it offers up standards and benchmarks for social wellbeing. However its main weakness is that it can be overly individualist, and subject to different and complex legal interpretations. There seems to be a strong case for undertaking rights based approach primarily because it facilitates a debate about standards and benchmarks, in which organisations can use to challenge, monitor and scrutinise decisions, their impacts, and formulate a response that is evidence based. In a similar vein, there has been a move towards a clearer definition of what a minimum income involves, primarily through the Living Wage campaigns and also through research on Minimum Income Standards (MIS).

The report identifies bad and good or positive agency. Good agency comprises the (potential) discretion that front line workers can exercise whereby promoting the choice and voice of clients. Paying more attention to the positive exercise of agency by people economically and socially excluded recognises the expertise with which benefit recipients successfully negotiate their lives. Within this debate upon agency we can also seek to formulate alternative scenarios where engagement with service providers can be empowering for disadvantaged groups. Here the UK can learn from other EU countries where trade unions and social partners are actively engaged with welfare to work policies.

Recommendations

The report recommends a comprehensive review of active labour market policies and conditionality in the benefit system and makes some key recommendations that can be included in a review:

A right to sustainable benefit – benefits uprated in line with Minimum Income Standards

Benefits should be seen as a form of social protection - a cushion that mitigates the impact of poverty, unemployment/insecure and low paid work and can contribute to increasing employment rates. Benefits should be raised and linked to Minimum Income Standards.

A right to exercise voice - public accountable and user friendly welfare to work services

We propose a welfare to work model that provides a central role for the public sector and local government (e.g. as in Denmark). A more accountable and democratic service will be facilitated through an increased role for social dialogue and stakeholder involvement including relevant trade unions at both the central and local level.

A right to a more participatory personalised support

We recommend a system that does not require sanctions and is more focused on personalising support of ‘the client journey’ from welfare to work. Jobseekers understand their own needs and abilities better than anyone. They should have much more opportunity to contribute to their own assessment; shape their own action plan and identify the support they need. A more participatory assessment would also encourage employment support.

A right to representation and advice services

Claimants should have a right to representation and advice in the drawing up of any JSA or other similar type of agreement. Advice services play an important role in meeting the needs of claimants who have to navigate their way through an increasingly complex and constantly changing system. This fact needs to be recognised in terms of funding – i.e. that funding relates or is commensurate to demand for services.

1. Introduction and methods

The post-war welfare settlement in Britain was constructed around key principles of universal social rights (Marshall, 1949). Social rights in this sense were not only necessary to ensure full and effective participation in civic society; they were also constitutive of modern citizenship which embodies three aspects – legal rights (equality before the law) political (universal suffrage) and social (universal access to welfare and social benefits). However, over the past 30-40 years has seen the introduction of welfare to work programmes whereby access to benefits become increasingly restrictive and conditional on work searching activities, training or taking up job offers. In this respect conditionality is “the principle that an individual’s entitlement to benefits and services should depend upon his or her willingness to meet specified conditions regarding behaviour and activities” (Deacon 2003:2). Conditionality is viewed by policy makers as central to influencing behaviour and to counter individual ‘behavioural problems’. It also shifts the concept of citizenship (and rights) into the economic sphere with social rights being reduced to opportunities to work (Whitworth and Griggs 2013).

It was under the New Labour Government (1997) that the most comprehensive reforms of the benefit and activation system occurred under the slogan and banner of ‘rights and responsibilities’ and the growing emphasis upon paid work as a route out of poverty. The relationship between rights and responsibilities has increasingly been conceptualised by the Government as a ‘contract’ between providers and recipients of support. This contractual arrangement is then held to legitimate the state’s right to withhold benefits from (or reduce the benefits) of those who do not satisfy the conditions put forward as fulfilling their side of the ‘contract’ (Griggs and Bennett 2009:15). It can be argued that conditionality marks the abandonment of the largely structural explanations of poverty and deprivation that came to dominate centre/left thinking in the 1970s and 1980s, and the acceptance of accounts that place a greater emphasis upon the choices, lifestyles and culture of the poor themselves” (Deacon 2003:2, Dwyer 2004 Patrick 2011). In this way New Labour shaped the contemporary discourse on welfare which is now embedded in the Coalition Government policy agenda.

In 2010 the Coalition Government (CG) as part of major changes to the welfare and benefits system introduced a more stringent workfare regime involving stricter work and work search requirements for people claiming benefits, a more extensive use of benefit sanctions than under the previous New Labour Government and the extension of the market in the provision of welfare to work services for long term unemployed. The Coalition Government welfare to work model is based on a number of underlying assumptions; that some of those who do not take the vacancies on offer are benefit ‘scroungers’ who do not want to work. Keeping out-of-work benefits low and the deployment of sanctions ‘ensures’ that benefit claimants engage with the employment services and accept a ‘reasonable’ job. Ultimately if they fail to get such jobs they will be asked to work for their benefit. The justification for this approach, it is

argued, is that there are plenty of vacancies and that more jobs will become available as the UK moves out of recession” (Newman 2011:94). Whilst the CG reforms involve a shift to a more restrictive conditional regime than under the previous Labour Government, a key step change are the extent and scale of the cuts in welfare expenditure and social benefits and the expanded use of sanctions and disciplinary measures to enforce people to take up available job opportunities (Watts et al 2014 Daguerre and Etherington 2014).

In their evidence review for the Social Security Advisory Committee (SSAC) Griggs and Bennett (2009) suggests that it is difficult to separate conditionality impacts from levels of support. Sanctions are justified on the basis that it is important to build in greater incentives for claimants to meet with the requirements, rules and regulations of the welfare to work system and seek work. There are however, questions regarding their effectiveness in achieving sustained job outcomes (as sustaining employment is a key objective of the CG) (SSAC 2014:14) and there is also substantive evidence that sanctions can have negative income impacts for vulnerable groups as sanctions leads to the withdrawal of income support by the state (Watts et al 2014). Similar to previous New Labour Governments a key plank in the CG welfare reform is the implementation of making work pay via Universal Credit with a focus on in-work conditionality. The implementation of stricter rules and requirements coincides with more difficult labour market conditions such as a rise in low paid jobs and insecure work. ‘Pushing people’ into these types of jobs will inevitably have negative income impacts (Ray and Sissons 2014).

Given also that stricter conditionality is being implemented along with major cuts in welfare and benefits, it is unsurprisingly that there are questions on their potential negative impacts in terms of pushing more people, in particular vulnerable groups into poverty (see for example CESI 2013, Aldridge and MacInnes 2014). The welfare reforms are viewed as discriminatory and having adverse impacts on human and social rights in terms of access to a minimum income where people can ‘live with a degree of dignity’ (Butterworth and Burton 2013). The emergence or growing interest in a rights discourse follows increasing evidence of the cumulative impacts of the welfare cuts and benefit changes and deployment of sanctions on disadvantaged groups and the wider population. The social rights implications of the current reforms are now seen as a key issue in terms of policy and campaign (Dean 2010). These themes will be explored in this paper.

Aims of study

This report is part of a wider Economic and Social Research Council (ESRC)/Middlesex University funded research which analyses the evolution of welfare reform in the US and the UK. This is the second of two reports produced from the research. The first output comprises a report completed and released in December 2014 (Daguerre and Etherington 2014) which analyses the Coalition Government’s welfare reforms from a socio legal perspective. The report specifically analyses the implementation of the Work Benefit Schemes, the benefit sanctions regime and the Job Seekers Back to Work Schemes. Also explored are the

continuities and breaks between Labour and Coalition government policies in terms of welfare and conditionality. This second report provides a more detailed analysis of the operation and impact of conditionality upon benefit claimants from a social rights perspective.

The principle aims of the research are to:

- (1) Analyse and the implementation of key aspects of the Coalition Government welfare reforms in relation to benefit conditionality
- (2) Assess the actual and potential impacts of the reforms with respect to social exclusion
- (3) Consider the implications of the reforms from a social rights perspective

Research questions

The principle research questions are as follows:

- What are the official narratives in relation to benefits and justification of conditionality, what are the impacts of these narratives in terms of the stigmatisation of claimants?
- How and to what extent does increasing conditionality reinforce poverty and social exclusion?
- What are the implications of increased conditionality for social rights? What opportunities are there for developing a social rights perspective to welfare?

Methods

The research involved a qualitative case study approach based on documentary analysis and a total of 30 semi-directed interviews with a variety of stakeholders who played a role in the agenda setting process (government actors represented by the Department for Work and Pensions, (DWP), Jobcentre Plus (JCP)), Representatives from the voluntary sector and charities involved in policy consultation were also interviewed, notably representatives from Gingerbread (single parent Families), Disability Rights, MIND, trade unions (Public Sector Commercial Service Unions, Unison) the Local Government Association (LGA), the Child Poverty Action Group (CPAG), Citizen Advice Bureau (CAB). Interview sources and quotes are denoted with the name of the organisation in brackets (e.g. MIND).

In addition to stakeholder interviews, a rich source of quantitative and qualitative data was obtained from commissioned research and policy submissions undertaken by these organisations. Resource limitations meant that a focus of the study was restricted to analysing conditionality impacts upon disabled people and single parents as specific targeted groups, and we were also unable to interview individual welfare beneficiaries. NGO's and advice organisations acting as 'gatekeepers,' provided valuable qualitative data for the research via information on clients and commissioned research. We are aware that the ESRC is funding a major qualitative longitudinal research programme which encompasses most identified

disadvantaged groups (ESRC *Welfare Conditionality: Sanctions, Support and Behavioural Change* see Watts et al 2014).

The research was mindful that it was important to apply triangulation within the methodology to reduce possibilities of bias in our study. The interview data was complemented by an analysis of government and parliamentary research reports (DWP, SSAC, Work and Pensions Select Committee, House of Commons Library), as well as news stories. The documentary analysis helped design key questions in relation to debates and controversies surrounding the implementation of conditionality and expansion of workfare schemes. We then selected other quantitative and qualitative research so as to test the validity and generalisation of our original findings providing a richer and more important, a wide range of data sources.

