

Unjust and Uncaring

A report on conditionality and benefits sanctions
and their impact on clients



By West Dunbartonshire Citizens Advice Bureau

West Dunbartonshire Citizens Advice Bureau delivers free, confidential, impartial, and independent information, advice, support and representation services to the people of West Dunbartonshire regardless of their age, race, religion or belief, sexual orientation, disability, gender or any other personal or social factor. The information, advice and support is provided on a very wide range of issues, with the greatest demand relating to debt, welfare benefits, housing and employment advice. Where we can't help we will direct people to the appropriate services.

Like all Citizens Advice Bureaux, we have two main aims:

- To ensure that people do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their needs effectively;
- and
- To exercise a responsible influence on the development of social policies and services, both locally and nationally.

Acknowledgements

West Dunbartonshire Citizens Advice Bureau Social Policy team would like to acknowledge the contribution of the following people to the production of this report. The advisers at Alexandria, Clydebank and Dumbarton CABx for taking the time to provide background details. Citizens Advice Scotland for financial and practical support. Finally, our thanks to the claimants who were prepared to come forward and talk openly of their experiences.

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1. Executive Summary

- Advisers at West Dunbartonshire Citizens Advice Bureaux (WDCAB) have been reporting to their management about how they witness the impact of successive governments' welfare reforms on the most vulnerable people and how these reforms eventually push many of them into poverty and debt.
- The vast majority of those claiming benefits and Tax Credits are either in work, have worked, or are looking for work. We contend that these claimants (fellow human beings) are being treated unfairly and unjustly and as we live in a civilised society, we assert these claimants should be entitled to at least baseline financial security during difficult times.
- At WDCAB we have observed successive Government reforms which seem designed to make the poorest in our society pay for the economic calamity that they were not responsible for creating. At the same time, we hear the authorities use language that encourages resentment and division.
- The advisers and staff of WDCAB experience these impacts first hand, often feeling there is little they can do to assist practically or to support the claimant. Volunteers and advisers help with appeals, reconsiderations and applications for hardship payments but are acutely aware that the client is still leaving the Bureau to face hardship.
- Sanction referrals, as can be seen by the client and adviser stories, can appear unfair and this can lead to the sanctioned individual feeling 'cheated' and resentful. Clients experiencing distress, despair and on some occasions who actually express suicidal feelings are becoming a common feature of the CAB experience.
- In the current conditionality regime, the balance of power lies with the system meaning claimants are disadvantaged from the beginning. Before unemployment benefit (JSA) payment is approved, the JobCentrePlus (JCP) adviser will ensure the claimant has made reasonable attempts to comply with the Jobseekers Agreement which lays out the conditions for receiving benefit. The difficulties for claimants centre around the idea of what is reasonable in terms of work search and work availability. Failure to comply may lead to a sanction referral.
- We feel that in too many cases, whether the problem is administrative, a failure in communications, indifference or a compassion deficit, too often the result is that claimants are being referred for sanction when such a decision is neither fair nor appropriate.

- We have concluded that sanctions provide little long term benefit to help people find employment. What they do provide is a drop in claimant numbers as well as destitution, ill-health and financial hardship that affects spouses, partners, children and wider family.
- It is therefore our view that the sanctions process is both unjust and uncaring. Unjust because payment to a claimant ceases the minute that s/he is referred for a sanction decision. Uncaring because although in theory sanction decisions should be proportionate and transparent, taking account of circumstances and the effect of a sanction on others (particularly children), in actual practice this doesn't happen.

"In the many years I have worked as a volunteer adviser, I have never before seen so many desperate people. There has been an obvious hardening in attitudes among the Job Centre staff who seem oblivious to the fact that many of the people using their service are struggling to cope. I find it shocking that in 2013, foodbanks are a growth industry and that as advisers we are unable to offer any alternative options to these clients. Is this the "Big Society"? If so, I am ashamed to be part of it."

Michelle, CAB Volunteer

2. Introduction

Shortly after its establishment in May 2010, the coalition government set in motion the most significant changes to the welfare state since its creation. While much of the focus has been on the impact of the “Spare Room Subsidy”, the “Benefit Cap” and initiation of a new benefit called Universal Credit (UC), this report focuses mainly on the social impact from major changes to an existing benefit – Jobseekers Allowance (JSA). Since October 2012, much tougher financial penalties have been imposed on those claiming JSA and who are regarded by JobcentrePlus (JCP) staff as having breached the conditions of their commitment to find employment in order to get their benefit. These penalties are known as ‘sanctions’ and this regime as ‘conditionality’.

The thrust of our report seeks to highlight the general plight of the unemployed in West Dunbartonshire and the discourteous treatment JSA claimants report receiving. But we will also point our spotlight onto the stark reality of jobseeking in West Dunbartonshire and the toll this takes on many claimants of JSA (particularly now that an increasing number of claimants, who were previously in receipt of Employment and Support Allowance, have been found fit for work). We have gathered our evidence primarily through the content of our own clients’ testimonies, but also through research into national and international long-term results on sanctions. Our view is offset against the government’s justifications of its sanction regimes.

Within the wider debate about the fairness of the new welfare reforms and their impact, it would have been easy to have missed the changes to JSA or to dismiss them as technicalities. However, for some time now, advisers at WDCAB have been reporting to their management about how they witness the impact of successive governments’ welfare reforms on some of the most vulnerable people in our society and how these reforms eventually push many of them into poverty and debt.

In too many cases there has been a lack of clarity, poor communication and arbitrary decision-making, with more and longer and disproportionate sanctions as a result. We therefore argue that the sanction process is unjust and uncaring, for the multiple reasons we proffer in this report.

Consequently, we feel it is time to compile this report and call to account those responsible for these specific government policies, those who implement them locally, and those with authority to change them; because in our view these harsh and often cruel reforms are battering populations who are least able to cope, including; people with short and long term medical conditions, people with disabilities, people who are emotionally vulnerable; families with young children and those who are already struggling to survive on the lowest of incomes. We shudder at some of the damage caused in the past year. Our main concern is that in West Dunbartonshire the future is bleak for many claimants (some of whom are sick) and their families.

The report looks at the consequences of the sanctions regime. It reviews the reasoning behind conditionality and sanctions. It considers the statistics relating to sanctions. Importantly it provides information on the local profile of unemployment and available work in the area along with claimants' personal stories.

The report concludes with a warning about the social consequences should this tougher sanction regime be extended (and we think it will). We hold this view because although the roll out of Universal Credit (UC) has been delayed for now, two of the harshest elements of UC were introduced in October 2013 – the Claimant Commitment form and the Mandatory Reconsideration process.

The report uses client cases to illustrate some of the unfairness in the system. JCP management has frequently challenged this anecdotal evidence, asserting that we provide only the claimant's side of the story. This is true, but only because JSA claimants are not allowed to have someone accompany them to any meeting held with their JCP adviser, and the evidence we see is continuous and consistent.

In a similar vein we have endeavoured to completely anonymize those cases we use. This is to reassure clients who are fearful of the possibility of some form of retribution. While it is difficult to imagine that public servants would behave in this adverse way, such is the fear of personal vendettas and arbitrary decision-making, a culture deemed by claimants to be active within JCP offices.

As a supplement to all of the above, the report is interspersed with brief accounts from records of our own advice workers' experiences. However, while much of our arguments are based on client cases and our advisers' experiences, they are also supported by evidence from relevant national bodies such as the Social Security Advisory Committee, the Department of Work and Pensions Select Committee and the Department of Work and Pensions.

