
Where's the Benefit?

An Independent Inquiry into Women
and Jobseeker's Allowance

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Foreword



AMANDA ARISS | CHAIR OF THE INQUIRY

The last five years have seen substantial changes to the benefits available to working age adults. The conditions on which benefits are available have been tightened and sanctions for alleged breaches of those conditions have been imposed on claimants much more frequently.

There has already been extensive and sometimes heated debate about the effectiveness and impact of the move to greater conditionality and more extensive use of sanctions. This report focuses instead on the particular impact that the changes are having on women and on gender equality.

In seeking to understand how these changes are affecting women, the independent inquiry panel set up by the Fawcett Society has sought evidence from academics, from civil society and from individual women with direct experience of the system. What we heard caused us considerable concern. We found evidence that failings in both the design and the implementation of the Jobseeker's Allowance (JSA) regime are resulting in groups of women - particularly single mothers, women facing sexual and domestic violence, and women who have difficulties with English - facing near-impossible benefit conditions and being sanctioned, sometimes repeatedly, through no fault of their own. This affects their safety, their mental and physical health, and the health and wellbeing of their children but does nothing to help them find sustainable employment.

Our concerns about how the JSA system operates are amplified by the planned roll out of Universal Credit. Under Universal Credit, all the difficulties currently facing lone parents on JSA are also likely to affect the lead carer (usually a woman) in two parent families.

It does not have to be like this. We have made a series of recommendations about the design and implementation of the regime that we believe would go a long way to ensuring that the job seeking benefits system takes account of the realities of women's lives and actively supports them into sustainable employment. We look forward to discussing them with the Department for Work and Pensions.

On behalf of the inquiry panel's members I would like to thank the Fawcett Society for inviting us to explore these issues and in particular Ava Lee and Daisy Sands, who supported our work. We are grateful to all those who provided us with evidence, especially to the individual women who shared their stories with us. We were struck by their desire both to contribute to society and to care for their families. They deserve a system of job seeking support that helps them to do just that.

Executive Summary

Reducing the deficit has been at the heart of the Coalition's programme for government since it came to power in 2010. The Government has worked to achieve this through, amongst other measures, a series of substantial cuts to social security spending, to the tune of £22bn per year since coming to power.¹ The Institute of Fiscal Studies reports that this will amount to a reduction of around £123bn per annum by 2016-17.²

As research from the House of Commons Library has demonstrated, many of the individual cuts, as well as their cumulative impact, are having a disproportionate impact on women: 85 per cent of the money saved from tax and benefit changes has come from women's pockets.³ It is therefore unsurprising that evidence suggests that certain groups of women are becoming poorer, less financially autonomous, and in some instances increasingly vulnerable to abuse and exploitation as a result of these reforms.

One area that has seen significant reform is benefits for working age adults who are

unemployed, where the direction of travel of the previous Labour administration, particularly the conditionality and sanctions regime, has been substantially speeded up. This report is concerned with the impact of Jobseeker's Allowance (JSA) on equality between women and men.

The system of benefits for job seekers appears on the surface to be largely gender neutral: women and men are eligible for the same benefits on the same terms. However, the reality is rather different and in practice, women and men have very different experiences of seeking work and thus of JSA. There are two main reasons for this:

Firstly, women are much more likely than men to have caring responsibilities and in particular to be lone parents. They are also much more likely than men to experience domestic violence. Both factors affect their ability to seek work and to engage with Jobcentre Plus in some of the ways the JSA system expects them to.

Secondly, women's position in the labour market is significantly different from men's. Women are much more likely than men to need to work part time and/or to limit their travel to work time in order to accommodate both paid work and their caring responsibilities. They are more likely than men to be stuck in low paid jobs – 62 per

¹ Patrick Butler, "Every welfare cut listed: how much a typical family will lose per week," The Guardian, April 1, 2013, accessed January 22, 2015, <http://www.theguardian.com/news/datablog/2013/apr/01/every-welfare-cut-listed>.

² The Institute for Fiscal Studies, The IFS Green Budget, 2012, accessed January 22, 2015, <http://www.ifs.org.uk/budgets/gb2012/12chap3.pdf>.

³ Tax and Welfare changes: House of Commons research quoted in The Independent 6th December 2014 found tax and benefit changes brought in under the Coalition Government have raised £22 billion (85 per cent) from women and £4 billion (15 per cent) from men. Andrew Grice, "Women bear 85% of burden after Coalition's tax and benefit tweaks", The Independent, December 6, 2014, accessed January 23, 2015, <http://www.independent.co.uk/news/uk/politics/women-bear-85-of-burden-after-coalitions-tax-and-benefit-tweaks-9907143.html>.

cent of workers paid below the living wage are women⁴ - and to face discrimination at work including harassment, poor treatment when pregnant and unequal pay.

In seeking to identify the impact of the JSA regime on gender equality we have reviewed previously published evidence,

issued our own call for evidence and taken oral evidence. We have heard from academics, from a variety of civil society organisations and from individual women. From this wealth of evidence we have drawn a number of conclusions and made a series of recommendations.

MAIN FINDINGS

- The JSA regime takes insufficient account of the distinctive circumstances of many women's lives, in particular their higher risk of getting stuck in low-paid jobs, the impact of their caring responsibilities and the fact that they are much more likely than men to be at risk of domestic and sexual violence.
- Those features of the JSA system that are intended to take account of these differences are not working well. There are flaws in both their design and implementation. Consequently, the requirements included in Claimant Commitments and Jobseeker's Agreements are often difficult if not impossible for women to comply with.
- As a result, particular groups of women (including single mothers, women facing sexual and domestic violence, and women who have difficulties with English) are exceptionally vulnerable to sanctions through no fault of their own. This is affecting women's safety, their mental and physical health, and the health and wellbeing of their children.
- Some groups of women appear to be being sanctioned without good reason more often than other groups. Lone parents, 92% of whom are women, are significantly more likely than other claimants to be successful when they appeal against a sanction, suggesting that they are more likely to have been sanctioned unreasonably in the first place. There is anecdotal evidence of women who have difficulties with English being sanctioned repeatedly simply because they do not understand what the system requires of them.
- Because JSA is focused on getting people into any work regardless of claimants' skill level and experience, it is contributing to a growing pattern of women being over-represented in low paid jobs with poor prospects from which they will struggle to progress. This is not just a waste of women's potential economic contribution. It also makes it more likely that they will need other forms of state support to survive and that their children will grow up in poverty.

4 Fawcett Society, The Changing Labour Market 2: Women, low pay and gender equality in the emerging recovery, August 2014, accessed January 22, 2015, <http://www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf>.

- In some respects, the way in which the JSA regime is being implemented in relation to women risks directly undermining other government goals or strategies. For example, the policy of not telling claimants about the Domestic Violence (DV) Easement so that they will only benefit from it if they happen to find out about it appears to be at odds with the Government's overall strategy for reducing the impact of domestic violence.

In the light of these findings we have made a series of recommendations regarding the design and implementation of the JSA system that we believe could help to ensure that it no longer has a negative impact on gender equality. Many of the recommendations will also be relevant to the wider group of claimants who would be subject to conditionality under Universal Credit.⁵

The Government has made clear public statements about its commitment to equality of opportunity.⁶ It is also subject to a duty to pay due regard to the importance of eliminating sex discrimination and advancing equality of opportunity in all relevant areas of its activities.⁷ We believe that our recommendations would assist the Government in making good these commitments and in meeting its legal equality duties. We also believe that our recommendations would help the Government to achieve its policy goal of moving people off benefits and into work – but into sustainable, quality employment, that will improve the lives of claimants and their families, and put more money back into the economy.

RECOMMENDATIONS

SYSTEM DESIGN

1. Specialist advisers who are specifically trained in dealing with claimants with additional needs should be introduced at Jobcentres. These advisers would be able to inform lone parents, for example, of the JSA Parent Flexibilities and inform survivors of domestic violence of the JSA DV Easement and ensure that they are applied correctly so that claimants are given the support they need to move into sustainable work.
2. The current JSA Parent Flexibilities should be retained in full and should be set out in regulations rather than in guidance under Universal Credit legislation.

5 In particular, if Universal Credit (UC) is introduced, there will be more similarity between the rules for lone parents and 'lead carers' in two-parent families; so the findings of this report are also relevant to them.

6 Government Equalities Office, 'The Equality Strategy: Building a Fairer Britain,' December 2010, accessed 23 January 2015, <https://www.gov.uk/government/publications/equality-strategy>.

7 Public Sector Equality Duty, Equality Act 2010.

3. The Domestic Violence Easement should be amended so that it better reflects the reality of women's experience of domestic and sexual violence. The Department for Work and Pensions (DWP) should consult with expert organisations about how to improve the terms of the Easement and how to ensure it actively contributes to the Government's overall strategy for tackling violence against women and girls.
4. The conditions set out in Claimant Commitments and the additional stipulations demanded by Work Programme providers should take sensible and appropriate account of the impact of caring responsibilities, difficulties with speaking or writing English and the impact of domestic and sexual violence, where these are relevant for a claimant. For example, claimants whose caring responsibilities mean they can only work part time should not be required to travel 90 minutes each way to work.
5. All claimants should receive a thorough diagnostic interview after three months of claiming JSA, to ensure that they are receiving the support they need to move into sustainable, quality employment and are not being required to undertake activities, at a cost to the public purse, that make little or no contribution to their job search.
6. A '10p rule' should be instated for JSA, so that 10p of the benefit remains after sanctioning in order to preserve access to Housing Benefit and so prevent JSA sanctions leading to rent arrears and possible eviction.

IMPROVING IMPLEMENTATION

7. Claimants should be told about the Domestic Violence Easement: it is not acceptable that many claimants who are experiencing domestic or sexual violence do not know about the Easement. Claimants who are covered by the Easement should be supported appropriately and should never be required to take actions that would put them at risk nor be sanctioned for not taking such actions.
8. All Jobcentre Plus staff and Work Programme providers should be made aware of the JSA Parent Flexibilities and trained in their application. The DWP should monitor whether they are being applied successfully in practice.
9. Claimants who face language barriers that prevent them from moving into work should be entitled to quality ESOL (English for speakers of other languages) classes before being subject to the usual conditions of their benefit, which will enable them to move into sustainable work and will ensure that they are not sanctioned simply for a lack of understanding.

10. Sanction referrals should be communicated either in person or over the phone by an adviser, and the adviser should be responsible for ensuring that the claimant has understood:

- the reason for the sanction referral;
- the appeals process, and that the claimant has a right to appeal;
- the process for applying for hardship payments, and that the claimant has a right to apply for them.

11. The sanctions appeals process needs to be overhauled. It should include a swift informal process that is undertaken within days and a much quicker process for the appeal proper that is simple and easy for claimants to navigate and understand.

FURTHER RESEARCH

12. Further research is needed into:

- The reasons that sanctions are overturned, as the high proportion of sanctions overturned at appeal indicates a considerable misapplication of sanction referrals.
- What happens to the 'hidden group' – those who are sanctioned and then do not move into known employment or continue to claim benefits. This group, especially the women within it, appear to be particularly vulnerable to exploitation, and the lack of knowledge about what happens to them is of grave concern. It is also likely to have a distorting effect on figures about claimants moving 'off benefits'.
- The extent of financial hardship caused by benefit sanctions, including in relation to food and fuel poverty and the impact of sanctions on child poverty and development (as suggested by the House of Commons Work and Pensions Committee report, 'The role of Jobcentre Plus in the reformed welfare system,' January 2014).
- What happens to claimants after they have been sanctioned, in order to assess the efficacy of sanctions and understand their long-term impact in a UK context.

Introduction

Over the past five years the UK's social security system has undergone a series of seismic reforms. These have been enacted with the intention of meeting three principal policy goals: to reduce expenditure; to get people off 'benefits' into work and ensure that 'work always pays'; and to simplify the system.

The first of these goals has led to deep reductions in social security spending, which has been cut by around £22bn per year since 2010.⁸ The individual changes range from cuts to benefits for children, housing support and tax credits to the abolition of some benefits during maternity and freezing many working age benefits or uprating them by less than inflation. A number of organisations and bodies - including the Women's Budget Group, the House of Commons Library and the Fawcett Society - have repeatedly raised concerns and provided evidence that many of these individual changes, as well as their cumulative impact, are having a disproportionate impact on women, and are consequently undermining equality between women and men. Evidence suggests that as a result of these reforms particular groups of women are becoming poorer, less financially autonomous, and in some instances increasingly vulnerable to domestic abuse.

One area of reform that has been influenced by both the aspiration to cut expenditure and the goal of moving recipients off benefits and into work has been the recent changes to the unemployment benefits

system⁹ - namely changes to the conditions that must be met to qualify for Jobseeker's Allowance (known as conditionality) and the use and application of the sanctions that are applied when these conditions are not met.¹⁰

In brief, the new system has seen a stepping up of the requirements that claimants need to fulfil in order to qualify for the benefit, such as an increase in the number of hours per week they must spend looking for work and the number of jobs they must apply for. Another change has been an increase in the use and severity of sanctions (i.e. the withdrawal of payments for a stipulated time) which are applied when it is deemed that a claimant has failed to meet their job-seeking requirements.

This inquiry emerged from concerns that, whilst these reforms clearly have significant implications for all JSA claimants, early evidence pointed to a range of instances whereby women were being affected in particularly adverse and disproportionate ways.

Under the Public Sector Equality Duty¹¹ the Government has a legal duty to have 'due regard' to the need to advance equality

⁸ Patrick Butler, "Every welfare cut listed: how much a typical family will lose per week," The Guardian, April 1, 2013, accessed January 22, 2015, <http://www.theguardian.com/news/datablog/2013/apr/01/every-welfare-cut-listed>.

⁹ For the purposes of this review, this refers to the system as it applies to those who are not ill or disabled as this group is treated separately under Employment and Support Allowance (ESA).

¹⁰ As outlined in both the Jobseekers (Back to Work Schemes) Act 2013 and The Welfare Reform Act 2012.

¹¹ Public Sector Equality Duty, Equality Act 2010.

of opportunity between women and men, including with regard to the need to 'remove or minimise disadvantages suffered'. Therefore, in order to further investigate the potentially disproportionate impacts of the changes to Jobseeker's Allowance (JSA) on women, and with a view to providing evidence to aid the Government to meet its legal requirements under the duty, in June 2014 the Fawcett Society convened an independent panel to investigate the potential impact on gender equality of the recent changes to JSA.

Specifically, the inquiry objectives were:

- To produce an in-depth and rigorous analysis of the potential gendered impacts of the recently reformed conditionality and sanctions regimes for Jobseeker's Allowance.
- To identify any areas where improvements to current policy could be made in order to further gender equality and, where relevant, ensure that any disproportionate gendered impacts are mitigated, thus aiding the Government to meet its legal requirements under the Public Sector Equality Duty.¹²

¹² Under the Public Sector Equality Duty (contained in the 2010 Equality Act) the government has a legal duty to have 'due regard' to the need to advance equality of opportunity between women and men, including with regard to the need to 'remove or minimise disadvantages suffered'.

The inquiry panel (or 'committee') comprised a range of respected public figures with an array of expertise and interest in the field of public policy and equality.

They were:



**AMANDA ARISS
INQUIRY CHAIR**

Amanda Ariss is the CEO of the Equality and Diversity Forum. Under her leadership, EDF has launched the Equally Ours human rights project, developed a research network, helped secure the 2010 Equality Act, and pioneered ground-breaking work on sensitive topics such as competing rights. Previously Amanda was Head of Policy and Research at the Equal Opportunities Commission and worked for the Audit Commission and in local government.



CARLENE FIRMIN MBE

Carlene Firmin MBE is Head of the MsUnderstood Partnership and Research Fellow at the University of Bedfordshire. For two years Carlene was the Principal Policy Advisor to the Office of the Children's Commissioner's Inquiry into child sexual exploitation in gangs and groups, and continues to act as an adviser to them on sexual exploitation and gangs' policy. In 2011 she was awarded an MBE for services to Women and Girls Issues in the News Years Honours list.



SIR KEIR STARMER QC

Keir Starmer is a human rights lawyer. He has conducted cases at the highest level in England and Wales, as well as at international courts such as the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Right, the Caribbean Court of Justice and the African Commission on Human and People's Rights. Keir was Director of Public Prosecutions and Head of the Crown Prosecution Service from 2008-2013.



BARONESS MEACHER

Baroness Meacher began her career with the Child Poverty Action Group in the 1970s fighting against the abolition of Family Allowances, and later campaigned against unemployment as Director of the Campaign for Work in the 1980s. She was adviser to the Russian Government on the development of a system to deal with unemployment in the 1990s and became a Peer in 2006. She speaks regularly on many issues affecting women, particularly on welfare reform.



ROSAMUND URWIN

Rosamund Urwin is a columnist, interviewer and feature writer for the London Evening Standard. She joined the Standard's business desk in 2007, before moving to the features desk three years ago. She has also written for The New Statesman, Marie Claire, the Catholic Herald and Grazia. Her TV and radio appearances have included the Today Programme, PM and Woman's Hour on Radio 4 and ITV's This Morning, while she regularly reviews the papers on Sky News.

THE PANEL'S INVESTIGATION WAS INFORMED BY A RANGE OF EVIDENCE, INCLUDING:

- Extensive desk-based research on the job-seeking benefits system
- A series of twelve in-depth qualitative interviews with women claiming JSA
- A series of five regional focus groups with women claiming JSA
- Submissions from an open call for evidence aimed at researchers, academics, NGOs, service providers and women claiming JSA
- A one-day 'live hearing' session with researchers, academics, NGOs, service providers and women claiming JSA.

This report represents a summary of the findings from this investigation and includes a series of recommendations for reform. These recommendations are drawn up with the intention of better enabling the Government to meet its legal obligations to eliminate discrimination and advance equality between women and men and supporting better outcomes.

Full information on the inquiry process and methodology can be found in Annex A

Much of this evidence was collated by the inquiry Secretariat, comprised of research staff at the Fawcett Society.¹³ The Secretariat was also on hand throughout the inquiry process to undertake further research as requested independently by Committee members.

¹³ Daisy Sands, Head of Policy and Campaigns and Ava Lee, Policy and Campaigns Officer.

Section One

Overview of the Jobseeker's Allowance System

TYPES AND RATES

Jobseeker's Allowance (JSA) is an unemployment benefit administered by the Department for Work and Pensions (DWP) to people in England, Scotland and Wales aged between 18 and the State Pension Age (with some exceptions for 16- and 17-year olds). There is equivalent provision in Northern Ireland. It is paid every two weeks, and is intended to cover the cost of living for claimants while they are out of work. It can be claimed by people who are available for and actively seeking employment, including those in remunerative work for less than 16 hours a week, as well as by people on a Government training scheme.

Statistics from the Office for National Statistics (ONS) reveal that as of September 2014 there were 951,900 people claiming JSA. Thirty-five per cent of claimants are female, and 65 per cent are male. These figures do not yet include people claiming Universal Credit.¹⁴

There are two types of JSA: contribution-based and income-based.

