

Policy Bulletin 1A: Sanctions

May 2014

The Early Warning System (EWS) is a framework which has been developed by CPAG in Scotland to collect case studies and wider evidence about how welfare changes are affecting the health and wellbeing of children. We are currently collecting information and anonymous case studies from 75 frontline workers including welfare rights officers, housing advisers and support workers across Scotland. We are also processing evidence from our own second tier advice line, training events and by through ongoing qualitative research. Please visit [our website](#) for more information on the project.

What are sanctions?

Sanctions are a reduction in benefit, often to nil. They are applied to people who are held not to have complied with conditions attached to their jobseekers allowance, or less commonly income support or employment and support allowance. The period of a sanction can range from 1 week to 3 years. For some people, a sanction could result in a **loss of income of £72 per week**. The use of sanctions in the year running up to September 2013 was at its highest level since jobseeker's allowance was introduced and with harsher conditions attached to universal credit through the claimant commitment it is likely that we will see more and more families affected by sanctions. More information on sanctions can be found on CPAG's website (see links below).

Concerns raised through the Early Warning System

Cases collected through the EWS suggest that sanctions are often applied without adequate consideration of claimants' personal situations, characteristics or the barriers they face - particularly in relation to their ability to comply with the conditions placed upon them. Cases illustrating these concerns include:

- A father with dyslexia, spinal arthritis and COPD was sanctioned for not attending a work-focused interview. He had told the jobcentre in advance that he didn't have enough money to get to the office, as it was not local to him. He was told to walk to appointment, but was unable to due to health conditions. He was sanctioned for 13 weeks.
- The lone parent of a 5 year old child was sanctioned for 4 weeks for failing to keep an appointment with her careers adviser. This was despite the fact she was in the jobcentre for her first appointment but, due to being misdirected, did not hear them call her name. A new appointment was to be sent by post but the client never received this.
- A client could not sign on because his children were left with him unexpectedly by the parent with care. He was sanctioned and, given that he was not classed as vulnerable, was unable to access hardship payments for 15 days.
- A 56 year old claimant was sanctioned for missing one appointment (he admits the error). As a result of the sanction the claimant had no money to travel 14 miles each way to sign on for his hardship payment. The jobcentre advisor moved his appointment to the middle of the day so he would have time to walk the 28 mile round trip in daylight.
- A client was sanctioned twice for failure to attend work programme appointments. The DWP were aware he could not have attended because he was in police custody (as they stopped his benefits for the period he was detained). DWP did not provide adequate written information to allow him to challenge the sanctions effectively.
- A claimant was given written instruction to attend a jobcentre appointment on Monday – which he did. He was sanctioned for failure to attend on the Friday (despite having no appointment to attend). The sanction was overturned on appeal after 6 weeks, during which time the client had to access a food bank.

EWS cases also suggest that sanctions are often applied erroneously and that many are subsequently overturned during mandatory reconsideration or appeal. Indeed, DWP figures show that only 3 in 10 people ask the jobcentre to look at their decision again and 1 in 50 people appeal the decision. Despite the low rate of appeals, 9 out of 10 appeals are successful¹. Cases submitted through the EWS suggest that people are not well informed of their rights in relation to the conditions placed upon them, how to challenge sanctions or the existence of emergency payments such as hardship payments.

Policy and practice implications for the DWP:

- The DWP should ensure that all claimants are made aware that they have a say in the contents of the jobseekers agreements. They should also be made aware that they can ask the employment officer to refer the proposed jobseekers agreement to a decision maker if they do not feel it is reasonable for them to comply with its contents. The decision maker will decide within 14 days whether it is reasonable to expect the claimant to comply.
- The DWP should take steps to ensure that all claimants and jobcentre employment officers are aware of factors (such as disability and caring responsibilities) which must be taken into account when deciding upon the conditions included in each jobseekers agreement. Employment officers should also take steps to find out about and consider personal circumstances and practical barriers facing the client (such as childcare, access to a computer) when considering whether the claimant has good reason for not satisfying certain conditions and whether sanctioning is appropriate.
- Claimants should be made aware immediately if, when and by how much they are likely to be sanctioned. They should also be given an opportunity to comment on statements made against them. Reasons for the proposed sanction and how to challenge it should also be given to the client.

Concerns raised in relation to devolved services

While sanctions are applied and enforced by the DWP, in some cases their application has an impact on the services provided by Scottish and local institutions and organisations. Some specific concerns highlighted through the Early Warning System have included:

- **Local authority housing benefit and council tax reduction administration:** In one case the local authority reduced the claimant's entitlement to housing benefit because her son (who lived with her) had had his claim for JSA disallowed for non-compliance with conditions. This meant a non-dependent deduction was applied to housing benefit, reducing the mother's weekly income by £13.60. It is likely that her council tax reduction was affected too.
- In another case, the local authority stopped housing benefit and council tax reduction altogether because the claimant had been sanctioned in relation to his JSA.
- **Social work:** One frontline worker reported how a client felt her children had been classed as lacking care and protection and taken into emergency care because she had accessed the local food bank. It is important to note that the family had been subject to social work intervention in the past.
- **Scottish welfare fund:** Two cases were brought to our attention over the first few months of the EWS in which applications to the SWF were rejected on the basis that the applicant was subject to sanctions. These included an 18 year old woman who was struggling to feed herself and heat her home on £34 a week. However, we have not received any such case since late February and hope that a recent change to [Scottish Government guidance](#) will remove this barrier to SWF for sanctioned claimants.