"We too believe there is a story to be told about JSA, but not the usual story. Instead we offer a version that highlights the despair, distress, and low expectations of many people in our local community. Because as we see it, they are the ones feeling the hurt, the exclusion and the isolation. As well as their financial struggles, they are weighed down by a loss of hope that's compounded by the manner in which the state regards and treats them."

Social Policy Team, West Dunbartonshire CAB

3. The Consequences of Sanctions

When a JSA claimant is suspected of not meeting all the conditions of his/her benefit, a referral may be made for a sanction. Immediately the referral is made, payment to the claimant is put on hold while a decision is made. The claimant will not receive any money until a decision is reached regarding the sanction. If a sanction is applied, not only does the claimant have no money for living expenses but may encounter difficulties with other benefits. Hardship payments can be applied for, to provide a very basic level of money but they are not guaranteed and can take up to four weeks to be paid. Until the updated guidance in October 2013, regulations stipulated there should be no access to the Welfare Fund where a sanction has been applied¹. Claimants that have been sanctioned can now apply to the Welfare Fund but only as a result of a 'disaster or the cost of food for their children'. Furthermore, the guidance states that Crisis and Community Care Grants "should not undermine DWP's sanctions". Through all this, claimants with no money are still expected to continue to look for work and meet the conditions of their Jobseekers Agreement.

We discuss in further detail the consequences of sanctions and sanction referrals below.

"Mum's fears after benefits stopped"

"A Faifley mum was left fearing for how she would be able to feed her children after job centre staff cut off her benefits for arriving FIVE minutes late to a routine meeting".

Clydebank Post 22/03/13²

Food Poverty

Claimants who are subject to a sanction referral or decision will have no money to buy food. Some claimants may be able to turn to family members but this may put extra strain on an extended family who may already be struggling financially, in turn causing not only financial hardship but pressure on family relationships.

Those with no family or friends able to support them increasingly have to rely on charities providing food. The growth in Foodbanks has been widely publicised in the press and they are under pressure to provide for the growing numbers of people in the United Kingdom without food. The Trussell Trust reports that the number of people seeking food parcels and emergency help has almost tripled in just two years³.

West Dunbartonshire Community Foodshare was set up in late 2012 in response to the number of people arriving at the doors of local advice agencies with no money and no food. Foodshare opened for business in April 2013 and by December 2013 had given out over 1455 food parcels⁴. Of those who gave a reason for requesting a food parcel, 43% were a result of benefits sanction, whilst a further 33% were some other benefit-related problem.

If no food is available to those who are sanctioned (some Foodbanks place restrictions on the number of food parcels people can receive) the options are either to go hungry or commit crime. The Joseph Rowntree Foundation evidence review found that increased sanctions of welfare benefits led to increased local crime⁵.

“I feel like nobody. I am just a statistic. I feel better in the jail as I don’t have to put up with the false promises of the DWP and not getting any money.”

WDCAB client

Fuel Poverty

Many people in poverty have pre-payment fuel meters installed. To ensure they have fuel, people have to top these meters up with money in advance, and usually they are more expensive than other tariffs. This applies within West Dunbartonshire where we at WDCAB regularly see clients who have no money and no fuel as they have no credit in their meters. The effect of this, especially during the winter months for people with health problems, when it could be life-threatening, is severe detriment to health and well being. Those without pre-payment meters may well be unable to pay utility bills so face debt and disconnection of the services, as well as subsequent charges for reconnection.

A client with limited access to his/her young child asked if an appointment with a WP Provider could be changed as s/he had access to his/her child. The provider refused. The client was late but did attend the appointment and completed the work activity. Despite this the client was sanctioned and then could not have access to his/her child as s/he had no gas or electricity.

Claimants who have been sanctioned are expected to continue their efforts to seek employment but will have difficulty maintaining their personal appearance with no hot water or electricity to wash clothing.

Rent and Mortgage Arrears

Research conducted by Griggs and Evans found evidence that sanctions caused “difficulty meeting household expenses, especially housing costs”⁶.

When a claimant has a sanction applied, if they receive benefit payment intended to pay rent such as Local Housing Allowance (a type of Housing Benefit), or if they are in receipt of Universal Credit they have to choose between paying their rent or paying for food and heating. This often leads to rent arrears and eventually the possibility of eviction.

Although ‘rent hardship’ will affect those in the private rented market or some within the social housing sector, claimants who own their own home may be getting assistance to pay their mortgage interest⁷. If these claimants are sanctioned they also have to choose between using payments made directly to themselves to pay for food and heating or paying their mortgage costs, which can lead to arrears in mortgage or associated insurance policies.

Claimants who do not receive direct housing payments but who pay the Spare Room Subsidy (also known as Bedroom Tax) from their Jobseekers Allowance or Employment and Support Allowance, are unable to pay this when benefit is sanctioned and therefore accrue rent arrears and face the possibility of eviction.

Personal Indebtedness

Claimants subject to a sanction are not only unable to meet their most basic needs of food and heating, but cannot meet any other bills or outgoings. This financial hardship also affects their ability to seek work. Disconnection of telephone services means that prospective employers cannot contact them at short notice. Disconnection of internet services also means that great difficulty can be experienced in doing online work-search to fulfil the Jobseekers Agreement (JA). Doing jobsearch through the government’s new jobsearch website Universal Jobmatch (UJ), means that claimants are required to access the internet for long periods several times each week. It is not possible to use JCP computers for this activity and there is only very limited access at libraries.

People who have been sanctioned at first may try to borrow money from friends and family, but ultimately may be forced to consider payday lenders or illegal loan sharks. These debts can prove difficult if not impossible to repay. Bank charges can mount up quickly as direct debits are returned when benefit is sanctioned. When benefit is reinstated and paid, the whole amount may be used to offset charges and the claimant can again be left without funds.

Impact on Mental and Physical Health

Claimants presenting for advice at WDCAB after receiving a sanction or being told a sanction referral is being made, often display anxiety and confusion. The reality of having no money, no food nor the ability to pay for fuel is overwhelming and the initial reaction may be to panic. Clients often feel confused as to why they have been sanctioned. Supporting research from six separate studies show clients have little understanding of the details of the sanctioning system. Griggs and Evans also reported that those receiving a sanction experience anger, humiliation, depression and anxiety⁸.

A client with Type 1 Diabetes was sanctioned for four weeks. The client approached the Bureau as s/he had no food, had not received any hardship payment and his/her health was at severe risk of deteriorating.

The advisers and staff of WDCAB experience these impacts first hand, often feeling there is little they can do to assist practically or provide emotional support to the claimant. Volunteers and advisers help with appeals, reconsiderations and applications for hardship payments but are acutely aware that the client is still leaving the Bureau to face hardship. Sanction referrals, as can be seen by the client and adviser stories, can appear unfair and this can lead to the sanctioned individual feeling 'cheated' and resentful⁹. Clients experiencing distress, despair and on some occasions who actually express suicidal feelings are becoming a common feature of the CAB experience.

"I'd rather starve or steal than go through that regular humiliation."

WDCAB Client

Presently, at the point of claiming, a generic Jobseekers Agreement is quoted to the claimant, who is then asked if s/he agrees. The emphasis is on the claimant to divulge personal issues, health issues, or practical issues with capability, with no personalisation of conditionality. However, there is a contradiction here as disclosing health issues usually results in the claimants being deemed to not meet the "fit for work" obligation, and health or personal issues which restrict the time or location of jobseeking may mean they fail to adhere to the '40 hour rule' of availability for work.

