

Policy Bulletin on Sanctions 1A: November 2014 update

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 impacting on children, young people and the families and communities that support them. We are currently collecting information and anonymous case studies from 86 frontline workers including welfare rights officers, housing advisers and support workers across Scotland. We are also processing evidence from our second tier advice line, training events and through ongoing qualitative research. Please visit [our website](#) for more information on the project.

CPAG in Scotland issued a policy bulletin on sanctions in May 2014. Due to the nature and volume of cases we have received in the interim we are circulating a second briefing. This bulletin consists entirely of cases collected since July 2014.

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 (JSA), or income support (IS) or employment and support allowance (ESA). The period of a sanction can last up to 3 years. For some people, a sanction could result in a **loss of income of £72.40 per week for individual claimants (or even more if s/he receives a premium)**. Some claimants may qualify for hardship payments (60% of JSA), although in practice many people are not aware of the existence of these payments and do not access them.

[Evidence](#) shown that the use of sanctions has increased dramatically over the last few years and currently between 6 and 7% people claiming JSA claimants are sanctioned each month. [New research](#) has also confirmed that sanctions are one of the main contributing factors to the increased use of food banks in the UK. More information on sanctions can be found on [CPAG's website](#)

[The Oakley Review](#) which was published in July 2014 examined certain aspects of the current sanctions regime. It identified serious concerns and made 20 recommendations for improvement. The UK Government's [subsequent response](#) addresses some (though not all) of the concerns raised including some aspect of poor communication and wrongful suspension of housing benefit as a result of sanctioning. The cases below and [analysis by academics](#), however, demonstrate that there are severe ongoing problems with the sanctions regime. These include "*the failure to assess new claimants' needs properly, the conflicting requirements placed on claimants by Jobcentre Plus and external contractors, and the wasteful and damaging requirement on external contractors to refer claimants for sanction even where it is obviously unjustified.*" (Webster 2014).

Concerns raised through the Early Warning System

Cases collected through the EWS continue to suggest that sanctions are often applied without adequate consideration of whether the claimant had good reason or cause, characteristics or the barriers they face - particularly in relation to their ability to comply with the conditions placed upon them. Poor communication, error and maladministration are also deeply concerning recurring themes. For example:

- A client was sanctioned for missing an appointment with his work programme provider. The letter informing him of the appointment arrived at his home on 27th June 2014. It was dated 26th June 2014 and informed him of an appointment which he had to attend on 25th June 2014. Despite showing this letter to jobcentre plus staff and being assured a sanction would not be applied, he was subsequently sanctioned.

- A client received a second sanction for 13 weeks because one of the jobs he applied for required driving and he did not hold a driver license. The client is illiterate. He received only £83 in hardship payment in the first three months of his sanction and was forced to access a food bank.
- The client, who has a three year old and a fifteen year old was sanctioned for being ten minutes late for an appointment because of problems with public transport. She was assured by the receptionist and an advisor at her work programme provider that she shouldn't worry as she would not be sanctioned. Despite this, the client was subsequently sanctioned.
- A pregnant woman with two young children failed to complete mandatory work activity because she did not have access to a computer. Her sanction was applied on Wednesday but she was not informed that she could apply for a hardship payment until the Friday. She was told on the Friday that she would not be able to apply for the payment until the following Monday.
- A 19 year old woman failed to attend an appointment with jobcentre plus because she had been told to do unpaid work experience at the Commonwealth Games on the same day. Despite providing signed and date stamped evidence of this from her work programme provider she was sanctioned for 13 weeks (because this was her second sanction).
- A client missed an appointment at the jobcentre. He was sanctioned two days later and not given the opportunity to provide good reason. He should have had five days to do so before the sanction was applied.

