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Exploring the role of welfare conditionality with 'at risk'
women attempting to live 'a good life'**

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Chapter 8

Punishment, Powerlessness and Passivity: Exploring the role of welfare conditionality with 'at risk' women attempting to live 'a good life'

Introduction

This chapter explores the lived experiences of women at the penal-welfare nexus, specifically those who have been subject to criminal justice supervision and interventions in the community. It focuses on their attempts to move away from the social margins, reintegrate into society and move closer to the labour market. It draws on new empirical data from in-depth qualitative interviews with 24 women who have offended or are considered to be 'at risk' of offending, conducted in two UK cities between January 2016 to February 2017. The chapter examines how UK social institutions, and in particular a welfare system characterised by increasing conditionality, impact women engaged in community-based services which aim to divert them from prison and reduce recidivism.

Three interlinked themes are prominent common threads running through the lives of these women: punishment, powerlessness and passivity. *Punishment* is dispersed throughout societal institutions; this chapter focuses on punitive elements within the welfare system. However, it is important to note that participants in this study are engaged with a web of state agencies and service providers and subject to a range of different behavioural expectations and interventions. Like the penal system, the welfare system uses conditionality and sanctions to induce the 'right' behaviours in claimants. This can sometimes be counter-productive. With minimal protections in place, highly marginalised women are incapacitated in the face of various social forces that bear down upon them and influence their daily lives. This dynamic induces a sense of *powerlessness* for those who have lost control of important aspects of their lives and who have very limited alternatives. *Passivity* is displayed in the acceptance of a highly conditional and punitive social contract. Rather than demanding a better deal their aspirations and goals shrink to fit the limited opportunities available to them. There is illusory control in these experiences, an internalisation of the terms by which they must live to receive social assistance. Within this bleak picture, and in spite of pressures bearing down upon this marginalised group, some women had begun to forge new identities and move towards a more stable daily life. Nevertheless, this stability was fragile; vulnerable to the challenges and crises of everyday life at the social margins, reduced funding for community services and at the mercy of changing expectations placed on them under ongoing welfare reform.

The focus on the use of sanctions and support to promote behaviour change is a growing area of research, with evidence suggesting that rather than a 'hand up' the welfare system in its current guise can bestow more of a 'slap down' (Fletcher and Wright, 2017). This chapter aims to highlight another dynamic of the current welfare regime by exploring its impact on a specific group of women subject to multiple, overlapping policy arms of the state. The problem for this group is not so much the behaviour change agenda and sanctions that underpin the UK's increasingly conditional social security system; many make valiant attempts to live a 'good life', and the experience of sanctioning is low – rather, for women experiencing advanced marginality, it is the dearth of support available to help them reach their goals.

Women, welfare and criminal justice policy

The experience of punishment begins early for girls; female offending peaks at 14 (compared to 17 for boys) (YJB, 2009). The majority of participants involved had experienced neglect or abuse during childhood, being young, female victims of crime. Instead of finding support through the care system or other welfare institutions, many began getting into trouble as young women. Furthermore, the stigma of a criminal record became a punishment in itself and meant that their identities were reduced to their substance misuse, offending history or failure as a mother. For those whose pathways to offending resulted in the (recurrent) loss of child(ren) to custody, punishment is lifelong and intergenerational (Broadhurst et al, 2016; Kotova, 2014). These experiences were compounded by a residualised, and in some cases, punitive benefit system and retrenching state provision of community services particularly those that support marginalised citizens.

Although women have historically committed crime alongside men, the image of the female offender retains the power to shock by defying deeply embedded gendered societal norms. From childhood and into adulthood, girls and women are policed differently to boys and men (Donzelot, 1979; Cain, 1989). Moreover, shifts in what is considered 'criminal' or 'deviant' continue to have a gendered dimension. Women, particularly those in receipt of social assistance benefits, find themselves subject to high levels of surveillance, moral scrutiny and punishment (Bumiller, 2013). Prevailing discourses demonize 'welfare queens' and 'benefit broods', with previously protected groups finding themselves subject to increasing conditionality and the use of sanctions (Jensen, 2015). 44,000 lone parents were sanctioned in Great Britain in 2013 (Webster, 2015). The shift to 'ubiquitous' conditionality highlights the blurring of welfare and penal policy in the UK (Dwyer and Wright, 2014; Fletcher, 2013) and the benefits system has been described as a 'secret penal system', harsher and without the safeguards of the judicial system (Webster, 2014).

These changes have occurred against a broader backdrop of attempts to reduce budget deficits through 'austerity measures' implemented by governments throughout Europe and North America. UK research suggests that attempts to reduce public spending at national and local levels has seen the axe fall unevenly, hitting older industrial areas such as the former coalfields, less prosperous coastal towns and a number of London boroughs particularly hard (Beatty and Fothergill, 2016). Since 2010 Coalition and Conservative UK governments have reduced national welfare spending, and also simultaneously reduced Local Authority grants intended to support local social service provision and infrastructure. The impact of welfare reforms has fallen disproportionately onto women who rely more on social assistance payments and who use public services more intensively (Hills, 2014). Taking stock of the cumulative effect of successive austerity budgets, 86% of net savings in the period 2010-2020 will have come from women (Cracknell and Keen, 2016).

Punitive welfare

Successive governments have chipped away at the philosophy of universal social rights which underpinned the post-war welfare settlement. Under New Labour's activation policies those in receipt of state assistance had an obligation to work, paving the way for the emergence of a highly conditional welfare state enforced by benefit sanctions for non-compliance (Dwyer, 2004). The Coalition government and the subsequent Conservative government have intensified the conditionality and sanctions regime and expanded it to include formerly protected groups including lone parents and those with disabilities. Government discourse has consistently framed welfare dependency as a lifestyle choice of the 'never deserving poor', and this has been echoed in the mass media, particularly evidenced by the proliferation of 'poverty porn' programmes - fostering a politics of resentment and paving the way for intensified punitive conditionality (Jensen, 2014; Dwyer

and Wright, 2014; Fletcher and Wright, 2017). Commentators have observed a 'sanction first, investigate later' ethos, applied regardless of whether those sanctioned had good reason to explain the behaviour they were sanctioned for, or are able to meet their basic needs following a benefit sanction (Butler, 2015).