4. Conditionality

Background

The change from several different benefits to one new benefit, 'Universal Credit' (UC), is only just beginning, but changes have already been made to existing benefits such as Jobseekers Allowance (JSA) and Employment Support Allowance (ESA). As stated previously, these changes are less publicly visible than other welfare reforms but they are having a major effect on those in receipt of existing benefits.

The new, tougher, regulations mean that if an individual is assessed by JCP staff as not meeting the conditionality for payment of JSA, that person will lose entitlement to that benefit for a set period of time, ranging from four weeks to three years. (Appendix 1) Legislative powers regarding sanctions are reserved and remain a matter for the Westminster Parliament, but decisions to enforce sanctions are made at a local and district level. In West Dunbartonshire this means decisions are made at the three JCP offices located in Clydebank, Dumbarton and Alexandria.

The information provided by JCP advisers is key to ensuring claimants can meet their conditions. If claimants are to avoid sanctions, then they need clear and consistent instructions on their obligations, which are set out in their Jobseekers Agreement or Claimant Commitment. Unfortunately, there is evidence that advisers seem to be providing subjective, inconsistent and unclear interpretations on conditionality which is resulting in unnecessary sanctioning.

"I had a client who had fulfilled his minimum job-seeking activities but they would not count one of his job-seeking activities because it had been done on his last signing-on day. The client was sanctioned for 13 weeks. This was an unfair sanction."

Lesley, CAB Adviser

In February 2006, the Social Security Advisory Committee published a report concluding:

- Claimants do not understand the sanctioning rules
- The sanctioning process is not clearly explained
- There is lack of uniformity in the application of sanctions
- There is lack of support for those who have been sanctioned¹⁰.

In 2012 the Social Security Advisory Committee published a paper looking at conditionality and sanctions to be introduced under Universal Credit. The committee referred the Secretary of State to the earlier 2006 report and that they were now reviewing more recent research¹¹.

The review found that the same issues still existed six years later regarding conditionality and made the following recommendations to ensure claimants understood the sanctioning rules and process; have support when sanctioned, and that there is uniformity in the application of sanctions¹². These were made under three main headings

- **Communication** – where communication is improved to ensure claimants have a clear discussion regarding conditionality and sanctions with claimant requirements and non-compliance penalties are made clear at the start of the claim within the claimant commitment. The reasons for the sanction, details of any sanction applied, acceptable reasons for non-compliance, and ways to reverse a sanction decision should be made clear to the claimant.
- **Personalisation** – within this heading it is recommended that ‘conditions within the Claimant Commitment must be clear, unambiguous, achievable and demonstrable, tailored to each claimant’s circumstances and abilities’. It recommends that vulnerable claimants should be identified and supported appropriately.

A further recommendation is made that non-compliance should be investigated and understood before referral is made for a sanction and that sanctions should be available as a last resort.

- **Fairness** – It is recommended that claimants, JCP personal advisers and providers need to regard the conditions as “fair and proportionate”. The consequences of applying a sanction need to be monitored and hardship remedies be available

Recommendations were made to improve communications regarding sanctions, but it appears little progress has been made. So great are the concerns that, at the time of writing, an independent review has been commissioned to consider the operation of benefit sanctions resulting from or validated by the Jobseekers (Back to Work Schemes) Act 2013¹³.

The experiences of clients presenting at West Dunbartonshire CAB show the recommendations either have not been implemented or the implementation is not working. We feel that in too many cases, whether the problem is administrative, a failure in communications, indifference or a compassion deficit, too often the result is that claimants are being referred for sanction when such a decision is neither fair nor appropriate.

After suffering a very public family tragedy that was ongoing over several weeks a client was referred for sanction of JSA for not keeping his/her work diary up to date. Although the client explained the circumstances s/he was still referred for sanction.

If communication is not exceptionally clear, the risk for these individuals is sanctioning through lack of knowledge of the new system. The Child Poverty Action Group (CPAG) has also expressed concern that the legislation is based on a 'top down approach'.

In the current regime, the balance of power lies with the system meaning claimants are disadvantaged from the beginning. CPAG are concerned that vulnerable clients could end up experiencing "repeated and lengthy sanctions"¹⁴.

An 18 year old made his/her first claim for Jobseekers Allowance. S/he returned for the first signing on date having completed all the work search requirements. Nobody had explained that as well as searching for work s/he had to apply for jobs. S/he was told that s/he was sanctioned for 4 weeks. No explanation was given further to this. S/he then returned to the JCP to sign on after the 4 weeks were up to be told as s/he had not attended to sign on during the sanction period. The claim had been closed but no explanation or written advice had been given that s/he was still required to attend interviews or comply with job search requirements during the sanction period.

The Purpose of Conditionality

Conditionality and sanctions have been part of the JSA benefit since its introduction in 1996, so they were already in force when the coalition government came to power¹⁵. The toughening of the conditionality and sanctions regime was deemed necessary by government to introduce "a stronger and clearer system"¹⁶. However, this justification flies in the face of previous research cited below.

In 2010, the Joseph Rowntree Foundation published a report entitled Sanctions within Conditional Benefit Systems which used evidence to review conditionality and sanctions. The report concluded that linking sanctions and positive employment outcomes was not conclusive enough to warrant a harshening of the sanctions regime¹⁷.

In the UK the conditionality regime did appear to cause a short-term reduction in welfare benefit claimants. But the evidence suggests that these claimants were either transferring to employment which was low paid and/or unsustainable or that they were withdrawing from the welfare system altogether without gaining employment¹⁸. This is borne out by the recent release of statistics highlighting reserved and cancelled decisions, where people leave the benefits system before the sanction is fully applied.

Despite these findings, the current Government views sanctions as a necessary tool as clarified in Neil Couling's report (Conditionality and Sanctions), which states that the purpose of sanctions is twofold in that "sanctions can be used to get claimants to search for work" and, as JSA is a conditional benefit, "for conditionality to be enforced some form of penalties are required"¹⁹. The following case shows a sanction which met neither of these purposes:

A client approached the Bureau for assistance as s/he had been advised by JC+ that s/he had been referred for sanction as s/he had not been doing online searches and recording them in a work diary. The client has very poor computer skills. This was known to JC+ as they had referred client to a computer training course. The client's work diary had been completed in the same way for the preceding 6 months and always found acceptable. The client was confused as s/he was not informed of any changes to the Agreement and did not know how to comply in future and avoid being sanctioned.

The justification then for a regime of conditionality and sanctions seems to be based more on a moral philosophy of compliance in return for welfare payments, than a strong evidence base that shows it to help people enter long term, sustainable employment²⁰.

The entire system of conditionality that was meant to 'Get Britain Working' does not appear to provide long-term benefits to society or reduce poverty. It seems to be based instead on a crude ideology where compliance equals financial rewards and a breach equals financial punishment.

A client only discovered s/he had been sanctioned for 13 weeks when s/he phoned JC+ as s/he had not received payment. S/he was not given any notification or a reason for the sanction verbally or in writing. The only information s/he received was when s/he phoned and even then no specific reason was given.