2. Policy context: welfare reforms and the tightening of benefit conditionality

2.1 The scale and intensity of welfare cuts – on households, individuals and areas

The key justification of welfare reform and public expenditure cuts has changed under the CG. As Ruth Levitas states

In their first year of office, representatives of the Coalition repeated at every opportunity that the cause of financial austerity was the extravagance of the Labour government; by late 2011, they were insisting that the Eurozone crisis was responsible for the state of the British economy. Some people still remembered that it was the irresponsibility of the financial sector and the bail-out of banks whose CEOs continued to walk away with vast bonuses and huge pension settlements (Levitas 2012:326)

The Coalition Government views the state, public sector and welfare as the core ‘problem’ relating to the cause of the economic downturn and debt.

The Government claims that the larger the state and public sector makes the fight against poverty much harder;

The size scope and role of Government in Britain has reached a point where it is now inhibiting and not advancing the progressive aims of reducing poverty (Cameron 2009)

Two major studies have been undertaken on the impact of the welfare reforms – one by the Centre for Economic and Social Inclusion (CESI) for the Local Government Association (LGA) and the other by Centre for Regional and Economic Research (CRESR) Sheffield Hallam University. CESI estimate that the reforms will lead to a reduction in income for households claiming benefit of £11.77 billion in England in 2015/16. It is estimated that there are 7.29 million households claiming benefit in England, meaning that the income of households claiming benefit will be on average lower by £1,615 a year – or £31 a week – in 2015/16 as a result of welfare reforms. This excludes the impact of Universal Credit (Wilson et al 2013). The estimated reduction in spending according to CRESR amounts to almost £19 billion a year until 2015 and beyond, or around £470 a year for every adult of working age in the country (Beatty and Fothergill 2013:8).

Unsurprisingly the reforms, according to CRESR's research have hit the most disadvantaged areas hardest. For example, “more than two-thirds of the 50 local authority districts worst affected by the reforms could be described as ‘older industrial areas’ – places like Knowsley (near Liverpool), Liverpool itself, Middlesbrough, Hartlepool, Stoke, Burnley, Glasgow and a succession of Welsh Valleys (Merthyr Tydfil, Blaenau Gwent, Neath Port Talbot, Rhondda Cynon Taf, Caerphilly)”. To illustrate the gap in disparities, the *top five districts* with the greatest loss are Blackpool (loss of £910 per working age adult), Westminster (£820), Knowsley (£800) and Merthyr Tydfil (£720) compared with the *bottom five districts* (all in the South East) which has lost the least in terms of income:- Rutland (£260), Wokingham (£250), Cambridge (£250), Hart (£240) and the City of London (£180) (Beatty and Fothergill 2013:14).

Local government has been severely affected by the expenditure cuts. Butterworth and Burton estimate that by 2015 annual spending on local government will be cut by £16 billion and spending on benefits and tax credits cut by £22 billion. The combined cuts to local government and spending on benefits – welfare functions which are important to ameliorate poverty – account for 50.8% of all cuts (Butterworth and Burton 2013:29 see below especially 4.6).

2.2 Stricter sanctions regime

The official view is that sanctions are seen as important to move people off benefits as quick as possible:

“Sanctions and conditionality are important tools for advisers in helping people back to work. The international and national evidence shows they play an important role in making the system work effectively and people return to work more quickly and spend less time on benefits where public employment systems make use of sanctions.” (Neil Cowling cited in Wintour and Domokos 2013)

There is, however a view within the DWP that sanctions should only be used as a last resort:

I think there are lots of questions about when we set out the safeguards that are in place to ensure sanctions are imposed accurately, they should only be imposed where people have a reasonable requirement that they are wilfully failing to do (Department of Work and Pensions (DWP))

Sanctions, in the form of loss of benefit, will be enhanced under the new Universal Credit (UC) system. The intention is to provide a ‘clear and strong’ sanctions regime, which will be easy to understand and explain, and which will “incentivise claimants to meet their responsibilities.” There will be higher, medium and lower level sanctions largely based on the length of period imposed on the sanctions. Under UC, in work conditionality is being introduced relating to amount of weekly income that people are expected to earn. Also under Universal Credit is the introduction in April 2015 of a new seven-day waiting period before an individual can claim benefit that will never be paid back. This will be introduced for Jobseeker’s Allowance and Employment and Support Allowance in October 2014 and extended to Universal Credit in April 2015 (SSAC 2012).

2.3 In work conditionality

UC involves in-work conditionality with the requirement for claimants to attain an ‘earning threshold’ set at the level of effort it is reasonable for an individual to undertake. Working age adults will be subject to conditionality until they are working full time (35 hours) at National Minimum Wage. If someone is earning below the conditionality cut-off point they will be expected to ‘look for work, more work or better paid work’. Exceptions to this are those with caring responsibilities and those with health conditions (Tarr and Finn 2012).

2.4 The role of the Work Programme (WP) and pricing model

The WP is the CG’s flagship welfare to work programme aimed at assisting people who are long term unemployed into employment. The Work Programme supports people claiming income-related Job Seekers Allowance (JSA) (rather than contribution-based) and Employment Support Allowance (ESA) – claimed by disabled people and those with long term health conditions. Initially new benefit claimants will be ‘processed’ by Jobcentre Plus and the WP is designed to provide services for those groups who are longer termed unemployed. The welfare to work model involves two assessments. One is for people on sickness benefits known as the Work Capability Assessment (WCA) which assesses whether people are capable of undertaking work. The WCA is a tough medical test; it has a point’s based system and assesses what activities the claimant is capable of undertaking (see below). The second, used by Work Programme providers is the Customer Assessment Tool (CAT) to

identify barriers to work and appropriate services to overcome these barriers for those customers coming on to the WP.

The WP operates around a pricing structure as a way of incentivising providers to assist people to sustain work. Providers are funded on a payments by results basis structured in relation to initial attachment to the programme, job outcomes, job sustainability with additional payments made for higher performing contractors (Interview with DWP).

2.5 The benefits cap

The government is capping the total amount of welfare benefits any working age household with children can receive at £500 per week and at £350 per week for child-free households. In addition to making savings, the aims of the cap are to ensure that no benefit dependant household can receive more money than the median average income of a working household, encourage households into at least 16 hours employment per week and make fiscal savings. The benefit cap was rolled out across Great Britain between April and September 2013 (see Haringey Council 2013).

That is what the benefit cap is all about – another example of striking cultural change... ending the something for nothing entitlement and returning fairness to the system. This system wasn't fair on hardworking taxpayers, paying out ever-increasing amounts to sustain others in lifestyles they could barely dream of affording themselves...But importantly it has not been fair on benefit recipients themselves. How many of us here would want to live trapped in a system where it was more worthwhile sitting on benefits than going to work. (Duncan Smith 2014)

The cap is justified as a way of incentivizing people to move into work and is part of a wider strategy of keeping the amount and level of benefits low.

2.6 Conditionality and target groups

2.6.1 Single Parents

Increased conditionality for single parents (Lone Parent Obligations) has been gradually rolled out since November 2008. Under universal credit, single parents whose youngest child is aged five or over will be subject to the same work-related requirements as they are under jobseeker's allowance (JSA)(see below).

2.6.2 Disabled people

Every Income Support, Job Seekers Allowance and Employment and Support Allowance claimant is to have a claimant commitment as a condition of entitlement. The commitment will set out the general expectations on each benefit claimant; the requirements placed upon them and will also be clear about the consequences for the claimant of failing to meet these

agreed standards. People claiming Employment and Support Allowance (ESA) must undergo the Work Capability Assessment (WCA) which is designed to determine eligibility for (ESA). It is a functional assessment based on the premise that eligibility should not be determined by the description of a person's disability or health condition but rather on how their ability to function is affected, which may vary considerably between individuals with the same diagnosis. There are extra conditions associated with claiming ESA. Claimants can be placed in the Work Related Activity Group (WRAG) for people who are unwell but may be able to do some work. Claimants are expected to attend a work-focused interview and training, and will have regular reassessments to decide if they should claim Jobseeker's Allowance (JSA) instead of ESA. Once placed in the Support Group claimants do not have to attend work-focused interviews and training unless they would like to. The DWP will regularly reassess claims to check health problems with respect to being moved to the WRAG or onto JSA (Interview with DWP).

2.6.3 Job Seekers Allowance (JSA) Claimants Agreements

Claimants will normally have to accept a claimant commitment instead of a jobseeker's agreement, as a condition of entitlement, which will include details of their availability for work and work-seeking activity. Jobseekers can be made to undertake mandatory work activity (four weeks' unpaid work) and the government is also planning to introduce compulsory community work (for at least 26 weeks) for claimants who have spent more than two years on the Work Programme (Interview with DWP, see Daguerre and Etherington 2014).

Claimant agreements for all benefits will include¹:

- Participation in '*work-focused interviews*' to assess work prospects and identify activities, training and work opportunities to enhance the claimant's job prospects. The rules are likely to be similar to those currently in place, but interviews may be arranged more frequently;
- '*work preparation*', which is specified activity aimed at increasing the likelihood of obtaining paid work (or more or better-paid work), including attending skills assessments, participating in training, work experience, a work placement or an employment programme, drawing up a business plan, and 'improving personal presentation.' A work placement will include 'mandatory work activity' for jobseekers, comprising four weeks' unpaid work. The government also intends to introduce compulsory community work (for at least 26 weeks) for jobseekers who have been on the Work Programme for two years or more;
- '*work search*', which is 'all reasonable action' and specified activity to obtain paid work (or more or better-paid work) including looking and applying for jobs, drawing up a CV,

¹ CPAG <http://www.cpag.org.uk/content/escalating-conditionality>

and registering with an employment agency. The default requirement will be that claimants must ‘treat looking for work as their full-time job’ and look for any full-time work paying at least the minimum wage within 90 minutes of their home. Where this is not appropriate, however, claimants will be able to narrow their work search in accordance with their claimant commitment (see below);

- ‘work availability’, which is a declared ability and willingness to immediately take up paid work (or more or better-paid work). The default requirement will mirror the ‘worksearch’ requirement (ie, availability for full-time work within 90 minutes’ travelling time), with exceptions for certain claimants who will be able to restrict their availability in specified circumstances

3. Justification of benefit conditionality and stigmatising claimants

The Government narrative emphasises benefit ‘dependency,’ which is accompanied by messages that distinguish between ‘hardworking’ and nonworking families. Accordingly, the policy language is littered with negative stereotypes such as ‘scroungers.’