It is important to recognise that the 'centaur state' not only punishes more, but does so in new and different ways. The concept 'centaur state' describes the state's fierce regard towards those at the bottom of society, in stark contrast with the permissive and liberal face reserved for those at the top (Wacquant, 2009; Fletcher and Wright, 2017). The use of benefit sanctions for non-compliance with behavioural demands is supported by the dependency discourse of freeing those 'trapped on benefits' (Dwyer, 2004, 271). The lack of universal support for social assistance benefits divides those who pay taxes and those in receipt of benefits, with the former "increasingly likely to regard welfare as a burden unfairly borne by them...while provoking anger and resentment at those who it seemed to unduly favour" (Pratt, 2011, 262). As women are more likely to rely on benefits and tax credits than men, there is a gendered dimension to welfare conditionality and sanctions. Formerly protected groups such as lone parents, the majority of whom are women, are increasingly subject to surveillance, moral scrutiny and the threat of punishment through the social security system. Their dependency, an ideologically charged term, is no longer tenable.

Emerging research highlights that the double-edged sword of retrenching social assistance and increased conditionality is felt most keenly by the poorest people. Austerity Britain is characterised by rising inequality and people are experiencing poverty more intensely, relying on food banks, informal networks and survival crime to get by with research suggesting that benefit sanctions can be a causal factor in people becoming homeless (McCarthy et al, 2015; Garthwaite, 2017; Edmiston et al, 2017). As the welfare system takes on characteristics of the penal system and becomes more punitive it is unsurprising that many female offenders have experienced "long-term poverty, debts and loans with high interest" and that their crimes are often linked to economic survival (NOMS, 2012, 36). Women in conflict with the law, and those deemed 'at risk' of offending, therefore constitute a vilified, hyper vulnerable and voiceless group. This chapter examines the impact of the changing penal-welfare nexus through the lens of these women's experiences.

Gendered justice

Since 2010 there has been a distinct toughening of policy language towards female offenders (MoJ, 2014a). This is indicative of a punitive shift which also questions whether women have a gendered experience of criminality. It also undermines the implementation of diversionary policyⁱⁱ. For example, local probation services whose role it is to recommend alternatives to custody in pre-sentence reports to magistrates have been removed in the 2010-2015 Transforming Rehabilitation reforms (Hedderman and Gunby, 2013).

Following the 2011 riots, the Troubled Families Programme (TFP) was set up to 'turn around' the estimated 120,000 families who without intervention were seen as likely to produce the rioters and youth gang members of the future. This highlights the successful conflation in public discourse of 'anti-social behaviour' and parental deficit with politicians making much of 'dadlessness', rather than structural inequalities (Ashe, 2014). Gillies (2011) highlighted the gendered impact on mothers who bear the brunt of family intervention policies despite the use of gender neutral terms like 'lone parent'. There is a long history of policing families, specifically mothers (Donzelot, 1997). Although these interventions may provide short-term improvements (based on limited criteria), the gendered criminalization of marginalised families, particularly lone mothers, is often the broader outcome (Wenham, 2016). Whilst women constitute lower proportions of those arrested (18%), receiving out of court disposals (23%), convicted (25%), under supervision in the community (15%) they are routinely treated

more harshly by the criminal justice system (CJS) (MoJ 2014b). Contrary to public opinion and the 'chivalry thesis'ⁱⁱⁱ, women are twice as likely to be sentenced to prison by a magistrate for a first offence and, on leaving prison, women are three times less likely to find work (Prison Reform Trust, 2017). Against the backdrop of a tougher welfare regime and an intensification of the policing of 'irresponsible' parents and in particular mothers, the number of publically cared for children continues to rise (DfE, 2017).

Social profile of the sample

All participants were accessing day centre support services when recruited to take part in the research. These comprised statutory, voluntary and private organisations though these distinctions were harder to discern due to the 'hybridisation' of public service providers in the 'mixed economy' of the carceral archipelago^{iv} (Corcoran and Fox, 2012). Within the sample (24) there was a range of relationships with the CJS. In total 17 women had been in conflict with the law, the others had been on the margins of the CJS accessing services as a victim or deemed to be at 'risk' and referred in to the service. Some women had long histories of persistent reoffending; eight participants had experienced multiple prison sentences, another nine participants had experienced non-custodial community based sentences or fines. Offences ranged from serious crimes such as arson and being an accessory to murder, to more minor offences commonly associated with female offending including possession of a controlled drug, theft or breaching of conditions. Some had recently been in prison; others had not offended for years. Seven participants disclosed previous experiences of child neglect/abuse. Synonymous with the wider population of female offenders, many outlined poor mental health, histories of drug or alcohol misuse, experiences of domestic violence or sexual victimisation (Prison Reform Trust, 2017). In terms of ethnicity one participant identified as Black/Black British, another as Other White, the rest all identified as White British.

All participants, bar one who had been convicted of benefit fraud and another who had been sanctioned twice and who relied on family for support, were in receipt of social assistance benefits during the research period. Most had left education without many formal qualifications, one woman had been to university but she was the anomaly. Of the 22 (90%) participants who were in receipt of benefits, 16 were on Employment and Support Allowance (ESA), roughly half in the support group and half in the work-related activity group (WRAG). Two claimed Jobseeker's Allowance (JSA) and three claimed Income Support. Within the UK welfare state levels of conditionality vary. Those in receipt of JSA are deemed fit for work, subject to full conditionality and required to undertake extensive work search and attend mandatory Work Focussed Interviews (WFI) and training as specified by Jobcentre staff. Individuals assigned to the Support Group of ESA are not subject to conditionality and attendant sanctions. Allocation to the WRAG brings with it a mandatory requirement to engage in work related activity such as job search, attending interviews with personal advisors or participation in work experience schemes as instructed. Those on JSA or in the WRAG group face benefit sanctions ranging from a 100% loss of benefit for four weeks for a low level transgression (e.g. being late for a WFI), up to loss of full benefit for a three year period for a third, repeat high level offence, such as refusal to take up a job offer. Income related JSA and ESA are currently being phased out and replaced by Universal Credit (UC). Under UC rules benefit sanctions will remain in place until compliance in many instances (Dwyer, 2016). UC had not been rolled out to the location where the fieldwork that informs this chapter was conducted. 17 participants had used a food bank or accessed food parcels or meals through the third sector day centres, three participants had received Hardship Payments.^v