Claimants and Conditionality

Individuals claiming JSA are assigned a Personal Adviser at a particular JCP office. They are provided with a Jobseeker's Agreement (JA). This agreement specifies the conditionality of their JSA payments, including activities that must be carried out (eg, 15 job applications a week). Claimants can be directed to undertake a range of specific activities and they have a duty to demonstrate that they have complied by providing evidence and information and by attending interviews with their Personal Adviser. A diary must be kept proving these activities have been completed. The claimant is expected to maintain this diary in writing but increasingly the expectation is that it will be done online together with using the Government's online jobsearch website, called Universal Jobmatch (UJ). This is where the claimant must match his/her skills to any suitable job advertised

Before any payment is approved, the JCP adviser will ensure the claimant has made reasonable attempts to comply with this agreement. The difficulties for claimants centre round the idea of what is reasonable in terms of work search and work availability. For example, we know of claimants who have been sanctioned for not conducting a work search on Christmas Day. We also know that claimants are increasingly asked to demonstrate a willingness to travel to work (including part-time work) with up to a 90-minute radius travelling time. This could mean a three-hour round journey for a 4 hour shift.

Changes to the benefits system means that lone parents receiving benefit, although not classed as jobseekers, are now expected to be moving towards work. These changes mean that far more people than traditional unemployed persons are seeking work, increasing the competition for vacancies. Single parents have to move to claiming JSA when their child is 5 years old. At present, consideration should be given to childcare availability and school holidays but in our experience the reality of caring day-to-day for children without a support network is not fully considered.

"I had a client who contacted DWP and followed their advice but she still ended up being sanctioned. I was shocked that DWP would not accept her explanation and that she was left as a single parent with no money."

Tina, CAB Volunteer

DWP has issued service standards for JCP staff which state that, "We aim to treat all our customers in the same way"²¹. The standards specifically state that JCP will:

- Be friendly, fair and helpful
- Treat you with respect
- Behave professionally
- Ensure our offices are as safe as possible for all our customers and staff, and
- Respect your privacy

Regrettably, it is not the experience of clients who approach the Bureau that they are treated with respect or fairness by DWP staff. More worryingly, they experience different levels of service from different offices, illustrating the variability with which individual advisers at JCP interpret their role.

In late 2012, the UK government launched its digital strategy which sets out how the government aims to transform and manage, among other things, benefit applications. The strategy outlined an expectation that 80% of benefit applications would be completed online by 2017²². This drive towards benefits being claimed and managed online creates further difficulties for groups of claimants with limited computing skills.

A report by the House of Commons Select Committee for Work and Pensions found evidence that a lack of access to computers, poor computing skills, poor health, language and literacy problems will cause the system to fail many claimants²³. An international review of sanction regimes in conditional benefit systems found evidence that those with poor literacy skills were among the group most likely to have their benefits sanctioned²⁴. We are stating emphatically then that such a benefit application process where claimants are required to apply online, conduct job searches online and providing proof of compliance with conditionality requirements by using the internet, disenfranchises not only those with literacy and computing difficulties but also those who have no online access.

At WDCAB we see claimants who are routinely told that they must apply online. We have experience of cases where DWP are reluctant to accept that the client is vulnerable or to allow a claim by telephone. We also have claimants who have been sanctioned for not using online job searches often enough, despite JCP staff being aware of the poor computer literacy skills and availability of free computer access.

A client who was attending a Work Programme training course on how to complete a work diary was sanctioned for two weeks. The client had minimal computer skills and was sanctioned by JC+ for not using the internet enough to search for jobs. This was imposed even though the client was trying to improve his/her skills by attending training.

Ofcom reported that only one in three Scottish households earning less than £17,500 per year has broadband²⁵. Unless advice agencies are able to step in then there is a very real danger of the financial hardship being caused to claimants who do not have online access. The digital-by-default agenda also does not take account of those whose first language is not English, who have difficulties with comprehension or who have literacy problems²⁶. There is no indication either that visually impaired clients will be accommodated.

In a response to the concerns of The Work and Pensions Select Committee Report the Government said they “must and will” protect the interests of those who are vulnerable or face challenges under a new system²⁷.

The response details the use of providing tailored support with the use of options to claim either by telephone, in person or if the circumstances are exceptional, with a home visit. The response also states that there will be a programme of installation of internet devices in Jobcentres with JCP staff available to provide claimants with assistance. The concern is that the number of access devices within JCP offices in West Dunbartonshire are not sufficient to meet the demand.

It is a concern that the digital-by-default agenda is already being implemented while limited access at JCP offices is available and meagre assistance on offer except for that provided by advice agencies like WDCAB. So, yet again unnecessary barriers are being placed in front of claimants.

The Two-stage Sanction Process

A JCP adviser can raise a sanction referral. The processing of the benefit payment stops at this point. This referral acts as a statement that in the opinion of a Personal Adviser a claimant may not be fulfilling the conditionality requirements and therefore may not be entitled to a payment of JSA. JCP staff are supposed to explain to the claimant that s/he is being referred and why. The referral is then made to a Decision-Maker who will decide if a sanction is to be imposed. This means the financial penalty starts long before it has been decided, proven or clarified that a claimant has failed to meet his/her conditions.

Once the claim has gone forward to a Decision-Maker, no further payment will be made until a decision has been reached. A decision to impose a sanction is called an Adverse Decision (AD) and the claimant should be informed in writing of the reason for the sanction and its length.

Cases have been handled by WDCAB where benefits are withheld until the final decisions are made - which in some instances can take weeks. This means that individuals who ultimately are found to have complied with the regulations and who do not merit a sanction, have nevertheless been left destitute during the process. After the decision is made that they have complied, claimants then have to wait a further five working days for the benefit to be reinstated.

This two-stage process design was meant to be appropriate and fair. But, many sanctions imposed on clients of WDCAB, seem to be neither appropriate nor fair.

“My impression has been of inflexible attitudes and behaviour of Jobcentre staff. At times they appear unable to use sense and discretion in the way they record jobseeker behaviour and this leads inevitably to sanctions. In one case our client had informed them ahead of time of a job interview clash with his jobseeker interview. He was sanctioned for not letting them know again within five days of the interview. This rigid and negative ethos, which frustrates and demoralises people, seems hugely unhelpful in supporting them into jobs.”

Frances, CAB Volunteer

This view is strengthened, not only by figures published by DWP but also by the findings of three separate reports drawing on previous experience of sanction decisions over several years:

- The Rowntree Foundation’s report where they conclude that there is no uniformity in sanction decisions which are often subjective²⁸
- The Centre for Economic and Social Inclusion reports that sanction decisions are unsound due to variation in how they are decided and applied²⁹
- The Social Security Advisory Committee which has discussed the need for the general inequality in referrals and decisions to be addressed³⁰.

Sanctions, Conditionality and The Work Programme (WP)

In June 2011 the Coalition Government introduced the Work Programme (WP). It was devised to provide tailor-made support to those individuals who were affected by long term unemployment. Claimants can be referred to a WP Provider by JCP if they have been on benefit for a specified length of time or because their circumstances have changed. Different contractors operate on a regional basis across the UK and some subcontract their provision further to other organisations.

The intention is that when an individual is referred to the WP there will be a meeting of the JCP advisor, the claimant and the WP Provider. This 'warm handover' is to ensure good communication between all parties, ensuring the claimant is aware of what is involved in the WP and that any questions or details of any Jobseekers Agreement (JA) can be discussed. The claimant then reports to the WP Provider but must attend JCP to sign on.

