



**Welfare Conditionality**

SANCTIONS, SUPPORT AND BEHAVIOUR CHANGE

**Visit by the United Nations Special Rapporteur on extreme poverty and human rights to the United Kingdom of Great Britain and Northern Ireland from 5 to 16 November 2018**

Written evidence from the Welfare Conditionality: Sanctions, Support and Behaviour Change Project

September 2018

## Introduction

Funded by the Economic and Social Research Council, our five-year (2013-2018) independent research project *Welfare conditionality: sanctions support and behaviour change* (WelCond) has involved teams of researchers from six universities and is one of the largest of its kind ever undertaken. Our key aim is to generate a theoretically informed and empirically grounded understanding of the impacts, efficacy and ethics of welfare conditionality to inform international policy and practice.

Welfare conditionality links eligibility for collectively provided welfare benefits and services to recipients' undertaking specified compulsory responsibilities or particular patterns of behaviour; with failure to undertake such activities leading to benefit sanctions. It has been a key element of welfare state reform in many nations since the mid-1990s. The UK has been at the forefront of this behavioural policy turn and conditionality is now an established and accepted part of UK welfare and allied policy. The past two decades have seen sanctions-backed conditionality intensified and extended to encompass previously exempt groups such as disabled people, lone parents and, since 2013 under Universal Credit (UC), low paid workers and their partners (Dwyer, 2016)<sup>1</sup>.

Our [final findings](#), published in May 2018, draw on analyses of qualitative data generated in interviews with 52 policy stakeholders, 27 focus groups conducted with practitioners, and a large, repeat qualitative longitudinal panel study undertaken with a diversity of welfare service users (WSUs) sampled in 11 locations in England and Scotland. A total of 1,083 WSU interviews were undertaken with individuals interviewed up to three times across a two year period (n. wave a 481, wave b 339, wave c 262). WSUs were drawn from nine policy areas: jobseekers, UC recipients, disabled people, migrants, lone parents, offenders, social tenants, homeless people, and those subject to anti-social behaviour (ASB) interventions and Family Intervention Projects (FIPs).

For a full appreciation of our activities and outputs please refer to [www.welfareconditionality.ac.uk](http://www.welfareconditionality.ac.uk). In the interest of brevity and focus we limit our discussions below to the three particular thematic areas highlighted in your call that are most relevant to our findings to date: General - where we discuss the impacts and effectiveness of welfare conditionality and benefit sanctions; Universal Credit; and Brexit.

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<sup>1</sup> Dwyer, P. (2016) 'Citizenship, conduct and conditionality: sanction and support in the 21st century UK welfare state' pp. 41-62 in *Social Policy Review 28* Bristol, The Policy Press /Social Policy Association.

This submission has been prepared by Professor Peter Dwyer, University of York; Dr Lisa Scullion, University of Salford; and Dr Sharon Wright, University of Glasgow, on behalf of the project. We request that this submission be placed on the website of the Special Rapporteur.

We structure our evidence according to the most relevant numbered questions as set out in your call for evidence. Please refer to the documents attached in the Annex for fuller discussions and further evidence of the highlighted findings and issues raised above.

## **General**

*5) Could you specify how poverty and extreme poverty in the United Kingdom intersect with economic and social rights issues (such as the right to education or the right to health care)? Please exemplify by referring to specific cases and relevant norms of international human rights law.*

The expansion and intensification of welfare conditionality as a key element of welfare reform over the past two decades systematically undermines the very idea of economic and social rights as a core component of national citizenship status and/or justifications for such rights on the basis of universal human needs (Dwyer 2004, Watts et al. 2014 for further discussions)<sup>2</sup>. The reduction or removal of social security benefits through the application of benefit sanctions leaves many unable to meet their basic needs, with those sanctioned increasingly reliant on charitable and (where available) familial provision for support.

More specifically the WelCond study finds:

- Welfare conditionality within the social security system is largely ineffective in facilitating people's entry into or progression within the paid labour market over time. Stasis, a lack of significant and sustained change in employment status, is the most common outcome for the substantial majority across the repeat interviews.
- Recurrent short-term movements between various insecure jobs, interspersed with periods of unemployment, are routine among the minority who were able to obtain some paid work across the period. Occasional sustained movements, off welfare benefits and into work, are evident – but are extremely rare.

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<sup>2</sup> Dwyer, P. (2004) 'Creeping conditionality in the UK: from welfare rights to conditional entitlements', *Canadian Journal of Sociology*, 29(2) :265-287.