Contribution-based JSA is payable to those who have paid enough Class 1 National Insurance Contributions (NICs) (i.e. an employee earning above £153 per week, or someone self-employed and making a profit of over £5,885 per year) in the two years prior to claiming.

A claimant's income or savings will not usually affect how much they receive, unless this income comes from a part-time job or occupational or private pension.

Claimants can only receive contribution-based JSA for 182 days (approximately six months) and may be eligible for income-based JSA after this.

The current rates of contribution-based JSA (April 2014 to March 2015) are:

Age	Weekly Amount
16 to 24	£57.35
25 or over	£72.40

Income-based JSA is payable to those who have not paid enough NICs to qualify for contribution-based JSA, or who no longer qualify for contribution-based JSA.

Recipients must be able to prove that they have been living in the UK for a minimum of three months before they claim, if they are either a UK national who has recently returned from abroad and has not worked since coming back to the UK, or an EEA national who has not worked since arriving in the UK.

Unlike contribution-based JSA, income-based JSA is means tested and claimants (and their partner, if they live with one) must usually work less than 24 hours per week (on average) and have no more than £16,000 in savings to qualify.

¹⁴ Office for National Statistics, Statistical Bulletin: UK Labour Market, October 2014, October 15 2014, accessed January 22, 2015, http://ons.gov.uk/ons/dcp171778_378901.pdf.

The current rates of income-based JSA (April 2014 to March 2015) are:

Status	Weekly Amount
Single (under 25)	£57.35
Single (25 or over)	£72.40
Couples (both 18 or over)	£72.40
Lone parent (18 or over)	£113.70
Lone parent (under 18)	£57.35

THE NEW CONDITIONS AND SANCTIONS REGIME

To be eligible for JSA, claimants must agree with a Jobcentre Adviser what steps they will take to find work and how they will engage to improve their chances of getting a job - for example by getting help with writing a CV, undertaking job searches or preparing for interviews.

The notion that entitlement to state benefit should be conditional on compliance with a set of responsibilities or obligations, rather than a right that flows from citizenship in and of itself, was not introduced by the current Government. There have always been conditions for those claiming any social security benefit (such as having a contribution record, or disclosing income and assets; and in the case of unemployment benefits, being available for work). But the current emphasis on behavioural conditionality whilst in receipt of benefit during unemployment has its

roots in a longer history of welfare reform going back to the late 1980s, when the post-war consensus around the welfare state began to be challenged in the course of the welfare reforms under Conservative Governments,¹⁵ and continued under New Labour, with 'no rights without responsibilities' as one of the defining features of its 'Third Way' politics.¹⁶

This trend has been further intensified by the current Coalition Government and since 28th October 2013, new claimants to JSA have had to account more clearly for their efforts to find work in order to receive their benefit through signing a 'Claimant Commitment'. This is agreed by the claimant and Jobcentre adviser and, whilst the conditions stipulated vary from claimant to claimant, they will often include:

- The amount of time that the claimant must spend looking for a job each week - which is 35 hours unless the claimant has caring responsibilities or has a physical or mental impairment;¹⁷
- A prescribed number of job search activities (such as writing a CV, visiting recruitment websites, asking former colleagues and friends about job vacancies, and calling potential employers) that must be undertaken each week;
- The number of times per week the claimant needs to attend meetings at the Jobcentre;
- The number of jobs the claimant must apply for each week;

- The maximum travel time that claimants must agree to in their job search criteria, which is usually 90 minutes each way;
- A stipulation that the claimant must undertake job searches on the DWP's website, Universal Jobmatch;
- Stipulations on where the claimant must undertake their job search activities, such as in the local library, or at the Jobcentre.

As explained in 'Welfare sanctions and conditionality in the UK,' a 2014 report by the Joseph Rowntree Foundation, the Claimant Commitment has increased job-seeking for most claimants, "with the default requirement that claimants treat looking for work as their full-time job."

It is important to note that there is a range of flexibilities in the system designed to help to ensure that work search and work availability requirements placed on jobseekers who have children take account of their caring responsibilities - the impact and efficacy of these are discussed in more detail under 'Parent Flexibilities and Specialist Advisers' in Section 3.

The Claimant Commitment also sets out the consequences of failing to meet requirements: namely that JSA will be cut. This is known as a sanction. A Jobcentre adviser can raise a sanction referral which acts as a statement that, in the opinion of a personal adviser, a claimant may not be fulfilling the conditionality requirements of their Jobseeker's Agreement or Claimant Commitment and therefore may not be entitled to a payment of JSA. The referral is passed to a decision maker at the DWP who will decide whether a sanction is to

be imposed. Once the claim has gone forward to a decision maker, a claimant may have their benefit suspended pending a decision being made.

In general, JSA sanctions can now last for a fixed period of 4, 13, or 26 weeks, or three years, depending on the level of sanction applied. It also depends on whether it is the first, second or third time that a sanction has been applied.

Lower level sanctions (for example, for failing to attend an adviser interview or failure to comply with a Jobseeker Direction) will lead to claimants losing all of their JSA for a fixed period of four weeks for the first failure, followed by 13 weeks for subsequent failures (within 52 weeks - but not within two weeks - of their last failure).

Intermediate level sanctions of four weeks for a first failure, rising to 13 weeks for a second or subsequent failures (within 52 weeks - but not within two weeks - of previous entitlement ceasing) may be applied following a period of disallowance for not actively seeking employment or not being available for work.

Higher level sanctions (for example, for leaving a job voluntarily or failing to take part in the Mandatory Work Activity scheme, failing to take on a suitable employment opportunity) will lead to claimants losing all of their JSA for a fixed period of 13 weeks for a first failure (within 52 weeks - but not within two weeks - of their last failure).

The impact of sanctions is discussed at length under 'Sanctions' in Section 2.

¹⁵ Peter Dwyer, "Creeping Conditionality in the UK: From Welfare Rights to Conditional Entitlements?," *The Canadian Journal of Sociology*, 29(2):265-287.

¹⁶ Anthony Giddens, *The Third Way: The Renewal of Social Democracy* (Cambridge: Polity Press, 1998), 65.

¹⁷ As stated in the Jobseekers Allowance Regulations 2013, Regulation 9

HARDSHIP PAYMENTS

A system of hardship payments exists. In order to receive payments the claimant is required to prove they are at risk of hardship. In practice, hardship payments are made if claimants can demonstrate that they cannot buy essential items, including food, clothing, heating and accommodation and so are at risk of severe suffering or privation. Vulnerable groups, which include anyone with responsibility for children, can access hardship payments immediately; non-vulnerable groups cannot do so for the first 14 days of a sanction.

RECENT AND UPCOMING CHANGES

THE WORK PROGRAMME

The Work Programme is a payment-by-results scheme that was launched throughout Great Britain in June 2011. Along with the Universal Credit benefit reforms, it is central to the Coalition Government's programme of welfare reform. It replaced the Flexible New Deal under Labour.

The Work Programme is being delivered by a range of private, public and voluntary sector organisations to provide support for people who are long-term unemployed – or are at most risk of becoming so. It is discussed at length under 'The Work Programme' in Section 3.

UNIVERSAL CREDIT

Universal Credit is a new benefit currently in the early stages of roll-out across the UK. It replaces 6 existing working-age benefits including Income-based JSA with a single monthly payment.

Current conditionality and sanctions for JSA will be extended further under Universal Credit. In particular, because all claims for Universal Credit by couples will be joint claims, conditionality will be extended to both partners in two-parent families with children (with modifications for the lead carer). In addition, the current flexibilities available to job seeking parents with caring responsibilities (currently lone parents) are changing, and only one (out of 12) of the current flexibilities has been migrated into new regulations in its entirety. The other 11 have either not been accounted for at all or have been qualified to narrow their application. For more information, see 'Annex B: Comparison table of flexibilities in current regulations and the provision of flexibilities in Universal Credit regulations.'

Under Universal Credit, conditionality will also be extended to those in work but working below (what the Government considers to be) their potential in terms of working hours/earnings.

WAITING DAYS EXTENSION

On 19 March 2014, the Budget statement included an announcement that from 27th October 2014 the number of waiting days for JSA (and Employment and Support Allowance) will increase from three to seven days, subject to Social Security Advisery Committee (SSAC) consultation and parliamentary approval. The waiting days would apply to both income-based and contribution-based benefits. The rules on exemptions and linking to a previous appropriate benefit period are not changing. It is estimated that those making a claim for JSA or ESA will lose, on average, £40 or £50 respectively.

Announcing the consultation, Paul Gray, Chair of the SSAC, commented:

"This proposal has history. An identical change was put forward by the Government in 1998 but subsequently dropped. Then, as now, an understandable desire to ensure limited public resources are used most effectively was the main driver for the proposal. However, as benefits are now being paid fortnightly in arrears, it is important that we understand the full impact of this change – particularly on the most vulnerable. We are keen to hear from anyone who is able to provide information about the consequences of this change".

Section Two

The Wider Context and Wider Impacts

The specific reforms that this inquiry is investigating – namely the increased conditionality for Jobseeker’s Allowance and the use of sanctions that are applied when those conditions are not met – does not operate in a vacuum, and as such, it is essential to consider both the wider political reform in which they are situated, as well as the broader economic and social context (specifically the programme of cuts in benefits and tax credits, as well as services; the cost of living; and the status of the labour market).

As well as providing the context for understanding the impact of the changes on all recipients, by drawing on women’s and men’s relative positions in relation to these factors, such analysis can provide important insights into how the changes are likely to affect gender equality.

THE WIDER PROGRAMME OF CUTS DEFICIT REDUCTION

Reducing the deficit has been at the heart of the Coalition’s programme for government. With the stated goal of reducing public debt, the government has adopted the most sustained period of public spending cuts in peacetime history. As the Institute for Fiscal Studies (IFS) reports, these cuts will amount to a reduction in public spending of around £123bn per annum by 2016-17.¹⁸

While all of the major political parties adhere to the goal of cutting the deficit, there has been much debate, both inside and outside of Parliament, about how the Government should work towards

this objective. Since 2010, the Coalition have employed a strategy to reduce the deficit principally through spending cuts as opposed to tax rises, at a ratio of 90:10 cuts to taxes.¹⁹

The Coalition Government’s austerity measures have been justified by persistent claims that the cuts are necessary on the grounds that ‘there is no money left’ and there is consequently ‘no alternative.’ However, the Government has failed to meet its own deficit reduction targets, and the deficit is in fact growing,²⁰ which leads some to question the efficacy of the cuts-focused strategy. Further, while some money has indeed been saved by the cuts to public spending, a series of expensive tax cuts have brought into question not just these financial savings, but also the justification that there is no money left and thus no alternative. In particular the Coalition has, throughout their term in parliament, incrementally increased the income tax personal tax allowance to £10,000 per annum by 2015-16. Adjusting for normal price indexation, this measure

¹⁸ The Institute for Fiscal Studies, The IFS Green Budget, 2012, accessed January 22, 2015, <http://www.ifs.org.uk/budgets/gb2012/12chap3.pdf>.

¹⁹ Women’s Budget Group, The impact on women of Budget 2014: No recovery for women, March 2014, accessed January 22, 2015, <http://www.wbg.org.uk/wp-content/uploads/2014/03/FINAL-WBG-2014-budget-response.pdf>.

²⁰ Robert Colville, “If Britain is booming, why is the deficit growing?,” The Telegraph, October 15, 2014, accessed 22 January, 2015, <http://www.telegraph.co.uk/finance/personalfinance/tax/11162272/If-Britain-is-booming-why-is-the-deficit-growing.html>.

will cost the Exchequer an estimated of £5.3 billion per annum in lost tax receipts by 2015-16. Increasing the personal tax allowance does help many on low wages, however there is concern that it does not help the most vulnerable in our society who earn too little pay tax in the first place and in fact, as the Institute of Fiscal Studies (IFS) reports, 'the highest average cash gain occurs in the second-richest tenth of the income distribution'.²¹

Given commitments made by the Coalition to protect funding for a range of areas – such as international development, pensions, education and the health service – working age benefits and tax credits have been vulnerable and as a result have undergone some of the deepest cuts: social security spending has been reduced to the tune of £22bn per year since 2010.²² As a result, the government has received criticism about how heavily weighted their approach has been in favour of spending cuts, which, critics argue, target the most vulnerable, as opposed to tax increases which have greater impact on the wealthy.²³

“defending every line item of welfare spending isn't credible in the current economic environment.”

George Osborne MP, speech on welfare reform, 2nd April 2013

Cuts to social security spending have involved an array of cuts, caps and conditionality increases on almost all working-age benefits. The provisions that have been cut are those which support people during varied life events including education, pregnancy, maternity and parenthood to times of unemployment, inadequate earnings, unaffordable housing costs, illness and disability.

It is clear that the strategy to reduce spending on social security by focussing principally on cutting entitlement, as opposed to reducing need (for example, through addressing inflated housing costs, or ensuring decent wages), has been heavily influenced by the government's stated belief that the system has been 'far too generous for too long' and works to reward idleness and trap people in 'welfare dependency' which, the Chancellor, George Osborne claims, "can become deeply entrenched, handed on from one generation to the next".²⁴

This approach has been legitimised by describing claimants as 'scroungers' and 'shirkers', despite the fact that the majority of those people who have been affected by the welfare reforms are actually in work (for example, 60 per cent of those hit by the current one per cent uprating for all

working-age benefits are in work).²⁵ These measures are significantly reducing the incomes of claimants of benefits and tax credits and are, in some instances, pushing people and their families beneath the poverty line. The benefit cap, for example, is pushing certain families below the poverty level: Osborne's own analysis shows that the poverty threshold for a family of four is £26,566, £566 above the total benefit cap.²⁶

“For too long, we've had a system where people who did the right thing – who get up in the morning and work hard – felt penalised for it, while people who did the wrong thing got rewarded for it.”

George Osborne MP, 2nd April 2013

EQUALITY IMPACTS

As many analysts - including those at the IFS and the Organisation for Economic Co-operation and Development (OECD) - have shown, it is those on the lowest incomes who are losing the greatest percentage of their income (as well as the top decile group) as a result of these changes to social security, services and credits. Furthermore, as comprehensive analysis undertaken by a range of organisations including the Women's Budget Group, the Fawcett Society and

the House of Commons Library has shown, many of these changes are having a starkly disproportionate impact on women, thus undermining equality between women and men.

As a general rule, women as a group tend to rely more on benefits and tax credits than men. This is due to a range of factors including women's pregnancy and maternity needs, their greater caring responsibilities, their (on average) lower earnings and relative economic inequality, and the fact that they comprise the vast majority of lone parents. As such, on average one-fifth of a woman's income is comprised of benefits and tax credits as opposed to one-tenth of a man's – or put another way, benefits make up twice as much of women's income compared to men's.²⁷

It is no surprise, then, that women have been hit harder by both many of the individual changes to social security that have been introduced - including cuts to maternity payments, benefits for children and benefits designed to top up low wages - as well as by changes that have reduced the value of payments across the board, such as the switch to the lower CPI (Consumer Price Index) uprating index and the current one per cent cap on increases in most working-age benefits.

21 Ibid

22 Patrick Butler, "Every welfare cut listed: how much a typical family will lose per week," The Guardian, April 1, 2013, accessed January 22, 2015, <http://www.theguardian.com/news/datablog/2013/apr/01/every-welfare-cut-listed>.

23 Oxfam, The Perfect Storm: Economic stagnation, the rising cost of living, public spending cuts, and the impact on UK poverty, June 2012, accessed January 22, 2015, <http://policy-practice.oxfam.org.uk/publications/the-perfect-storm-economic-stagnation-the-rising-cost-of-living-public-spending-228591>.

24 This claim has since been discredited by research by the Joseph Rowntree Foundation. See: Tracy Shildrick et al., Are 'cultures of worklessness' passed down the generations, December 2012, accessed January 23, 2015, <http://www.jrf.org.uk/publications/cultures-of-worklessness>.

25 Resolution Foundation, Resolution Foundation analysis of the 2012 Autumn Statement, December 2012, accessed January 22, 2015, http://www.resolutionfoundation.org/wp-content/uploads/2014/08/Resolution_Foundation_AS_Reaction.pdf.

26 Department for Work and Pensions, "Households below average income," last modified July 1, 2014, accessed January 22, 2015, <https://www.gov.uk/government/collections/households-below-average-income-hbai--2>.

27 Women and Equality Unit figures cited in Fawcett Society, Who Benefits?: A gender analysis of the UK benefits and tax credits system, April 2006, accessed January 22, 2015, <http://www.fawcettsociety.org.uk/index.asp?PageID=788>.

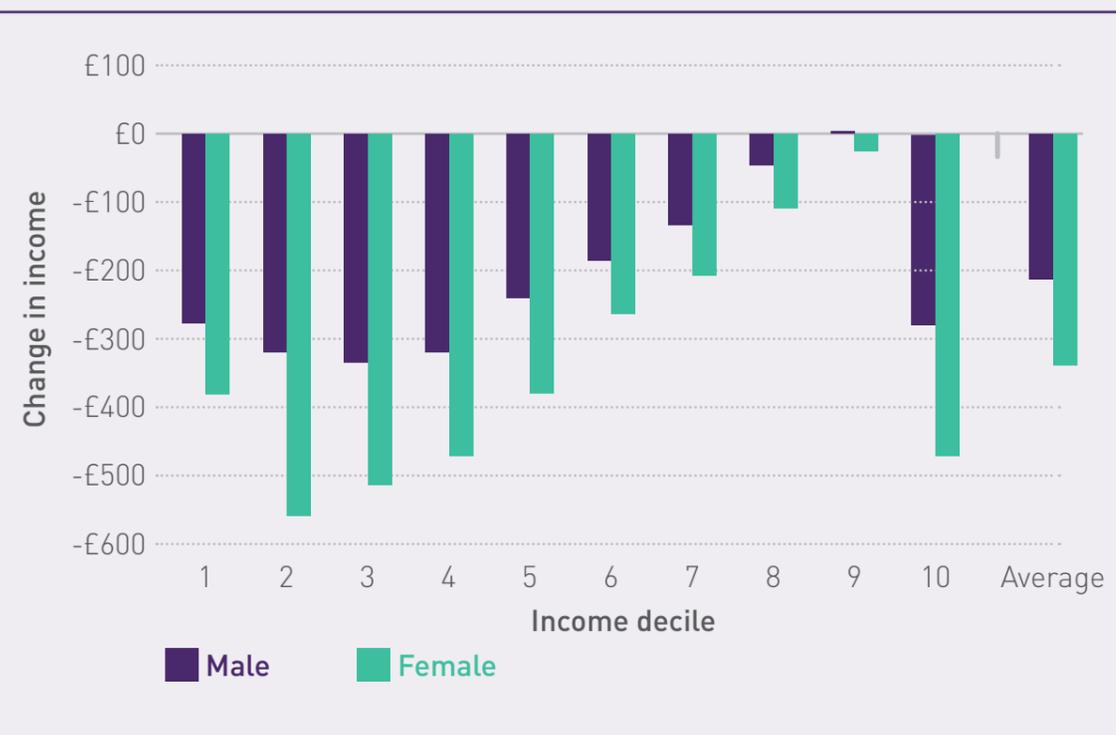
Overall, as the House of Commons library calculates, some 85 per cent of the revenue saved through changes to the tax and benefit system since 2010 has come from women (£22 billion), and 15 per cent from men (£4 billion).²⁸

Analysis commissioned by the Equality and Human Rights Commission on the cumulative equalities impact of tax and welfare reforms introduced between 2010 and 2015²⁹ also provides clear evidence

that women are suffering a greater cash loss than men as a result of changes at each income decile, with those on lower incomes bearing the biggest brunt.