A report commissioned by the DWP to evaluate the WP published the first phase of its findings in 2012 and found evidence that this 'warm handover' did not, in the majority of cases, happen. It also highlighted a lack of communication between the WP Provider and JCP staff causing confusion to claimants and that JCP staff had a lack of knowledge about details of the WP Providers' services leading to claimants being 'ill-informed'^{31,32}.

A client approached the Bureau as s/he had received a four week sanction for not attending an interview with a Work Programme Provider. The client was adamant that s/he did not have an appointment on that day and had an appointment a week later which s/he had attended.

A Research Survey published by the University of Sheffield found that lone parents - a group for whom flexibility and clear communication is particularly important - "did not feel there was any real communication between JCP and the WP Provider"³³.

A lone parent only discovered s/he had been sanctioned when s/he queried why s/he had not received payment. The clients' child had been rushed to hospital and the client missed an interview. Although the client could prove the emergency s/he was sanctioned and informed by JCP staff that s/he could not appeal the decision (which is not accurate).

Claimants who receive a sanction decision while on the WP are often confused regarding:

- who actually decided to sanction them;
- the way in which they may be regularly attending a sub-contracted service but are overseen by the prime WP Provider;
- the sanction letter coming from the DWP (when they may not have had contact with DWP for some time).

A client was sanctioned by a WP Provider as s/he got confused regarding the day of an appointment. Although the appointment was re-arranged the client received an open ended sanction. The client was complying with his/her work related activity requirement but was passed between JC+ and the WP provider to try to get the sanction removed.

This division causes confusion about how claimants can appeal or who is making the decision. The research evaluating the WP found that participants they interviewed did not know who was making the sanction decision³⁴. A consequence of this is that when they query the sanction they are passed from the WP Provider to JCP and back again. The research also highlighted that the majority of WP sanctions are incurred for non-attendance at the initial interview but this often arises from the WP provider having incorrect contact details³⁵.

There is concern regarding the WP over the lack of job outcomes for the most disadvantaged groups and allegations over practices known as 'creaming and parking'. 'Creaming' is a practice where WP Providers may put the most effort into those clients who they feel are most likely to obtain employment, thus ensuring payment for the WP Provider. 'Parking' is where little contact or effort is made to interact with those they feel have little chance of obtaining employment. Research by University of Sheffield found evidence that WP Providers put most effort into those claimants who were "nearest" the job market and those who would attract the highest payments³⁶. WDCAB has been approached by a number of claimants who feel they are not getting any help on the WP because they are deemed to be too old. Claimants who are unhappy with performance of a WP Provider are referred to the WP Provider's complaints process – they have no recourse to JCP.

Within West Dunbartonshire the difficulties faced by claimants who approach WDCAB regarding the WP demonstrate that there is a lack of clear understanding of the relationship between the claimant, JCP, the WP Provider and the Prime sub-contractor. As a result there have been instances of claimants receiving conflicting advice. Where this occurs, without exception, it is the claimant who suffers financial hardship through sanctioning. Even once sanctioned, claimants appear to have little information regarding who sanctioned them, why, and where to direct their appeal.

5. Challenges in West Dunbartonshire

Overview

West Dunbartonshire faces many challenges. Once an industrial and manufacturing giant with output levels which were second-to-none at their peak, West Dunbartonshire bore the full brunt of the decline of traditional industries and this in turn led to pockets of severe urban deprivation. In the past the people of Alexandria, Clydebank and Dumbarton formed an essential part of the Scottish economy and helped make central western Scotland one of the most productive regions in the world.

Times have changed and a report published by the Scottish Index of Multiple Deprivation in December 2012 showed that in West Dunbartonshire, 19.1% of the population were income-deprived compared to the figure of 13.4% for Scotland as a whole³⁷. In addition, 17.8% of the population aged 16-64 was employment-deprived in comparison to 12.8% for Scotland as a whole. Meantime, the Child Poverty Action Group published a report based on data gathered in 2012 which estimated that 25% of children in West Dunbartonshire were growing up living in poverty - the third highest levels of child poverty in Scotland³⁸.

Employment Prospects in West Dunbartonshire

As of November 2013, West Dunbartonshire had an overall unemployment rate of 5.4% - the highest rate in Scotland³⁹. The search for work within the area then is challenging. Figures previously reported have shown that there are 40 jobseekers pursuing every vacancy and so jobseekers are required to look outside the immediate locale for work, but the cost of travelling outside the area can increase poverty.

Within the authority there is a low level of labour demand comparative to the Scottish average, the labour density (the total number of jobs in an area divided by the resident population of working age in that area') for West Dunbartonshire is only 0.58 compared to the Scottish average of 0.77^{40, 41}. Consequently, with a low demand for labour within the local authority the population has to travel to other areas to find work.

The employment profile in West Dunbartonshire indicates that within the area the majority of jobs fall under the category of services. Statistics show that 42.5% of the jobs in the West Dunbartonshire are in the field of public administration, health or education⁴². This is well above the Scottish average of 30%.

The more semi rural area of the Vale of Leven and Balloch are reliant upon tourism. This work is often seasonal and is dominated by zero hours contracts (ZHC) (where an employment contract exists but does not guarantee any hours) or employment on an agency basis. Work within these sectors is often part-time, temporary and inconsistent leading to reliance on in-work benefits to support individuals and families – even though they have jobs.

With public sector cuts and a declining population there is a real possibility of the numbers of jobs in the sectors of public administration, health and education – the more stable areas of employment - being reduced in the future.

There has been a great deal of media coverage recently in relation to ZHC. The focus has been on how people with ZHC have fewer rights than those with an employment contract, but the most damaging issue for many families is where a wage-earner experiences an unexpected drop in their usual working hours, leaving them unable to meet their basic living costs. These difficulties are compounded by the fact that most ZHC workers tend to be on a low wage with little or no disposable income, reducing their ability to save and making them more vulnerable when their income suddenly drops.

As a generalist advice service, we at WDCAB are able to see how ZHC can affect other areas of workers lives. In the current climate, ZHC are not simply about low income or low pay, although these are damaging enough. We are seeing more people being forced to accept ZHC, thereby facing major difficulties in relation to the benefits and Tax Credits which are intended to assist people on low incomes and thus leaving them susceptible to the attractions of the short-term fixes offered by Payday lenders. In addition, we are seeing a greater number of ZHC workers looking for information on how to obtain food parcels.

JCP regularly state that there is a bounty of jobs available for people to apply for, even within an area such as West Dunbartonshire, and a cursory search of the UJ website would appear to confirm this⁴³. However, while a search on the 11th December 2013 showed 8909 jobs listed within a 10 mile radius search of our Clydebank office, a closer examination showed that this picture was far from accurate. The vast majority of the jobs listed were in fact speculative exercises by recruitment agencies, listed as “CV Library” or something similar. Furthermore, a significant number of the jobs listed were for roles such as catalogue sales, which provide no fixed income or hours. In total, 98% of the listed positions were stated as full time. However, upon investigation of their job descriptions, the vast majority were in fact either ZHC’s, seasonal/flexible work, or part time work with the potential for more hours.