In defending and supporting measures to encourage people off benefits and into work, all three parties draw simplistic and unsustainable distinctions between passive welfare dependency and active, responsible working behaviour. Social welfare has been recast as a social bad, to be reduced wherever possible, while politicians seem increasingly comfortable engaging in the labelling and stereotyping of welfare benefit claimants. At his first Conservative Party Conference as Chancellor of the Exchequer, Osborne described benefit dependency as a “lifestyle choice”, while also noting that benefit cheats are no better than muggers who rob you in the street (Patrick 2011a:5).

Keeping out-of-work benefits low and the deployment of benefit sanctions is seen as tools to ensure that benefit claimants engage with the employment services and accept a ‘reasonable’ job offer. Ultimately if they fail to get such jobs they will be asked to work for their benefit. The justification for this approach, it is argued, is that there are plenty of vacancies and that more jobs will become available as the UK moves out of recession (Newman 2011:94).

These arguments and statements are being used to justify the reduction of the size of the welfare bill and doing away with the benefit “dependency culture”

Yet the most powerful arguments for reforming welfare are not financial, but social. By focussing on income transfers rather than employment, our welfare system has made people dependent on benefits, trapping them in poverty, and preventing them from achieving economic independence” (Centre for Social Justice 2013:)

The Coalition Government reforms therefore emphasises messages of personal responsibility, self-motivation and the “superiority of market rationality” (Wiggan 2012:384). Keeping benefits low particularly via the benefits cap is seen to motivate people to look for work.

So the media will portray lots of people on benefits as being cheating the system, don't really need the support, if only we crack down harder they get off benefits. You see a shift in public opinion towards a greater number of people thinking that fraud is rife and people are lazy. Then politicians justify more and more draconian policies on the basis of that is what the public wants and then it all goes round in a circle again (Public and Commercial Services Union (PCS))

As one respondent comments, the introduction of Jobseekers Allowance by the previous Conservative Government in the 1990s as a replacement to unemployment benefit had strong ideological connotations:

Basically, Unemployment Benefit gave recognition to people who were unemployed and that this was or is a situation they had little control over – it was something to do with the economy. The introduction of Job Seekers Allowance in the mid-1990s brought about the tightening of conditionality involving work related requirements and more importantly the focus of the problem was shifted to the ‘job seeker’ and their personal capability or otherwise of finding a job. The spotlight is now on the benefit claimant and not the economy as a causal factor in unemployment (Derbyshire Unemployed Workers Centre DUWC)

It is questionable whether these assumptions and narratives are evidence based. There are studies which have found that most people out of work have a desire to be in a job and when not in work are performing essential tasks such as caring, voluntary work or are ‘actively’ seeking work. This seems to support the view that the majority of claimants do prefer to work if personal and financial circumstances make this viable (Tu and Ginnis 2012 see also Shildrick et al 2012).

The negative impacts of stereotyping have been raised by respondents – claimants feel ‘disempowered’ by the assumptions made about them and there are instances where claimants have given up on their claim and exiting the system altogether (CAB and DUWC, See below in 4.5). Furthermore, research on benefit take up has highlighted stigmatising as an important factor why people can be reluctant to pursue a benefit claim or decide to exit completely the welfare to work system (Finn and Goodships 2014:63)

4. Increased conditionality reinforcing poverty and social exclusion

4.1 Disabled people and Work Capability Assessment ‘not fit for purpose.’

The Work Capability Assessment (WCA) assesses how the claimant’s health condition affects their functional capacity. The WCA system is highly contentious, and is generally considered ‘not fit for purpose.’ The core objective of conditionality is to achieve work outcomes but there are questions about how effective this is (see below on the Work Programme). More than 80,000 new Employment and Support Allowance (ESA) and Incapacity Benefit (IB) claimants are undergoing reassessment (October 2014). (WPC 2014c:23). The actual impact of this is acknowledged by Mind

Many people are not getting the proper assessment, ending up either having to appeal or maybe not being able to face the appeals process and just dropping out of the system or going on to the wrong benefit. So, in that sense, there are a lot of people shifting to a harsher conditionality regime just because they are inappropriately moving on to a more active benefit like JSA (Mind)

People with long term health conditions and disabilities in particular find the system intimidating:

I think it is harder to prove, but our feeling is that because the whole approach is so focused on conditionality and sanctions what we hear from people is that it creates a lot of anxiety, it makes people very fearful about engaging with the process. It makes them feel like the process is there to trip them up rather than to help them, that actually the whole process is counterproductive (Mind)

A survey of WRAG claimants concluded

However, a strong theme emerging from the survey responses was the large gap between the capacity for work-related activity and the capacity to secure and sustain employment in a competitive labour market. This gap is not caused by a culture of dependency and won’t be narrowed by compulsion to engage with the labour market. The generic work preparation activities imposed on respondents, such as CV writing, appears of little benefit while their limited capability for work, resulting from their disability or illness, remains unaddressed (Hale 2013:6).

The Work and Pensions Select Committee have stated that the “flaws” in the existing ESA system are so grave that simply “rebranding” the WCA by taking on a new provider will not solve the problems: “a fundamental redesign of the ESA end-to-end process is required, including its outcomes, and the descriptors used in the WCA” (WPC 2014c:8). The most

recent statistical release (June 2014) from the Department of Work and Pensions clearly indicates that the dissatisfaction with the assessment is increasing (41% appealing decisions) and around one in eight of all claimants are still successfully challenging their assessments (12.3%) (Disability Rights UK 2014:1-2).

The stress and pressure that disabled people have to undergo under the WCA process has had tragic outcomes:

Box 1 Case study of WCA

Mr G had a heart attack in 2006 aged 53. He continued to try and work on a self- employed basis in order to regulate his work—but his doctor told him to stop in 2008. The former miner and foundry worker had arthritis and vibration white finger as well as his heart condition and he put in a claim for ESA. Atos carried out the qualifying medical but only gave him 6 points out of the 15 needed –so he was put on Job Seekers Allowance and told to look for work. Derbyshire Unemployed Workers Centre (DUWC) helped him to appeal this decision—where he was awarded 9 more points. He was placed in the Work Related Activity Group and received some backdated money. 5 months later he was called in for another medical and Mr G told our adviser how worried he was. On the day before the appointment, Mr G died of heart failure aged just 57. Two days later his widow received a letter from the DWP informing him that his ESA payments would stop if he could not provide a good reason for his failure to attend the medical

Source: Derbyshire Unemployed Workers Centre

There is also evidence that there is a lack of understanding by JCP Advisors of claimants needs and work histories which contributes to the problems associated with the WCA

We've heard from people who have had highly skilled jobs in the past and then they are sent, as part of the ESA claim, onto some course about writing a CV and people are just baffled. What job do you think, what sorts of things do you think stand in the way of you getting a job? What sorts of things once you are in that job do you think would help you keep it? My impression is, with the exception of maybe some good providers that it is not really happening. Instead people are being lumped together with people on JSA and being sent on standardised courses which would explain why you are getting so few people from ESA in to work through the work programme (Disability Rights UK)

However, many JCP advisors are recognising that many people who are moved into the WRAG and claiming JSA are not fit for work:

What has happened over time is that the restrictions, the goal posts have moved. Every so often the government brings out a new rule that restricts the number of people that can stay in that limited capability for work group and have to be classed as fully fit for work and then the Job Centre staff have been complaining that the

people who are coming through their doors as potential job seekers are not fit enough really (Disability Rights UK)

As the following case study shows, the adverse impact of making incorrect assessments cannot be overstated:

Box 2 Case study of WCA

The client had learning difficulties as a result of oxygen deprivation at birth. He had since also been diagnosed with paranoid schizophrenia. He was described by the adviser as extremely vulnerable but can appear at times to be less vulnerable than is the case. He was originally claiming IB but failed his PCA, he was unaware of how to challenge this decision so just did as he was told by Jobcentre Plus and signed on. He was completely unable to cope with the conditionality but fortunately the Community Mental Health Team picked up what was happening and helped him apply for ESA.

He attended a WCA and, despite evidence being submitted, he was found fit for work. A check was kept by the adviser on when the likely decision would be made and so she was able to contact him and advise him about an appeal. At the tribunal, the judge stopped the hearing before they had been through all the descriptors because they had already reached 24 points and only 15 are needed.

A year later he had just been for a second WCA. The adviser rang DWP to find out the result because she knew he would otherwise be likely to miss the time limit as he had a particular paranoia about brown envelopes and frequently could not open them. He had again been found fit for work despite his condition not changing since the tribunal. The adviser had sent evidence demonstrating this to the decision maker. (Citizens Advice Bureaux(CAB))

This may also explain the large numbers of formerly classified as disabled people ‘falling foul’ of the system. Derbyshire Unemployed Workers Centre undertook their own survey in 2013 of 50 benefit claimants who had lost their appeal and were deemed fit for work. The results were only one person was in full time work at the time of the interviews. Only nine people were in part time work, 80% were not in work and all fifty people had experienced difficulties in finding work because of their health condition. Also, 68% of the people interviewed thought they would never work again (interview with DUWC)

The other major change in the decision making process on the WCA relates to the appeal system regarding decisions on benefits. The mandatory reconsideration process is designed to increase the proportion of disputes resolved without an appeal. If the claimant disagrees with a decision, he/she has to write to ask for a reconsideration of the decision before being allowed to lodge an appeal. Prior to 2012, any appeals were always referred back to the decision maker, but this was done informally, without the claimant having to formally ask for a reconsideration of the decision. Currently there are no time limits for the decision maker to issue reconsideration but the claimant has one month to ask for a mandatory reconsideration.

