From Fran Bennett to UN Special Rapporteur, September 2018

Fran Bennett is Senior Research and Teaching Fellow, Department of Social Policy and Intervention, University of Oxford (see [https://www.spi.ox.ac.uk/people/fran-bennett](https://www.theguardian.com/society/2018/sep/06/universal-credit-next-stage-of-rollout-flaws-million-working-families)), and an active member of the Women’s Budget Group: https://wbg.org.uk/. She also works with NGOs and others, and is an independent expert on the UK in the European Social Policy Network for the European Commission.

This submission is written in a personal capacity, and can be published on the UN Special Rapporteur’s website. It focuses on only a selected number of the questions posed.

[contact details other than work email address not to be included in published version]: Fran Bennett, DSPI, University of Oxford, Barnett House, 32 Wellington Square, Oxford OX1 2ER (+44 (0) 1865 270321/5); home address 60 St Bernards Road, Oxford OX2 6EJ (+44 (0) 1865 556096); [fran.bennett@spi.ox.ac.uk](http://wbg.org.uk/analysis/publications/universal-credit/); fran.bennett@dsl.pipex.com

A. GENERAL

(1) Definition of poverty/extreme poverty and dimensions

I believe it is important (see Ruth Lister, *Poverty*, Polity Press, 2004) to distinguish between concepts, definitions and measures of poverty. A measure of poverty cannot necessarily encompass all the dimensions included in a conceptualisation, because it has to meet certain other criteria in order to be useful. Criticising a measure for being too narrow therefore often misses the point.

It is also in my view important not to confound the causes, consequences and correlates of poverty with a measure of poverty itself. As the Joseph Rowntree Foundation recognised in its anti-poverty strategies for the UK, the key element of poverty – as opposed to wider states, such as lack of wellbeing etc. - is the insufficiency of resources to meet needs (in the society in which one lives, at the time one is living there). There are clearly many other aspects to the experience of living in poverty, but this must be central.

I played no role in developing the Social Metrics Commission’s new measure of poverty, but its inclusion of certain unavoidable costs – including childcare costs - and taking account of certain assets, and the costs of debt servicing (potentially), has some merit, I think: [http://www.socialmetricscommission.org.uk/MEASURING-POVERTY-FULL\_REPORT.pdf](http://www.ec.europa.eu/social/BlobServlet) - although the choice of 55% disposable median income smoothed over 3 years was ‘political’.

(2) Current official measurement of poverty by government

See Flash report: ec.europa.eu/social/BlobServlet?docId=14306&langId=en, written for the European Commission, about the UK government’s abandoning of the Child Poverty Act (2010) targets, based on the previous range of measures; and my blog for the Journal of Poverty and Social Justice on the same topic: [https://policypress.wordpress.com/2015/07/23/how-the-conservatives-are-strengthening-child-poverty-measures-in-the-uk/](https://www.ifs.org.uk/publications/4558)

There is currently no official measure of poverty, as I understand it, although the UK participates in regular exercises by Eurostat which identify those ‘at risk of poverty / social exclusion’ in different countries and as a whole across the EU: ‘this indicator corresponds to the sum of persons who are: at risk of poverty or severely materially deprived or living in households with very low work intensity’: [https://ec.europa.eu/eurostat/web/products-datasets/-/T2020\_50](https://www.spi.ox.ac.uk/sites/default/files/Gender_and_poverty_Bennett_and_Daly_final_12_5_14_28_5_14.pdf)

(7) Which individuals/organizations should the Special Rapporteur meet with?

I should be pleased to meet with the Special Rapporteur if that were possible. I hope I might also facilitate a visit to the community based advice centre in Blackbird Leys, a peripheral estate in southeast Oxford, with which I was involved for over 20 years until late 2017. It is also crucial, in my view, that the Special Rapporteur meets with people living in poverty themselves. I am sure that you know about the Poverty Truth Commissions already. ATD Fourth World is also in close touch with people often living in long-term poverty.

B. AUSTERITY

(8) To what extent has austerity been necessary?

I am not an economist. However, I believe a major issue is what political choices are made in relation to the range of potential austerity measures. The balance of austerity measures chosen from 2010 onwards between increasing taxes (20% or less) and reducing public expenditure (80% or more) was always likely to lead to measures which bore more heavily on those on low incomes, and so it has proved (apart from the top decile, in many analyses).

In addition, analysis by the Equality and Human Rights Commission (EHRC) has demonstrated that many of those with protected characteristics have lost out most: [https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms](https://www.spi.ox.ac.uk/people/fran-bennett); and the work of Christina Beatty and others in Sheffield has shown that the same is true of more disadvantaged areas – e.g.: Beatty, C. and Fothergill, S. (2018), ‘Welfare reform in the UK 2010-16: expectations, outcomes and local impacts’, *Social Policy & Administration*, 52 (5), 950-968.