Sanctions in West Dunbartonshire

The table below illustrates the number of sanction referrals and subsequent decisions in the period October 2012 – June 2013 (the latest figures available)⁴⁴. It is clear that out of a total of 3,070 referrals, 1,530 were adverse decisions. Two issues follow from this:

1. DWP issues regular assurances that sanctions will be applied fairly and proportionately and will only be considered as a last resort. In the first months of the new, tougher regime DWP Decision-makers rejected 760 sanction referrals. This means that - in the opinion of DWP Decision-makers - 760 claimants were left without any income for no good reason.
2. In the same period, there were 780 cancelled or reserved decisions. These are cases where claimants have stopped claiming JSA. There has been a massive increase in cancelled and reserved decisions, leading to fears that the new regime is driving people off benefits. This viewpoint is reinforced by data which suggests that the claimant count (unemployed people claiming unemployment benefit) has fallen from 98.3% 20 years ago, to the current rate of 53%.

JOBCENTRE	Non-adverse	Adverse	Reserved	Cancelled	Total
ALEXANDRIA	170	330	40	200	760
CLYDEBANK	410	710	50	260	1430
DUMBARTON	180	490	30	200	910
TOTAL	760	1530	120	660	3070

In evidence to the House of Commons Work and Pensions Committee, November 2013, Dr David Webster offered the following analysis, *“If sanctioned claimants who ask for reconsideration have a success rate of 50%, but only one quarter ask for reconsideration, and if those who appeal to a Tribunal have a success rate of 42.2% but only 1.7% appeal, then it is evident that huge numbers of claimants are being wrongly sanctioned, even in terms of currently existing legislation – probably into hundreds of thousands a year. It is clear that the reconsideration and appeal system established by the Social Security Act 1998 is unfit for purpose and must be reformed as a matter of urgency”*⁴⁵.

Dr. Webster went on to assert that *“sanctions for not actively seeking work and for non-participation in training and employment schemes have risen further, while those for missing an interview and for refusing a job have fallen, the latter very sharply indeed. The latter suggests a dwindling focus within DWP in finding people jobs.”*

A client approached the Bureau as s/he had been sanctioned and had no money. The client had informed JC+ that s/he had a job interview on the same day as his/her JC+ interview. The client was sanctioned because s/he attended the job interview and not JC+.

West Dunbartonshire Claimants who approach CAB

Enquiries presented at WDCAB relating to JSA and JSA Appeals were recorded from 1st October 2012 to 30th September 2013. In that time we assisted 589 clients with JSA issues with 255 cases directly related to sanctions.

A client in receipt of Employment and Support Allowance received notification of a hospital appointment at the weekend. The client could not contact the work programme provider before the appointment but did contact them immediately after leaving the hospital to explain. The client provided proof of the hospital attendance and the time clearly showing they could not have contacted the provider prior to the appointment. The client contacted the bureau as they had not received any money for seven weeks even though they had attended subsequent appointments.

In September 2012 WDCAB dealt with 19 ongoing JSA issues but in November 2012, weeks after the introduction of the new sanctions, we handled 85 JSA issues, with 52 specifically related to sanctions.

These figures do not reflect total numbers receiving sanctions as some claimants may have accepted the sanction or personally disputed the decision and won. Instead, these enquiries show only those who approached WDCAB because they felt their sanction was unfair.

The new regime means that there has been a significant rise in cases seen by WDCAB with not only an increased number of sanctions, but also sanctions for longer periods.

Prior to the introduction of the new sanctions regime, claimants were given information about changing sanctions levels (Appendix 2). But the information they were given does not specify what type of misdemeanour amounts to a sanction. Research has shown that any fault on the claimant's part is often the result of their poor understanding of what constitutes a breach of these rules, rather than intentionally not complying with the conditionality rules⁴⁶.

A client was sanctioned for mistakenly putting the wrong digit for the month when recording work activities. The client had complied with work search requirements but had mistakenly entered the wrong number for the month.

There are some individuals who are disadvantaged in fulfilling conditionality and growing concern about the number of claimants who are referred for a sanction decision for a failure, rather than a refusal, to comply. Those with literacy or limited computer skills are disadvantaged from the start. The increasing numbers of benefit claimants with learning difficulties, mental health or physical health problems can be disadvantaged in completing their prescribed activities or attending interviews at set times.

A client came into the bureau for assistance making a claim for JSA as s/he had tried to claim by telephone, but was told s/he could only claim online by the JCP adviser. The client has severe literacy problems and no computer skills so was unable to do this. When the CAB adviser phoned JCP they were adamant that the claim had to be made online. The JCP staff member said the client should get a family member to go to a local library with him/her, but the client has no family members able to do this. JCP then tried to arrange an appointment at a JCP office but said nobody there would be able to make the application for the client. The CAB adviser explained again that the client cannot use a computer, read or understand the questions. Eventually after 25 minutes JCP accepted that the client was vulnerable and could make a telephone claim.

A client who had been recently bereaved was unable to claim a funeral payment until s/he had made a claim for JSA. JCP advised him/her to come to CAB as the client had no internet access. On phoning JCP they refused to take the claim by telephone and advised client there were three libraries in the area. They would not consider the client's bereavement or lack of internet access and refused to take the claim.

6. Benefits and Sanctions in the Future

Overview

The experiences of current jobseekers, sickness benefit recipients and an understanding of the effects of sanctions give a clear indication of how others within the welfare system can expect to be treated in the future. The importance of detailing past and current experiences is crucial as the new Universal Credit (UC) benefit is underpinned by much broader conditionality and sanctions. UC claimants (particularly those claiming an unemployment element or sickness element) will be assigned different levels of conditions they must comply with. Those who previously received tax credits while working, will now fall within UC and will be subjected to similar conditionality rules and sanctions if they are not working enough hours and are deemed to be not fulfilling their Claimant Commitment to find more or better paid work. This represents a huge shift for people who previously have not had their commitment to work questioned in the same way as out of work benefit claimants.

Due to severe mental health problems a client on Employment and Support Allowance was unable to attend a group interview with a WP Provider. With the support of family s/he requested a one-to-one interview. S/he was told that the provider no longer had this service and s/he would have to call another telephone number. A new date for interview was arranged and the client attended but was sanctioned and received only £16 a week in benefit.

The Claimant Commitment

From 28th October 2013 new claimants for JSA must complete a Claimant Commitment (CC) which replaces the Jobseekers Agreement. Eventually the Claimant Commitment will be used for all UC claimants who need to meet conditions for their benefit. The CC is a record of each claimant's individual responsibilities in relation to work-related requirements:-

- Participation in work-focused interviews
- Work-preparation
- Work search
- Work availability

These broad strands of the CC will hamper some claimants. It has been found that certain groups of people have statistically higher levels of sanctions imposed⁴⁷. In December, the Centre for Economic and Social Inclusion published an evidential review regarding lone parent claimants and the sanction regime, which concluded that they were disadvantaged⁴⁸.

On the forms currently being used, and which claimants must sign, there is no provision for identifying specific needs and, despite assurances from the Coalition Government and DWP that the Claimant Commitment (CC) will protect claimants with particular needs, the actual CC form requires that benefit claimants confirm three statements:

1. *I will look for work that I can travel to within 90 minutes each way from home (this includes part-time work).*
2. *I am available to attend a job interview.*
3. *I am available to start work.*

Couples in a joint claim both have to accept the claimant commitment and are both required to comply with the conditions in their CC, so parents will have to negotiate who is to be the carer for any children and therefore have their hours of work requirement lowered. There does not appear to be scope for any flexibility in these arrangements.

The lone parent charity, Gingerbread, has been lobbying Parliament as they are concerned that there is a lack of flexibility built into the UC regulations regarding available childcare. The concern is that this may result in lone parents being sanctioned for not taking up work or increasing their hours despite having no childcare⁴⁹.