Punishment through the welfare system

In relation to the welfare state, four participants had experienced a benefit sanction; others spoke of being threatened with a benefit sanction. As the data presented later illustrates, regardless of the different contexts of their application, sanctions were applied with little concern for how the women sanctioned would manage financially throughout their duration.

I had his [nods at her baby] extra scan for his kidneys [when pregnant], and because [welfare professional] gave Jay [her partner] an appointment on that same day [as the scan] he said 'I can't go to it'. So because we went to the baby scan they sanctioned him. (Amy, 18, Joint claim for JSA)

They had organised an interview with the abattoir... I did tell them that I didn't want to go. But they said, 'oh because I had missed the interview thing'... about 3 months I was sanctioned for...It was kind of alright though because I lived with my mam [then] anyway, so it was alright. (Donna, 28, Income Support)

I was...just trying to survive, keep my benefit, not commit suicide...Everything gets cancelled when you get sanctioned. Then you have to do a claim, a hardship claim and then re-benefit. But each time I was getting sanctioned, they would go 'oh yes it is a 2 week sanction, because you haven't done your job search right', I was like 'I am struggling because I am dyslexic'. So I would go to the JobCentre. And I would go again [after] 2 weeks, 'you haven't done it, you haven't done your 40 jobs' and I would be 'how can I apply for 40 odd jobs I am dyslexic I have no qualifications?...Sanction again and they just kept doing that for 8 months. So in the end I stopped applying for hardship because it was pointless because by the time I had got hardship, I was being re-sanctioned which cancelled out the hardship...Luckily these guys [day centre staff] gave me food parcels, because they understood that I was being sanctioned every week and it weren't my fault. (Christina, 30, JSA)

Amy was not sanctioned directly; rather her partner received a sanction for non-attendance at a mandatory Jobcentre interview due to a clash with their baby's scan. This highlights a number of problems of the joint payment model, which come to the fore when a sanction is imposed. Benefit claims administered at the joint couple or unitary household level are underpinned by problematic assumptions about money sharing within relationships and serve to undermine the financial autonomy of partnered women (Bennett and Sung, 2013). Any sanctions applied to a particular claimant through the joint claim mechanism punish the whole household, in this case a pregnant woman. Concerns about the gendered inequality inherent within joint claims are likely to intensify under UC, which requires one person in a couple to complete a claim for both parties (DWP, 2017a). Ultimately Amy and her partner were granted a Hardship Payment and eventually had the benefit sanction overturned because they were able to prove that the scan had been on the same date at the missed Jobcentre appointment. This highlights the routine practice of sanctioning first and investigating later with the onus on the claimant to appeal against benefit sanctions after they are imposed; something which Donna, did not do because she was living with her mother at the time and was able to make do because she had her family to rely upon.

In contrast, Christina's experience of repeat sanctioning was highly disruptive to her life and contributed to her becoming homeless. Her priority during this time was 'trying to survive'. In this case she turned to acquisitive crime which began with stealing tins of cat food for her cat,

but “then I found out I was pretty good at it, that I actually in 3 days walked out with £3,000 worth of DVDs and Blu Rays.” Christina whose criminal record consists mainly of theft-related offences was eventually caught shoplifting. Her engagement with the day centre helped her to get support, initially, a sleeping bag and food parcels, but the availability of support eventually led to her housing and benefits being sorted out. She continued to access support when experiencing food insecurity or had a crisis. Turning to 'survival crime' was an experience present in other participants' accounts. In some cases individuals were experiencing food insecurity, even when they were in receipt of benefits, but were able to access support through family, informal networks or local charitable organisations as an alternative to survival crime.

I've not shoplifted since... this time last year. And I were on streets so it were for survival basically... I'd nowhere to live and then I sort of shoplifted to survive do you know what I mean? (Ros, 45, ESA WRAG)

Talking to my health adviser, and I kept saying to her, I've got no food in, I'm eating at me mum's, there's nothing in... And she eventually sent me round to... Salvation Army... I am trying to eat at home [rather than relying on my mum], which is more stressful because ... I am trying to have enough money to like provide my own food so I am... trying to get to next week, I am going to go and get foodbank so I have got enough tinned stuff in so then all I have to do concentrate on is my freezer stuff." (Caitlin, 31, JSA/ESA WRAG)

Fletcher (2016) has similarly found that 'survival crime' was strongly linked to benefit sanctioning, particularly with ex-offenders. Nonetheless, as Caitlin's data shows whilst participants in receipt of benefits may still be living in precarity not all turn to 'survival crime', especially when they can rely on family and informal support networks. Some participants, like Ros, disclosed that they had turned to crime to survive when they were not in receipt of benefits, whether due to a sanction or because their lives were too chaotic to receive payments. These experiences highlight different forces influencing how individuals cope with financial hardship; those with access to alternative familial or informal networks are therefore less likely to turn to crime to survive.

What became clear from some accounts was that punishment within the welfare system was not narrowly defined by the application of benefit sanction, for some just being on benefits felt like a punishment, and high levels of conditionality made them feel undeserving due to their perceptions of how the system treated them.