The analysis by Hills *et al*. from CASE at LSE in the Social Policy in a Cold Climate research project demonstrated that taking account of inflation cuts in benefits and tax credits between 2010 and 2014/15 did not contribute to tackling the deficit but instead were offset by cuts in direct tax, especially real increases in personal tax allowances: [http://sticerd.lse.ac.uk/case/\_new/research/Social\_Policy\_in\_a\_Cold\_Climate.asp](mailto:fran.bennett@spi.ox.ac.uk)

(9) Have austerity measures taken adequate account of the impact on vulnerable groups and reflected efforts to minimize negative effects for those groups and individuals?

No – see above about cumulative impact research by the EHRC. There is also incisive analysis by the Women’s Budget Group and the House of Commons Library which examines the gender impact of tax and benefits measures. And see (e.g.) my chapter for the Social Policy Association’s *In Defence of Welfare II*: [http://www.social-policy.org.uk/wordpress/wp-content/uploads/2015/04/16\_bennett.pdf](http://www.socialmetricscommission.org.uk/MEASURING-POVERTY-FULL_REPORT.pdf) for some references on gender and austerity. The Women’s Budget Group and Runnymede Trust looked at BME women and austerity: https://wbg.org.uk/analysis/intersecting-inequalities/

(11) Have the human rights of individuals in poverty been affected by austerity measures?

One issue I would draw attention to is access to rights, especially the reduced availability of, and tighter criteria for, qualifying for legal aid. E.g. on 19 July 2018, the Joint Human Rights Committee criticised legal aid cuts for making human rights unaffordable to many: [https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2017/enforcing-human-rights-report-published-17-19/](https://policypress.wordpress.com/2015/07/23/how-the-conservatives-are-strengthening-child-poverty-measures-in-the-uk/). And see the Law Society on this issue: [http://www.lawsociety.org.uk/support-services/regional-engagement/articles/laspo-legal-aid-review/](http://www.cpag.org.uk/content/rough-justice-problems-monthly-assessment-pay-and-circumstances-universal-credit-and-what-ca)

The impact of the devolution of two discretionary elements of the Social Fund to local authorities (with an accompanying cut in resources) - community care grants and crisis loans - has been explored by Greater Manchester Poverty Action recently: [https://www.gmpovertyaction.org/local-welfare-assistance-scheme/](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728907/uc-and-you-v5.pdf). The smaller nations have their own provision, which seems to have retained greater generosity and flexibility than many English local authorities’ schemes (some of which have been abolished entirely).

Kathy Kelly (who sent in a submission), whom I have known for many years, and I have a conversation about human rights and poverty on pp 114-115 of the Roles We Play book: [http://www.atd-fourthworld.org/wp-content/uploads/sites/5/2016/02/20141017-The-Roles-We-Play.pdf](http://sticerd.lse.ac.uk/case/_new/research/Social_Policy_in_a_Cold_Climate.asp).

The recent care crisis review [https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review](http://www.social-policy.org.uk/wordpress/wp-content/uploads/2015/04/16_bennett.pdf) gives a valuable overview of the pressures on families who are faced with having their children removed into care, and on the workers in those services. Analysis by Paul Bywaters *et al.* (2018) draws attention to differential rates of children being taken into care / in contact with children’s services across the nations of the UK and the stronger likelihood of social care intervention in disadvantaged neighbourhoods (as a proxy for family socio-economic circumstances). They argue: ‘The level and extent of inequity raise profound ethical, economic and practical challenges to those involved in child protection, the wider society and the state’: http://journals.sagepub.com/doi/10.1177/1468017318793479

C. UNIVERSAL CREDIT

(15) To what extent has UC been able to achieve its goals?

See article on Universal Credit (UC) by Millar and Bennett (2017), already submitted. The Work and Pensions Select Committee has

Some steps were taken towards benefit simplification and reducing the ‘costs of compliance’ for claimants under previous governments, i.e. this is not in fact a new government aim: [https://www.ifs.org.uk/publications/4558](https://ec.europa.eu/eurostat/web/products-datasets/-/T2020_50). Simplification has often been a goal in the past too, therefore; but it can have different meanings, depending on whether the objective is to reduce administrative tasks (for claimant and/or for officials) or to simplify the benefits themselves, with the latter running the risk of ‘rough justice’. The danger is that an administrative imperative may be allowed to dictate changes in provision and/or processes.

It may also be the case for UC that ‘simplification’ - in the sense of bringing benefits and tax credits together, and applying one taper rate to net earnings at the end of the month - is working against another goal, of work paying and being seen to pay. This is because the ‘poverty trap’ bites very immediately and visibly under UC, rather than being attenuated by time, disregards of additional income earned in the year, and different rules and authorities’ practices in relation to benefits/ tax credits, as in past systems. And, unlike some previous forms of means-tested benefits/tax credits in work, there is no level of payment fixed for six months or a year. There are indications from early evidence that some claimants may see UC as taking money away from them for working/working harder, rather than giving them extra, as they saw the recent tax credits system doing. This should not be exaggerated, but in my view it is a design feature whose implications have not been sufficiently recognised.