Claimants with long-term conditions

The implications for people who have been long-term sickness benefit claimants (Invalidity Benefit, Incapacity Benefit, ESA, etc.) are clear. We are already beginning to witness ESA claimants unable to meet the tougher ESA eligibility criteria, and so losing their benefits through sanctions or stopping claiming benefits altogether.

The Child Poverty Action Group has warned repeatedly of the perils of escalating conditionality within the benefits system.

“It appears that JCP is no longer a centre to help people find work but to get them to stop claiming benefits. The system destroys peoples’ self-esteem and peoples’ belief in themselves.”

John, CAB adviser

Glasgow Disability Alliance made a submission to the Convention on the Elimination of Discrimination against Women (CEDAW) in June 2013 in which they express the opinion that the welfare reform and introduction of UC will have a *“significant and vastly disproportionate effect on disabled women”*. They are concerned that the UC method of one household payment, coupled with the sanctions regime means there is a great risk of financial abuse of disabled women⁵⁰.

For people getting disability elements from Tax Credits, there are further changes. Under Tax Credits those in receipt of Disability Living Allowance (DLA) could claim the disability element without any further examinations. Under Universal Credit they will have to meet the Limited Capability for Work or Work Related Activity type criteria to qualify for a higher award of Universal Credit, assessed through the controversial Work Capability Assessment run by ATOS. Concern that this may drive disabled people out of the workforce as they would no longer receive assistance towards the higher costs of living and impact of lower wages that being disabled incurs, was expressed in a report published by Disability Rights UK⁵¹.

A client with severe dyslexia was told by JCP that s/he was being sanctioned for not complying with his/her JSA conditionality requirements. Due to the clients' disability his/her JCP adviser applies for jobs online, completes the client's job book and holds the clients CV. Client was unable to see his/her usual adviser and the adviser the client did see would not accept that client could not apply online for jobs at a library or at a friend's house (due to his/her literacy problem) and referred client for sanction of benefit.

Conditionality for Employed People

The message that UC will simplify the benefits system by having just one benefit has been used widely in the public discussion of welfare reforms. The issue that has not been as widely publicised is that Tax Credit claimants will now be claiming the same benefit as those who are out-of-work and therefore will be subject to conditionality and sanctions. Unlike previous in-work and out-of-work benefits, UC is underpinned not just by the objective that claimants find work, but by a requirement that claimants earn 'enough to be independent and their claim stops'⁵².

The exact details and in what form conditionality and in-work support for claimants might take has not been published but it has been suggested that UC in-work claimants will have to sign a Claimant Commitment in exactly the same way as out-of-work claimants to establish a 'baseline conditionality', with an initial face-to-face interview at JCP followed by quarterly signing-on interviews, although these can be more frequent if the adviser feels it is required⁵³.

This is a huge change in culture for those previously claiming Tax Credits. In 2012, the Resolution Foundation Think Tank highlighted the complexities of introducing in-work conditionality to '1.2 million working individuals who never before thought of themselves as part of the benefits system'⁵⁴. It requires that there is clear information for claimants or there is the risk that those already working may not fulfil their conditionality and incur sanction of benefit.

Mandatory Reconsideration

From 28th October 2013 any claimants who receive notification from DWP that their benefit application has been refused must ask DWP to conduct a Mandatory Reconsideration (MR) before they can lodge an appeal. Since the introduction of this new procedure, JCP have advised the WDCAB that they aim to respond to MR requests within 14 working days, though they stress there is no obligation to meet this objective, raising the spectre of indefinite delays of the right to appeal.

This new process of MR will have a particular impact on ESA claimants because if their claim for ESA is denied then if they are to receive any money, they must apply for JSA.

A client was appealing an ESA decision which deemed him/her fit for work. Whilst awaiting the outcome of a Mandatory Reconsideration request, the only source of income s/he could claim was JSA. S/he advised JCP of potential restrictions in jobseeking caused by her physical and mental health. S/he was then told that these meant s/he was not fit for work under the JSA agreement. As a result, the client was left ineligible for payment of either sickness or jobseeking benefits.

This then means vulnerable and sick claimants, e.g., those suffering with mental health problems, learning difficulties, addiction issues, degenerative illnesses, physical disabilities and so on, who often have supporting evidence from their GPs or hospital consultants confirming their unfit status, if they want to receive any income at all, must act against their own reason and conscience and make an application for JSA that compels them to declare themselves fit for work

However, a growing number of clients have returned to the WDCAB, advising that their JSA claims have been rejected on the basis that they have declared to JCP their health conditions and any related restrictions these cause. This means that claimants who are challenging an ESA decision may be simultaneously precluded from JSA due to overly rigid conditionality, leaving them without income irrespective of their need.

Growing Suspicion of Sanctions Targets

Figures clearly show the percentage of individuals in Scotland being referred for a sanction decision has doubled in 2013. Of those referred, significantly more are having a sanction applied. This is not simply an issue about adverse decisions for, as stated, benefit payment to claimants cease immediately a referral is made.

In March 2013, the Guardian ran a story that national targets had been set for Jobcentres to apply sanctions⁵⁵. In a response, the Government and DWP denied that targets had been set. Neil Couling's aforementioned report investigated the allegations by the Guardian and the Public and Civil Services Trade Union (PCS) that as well as sanction targets, a national league table of JCP sanction targets existed.

Mr Couling denied that league tables and targets were being used because he said the coalition government had dismantled this system in 2011. He did point out though that under their Personal Improvement Plan, it may be suggested to any JCP employee that they are not making enough referrals for sanctions or applying enough sanctions⁵⁶. This subtle shift in emphasis means that the new system no longer holds the JCP office itself responsible for not meeting set targets but moves the onus to individual members of staff who are considered not to be fulfilling their duties if they are under-applying sanctions. JCP staff then may feel compelled to question conditionality so they are seen to be performing well. Such personal pressure may lead to the making of inappropriate referrals which, even if overturned on appeal will without doubt cause anxiety and hardship for those referred.

Despite Government denials there is a great deal of speculation that some form of league table exists. A briefing paper issued by the PCS states, *"PCS have been aware for some time that members feel pressurised to sanction claimants, even when they feel it is not justified. This appears to be a consequence of Government policies towards those claiming benefits"*⁵⁷.

The PCS briefing goes on to state that although the word "target" may not be used, JCP staff have reported that they are told that sanctions should be an "aspiration" against which a "benchmark" exists, and that JCP management has "expectations" about the number of sanctions which will be applied.

7. Conclusion and Recommendations

Although this report focuses mainly on the consequences of sanctions, the whole sanction process has at its root the conditionality of receiving benefits only if you meet your requirements. It is therefore upon conditionality that we base our conclusions.

In our view, the vast majority of those who rely on benefits and Tax Credits are either in work, have worked, or are looking for work. They and their families are making a contribution to society and are entitled to genuine security during difficult times.

Despite being given repeated assurances that conditionality is an attempt to lay out clear conditions for entitlement and ensure people cannot remain on benefit without making efforts to seek employment (followed by sanctions where a claimant refuses to comply), the WDCAB experience and evidence we have laid out in this report attests that conditionality appears to allow JCP to withhold financial support to people, including the most vulnerable and sick people in our society, on the flimsiest of grounds.