Vivien: I've had to fight for that [allocation to the Support Group in ESA]. I went for medicals and things... and they said that I was fit for work. I had to appeal against it and it took 14 months for me to appeal against it and go to court... I had to go for court for that and I had to go to court for disability [Personal Independence Payment] as well... [I was] upset all the time. Cos it was as if like nobody believed me, what was wrong with me. Because they said well you don't look as if you've got an illness. Because at the time then I was on crutches... And it's like 'well, you can walk with crutches'. And then I had problems with my hands. Because I've got an illness called fibromyalgia as well... And they said 'well you can still use your hands'. They can just say 'no'. You can't have it [ESA], that's worse [than a sanction]... My ex-husband did this to me I think he should pay, not the government." (Vivien, 46, ESA Support Group)

They treat you like you are a low life... the benefits office... think that if you are going there then you are there because you are stealing from the government, that is how you are made to feel and I said you know, I have always worked, I

have three kids and I have worked three jobs, to pay for them myself, always worked up until I got attacked.
(Carol, 54, ESA Support Group)

Vivien's account indicates that even though she was initially treated as undeserving, much to her distress, she had begun to internalise this to an extent, this is evident in her feeling that her ex-husband (who subjected her to domestic violence) should be paying her compensation for not being able to work. She does not speak in terms of being entitled to out of work incapacity benefits despite her health conditions and disability she feels that the welfare system does not perceive her as deserving of support. Similarly, Carol makes it clear that she has worked in the past and was only claiming benefits following a violent attack from her ex-partner, socially distancing herself from other claimants who are deemed to be less deserving. These findings highlight an intensification of shame and stigma associated with claiming welfare benefits (Bell, 2013).

Powerlessness, agency and the importance of support for behaviour change

Women involved in the CJS, whether in prison or in the community, are a highly stigmatized and marginalized group with minimal access to neither the media that represents them negatively, nor policymakers whose decisions produce interventions which constrain their lives. The powerlessness experienced by women subject to multiple interventions from state agencies over the life course is present across the narratives of research participants. Although all participants exhibited a motivation to change and to live 'a good life', the disjuncture between this goal and their lived experiences highlighted the dearth of opportunities available to them. The solution to this problem is not as straightforward as advocates of behavioural economics would have us believe (Leggett, 2014); the women appeared to be making the 'right' choices and doing the things asked of them by various 'street-level bureaucrats', however, this was not always enough (Fletcher, 2011).

Larissa: are you currently working?

Caitlin: No ... I wish ...I've done a lot of cleaning, and I'm after housekeeping at the moment...I really want to be in catering, I do, but that's in the future... I need some training... Cake decorator...that is my dream...I really want to do that but there's no funding for that either... I did find [a cake training course], and I got there and they said I'd have to pay for it. There was no way I could afford it.
(Caitlin, 30, JSA / ESA WRAG)

They know what I'm trying to do. They know I am interested in getting back to work, they know I don't want to be on the dole for the rest of my life. (Whitney, 26, ESA WRAG)

These accounts counter dominant portrayals of benefit claimants as 'workshy skivers' in need of a punitive benefit sanctioning regime to get them to change their behaviour and make the 'right' choice to enter paid work. The data highlight a number of structural barriers to meaningful employment which impede their movement towards the formal labour market and illustrate that, a desire to work, alone, may not be enough. Though participants were asked to undertake compulsory job-searching or work-related activities these interventions are not designed to support individuals in achieving their preferred work goals. The Work Programme^{vi} should give jobseekers "tailored support specific to their individual needs" (DWP, 2010). Instead claimants are mandated to apply for any job. For example, Caitlin's workcoach organised check-out and shelf-stacking interviews at discount high street retailers despite her repeatedly saying that her interests were in catering, and her being placed on Employment and Support Allowance due to a physical impairment. Access to training that is suited to job goals appeared to be limited. The UK social welfare system does not respond

to claimant's aspirations by providing tailored support instead it prioritises any job over worklessness and, at best, provides only basic employability skills training. More specialised training preferences (e.g. to become support workers for vulnerable people) were beyond the financial means of the participants. Additionally, some participants felt that their past held them back from reaching a particular goal, in particular their criminal record, which got in the way of voluntary work placements which could help them move towards paid work.

It sez it in that letter, 10 years until I can start working with kids and vulnerable adults. I need to work or I'm just sat at home doing nowt. I'm not gonna survive.
(Caitlin, 30, JSA / ESA WRAG)

I know other women, they work in charity shops but I couldn't cos I've got fraud on my record.
(Gillian, 44, ESA Support)

My employer has never asked me if I have a criminal record...It affected how I felt about myself at work for a long time I felt really conscious of it and felt anxious and that I was hiding a secret from the people I worked with...I had an advantage - I had a degree and past employment and skills - so I have had an advantage over other women. (Annie, 27, not claiming)

Caitlin lost her voluntary position helping at a food club at the centre because she was told she was not allowed to work in an environment with vulnerable adults due to the nature of her conviction. Gillian volunteered at the centre but was unable to find a voluntary role outside due to the fraud offence on her criminal record. For both participants their involvement with the CJS had a negative legacy. The Benthamite principle of 'less eligibility' and Mannheim's related concept on 'non-superiority' are relevant to these women's experiences (Henley, 2014). This suggests that despite legislation to prevent discrimination for those who have served their punishment, in practice they are still inhabiting a position within society that is below the lowest non-offending member of society, unless they hide their past and have the means to pass for a non-offender. Annie kept her criminal record a secret from her employer in order to get the job and get on. Significantly, Annie was the only participant who has a higher education qualification and a related level of educational capital^{vii}. It is easier to transition from a 'deviant' lifestyle to a normatively pro-social one. Independently, Annie found a job that had begun to carve a successful career for herself, which she attributed in part to her level of education. As previously discussed, society stigmatizes offenders and in this instance Annie responded by hiding her criminal record. This was her response to the powerlessness bestowed on her as an ex-offender.

On occasions there is support in place for women who come into conflict with the law and that support is accessible over years, which may be how long it takes for desistance from crime to become permanent/stable (Dennis et al, 2007). Ironically, it is through engagement with the CJS they are able to gain access to services that were previously unavailable to them.