In fact, the main rationale for the reform is to reduce the volume of successful appeals around ESA. As the Child Poverty Action Group (CPAG) explains:

‘Claimants will be without the benefit claimed pending the outcome of their request for a mandatory reconsideration. In ESA cases (currently the majority of appeals), it remains that ESA pending appeal is only payable when an appeal has been made – i.e., not while a mandatory reconsideration is pending. The very real concern is that many claimants will abandon their dispute because of the simple need to sustain themselves and their families.’ (CPAG)

The CAB concur with this and in addition emphasise that decision makers often do not allow advisers sufficient time to gather the medical evidence which will enable the decisions to be changed (CAB 2013a).

4.2 Single Parents and increased barriers to work

An assessment of the impact of conditionality on single parents provides important insights into how the welfare reforms and work first policies are adversely affecting women. Butterworth and Burton in their equality impact assessment of spending cuts argue that women are losing income through the scrapping, freezing, down-rating, limiting and capping of benefits which help to lift low-income women out of poverty. They estimate that by 2014-15, single parents will lose public services worth 18.5% of their income, compared to 6.8% for the average household and services worth £1,900 each year due to the spending cuts (Butterworth and Burton 2013:30-31).

Since 2008, first under New Labour and then under the Coalition Government successive policies have entailed more stricter conditions on benefits for single parents. Over 400,000 single parents have moved from income support (a benefit with no job seeking requirements) on to JSA in successive waves, depending on the age of their youngest child (Gingerbread 2013). Although it is expected that it will be 2016 when single parents will be affected by the roll out of Universal Credit, nevertheless, those whose youngest child is aged five or over will be subject to all work-related requirements as they are under jobseeker’s allowance (JSA).

Under the universal credit regulations, single parents will still be able to restrict the number of hours they can work, but only if they can demonstrate there are jobs at those hours available locally. Even more worryingly, the following flexibilities have no equivalent regulation under universal credit (Gingerbread et al 2013):

- Leaving a job because of a lack of available and affordable childcare
- Refusing a job offer or to follow an instruction from an adviser when there is no affordable or appropriate childcare available

- Allowing a responsible carer up to one week to attend a job interview taking into account childcare arrangements
- Limiting work search requirements when a child has been excluded from school
- There is no affordable, appropriate childcare available during the school holidays
- A responsible carer is subject to a parenting order or contract (Gingerbread).

Weakening these flexibilities in regulations is viewed as a backward step.

One of the things that come out of all this (in terms of welfare reforms) is that it is women who are losing out from these reforms. Even those women in families with working partners tend to be the primary carers for children and other family members. This affects their career. Also, with the emphasis upon paid work their caring activities risk being devalued (Gingerbread).

The reforms will work against encouraging single parents to find employment and will have the opposite effect as they will erode the chances of finding work in a labour market where there is a significant shortfall of family-friendly jobs and a lack of affordable childcare provision.

Box 3 Case study of barriers to work faced by a single parent

I had an interview two weeks ago and was offered work on a supply basis but it was shift work early mornings, evenings, nights and weekends all of which are very difficult to do whilst taking childcare into consideration. On top of that was transport costs, as the job wasn't situated locally it would take between 65-85 minutes each way on public transport. I had considered nightshift to be an option if available but that meant relying on my mum to babysit, £13.60 in travel fares and managing on 5 hours' sleep a day if I wanted to collect my son from school. It just wasn't workable.

Source: Gingerbread

This point is particularly relevant with regard to the implementation of in work conditionality.

When you think about single parents are more likely to move in to low paid work partly because of their qualification levels, also partly because they need the flexibility. So they move from out of work poverty in to in work poverty. The rates of churn for single parents are about one in five – who will churn out of employment within a year (Gingerbread).

Once Single Parents have accessed employment, it is difficult to remain in work and to advance in terms of career. This means that skills acquisition and training are important for improving career opportunities.

We've said for a long time if a single parent walks into a Job Centre and they know what their plan is and they know how to get there and they know what their career aspirations are and you know that they need to do a one year Level 3 course to get there, why aren't you supporting them do the one year Level 3 course to help them get there?.... When you are on income support you used to get fee remissions for your first Level 3 course. A couple of years ago that was abolished so that is no longer available (Gingerbread).

However access to skills and training needs to be combined with improved affordable childcare provision;

So even though there are definitely skills gaps within the labour market single parents can't move in to those roles because those roles are not offered at all flexibly. So even if they did have the qualifications or they got the qualifications to move into an in demand occupation they might find it difficult to sustain without adequate childcare or depending on their children's needs (Gingerbread).

To sum up, the Coalition Government has introduced a tougher regime for single parents: “we've got fixed length sanctions, tougher punishment for non-compliance and we will have a significantly eroded safety net for single parents under Universal Credit” This tougher regime, combined with benefit cuts, high child care costs and lack of sustainable employment is seen to disadvantage single parents.

4.3 Sanctions inappropriately used

There has been a marked increase in the use of sanctions under the Coalition Government which is seen as a key measure to encourage more people to move into work (DWP):

- The number of JSA sanctions in the year to 31 December 2013 was 870,793, the highest since JSA was introduced in 1996. It compares with 496,775 in the year to 30 April 2010, the last month of the previous Labour government (Webster 2013:3).
- Over the whole period of the Coalition, JSA sanctions have run at 4.81% of JSA claimants per month. This is double the level of approximately 2.42% during the Labour government from May 1997 to April 2010 (Webster 2014b:6).

The increase in sanctions and their adverse impacts has led to widespread criticism leading to a Review of the operation of sanctions conducted by Mathew Oakley (January 2014) and an Enquiry undertaken by the Work and Pensions Select Committee in December 2014 with a wider remit focusing on both the operation and impacts.

One of the key criticisms of the system of sanctions is that it is a product of **poor communications** between JCP Advisors and benefit claimants.

Box 4 Case study of inappropriate sanctions

Whilst I was on the sanction I visited jobcentre on 3 different occasions to ask how I was to live on no money for 4 weeks. On each occasion I was told there was nothing they could do. I later found out that the correct procedure was to give me a hardship form to help me out. I eventually got the form and handed it in. The jobcentre have since rejected the claim as it was handed in too late. I sent in 3 reconsideration requests explaining the jobcentre was at fault for not telling me I could claim this and again all 3 requests denied...I feel the jobcentre have deceived me to avoid paying out money (CAB)

One of the key findings of the Oakley Review is that communication problems exist within the system and people are either not aware that they are being sanctioned or the reasons are not sufficiently explained. Respondents concur with the view about lack of communication but there is a view that sanctions are more about moving people off benefits and reducing the benefits bill rather than a credible vehicle for moving people into work. The Guardian newspaper reported that a Jobcentre manager revealed that there are league tables for sanctions and moving people off benefits (Wintour 2013). Evidence has also been provided by the Public and Commercial Services Union (PCS) that there are **sanction targets within Jobcentres**.

Our members have been told they should be upping the number of sanctions they are giving. We've been given evidence of that from a number of Job Centres which have appeared in the press (PCS)

The PCS have undertaken a member survey which found that 23% of those surveyed having an explicit target for sanctioning people whilst 81% having an expectation level (PCS 2014). PCS have claimed that Performance Improvement Plans (PIP) are being used as a vehicle to meet Jobcentre Plus (JCP) targets for referring people to the Decision Making and Appeals (DMA) system. PIPs are basically a management tool to and monitor the performance of Jobcentre employees. If an individual performance is affected by circumstances outside the control of the employee, then the manager will take appropriate action to support the employee. Whilst this approach is not contentious with PCS the use of a PIP to increase 'individual performance around sanction referrals to DMA' has been seen as part of a strategy to meet JCP targets. In their submission to the Work and Pensions Select Committee the PCS state:

It is clear that staff in jobcentres have both office and individual targets for sanctioning claimants. Jobcentre Plus management have denied that there are targets saying instead that there are expectations for sanction claimants. It is however the case that numbers of staff can be put on an improvement plan, potentially leading to performance inefficiency action and even dismissal for not achieving these expectations (WPC 2013a).

The DWP have denied that there are set targets for sanctions within the JCP but in giving evidence to the Work and Pensions Select Committee, Neil Cowling, the Head of DWP stated

that “he and the Department had an expectation that people would be sanctioned, “because that is the law” and “public servants are meant to follow the law (WPC 2014:26).” One of the advice organisations interviewed, (Derbyshire Unemployed Workers Centre) has claimed that they have photographic evidence from a claimant of a notice within a Jobcentre which states clearly the week’s targets in terms of DMA referrals (DUWC).

Respondents have highlighted the fact that **vulnerable groups (e.g. homeless, single parents, young people and disabled people) are being targeted for sanctions**. As a response to this there has been considerable public pressure and opposition leading to a full independent review, to investigate the purpose, effects and efficacy of benefit sanctions ² in 2015 to be conducted by the Work and Pensions Committee.

The CAB (2013) in its survey of benefit claimants who have been sanctioned has produced evidence to support the view that those who are already without resources, especially where they do not have support from relatives or friends, and have barriers to employment such as age, literacy/numeracy problems, sickness etc., are driven into total destitution and frequently actual hunger (see below in 4.6).