Policy and practical implications for devolved services

- There is a need for all staff administering housing benefit and council tax to be aware that sanctions should not affect eligibility for HB/CTR or non-dependent deductions. Failures in this area can exacerbate the impact of sanctions; threaten the stability of housing arrangements and put further pressure on homelessness services, registered social landlords and private landlords.
- In the event of sanctions being applied to families, as much help and support as possible should be made available to families under exceptional pressure in order to prevent them from reaching crisis point. Consideration must be given to how any perceived disincentives to families seeking assistance (such as potential referral to social services) can be minimised.
- Scottish Government and local monitoring should continue to ensure that individuals subject to sanctions are not precluded from accessing the Scottish welfare fund.

Implications for child wellbeing

Advisors who submitted the cases above through the Early Warning System were asked to comment on whether the use of sanctions had had any impact on a child or children. Reported impacts on wellbeing (as defined using the Scottish Government's indicators of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included), encompassed:

Nurture

In addition to the case above concerning a child taken into emergency care, several cases illustrated how family relationships had been put under strain by the use of sanctions. One young girl whose father had been repeatedly sanctioned and could not afford to visit her had phoned to ask him why he didn't love her any more. Another advisor mentioned that a mother could not afford to do any activities such as swimming with her child (who she only saw

at the weekend) because she had been sanctioned. These cases are particularly worrying given the importance of [stable relationships for child wellbeing](#) and development.

Health

Several of the cases related to families with children being forced to use food banks as a result of sanctioning. There is a concern that relying on use of food banks could have a detrimental impact on children's health given the lack of availability of fruit, vegetables and fresh produce. A sharp reduction parental in income is also likely to have an impact on the families ability to pay for books, toys and other items and activities that contribute to the wellbeing and cognitive development of children. One advisor raised concerns about how the stress that comes with lack of income may affect children, particularly given the link between [maternal stress and poor mental health](#) amongst children.

Future considerations for policy makers and front line services

The cases received show that increased use of sanctions and their extended length is having a detrimental impact on some children and families in Scotland, as well as increasing pressure on some of the services they access. While Scottish and local governments have no control over the use of sanctions, there is a clear need for consideration to be given to how devolved services can react to and mitigate their negative effects, particularly on children. Questions to be addressed include:

- **Can Scottish and local services adapt to reduce the likelihood of claimants being sanctioned due to factors out-with their control?** For instance, can local authorities and their partners find ways to subsidise or overcome transport barriers to attendance at jobcentres? Can the availability of flexible childcare for job seekers be considered or increased?
- **How can Scottish services maximise the information and support available to families at risk of sanctioning?** Given that many of the cases submitted through the EWS suggest poor understanding of claimant's rights how can access to information and advice be maximised? In most cases, the client must challenge their sanction within 5 days of it being notified to them.
- **How can local services mitigate the impact of sanctions on children and families?** Do providers of services such as housing, childcare and education have a role to play in ensuring that child wellbeing is not affected by sanctions?
- **How will the core role of service providers in the third and public sector be affected by the impact that sanctions are having on their service users?** Can these services be expected to minimise risk of hunger, stress and/or the impact of family breakdown?

These issues will be given in-depth consideration at our policy seminar at the **Renfield Centre in Glasgow** on the **28th May 2014** and in our subsequent report (please contact hmcculloch@cpagscotland.org.uk for details of how to book your place).

In the meantime, we would call upon service planners and policy makers to consider the questions above and share your thoughts by email or by [following CPAG in Scotland on Twitter](#) (#earlywarningsystem)

Information resources relating to sanctions

- Factsheet on Sanctions for [Lone Parents](#)
- Factsheet on Sanctions for [Young People](#)
- Factsheet on supporting [clients with no money](#)
- Sanction busting – [Appealing work programme sanctions](#)
- Information on CPAG training on [sanctions and the claimant commitment](#)
- Evidence submitted to an independent inquiry on sanctions (Jan 2014): [Oakley Review](#)
- Scottish Government guidance on the [Scottish welfare fund](#)

Please contact hmcculloch@cpagscotland.org.uk or 0141 611 7090 for more information or for details of how to book you place at our Policy Seminar on Wednesday 28th May.

ⁱ David Webster's briefing on the DWP's JSA/ESA Sanctions Statistics Release, 19 February 2014