When I was homeless I was asking for help and support with...my drinking and accommodation but nobody wanted to know... I got that [prison] sentence ...and I got diagnosed with a borderline personality disorder, now they want to help me...I said well I have been asking for this help for ages, for a long time they said well now we know we have got a reason to help you now... it really pisses me off sometimes. (Sylvia, 54, ESA Support)

The support is a big thing, [the drug service centre], here [women's centre], everybody who I'm working with, that's what helped me through it and [to] change, but [my son] made me change...I just weren't ready to change [before],

but now I've got to an older age...I know I need to change...something clicked inside that said right I don't want to live that life anymore. When people know I'm doing well and they say, 'listen I'm proud of you', it makes me want to do it all the more...I want to be a mum now, I just want to settle down and live my life with [my son]...It's me past, and I know I've got a horrendous past, but people can change, but it's just giving me that chance to show that I've changed. But I'm just not being given that chance...I'll never stop being labelled because of my past. I wish I'd lived a good life and didn't do the things that I did, but I can't change that. (Carly, 33, ESA WRAG)

It is clear from most accounts that without such support participants would have struggled to turn their lives around. However, within the dominant policy discourse behaviour change is something that is attributed to individual responsibility and choice. To compound this, there is evidence that some participants were required to hit a certain low point or crisis point before help became available and they also felt able to respond to these interventions and begin to address their complex needs. Some participants attributed the trigger to themselves; that they needed to change to occur from within. Changing their own self-perception and forging a new identity appeared key to desistance from crime for those with multiple and complex needs.

Whitney: My lifestyle, it were inside me, it's got to be inside you really, to change. It's not what everyone else says or what they do; it's got to be what you want to do. It's one word - choices.

Larissa: If you've got a different start in life, it's not always that easy...

Whitney: It doesn't work like that though; it doesn't work like that at all. I don't know; some people start off *shit*. Me and [friend], we started off *shit* and look at us now. It just shows you, you've got to want to do it for yourself, not for anyone else. (Whitney, 26, ESA WRAG)

Larissa: What's most important thing for you to get you to where you are now, stable and with a part time job?

Sally: The [day centre], myself, my partner. Because I'd still be drinking, I'd still come in after having a drink and work - when you could tell. But now I don't...only now and again I'll have a drink around town. It is my situation, because before I was hanging around with all the wrong people, with all the wrong crowds and now I just do my job here, when I'm at the [sports] club I go straight there and then straight home, that's me, so...It's still one day to the next...but it's me making that distance, in not wanting to go and have a drink with them, hang around with them so...I've come a long way because I never saw myself as working, not in a paid job anyway, volunteering, well I didn't even see myself volunteering before. (Sally, 36, ESA WRAG)

These accounts highlight conflicting tensions underpinning participants' narratives of positive behaviour change. For example, Whitney attributes her turning her life around to something inside her changing, yet she has been attending the centre for over seven years, and it is evidently an integral part of the non-offending life that she has built. Instead she emphasises that an individual must want to change their situation and do it for themselves. Rather than acknowledging structural problems, individual responsibility often underpins the self-help, empowerment and therapeutic support work that takes place at marginal welfare services (Povey, 2017). The neoliberal trope of individual responsibility is internalised by participants who make sense of their lived experiences through choices and inner changes rather than structural causes.

Passivity: illusions of control within the disciplinary archipelago

Related to powerlessness is passivity. For participants whose resistance to the social system results in another conviction or a sanction, and those whose goals are thwarted again and again by their past, perhaps the only option is acceptance. This can be seen in the narratives of women whose future aspirations shrink from the dream of 'a good life' or getting their child back and 'being a mum' to more immediate and basic concerns. These difficulties were often related to the material deprivation they experienced, such as not knowing how they would top up their utilities meters or pay their bills, and whether they could afford to feed themselves that week. All participants, bar the two discussed previously, depended on out of work benefits. Getting by remained a struggle, even for those in receipt of social assistance, leaving the women trapped, unable to progress into low-paid and in some cases voluntary work due to their previous convictions.

Faced with the harsh conditionality and sanctions regime, and alongside personal histories of punishment within the CJS, passivity may be a more sensible strategy than exhibitions of resistance or anger, which potentially could lead to a benefit sanction and worsening of their socio-economic position. Additionally, it is in the interest of participants who have supervised contact with, or who hope to regain custody of their children, to passively accept any required conditions and compulsory to alleviate threat of reduced or terminated contact with their child(ren) moving forward. As the extracts from repeat longitudinal interviews presented next indicate, those women whose children that had been removed from their initially expressed hope that they could re-establish contact and regain responsibility for their children's care.

[Reuben]'s adopted now, yeah...they let our [Millie] who's only fostered.....they let [Millie] go and see him which I think's lovely cos he's adopted. Cos when he's adopted, normally it's a total cut off from blood family...I'm writing to Molly...and getting back in touch...I've got to prove to them as well, do you know what I mean? Cos when me and [partner] got attacked we did go off rails for a bit. And we've been...February this year, everything's been sorted cos I got put into hospital cos I've got liver disease now...I said to [partner] god will [Millie] wanna come home?" (Ros, 45, ESA WRAG, 1st interview)

Ros: This is what I was on a about wi' methadone, this is why I've kept it [to three appointments], cos we'd never go anywhere. We'd do our shopping, we've got no probation now, we've got no DRRs [drug rehabilitation requirements] we've got nothing; we'd never go out...

Larissa: You're still working with getting off the alcohol?

Ros: Yep yep. To manage it. I wanna be able to have me manage it rather than it managing me (Ros, 45, ESA WRAG, 2nd interview)

"They say I were neglecting them for a year but that's not true. They were saying that we let [Eliza]'s hair get really matted. We shoulda checked it. And she were full of head lice, she had to have it shaved, so social workers got involved...Yeah, I just want them to give me that second chance...Like with her hair, it'd never happen again. The psychologist has really damned us by saying they shouldn't come back to us.