As well as looking at the impact of changes on women and men across the board, it is also important to consider the differential impact that these changes have on men and women in relation to their family type (i.e. single/couple, working age/pensioner, children/no children), as this can reveal

Distributional impact of changes to direct taxes and social security at the individual level in cash terms: men and women by income decile



28 Andrew Grice, "Women bear 85% of burden after Coalition's tax and benefit tweaks", The Independent, December 6, 2014, accessed January 23, 2015, <http://www.independent.co.uk/news/uk/politics/women-bear-85-of-burden-after-coalitions-tax-and-benefit-tweaks-9907143.html>.

29 Equality and Human Rights Commission, Cumulative Impact Assessment: A Research Report by Landman Economics and the National Institute of Economic and Social Research (NIESR) for the Equality and Human Rights Commission, Research report, 94, 2014, accessed January 22, 2015, http://www.equalityhumanrights.com/sites/default/files/publication_pdf/Cumulative%20Impact%20Assessment%20full%20report%2030-07-14.pdf.

important discrepancies and shed further light on disproportionate impacts.

Analysis by the Women's Budget Group and Landman Economics quantifies the impact of tax and benefit changes along with the monetary loss in terms of cuts to public services (provided by both central and local government) on different family types in England.³⁰ This reveals that lone parents are by far the group most adversely affected – they lose 15.1 per cent of their disposable income as a combined result of the measures, the equivalent of almost two months' income per year.

Given that women comprise the vast majority (92 per cent) of lone parents, this finding reveals a clear gendered impact; indeed, further disaggregation reveals that single mothers actually fare worse than single fathers – mothers lose around 16 per cent of their income compared with 12 per cent for fathers.³¹

It is clear therefore that women, and in particular certain groups of women such as lone parents, are bearing the brunt of reductions to spending on benefits, tax credits and services; and as such, the impact of sanctions will further exacerbate the financial hardship that this already disproportionately affected group of women is facing.

THE COST OF LIVING

It has been widely reported that since 2008, the cost of essential goods and services has increased at a far greater rate than average wages (28 per cent compared to nine per cent),³² leading many to assert that the UK is currently in the midst of a 'cost of living crisis'.

Whilst this wider context will bear down hard on all those facing JSA sanctions and exacerbate their financial hardship, it is important to recognise that women, and in particular mothers (both single mothers and those in couples, who tend to take greater caring responsibility for children), often experience the impact of financial hardship in the home more adversely, as they act as 'shock absorbers', shielding their children and families from the impact of financial hardship.³³ For example, a 2012 survey by the parenting website Netmums found one in five mothers reported missing meals in order to protect their families from the impact of inadequate incomes.³⁴

THE LABOUR MARKET

Given that the reforms to JSA have been designed with the explicit intention of incentivising work and getting people 'off benefits and into work,' it is clear that how they play out in real terms will be largely contingent on the general health of the labour market and the supply of work.

30 NB. As the Women's Budget Group notes, 'because of data limitations it is not possible to make these calculations for individuals, but we can get a good idea of the gendered impact by looking at the gains/losses of different types of families.' Women's Budget Group, To ensure economic recovery for women, we need Plan F, September 2013, accessed January 22, 2015, http://www.wbg.org.uk/wp-content/uploads/2013/10/Plan-F_WBG-Parties-briefing_Sept-2013_final.pdf.

31 Ibid

32 Joseph Rowntree Foundation, A Minimum income Standard for the UK in 2014, June 2014, accessed January 22, 2015, <http://www.jrf.org.uk/publications/minimum-income-standard-2014>.

33 Women's Budget Group, Women and children's poverty: making the links, 2005, accessed January 26, 2015, <http://www.wbg.org.uk/documents/WBGWomensandchildrenspovetry.pdf>.

34 Netmums, "Feeling the Squeeze: Survey Results," 2012, accessed January 22, 2015, http://cdn.netmums.com/assets/files/2012/Feeling_the_Squeeze_Survey_Summary.pdf.

Whilst the past year has seen considerable growth in the numbers of those in work and a consistent decline in unemployment figures, it has been well documented that much of this growth has come from a rise in part-time jobs, temporary work and self-employment – all forms of work which are typically far lower paid, are less secure and, as Oxfam highlighted in their submission to the Inquiry, tend to have limited or no career progression compared to permanent full-time work. Such is the extent of the underlying shift currently taking place in the labour market that a number of analysts have characterised the recovery as a ‘low wage recovery’.³⁵

As women comprise the majority (two-thirds) of those in low-paid work,³⁶ these trends have significant implications for women and for gender equality. Research by the Fawcett Society reveals that since the start of the economic crisis in 2008 around 826,000 extra women have moved into types of work that are typically low paid and insecure. Female under-employment has nearly doubled (to 789,000) and an additional 371,000 women have moved into self-employment - a form of employment which typically earns around half the national average salary.³⁷ Overall, low-paid women now comprise one in four of all

female employees in the UK (compared to almost one in seven male employees) - equating to around three million women.³⁸

The reforms to JSA are firmly centred on the principle of getting people into work, as opposed to more specifically getting them into sustainable, quality work, and as such, the system appears to be entrenching a pattern whereby jobseekers on JSA are pushed into the first available job that comes up, which is highly likely to be low paid. Given the insecure nature of much low paid work, this can in turn work to trap this group in a cycle of benefits and low paid work.

As women make up the majority of low paid workers, and are less likely than men to move out of low paid work into higher paid jobs,³⁹ the reforms to JSA are very likely to exacerbate the over representation of women in low-paid work, and further entrench this inequality. Indeed, the large number of women moving into low-paid work over the past year may be partly attributable to the new JSA regime.

Recent research by the Fawcett Society also reveals that the increased number of women in low-paid work is not simply a case of workers being moved into work that is commensurate with their skills and

experience - their poll of 1,000 low-paid women revealed that 37 per cent describe themselves as ‘overqualified and over-skilled’ for their current job, and worryingly over one in five (22 per cent) are in low paid jobs despite being educated to degree level.⁴⁰

The primary research carried out for the Inquiry exposed some of the individual impacts of these trends: one of the women interviewed by Single Parent Action Network (SPAN) was told by her adviser at the Work Programme to remove the reference to her degree from her CV, as the adviser thought it was not relevant “and might alienate employers.” This was distressing for the claimant who was proud of achieving her degree, as she felt it demonstrated that she had been using her time well when her son was very young.

Another lone parent told SPAN that she did “not think that they cater for higher levels of qualifications or how they might help her move into sustainable work. Since she has been on JSA no one has looked at her CV or considered her background, skills or qualifications.”

This tendency of women to work below their skill and qualification level is one of the key causes of the gender pay gap (which currently stands at 19.1 per cent for all workers)⁴¹ and thus any policy that

entrenches this pattern will work to stall progress on closing, or may even widen, the gender pay gap.

Furthermore, the growth in low wage jobs has also come at a time when the value of low-paid work has significantly declined. Wages across the spectrum have been lagging behind inflation for over three years which, whilst of concern for those across the income scale, is particularly worrying for those on the lowest wages – as the Resolution Foundation has calculated, even with the recent uplift in October 2014 to £6.50 per hour, the National Minimum Wage is only worth in real terms the level it was almost 10 years ago in 2005.⁴²

Such is the decline in the value of low-paid work that the oft-quoted assertion that ‘work is the best route out of poverty’ no longer holds true, and in 2012 the Joseph Rowntree Foundation reported that “in-work poverty is the most distinctive characteristic of poverty today. For the first time, it outstrips the levels of poverty in workless households. More than half of children and working-age adults in poverty now live in working households [...] there are a million more people [in this situation] than [there] are in in workless households.”⁴³

For many people, moving off JSA and into work simply means a different kind of

35 The Economist, “All work and low pay”, November 9, 2013, accessed January 23, 2015, <http://www.economist.com/news/britain/21589440-bad-plan-deal-britains-low-wage-recovery-all-work-and-low-pay>.

36 Fawcett Society, The Changing Labour Market 2: Women, low pay and gender equality in the emerging recovery, August 2014, accessed January 22, 2015, <http://www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf>.

37 ONS, Labour Market Statistics June 2014, EMP13, June 2014, accessed January 22, 2015, <http://www.ons.gov.uk/ons/search/index.html?pageSize=50&sortBy=none&sortDirection=none&newquery=EMP13>.

38 Fawcett Society, The Changing Labour Market 2: Women, low pay and gender equality in the emerging recovery, August 2014, accessed January 22, 2015, <http://www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf>.

39 Chartered Institute for Personnel Development in association with John Lewis Partnership, The Pay progression: understanding the barriers for the lowest paid, 2014, accessed January 22, 2015, http://www.cipd.co.uk/binaries/pay-progression_2014-understanding-the-barriers-for-the-lowest-paid.pdf.

40 Fawcett Society, The Changing Labour Market 2: Women, low pay and gender equality in the emerging recovery, August 2014, accessed January 22, 2015, <http://www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf>.

41 Office of National Statistics, Annual Survey of Hours and Earnings, 2014 Provisional Results, November 2014, accessed January 22, 2015, http://www.ons.gov.uk/ons/dcp171778_385428.pdf.

42 J. Plunkett et al, More than a Minimum: The review of the minimum wage – the final report, March 2014, accessed January 22, 2015, <http://www.resolutionfoundation.org/publications/more-minimum-review-minimum-wage-final-report/>.

43 Aleks Collingwood, “In work poverty outstrips poverty in workless households,” November 26, 2012, accessed January 22, 2015, <http://www.jrf.org.uk/blog/2012/11/work-poverty-outstrips-poverty-workless-households>.

financial hardship, which for women will be further exacerbated by reductions in the value of in-work benefits that are hitting them harder. Recent research by the Fawcett Society confirms that for many low paid women, work alone is not providing an adequate route out of financial hardship: around one in two feel worse off than five years ago, one in ten are accessing payday loans, and one in 12 of those with children are having to resort to food banks in order to feed their children.⁴⁴

⁴⁴ Fawcett Society, The Changing Labour Market 2: Women, low pay and gender equality in the emerging recovery, August 2014, accessed January 22, 2015, <http://www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf>.

Section Three

Individual Impacts

COMMITMENTS AND AGREEMENTS

As outlined in Section 1, claimants must sign a 'Jobseeker's Agreement' or 'Claimant Commitment' in order to receive JSA. The Claimant Commitment replaces the Jobseeker's Agreement for JSA claimants and is in place for all Universal Credit claimants. It puts a stronger emphasis on the claimant's responsibility to do all they possibly can to look for work in return for the support they receive from the state,⁴⁵ but both contracts stipulate the conditions that the claimant must adhere to in order to receive the benefit. If claimants do not adhere to these conditions they will be sanctioned, i.e. their benefit payments will be stopped completely or reduced for a period of time.

This section draws from testimonies and submissions from women claiming JSA, academics, policy experts and front-line support workers to provide evidence on the initial signing on process, the conditions contained within the agreements, and the impacts of these conditions on particular groups of women.

SIGNING ON

"The actual experience of signing on felt like an exercise in a subtle humiliation rite. Several women I know just could not face it after going once or twice... The forms were another issue of contention - I was given the wrong form to fill in on several occasions. Various forms were so difficult to fill in that I had to get help from family and friends to do it - and I have a degree from Oxford University in English!"

Penelope,⁴⁶ teaching consultant, 51 years old (contribution based JSA)

As Penelope suggests, walking into the Jobcentre and dealing with the forms and processes in place is not an easy experience for many claimants, regardless of their background. All of the women who took part in our focus groups and submitted evidence told us that they found navigating the system exceptionally challenging, and felt very anxious about making mistakes that would result in a sanction. Further, as the Oakley review states (see below) (Oakley 2014, p.29) there is a concern that sanctions are 'one part of a system that can create stigma around the act of claiming benefits and, in doing so, put off eligible individuals from claiming'.

For women having to deal with external pressures, including those who are victims of domestic and/or sexual violence, those who are pregnant and those who have caring responsibilities, a lack of tailored support at this point of first contact can cause a great deal of additional stress,

⁴⁵ Department for Work and Pensions, "Simplifying the Welfare System and making sure work pays", last modified January 20, 2015, accessed January 22, 2015, <https://www.gov.uk/government/policies/simplifying-the-welfare-system-and-making-sure-work-pays/supporting-pages/introducing-the-jobseekers-allowance-claimant-commitment>.

⁴⁶ All case studies have been anonymised throughout this report.

and can lead to significant problems for claimants further down the line, as discussed in more detail below.

Further, for women who have difficulties in speaking English, including some who have recently gained refugee status, the process of signing on can be significantly more difficult than for claimants with a more comprehensive understanding of English. The qualitative evidence received by the inquiry suggests that these women often sign agreements that they do not fully understand, and ultimately receive sanctions as a result of a lack of comprehension, rather than an intentional breach of the conditions of their commitments and agreements.

The government commissioned an independent review of Jobseeker's Allowance sanctions by Matthew Oakley, which was delivered in July 2014. The review focused specifically on 'the clarity of information given to Jobseeker's Allowance (JSA) claimants who have had their benefits reduced for failing to take part in mandatory back to work schemes,' and 'what could be done to make the process clearer' [our emphasis].

As part of the review process, Oakley asked advisers around the country their views on the system:

'Advisers were adamant that they do all they can to try to help claimants understand and explained the value of building a relationship with claimants to help them navigate the system. However, a number of advisers also highlighted that it was, at times, difficult to ensure that these ambitions actually resulted in full claimant understanding.

Many advisers identified a "vulnerable" group who tended to be sanctioned more than the others because they struggled to navigate the system. This concern for the vulnerable claimants was consistent throughout the visits. For these groups, particular difficulties were highlighted around the length of time it could take to ensure some claimants fully understood what was required of them and in conveying that a "sanction" could entail the loss of benefit for a prolonged period of time.' (Oakley 2014, p.35)

The review found that 'communication and claimant understanding are essential parts of a fair and effective sanctions system' (Oakley 2014, p.33). Beyond these comments, however, the review makes no specific recommendations about how conditions could be better communicated to those claimants who face language barriers at their point of first contact with the system.

One of the focus group participants, Nadya, a single mother who arrived in the UK four years ago and who struggles to read and write in English, told us how she felt about attending meetings at the Jobcentre, and the particular barriers she faced in relation to her language ability:

"Sometimes when you see the job description, and they are so powerful the words, that you are scared to apply for this job, but maybe you can do it, it is nothing. They put things very powerfully, you need to be first good speaking English... I was scared about the job descriptions, and I know I can do a lot of things. Maybe these other

people are scared too... I don't want to go to the Jobcentre. I've got bad blood pressure, and I don't want to accept this pressure from them. I don't want to go there... These people are pushing you, pushing you, and in the end I feel like I am in desert, they push, push, and in the end there is nothing. There is no job, and I can't take it... It is not because we don't want to work, it is because there is no job. But they keep on pushing, pushing, pushing, and I just can't take it any more."

Nadya informed us that she is no longer claiming JSA because she felt bullied by her adviser, and she could not understand why she was repeatedly being sanctioned. Nadya and her 7 year old daughter are now living solely off child benefits and income from Nadya's irregular cover work.

As Dr David Webster states in his submission to the inquiry, and his paper 'JSA Sanctions: A guide to the Oakley Report and the Government's Response,' (September 2014), "The fundamental problem here is that Jobcentre Plus does not assess claimants' support needs at the time they first claim. The DWP has argued to the House of Commons Work and Pensions Committee (2014, Qu. 469-486) that assessing claimants when they first claim JSA is not value for money. The Committee did not accept that, and recommended Jobcentres adopt a more thorough and systematic initial face-to-face assessment of claimants' barriers to employment, and develop a 'segmentation' tool to help this process (House of Commons 2014, Recommendations 3-4, Vol. 1 p.44). The OECD (2014, pp.126-9) has supported their recommendation on a segmentation tool."

The Inquiry Committee echoes Webster's concerns, and supports the Work and Pensions Committee's recommendation.

AGREEMENTS

As outlined in Section 1, the conditions stipulated in claimants' agreements vary from claimant to claimant but often include, amongst a range of stipulations, what the claimant needs to do to look for work (e.g. registering with recruitment agencies, writing a CV), how many jobs the claimant needs to apply for in a week, how many hours the claimant needs to spend looking for work each week and how many times a week the claimant needs to attend meetings at the Jobcentre.

The DWP's website states, 'following an in-depth conversation, work coaches and jobseekers agree regular specific tasks, work preparation and training opportunities that will give them the best chance of finding work quickly'. However, the inquiry found a huge lack of consistency with regards to this approach. SPAN submitted the results of an online survey about agreements in November and December 2013. Forty lone parents responded to the survey, and SPAN found that:

Only 32% thought that their Agreement was negotiated with their adviser and took account of their need to also care for their child;

38% thought that there were elements of their Agreement that were imposed, rather than agreed; and

30% stated that their Agreement was drafted entirely by their adviser and did not take account of their need to also care for their child."

While Parent Flexibilities will be discussed in more detail below, it was clear from the evidence submitted to the inquiry that for all claimants, those agreements that were negotiated and created in dialogue with the claimants were more achievable, and took more appropriate account of the claimants' experience and other responsibilities, than those that were not.

PERSONAL IMPACTS

This section will discuss how the conditions set out in the commitments and agreements affect particular groups of women, including women who have experienced sexual and/or domestic violence, pregnant women, women who have difficulties speaking English, and older women.

VIOLENCE AGAINST WOMEN

Women who have experienced or are experiencing sexual and/or domestic violence can face particular barriers in adhering to the conditions of their benefits. The inquiry received written submissions from Eaves, Rape Crisis England and Wales, and Coventry Rape and Sexual Abuse Centre (CRASAC), as well as oral testimonies from Independent Domestic Violence Advocates.

Eaves informed the inquiry that many of the women they support who have experienced domestic violence suffer from low self-esteem, depression and other mental health issues and/or physical injuries that affect their ability to apply for jobs, their interview performance and their job retention. As claimants can be sanctioned for not making sufficient effort to get a job, or for becoming 'intentionally unemployed', women who have experienced domestic

violence are thus particularly likely to lose their benefits as a result of very normal responses to circumstances that are out of their control.

Further, women who are still facing domestic violence are often not in control of their own lives and movements, or might have valid fears for their own or their children's safety both inside and outside their homes, which can result in lateness or non-attendance at appointments. Conditions related to taking up additional training, discussed below, can be particularly difficult for DV victims who may be actively prevented or discouraged by their abuser from staying away from home or associating in mixed sex classes.