The CAB survey of clients who had been sanctioned suggests that the welfare to work system is adversarial:

The advisor is expected to sit there and have a forthright conversation with this person and say, what you’ve done means that I now need to refer you to a sanction. I don’t think that happens. You need to tell me why you didn’t look for a job this week so that I can send that information to a decision maker who will decide whether or not a sanction will be applied. I don’t think the conversation happens with that level of clarity. I think the advisor goes, you’ve not done x, y and z. Why didn’t you do x, y and z? That is the end of the conversation and the next thing the person knows is they’ve got a sanction which I think makes the learning process from it incredibly difficult (CAB).

In the first three months of 2014, there were 15,955 sanctions on ESA claimants, compared with 3,574 in the same period in 2013. 104,200 disabled claimants of jobseeker’s allowance (JSA) were “sanctioned” at least once between the introduction of the new rules in October 2012 and 30 September in 2013.³

Disabled people are also being sanctioned more than once:

² <http://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news/benefit-sanctions-launch/>

³ (Source: <http://disabilitynewsservice.com/2014/02/more-than-100000-disabled-people-had-benefits-sanctioned/>)

Look at the number of people who have been sanctioned for a third time. What is going on there? Why? I mean the severity of losing all of your income for the first time suggests that many people would never want to willingly go in to that a second time or a third time.

So what is going on there? Is it that the system is working against people who don't know how to work within the system? It is through no fault of their own, it might be as a product of their impairment. We need to understand that better. There are people clearly being sanctioned more than once or it seems to be the case (Disability Rights UK).

As Section 4.6 highlights, the more noticeable and immediate impact of sanctions is that it leaves people without any or little money. The harshness of the system is illustrated by the case of a disabled person failing to make an appointment:

Box 5 Case Study of sanction of disabled person

W was due to attend a medical assessment on a Sunday but was unable to attend due to illness. W rang the helpline but discovered it was only open Monday-Saturday. W rang on Monday morning to explain the non-attendance but was informed papers had already been sent to DWP stating he had failed to attend. JCP told W that they would not reconsider the decision without a letter from W's GP stating that he had been unable to travel on the Sunday. The GP would not provide a certificate as the GP had not seen W in the short period of illness. JCP upheld the decision to stop benefit.

Source: Disability Rights UK

In the first 21 months of the new sanctions regime ending June 2014, 145,000 single parents claiming JSA had received a sanction decision; representing six per cent of all individual decisions (Gingerbread 2014b:5-6).

Single parents are not always informed of the sanctions process and only a minority of claimants are told about hardship claimants. The threat of sanctions on single parents is real in terms of meeting their job search agreement

In the main, single parents understand their job seeking agreement and are clear about what is expected of them; however these expectations are often incompatible with their parenting role and are difficult to comply with given their circumstances. Therefore, single parents are at an increased risk of a sanction because their job seeking agreement does not accurately reflect their caring responsibilities (Gingerbread 2014)

Box 6 Case Study -Single parent experience of sanctions

Caller N was told by her JCP adviser that she was sanctioned because she was not actively seeking work, but she was under a training programme with a major retailer at the time. The caller only found out she was sanctioned by receiving a letter from the local authority saying that her housing benefit had stopped because her JSA had stopped. She received no official notification from JCP. She contacted JCP who then told her verbally that she had been sanctioned.

Caller P received a letter notifying her of a sanction and the letter said that information on hardship payments is enclosed; however, no such information was provided.

Caller Q was sanctioned in August, appealed and applied for hardship payments. As of October she had still received no payments and when she asked when the application will be processed the reply was ‘how long is a piece of string?’ She only has her child benefit and child tax credit to live on.

Source: Gingerbread

Perhaps the most significant spill over effect is the way **sanctions can induce people to exit the benefits system**. In a study of benefit take up, Finn and Goodson suggest that the combination of stigmatisation and making benefits harder to claim combined with the increasing use of sanctions can have the effect of people moving off JSA into not being in work or claiming benefits (Finn and Goodships 2014:38 see also 4.5 below).

The evidence that sanctions act as an incentive for people to move into employment is weak and the use of sanctions can be seen as more of a way of influencing or ‘disciplining’ behaviour and encouraging or even pressurising people to exit the benefits system altogether. Griggs and Evans in their review of international evidence state:

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)” (Griggs and Evans 2010:5).

There is stronger evidence that that sanctions induces people to exit the benefit system than access employment

We found that, over the entire period we looked, 2005 to 2014, for every 100 sanctions, about 24 people were flowing off unemployment benefit. After the reforms came into effect, this heightened so that about 43 people for each 100 sanctioned were leaving the system. We then looked at those who were leaving in association with a sanction. We found that fewer than 20% were returning to work. The rest were, for other and sometimes unspecified reasons, ceasing to sign on. We also looked to see if we could find an effect on employment rates of sanctioning across local

authorities and did not find it, so that led us to the conclusion that sanctions appeared to be driving people off benefit, but few returned to work⁴

Sanctions may even act as a barrier to employment;

There is no or little evidence that the use of sanctions will actually induce people to seek employment – the opposite effect can occur as people are pushed further into debt which will impact on their ability to look for work. People who are pushed further into hardship will feel vulnerable to mental health problems and depression – hardly the ideal basis for finding a job (Community Links)

The CPAG along with other organisations are clear that sanctions have little to do with actually assisting people into employment but as a way of disciplining benefit claimants:

There is very little research that shows that sanctions work. I do think it is interesting that there is an ideological motivation rather than evidence based motivation behind a lot of this and actually that the government is quite open about that now. I mean Cameron's speech last week really was an open admission that this was ideologically motivated. It is a moral imperative rather than an evidence based imperative (CPAG)

In many respects the use of sanctions drives people away from the labour market and many who face sanctions also experience problems in getting into work – mainly because of having to cope with debt and related issues (CAB 2014 and see below).

4.4 The Work Programme failing disadvantaged groups

There is a view that the Work Programme pricing model is a form of conditionality as it intends to influence the behaviour of WP providers. Employment outcomes are applied as a condition of funding (Schutes and Taylor 2014). Respondents claim that the WP is 'failing disadvantaged groups' because payment by results tends to encourage 'creaming' and 'parking' of unemployed people. The pricing structure is designed to incentivise providers with increased payments if and when providers signpost people into 'sustainable' employment.

Overall the WP has underperformed in terms of meeting its own 'modest' targets; for example "only one in 20 ESA claimants finding a sustained job while on the Work Programme, the remainder will most likely return to the job centre after two years, with no better (and perhaps worse) labour market prospects than when they joined the programme." The groups who are faring the worst under the WP are women, people with disabilities and lone parents (Davies and Reakes 2014:5 see Purvis et al 2014:23, CESI 2013a:13-14, Rees et al 2014:227-229, Newton et al 2012).

⁴ Work and Pensions Select Committee,(2015) Oral Evidence: Benefit Sanctions Policy Beyond the Oakley Review, p36

The next problem is that differential payments don't work. So what has tended to happen is that because it is outcome based payments with the provider community having to go and get loans on the financial markets against future job outcomes and then in order to cover the interest on those loans they charge management fees, high management fees, some people suggest as high as 35% management fee (Community Links)

As meeting job outcome targets is crucial, this can affect the quality of the service provided;

One of the things that comes out again and again when you've talked to people who have been on the Work Programme there is this feeling of you've just got to get any old job no matter how dead-end or dreadful it is because you've got to get off their stats(Community Links)

Evaluation studies concur with this view revealing that providers are incentivised to signpost those who are more job ready and closer to the labour market. The failure to meet what are already quite low targets is due to the fact that some Work Programme providers do not have either the expertise or know how in terms of delivering personalised support

It is a worrying situation where apparently the Work Programme is all about personalised support but what we are really seeing is people getting, as far as we can see, fairly one-size-fits-all support. Often the organisations providing support don't seem to have that much of an awareness of the difference between JSA and ESA. We've heard of people on ESA being told they should be looking for work when that is clearly, explicitly not what they are supposed to be doing (Mind)

The problem of delivering sufficient personalised support for some providers is also highlighted by the lack of sustained outcomes for single parents

Young single parents are doing particularly badly in the Work Programme in terms of sustained job outcomes. You get the same set of problems in the Work Programme as you do in JCP in terms of not understanding how to help single parents balance their work responsibilities and their caring responsibilities. Work Programme providers are finding it very hard because their margins are so small (Gingerbread)

The poor performance of the WP is a result of **insufficient levels of resources** allocated to deal with disadvantaged groups. The OECD survey of UK activation programmes suggests that the variation in levels and quality of service delivery is considerable and the frequency and mode of contact also varies dependent upon delivery standards and participants needs. Lack of resources as well as the funding model is identified as one of the main problems relating to providing relevant services for hard to reach and disadvantaged groups. The UK devotes few resources to active labour market policies compared with other EU countries. The proportion of UK public expenditure per GDP invested in active labour market programmes is 0.34% which is below the EU average of 0.78% (OECD 2014).

Provider performance is therefore influenced by their access to relevant support and ‘wrap-around’ services (OECD 2014). The Institute of Public Policy Research (IPPR) in their analysis of youth unemployment state that “there are also wider flaws in the current school-to-work transition architecture. Mirroring the fragmentation of the benefits system is a structural disconnection between employment support and training provision. The culture of back-to-work services – whether delivered by JobcentrePlus or through the Work Programme – is largely dismissive of anything other than very short-term, specific job preparation training (for example, helping someone to gain a licence to become a security guard). Meanwhile, the commissioning of further education and vocational training is not yet systematically connected to labour market demands” (IPPR 2013:15).

Cuts in local services are therefore hindering the effectiveness of delivering the WP (Wilson et al 2013 Beatty and Fothergill 2013).

The truth is, in developing an employment offer, the majority of JCP advisers, cannot confidently bring together a range of services in an area that an individual may need as part of their journey towards work, even if they are incentivised to do so (Local Government Association)

The often **poor level of communication between Jobcentre Plus and WP providers** has also been seen as a problem, acknowledged by the DWP

whilst people are on the work programme Job Centre Plus maintains responsibility to check they are complying with their conditions for JSA and so that can lead to Job Centre Plus taking a disentitlement decision and ending someone’s benefit whilst they are on the work programme and the question about whether the communication there between the JCP and the work programme is effective enough (DWP).

