

E·S·R·C
ECONOMIC
& SOCIAL
RESEARCH
COUNCIL



UNIVERSITY
of York



Public
Law
Project

A photograph of a woman with blonde hair talking on a mobile phone. The image is overlaid with a blue dot pattern that fades out towards the right. The text 'Benefit Sanctions: Strategies for Civil Society' is overlaid in white on the bottom left of the image.

Benefit Sanctions: Strategies for Civil Society

What are benefit sanctions?

Benefit sanctions are key to welfare conditionality, a policy seeking to compel benefit claimants into work by making their receipt of welfare benefits contingent upon undertaking compulsory activities.

This often involves searching and applying for jobs for a specified number of hours per week. Claimants agree conditions with their work coaches in negotiated 'claimant commitments.'

If claimants do not meet these conditions, sanctions can be applied and benefits stopped or reduced for a certain amount of time, sometimes indefinitely until compliance.



What are the key problems?

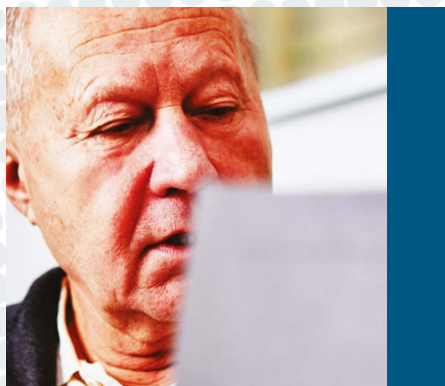
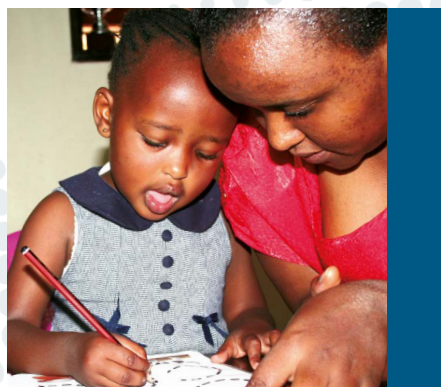
Evidence shows sanctions are counterproductively ineffective at getting claimants into work. Claimants focus on avoiding sanctions by 'ticking the boxes' of their commitments more than genuinely seeking work (Welfare Conditionality, 2018).

Sanctions, and the fear of being sanctioned, can instigate negative personal and health outcomes for significant numbers of claimants, pushing them away from claiming welfare support without moving them into work (Dwyer, 2018).

There is evidence that sanctions have discriminatory impacts on particular groups:

- Care leavers are over 5 times more likely to be sanctioned than other claimants (The Children's Society, 2018).
- For single parents, the age of the youngest child at which parents must comply with job-related requirements has been successively lowered, with demanding childcare burdens increasing the threat of sanctions (Gingerbread, 2018).
- Domestic violence survivors are also particularly vulnerable to sanctions, since work-related requirements rarely account for the complexities of domestic abuse that can prevent compliance. Domestic Violence Easements are available, but Jobcentre staff have little awareness of these and may not inform claimants (Howard, 2019).

The proportion of claimants challenging sanctions is low (Webster, 2015). The Mandatory Reconsideration system makes a Dispute Resolution Team within the DWP responsible for reviewing appeals in the first instance, rather than an independent tribunal. Those who do challenge are often successful, suggesting many could have strong cases for appeal but instead accept their sanctions, likely due to the low awareness around how to challenge decisions, and because sanctions may have finished by the time of an appeal.



Our approach

While considerable support exists for abolishing benefit sanctions, our aim is to identify ways that civil society can improve the system and how it can be supported to do that.

To do this, we reviewed the growing literature on sanctions and held a conference in York in January 2020, which included welfare rights advisors, lawyers, academics, DWP officials, charity representatives, and other stakeholders.

Strategies for civil society

● Press the DWP for more and better data

The DWP has published very little data on how benefit sanctions are working. This makes it difficult to understand sanctions' effectiveness and their impact on, for instance, claimants' employment prospects.

This is important for evidence-based policy—improvements in the policy can be better identified with reference to data displaying whether sanctions work. Alongside the DWP publishing more of its own data, it should allow more research access to academic and third-party researchers.

An open and collaborative approach that allows more research access would improve the Department's transparency and strengthen the evidence base from which policy can be formulated and revised (Morse, 2016).

● A new review of the legality of the scheme

In the light of new research, particularly evidence that the sanctions regime has discriminatory effects on particular groups, there should be renewed consideration of the scheme's legality.

This should take into account evidence that the system's results are counterproductively ineffective at achieving its stated aim of encouraging claimants into work, and its potential human rights and equality implications.

● A forum for sharing frontline experiences

At present, workers in the welfare sector do not have a consistent forum to speak specifically about sanctions. Such a forum could help workers to feel less isolated and to discuss problems and solutions from the frontline. It could also potentially make easier the identification of systemic issues. An online forum could be set up, and more regular conference meetings organised, enabling constructive discussions.

● An information campaign

Initial problems and the low challenge rate is partly attributable to claimants lacking information on how processes work. It is therefore vital that claimants know the powers and routes available to them, both in challenging sanctioning decisions through mandatory reconsideration and, prior to this, negotiating their initial claimant commitments with their work coaches.

More information about this process could enable them to negotiate more appropriate work-related requirements, increasing the likelihood they will satisfy the requirements and avoid being sanctioned.

Various strategies for achieving this could be adopted. One option is to press the DWP to formally require work coaches to disclose such information at the appropriate points – this would involve disclosing clear information about negotiations before they commence and about appeals once a claimant faces a sanction. There could also be further development and use of current advisor-created materials.

References

- Welfare Conditionality. (2018) 'Welfare Conditionality Project evidence to UN Special Rapporteur' (Welfare Conditionality Project).
- Dwyer, P. (2018) 'Punitive and ineffective: benefit sanctions within social security', *Journal of Social Security Law* 142.
- Children's Society. (2018) 'Work and Pensions Committee Benefit sanctions inquiry: Written evidence submitted by The Children's Society' (The Children's Society).
- Gingerbread. (2018) 'Unhelpful and unfair? The impact of single parent sanctions' (Gingerbread).
- Howard, M. (2019) 'Benefits or barriers? Making social security work for survivors of violence and abuse across the UK's four nations' (Women's Budget Group).
- Webster, D. (2015) 'Briefing: The DWP's JSA/ESA Sanctions Statistics Release, 18 February 2015' (Child Poverty Action Group).
- Sir Amyas Morse. (2016) 'Benefit Sanctions: Report from the Comptroller and Auditor General (National Audit Office, HC 628 Session 2016-17).



UNIVERSITY
of York



Public
Law
Project

Contact:

Public Law Project

The Design Works

93-99 Goswell Rd

London EC1V 7EY

T: 020 7843 1260

W: www.publiclawproject.org.uk

July 2020