A joint Rape Crisis submission informed the inquiry that, in their experience, work coaches are not considering experiences of sexual violence and risks of violence and therefore are not creating appropriate agreements. The submission stated that 'a recent client was asked to use the local library hub to update her CV as part of her JSA agreement. On two occasions when she tried to attend, the perpetrator of her sexual violence was inside the library'. There is a very real risk of further violence occurring in such cases.

Additionally the suitability of jobs is not defined by Jobcentre advisers in terms of minimising risk. For example, Rape Crisis cites examples of victims of sexual violence who were offered job interviews at nightclubs and at premises in close proximity to 'adult' stores or, even more worryingly, near to their perpetrator's home or place of work. It is evident that women

in this situation are faced with impossible 'choices': either to put themselves at risk of further violence, or to receive a sanction and potentially face destitution. This is clearly an unacceptable situation.

Further, Rape Crisis reported that service users are sometimes asked to attend Jobcentre appointments which clash with their counselling or assessment appointments, such that women do not attend these appointments in order to avoid sanctions: 'This adversely impacts on waiting times for other clients and on the recovery of service users. One woman we supported cancelled her initial assessment five times before successfully attending due to her JSA obligations'. This puts great strain on life-saving services that are already over-stretched as well as creating additional distress for individual women.

PREGNANT WOMEN

Most pregnant women are subject to the same conditionality arrangements as other claimants and can be sanctioned in the same way. Aside from EEA Nationals (discussed below) and women claiming contribution-based JSA, pregnant women can switch to Income Support or Maternity Allowance 11 weeks before their due date, which does not require evidence of job-seeking activity.

Maternity Action, the leading campaign on maternity discrimination in the UK, informed the inquiry that most of the calls they receive from pregnant women claiming JSA on their advice line come from women who have either been made redundant or resigned from a job whilst

pregnant. Women who have been made redundant are not at risk of sanction but are subject to the same conditions as other claimants, including applying for jobs and attending interviews – which while visibly pregnant is no easy task. The second group, those who have resigned, often call Maternity Action as they have left as a result of pregnancy discrimination at work (e.g. a lack of health and safety protection, threats to be dismissed if they are off sick, or general bad treatment) but are treated by JCP as being 'voluntarily unemployed' which leads to a sanction. While this decision could be challenged on the grounds that they left work because of discrimination, if women haven't raised a grievance or taken any other action (which has become increasingly difficult with the recent introduction of upfront employment tribunal fees⁴⁷) it is unlikely that they would be successful.

Anecdotally, Maternity Action reported 'a softening of attitudes' to women in the later stages of pregnancy in cases where advisers have a realistic view of a visibly pregnant woman's chances of being offered a job; however, they expressed concern that this is entirely discretionary.

Emma is 20 years old and two months pregnant. She has been out of work and so is claiming JSA. Emma has been suffering from severe morning sickness and as a result is incapacitated first thing in the morning. When she called her JSA Adviser to say she wouldn't make her work focused interview and to ask for it to be rearranged she was

⁴⁷ Law Society Scotland, Employment Tribunal Fees Report, July 2014, accessed January 22, 2015, <https://www.lawsocot.org.uk/media/334389/employment-tribunal-fees-report.pdf>.

told he was in a meeting but that the message would be passed on. The Adviser called a week later to ask why she hadn't turned up, she then received a letter the next day to say she had been sanctioned, losing her JSA for 4 weeks.

Case study from One Parent Families Scotland

WOMEN WHO HAVE DIFFICULTIES WITH ENGLISH

Adhering to the conditions set out in agreements can be particularly difficult, if not impossible, for women who do not understand English. They are vulnerable to signing agreements that they do not understand and so are set up to fail from the outset. Further, even when claimants with language barriers have fully understood the conditions set out in their agreements, if those agreements have been created without due regard to language support needs they have the potential to actively discriminate against women who need language support to move into work. While language barriers clearly affect both women and men, certain groups of women who do not speak English face additional barriers which intersect and exacerbate existing inequalities.

Eaves told the inquiry about one of the women they support through the Poppy Project (who had been trafficked into the UK):

“Louise very much wants to work and is able. She feels ashamed to have to accept money from the government and would be very happy to work as a cleaner or nanny. Her mental health

assessment diagnosed depression, but not PTSD or any other mental health symptom. In discussion with Louise and her GP it was decided that JSA would be more appropriate for her than ESA. Unfortunately for Louise she doesn't speak any English. A policy change in April 2014 meant that interpretation no longer would be provided for new JSA claimants, unless the claimant was deemed to be vulnerable, in which case it would be left to the discretion of the local Jobcentre.

Louise's support worker learned of this new policy when trying to book an interpreter for her first JSA interview and being refused interpretation. The support worker was informed that Louise had been recognized by the government as a victim of trafficking and therefore discretion was allowed as she was a vulnerable person. Here an argument ensued in which the Jobcentre employee repeated over and over again that the point of JSA was to help people find work and if she can't speak English she's not fit to work in the UK so she didn't have any business applying for JSA at all. Further he pointed out that even if Louise had an interpreter at appointments she would not be able to meet the requirements because she would be unable to look for work or write a CV being both computer illiterate and a non-English speaker. When asked how she could be expected to survive, when she is fit and willing to work and ineligible for ESA but being blocked from accessing JSA, he said that if she

is left destitute in the street as a result it was not his problem because, again, JSA is for “legitimate” job seekers. This was then taken to the manager, who asked for details of her vulnerabilities to be sent over in a letter, which the support worker did and it was agreed that interpretation would be provided for her interview but not again for any of her other appointments. The interview then went ahead, with interpretation, without any problem.

There has been an ongoing issue around the Jobcentre providing an interpreter despite the fact it has been agreed on numerous occasions that Louise is entitled to have one due to her vulnerability. On one occasion she was forced to sign a Claimant Commitment without having any clue what it was she was signing. This was discovered when she came into the Poppy Project with the signed paper, telling of the experience and asking what the paper was. Since then an interpreter has been promised for every appointment yet has never been provided [...].

Even with the help of a full time support worker guiding Louise and advocating for her every step of the way to claim JSA, she still, 6 weeks later, has not been able to access a single benefit payment. When her case is closed with Poppy, it is likely that Louise will be sanctioned, as she won't have anyone to attend the appointments with her and help her to understand and meet the requirements. This puts her at a high risk of becoming destitute if

interpretation continues to be denied. Louise is the ideal JSA candidate – someone who desperately wants to work, is willing to take any menial job, and who only needs some support to find such a job. So far absolutely nothing has been done to help her in seeking work of any kind, nor to help improve her English – which the Jobcentre continuously points out as her biggest barrier – such as her coach enrolling her in ESOL classes. The only thing the Jobcentre has done for her so far is to admonish her in a language she doesn't understand, causing her to continuously break down in tears, and has made it nearly impossible for her to access the hundreds of pounds worth of benefits which have already been paid out to her.

If a vulnerable woman still is not able to navigate the system even when receiving full support, what possible hope is there for other vulnerable people with even higher support needs who don't have a support worker to help them? This system would have spat Louise out before she even entered it, because due to the discretionary non-interpretation policy she would not have even been able or allowed to schedule an interview in the first place without extensive advocacy, and a potential labourer, ready to fuel the economy, would be literally left destitute on the street.”

Louise's case demonstrates both the stark need for interpreters at the point of first contact, and the need for good quality ESOL classes to enable claimants

to improve their job prospects and lives in the long term. Louise's situation also demonstrates the way that external factors such as violence, mental health problems, exploitation and immigration issues intersect to make certain groups of women far more vulnerable than others to falling foul of the system.

In all of the focus groups held by the inquiry, native English speaking women claiming JSA expressed their concern about non-English speakers navigating the system. Penelope told us how she managed to negotiate a sanction that was imposed on her:

"I just kept thinking of that [women who don't have English as a first language] I suppose again, when I finally got someone from the benefits centre who rang me and was going through my claim, whether or not I was lying, basically, is what she was checking, and I really did feel, that because she had the same accent as me, and because she was a middle class educated person like me, once I spoke to her it was fine, because she could tell from my tone that I wasn't lying and this was it, and it was ok, but I just thought, well I'm lucky, but no that wouldn't be the case for someone with minimal English, or someone who was so angry that they were just shouting, because they are so frustrated. I could contain my fury, and it wasn't the end of the world for me, it wasn't like my children weren't going to eat if I didn't have the money. So I really, really just thought, even though it was not a nice

experience for me in any way, shape or form, I got away with it, because of my background, and that's dreadful – that's not equality."

OLDER WOMEN

"Working for over 40 years following gaining an honours degree in the early 70's, my career encompassed the probation service, marketing in the public, private and voluntary sector and a good deal of voluntary work – so I have contributed to the economy and still have a wealth of experience to bring to many and various roles in the workplace – but no one wants to know. 60 in late March this year, since my 50's have found my age works against me. When invited to interview I have often seen the look on people's faces when they realise my age - attitudes like that are rarely influenced by legislation."
Becky, 60

Many of the older women who responded to the inquiry felt particularly dejected by the conditions imposed upon them. The inquiry was informed that women like Becky above felt discriminated against at interviews, but still had to demonstrate that they were working as hard as they could to find a job – by applying for as many jobs and attending interviews in the same way that all claimants are asked to.

At a focus group in the Midlands, women in their 50s and 60s informed us that they had been told to apply for labouring jobs on construction sites, when they had no experience in the field and felt they were physically unable to perform the tasks that would be required of them.

Members of the so-called 'sandwich generation' – those caught between caring for both grandchildren and elderly parents – told the inquiry how difficult it had become to manage their caring responsibilities alongside the mandated activities listed in their agreements.

Oxfam informed the inquiry that when this group of women find employment, it is often in low-paid, insecure jobs because those are the only ones available with hours that can be fitted around their unpaid caring work.

While part-time hours can allow this group of women to continue to provide unpaid care for their family members, insecure zero-hours contracts (which are often the only part-time job opportunities available) tend to not work well at all, as women with dual caring responsibilities are generally unable to take up work at short notice because of their care work, and are left with no paid work as a result.

One woman, who had to care for her mother each evening, and also often looked after her grandchildren so that her daughter could afford to work, broke down while discussing some of the jobs she had been told to apply for: "Last week they tried to send me for a warehouse job, because it had got an 'admin' next to it. So again, I went along, and before the interview I said right I do not want to be in the same situation as I was at Christmas where I'm being threatened with being sanctioned because I have too many things I want to say, so I thought, and I had no job spec – and how can you

go for an interview with no job spec? How are you supposed to prepare? 'Don't worry you'll be fine, with your experience,' yes, they'll snap me up because they'll only want to pay me £6.51 an hour but then they'll want me to run the system and everything else. But when I asked, it was shift work, and my Jobseekers agreement says I can only work between 9 and 5 because I have caring responsibilities in the evening. I was told well then you can do the 6am-2pm shift, go home in the afternoon, get a few hours sleep, get up and do my caring responsibilities, then get a few more hours sleep and get up and go back. And I thought, are you really taking the p*** now? Because I don't want to put myself in an early grave."
Mandy, 63

EASEMENTS, FLEXIBILITIES AND SPECIALIST SUPPORT

As explored above, a lack of tailored support for women who face particular barriers to employment hinders their chances of finding work and makes them particularly vulnerable to sanctions. There are some easements and flexibilities in place, designed to take the circumstances of certain groups into consideration, and to provide them with the support they need to move into work.

This section of the report focuses on two key sets of easements that are of particular pertinence to women – Parent Flexibilities and Domestic Violence Easements – and considers where these policies are working and where there is room for improvement.

PARENT FLEXIBILITIES AND LONE PARENT SPECIALIST ADVISERS

The impacts of increased conditionality and sanctions on lone parents, 92 per cent of whom are women,⁴⁸ is of particular concern to the Inquiry Committee. Lone parents have long been at a disproportionate risk of living in poverty, and children in lone parent families remain twice as likely as those in two-parent families to live in relative poverty.⁴⁹ Lone parents face particular difficulties finding work that fits around their caring responsibilities and pays a decent wage: part-time work tends to be substantially lower paid than full-time work, with the hourly pay gap between full- and part-time work currently standing at 30 per cent.⁵⁰ In London specifically, research by Women Like Us and the Joseph Rowntree Foundation found that for every part-time vacancy paying £20,000 per year full-time equivalent there were 18 full-time vacancies at the same level (Women Like Us and JRF, 2012).

Consequently lone parents have a greater tendency than the general population to take up work that under-utilises their skills, qualifications and experience and thus has a negative impact on earnings, progression

and the welfare of their children.

There are a set of 12 safeguards, currently set down in regulation, that aim to accommodate the fact that lone parents are the sole carers of their children. They were designed to ensure that work search and work availability requirements placed on parent jobseekers reflect their caring responsibilities.⁵¹

The flexibilities include the following allowances:⁵²

- Usually, jobseekers have to be available for work for 40 hours per week. Parents with a child under 16 can limit the hours they can work to less than this to take account of their caring responsibilities. They must be available for work for as many hours as their caring responsibilities allow, and it must be at least 16 hours per week. Parents must not be penalised if there are no jobs available during those times.
- Parents with a child under 13 can limit the hours they can work to their child's normal school hours during term-time. They may be expected to work longer hours during school holidays where affordable childcare is available.

- Usually jobseekers are expected to travel up to 90 minutes each way for work. When deciding how far is reasonable for parents to travel, advisers must take childcare responsibilities, and the availability of affordable childcare before and after school, into consideration.
- Usually jobseekers have to attend an interview if given 48 hours' notice. If it would be unreasonable to do so due to caring responsibilities, parents may ask for up to seven days' notice to attend an interview.
- Usually jobseekers must be ready to take up a job if they are given seven days' notice. Parents may ask for up to 28 days if they need the additional time to arrange childcare.
- Usually claimants can be sanctioned for refusing or leaving a job. Parents should not be sanctioned where they can demonstrate that no appropriate childcare was available.

Both SPAN and Gingerbread informed the inquiry that the flexibilities are not always being applied correctly. SPAN surveyed 40 lone parents and found that only 25% had agreements that stated they could restrict their job search to vacancies within school hours, and worryingly 43% had agreements that explicitly stated that they must be prepared to look for full-time jobs.⁵³

Gingerbread submitted the following examples of lone parents who had called their helpline after being subjected to

inappropriate levels of conditionality, without consideration of the parent flexibilities:

- Caller D has a five year old child and is being pressured by her Work Programme provider to look for full time jobs. Her provider was not aware of the parent flexibilities.
- Caller E is being pressurised to apply for shift work and evening jobs by her Work Programme provider.
- Caller F was required to attend two three-hour sessions during the summer holidays. She was told not to bring her children, but no suitable childcare was available.
- Caller G was told he has to pay for childcare himself during the summer holidays whilst on the Work Programme. He was also told that he has to look for full-time work when his child turns 11.
- Caller H was told by her Work Programme adviser that all her benefits would be stopped if she doesn't go to see him at 4pm; this is the time she picks up her child from school.
- Caller J was directed by her provider to start a two week computer course during the summer holidays, but there is no registered childcare available for an 11 year old in the local area. The caller tried to explain the problem but was threatened with a sanction.

48 Office for National Statistics, Lone Parents with Dependent Children, January 2012, accessed January 22, 2015, http://www.ons.gov.uk/ons/dcp171780_251303.pdf

49 Sumi Rabindrakumar, Paying the Price: Single parents in the age of austerity, Gingerbread, Dec 2013.

50 Office for National Statistics, Annual Survey of Hours and Earnings 2013, Provisional Results, December 2013.

51 Currently, conditionality does not apply to the non-claiming partner if they are the main carer in a couple with children claiming JSA, because joint claims for such couples, although planned, have not yet been implemented. Therefore the parent flexibilities are not utilised by this group. Both partners in couples with children will be subject to conditionality under joint claims by couples for Universal Credit, however, with the 'lead carer' of children in principle having a modified form of conditionality, depending on their caring responsibilities. (But see below about the future of parent flexibilities.)

52 These are expanded upon in this government briefing introducing the policy: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/214568/rrep782.pdf and in this Gingerbread factsheet, 'Jobseeker's allowance – special rules for single parents' (May 2014): <http://www.gingerbread.org.uk/factsheet/32/Jobseeker%E2%80%99s-allowance-%E2%80%93-special-rules-for-single-parents>.

53 N.B. Although some of the single parents have older children and do not have a right to ask for school hours 28/40 (70%) of the single parents in the survey had a child aged twelve years or under (so should have the right to restrict their hours of work to school hours). Laura Dewar, SPAN submission to the Inquiry, 2014.

- Caller K with two children under 12 was told by her local Work Programme provider to look for a full-time job and be available to start immediately.
- Caller L was asked to go to a job club between 2.30 and 4.30pm which is outside her hours of availability as set out in her jobseeker's agreement. She has to pick her child up from school at 3pm and notified the provider of this. She still received a letter saying she has to explain why she didn't attend or else she will be sanctioned.
- Caller M was threatened with a sanction if she didn't attend the Work Programme when she was dealing with a domestic emergency – her child had broken her arm.

month prior to 2008 to over 5,000 per month in July-September 2013. The rate of sanctioning against lone parent JSA claimants in the three months leading up to April 2014 was as high as the highest rate of sanctioning of all claimants before the introduction of recent changes, at almost 4 per cent per month (Webster, 2014).

This is due to both the increase in the numbers of lone parents on JSA (from 2008 to 2013 the number of lone parent claimants in Britain rose from 6,000 to more than 120,000 as the government moved lone parents from Income Support to JSA⁵⁴), as well as the increase in the rate of sanctions applied.

As Gingerbread state in their submission:

The parent flexibilities provide an important safety net against inappropriate sanctions. However many advisers do not apply the flexibilities and do not inform single parents of their right to limit work search and work availability requirements. Primarily, we believe this is because advisers aren't aware of the flexibilities themselves, but it may also relate to the pressure to meet targets in a limited labour market.

It is vitally important that single parents are made aware of the parent flexibilities at the start of their claim. These should be proactively discussed as part of a comprehensive diagnostic interview and provided in a clearly worded document. JCP and Work Programme advisers

Given this evidence, it is unsurprising that lone parents experience a disproportionately high number of incorrectly applied sanctions. DWP statistics from October 2012 – June 2013 showed that 39% of sanctions on single parents were overturned at appeal, compared to an average of 28% for other claimants. For higher level sanctions this difference is even greater: 64% compared to 47% (Webster, 2014). In all of the examples from the Gingerbread helpline above, the correct application of the parent flexibilities would have prevented the threat and inappropriate application of sanctions.

It is notable that there has been a very large increase in numbers of lone parents being sanctioned under the new system – sanctions have risen from under 200 per

must receive regular training in the parent flexibilities and demonstrate competence in applying these effectively to job-seeking agreements and directions. Two in every five adverse sanction decisions affecting single parents are overturned on appeal.⁵⁵ Whilst it is not possible to know on what grounds these sanction decisions were successfully appealed, evidence from our helpline would suggest that the inconsistent and poor advice given to single parents by JCP and Work Programme providers – leading to poor decision-making at the point of sanction decision – is likely to be a key contributory factor.'

