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# **Welfare conditionality and people with severe and multiple disadvantages: time to rebalance the social security system?**

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## **Abstract**

The author of this Alternatives paper reflects on the findings of the Welfare Conditionality project (2013-2018) to consider the impact of intensifying welfare conditionality on people with severe and multiple disadvantages. The research shows that such groups are often sanctioned and denied the support they need to cease problematic behaviour and/or move off social security benefits. The author argues for a fundamental rebalancing of the social security system and highlights some promising policy developments in Scotland and New Zealand.

Keywords: welfare, conditionality, disadvantage, behaviour.

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## **Introduction**

The use of increasingly conditional forms of welfare is widely understood to be a relatively recent and radical shift in the nature of social policy. As a discourse and reform strategy welfare conditionality has become central to the transformation of welfare systems in many countries (Brodkin and Marston, 2013; Watts and Fitzpatrick, 2018). In broad terms welfare systems have become more focussed on promoting 'pro-social' behaviour rather than protecting people from 'social risks' such as unemployment. This transformation reflects the powerful influence of ideas which have attributed responsibility for poverty and social marginality to the attitudes and behaviour of individuals and groups.

The architects of intensifying welfare conditionality frequently argue that welfare policies have created a group that are unwilling to work (Mead, 1991). A refusal to work, reflecting the development of an 'entitlement mentality' is viewed as a major cause of 'welfare dependency'. The task for the state is to inculcate the capacities for agency by imposing adequate disciplinary controls. Consequently, support is made conditional on work requirements with the tactic of 'help and hassle' being important in this respect (Mead in Peck, 2001: 337). This has been translated into ongoing welfare reforms which have increasingly made the receipt of welfare goods and services conditional on the behaviour of recipients. This has often been coupled with the threat of substantial financial penalties via benefit sanctions. Furthermore, sanctions have become increasingly severe for those whose conduct fails to conform to requirements.

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In the UK the original maximum penalty of six weeks loss of benefit was increased to 28 weeks in 1988 and then to three years in 2010.

The range of groups subject to behavioural conditions has also grown and the welfare domains within which conditional approaches have been introduced been extended. Social housing tenants in England have, for example, been offered conditional fixed-term tenancies, with renewal procedures potentially taking into account income, employment status and various aspects of behaviour (Fitzpatrick and Watts, 2017). There has also been a trend towards making increasingly conditional offers of support to the homeless alongside other policies which seek to alter the behaviour of rough sleepers (Whiteford, 2010). Conditional approaches have also been a growing feature of UK efforts to reduce re-offending including requiring prison leavers claiming Jobseeker's Allowance (JSA) to enter the Work Programme from 'day one' of their release with sanctions for those failing to undertake a mandated activity (Fletcher, 2014).

This Alternatives paper draws upon the findings of the ESRC-funded Welfare Conditionality project (2013-2018) to consider the impact of intensifying welfare conditionality on people with severe and multiple disadvantages in England and Scotland. It finds that such groups are often exposed to full conditionality and sanctions whilst simultaneously being denied the support they desperately need. The paper goes on to identify some of the key ingredients necessary for promoting positive behaviour change for those with multiple and challenging vulnerabilities. The author argues for a fundamental rebalancing of the social security system towards support and away from sanctions and highlights some promising policy developments in Scotland and New Zealand.

### **The Welfare Conditionality project**

This paper reflects on findings emanating from an Economic and Social Research Council funded study of the ethicality and efficacy of welfare conditionality. The Welfare Conditionality project (2013-2018) comprised interviews with 52 policy stakeholders, 27 focus groups conducted with practitioners, and repeat qualitative longitudinal interviews undertaken with welfare service users in England and Scotland (481 at wave a). Interviewees were drawn from nine groups: ex-offenders, jobseekers, Universal Credit (UC) recipients, disabled people, migrants, lone parents, social tenants, homeless people, and those subject to anti-social behaviour (ASB) interventions and Family intervention Projects (FIPs). Individuals were interviewed on three separate occasions over a two year period, focusing on their experiences of support and sanctions within the welfare system and their perceptions of the impacts and ethics of new forms of conditionality. This paper is based on the key findings of research with 25 English and Scottish ex-offenders who took part in all three waves of interviews conducted between September 2014 and May 2017.

Most respondents (19) were male and six were female. Virtually all described themselves as 'White British' and were aged from 25 to 67 years old. At the final wave of interviews most individuals lived in social housing (12), eight in the private rented sector, three were in hostel accommodation, one was living with friends and one had other accommodation. Similarly, 16 were claiming Employment and Support Allowance (Support); one ESA (Work-Related Activity Group); one JSA and two claimed working tax credits. Over two-thirds (17) of the sample had been subject to a benefit sanction. Respondents frequently had severe and multiple disadvantages including poor physical and mental health, drug and/or alcohol problems, homelessness, childhoods in care

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and virtually all had been imprisoned. Most had served multiple short sentences whilst a few completed long custodial sentences of over 10 years.