(Alice, 41, ESA Support, 1st interview)

We had the report back we had a letter from the solicitor they reckon kids aren't coming home...Because we don't meet the children's needs...It is a PAM^{viii} assessment on us. So I am devastated...

(Alice, 41, ESA Support, 2nd interview)

Larissa: How are you getting on with money?

Alice: Only just. Some bills have actually gone out and come back in again because we couldn't afford it so, we have got worry over that...We are just trying to get money together for Christmas for the girls...I would love to be able to work but I can't. I can't hold down any job because of my mental health...They have left us hanging about a year [making a decision on the girls]...[I] would love unsupervised contact time just to speak freely with [Eliza] and [Anna], see what they really think. Because I don't like sitting there when I can see she is upset, I want to hug her (Alice, 41, ESA Support 3rd interview).

Participant's goals shifted and their horizons became smaller over the course of the research period. In earlier interviews participants who had lost custody of their children maintained hope of getting their children back. This hope was often encouraged by day centre key workers and other service providers they engaged with (such as a probation officer or a drug and alcohol worker) in order to keep the women on track in terms of addressing their complex needs such as alcohol or substance misuse, or in participating in therapeutic and socio-welfare courses^{ix} at day services. There was a disjuncture between the diversionary environment and the one in which social workers decided on whether the family would remain apart permanently. The gap between participants' goals in respect of their children and where they actually were in their personal lives seemed at times insurmountable, especially when there were multiple and complex support requirements which were unlikely to be met.

The support services they received from day centres was appreciated by participants, such as short courses on making positive choices in relationships or eating healthier. But ultimately, this support did not improve the opportunities available to them or improve their socio-economic positions. Not receiving enough income through the benefits system to pay bills created further stress and in some cases developed into crises points. For many participants living in poverty, indicated by regular food insecurity, became normalised and accepted passively as a way of life. There was not any anger at being reduced to food charity, or receiving social security benefits at a level which meant they were barely getting by.

Larissa: So at the moment are you on any benefits?

Bella: ESA and DLA...Work-related.

Larissa: Have you been through an assessment?

Bella: Yeah they told them what I've been through and told them I should be on that anyway...That were six months ago so I'm due another one now.

Larissa: So you go every six months for another assessment?

Bella: Yeah cos I'm disabled, me back, and I suffer from self-harming now.

Larissa: Did you take your doctor's and all your medical information?

Bella: No they asked them to get in touch but no, not bothered.

Larissa: Have you ever had to ask for a crisis loan or...

Bella: Plenty of times.

Larissa: And hardship payments, have you had to apply for any of those?

Bella: One

Larissa: Was it easy to apply for?

Bella: It took three days.

Larissa: Was it just cos you'd run out of money?

Bella: Yeah

Larissa: Have you ever had to use a food bank?

Bella: Yeah...Three times a year, I get one here [at day centre]...for four weeks cos I were in a women's refuge. (Bella, 34, ESA WRAG)

Larissa: Do you think in the future you might want to move into full time work?

Sally: I'm happy as it is, just now, because I know I can mess up at any time.

And I've seen people like with jobs, fast cars, money, and then now I see them in here, homeless, on the street. That's why I want to get myself, my own head right, before jumping straight in. (Sally, 36, ESA WRAG)

In Bella's case there is a level of acceptance that her current situation is her lot in life. Bella, who has physical disabilities and poor mental health, is asked to prove her eligibility for ESA on a six monthly basis, which she accepts passively. She consents to a social settlement where she must prove herself deserving of the benefit she receives; she does not act as though it should be an entitlement as a citizen living with physical and mental health issues. Bella volunteers most week days at the day centre, which is contrary to the 'skiver' stereotype painted by politicians and the media. This attitude was evident in the accounts of other participants who similarly accepted that passively toeing the line is certainly pragmatic as it means that they are less likely to face a benefit sanction. Work-related activity is a condition of ongoing receipt of benefits for those in ESA WRAG, Bella's behaviour highlights her acceptance of the conditional social settlement offered under the current welfare regime.

Sally's position is slightly different; she is in paid part-time work which is not the case for most of the other participants. Sally also continued to volunteer at the day centre in her free time hardly the behaviour of a 'shirker', another term prevalent in public discourse on benefit recipients. After many years in the revolving door of prison Sally had reached a stable place in terms of keeping her benefit, holding down part-time work and volunteering, as well as managing her drinking. However, this apparent stability was acutely fragile. A full time job would intensify pressure and stress - she would have much more freedom to 'mess up'. She has seen others move too quickly into full time work and this can end badly. She feels that staying where she is better than running the risk of returning to the streets or prison. Should Sally be pushed towards full-time employment, or placed on a different benefit with a higher level of conditionality, the progress she has made would be at risk, due to her complex needs and vulnerabilities. Important here is the conditionality of benefits, assessment for the conditions placed on an individual in WRAG is frequent, and which is subject to change under ongoing welfare reform.

Conclusion

This chapter has offered insights into the complex raft of interventions and 'targeted governance' through which women at the penal-welfare interface are managed throughout the life course (Turnbull and Hannah-Moffat, 2009). Prominent within participant accounts were experiences of experiences of punishment, powerlessness and passivity as they navigated a more punitive welfare system and attempted to exit the CJS for good.

Punishment through the welfare system was often evident; four participants had experienced benefits sanctions directly, others had the threat of a sanction hung over them. Moreover, precarity had become a way of life, as shown by regular food insecurity and problems paying utility bills. Participants were often unable to move into the labour market due to their pasts, which induced a sense of powerlessness. In the face of residualised social assistance and community services some had been warehoused in the 'penal-welfare net' for many years. For many participants inhabiting this space, passivity was the most pragmatic way to approach various street-level agents that governed them and the conditions to which they were subject to. Between a shrunken welfare system and support services accessed on the edges of the CJS they are effectively warehoused with the doors open, unable to move

forward due to institutional, legal, policy and societal constraints, that self-improvement approaches cannot address.