Under Universal Credit regulations, which are currently being phased in, the parent flexibilities will be significantly reduced. Only one of the parent flexibilities will remain in its entirety.⁵⁶ This will substantially erode the safety net that protects lone parents from inappropriate levels of conditionality and incorrectly imposed sanctions. Additional flexibilities will be detailed in guidance as opposed to regulation, which means that advisers will be under no legal obligation to take caring responsibilities into consideration when dealing with a lone parent job seeker.

This will also be likely to have a significant impact on the 'lead carer' – more likely to be women – in two parent families claiming Universal Credit, who will be subject to conditionality in addition to their partners

(which is not the case under JSA). This will see a big increase in the number of people with caring responsibilities who are subject to conditionality, which, particularly without these safeguards in place, is also of serious concern to the Committee.

LONE PARENT ADVISERS

"It just seemed to be an exercise to apply for as many jobs as possible, no matter how suitable they are for my skills/experience/childcare responsibilities and I just know they are going to try sanctioning me if I disagree with anything they suggest, it really is very stressful."
- Jane, SPAN case study – Jane has one son aged six, and has been sanctioned. She has a degree and an NVQ in Business Administration.

Until 2011 Jobcentres were required to provide lone parents with access to specialist lone parent advisers. These advisers were originally introduced as part of the last Labour Government's 'New Deal for Lone Parents,' which received generally very favourable responses from lone parents themselves: it was voluntary, there were no threats of sanctions for non-attendance or compliance, and it offered the option of access to education and training as opposed to mandating work. The Labour Government, however, later shifted to moving more lone parents from Income Support to the JSA regime, and this emphasis has been increased by the current government, as described above.

54 Department for Work and Pensions, "Lone parents receiving JSA, monthly claimant count," last modified January 21, 2015, accessed January 23, 2015, <https://www.gov.uk/government/statistical-data-sets/lone-parents-receiving-jobseekers-allowance-claimant-count>.

55 Department for Work and Pensions, JSA and ESA sanctions: decisions made to June 2013, November 2013, accessed January 23, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255176/sanctions-nov-2013.pdf.

56 Universal credit regulation 96 (3) (b), also see Annex B for more information.

Lone parents and organisations supporting lone parents told the inquiry that specialist advisers who have a developed understanding of the particular difficulties faced by lone parents would significantly improve lone parents' chances of moving into work, and would avoid unnecessary sanctions and the hardship that they cause to both the parents themselves and their children.

THE JSA DOMESTIC VIOLENCE EASEMENT

A domestic violence easement is in place for JSA claimants which exempts victims of actual or threatened domestic violence from job seeking conditions for an initial four-week period, which can be extended to a total of 13 weeks where specific evidence is provided. A DWP report on the easement (2013) states: 'This period is intended to provide those who have been affected by DV with time to focus on priorities like organising new accommodation or arranging alternative schooling for dependent children without having to also focus on meeting their job-seeking conditions.'⁵⁷

The easement is vital to ensure that women facing domestic violence are not made more vulnerable to further violence or trauma as a result of the conditions and sanctions that would normally be applied to job seekers. However, Eaves have raised concerns that the specific limitations around accessing the easement do not reflect the lived reality of domestic violence

as it is experienced by many of the women they support. Specifically the easement can only be accessed:

- If it is requested by the claimant;
- If the violence was perpetrated within the last 26 weeks;
- If the victim is not living at the same address as the abuser;
- If the claimant has not benefitted from the easement already in the last 12 months.

The Committee is concerned that placing the burden of disclosure solely on the victim is unreasonable, particularly as the easement is not publicised and guidance provided by DWP states that 'call centre staff are specifically not allowed to inform claimants about the easement' (our emphasis).⁵⁸

Disclosure of domestic violence is challenging for victims in all manner of circumstances, but it can be especially difficult for claimants to disclose to their benefits adviser, who is fulfilling a 'policing' role and is unlikely to be trained in how to respond to disclosures of violence. It can also be difficult for victims to disclose in the open space of the Jobcentre where being overheard by other claimants and staff is a very real possibility. Eaves reported that advisers (35 of whom they interviewed as part of a larger monitoring project in 2013) expressed concern that it takes time for a victim to disclose DV and to be able to trust their adviser.⁵⁹

Eaves additionally noted that many women are afraid to disclose for fear that the information will be shared inappropriately; which can be both stigmatising and dangerous. Further, given that the easement is not publicised, victims are unlikely to be aware that their disclosure could lead to any softening of the conditions of their benefits. It is therefore not surprising that the uptake of the easement has to date been exceptionally low: the DWP's own analysis of the easement (2013) found that in the first year after it was introduced (April 2012 - March 2013) there were only 338 cases of the four-week easement and 115 of the full 13-week easement being granted nationally. The DWP report states, 'in the context of what we know about the level of DV experienced nationally, and in particular the potential high levels of DV experienced among the unemployed, the numbers of victims taking a four or 13-week easement could be perceived as being some way below what might be expected.' The Inquiry Committee thinks this is something of an under-statement.

Beyond the issue of the initial disclosure, the other conditions of the easement – that the violence must have been perpetrated within the last 26 weeks, that the victim cannot be living at the same address as the perpetrator and that the claimant cannot benefit from the easement more than once in a 12 month period – do not take realistic account of the complexities of domestic violence situations. Domestic violence often happens sporadically and repeatedly, and many women stay with

the perpetrator and/or return to him after leaving initially.

Local authority cuts combined with the lack of ring-fenced funding for women's refuges, which provide support and housing so that victims can leave violent relationships, have resulted in refuges facing closure around the country.⁶⁰ Last year, 155 women and 103 children were turned away from refuges in a single day, and women with no independent income (many of those with joint JSA claims, for example, in which their partner receives the benefit for both of them) are likely to find it especially hard to leave violent relationships when there is not the support network in place to provide shelter and safety (Women's Aid, 2013). Further, the lack of social and affordable housing is currently making it even harder for victims to find alternative accommodation, which makes meeting the condition not to be living with the abuser even more challenging than it would be otherwise.

In the majority of cases, women who have experienced violence face further barriers to employment, such as low self-esteem, depression, post-traumatic stress disorder and other mental health complications, as well as physical injury, all of which can affect applying for jobs, interview performance and job performance and retention, often for much longer than the maximum of 13 weeks that the easement allows. Eaves reported examples of women who were reluctant to leave their home with their children through fear for their safety, which

⁵⁷ Department for Work and Pensions, Domestic Violence: Implementation of the JSA DV Easement and DDV Concession – Small Scale Qualitative Research, June 2013, accessed January 22, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208123/rrep843.pdf.

⁵⁸ Nisan Zerai Kesete, Destitution Domestic Violence Concession – Monitoring Research Report, December 2013, accessed January 22, 2015, <http://i3.cmsfiles.com/eaves/2013/12/DDV-Concession-Scheme-Monitoring-Report-Final-f14013.pdf>.

⁵⁹ Ibid. p47.

⁶⁰ Sandra Laville, "Domestic violence refuge provision at crisis point, warn charities," The Guardian, August 3, 2014, accessed January 22, 2015, <http://www.theguardian.com/society/2014/aug/03/domestic-violence-refuge-crisis-women-closure-safe-houses>.

was particularly acute in situations where there had been a history of parental child abduction.

Further, in circumstances where women are still living with the perpetrator, certain factors typical in domestic violence situations create very real barriers to adhering to the conditions of the benefit. For example, perpetrators often control finances, and access to mail, telephones and internet access – which can result in victims not being aware of appointments or not being able to complete their job-search activities, both of which are likely to lead to a sanction. Eaves reported examples of perpetrators controlling the movement of victims and not allowing women to attend appointments, or calling the Jobcentre to tell them that the claimant was unwell and unable to attend their appointments.

Black, Asian, minority ethnic and refugee (BAMER) women facing violence may experience further barriers to adhering to the conditions in their agreements. It is particularly concerning that victims of domestic violence who also have language barriers are not always being provided with interpreters. A number of women from the focus groups informed us that family members were asked to provide translation services, which can make it impossible or very dangerous to disclose violence, and consequently makes it highly unlikely that women will access the easement.

DESTITUTE DOMESTIC VIOLENCE CONCESSION

Of additional note is the Destitution Domestic Violence Concession (DDVC) scheme, which was introduced in April 2012 to provide financial support to those fleeing domestic violence while applying for Indefinite Leave to Remain (ILR) under the Domestic Violence Rule. A person who successfully qualifies for this concession will receive temporary leave for three months, which allows them to apply for access to public funds (including Jobseeker's Allowance). If a person is eligible for the DDVC then they are obviously suffering DV. As such they are automatically entitled to the JSA easement; however, somewhat bizarrely, they still have to ask for it.

ADVISER KNOWLEDGE

Eaves submitted a report to the inquiry 'Destitution Domestic Violence Concession – Monitoring Research Report' (December 2013), which raised concerns about advisers' awareness of the easement.⁶¹ The report includes the results of a survey, conducted by Eaves between December 2012 and May 2013, of 125 support agencies working with women using the DDV Concession including accommodation providers, helplines and advice and advocacy providers. This research found limited awareness of the JSA DV Easement by Jobcentre advisers: around 77% of the respondents stated that JCP staff were not sufficiently aware of the JSA DV easement.⁶²

The report cites research commissioned by the DWP⁶³ to explore the awareness, understanding and implementation of the DDV Concession. This research took place between January and March 2013 and involved 35 staff in five JCP offices, including staff with management responsibilities (JCP managers, customer service managers, adviser team managers), senior advisers and assistant advisers. This also looked into the level of awareness amongst JCP staff of the JSA DV Easement and found that staff at three out of the five JCP offices involved in the research had good levels of awareness of the easement, while staff at the remaining two had low levels of awareness of the easement.

In those offices where there was a good level of awareness, it was the 'staff with management responsibilities who displayed a detailed understanding of the policy and expressed confidence that the easement has been embedded in the mind-set of their staff. The picture however was very different at the offices where there was a low level of awareness, as the following highlights:

'Staff on the whole did not know about the purpose and content of the easement. In one of the Jobcentre Plus offices, for example, only one adviser was aware of the JSA DV Easement policy. It was generally felt by the interviewees in this office that DV was not an issue in their area, and that they did not knowingly work

with DV claimants. Another adviser interviewed explained that they were only informed about the easement ahead of the interview for this study, with others describing how they support DV claimants that was not in line with the prescribed policy. For example, one adviser explained that she was not aware of the easement and that that if a claimant disclosed they were a victim of DV: "I would find out her barriers and tackle them while gently reminding her that she needs to be actively seeking employment".'

As expressed in the example above, Eaves flag that even after the disclosure, not all advisers at Jobcentres were confident enough to deal with the issues or had had training to that effect. The DWP report states: 'While dealing with vulnerable claimants forms part of the training received by all Jobcentre Plus advisers, the training is generic and does not include specific reference to DV. While for many interviewees, and their managers, this generic training was felt to be sufficient in helping them to identify and address issues for vulnerable claimants, including DV victims, many would also welcome DV training.'

It is important to highlight that weaknesses in both the design and implementation of the DV Easement actually contradict and undermine the Coalition's cross-government strategy for eliminating violence against women.⁶⁴ As a result,

⁶¹ Nisan Zerai Kesete, Destitution Domestic Violence Concession – Monitoring Research Report, December 2013, accessed January 22, 2015, <http://i3.cmsfiles.com/eaves/2013/12/DDV-Concession-Scheme-Monitoring-Report-Final-f14013.pdf>.

⁶² Ibid p 45.

⁶³ Department for Work and Pensions, Domestic Violence: Implementation of the JSA DV Easement and DDV Concession – Small Scale Qualitative Research, June 2013, accessed January 22, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/208123/rrep843.pdf.

⁶⁴ Home Office, Call to End Violence Against Women and Girls, November 2010, accessed January 22, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118150/vawg-paper.pdf.

women experiencing violence who are also claiming JSA are potentially even more vulnerable to further abuse than victims in the wider community.

THE WORK PROGRAMME

The Work Programme is a payment-by-results scheme that was launched in June 2011. It replaced previous welfare-to-work programmes such as the New Deals, Employment Zones and Flexible New Deal, and is designed to provide more intense support and training for JSA claimants who are long-term unemployed, or are at risk of becoming so. It is delivered by a range of private, public and voluntary sector organisations, and the programme specifically gives service providers freedom to 'identify the most effective way of helping people into sustained work... without prescription from government. Requirements have been minimised as far as possible.'⁶⁵ Work Programme providers receive up to £6,600 per JSA claimant that moves into sustained work. Claimants remain on the programme for a minimum of two years, unless they find long-term employment.

COMMUNICATION BETWEEN JCP AND WORK PROGRAMME PROVIDERS

The Committee is concerned by the apparent lack of communication between Jobcentre staff and Work Programme service providers. This issue was raised throughout the inquiry process by support services and claimants alike, and was also raised by the Oakley Review, which states: 'some claimants have a poor understanding

of what they have to do to meet their responsibilities with Jobcentre Plus whilst on a mandatory scheme. This was a particular issue for the Work Programme, where claimants could be sanctioned for not meeting their conditions of entitlement whilst undertaking activity recommended by their Work Programme adviser.' (Oakley 2014, p.10)

Rape Crisis reported a recent case of a woman they were supporting:

'Jobcentre staff booked an employment scheme attendance and a work coach adviser appointment at the same time. The employment scheme supervisor could not access the information from the Jobcentre and therefore issued a sanction recommendation without confirming the appointment clash.'

Rape Crisis informed the committee that the sanction resulted in the claimant losing her Housing Benefit, which then sent her into rent arrears. This consequently prevented her from moving to safe accommodation away from her abuser, putting her at risk of further abuse, all of which caused considerable stress and anxiety.

In his review, Matthew Oakley highlights specifically that claimants can be sanctioned for not meeting the conditions in their agreements and commitments whilst undertaking activity by their Work Programme adviser, and recommended that the DWP share a copy of the Claimant Commitment with providers of the scheme 'so that they are able to tailor their provision to fit around Jobcentre

Plus requirements and any easements that have been highlighted.' While the government response to the Oakley Review states that this recommendation has been accepted 'in principle,' their response still puts the responsibility squarely on the shoulders of the claimant: 'Guidance for Jobcentre Plus advisers will... be revised to ensure claimants are made aware of the importance of sharing their Claimant Commitment with the provider at first contact.' Further, the response repeatedly stresses the importance of communicating 'the message to claimants about the joint responsibility that advisers and providers have in helping them into work;'. The Inquiry Committee believe it should be the responsibility of providers and advisers to ensure that the conditions they place on claimants are reasonable and achievable alongside each other.⁶⁶

Rape Crisis evidenced the point made by Oakley, stating in their submission that Work Programme providers are often unaware of sexual and/or domestic violence experienced by victims. While victims have the right for this not to be disclosed, the result has been that women and girls are being forced to repeatedly disclose their experiences of violence within public interview areas, or face sanction referrals for not meeting conditions that should not be applied to them. While being encouraged to share their Claimant Commitment with providers might be beneficial in instances where their agreement was drawn up in light of their situation, anecdotal evidence suggests this is rarely the case.

SPECIALIST KNOWLEDGE AND TRAINING

Work Programme providers do not have access to specialist training on violence against women, and are consequently unable to respond appropriately to disclosures of sexual/domestic violence. Similarly, they are not required to have training on the particular barriers to employment that lone parents face, and are therefore not best placed to provide the support that lone parents need to move into suitable, sustainable employment.

Gingerbread, One Parent Families Scotland and SPAN reported that Work Programme providers in particular are not adhering to the lone parent flexibilities discussed above. All gave examples of providers who were simply not aware that the flexibilities existed, which ultimately resulted in lone parents being forced to commit themselves to activities that made it impossible for them to undertake their caring responsibilities - or, as with the women who have experienced sexual or domestic violence discussed above, face sanction referrals for not complying with conditions that should never have been applied to them.

One Parent Families Scotland provided the following case studies:

'Barbara called the Helpline in distress. She is taking part in the Work Programme and she reported that the Employability Adviser at the private company that delivers the Work Programme said a 20hr job

⁶⁵ Department for Work and Pensions, The Work Programme, December 2012, accessed January 22, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49884/the-work-programme.pdf.

⁶⁶ Department for Work and Pensions, Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013, July 2014, accessed January 22, 2015 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332137/jsa-sanctions-independent-review-government-response.pdf.

was not enough. Her daughter is 10 and she wants to work part-time to fit with school hours. She said the Work Programme Adviser also gave her an appointment at 9.30am and she wanted a later appointment as she needed to travel on 2 buses and she takes her daughter to school. The Adviser told her to get her child into after school care even though the local service is full and also it was alright to leave her for a couple of hours on her own. The parent said she didn't want to leave her daughter alone as she was too young.'

'Christine was offered a job of 30 hours per week and was happy at first but is now worried as it turns out it means leaving her 11 year old son, who is on the autistic spectrum, on his own some nights and weekends. She reported that she was told by her Employability Adviser based at her Work Programme provider not to worry as her son will be OK on his own. Although she is only required to work 16 hours because of her child's needs she was worried about telling her Adviser she didn't want to take the job at these hours as she had heard about the threat of a benefit penalty.'

SPAN also raised concerns about the lack of knowledge or consideration regarding child care from Work Programme providers:

'Hannah is concerned about attending the Work Programme during the school holidays. She has been told already that she must not bring her eight-year-old son to appointments at the Work Programme but was not offered

childcare. Hannah phoned head office and complained but they just told me, "that is the rules - insurance purposes because they have offenders/ex-offenders visiting the buildings."

'Jane is dreading the following weeks at the Work Programme. She has a list of appointments that she must attend during the half term week. Her son has found visits to the Jobcentre hard in the past. He is constantly asking, "Can we go home now?" during her appointments. She worries that Jobcentres and the Work Programme offices are not suitable places to bring a child as there can be confrontations between advisers and clients. Jane also does not have control over appointment times and these can be given without recognition of her need to also be there for her son at school pick up. She has also been given appointments after school times that involve her taking a multitude of buses to pick up her son from school and then take him to appointments.'

As is clear from the examples above, the lack of account taken of lone parents' caring responsibilities makes it harder for them to comply with Work Programme instructions and thus disproportionately vulnerable to sanctions as a result.

WORK PROGRAMME COURSES

Lola is 47 and has three teenage sons. She has 10 years of experience in care work, and has claimed JSA for the last two years. She described her experience of the Work Programme:

"When you go there you don't really want to be there, and that is for

everyone... There was a day we were in a class, three times a week you have to go there, get there at 9 o'clock, you have appointments. There was a lady leading the class who says "Who knows what an elephant looks like?" I mean as if it was a class when I was in primary school! It was just like a stupid question. One girl stood up and said "are you for real?"... If you're looking for a job, "who knows what an elephant looks like?" I wrote that down, I wrote the date down because I couldn't believe what I was hearing. Stupid things like that just to pass away the time. A lot of people were there, even professionals were there. I met a lady there who was a therapist, she lost her job, but they don't see it that way, they don't think that way, they just think you have come to this place. I've just realised that you just have to help yourself... A lot, a lot of people, older people, people who don't understand English, they are not going to find a job, but they have to go there because they are on Jobseekers... I help people all the time, because I see it all the time. All the people [advisers] there just go around, they don't help... they [the people needing help] bring their kids in, and they help them to do their search. You know, things like that, it's what the advisers should be helping people to do."