This communication problem can also contribute to the **high level of sanction referrals by Work Programme providers** (Webster 2014, Oakley 2014). WP contractors have been responsible for twice as many sanctions on the people referred to them as they have produced job outcomes: 394,759 sanctions and 198,750 job outcomes (up until January 2014). A significant proportion of ‘incorrect sanction decisions’ is also related to ‘poor administration’ standards (Webster 2014:4).

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 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 (Watts et al 2014:5)

This trend is explained by WP required to refer claimants who do not conform to job seeking requirements and agreements reflecting a shift towards a more disciplinarian relationship between Advisors and claimants:

Also, the impression we get from Work Programme providers is that they feel under a lot of pressure by DWP to report any sort of indiscretion at all on behalf of the claimant. So they don't feel they have the space to build up trust, work with that person, giving them a bit of slack, especially when it is to do with mental health problems, it is not down to them to make that call. So they are told if someone breaks their appointment you report to us, we will do the checking up as to whether there was good cause. We will decide if there should be a sanction (Mind).

Box 7 Work Programme and sanctions

A 20 year old man was in the Midlands was sanctioned for 26 weeks for failure to attend appointments for the work programme. The customer says he did not receive all letters about the appointments. The letter from the DWP states the customer's sanction was from mid - January 2012, yet his decision letter was dated late April 2012. He was apparently sanctioned for one week, and then 26 weeks for a second failure, but both started together. He advises that if he had received notification of the first sanction in a timely manner he would have been proactive in finding out when his appointments were and attending.

Source: CAB

4.5 Impact on claimants' access to representation and advice

Cuts in local government budgets are having a substantial knock on effect on advice services at a time when demand is increasing.⁵ For example in the first four months of the 2011 financial year Citizens Advice Bureau in England and Wales recorded a seven per cent drop in the total number of people they were able to help (779,000) compared with the same period the previous year. Advice services are dealing with more complex cases, and there have been a significant increase in appeals in relation to the WCA and benefit sanctions (CAB, DUWC). Respondents emphasise the importance of advice and welfare rights in terms of take-up of benefits. In their submission of evidence to the Work and Pensions Select Committee the CAB report a year-on-year increase in advice queries in relation to sanctions – with an increase of 35% in relation to JSA sanctions and for ESA an 80% increase (July 2012 - June 2013)⁶. This largely coincides with the changes to the sanctions system from late 2012. They also suggest that many people who do not access to advice services are in danger of becoming more marginalised.

There has been a dramatic rise in our case load and many claimants do not use the advice services when they need it and tend to exit the benefit system (CAB).

⁵ http://www.citizensadvice.org.uk/index/pressoffice/press_index/press_20110906.htm

⁶ <https://blogs.citizensadvice.org.uk/blog/giving-evidence-to-the-work-and-pensions-select-committee/>

There is a view that Universal Credit (UC) reforms have placed additional burdens on claimants lodging claims and appeals. This is because people will have to make their claims online, which can pose challenges for vulnerable claimants. Many claimants (4 million) do not have access to the internet and those who do; many felt that they lack the ability to make a claim on line (UNISON 2012a). The UC help line is an 0845 number costing up to 10p a minute from a landline and 41p a minute from a mobile. So there are on costs for claimants to make a claim.

The Government, it seems, has underestimated the overall challenges claimants face when making a claim. The Citizens Advice Bureaux has undertaken a survey of claimants who have migrated to UC and have found that UC changes have considerable implications for service delivery. Five ‘capability areas’ are identified – managing monthly payments, budgeting, banking, staying informed and ‘getting on line.’ The changes therefore place considerable pressures on clients in terms of self-managing their claims. The survey revealed that 92 per cent of the 1,700 people interviewed who were UC relevant (i.e. in a position where Universal Credit would theoretically be suitable for them) said that they were not yet ready to migrate to Universal Credit. Eighty five per cent said they would need help in more than one of the capability areas (monthly payments, budgeting, getting a bank account or using banking facilities and getting online) and 38 per cent said they would need support on all of them (CAB 2013b:14, see also Packman 2014:11).

Box 8 Case Study Implications of transfer to UC for advice services

The (Managing Migration Pilot) pilot found that around half of our existing client base will be affected by the roll out of universal credit. However, these clients are already accessing our advice services for a whole range of issues including, but not exclusively, benefits advice. Our existing advice services primarily concentrate on resolving the current problems and issues that clients present with. We envisage that this advice provision will continue through the roll out of universal credit and beyond. The pilot has identified that clients require additional personalised and tailored support to prepare them for transition. This will create new demand on our services which, if not met, may risk the displacement of others who rely on our advice services for a range of other issues and problems (approximately 50 per cent of our client base) The implications of not funding, or providing too little support would risk the successful delivery of universal credit. Our analysis shows that many clients are unlikely to manage, leading to financial difficulty and debt. It may also lead to a dramatic increase in enquires and casework for Jobcentre Plus to manage, leading to delays and a likely increase in Citizens Advice Bureaux reactionary work to help clients in crisis. We believe preventing a crisis is preferable to ‘curing’ an emergency

Source: CAB (2013:23).

Another aspect of the UC system is the time limits that have been established with more restrictive rules for backdating a claim, and regulations are much less detailed as to the circumstances under which late claiming can be justified, which increases the potential for administrative discretion. Waiting days periods have been increased from 3 to 7 for both ESA and JSA claimants, which can have a negative impact on disabled claimants (see below). Additional hurdles have been added for benefit claimants: those who wish to challenge a

decision can only make an appeal when they have been through a reconsideration process as part of an escalating dispute (CPAG).

All these factors underline the need for UC to connect to local provision – a key issue highlighted by the Local Government Association (LGA) and Unison trade union (2012a, 2012b):

The greatest challenge will be in providing services and support to the most vulnerable UC claimants. The capacity to provide necessary support does not exist in any one organisation, either in the public, private or voluntary sector. DWP/JCP currently has no capacity in digital literacy, housing support, tackling drug/alcohol abuse or domestic violence, or budgeting advice and support. Councils typically provide many of those services, but usually through a rich commissioning landscape in which voluntary and private sectors play an important role. Back-to-work and skills support is contracted for or commissioned by both central and local government, and there is good and growing evidence that local commissioning and delivery leads to better outcomes (LGA 2014:18)

As Council's are major sources of funding for advice services there are major challenges for these services to meet the anticipated demand generated by the roll out of UC. Local Government budget cut backs will impact upon the capacity of local advice services to assist the anticipated migration on to UC (Interviews with the LGA and Unison). The implications for advice services have been assessed by the CAB when they state that with "additional funding for the right support services to meet people's needs we can move over half of those clients who lacked the appropriate capabilities for universal credit towards improved skills and abilities making them more likely to be able to manage a claim (CAB 2013b:12)."

Another consequence of not being able to access advice services relates to benefit take up: In their study of benefit take up Finn and Goodships found:

..significant groups of people in low income households continued not to claim the benefits to which they had an entitlement and which, if received, could have improved their living standards and lifted many out of poverty. These other factors contributing to low take-up included the negative impact of policy changes. The most obvious concerned rapid changes made in entitlements, rules and delivery systems; complex claiming processes; and poor connections between the DWP, HMRC and LAs. Take-up was also discouraged for some groups. In particular, increased conditionality, and related sanctions, are designed to get people into work as quickly as possible and as a result, make their claims to benefits relatively short-lived. However, a side effect of this „stricter benefit regime“ has been that others have become „nudged“ into economic inactivity (Finn and Goodships 2014:63)

As we have outlined above the claimant process has become more demanding and also adversarial and punitive leading to vulnerable claimants requiring advice.

4.6 The adverse and negative financial impacts of increased conditionality

Changes to benefits (benefit cap, delay in payment of benefits, increased use of sanctions, and change in support for disabled people, cuts in child care) combined with other welfare cuts is leading to more people experiencing financial hardship. These changes are adversely affecting individual rights to a decent income. Benefit levels are set so low that they fall below 40% of the Eurostat median equivalised income (Council of Europe 2013:18).

So there is a 20% - 30% gap between an out of work benefit and the poverty line. I mean the poverty line is quite low anyway. It is not an attractive place to live at the poverty line... It was so striking to me that the adequacy of out of work benefits were set significantly below the poverty line already and of course over the last two years they have been eroded and eroded further. So there is a big question about how low do you go? We are going lower and lower (CPAG).

The increasing use of sanctions has been identified by respondents as an important cause of poverty and debt:

These are people who have no money to live. They are really, really struggling. It is a bit different from the previous regime when it was a week, but this is for a whole month. How are people meant to live? (Debbie Abrahams MP cited in WPC 2013a:28).

Single parents who are sanctioned are vulnerable to debt;

We do know that sanctions have an incredibly negative impact on single parent's finances and DWP research also shows that as well and also it is not just the period for which they are sanctioned that they will struggle. The loss of that amount of money you can't catch up with it. So it is not just four weeks, three months, six months, it is the accumulation of that debt over the period of the sanction which then they have to recover from (Gingerbread)

The Citizens Advice Bureau (CAB) carried out a national based survey of client experiences of sanctions over a three month period between July and September 2013. The main findings of the survey are:

- 60% of those sanctioned had been receiving JSA and a further 33% were unfit for work claiming ESA
- 40% of respondents said that they had not received a letter from the Jobcentre informing them that they had been sanctioned
- More than half of respondents said that they had not received any information about how to appeal
- Most respondents had difficulty coping with the financial impacts of the sanctions and there were adverse impacts on mental and physical health

- Families with children were particularly affected by the sanctions - just under a quarter 23% of those sanctioned were responsible for children
- There was a deep feeling of injustice by being treated unfairly because sanctions were either seemed to be disproportionate or due to administrative mistakes made by the Jobcentre.