This research sheds light on the lived effects of the combined impact of multiple and sometimes conflicting approaches and intervention on a highly vulnerable group. A perverse mix of gender-responsive policies from within the criminal justice system, contrasts with often highly conditional and constraining welfare policies couched in gender-neutral terms. The ongoing retrenchment and increased conditionality within the UK social security system has created deteriorating socio-economic conditions for women on the social margins.

Bibliography

- Ashe, F. (2014) "All about Eve": mothers, masculinities and the 2011 UK riots', *Political Studies*, 62: 652-68.
- Beatty, C., and Fothergill, S. (2016) 'The uneven impact of welfare reform: The financial losses to places and people', Sheffield Hallam University, available from: https://www4.shu.ac.uk/research/cresr/sites/shu.ac.uk/files/welfare-reform-2016_1.pdf
- Bennett, F. and Sung, S. (2013) 'Dimensions of financial autonomy in low-/moderate-income couples from a gender perspective and implications for welfare reform'. *Journal of Social Policy*, 42(4): 701-719.
- Bourdieu, P. (1984) *Distinction*, R. Nice (trans), Cambridge: Polity Press.
- Broadhurst, K., Shaw, M., Kershaw, S., Harwin, J., Alrouh, B., Mason, C. and Pilling, M., (2015) 'Vulnerable birth mothers and repeat losses of infants to public care: is targeted reproductive health care ethically defensible?' *Journal of Social Welfare and Family Law*, 37(1): 84-98.
- Bumiller, K. (2013) 'Incarceration, welfare state and labour market nexus', in B. Carlton and M. Segrave (eds) *Women Exiting Prison: Critical Essays on Gender, Post-release Support and Survival*, Abingdon, Oxon: Routledge, pp 13-33.
- Cain, R. (2011) 'The Court of Motherhood: Affect, Alienation and Redefinitions of Responsible Parenting', in J. Bridgeman, H. Keating and C. Lind (eds) *Regulating Family Responsibilities*, Farnham: Ashgate Publishing Ltd, pp 67-90.
- Cafcass (2017) 'Care applications in September 2017', available from: <https://www.cafcass.gov.uk/leaflets-resources/organisational-material/care-and-private-law-demand-statistics/care-demand-statistics.aspx>
- Corcoran, M. and Fox, C. (2012) 'A seamless partnership? Developing mixed economy interventions in a non-custodial project for women', *Criminology and Criminal Justice*, 13(3): 336-353.
- Cracknell, R. and Keen, R. (2016) 'Estimating the gender impact of tax and benefits changes', Briefing Paper Number SN06758, 13 December 2016, available from: <http://researchbriefings.files.parliament.uk/documents/SN06758/SN06758.pdf>
- Crew, B. K. (1991) 'Sex differences in criminal sentencing: Chivalry or patriarchy?', *Justice Quarterly*, 1: 59-83.
- Curran, D. A. (1983) 'Judicial discretion and defendant's sex', *Criminology*, 21(1), 41-58.
- Dennis, M. L., Foss, M. A., and Scott, C. K. (2007) 'An eight-year perspective on the relationship between the duration of abstinence and other aspects of recovery', *Evaluation Review*, 31(6), 585-612.
- Department for Education (2017) 'Children looked after in England (including adoption)', available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/647852/SFR50_2017-Children_looked_after_in_England.pdf
- Donzelot, J. (1979) *The policing of families*, London: The John Hopkins Press Ltd.

Department for Work and Pensions (DWP) (2010) 'Details of Work Programme framework', available from: <https://www.gov.uk/government/news/details-of-work-programme-framework>

DWP (2012) 'The Work Programme', available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49884/the-work-programme.pdf

DWP (2017a) 'Universal Credit', available from: <https://www.gov.uk/universal-credit/what-youll-get>

DWP (2017b) 'Immediate access to hardship payments extended to help mental health and homelessness' available from: <https://www.gov.uk/government/news/immediate-access-to-hardship-payments-extended-to-help-mental-health-and-homelessness>

DWP (2016) 'Guidance - Jobseekers; Allowance sanctions: how to keep your benefit payment', available from: <https://www.gov.uk/government/publications/jobseekers-allowance-sanctions-leaflet/jobseekers-allowance-sanctions-how-to-keep-your-benefit-payment>

Dwyer, P. and Wright, S. (2014) 'Universal Credit, ubiquitous conditionality and its implications for social citizenship', *The Journal of Poverty and Social Justice*, 22(1), 27–35.

Dwyer, P. (2016) 'Citizenship, conduct and conditionality: sanction and support in the 21st century UK welfare state', *Social Policy Review* 28, 41-62.

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

Edmiston, D., Patrick, R., and Garthwaite, K. (2017) 'Introduction: Austerity, Welfare and Social Citizenship', *Social Policy and Society*, 16(2), 253-259.

Fletcher (2016) 'First Wave Findings: Offenders', available from: <http://www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-offenders-May16.pdf>

Fletcher, D. R., and Wright, S. (2017) 'A hand up or a slap down? Criminalising benefit claimants in Britain via strategies of surveillance, sanctions and deterrence'. *Critical Social Policy*, 31 August. p. 1-22. doi: 0261018317726622.

Fletcher, D. R. (2013) Offenders in the post-industrial labour market: Lubricating the revolving door. *People, Place and Policy*, 1, 80-89.

Garthwaite, K. A., Collins, P. J., and Bambra, C. (2015) 'Food for thought: An ethnographic study of negotiating ill health and food insecurity in a UK foodbank', *Social Science and Medicine*, 132, 38-44.

Garthwaite, K. (2017) "'I feel I'm Giving Something Back to Society": Constructing the 'Active Citizen' and Responsibilising Foodbank Use', *Social Policy and Society*, 16(2), 283-292.

Gillies, V. (2012) 'Family policy and the politics of parenting: from function to competence', *The politicization of parenthood*, 5, 13-26.

Hedderman, C., and Gunby, C. (2013) 'Diverting women from custody: The importance of understanding sentencers' perspectives', *Probation Journal*, 60(4), 425-438.