All of the claimants that responded to the inquiry felt that the courses provided by the Work Programme were too generic and too basic to be of any use to them. They acknowledged that the attendees had wide ranging skill sets and employment experience, but reported feeling that they

were a "waste of time," which could have been used more valuably applying for jobs, working on their CVs, or doing voluntary work.

Alice, a lone parent supported by SPAN, has one son aged 10. She has A-levels, BTEC and NVQ qualifications. She has a positive work history and worked for eight years as a supervisor of a credit control team.

'Alice has been on a SAGE course which she volunteered to do to increase her prospects and she found it useful (and the jobcentre supported). However, the other courses that she has been mandated to do by the Jobcentre were not helpful and were at too basic a level. She was sent on a CV writing course. Alice already has an up to date CV. The course was not at all helpful and was designed for other people who did not have a CV. Alice followed up from the course to try to get further help with her CV which was unhelpful as the suggested changes actually made little sense and made her CV look less professional. Alice was also sent on an IT course which again was very basic "and a waste of time". Alice already has a high level of understanding and experience in IT including advanced Excel skills. She felt that the Jobcentre paid the company A4E to run these courses that were not tailored to individual needs.'

It is clear that such a lack of high quality training is detrimental to the policy's explicit intention of getting people, women and men alike, 'off benefits and into work.' In particular it is likely to contribute to the

continued pattern of driving claimants into low-paid and insecure roles, as opposed to quality sustainable jobs that have a chance of really improving the lives of claimants and their families, and providing an income that does not rely on tax credits and actually puts money back into the economy, through tax receipts and expenditure. In addition, at a time of considerable reductions in public spending, it cannot be a good use of public money to require claimants to attend publicly funded courses from which they can receive no conceivable benefit.

WORK PROGRAMME PLACEMENTS

"I was in a meeting with the refugee committee organisations where we were talking about jobs [...]. One girl she said she worked three months [in a care home] under the name of a 'work placement,' after three months she applied for job in same place, she was refused, so big question mark, like you would think that slavery time came back to the UK."
Meriem, refugee currently living in Dundee

There is a stark need for more information about the use of unpaid work placements by Work Programme providers and jobcentres. The Committee was informed by one claimant in a focus group that she had been asked to attend a 'trial shift' at a large supermarket with seven other JSA claimants. She worked for 11 hours, without a break or food, and was not reimbursed for her travel. At the end of the shift she asked how she had performed, and received very positive feedback – she was told she did a great job; however, she was informed that

the supermarket was not recruiting. She reported feeling 'used and abused' by the experience. It is not known whether this is a widespread practice, but the fact that it is occurring anywhere is utterly unacceptable.

Further, in more long-term work placements, which have the potential to provide valuable experience that could improve claimants' employment prospects, mishandling by advisers appears to be hindering potential opportunities.

Zawadi is 27 and has a degree in marketing; she has maintained a part-time job throughout her studies, and signed on after graduating while applying for graduate schemes and positions.

"My first experience of sanctioning was when I got my first [unpaid] work-experience after I graduated, and that was in marketing, and I went to the Jobcentre and I said 'look, I work three days a week [under 16 hours] and I would like to have one or two days a week going to do my training with the possibility of being employed by this company, and if not, then I can go off, and at least I have had some experience'. The initial feedback I got from them was that that was very good, and they started to communicate with the company, and then midway through they were a bit reluctant and I didn't know why. They went from saying they were going to pay my transport to saying that they would not because they think the company should pay the transport, to then saying we don't think you should do it two days a week, we think you should cut your days, and concentrate on looking for work. And

then it just built up from there. My adviser said she thought it would be a good idea if I went to work for a salon, which at first was quite a shock to me... and they should know that my attitude to work, was that I want to work because I went off on my own and went and got it. So when they came up with the salon I obviously pulled them up on it... but they said there is more chance of me getting work in a salon. So she emailed me, the lady, and I sent my CV and covering letter and we emailed back and forth, but it didn't happen, and I was sanctioned for that. I said to my adviser, quite frankly, I don't know what skills this would give me, and she said oh you know, customer service and I said, well I did do retail for six years, so I've got six years of customer service under my belt, and if that's the only skills then maybe we should look for something else. Anyway, they then sent me to the Work Programme, but from what I understood, if you are in any kind of employment then they are not to send you to the Work Programme, and the first time I signed my contract I did say to them that I was working part-time but whatever, they send me to this Work Programme for three months. Anyway, obviously I couldn't attend the Work Programme every day because I was working part-time, and then they sanctioned me again. So I said to them, it's either I don't turn up to my paid work, which I survive on, and I lose my job, or you don't put me through the Work Programme, you just ease up on me, kind of thing. There are just so many things. And so they sanctioned

me again, and then the sanction was cancelled."

In Scotland the Committee was informed of a similarly nonsensical case, in which a claimant, supported by Amina Muslim Women's Rights Centre, who was on a course and volunteering in a local charity shop as part of her training, was forced to move for no clear reason:

"She was busy taking a qualification and she was working voluntarily in a charity shop to gain knowledge and experience in relation to her qualification. The jobcentre knew of this work experience placement but her adviser still decided that the lady needed a work placement. She went to a meeting which was with about 10 other jobseekers all with different qualifications. As she was already working for a charity shop she was happy to do her placement there. She explained this at the meeting and was given the contact information of the manager who ran the work placement. Once she had explained her situation to the manager, the manager decided that her current placement was fine as it worked in relation to her current qualification and the new placement would not benefit her at all.

Shortly after this she received a letter which was telling her to go work in a completely different charity shop. She went back to the Jobcentre and explained she was already working in a charity shop which coincided with her current qualifications but she was told she had to go work in the new charity shop or she would get sanctioned.

She says she felt like she was being punished for trying to complete her studies and finding experience with a shop which helped her develop her qualifications. She went back to the Jobcentre and provided them with the contact details of two charity shops she had worked with that were benefitting to her qualifications.

The manager of the current charity organisation emailed the new charity and explained to them that it would be beneficial to the lady and to them if she stayed and explained that by moving jobseekers around when they already have suitable placements was a waste of money and resources, but no-one bothered to reply to her email. The lady eventually was sanctioned as she refused to take the new placement as it wasn't suitable and wouldn't develop or benefit her qualifications in the slightest."

Anecdotal evidence submitted to the Inquiry also suggests that women with language barriers and women who have recently arrived in the UK are particularly vulnerable to exploitation through unpaid work placements. Whether or not unpaid work placements should exist at all is a matter for serious consideration.

SANCTIONS

A key feature of recent changes to JSA has been much greater use of sanctions against claimants. This raises two key questions: does this approach work? And what are the lived impacts of such an approach,

including on equality between women and men?

DO SANCTIONS WORK?

There is a question as to how efficacious increasing the use and severity of sanctions is in meeting the Government's own policy objective of getting people 'off the dole and into work'.

In light of the Coalition Government's increased focus on sanctions, in 2010 the Joseph Rowntree Foundation (JRF) produced a comprehensive review of international evidence on sanctions within systems in which benefits are conditional on claimant behaviour.⁶⁷

The JRF review finds that on the whole, studies show that sanctions strongly reduce benefit use and increase exit from benefits. However, the review also finds that sanctions have generally unfavourable effects on longer-term outcomes such as earnings over time, child well-being, job quality and progression and crime rates. The authors report that 'sanctioned claimants are less likely to enter sustainable employment or make longer-term gains in income... Furthermore, while cutting take-up of benefits is an efficient way of reducing expenditure, other factors such as spill-over effects on crime rates, along with higher spending on in-work benefits, offset savings'.⁶⁸

The review also notes that the vast majority of existing research into the effectiveness of sanctions focuses exclusively on the impacts of sanctions imposed, leaving the impact of the presence of sanctions on

take-up and the behaviour of the general claimant population unconsidered - which, the authors argue, limits the messages that studies on impact can provide. As the authors note, however, psychological literature strongly suggests that rewards (carrots) produce better longer-term behavioural outcomes than negative punishments (sticks), including higher levels of take-up and improved attitudes to work.⁶⁹

The paper also highlights evidence from both the UK and the US that demonstrates that a lack of understanding of sanctions, which is often the cause of sanctions being administered, limits their efficacy, resulting in claimants being 'punished' for a lack of awareness as opposed to deliberately not adhering to the conditions attached to receiving their benefits.⁷⁰

Many of the recent changes to the UK's benefits system, including the changes to JSA, have focused on reducing or cutting entitlement as a means of incentivising work. Whilst some commentators have argued that the current upsurge in employment is 'happening mainly due to radical welfare reform',⁷¹ other analysts have pointed to quantitative evidence that suggests that since the introduction of the reforms, the link between reductions of out-of-work benefits and more people in work has, if anything, been weakened.⁷²

WHAT ARE THE LIVED IMPACTS?

It is important to consider the direct lived impacts of sanctions on those who experience them, as well as the wider implications these impacts are likely to have on equality between women and men.

David Webster provided the inquiry with a breakdown of the number of sanction referrals received by claimants in terms of their gender. While there is no consistent tendency for women to attract more sanction referrals than men, or vice versa, there is a clear consistent differential between women and men in relation to the number of actual sanctions they received. The rate of actual sanction is consistently higher for men: men are currently 50% more likely to receive a sanction than women. (See figures 1 & 2)

It is noteworthy, however, that lone parents, who are overwhelmingly women, are less likely than the general claimant population to be sanctioned (four per cent of lone parent claimants are sanctioned each month, in comparison to six per cent of all claimants). This may suggest that lone parents are working especially hard to meet the conditions set out in their agreements, because their caring responsibilities are such that sanctions are unthinkable.

However, although lone parents are less likely than other claimants to be sanctioned, when they are sanctioned they

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Fraser Nelson, "It's official: smaller state and welfare reform leads to jobs record," The Spectator, April 16 2014, accessed January 22, 2015, <http://blogs.spectator.co.uk/coffeehouse/2014/04/its-official-a-smaller-state-means-more-jobs/>.

⁷² John Portes, "welfare reform and the 'jobs miracle'," NIESR, July 22 2014 accessed January 22, 2015, www.niesr.ac.uk/blog/welfare-reform-and-jobs-miracle#.VDLGyvldVf0.

⁶⁷ Julia Griggs and Martin Evans, A Review of Benefit Sanctions, December 2010, accessed January 22, 2015, <http://www.jrf.org.uk/publications/review-of-benefit-sanctions>.

⁶⁸ Ibid.

Figure 1: Referrals and adverse decisions as % of claimant unemployed, by gender

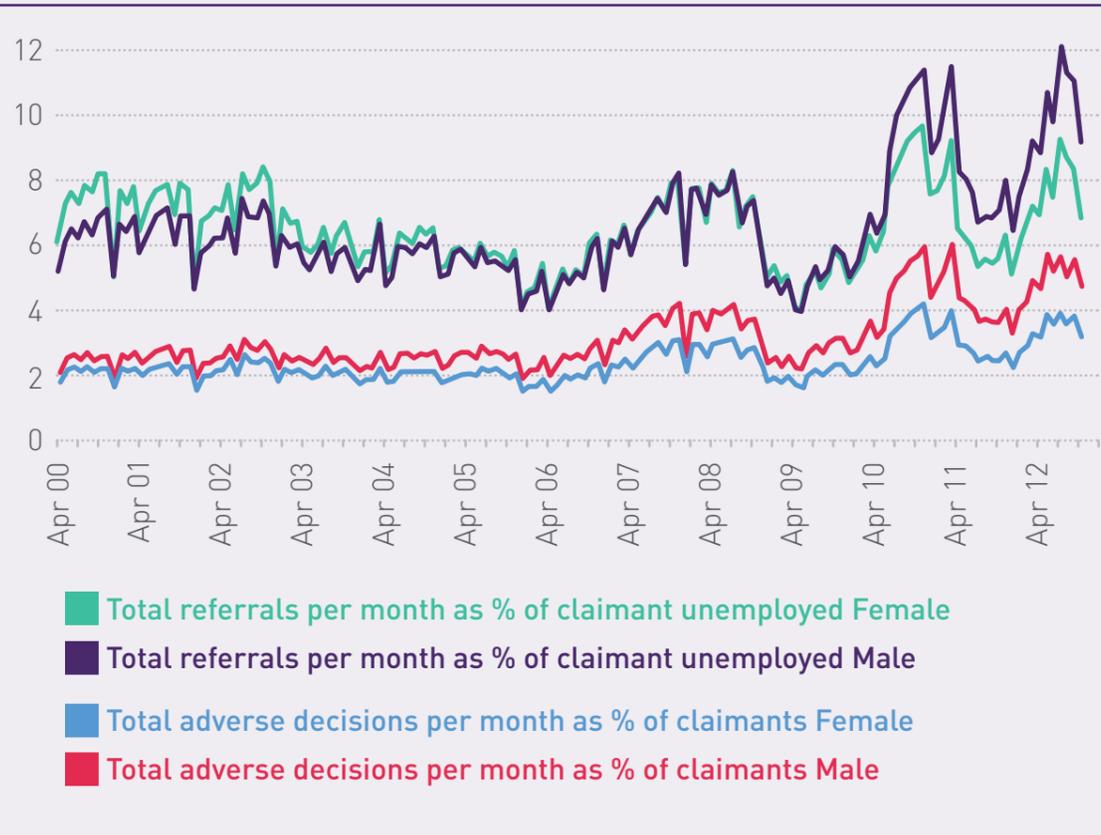
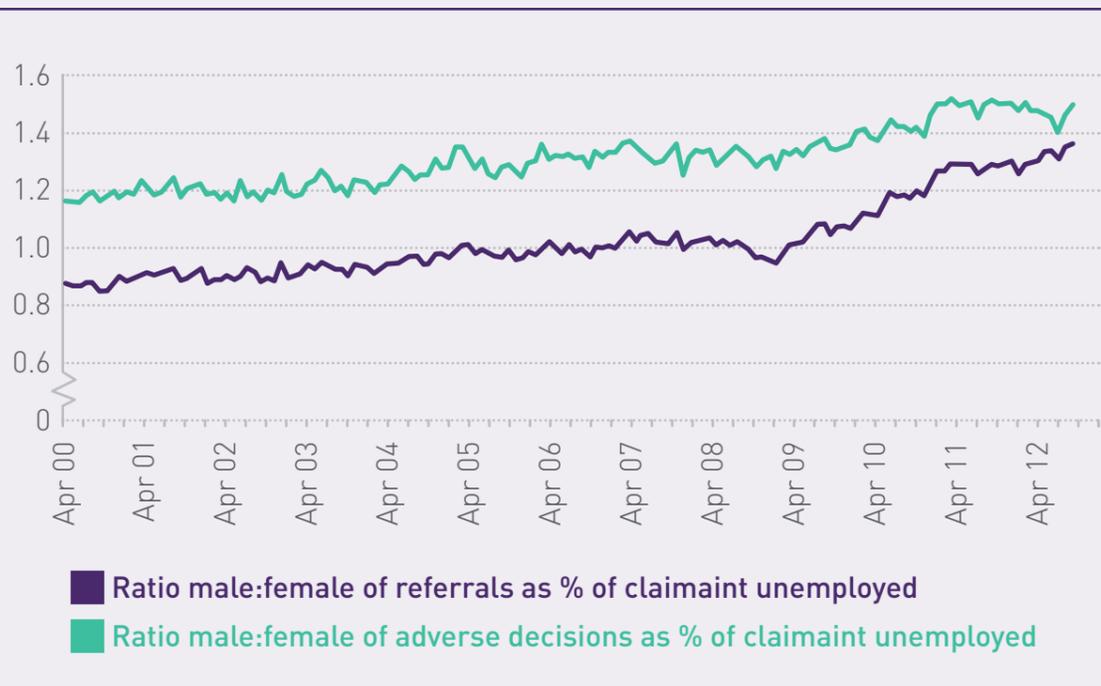


Figure 2: Referrals and adverse decisions as % of claimant unemployed, ratio male: female



are more likely to be sanctioned unfairly. Significantly more lone parents have their sanctions overturned at appeal (39 per cent compared to 28 per cent of all claimants). The difference is even greater for high level sanctions (64 per cent compared to 47 per cent).⁷³

The rate of overturned (and thus incorrectly applied) sanctions is very high for all claimants, and it is clear that this is a waste of valuable DWP resources, not to mention the undue stress and misery it causes for those sanctioned without due cause. The reduction in advice services and cuts to Legal Aid are already having a detrimental impact on the numbers of claimants who are able to appeal sanction decisions, and it is therefore likely that the number of incorrectly applied sanctions is actually much higher than this data suggests. The high level of successful appeals by lone parents is particularly concerning as it suggests that a vulnerable group of claimants is particularly likely to be sanctioned unreasonably, causing unnecessary suffering to both the claimants involved and their children. This must be addressed urgently.

Even where sanctions are imposed 'correctly,' their impact is detrimental. It has been widely reported that the use of food banks in the UK has seen a huge increase in the last few years. The Trussell Trust, the largest provider of food banks in the UK, reported a 51 per cent increase in the number of referrals they received

in the year leading up to April 2014. In all, food banks provided food parcels for 913,138 people nationwide that year, 330,205 of whom were children. Food bank providers reported benefit sanctions and benefit delays as one of the most common reasons given for referrals.

"I've had two food bank vouchers. You're only allowed three and I've had two already."
Michelle, 42, has two teenage daughters, one of whom has physical and learning disabilities

Manchester Citizen's Advice Bureau surveyed 376 claimants in 2013 about their experiences of sanctioning, and found that almost a quarter (24%) had applied for food parcels during their sanction. The survey also found that 71% of sanctioned claimants had been forced to cut down on food and 49% had cut down on heating while they were waiting for their benefits to be reinstated.

Whilst the impact of an insufficient income as a result of sanctions will clearly have an adverse impact on women and men alike, it is important to recognise that women, and in particular mothers (both single mothers and those in couples, who tend to take greater caring responsibility for children), often experience the impact of financial hardship in the home more adversely, as they act as 'shock absorbers', shielding their children and families from the impact of financial hardship.⁷⁴ For example, a 2012

73 Department for Work and Pensions, Job Seeker's Allowance and Support Allowance Sanctions: decisions made to June 2013, November 2013, accessed January 22, 2015, <https://www.gov.uk/government/publications/jobseekers-allowance-and-employment-and-support-allowance-sanctions-decisions-made-to-june-2013> and Gingerbread analysis November 2013.

74 Women's Budget Group, Women and children's poverty: making the links, 2005, accessed January 26, 2015, <http://www.wbg.org.uk/documents/WBGWomensandchildrenspoverty.pdf>.

survey by the parenting website Netmums found one in five mothers reported missing meals in order to protect their families from the impact of inadequate incomes.⁷⁵ Furthermore, a high proportion of mothers who responded to the inquiry reported going without food in order to feed their children.