Watts, B., Fitzpatrick, S., Bramley, G. and Watkins, D. (2014) *Welfare sanctions and conditionality in the UK*, York, Joseph Rowntree Foundation



- Benefit sanctions do little to enhance people's motivation to prepare for, seek, or enter paid work. They routinely trigger sustain and exacerbate profoundly negative personal, financial, health and behavioural outcomes and push some people away from collectivised welfare provisions.
- For a substantial minority, welfare conditionality within social security regularly initiates and sustains a range of negative behaviour changes and outcomes including:
  - increased poverty, and on occasions, destitution
  - counterproductive compliance
  - disengagement from the social security system
  - movements into survival crime
  - exacerbated ill-health and impairments.
- Within conditional welfare interventions the provision of appropriate and meaningful support, rather than sanction, is pivotal in triggering and sustaining both paid employment and positive change such as the reduction of anti-social or problematic behaviours.
- The quality of much of the mandatory job search and employment and skills training currently provided is of poor quality. It will need to be significantly improved if people are to be supported into work in future.

Please refer to our *Interim Findings Overview* and *Final Findings Overview* reports and the draft paper '*Punitive and ineffective etc.*' by Dwyer (2018) attached in the Annex file for fuller evidenced discussions on the findings above.

## **Universal Credit**

Each UC recipient has to agree a 'claimant commitment' with their adviser or job coach, which can include requirements to undertake up to 35 hours of job search and training per week. Universal Credit is significant in that it ushered in an era of 'ubiquitous conditionality' by extending welfare conditionality to low paid workers (and their partners) in receipt of 'in work' wage supplements and housing benefits for the first time. Benefit sanctions are applied for non-compliance (Dwyer and Wright, 2014). This means 'in work' claimants have to search for more and better paid work and attend mandatory work focused interview (WFI) appointments as instructed in order to keep receiving the benefit, even though they already work (routinely in part-time or low paid jobs).

*(15) To what extent has the Universal Credit been able to achieve its goals identified i.e. simplify and streamline the benefits system for claimants and administrators, to improve work incentives, to tackle poverty and to reduce fraud and error?*

*(16) What has the impact of Universal Credit been on poverty and the lives of the poor in the United Kingdom until now? etc.*

Poverty and debt remain commonplace among UC recipients. Although supporters of UC argue that many of the issues it has triggered are indicative of a social security system undergoing a significant transition, evidence from WelCond points to more systemic failings in how the UC system is designed and implemented.

New claimants now face a wait of up to five weeks (reduced from an original six week period) before receiving an initial payment. Many respondents in our study spoke of longer waits due to administrative errors and delays. While waiting, people are routinely left with little or no money for basic necessities like food and rent payments and consequently fall into debt.

Although discretionary advance payments are available to help tide people over during the waiting period, these are repayable loans deducted from any future UC payments. This has the effect of exacerbating poverty as claimants often then have to manage on a reduced income moving forward. Many are also liable to further deductions (up to a maximum of 40% of the monthly payment) to cover rent or utility bill arrears. The inadequacy of current UC benefit levels in combination with deductions leave many living in poverty. This was the reality for many in our study. Recently reported figures from the DWP indicate that 316,100 UC claims (approximately one third of UC claims) are now subject to these deductions, up from a 10% figure in January 2017 (The Observer, 2018).<sup>3</sup>

Rising poverty and debt problems have been further compounded by four further significant changes in how UC operates, compared to the benefits it replaces.

1. Many have struggled with budgeting following the switch from fortnightly to monthly payments.
2. Payment of the housing element of Universal Credit directly to the claimant, rather than the old system of directly to the landlord, has significantly increased rent arrears among vulnerable people. For those who are struggling to make ends meet or who have been sanctioned, often the rent doesn't get paid it is spent on other pressing necessities such as food.

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<sup>3</sup> See Jayanetti, C. and Savage, M. (2018) 'Third of UK's universal credit claimants hit by deductions from payments', The Observer 11/8/2018 available at: [https://www.theguardian.com/society/2018/aug/11/third-of-universal-credit-claimants-face-payment-deductions?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/society/2018/aug/11/third-of-universal-credit-claimants-face-payment-deductions?CMP=Share_iOSApp_Other)



3. Many claimants are also struggling to get to grips with the variations in Universal Credit payment that occur each month. Because the benefit is paid in arrears, based on earnings for the previous month, the system assumes that moving forward any earnings from work will be at the same level the next month, with the amount adjusted up or down depending on previous monthly earnings. However, this is routinely not the case for a lot of people on flexible or zero-hours contracts.
4. UC renders substantial numbers of low paid workers (in receipt of housing benefit and/or low wage supplements) vulnerable to the severely deleterious impacts of benefit sanctions for the first time.