The dramatic increase in the use of sanctions is contributing the rise in food poverty and use of food banks (CAB see also below).

Certainly what we are seeing is people coming into bureau a couple of weeks in to a sanction like that they are out of food, they've exhausted all of their opportunities with friends and family to get some help to put some money on the electricity and all that sort of thing and they are coming to us and asking how do I get access to a food bank? (CAB).

Successive Governments have either ignored or downplayed that there is a causal link between benefits and poverty – and inevitably debt although stakeholders in their everyday experience of clients recognise this link.

It was so striking to me that the adequacy of out of work benefits were set significantly below the poverty line already and of course over the last two years they have been eroded and eroded further. So there is a big question about how low do you go? We are going lower and lower (CPAG)

The Centre for Social Justice Research on debt summarise the links as follows:

Problem debt can act as a barrier to finding work. Not only does debt serve as a distraction from searching for work, as the primary concern is resolving debt issues, but there are practical barriers too. Debt problems can make it difficult to afford the essential necessary when searching for employment including transport, training, appropriate clothes and supplies (CSJ Working Group 2013:99)

A qualitative study by Community Links on the cumulative impacts of the welfare reform underlines the financial problems that many families and individuals face.

Box 9 Case study of financial impacts of welfare reform

Michelle lives by herself in the three-bed council house where she has been for over 20 years. She has a number of mental and physical health problems and is under the care of a psychiatrist. Michelle has been affected by multiple reforms including, the Spare Room Subsidy on both spare rooms for which she is paying £85 a fortnight. She is also currently appealing an ESA re-assessment decision which found her fit for work, and while she waits, she receives a significantly reduced ESA payment. As a result of the reforms Michelle is really struggling to afford even the basic things she needs to sustain her mental and physical health. 'Out of my benefits every two weeks, I have three pounds left. They made me commit crime. I got caught shoplifting for a cooked chicken. I was alcohol dependent too – if I could get my hands on a bottle of vodka I would drink it because I just want to forget the whole

day. It's just another day gone.'
Source: Community Links (2014b:22)

A study of the impact of the benefit cap in the London Borough of Haringey found that capping benefits did induce some people to try and seek work, and there were some successful outcomes, but only a few households had found work offering 16 hours or more. Some brought forward their decisions to seek employment because at the time of the cap they were not ready to work due to child care or had career plans including pursuing training which were circumvented by the benefit reductions.

...at the time of the research, at least half the families have arrears of some sort on rent, utility bills and/or council tax. It is difficult to identify how far this is directly due to the benefit cap - some people say that it is but some debts clearly go back further, although the cap may have added to the problems (Haringey Council 2013:36)

However for the majority who decided to find work there were barriers due to health issues, lack of childcare or education and skills. The impact of the cap was seen to accentuate a difficult financial situation for families.

Most respondents have highlighted the increased role of food banks as a means of addressing the consequences of losing income either through sanctions, benefit delays or reductions. The overall Government view of food banks has been mixed. In 2011 the DWP stated that Jobcentres were referring people to Food Banks (FB) (House of Commons Library (2014:5). Another view from Lord Freud a Work and Pensions Minister is that because the supply of FB has increased therefore this has encouraged more people to use them and it is not linked to benefits (Morris 2013, see House of Commons Library 2014:21). Latterly FB have become more accepted and even praised by the Prime Minister although at the same time the Trussell Trust, the main FB charity has been accused by the DWP..... of "misleading and emotionally manipulative publicity-seeking", while another official said the rise in food bank use was down to the Trussell Trust "aggressively marketing their services" (Fisher 2014).

However, more systematic evidence has been collated during 2014 on food poverty and the use of food banks (Church Action on Poverty 2014). Food poverty is defined by the Department of Health as the "inability to afford, or to have access to food to make up a healthy diet" (House of Commons Library 2014:17). The poorest 10% of households spent almost quarter of their income on food and non-alcoholic drinks compared with an annual spend of 4.2% by the richest 10% households (Kellogs 2013:2). In 2010/2011 61,468 people were given 3 days emergency food and support although this rose to a staggering 913,138 people in 2013-2014 (Trussell Trust 2014).

The Trussell Trust which has opened 400 FB throughout the UK has stated that the cause of food poverty relates to a variety of factors including the recession, unemployment, low incomes and benefits. The three largest proportion of referrals related to benefit delays (30.9%), low incomes (20.29%) and benefit changes (16.9%) (Trussell Trust 2014). Research was undertaken by the Citizens Advice Bureaux (CAB) in 2013 involving all local CAB

offices who were requested to monitor referrals to FB and the reasons why (CAB 2013d). The survey found that 36% of cases where a food voucher was issued were related to delays in benefits and 16% due to benefit sanctions (Mould 2013).

4.7 From poverty on benefits to in work poverty: challenges of ‘making work pay’

The objectives of the Work Programme are to sign-post benefit claimants into ‘sustainable’ employment – i.e. retaining a job for a specific period of 26 weeks. However studies show that ‘benefit cycling’ persists (i.e. where people who have been unemployed and moved into work once again becoming unemployed and making repeat benefit claims) with 4.6% of the UK workforce is at risk of cycling between benefits and work (Wilson et al 2013:33, Ray et al 2010 see also Newman 2011).

Compared to other developed countries, the UK has a relatively large number of people working in low-paid, low-skilled jobs: “it seems that more people now are experiencing poverty in work than those on benefits”(CPAG, see Scheaemaker 2014). Furthermore, as Table 1 below shows, there is also a significant number of workers paid below the ‘Living Wage’ – defined as the minimum amount of money needed to enjoy a basic, but socially acceptable standard of living (Living Wage Commission 2014:9). What is striking about the nature of recent jobs growth is that relatively speaking fewer full time jobs are being created. The TUC, drawing on ONS published statistics state that only one in forty new jobs being created between 2008 and 2014 are actually full time.⁷ An integral feature of employment growth is the increase in the number of people who are in part time work – the UK has one of the highest rates of part time work in the EU and the number of part time jobs has risen since the recession (Ray et al 2014:31). There are marked geographical differences in labour demand and opportunities for accessing work. A number of studies (Lee et al 2014, Centre for Cities 2014 and Beatty and Fothergill 2013) are highlighting the marked differences between cities in terms of employment rates – with the majority of those cities with the lower employment rates located in the North.

As outlined above claimants experiencing debt, homelessness, poor health and low level qualifications will have difficulties in finding sustainable employment. As one respondent highlighted “to be sure there are plenty of jobs and vacancies around but many of our clients are not in a position to obtain them because of their barriers to work and also the lack of capacity of many employers to make the arrangements to accommodate our clients. Furthermore many of the services that exist to assist people into work are being cut back – for example social and health support, welfare rights, training and ESOL” (Community Links).

Table 1 UK Labour market –key characteristics indicators and trends

⁷ <http://www.tuc.org.uk/economic-issues/labour-market-and-economic-reports/only-one-every-forty-new-jobs-recession-full-time>

Low pay

- There are 5.24 million workers in Britain paid below Living Wage (Living Wage Commission 2014).
- *Annual median pay* now stands at £21,300, some £3,300 lower (adjusted for inflation) than the pre-recession peak (Whittaker and Hurrell (2013).
- In terms of *progression from low paid jobs* between 2002-2012 only 18% had escaped low pay by 2012. 1.3 million employees remained stuck in low pay for the subsequent decade, and a further 2.2 million workers held higher paid jobs but returned to low paid jobs by the end of the decade (Hurrell 2013)

Under employment

Part time and zero hour contract employment

- Numbers in part time work has increased since the recession. There are 2.16 million men and 5.92 million women in part time work (ONS March 2014)
- In 2012, the ONS provided an official estimate of 250,000 zero-hours contract workers (0.7 per cent of the workforce) compared with 134,000 in 2006 (0.5 per cent of the workforce).
- In March 2014 the ONS released a newly revised estimate suggesting that 583,000 people were employed on zero-hours contracts in 2013 (Hudson 2014). The CIPD estimates that there are just over 1 million people, or 3.1% of the UK workforce, who are employed under a zero-hours contract (CIPD 2013).

Self employment

- The number of employee jobs has only recently regained its pre-recession level, the number of people who are self-employed has grown by 650,000 since 2008 to reach 4.5 million, or nearly 15 per cent of all employment (D'Arcy and Gardiner 2014).

Geography of jobs and unemployment

- Northern regions still falling behind the rest of the UK in terms of economic growth
- Employment gaps exist in former industrial areas as well as London (Centre for Cities 2014, Beatty and Forthergill 2013, Beatty et al 2011)

Given the policy emphasis on progression in work we have found that the **opportunity for career advancement is generally highly constrained** for people who are unskilled and recently unemployed. The Chartered Institute of Personal Development (CIPD (2014) undertook a survey of benefit claimants and employers to assess job seeking attitudes to and awareness of UC and the extent to which employers can meet government policy goals with respect to in work progression and earnings conditionality. Most jobseekers interviewed considered that their priority was actually getting a job in the first place – which they accept is difficult. The CIPD survey showed how tough the labour market is with four unemployed jobseekers chasing a vacancy, with 45 jobseekers chasing an unskilled vacancy. Jobseekers considered that progression was possible if they moved employers or improved their

employability skills through access to training. The survey found that the majority of employers provide mainly on the job training and few with opportunities to train. Furthermore, the employer survey found that “there is limited opportunity for the low paid to receive the working hours or improve their skills to increase their earning potential “(CIPD 2014:34 see Unison 2014).