- Henley, A. (2014) 'Abolishing the stigma of punishments served', *Criminal Justice Matters*, 97(1), 22-23.
- Hills, J. (2014) *Good times, bad times: The welfare myth of them and us*, Bristol: The Policy Press.
- Jensen, T. (2013) 'Austerity Parenting', *Soundings: A Journal of Politics and Culture*, 55(1) 60–70.
- Jensen, T. (2014) 'Welfare commonsense, poverty porn and doxosophy', *Sociological Research Online*, 19(3), 3.
- Kotova, A. (2014) 'Justice and prisoners' families', Howard League Working Papers, available from: https://ore.exeter.ac.uk/repository/bitstream/handle/10871/23508/HLWP_5_2014_2.pdf?sequence=1&isAllowed=y
- Lambie-Mumford, H., and Dowler, E. (2014) 'Rising use of “food aid” in the United Kingdom', *British Food Journal*, 116(9), 1418-1425.
- Leggett, W. (2014) 'The politics of behaviour change: nudge, neoliberalism and the state', *Policy and Politics*, 42(1), 3-19.
- Mccarthy, L., Batty, E., Beatty, C., Casey, R., Foden, M., and Reeve, K. (2015) 'Homeless people's experiences of welfare conditionality and benefit sanctions', Sheffield Hallam University, available from: <http://shura.shu.ac.uk/14613/>
- McGaw, S., Scully, T., and Pritchard, C. (2010) 'Predicting the unpredictable? Identifying high-risk versus low-risk parents with intellectual disabilities', *Child Abuse and Neglect*, 34(9), 699-710.
- Mirza-Davies, J. and McGuinness, F. (2016) 'Work and Health Programme, Briefing Paper Number 7845', available from: <http://researchbriefings.files.parliament.uk/documents/CBP-7845/CBP-7845.pdf>
- Ministry of Justice (MoJ) (2014a) 'Update on delivery of the Government's strategic objectives for female offenders' available from: <https://www.bl.uk/britishlibrary/~media/bl/global/social-welfare/pdfs/non-secure/u/p/d/update-on-delivery-of-the-governments-strategic-objectives-for-female-offenders.pdf>
- MoJ (2014b) 'Statistics on Women and the Criminal Justice System 2013', available from: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380090/women-cjs-2013.pdf
- National Offender Management Service (NOMS) (2012) 'A Distinct Approach: A Guide to Working with Women Offenders', available from: <https://www.justice.gov.uk/downloads/publications/noms/2012/guide-working-with-women-offenders.pdf> last accessed on 14 October 2017
- Povey, L. (2017) 'Where Welfare and Criminal Justice Meet: Applying Wacquant to the Experiences of Marginalised Women in Austerity Britain', *Social Policy and Society*, 16(2), 271-281.

Pratt, J. (2011) 'Penal Excess and Penal Exceptionalism', in A. Crawford (eds) *International and comparative criminal justice and urban governance: Convergence and divergence in global, national and local settings*, Cambridge: Cambridge University Press, pp 252-275.

Prison Reform Trust (2017) 'Why focus on reducing women's imprisonment?', Prison Reform Trust, available at:
http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/why%20women_final.pdf

Turnbull, S., and Hannah-Moffat, K. (2009) 'Under these conditions: Gender, parole and the governance of reintegration', *The British Journal of Criminology*, 49(4), 532-551.

Wacquant, L. (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity*, Durham, N.C: Duke University Press.

Webster, D. (2014) 'JSA Sanctions and Disallowances', Evidence submitted to the House of Commons Work and Pensions Committee Inquiry into the Role of Jobcentre Plus in the reformed welfare system, Second Report of Session 2013-14, Vol. II, pp. Ev w90-w101.

Webster, D. (2015) 'Benefit sanctions: Britain's secret penal system', *Centre for Crime and Justice Studies*, available from: <https://www.crimeandjustice.org.uk/resources/benefit-sanctions-britains-secret-penal-system>

Wenham, A. (2016) "'I know I'm a good mum–no one can tell me different": Young mothers negotiating a stigmatised identity through time', *Families, Relationships and Societies*, 5(1), 127-144.

Youth Justice Board (YJB) (2009) 'Girls and offending - patterns, perceptions and interventions', available from:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354833/yjb-girls-offending.pdf

ⁱ 'At risk' refers to their risk of re-offending, in the women's centres this was operationalised as having two or more of the following risk factors: homelessness, drug or alcohol disorder, poverty, sexual victimisation, domestic abuse.

ⁱⁱ A gender specific reoffending and rehabilitation strategy brought in under New Labour which sought to reduce the number of women sent to prison in favour of addressing needs and vulnerabilities in the community.

ⁱⁱⁱ The chivalry thesis posits that women receive preferential treatment within the criminal justice system; they are viewed in a paternalistic fashion as childlike and in need of help (see Crew, 1991; Curran 1983).

^{iv} Foucault's (1977) term 'carceral archipelago'; describes the dispersal of disciplinary mechanisms of social control that permeate societal institutions.

^v When a benefit sanction is imposed, claimants can apply for a hardship payment to cover day-to-day living costs, this takes around two weeks to be instated, some vulnerable groups (those pregnant, lone parents, with a health condition) have immediate access to a hardship payment (DWP, 2017b).

^{vi} The Work Programme was introduced in 2011 as part of the Coalition government's welfare reforms, it was the flagship welfare-to-work scheme until 2017 when it was replaced by the Work and Health Programme in 2017 (DWP, 2012; Mirza-Davies and McGuinness 2016).

^{vii} Capital is used in the Bourdieusian sense; educational capital is one form of symbolic as opposed to economic capital (see Bourdieu, 1984).

^{viii} Parent Assessment Manual which is used by social workers (and other multi-disciplinary professionals from school staff to voluntary sector workers) working with vulnerable families to assess whether there is a capacity be a parent (McGaw et al, 2010)

^{ix} A number of participants had recently completed a 'Make Change Happen' course at the day centres which focused on empowering women to make 'better' decisions.