Aside from poverty related considerations, requiring those already in work to attend interviews with job coaches under pain of sanction is plainly counter-productive. It does not meet with the needs of employers who want people to be at work rather than discussing options in Jobcentres, and it is a nonsense for a policy that is supposed to encourage engagement with paid employment to be sanctioning (or threatening to sanction) people for not attending WFIs because they are working.

*(17) Claimants apply for Universal Credit online. What has been the impact of Universal Credit being a 'digital-only benefit' on the ability of potential claimants to apply for this benefit?*

Considerable numbers of older and vulnerable UC recipients routinely struggle with the digital-by-default system. Concerns reported in the WelCond project relate to poor or non-existent IT skills among claimants, a lack of suitable training to address this and an inability among UC recipients to access and /or fund the required online equipment and associated costs for digital claims.

*(18) What has the impact been of various forms of 'welfare conditionality' in the context of Universal Credit in terms of incentivizing work?*

- UC claimants in our study were keen to work and demonstrated intense efforts to find employment
- The overall picture in terms of employment outcomes was relatively neutral, with similar numbers transitioning from unemployment into work as from paid work into unemployment
- For the majority, the extensive and stringent conditionality of UC brought far more harm than good; did not ensure a move into work; and had little impact on meaningful in-work progression or sustainability.
- Conditionality was usually experienced negatively by both in-work and out-of-work claimants.
- Across the sample and over the three waves, the experience of UC conditionality held two core features:



- a persistent and anxiety-provoking threat to withdraw essential income without notice via sanctions for minor infringements (such as being late for a Jobcentre Plus appointment). Claimants felt at the mercy of unpredictable decisions beyond their influence.
- a heavy pressure to apply for a high volume of job vacancies (some of which were inappropriate), involving regular long hours of documented job search activity (eg, via Universal Jobmatch) – even for those already in paid work. Much of this mandatory activity was futile or counterproductive.
- Support was largely lacking and consisted mainly of ‘do-it-yourself’ online job searching. Claimants felt the system operated to ensure compliance with conditionality requirements, with minimal or no meaningful support to find work or negotiate more hours or higher pay.

Please refer to the *Interim Findings: Universal Credit* and *Final Findings: Universal Credit* documents and *Dwyer and Wright (2014)* attached in the Annex for detailed discussions.

## **Brexit**

*(28) What are the potential implications of Brexit for the situation of those living in poverty in the United Kingdom?*

*(29) What are the potential implications of Brexit in terms of protecting the human rights of low-income groups and of persons living in poverty?*

The WelCond project includes a cohort of EU migrants living in the UK. We have just published a journal article in which we consider the impact of the UK’s recent restrictions on the social rights of EU citizens resident in the UK in light of Brexit.

Through analysis of the new data generated in qualitative interviews, the article makes an original and grounded contribution to understanding the significance and impacts of conditionality, operating at different levels, in restructuring and restricting the social rights and responsibilities of EU migrants resident in the UK.

The paper evidences:

1. The increased poverty and destitution that has ensued for many EU migrants as a result of the UK government’s restrictions and removals of EU migrants’ rights.
2. How the wider context of the UK’s referendum on EU membership and the vote for Brexit has created ‘a unique constellation of conditionality’ which brings about a much diminished version of social citizenship for EU migrants in the UK.





3. How this is likely to further limit EU migrants' access to basic social protection, even for those with long records of previous paid employment in the UK.
4. That many who have made a sustained contribution through paid work find that they are unable to claim a right to social assistance in times of need.

*(30) To what extent does government planning for Brexit explicitly address the issues arising under questions 28 and 29 above?*

Despite a stated desire 'to guarantee the rights of EU citizens who are already living in Britain', the UK government has declined to issue further assurances until the rights of UK citizens living elsewhere in Europe are established. Irrespective of the outcome of Brexit negotiations it is improbable that EU migrants' rights will be enhanced in the future, more likely migrants from the EU entering the UK after Brexit may find that they are subject to the strict 'no recourse to public funds' rules currently applied to those migrants who enter from beyond the borders of Europe.

Please refer to the paper by *Dwyer et al. 2018* and the *Final findings: Migrants* documents attached in the Annex for further detailed consideration of these issues.

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