We also conclude that the Social Security Advisory Committee's stipulations that "conditions within the Claimant Commitment must be clear, unambiguous, achievable and demonstrable, tailored to each claimant's circumstances and abilities" are being repeatedly breached

We believe that pressure on JCP staff to apply sanctions leads to inappropriate and unfair sanction referrals regardless of the devastating effects for the claimants and their families and that the likelihood is that these will continue or increase.

If these dire straits are to be ameliorated in any way, we would strongly recommend the following general points:

JCP advisers:

- must at the very least, meet the SSAC demands for fairness, personalisation and improved communication.
- must be clear, consistent and realistic when specifying the components of the Jobseeker's Agreement (or Claimant Commitment).
- must be fair and courteous when dealing with claimants, recognising the personal barriers they often face in seeking employment.
- must be realistic about employment prospects in West Dunbartonshire.
- must recognise that faults and weaknesses within the Universal Jobmatch system need to be addressed.
- must ensure that sanctions are used as a last resort for non-compliance, not as a measure of job effectiveness or to temporarily cut claimant numbers.

- must never view the unemployed and the sick as ‘skivers’, instead they should recognise that their very willingness to repeatedly enter an often unforgiving and hostile labour market is evidence not of a culture of worklessness or welfare dependency but a determination to try and gain a decent income and to do that through work when they can.

Our specific recommendations are thus:

- Prior to referral to a Decision-maker for a sanction, claimants should be issued with at least one written warning advising of the consequences of a further refusal to comply.
- Claimants should receive written notification of a referral to a Decision-maker, the reasons for it, and clear information on the next stage which should include details of hardship payment eligibility criteria and further assistance.
- Claimants who declare literacy deficits should be offered assistance in completion of written (or online) aspects of conditionality or referred to literacy/computer training schemes and not be sanctioned while/for doing so.
- Prior to any sanctions, JCP staff should investigate the circumstances as to why the claimant did not meet the conditions laid out in the Jobseekers Agreement (or the Claimant Commitment). Only when they are satisfied that the sanction is appropriate and fair, and have fully considered the consequences for the claimant in terms of his/her physical and mental health and the impact on dependent children, should they proceed to sanction.
- JCP must do more to ensure claimants on the Work Programme are treated fairly and not leave everything in the hands of the WP Provider’s internal complaints procedure. Warnings rather than sanctions should always be the first stage
- As many of the jobs advertised on Universal Jobmatch offer part-time or zero-hours contracts or are commission-based, we call on DWP to clarify exactly how many hours constitute the “remunerative work” phrase they use.
- No individual should ever suffer financial, social and health detriments due to lack of understanding or clear information from DWP or JCP.

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jobcentreplus

Department for
Work and Pensions

Important changes to Jobseeker's Allowance Sanctions from Monday 22 October 2012

How will this affect me?

From 22 October 2012, the law is changing. The amount of benefit you receive will **not** change. However, if at any time in the future you fail to meet the conditions attached to receiving Jobseeker's Allowance, the way your benefit is affected will change.

To qualify for Jobseeker's Allowance, you must:

- be available for employment
- be actively seeking employment
- have a current jobseeker's agreement, and
- comply with any reasonable conditions that your adviser asks you to.

From 22 October 2012 if you do not meet the conditions you are asked to, without a good reason, your benefit could be affected.

- You could lose your benefit for 13 weeks, 26 weeks or 156 weeks (three years), if you:
 - leave a job voluntarily or lose a job due to misconduct on your part
 - fail to take part in a mandatory work activity programme
 - fail to take on a suitable employment opportunity or
 - refuse or fail to apply for a job which your adviser has notified to you.

The length of time will depend on whether it is the first, second or third time you have failed to meet any of these responsibilities in the last 52 weeks (one year) of the previous time

- You may lose your benefit for four weeks or 13 weeks if you:
 - fail to attend an adviser interview
 - if applicable, fail to take part in a particular employment programme (such as the work programme)
 - do not take the opportunity of a place on an employment programme or training scheme
 - refuse or fail to apply for or accept a place on such a programme or scheme notified to you by your adviser
 - fail to attend or give up a place or through your own misconduct lose a place on such a programme or scheme
 - fail to comply with a Jobseeker's Direction.

The length of time will depend on how many times you have failed to meet any of these responsibilities in the last 52 weeks.

- Your benefit will stop and you will no longer qualify for Jobseeker's Allowance if you:
 - do not actively seek work,
 - are not available for work.

If you reclaim following such a failure, your new award may not be paid for up to four weeks. If your benefit was stopped on more than one occasion in the last 52 weeks, any new award may not be paid for up to 13 weeks.

What to do if you lose your benefit

You can ask for an explanation of the decision to stop your payments, ask for it to be reconsidered, and/or appeal against the decision.

Even if you lose your benefit **because you have not met your responsibilities (as above)** you **must** still continue to be available for employment, take steps to actively seek employment, and come to the Jobcentre for your fortnightly appointment to verify this. If you do not, you may lose your entitlement (and your claim will be closed).

Additional help if your benefit is stopped

If you lose your benefit [and you have no other sources of support] you may be able to claim hardship payments. You will have to show that you are suffering financial hardship. The hardship officer or your adviser at your Jobcentre can explain how to apply for a hardship payment.

What do I need to do next?

You do not need to take any action as your benefit will only be affected if you do not meet your responsibilities.

How can I find out more about this?

More information is available on www.gov.uk. You can also get further advice from us by contacting your adviser, or from an independent welfare rights service.

Please let us know if you need special arrangements to understand this information such as Braille, large print, audio or information in other languages.

New Sanctions Regime for Job Seeker's Allowance

Failure	Lower level sanction Fixed period sanction for: <ul style="list-style-type: none"> refusal/failure to attend an adviser interview refusal/failure to participate in an employment programme or training scheme refusal/failure to comply with a Jobseeker direction refusal/failure to attend or lose through misconduct a place on an employment programme or training scheme 	Intermediate level sanction Only applied following a period of disallowance for: <ul style="list-style-type: none"> not being available for work not actively seeking work 	Higher level sanction Fixed period sanction for: <ul style="list-style-type: none"> leaving a job voluntarily without good reason losing a job through misconduct refusal/failure to apply for, or accept if offered a suitable job without good reason refusal/failure to participate in mandatory work activity without good reason
First failure	4 weeks	4 weeks	13 weeks
Second failure	13 weeks	13 weeks	26 weeks
Third failure	13 weeks	13 weeks	156 weeks When JSA is reclaimed, if the claimant has been in work for 6 months or more and not claiming any income replacement benefits, then any balance remaining on their 156 week sanction will be lifted. The six months does not have to be a consecutive period.

Current Sanction Regime

Lower level failures	Intermediate level failures	Higher level failures
1, 2, 4, or 26 weeks	Disallowance for the period they were not available/actively seeking work, but no sanction.	Variable 1 to 26 weeks

West Dunbartonshire Citizens Advice Bureau is a member of The Scottish Association of Citizens Advice Bureaux: Scotland's largest independent advice network. CAB advice services are delivered using service points throughout Scotland, from the islands to city centres.

The CAB Service aims:

to ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities, or of the services available to them, or through an inability to express their need effectively

and equally

to exercise a responsible influence on the development of social policies and services, both locally and nationally.

The CAB Service is independent and provides free, confidential and impartial advice to everybody regardless of age, disability, gender, race, religion and belief and sexual orientation.

www.wdcab.co.uk

Produced by West Dunbartonshire CAB (Scottish charity number SCO02558)

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