### Exposing the most marginal to benefit sanctions

Proponents of welfare conditionality argue that those furthest from the labour market are not exposed to full conditionality and attendant sanctions. However, our research found that Jobcentre Plus finds it difficult to identify people who are vulnerable, with the result that many do not claim the right benefit and are needlessly exposed to high levels of conditionality and sanctioning. Many had claimed Jobseekers Allowance and had fallen foul of its requirements. Previous experience of sanctions had, in many cases, prompted a switch from JSA to benefits with lower levels of conditionality such as Employment and Support Allowance (ESA) over time. This was often facilitated by support staff in homelessness charities and drug/alcohol support agencies.

Many people with severe and multiple disadvantages were unable to alter their conduct in order to avoid a sanction. The imposition of benefit sanctions frequently failed to recognise barriers to employment or the specific circumstances of individuals. They exacerbated poverty and led to a range of worsening social outcomes including family conflict; deteriorating mental health; homelessness; engagement in 'survival crime' and disengagement from the benefits system. In terms of the former, an English male reported: *'There was also like the trust between myself and my mum, because I was saying that. This is what's going on, mum, I'm trying to sort it out,'* and she was getting pressure from her partner, who didn't want me there'. Another English male drew attention to his growing social isolation: *'Some days I would even stay in my house, I wasn't coming out of it because I had no money....I just felt worthless'.*

Many indicated that they had responded to the loss of benefits by engaging in 'survival crime': *'I'd go into shops and steal whatever just to make do basically. And I used to rig my meter when I had my house'* (Scottish female). Some indicated that they had disengaged from the benefit system: *'I just gave it up [the benefit claim] and didn't bother with it again. Carried on just going out every day thieving'* (English male). The 'deterrent effect' of sanctioning on benefit claiming took other forms. A respondent who had become self-employed during the fieldwork reported: *'I hated the Jobcentre.....that was one of my main motivators to really find some way away from the whole Jobcentre and Work Programme and sanctions'*.

Sanctions were widely equated with punishment and respondents often likened the experience to intimidation. A Scottish male reported: *'People are threatening you.....do what they want you to do or you're going to lose your benefit'*. It is salient to note that in many cases criminal justice sanctions had proven to be counter-productive, evidenced by the fact that many interviewees had served multiple short-sentences. A Scottish male reported: *'I don't like the idea of threat or punishment. I've never responded well to that in my life'*. Compulsive approaches have a strong political appeal but have proven to be remarkably ineffective at fostering pro-social behaviour. A National Offender Management Service (NOMS) representative argued: *'You can't suddenly make somebody a good person, or a person who can get a job....just by saying I'm going to take your benefits away. It's not real world stuff'*.

Nevertheless, a few indicated that sanctions had provided the impetus to claim more appropriate benefits or seek help with drug or alcohol addictions. *'It [sanction] made me more determined really, to try and get on with my life'* (English male). Several interviewees had become superficially more compliant: *'I'd be as by-the-book as possible- It's just a game. You have to follow the rules of that game'* (English female).

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However, the most vulnerable were simply unable to follow the rules of the 'game': '*But people like myself, addicts....how are you supposed to remember an appointment is six weeks' time?*' (English female).

### A lack of support

None of the handful of individuals finding work had done so through Jobcentre Plus. Respondents frequently complained that the agency was too focussed on monitoring their job search activity and provided little meaningful support. '*All they cared about was, "Make sure you've got x amount of applications that you've applied for, that you can prove you've applied for, and that you've put it on Universal Jobmatch"*' (English male). A chronic lack of opportunities to improve their human capital through vocational training was highlighted by many respondents. '*You need more different support, and proper training in like bricklaying or something....not like what they do, like you go in a room and you do a CV*' (English male).

The majority of respondents experienced their interactions with Work Coaches as being of limited use and/or coercive rather than supportive. The pressure to constantly search for jobs, under threat of sanction, yielded few positive job outcomes. Individualised support was often lost in a process dominated by compliance monitoring. Furthermore, some of those with long-term experiences of claiming benefits felt that the amount of support provided had fallen. Moreover, there was a strong sense that the focus of Jobcentre Plus has changed from helping individuals into work towards sanctioning. A Scottish male indicated: '*I think the emphasis has changed from support to sanction. Instead of this is what you can do, we'll help you, it's this is what we'll do if you don't.*' This has led to the criminalisation of benefit claiming: '*They just treat everybody as if everybody is ripping the system off*' (English female).

The sense that many had been 'parked' by the Work Programme and offered little meaningful support was emblematic. Many highlighted the absurdity of being compelled to undertake futile tasks and likened the experience to punishment. Consequently, 'day one' mandation to the Work Programme was highly problematical because it failed to provide meaningful support but increased exposure to sanctioning. '*If I didn't do those courses I'd be sanctioned but they were really a waste of time, things like name three methods of travelling to work, like bus, walk [laughs] really like a three year old*' (English female). The universally poor experiences of the Work Programme raises important questions about the wisdom of allowing commercial imperatives to determine the type and level of support provided to this group. These concerns were shared by some policy makers. '*Some of them [Work Programme participants] get hugely pissed off because it's the eighth time they've been shown how to write a CV, and they haven't got anything to put on it*' (NOMS representative).