“See my kids know that I haven’t got any money by the end of the week, they can’t go to the sports centre, or go swimming, because I can’t afford it, I am totally broke by the end of the week. And sometimes I go without food just to feed my kids. Because you do for your children.”

Rachel, 35, has three school age children

A further possibly unintended impact of JSA sanctions is the impact they have on Housing Benefit. JSA acts as a ‘passport benefit,’ meaning that it qualifies claimants for other benefits, including Housing Benefit. When claimants face a JSA sanction that removes all of their benefit (this applies to all sanctions, but should not apply to those imposed on single parents), Housing Benefit is automatically stopped. As a result of this, many claimants fall into rent arrears.

A number of the women in the focus groups informed us that they felt forced to turn to payday and doorstep lenders, with exceptionally high interest rates and, in the case of doorstep lenders, threatening tactics. It is easy to see how this can quickly spiral out of control, and push sanctioned claimants into an inescapable pattern of debt, even for very minor sanctions, and

sometimes for sanctions that should never have been imposed in the first place.

The Scottish Parliamentary Welfare Reform Committee (2014) states: ‘the consistent triggering of a stop in Housing Benefit as a result of a sanction should not happen and can lead to a significant debt developing from even a minor sanction.’

Analysis of the specific means by which the sanctions system is administered (communication, imposition and the appeals process), as well the wider mechanisms surrounding the system (emergency funds) also reveals a number of concerns, including about the impact on women.

Matthew Oakley (2014) also raised this issue in his review, stating: ‘The Department should work with Local Authorities to improve the coordination of their approach to delivering Housing Benefit for claimants who have been sanctioned. In the short-term, all letters and communications informing claimants of the application of a sanction should advise claimants already in receipt of Housing Benefit to contact their Local Authority about their claim.’

The Government responded that it ‘accepts that the Housing Benefit of claimants should not be stopped following a sanction and we are taking immediate action to ensure that this does not happen.’ However, the immediate plan to tackle this is solely to inform sanctioned claimants that they need to contact their Local Authority to inform them that they are still entitled to the benefit, again leaving the responsibility

squarely on the shoulders of the claimant, as opposed to their adviser, at a time that is likely to already be highly stressful. Many of the women who attended our focus groups told us that while they were sanctioned they did not have money for phone credit or for bus travel, so even just the process of informing the Local Authority, regardless of how much evidence they need and the response that claimants receive, can be a very difficult task.

In the longer term, however, the government has responded that they ‘will implement an IT solution so that Local Authorities are given the information they need to suspend Housing Benefit only in cases where it is appropriate to do so. We are currently planning to implement this by autumn 2014.’⁷⁶ While this has the potential to be a very positive measure if implemented effectively, it had not been implemented at the time of publication, and David Webster has expressed concerns that this will not work in practice, as ‘the DWP will continue to have to tell the local authority that the claimant has been disentitled, since there is no certainty that they will reclaim JSA [after the sanction].’

It is imperative that this issue is resolved as soon as possible, so that sanctioned claimants are not pushed into debt that quickly spirals out of control.

COMMUNICATION OF SANCTIONS

“They don’t tell you you’ve been sanctioned. You just go to get your

money and there’s nothing there. And then you say, why is my money not there? ‘Oh you’ve been sanctioned.’ ‘What for?’ ‘Because you were supposed to go to an appointment on such and such a date and you never went.’ But I never had an appointment on that date.”
Sharon, 52, Midlands

The majority of the women who responded to the inquiry reported that they were first aware that they had been sanctioned when they tried to withdraw money from their accounts and found that there was none. Some received letters first, but these tended to be very generic, explaining simply that they would be sanctioned for not meeting the terms of their agreement, without providing any specific detail of what they had done to warrant a sanction.

Manchester CAB’s survey of sanctioned claimants found that 40% of respondents had not been informed of their sanction and almost 30% did not know why they had been sanctioned.⁷⁷

Oakley made three recommendations on this issue:

Recommendation 1: All letters sent to claimants (including those at referral, good reason and decision notification stages of the sanctions process) should be reviewed to improve claimant understanding. They should give a personalised description of exactly what the sanction referral or decision relates to and include clear information

⁷⁵ Netmums, Feeling the Squeeze, 2012, accessed January 22, 2015, <http://www.netmums.com/home/netmums-campaigns/families-in-crisis>.

⁷⁶ Department for Work and Pensions, Government’s response to the Independent review of the operation of Jobseeker’s Allowance sanctions validated by the Jobseekers Act 2013, July 2014, accessed January 22, 2015 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332137/jsa-sanctions-independent-review-government-response.pdf.

⁷⁷ Manchester Citizen’s Advice Bureau, Punishing Poverty? A review of benefits sanctions and their impacts on clients and claimants, October 2013.

about reconsideration, appeals and hardship.

Recommendation 2: The DWP should work with experts in communication and behavioural insights to test whether variations in the style and content of letters could boost the proportion of claimants who open and engage with the letters they have been sent.

Recommendation 7: As well as helping claimants to understand letters, the Department should also consider other forms of communication that could be used alongside letters. For instance, a number of respondents discussed using text messaging, e-mails and phone calls to back up and complement the more standard forms of communication. As recommended by the Social Security Advisory Committee, the Department should ensure that claimants' communication preferences are routinely recorded and that communications are delivered through the requested channel. This information should also be shared with providers of mandatory schemes and guidance adjusted so that they also communicate with claimants in the manner requested.

The Government has accepted the first two recommendations, and states that it is

currently reviewing the letters that are sent to claimants.⁷⁸ However it is only accepting 'in principle' recommendation 7, as 'there are potentially significant costs in terms of staff time if our advisers have to vary communication channels to every claimant according to their particular preferences,' which the response comments with regards to claimants who have a particular communication need because of a disability.

The Committee believe that this response is inadequate and, in line with the policy's stated objective, to get people into work, and taking note of international evidence of the efficacy of sanctions in achieving that goal, argue that it is imperative that sanctions are communicated orally to claimants, so that it is the responsibility of the adviser to ensure that the claimant has understood that they have been sanctioned, why they have been sanctioned, how they can apply for a hardship payment, and how they can appeal against the sanction.

INCORRECTLY IMPOSED SANCTIONS

As discussed above, the rate of incorrectly imposed sanctions that are later overturned at appeal is very high. As explained above, for lone parents in particular, the proportion of sanctions overturned at appeal is even higher than for other claimants (39 compared to 28 per cent), with an even more striking contrast for low level sanctions (43 compared to 27 per cent).⁷⁹

This raises serious questions about the training received by JCP and Work Programme service providers, as well as about their ability to make appropriate referrals and decisions about sanctions. It also raises concerns about the motivation behind this high number of sanction referrals, as a number of women in the focus groups elucidated:

"They are so quick to sanction you. They just want to sanction you. Five minutes late – sanction. You didn't turn up – sanction... I think it's a Government thing, they are stopping your money, they just want you out of it so you are off their list. It's to do with figures."

Marissa, 53 years old

"They will apply sanctions for anything. It is almost like they are under pressure, and one of the times when I actually challenged it, because it was becoming too much, too much, at one time I was actually almost being sanctioned because I didn't get a job they sent me to. They sent me to this WorkPlace [the Work Programme provider], and the WorkPlace would send a group of people, so I said to my adviser that I went to this interview but I don't think I got it, so the adviser said, well I don't think you are making enough effort and was going to sanction me. And one of these sanctions was like back-to-back sanctions with the last one which was really a long period of times, about three/four months period, back-to-back, and I applied for the hardship, and I didn't get the

hardship, so I challenged it, and I wrote to them, and there was so much going on and they actually paid me back my money for three months. Which meant that there was obviously something that wasn't being done properly."

Zawadi, 28 years old

"When I went to JHP [the Work Programme provider] I found out that they get given targets for how many people they have to sanction each month. So come the end of the month, everyone gets sanctioned, because they haven't reached their targets. And at JHP that's all I kept hearing, I've been sanctioned, I've been sanctioned, I've been sanctioned, and that's because it was getting closer to the end of the month... If I work it out, I think it's every six weeks I get sanctioned, and it's usually for nothing. The first time, my brother-in-law died suddenly, so I didn't look for work. No sympathy off the Jobcentre, no "I'm sorry to hear that" just "I'm going to sanction you because you didn't look for work." I'm the only woman in this part of the family, his mum died, he's got no sisters, all his family are living in Nigeria, I am the only woman, so it all fell on me to organise the funeral, because that's what we do. So I had all that. No sympathy off the jobcentre, they just want me to look for three jobs a week."

Jo, 46 years old

Since 2013 there have been a number of leaked documents suggesting that Jobcentres are setting targets for staff for the number of sanction referrals they make, and threatening staff with disciplinary

⁷⁸ Department for Work and Pensions, Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013, July 2014, accessed January 22, 2015 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332137/jsa-sanctions-independent-review-government-response.pdf.

⁷⁹ Department for Work and Pensions, JSA and ESA sanctions: decisions made to June 2013, November 2013, accessed January 23, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255176/sanctions-nov-2013.pdf and Gingerbread analysis November 2013.

action if their targets are not reached.⁸⁰ Sanction referral rates for all Jobcentres are recorded centrally; however, Neil Couling, the Director of Benefit Strategy for DWP, insists that these are only recorded to “monitor anomalies” and “are not league tables”.⁸¹ Both Couling and the Secretary of State for Work and Pensions, Iain Duncan Smith MP, have both insisted that the leaked documents represent “isolated incidents” that are “not widespread.” This has received criticism from many quarters - although the Inquiry has received no concrete evidence that widespread targets are in place.

Regardless of whether individual advisers, Jobcentres and Work Programme providers are being set targets for sanction referrals, it is unarguable that this high rate of incorrectly imposed sanctioning is having a particularly detrimental impact on vulnerable claimants.

“I think we’re a much easier target to be sanctioned, because, as women, we are less likely to kick off and be violent, much, much less likely, and I think that’s what makes us easier targets. And 99% of the time we’ve got children hanging off us so we haven’t got time to be arguing with these people, so you are having to take it and think, I’ll deal with that later, or I’ll deal with that tomorrow.”
Louise, 49 years old

“I know there are people working the system... but they seem to be

the ones that get away with it... they know what to say to get away with it. It’s the likes of us, the people who do want to work, who have always worked, and we are respectable members of the community, we’re the easy targets. We’re the easier ones to sanction, and when they sanction you, the government is saving money. It doesn’t matter that you can’t afford to pay your bills and now you’ve got more problems, because we’re the easier targets. We’re easier for them to hit their targets, because they have to sanction so many, we’re the easiest ones to do it.”

Michelle, 45 years old

Michelle and Louise, along with many of the other women who took part in the focus groups, argued that women were targeted with sanctions in these circumstances because they were perceived as less likely to fight back, and had too many other responsibilities to be able to navigate the appeals process. Further, a number of the women in the focus groups argued strongly that women who experienced language barriers, and particularly those who were new to the UK and had little or no experience of the system, were exceptionally vulnerable to a high rate of sanctioning – as they were unlikely to understand what was happening and, without an interpreter or any form of support, would not have access to any form of redress. Given that the data only exists for incorrect sanction referrals and actual

sanctions that were overturned at appeal, it is impossible to know how many more incorrect sanctions have been imposed on claimants who have not had the resources to appeal against the decisions made against them.

APPEALS PROCESS

“They don’t say in the letter that you can appeal, they just say if you are not ok with this you can come and talk, but they don’t say you can appeal.”
Sharon, 42

“They suspended my benefits [JSA and Housing Benefit] for six months. That was awful...But I did appeal...that took a good two to three months to sort out...It’s a lot of hassle, a lot of stress over something that was their fault.”

Gingerbread case study

All of the support agencies who submitted evidence to the Inquiry raised concerns about the lack of information about the appeals process given to claimants when they are sanctioned, and the lack of support provided for claimants who want to appeal. More than half of respondents to the Manchester CAB survey did not receive any information about how to appeal against their sanction.

Further, concerns were raised about the length of time it takes to appeal, as highlighted by this case study from SPAN:

‘Near the beginning of her jobseekers claim Alice was sanctioned for a six week period. She missed an appointment at the Jobcentre because she was seeing a company about a potential job. Alice then spent 6 months through the appeals process

to have the sanction overturned. This involved the intervention from the Independent Case Examiner because she did not think that the Jobcentre dealt with the appeal process properly. She found the process frustrating with a difficulty understanding the process and getting up to date information about the standards that she should expect from the DWP. Alice felt punished for appealing against the sanction with an increase in the number of appointments she must attend at the Jobcentre (two a week) that cost her in additional travel fares. The Jobcentre also started to schedule appointments at times when she was meant to be picking up her son from school. Although she won her sanctions appeal there was no compensation for her additional travel costs. Her sanction also made it harder for her financially and this had an impact on the engagement that she could have with job seeking, including not being able to pay for her internet connection or to make phone calls about work.’

Further to the concerns raised in the examples above, support workers, academics and claimants alike raised the issue of the way in which the ramping up of sanctions intersects with the appeals process, which is currently exceptionally slow and delayed. This means that if a claimant is incorrectly sanctioned the first time, for example, and during her appeal is sanctioned again, she will face a much longer period without JSA, even though the first sanction was wrongly imposed. While she should be entitled to be repaid this, it is likely that she would need legal

⁸⁰ Patrick Wintour, “Jobcentre was set targets for benefit sanctions,” The Guardian, March 21 2013, accessed January 22, 2015, <http://www.theguardian.com/society/2013/mar/21/jobcentre-set-targets-benefit-sanctions>.

⁸¹ Patrick Wintour and John Domokos, “Leaked Jobcentre newsletter urges staff to improve on sanctions targets,” The Guardian, March 25, 2013, accessed January 22, 2015, <http://www.theguardian.com/society/2013/mar/25/jobcentre-newsletter-sanctions-targets>.

advice to help with her claim, which, with the cuts to Legal Aid and funding for advice services that have been imposed under the Coalition Government, is now very hard to come by, leaving many people on low incomes with no means to access justice.

Mary, a focus group participant, described how challenging it was to get an appointment at her local Citizens Advice Bureau:

“If you want to get help from a place like CAB you’ve got to be here at 8.30 in the morning to get in the queue, otherwise you’re not going to get seen. You can’t do that when you’ve got three or four kids hanging around you. A lot of people who are ill are here as well. I was on ESA for a while because I’ve got a dodgy back, but Iain Duncan Smith has now decided that I haven’t got a dodgy back, and I can go and sign on, but I can’t come to somewhere like CAB and queue up for an hour and a half outside because I can’t stand for that long.”

EMERGENCY FUNDS

“I didn’t have any money, seriously, I didn’t have any money... I owed people so much money for those weeks because I didn’t have no money. [So, what did you do?] My friends and my mum, everyone, I had to say please can you give me £20, £30 let me just buy food. That was the first time I didn’t have no money.”

Blessing, 44 years old

Hardship payments exist for claimants who will, or who have a member of the family

who will, suffer hardship if JSA is not paid. Certain claimants are considered members of a ‘vulnerable group’ - including pregnant women, lone parents and certain people with long-term medical conditions,⁸² and are thus entitled to claim hardship payments immediately, while others classified as outside this group have to wait for 14 days, and may not be granted the payment when they do apply.

The Scottish Parliament Welfare Reform Committee (2012) discovered ‘a failure to make those sanctioned aware of the availability of hardship payments’. This was echoed throughout much of the evidence the Inquiry received, including the following case study from Eaves of a woman who had previously exited prostitution:

“Jackie didn’t receive a payment from the Jobcentre, and was not given advice about how to access any emergency funds. This left her in a very vulnerable position. On top of this, the male friend she was living with had started to put pressure on her for sexual favours in return for staying at the property.

Jackie came across Eaves LEA [London Exiting Advocacy] project via the internet. When she made contact it was clear how vulnerable and frightened she was. Jackie was close to returning to prostitution as she was hungry, homeless, frightened and felt she had no other options. She really didn’t want to go down that path so she contacted Eaves as a last resort for help.’

Eaves were able to help Jackie by paying for a hotel for two nights, providing her with a food voucher and some toiletries that had been donated, and supporting her with benefits advice which led to her being successfully re-housed and moved from JSA to ESA on account of the psychological trauma she had suffered. Local Authority cuts and a lack of ring-fenced funding for support services such as those provided by Eaves, in addition to competitive tendering bids that force these services to operate on ever decreasing budgets, is having a detrimental impact on the ability of voluntary and charitable organisations such as Eaves to support women in situations like Jackie’s.

Further, the hardship payments are in place to provide sanctioned claimants at risk of hardship with a safety net – and as the Oakley Review also states, all sanctioned claimants should be provided with accessible information about how to apply for them.

“How did you cope for those three months that you were sanctioned?”

“Oh my god, I don’t think I did. Because you still have to come in to sign, they send you to compulsory work, and then they threatened to sanction me for not turning up, but I’ve already been sanctioned, I have no money to take off me.

And then during that sanction I had a job interview, and obviously because I have been sanctioned I have no money, and I would like to think there would be something put in place for people like me because there is evidence that I am actually looking for work, and

I’ve got this interview for marketing, for a company I would have loved to have worked for, and I didn’t get it. I couldn’t go to the interview because I was sanctioned and I didn’t have any money to get there...

I said look I’ve got this interview at 3pm, and I think there is something that you can do, I’m sure you can reimburse my travel, and they couldn’t, they said no, so obviously I didn’t get this job. But on the other hand they would sanction me for deliberately not taking up a job like the salon job I never got, or not coming to compulsory training or whatever, but now I’ve got an interview and I was told the jobcentre would do everything they can to help you get back into work, and I understood they support people back to work, and I would have thought they could have given me something to enable me to get to my interview and back...

Even during the sanction, I didn’t know that you could apply for something, a hardship fund, my adviser never told me, so for a long time I was going with nothing, with no money for anything. No money for gas, electricity, travel, nothing, when I meant I had NOTHING. I was relying on friends when I could rely on them. It was terrible. I don’t even want to speak about those experiences because it was very hard. I went for days without food, and it’s the truth, it’s not a nice thing to say but it was the truth. And when I found out about the hardship thing and I went to speak to someone, they said your adviser should have told you about the hardship fund, but they

⁸² Department for Work and Pensions, Decision makers’ guide: Vols 4, 5, 6 and 7: Jobseeker’s Allowance and Income Support: staff guide, last modified January 2, 2015, accessed January 23, 2015, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/337586/dmgch35.pdf.

didn't tell me. Until I found out myself, then I got some money in one of the sanctions. They didn't tell me, they are not forthcoming with information."

Zawadi, 28 years old

It is clearly unjustifiable that women like Zawadi and Jackie were not informed about the hardship payments that they were entitled to. In both examples the sanctions made the women exceptionally vulnerable – Jackie almost returned to prostitution and Zawadi was forced to go without food for days.

Furthermore, it is clear that the impact of the policy is hindering its own objective to move claimants into work: Zawadi missed a valuable job interview because she could not afford the bus fare to get there.