More cases received in the past few months have also highlighted more clearly the potential impact of sanctions policy and practice on devolved areas. They bring into focus the need for the Scottish Government, local authorities and other public bodies to consider not only how they will be affected by sanctions policy but how they can help to prevent sanctions and/or mitigate their impact on individuals and families. For example;

- **Police and Prison service:** One client was sanctioned for missing an appointment with jobcentre plus. He had not been told about the sanction until he attended a subsequent appointment, where he asked to use a phone to apply for a hardship payment. He was told that jobcentre plus phones were not for public use. After several visits to the jobcentre plus he was eventually provided with assistance to apply for a hardship payments but it was several weeks before he could access it. He was arrested for shoplifting food in the interim.
- Another client was wrongly sanctioned for apparent failure to attend a work programme appointment. This was despite the fact that the work programme providers had already notified the DWP that he had in fact been at the relevant appointment. The client admitted that he had been forced to break the law in order to feed himself in the meantime.
- **Justice:** Several cases highlight a tension between the requirements attached to community payback orders (previously known as community service orders) and those attached to claiming jobseeker's allowance. Despite guidance on the issue being available, in some cases claimants report being sanctioned for failing to perform work related activity whilst they fulfilling the conditions attached to their community payback order.
- **Housing / housing benefit:** The client's housing benefit was wrongly stopped because he had been sanctioned. He is accruing rent arrears as a result. He is looking for alternative accommodation and has been threatened with eviction. The client's daughter stays with him one night per week, but clearly this cannot continue if he is evicted.
- **Education:** Several cases suggest that jobcentre plus staff in some parts of Scotland are not accepting non-advanced level study as 'work related activity' (a condition that is increasingly required to claim income support) and are threatening to sanction lone parents with children aged between three and five if they fail to participate in additional activities mandated by the jobcentre plus.
- **Social care/looked after children:** A vulnerable twenty two year old care leaver was out of contact with his local authority and did not understand the process for claiming JSA. As a result he failed to attend several appointments and was sanctioned for 13 weeks. He was not informed of the sanction until he went to withdraw money and there was none there.

Implications for child wellbeing:

Reported threats to and impacts on child wellbeing (as defined using the Scottish Government's indicators of Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included) were further demonstrated by the following cases:

- One father had been claiming ESA but failed the work capability assessment and was moved onto JSA. He was subsequently sanctioned because he forgot to bring his documents with him to an appointment. It took several weeks before he received a hardship payment and he had to rely on the charity of family and friends to feed his young son in the interim.
- Another father was sanctioned for being fifteen minutes late for an appointment with the jobcentre plus. He only received 2 hardship payments throughout his 13 week sanction period because he was not informed that he still had to sign on every two weeks in order to access them. This situation contributed to the client becoming homeless, at first sleeping on a friend's floor and then subsequently sleeping rough. He was assaulted and hospitalised during this time and has had no contact with his children since becoming homeless.

Policy Implications

CPAG will publish a comprehensive report early in 2015 detailing how policy makers and service providers in Scotland can react to social security policies – including sanctions, delays and mandatory reconsideration – which cause acute income crisis for households in Scotland. However, implications arising from cases to date include the following:

Policy and practice implications for the DWP:

- The DWP should take steps to ensure that all claimants and jobcentre plus 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 jobseeker's agreement. Employment officers must 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.
- There is an urgent need to ensure that claimants are made aware of their rights in relation to challenging sanction decisions and applying for hardship payments. Failure to inform claimants about the existence of hardship payments and the process of applying for them is leading to extreme difficulties for vulnerable individuals and families.
- Poor communication between the DWP and some work programme providers is causing sanctions to be wrongly applied and must be addressed as a matter of urgency. There is also a need for a review of the way in which work programme providers communicate with clients and the manner in which they make decisions about who should be referred for sanctioning.

Policy and practice implications for Scottish and local government:

- Local authorities and the Scottish Government should consider how policy and service planning decisions could minimise avoidable sanctions. This might include ensuring benefit claimants have access to adequate information and advice, IT equipment and affordable transport. Strategic planning at all levels, including that relating to the wellbeing of children and families, should take the impact of the sanctioning regime into account.
- Local authorities and Scottish Government should continue to consider and maximise the accessibility of the Scottish Welfare Fund to households subject to sanctions.

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](#)
- Scottish Government guidance on the [Scottish welfare fund](#)

Please contact hmcculloch@cpagscotland.org.uk or 0141 611 7090 for more information.