### Promoting positive behaviour change

Welfare conditionality within the social security system is ineffective in facilitating pro-social behaviour. Promoting behaviour change is inherently challenging given claimants' multiple and complex vulnerabilities and the problematic history of interactions with government agencies and services. Our research confirmed some of the existing evidence about behavioural change being a long-term process which is founded upon individuals rediscovering agency and developing pro-social identities. Benefit sanctions are antithetical to this process because they undermine positive professional relationships, stymie agency and reaffirm criminal identities and

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behaviour. The longitudinal element of our research has shown that change is seldom linear and relapse is common.

The present research was, however, able to shed some light on what works in facilitating positive change both in terms of movements off social security benefits and also the cessation of problematic behaviour. A small number of the sample had experienced positive behaviour change over the two year period which was usually initiated by the individual: '*I've turned my back on all that shit and consider myself an ex-criminal. It's just a decision I made*' (English man). Sustained change frequently followed the development of new relationships. A female participant had, for example, desisted from prostitution: '*because I've got older and because I've got a boyfriend*'.

Offenders are most influenced by those closest to them and so may have to distance themselves from their former social networks. An English male admitted: '*I go to pubs with my dad...and I know everyone there. They're all characters [criminals]. I've grown up with them, but at the same time I've been able to dissociate myself*'. Some have had to sever ties with other drug-using family members or move to different parts of the country. Many had chosen to volunteer in homelessness charities and drug/alcohol support agencies which had provided opportunities to further cement positive change and develop new identities.

The 'improvers' had stable accommodation and were able to draw upon extensive support. One man identified his General Practitioner, Narcotics Anonymous and a psychologist which meant that he had been 'clean' for over a year. He reflected: '*You cannot do this stuff on your own*' (Scottish male). Another had been assisted by the Citizens Advice Bureau to claim ESA, had received mental health support and had established a local running group though a local homelessness charity. '*The support I've had has been fantastic, from [project] and my doctor. I cannot fault it.*' Similarly, the mind-set of a participant had been transformed by help claiming benefits and finding accommodation. '*I actually face up to things instead of doing what I would normally do which is go and get myself arrested and hide away from it*' (English female).

### **Rebalancing the social security system**

There is a growing body of evidence highlighting the ineffectiveness of the intensified and extended system of welfare conditionality. The present research has underlined the need for a rebalancing of the social security system towards support and away from sanctions. The current preoccupation with sanctions backed compliance needs to be urgently reconsidered with more emphasis and resources focused on the provision of personalised employment support. To this end the Department of Work & Pensions needs to ensure that work coaches are provided with appropriate training and time with each benefit recipient to ensure that they claim the most appropriate benefit. There is also a need for a fundamental review to reduce the severity of sanctions, introduce clear and adequate warnings and to ensure that sanctions are not applied to vulnerable people. The wider application of welfare conditionality within the benefit system for vulnerable people should be paused pending a more fundamental enquiry into its ethicality and utility.

However, these proposals represent a threat to the hegemony of ideas which attribute responsibility for poverty and social marginality to the attitudes and behaviour of individuals. These ideas have a long history and have probably existed as long as the interest in poverty itself. More recently, the genesis of coercive behaviourism in Britain arose out of the mass unemployment of the 1980s which prompted the Conservative

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Governments (1979-1997) to introduce a stricter benefit regime. This was intensified by far-reaching welfare reforms (1996-present) pursued by all three of the major political parties. A distinctly more punitive turn was taken in 2012 to re-orientate the whole social security and employment services to combine harsh sanctions with minimal mandatory support (Fletcher and Wright, 2018). For over two decades there has been surprisingly little political debate over the intensification and extension of conditionality. This may be starting to change.

An ambition to build a welfare system based on respect for the dignity of benefit claimants has been evident in Scottish social security documents since 2014. The **Scotland Act** (2016) has devolved some limited powers over areas such as welfare to the Scottish Parliament. The Scottish Government is currently exploring ways to mitigate the effects of benefit conditionality and sanctions. It has developed its devolved powers to alleviate benefit sanctions, introducing more voluntary participation in welfare to work programmes and flexibility in payment of Universal Credit. This has begun to inform the development of new welfare-to-work programmes which have been informed by user experience panels and have dignity and respect at their core. Fair Start Scotland is, for example, a new voluntary welfare-to-work programme which is a clear statement of intent to reduce conditionality where possible.

The election of the Labour Party in **New Zealand** in 2017 has led to fewer sanctions. Furthermore, the Welfare Expert Advisory Group has been established to undertake a broad review of the welfare system. The intention is to ensure that the welfare system is accessible and fair and will be based on real experiences of those interacting with the welfare system. Areas that the Welfare Expert Advisory Group has been asked to focus on range from considering the overall purpose of the system, through to specific recommendations on the current obligations and sanctions regime. The Group's membership includes members with lived experience of the welfare system. It is due to report at the end of March 2019. All of which suggests that the political consensus regarding the need to regulate the behaviour of benefit claimants by increasingly severe sanctions may be breaking down. Those with a genuine interest in promoting pro-social behaviour change will warmly welcome these developments.

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