Oakley made the following recommendation with regards to emergency funds:

'After sanction decisions have been made, the Department should consider how vulnerable groups might be identified and helped to claim hardship payments and/or access support services offered through Jobcentre Plus and contracted providers.'

The Government has responded that it 'will address the issue of identification of vulnerable claimants and avoid discontinuity of payment. This covers a range of activities, including, where appropriate, staff discussing with claimants how to make applications, support for claimants in making applications and ensuring decisions are taken and hardship payments received as soon as possible with the aim of preventing the disruption of benefit for vulnerable claimants.'⁸³

The Committee is concerned that this plan of action still appears to rely on the discretion of the adviser to decide what is appropriate, and potentially who counts as a vulnerable claimant. Evidence submitted to the inquiry suggests strongly that all claimants should be informed about how to apply for emergency funds, and should be provided with the necessary support they need to do so.

83 Department for Work and Pensions, Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013, July 2014, accessed January 22, 2015 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332137/jsa-sanctions-independent-review-government-response.pdf.

Section Four

Wider Impacts

HEALTH AND WELLBEING

There is no question that a lack of quality food and heating has an extremely negative impact on health. However, the stress created by the conditionality and sanctions system is also affecting the health and wellbeing of claimants: Manchester CAB's survey, cited above, found that 'existing health conditions were exacerbated because of poor diet and stress, and a number of respondents said they had attempted suicide or felt suicidal.'⁸⁴

The specific correlation between JSA conditions and the threat of sanctions with health and wellbeing outcomes is hard to quantify; however, anecdotally women in all of the focus groups and interviews reported feeling "abused," "maltreated," "depressed," "worthless," "disrespected," and "downtrodden." Many of the respondents broke down in tears when recounting their experiences of claiming JSA.

Zawadi, the marketing graduate mentioned above, moved from JSA to ESA over the summer, as a result of health complications. She told the inquiry: "it was directly linked to my experiences with the Jobcentre. The stress they were putting on me was unbearable."

THE IMPACT ON CHILDREN

The impact of the increased conditionality and sanctions regime on children is also hard to quantify. While the evidence submitted to the inquiry suggested that in most cases women who had been sanctioned were going without food in

order to feed their children, it is likely that in some circumstances children are also being deprived of food and other items as a result of sanctions. Manchester CAB's report highlighted cases where, due to a lack of income, children were being taken out of school because they could not afford transport, were being sent to live with other relatives or were being threatened with being taken into care because they were not being properly fed. While Child Benefit and Child Tax Credit cannot be taken away under a sanction, it is exceptionally naïve to assume that therefore the sanction will not have an impact on a child's welfare.

The Government has a legal duty, recognised in both national and international human rights legislation, to protect children from destitution.⁸⁵ Hardship payments potentially allow the sanctions regime to operate without breaching these legal duties; however, if claimants are not informed of their entitlement to apply for hardship payments, it is very hard to see what defence the state can provide to claims that a child's right to an adequate standard of living is not being breached by a sanction imposed on their parent(s).

Further, the stress that is brought about by meeting the conditions of unreasonable agreements, while living under the threat of sanctions, will undoubtedly affect claimants' parenting, and their ability to provide stability and support their children. Shockingly, One Parent Families Scotland and David Webster reported examples of advisers instructing parents to leave their

⁸⁴ Manchester Citizen's Advice Bureau, Punishing Poverty? A review of benefit sanctions and their impacts on clients and claimants, October 2013.

⁸⁵ UN Convention on the Rights of the Child, Article 27. <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

young children at home alone in order to go to appointments.⁸⁶ The long-term consequences on child development and child welfare of the financial insecurity and stress that the conditionality and sanction regime is evidently causing parnts (lone parents in particular), are of grave concern to the Committee, and were raised in almost all of the written and oral evidence submissions received by the Inquiry.

A NOTE ON THE 'HIDDEN' WOMEN

There is currently no available record of what happens to people when they stop claiming JSA but are not known to be in work or claiming other out of work benefits. In terms of the DWP's figures, they have 'moved off' JSA. However, there is no information about where they have gone, or how they are able to survive without any known income.

As the evidence in this report has demonstrated, the conditionality and sanctions regime makes it very difficult for everyone, but for certain groups of women in particular, to claim JSA, and is thus likely to drive claimants away from the system altogether, even when they don't know how they will make ends meet without it. Women in this 'missing group' are likely to be particularly vulnerable to exploitation, and it is deeply concerning that the DWP is not monitoring where these people are turning to, when they are no longer accessing state support.

⁸⁶ One Parent Families Scotland, Annual Report 2014, pp. 5, 6, 10, 11.

Concluding Observations and Recommendations

The Committee found the JSA system, as it is currently operating, is unnecessarily punitive, and is causing considerable unnecessary hardship and stress to claimants - both women and men - and their children. While the current system is having a detrimental impact on both men and women, the fact that it does not take the lived experiences of particular groups of women into account is making certain women exceptionally vulnerable to sanctions - with the knock-on effects of food and fuel poverty, mental and physical ill-health, and insecure housing amongst others - through no fault of their own.

Our main conclusions are therefore as follows.

- The JSA regime takes insufficient account of the distinctive circumstances of many women's lives, in particular their higher risk of getting stuck in low-paid jobs, the impact of their caring responsibilities and the fact that they are much more likely than men to be at risk of domestic and sexual violence.
- Those features of the JSA system that are intended to take account of these differences are not working well. There are flaws in both their design and implementation. Consequently, the requirements included in Claimant Commitments and Jobseeker's Agreements are often difficult if not impossible for women to comply with.
- As a result, particular groups of women (including single mothers, women facing sexual and domestic violence, and women who have difficulties with English) are exceptionally vulnerable to sanctions through no fault of their own. This is affecting women's safety, their mental and physical health, and the health and wellbeing of their children.
- Some groups of women appear to be being sanctioned without good reason more often than other groups. Lone parents, 92% of whom are women, are significantly more likely than other claimants to be successful when they appeal against a sanction, suggesting that they are more likely to have been sanctioned unreasonably in the first place. There is anecdotal evidence of women who have difficulties with English being sanctioned repeatedly simply because they do not understand what the system requires of them.
- Because JSA is focused on getting people into any work regardless of claimants' skill level and experience, it is contributing to a growing pattern of women being overrepresented in low paid jobs with poor prospects from which they will struggle to progress. This is not just a waste of women's potential economic contribution. It also makes it more likely that they will need other forms of state support to survive and that their children will grow up in poverty.

- In some respects, the way in which the JSA regime is being implemented in relation to women risks directly undermining other government goals or strategies. For example, the policy of not telling claimants about the Domestic Violence (DV) Easement so that they will only benefit from it if they happen to find out about it appears to be at odds with the government's overall strategy for reducing the impact of domestic violence.

In the light of our conclusions we are making a series of recommendations regarding the design and implementation of the JSA system, that we believe could help ensure it no longer has a negative impact on gender equality. The government has made clear public statements about its commitment to equality of opportunity.⁸⁷ It is also subject to a duty to pay due regard to the importance of eliminating sex discrimination and advancing equality of opportunity in all relevant areas of its activities.⁸⁸ We believe that our recommendations would assist the government in making good these commitments and in meeting its legal equality duties. We also believe that our recommendations would help the government to achieve its policy goal of moving people off benefits and into work - but into sustainable, quality employment, that will improve the lives of claimants and their families, and put more money back into the economy.

OUR RECOMMENDATIONS

SYSTEM DESIGN

1. Specialist advisers who are specifically trained in dealing with claimants with additional needs should be introduced at Jobcentres. These advisers would be able to inform lone parents, for example, of the JSA Parent Flexibilities and inform survivors of domestic violence of the JSA DV Easement and ensure that they are applied correctly so that claimants are given the support they need to move into sustainable work.
2. The current JSA Parent Flexibilities should be retained in full and should be set out in regulations rather than in guidance under Universal Credit legislation.
3. The Domestic Violence Easement should be amended so that it better reflects the reality of women's experience of domestic and sexual violence. The Department for Work and Pensions (DWP) should consult with expert organisations about how to improve the terms of the Easement and how to ensure it actively contributes to the government's overall strategy for tackling violence against women and girls.

4. The conditions set out in Claimant Commitments and the additional stipulations demanded by Work Programme providers should take sensible and appropriate account of the impact of caring responsibilities, difficulties with speaking or writing English and the impact of domestic and sexual violence, where these are relevant for a claimant. For example, claimants whose caring responsibilities mean they can only work part time should not be required to travel 90 minutes each way to work.
5. All claimants should receive a thorough diagnostic interview after three months of claiming JSA, to ensure that they are receiving the support they need to move into sustainable, quality employment and are not being required to undertake activities, at a cost to the public purse, that make little or no contribution to their job search.
6. A '10p rule' should be instated for JSA, so that 10p of the benefit remains after sanctioning in order to preserve access to Housing Benefit and so prevent JSA sanctions leading to rent arrears and possible eviction.

IMPROVING IMPLEMENTATION

7. Claimants should be told about the Domestic Violence Easement: it is not acceptable that many claimants who are experiencing domestic or sexual violence do not know about the Easement. Claimants who are covered by the Easement should be supported appropriately and should never be required to take actions that would put them at risk nor be sanctioned for not taking such actions.
8. All Jobcentre staff and Work Programme providers should be made aware of the JSA Parent Flexibilities and trained in their application. The DWP should monitor whether they are being applied successfully in practice.
9. Claimants who face language barriers that prevent them from moving into work should be entitled to quality ESOL (English for speakers of other languages) classes before being subject to the usual conditions of their benefit, which will enable them to move into sustainable work and will ensure that they are not sanctioned simply for a lack of understanding.
10. Sanction referrals should be communicated either in person or over the phone by an adviser, and the adviser should be responsible for ensuring that the claimant has understood:
 - the reason for the sanction referral;
 - the appeals process, and that the claimant has a right to appeal;
 - the process for applying for hardship payments, and that the claimant has a right to apply for them.

⁸⁷ Government Equalities Office, "The Equality Strategy: Building a Fairer Britain," December 2010, accessed 23 January 2015, <https://www.gov.uk/government/publications/equality-strategy>.

⁸⁸ Public Sector Equality Duty, Equality Act 2010.

11. The sanctions appeals process needs to be overhauled. It should include a swift informal process that is undertaken within days and a much quicker process for the appeal proper that is simple and easy for claimants to navigate and understand.

FURTHER RESEARCH

12. Further research is needed into:

- The reasons that sanctions are overturned, as the high proportion of sanctions overturned at appeal indicates a considerable misapplication of sanction referrals.
- What happens to the 'hidden group' – those who are sanctioned and then do not move into known employment or continue to claim benefits. This group, especially the women within it, appear to be particularly vulnerable to exploitation, and the lack of knowledge about what happens to them is of grave concern. It is also likely to have a distorting effect on figures about claimants moving 'off benefits'.
- The extent of financial hardship caused by benefit sanctions, including in relation to food and fuel poverty and the impact of sanctions on child poverty and development (as suggested by the House of Commons Work and Pensions Committee report, 'The role of Jobcentre Plus in the reformed welfare system,' January 2014).
- What happens to claimants after they have been sanctioned, in order to assess the efficacy of sanctions and understand their long-term impact in a UK context.

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Annex A

THE INQUIRY PROCESS

ROLE OF THE COMMITTEE

The Committee will comprise of five public figures with a range of expertise and interest in the field of public policy and equality. They will be selected on the basis of their knowledge, experience and interest in the subject of the Inquiry.

The Committee will review and analyse the potential gendered impact of the recently reformed conditionality and sanctions regimes for Jobseeker's Allowance. The Committee's analysis will be informed by a range of evidence, including:

- a digested body of research provided by the Secretariat, including both qualitative research collated from a series of focus groups held with affected women, and in-depth research and policy analysis provided by a wide range of research and policy organisations and front-line service providers;
- a live-hearing session in which experts, practitioners and affected women will be invited to give verbal evidence and respond to questions from the Committee;
- where required, further research as requested independently by the Committee members, to be undertaken by the Secretariat.

Committee members will be required to commit to the 'live' period of the Inquiry (i.e. the period over which the evidence is considered and deliberated), which will run over a period of around four to six weeks. This will involve three meetings, as well as a dedicated period over which to read and review the written evidence provided by the Secretariat.

REPORT

Alongside the package of evidence, the agreed findings and recommendations will be contained in a final report of the independent Inquiry. This will be drafted by the Secretariat and will have final sign off from all Committee members. This report will be made available to the public.

RESEARCH METHODOLOGY

LITERATURE REVIEW

The Secretariat conducted a broad literature review of existing academic research into benefit conditionality and sanctions. In 2010 the Joseph Rowntree Foundation produced a comprehensive review of international evidence on sanctions within social security systems where benefits are conditional on claimant behaviour. As a result of this existing comprehensive literature review of research up to and including 2010, the Secretariat narrowed the scope of the literature review for the inquiry to reports published by academic journals in 2010 and onwards that covered 'conditionality,' 'benefit sanctions' and 'gender' or 'women'. In addition, the literature review includes all recent UK Government and Parliamentary investigation into the subject, as well as synopses of a selection of key recent reports from UK think tanks/service providers.

CALL FOR EVIDENCE

As part of the inquiry process the Secretariat issued a 'call for evidence' in April 2014 to any interested party, including women who have been affected by the increased conditionality and sanctions regimes, services supporting affected women, research and policy organisations, and other experts and academics working in the area. This was sent directly to

around 50 key contacts, and the snowball sampling method was used to gain access to additional 'experts' and women who had been affected. Additionally the call for evidence was promoted on Twitter (to 20,000 followers, and then was repeatedly re-tweeted further afield) and on Facebook (where again it was shared broadly).

The Secretariat received submissions from a number of organisations, all of which are included below, and three individual women affected by the issues wrote to us with their experiences, and later took part in in-depth semi-structured interviews. All information concerning individuals has been fully anonymised.

FOCUS GROUPS

The Secretariat held six focus groups over April-May 2014 in Cardiff, Coventry, Glasgow, Salford, Stratford, and Whaley Bridge in the Peak District. Five of these were coordinated by Oxfam, while the Coventry focus group was coordinated by Mary-Ann Stephenson of Coventry Women's Voices and the Coventry Citizen's Advice Bureau. The Secretariat produced a discussion guide for all the focus groups which was followed loosely to allow for discussions and themes to develop among the groups.

In all, 25 women participated in the focus groups in total. The discussion guide can be found in the appendix, as can the consent form signed by all the participants.

All information from the focus groups has been fully anonymised.

Transcripts of all the focus groups have been produced and relevant extracts included in this package of evidence. Full transcripts can be provided on request.

INTERVIEWS

As part of the inquiry, the charity and service provider Single Parent Action Network conducted nine interviews with single mothers who had been sanctioned or felt under threat of sanctions, living in different parts of the UK. Additionally three women contacted the Secretariat directly in response to the Call for Evidence, who were keen for the Committee to hear their experiences. The Secretariat conducted semi-structured interviews with these women over the telephone, following a similar trajectory to the discussion guide for the focus groups.

As with the focus groups, all participants signed a consent form, and their information has been anonymised.

Transcripts of all the interviews have been produced and relevant extracts included in this package of evidence. Full transcripts can be provided on request.

Annex B

COMPARISON TABLE OF FLEXIBILITIES IN CURRENT REGULATIONS AND THE PROVISION OF FLEXIBILITIES IN UNIVERSAL CREDIT REGULATIONS⁸⁹

REGULATIONS THAT HAVE NO COMPARABLE UNIVERSAL CREDIT REGULATION

Provision for flexibilities in current regulations	Provision for flexibilities in Universal Credit regulations ⁹⁰
<p>Single parents with a dependent child under 13 can limit the hours they work to their child's usual school hours, even if there are no reasonable prospects of finding work.</p>	<p>Regulation 88 (2) (b) stipulates that responsible carers with a child under 13 can restrict their work availability to their child's normal school hours.</p> <p>An answer to a parliamentary question⁹¹ confirms that this group of single parents will not have to show reasonable prospects of finding work, however the regulation as drafted is unclear and could be misinterpreted.</p> <p>Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.</p>
<p>Single parents with a dependent child aged between 13 and 16 can limit the hours they work according to their caring responsibilities, even if there are no reasonable prospects of finding work.</p>	<p>Regulation 88 (2) (a) (i) (ii) stipulates that responsible carers can restrict work availability, but only if they have reasonable prospects of finding work. It does not make provision for continuing to limit availability if there are no reasonable prospects of work.</p> <p>Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been non-compliant on previous occasions.</p>

⁸⁹ Table supplied by Gingerbread : www.gingerbread.org.uk

⁹⁰ Disability Alliance, "Universal Credit Regulations," accessed January 23, 2015, <http://www.disabilityalliance.org/how-we-can-help/benefits-information/universal-credit-regulations>.

⁹¹ See: HC Deb, 29 January 2013, c784

REGULATIONS THAT HAVE NO COMPARABLE UNIVERSAL CREDIT REGULATION

Provision for flexibilities in current regulations	Provision for flexibilities in Universal Credit regulations⁹⁰
Refusing a job offer or to follow an instruction from an adviser when there is no affordable or appropriate childcare available	Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.
Leaving a job because of a lack of available and affordable childcare	Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been non-compliant on previous occasions.
Limiting work search requirements when there is no affordable, appropriate childcare available during the school holidays	Failure to comply with a work search requirements could attract a medium or higher level sanction.
Allowing up to seven days to attend a job interview to take account of caring responsibilities	Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.
Limiting work search requirements when a child has been excluded from school	Failure to comply with a work search requirements could attract a medium or higher level sanction.
Limiting work search requirements when a claimant is subject to a parenting order or contract	Failure to comply with a work search requirements could attract a medium or higher level sanction.

REGULATIONS THAT HAVE BEEN LIMITED IN UNIVERSAL CREDIT REGULATIONS

Provision for flexibilities in current regulations	Provision for flexibilities in Universal Credit regulations⁸⁹
Limiting work search and work availability requirements when dealing with a death involving a close friend or family member	Regulation 99 (3) (d) only applies to the death of a claimant's partner or a claimant's child
Limiting work search and work availability requirements when dealing with a serious illness involving a close friend or family member	This may be covered in guidance relating to regulation 99 (5) (b) under temporary circumstances
Limiting work search and work availability requirements when dealing with a domestic emergency involving a close friend or family member	This is covered regulation 99 (5) (b) however timeframes are not stipulated

REGULATIONS THAT ARE BEING MATCHED IN UNIVERSAL CREDIT

Provision for flexibilities in current regulations	Provision for flexibilities in Universal Credit regulations⁸⁹
A single parent can take up to one month to take up paid work and be treated as fulfilling the work availability requirement	Equivalent regulation: 96 (3) (b)



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Fawcett is the UK's leading campaign for women's rights – at home, at work and in public life. We trace our roots to 1866 and our founders' parliamentary campaign for women's suffrage. Our vision is of society where women and our rights are equally valued and respected and where we have equal say in decisions that affect our lives.

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