UC was intended to tackle poverty; but this aim has been fatally compromised by the benefit cuts and it is now markedly less generous than the system it is replacing, as reports (including by the Institute for Fiscal Studies and the Office for Budget Responsibility) have concluded. The importance to ministers of the original aim of minimising ‘dependency’ on the state (including for those in employment) should not be underestimated, in my view.

The aim of increasing take-up, which was important to UC, remains (Resolution Foundation: [https://www.theguardian.com/society/2018/sep/06/universal-credit-next-stage-of-rollout-flaws-million-working-families](https://www.gmpovertyaction.org/local-welfare-assistance-scheme/)). But this is threatened not only by the reputation of UC, as the RF argues, but also in my view by the potential effects of the ratcheting up of conditionality and sanctions and by the impact of the highly visible poverty trap on those in work.

Another key issue in relation to UC is the introduction of much greater discretion for Jobcentre staff, in particular work coaches. This can be seen as responding to an argument often made by claimants: that they want to be treated as individuals with tailored provision. It is also clear that Jobcentre staff find their jobs more satisfying when they have more discretion. There has always been a difficult balance between discretion and rights in UK benefits. But currently this balance seems to have been tilted too far one way. The exercise of discretion is susceptible to the potential for an imbalanced power relationship (as exists in this case, especially with the draconian sanctions that are now applicable) to result in harm. There is also a case for introducing clear service standards into the operation of UC, so that claimants know what to expect in terms of how they are treated and have some form of redress if this fails.

(16) What has the impact of UC been on poverty in the UK? Including for specific groups.

My work is largely on gender and UC. See [http://wbg.org.uk/analysis/publications/universal-credit/](https://www.gov.uk/government/publications/universal-credit-and-couples-an-introduction/universal-credit-further-information-for-couples) for work for the Women’s Budget Group (much of it anonymised), and for my academic work see e.g. [http://opo.iisj.net/index.php/osls/article/viewFile/244/345](https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/news-parliament-2017/enforcing-human-rights-report-published-17-19/). This can be understood in the context of seeing ‘poverty’ as a gendered experience, and of the need to examine the impact on individuals over the life-course, not just households in a snapshot: [https://www.spi.ox.ac.uk/sites/default/files/Gender\_and\_poverty\_Bennett\_and\_Daly\_final\_12\_5\_14\_28\_5\_14.pdf](http://www.lawsociety.org.uk/support-services/regional-engagement/articles/laspo-legal-aid-review/). The equality impact assessment for UC has not been updated since 2011, despite the various changes that have been made to its structure and levels since.

(17) UC online: This is a particularly telling example of the impact of the need for digital access for UC: https://universalcreditsuffer.com/2018/06/03/having-to-justify-tv-broadband/

(18) Impact of ‘welfare conditionality’ in UC in terms of incentivizing work

There is some evidence on this; but the National Audit Office noted that the DWP agreed that it would never be possible to assess accurately the impact of UC by itself on increasing employment, and the recent report on in work conditionality appears to record only minor increases in earnings as a result of more intensive conditionality/support for those in work: https://www.gov.uk/government/publications/universal-credit-in-work-progression-randomised-controlled-trial. A particular concern is the weakened incentives to enter employment for many potential ‘second earners’, who are nonetheless in many cases (e.g. partners with children) being introduced to conditionality for the first time.

(19) Impact of UC in reducing fraud and error?

I think this is not yet clear. The government hopes that the Real Time Information system for reporting earnings will help. It is important to distinguish fraud from error in statistics.

One issue about the whole month approach to changes of circumstances (see CPAG report: [http://www.cpag.org.uk/content/rough-justice-problems-monthly-assessment-pay-and-circumstances-universal-credit-and-what-ca](https://www.equalityhumanrights.com/en/publication-download/cumulative-impact-tax-and-welfare-reforms)) is that the date of (reporting) a change of circumstances could have major implications for how much UC is paid at the end of the period of assessment. This may be one reason why, alongside the instructions to report changes of circumstances, there does not appear to be much guidance about the impact of the whole month approach online for claimants themselves e.g.: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/728907/uc-and-you-v5.pdf](http://www.atd-fourthworld.org/wp-content/uploads/sites/5/2016/02/20141017-The-Roles-We-Play.pdf) and [https://www.gov.uk/government/publications/universal-credit-and-couples-an-introduction/universal-credit-further-information-for-couples#change-of-circumstances](https://www.frg.org.uk/involving-families/reforming-law-and-practice/care-crisis-review#change-of-circumstances)

E. CHILD POVERTY

(27) Main causes of child poverty in UK, main government responses, and how effective?

See Bradshaw and Bennett: [www.ec.europa.eu/social/BlobServlet?docId=18216&langId=en](http://opo.iisj.net/index.php/osls/article/viewFile/244/345?docId=18216&langId=en).

My own view is also that insufficient attention is paid to gender issues in relation to child poverty, as well as in their own right, in particular as regards the growing phenomenon of ‘in work poverty’ (which I see as a misnomer). See, e.g., article for the Institute for Public Policy Research journal, now available as a blog for the Women’s Budget Group here: https://wbg.org.uk/blog/rethinking-low-pay-and-in-work-poverty