DWP are more circumspect about how in work conditionality will be implemented:

First of all I will just urge a bit of caution about the 35 hours work search thing. So in JSA that's not the requirement. It doesn't exist in legislation. In UC it is referred to but in both what is the actual requirement is to do everything reasonable (DWP)

Previous research has also highlighted the difficulties of in-work progression. Tarr and Finn (2012:52) cite the findings of the evaluation of the Employment Retention and Advancement Programme (ERA) which was launched in 2003, which offers job placement help from a Personal Adviser and other pre-employment assistance to out-of-work recipients of benefits. ERA added a new set of financial incentives and job coaching following customers' entry into work. It was aimed at three groups that have difficulty getting and keeping full-time work or advancing to more secure and better-paid positions. Whilst the ERA helped employment chances of the long term unemployed, it had little impact in increasing earnings. Perhaps the biggest barrier lies in the nature of the current labour market as outlined above. For example “some 1.4 million part-time workers finding them unable to increase their hours, the potential for pushing UC recipients above the conditionality thresholds looks questionable (Pennycock and Whittaker 2012:10).

5. Discussion and recommendations: formulating a social rights perspective on welfare conditionality

Our findings concur with research undertaken by Whitworth and Griggs (2013) when they state: “the robust evidence on the longer-term well-being impacts of conditionality driven employment trajectories specifically is sparse given that virtually all evaluations focus on relatively short-term employment and/or income effects... [and] conditionality itself seems to play a relatively minor role in driving the employment outcomes seen, outcomes which themselves remain problematic in terms of potential longer term dis benefits, issues of sustainability, as well as low pay and continued poverty in work (Whitworth and Griggs 2013:134).

Taken together the cumulative impact of the reforms –public service cuts, benefit caps, higher rates of benefit sanctions, changes in benefit rules and conditions of entitlement,

accelerated migration of IB claimants onto ESA through the WCA, and additional requirements for benefit claimants is a shift towards a residual model of welfare where the level of benefits are actually well below subsistence level. As we argue the welfare reforms and impact of changes to benefits have made disabled people vulnerable to destitution (see JustFair 2014a) and disadvantaged groups are experiencing hunger and food poverty potentially denying their right to adequate food (Justfair 2014b). Furthermore, evidence has been collated to suggest that the welfare cuts are discriminatory as they disproportionately impact on “women’s enjoyment of the right to social security” (Butterworth and Burton 2013:29).

Because of the adverse impacts of welfare and benefit changes, there is an increasing interest in how a rights based approach can be used to assess the impact of welfare reforms (Dean 2010, Etherington and Daguerrre 2014). In accordance with the International Covenant on Economic, Social and Cultural Rights (ICESCR) “benefits, whether in cash or in kind, must be adequate in amount and duration in order that everyone may realise his or her rights to family protection and assistance, an adequate standard of living and adequate access to health care,” as contained in Articles 10, 11 and 12 of the Covenant respectively.

The impact of sanctions and conditionality has been challenged in terms of the adequacy of Equality Impact Assessments undertaken by the Department of Work and Pensions (DWP). For example, the Single Parent Action Network (SPAN) has called on the Equality and Human Rights Commission to re-examine their enquiry into the DWP compliance with the Public Sector Equality Duty with respect with the way jobseeker agreements are drawn up with little recognition of caring responsibilities (Warwick Law School 2014:3). Also, in relation to sanctions there is a view that developing test cases through EIAs can at least put more of a clearer focus on their impacts and who or which group are impacted most.

There are criticisms of a rights based approach to welfare. It is argued that the “Human Rights Act and Equality Act are circuitous and inadequate mechanisms for addressing the underlying social, economic and cultural rights issues which are raised by many public spending measures and Equality Impact Statements tend to have little ‘clout’ because of their lack of engagement with the policy and political process (Harrison and Stephenson 2011:14). European Human Rights legislation was used in the case where there was a legal challenge to compulsory work for benefits (Reilley versus Secretary of State for Work and Pensions) as a breach of the code on forced or compulsory labour contrary to the ECHR, article 4. As the purpose of the condition is directly linked to the benefit. Previous European Court of Human Rights decisions have held that attaching a work condition to the payment of unemployment benefit does not convene article 4. The Reilley case does raise issues about the limitations of a socio-legal approach to challenging decisions on welfare reform (Daguerrre and Etherington 2014).

Despite these weaknesses there seems to be a strong case with undertaking a rights based approach primarily because it facilitates a debate about standards and benchmarks in which organisations can use to challenge, monitor and scrutinise decisions, their impacts and

formulate a response that is evidence based. Recently, the Australian Government was brought to task on its social security measures which involve the withdrawal of benefit for young people under 30 years for 26 weeks – a similar policy currently implemented by the Coalition Government. The Parliamentary Joint Committee on Human Rights has challenged this on Human Rights ground stating that the policy proposals will contravene International Human Rights conventions on the right to social security which would provide the means by which people will retain access to adequate shelter and food (Jabour 2014).

In a similar vein, there has been a move towards a clearer definition of what a minimum income involves, primarily through the Living Wage campaigns and also through research on Minimum Income Standards (MIS). The Minimum Income Standard (MIS) is calculated by different baskets of goods and services required by different types of households, with data and information derived from focus group comprising people from a mixture of socio-economic backgrounds. A minimum is defined as “more than just food, clothes and shelter. It is about having what you need in order to participate in society” (Hirsch 2013:8). In this sense, MIS and Living Wage Campaigns become foci for mobilising and capacity building around a ‘needs based’ aspect or interpretation of social rights. As Dean argues, a rights based approach can be more effective when the focus is on collective rather than individual based action (Dean 2007).

The other area of the rights debate has focused around to the right to participate in decision making and exercise voice and largely equates with the notion of citizenship embodying collective politics of engagement with the policy process. Sharon Wright (2012) distinguishes between ‘bad’ and ‘good’ agency in the implementation of welfare to work. Bad agency is where policy makers and actors promote a dialogue of ‘deserving’ and ‘undeserving’ embedded through negative stereotyping of sick and disabled people which inform their approach and decision making around case work. On the other hand the capacities of good or positive agency provide the (potential) discretion that front line workers can exercise whereby promoting the choice and voice of clients. Paying more attention to the positive exercise of agency by people economically and socially excluded recognises the expertise with which recipients successfully negotiate their lives.

Jo Morris (Morris 2011:17) suggests that co-production of services stems from the demands of the disability rights movement around the right to be involved and have a say in what and how services are provided. As Barnes (2000) emphasizes, the social model of disability has been used by disability rights campaigns to challenge not only the barriers to accessing work but also notions of care provision, independent living and equal access to resources. The role of actors and collective action can also be extended to include the analysis of representational structures in welfare to work through different forms of social dialogue, social partners and trade unions in terms of their engagement with new constituencies such as unemployed and disadvantaged groups. Here the UK can learn from other EU countries where trade unions and social partners are actively engaged with welfare to work policies (Etherington and Ingold 2012).

Recommendations

Our research has highlighted that the current welfare reforms and work first policies are based and premised on questionable assumptions and are actually having adverse and negative impacts on vulnerable and disadvantaged groups and therefore reinforcing poverty and social exclusion. We would recommend a root and branch review of benefit conditionality and welfare to work services. The recommendations below relate to the terms of reference of our study and could be included as part of such a review.

A right to a sustainable benefit – benefits uprated in line with Minimum Income Standards

The amount of benefit that claimants receive is insufficient to meet basic needs. Benefits should be seen as a form of social protection and a cushion that mitigates the impact of unemployment/insecure and low paid work. A sustainable benefit income is integral to raising employment rates (those countries with the highest employment rates have also the most generous benefits). This is because raising benefit income in line with Minimum Income Standards will contribute to reducing child poverty and vulnerability to personal and family debt – all recognised barriers to accessing work. Reducing poverty rates produces significant savings to the exchequer – the latest estimates on the cost of child poverty are around £29 billion.⁸

A right to exercise voice - public accountable and user friendly welfare to work services

We propose a welfare to work model that is focused around a central (although not necessarily exclusive) role for the public sector and local government (e.g. as in Denmark). The evidence that the private sector is more efficient in delivering employment services has not been proven. The public sector provides possibilities for increasing accountabilities between local- and central agencies and between services within localities. An important element of democratisation and accountability is to develop a system of social dialogue which brings in service users, provider organisations and the trade unions in their design and implementation. DWP commissioned research has identified that the local level presents important opportunities to achieve this (Walker and Sankey 2008).

A right to a more participatory personalised support

We recommend a system that does not require sanctions and is more focused on personalising support of ‘the client journey’ from welfare to work. Community Links – an organisation that provides advice services and is also a Work Programme provider has both have developed an approach that is already applied in some EU countries (Sweden, Denmark and the Netherlands). They state that “Jobseekers understand their own needs and abilities better than

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[http://www.cpag.org.uk/sites/default/files/Cost%20of%20child%20poverty%20research%20update%20\(2013\)_0.pdf](http://www.cpag.org.uk/sites/default/files/Cost%20of%20child%20poverty%20research%20update%20(2013)_0.pdf)

anyone. They should have much more opportunity to contribute to their own assessment; shape their own action plan and identify the support they need. A more participatory assessment would also encourage employment support to include a consideration of jobseekers' strengths, instead of just addressing their needs.”⁹ As mentioned above, we consider that the idea of co-production is relevant in terms of user engagement with service delivery.

A right to representation and advice services

Claimants should have a right to representation and advice in the drawing up of any JSA or other similar type of agreement. Whilst local services, JCP staff and WP providers can provide certain amount of advice and are linked to advice services it is evident that many claimants who have little understanding of their rights and ‘obligations’ do not use them. Advice services play an important role in meeting the needs of claimants who have to navigate their way through an increasingly complex and constantly changing system. This fact needs to be recognised in terms of funding – i.e. that funding relates or is commensurate to demand for services. In 2013-14, 232,639 appeals were lodged against ESA decisions. This clearly involves considerable expense to the public purse: the average cost of an appeal is estimated at £248; and in 2013-14 the total cost to DWP of appeals was £69.9 million.¹⁰

⁹ http://www.community-links.org/linksuk/?p=4688&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+Linksuk+%28linksUK%29

¹⁰ <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmworpen/302/302.pdf>

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