



Independent review of Jobseeker's Allowance Sanctions

Joint submission from DrugScope & Homeless Link – January 2014

INTRODUCTION

Homeless Link is the national membership charity for organisations working directly with homeless people in England. With over 500 members, we work to make services for homeless people better and campaign for policy change that will help end homelessness.

DrugScope is the national membership organisation for the drug and alcohol treatment sector in the UK and is the leading independent centre of expertise on drugs and drug use. DrugScope represents around 450 member organisations involved in drug and alcohol treatment, young people's services, drug education, criminal justice and related services, such as mental health and homelessness.

Research suggests that whilst the majority are keen to work, around 80% of the almost 200,000 problematic drug users in treatment in England (i.e. those using or formerly using heroin and / or crack cocaine) are unemployed, and that problematic drug users make up almost 7% of the working age population on benefits in England, whilst only making up around 1% of the overall working age population.¹ In addition to the problems associated with substance use itself, people with histories of substance use and current users often experience a range of complicating factors including poor physical and mental health, housing problems, low educational attainment and offending histories.

The situation for homeless people and rough sleepers is similar. Research from 2010 by St Mungo's and Demos² reports that over 90% of their clients were not in employment, and that two-thirds had been out of work for 5 or more years.

However, studies³ have shown that the overwhelming majority of homeless people and people with histories of substance use want to enter paid employment:

"I want a job. I find it humiliating having to sign on"

DrugScope survey

These disproportionate levels of long-term unemployment mean homeless and substance dependent clients will be amongst the most likely to be referred to mandatory programmes, and therefore, we believe that their voices should be heard when considering how these schemes can work effectively and fairly.

¹ <http://research.dwp.gov.uk/asd/asd5/rports2009-2010/rrep640.pdf>

² http://www.mungos.org/homelessness/publications/latest_publications_and_research/1295_st-mungo-s-work-matters-report

³ http://www.crisis.org.uk/data/files/admin_uploads/WILLOW/no_home_no_job.pdf

RECOMMENDATIONS TO THE INQUIRY

Some of these recommendations may sit outside the specified remit of the inquiry, but we believe they could play an important role in making the sanctions process operate more effectively:

Recommendation 1 – Ensure information around sanctions is always clear and understandable:

Information needs to be produced in ways individuals who are vulnerable and with complex and multiple needs can understand and, where appropriate, shared with other agencies providing support to them. This may mean making information available in a number of ways, repeating it periodically, and ensuring that people are able to both understand and remember the requirements they are subject to.

Recommendation 2 - Make conditionality realistic:

Ensure conditionality is appropriate to individuals' needs and realistically reflects their ability to meet these. These must be based on better assessments of clients' needs and communicated in ways clients can understand – this could include adopting more widely the principles of flexible or tailored conditionality, or extending the additional protection for Employment and Support Allowance (ESA) claimants deemed to be vulnerable on the Work Programme to all ESA claimants and also to Jobseeker's Allowance (JSA) claimants. Central to this is the initial assessment and diagnostic approach used in the Work Programme and also, to an extent, Jobcentre Plus (JCP). There have been longstanding problems in the correct identification and encouragement of disclosure of people who are homeless or have substance-use related problems. Overcoming this would enable employment support to be targeted more effectively, as well as – potentially – enabling the application of a level of conditionality that pays heed to an individual's circumstances.

Recommendation 3 - Work to ensure a consistent approach across Jobcentre Plus and contracted-out provision

There needs to be detailed analysis as to why levels of non-compliance and recommendations for sanction seem to vary between Work Programme providers. That may be part of this inquiry's work but if it is not then we believe some further work is needed.

Recommendation 4 - Develop the evidence base for conditionality in contracted-out provision:

There are currently two pilots within the Work Programme for people with histories of drug and / or alcohol use – *Recovery Works* and *Recovery and Employment*⁴. These pilots will test the idea that more use of Work Programme supply chains or the financial incentive being more closely aligned to need will result in a more effective offer. As well as improved job outcomes, it is expected that engagement in the Programme more generally will be improved; an indicator of this would be lower sanctions and / or fewer compliance doubts. If effective, this should be reflected in the design of future provision.

Recommendation 5 – Increase the range of sanctions available:

A financial penalty of even a month for homeless and substance dependent clients could be the difference between them losing their accommodation or suffering some other serious harm and not. A more diverse range sanctions (including non-financial sanctions such as increased frequency of signing) could address this

Recommendation 6 - Remove certain groups from the sanctioning process:

Individuals who are homeless and/or substance dependent often need to focus on addressing immediate needs. This is beneficial to DWP because by dealing with immediate

⁴ <http://www.drugscope.org.uk/Resources/Drugscope/Documents/PDF/Policy/WorkProgrammePilots.pdf>

barriers such as homelessness, insecure accommodation or chaotic substance use, clients are making it much more likely they will be able to obtain employment in the future. DrugScope and Homeless Link welcome the provision for tailored conditionality for defined groups of Universal Credit claimants and would welcome this being formally extended (within the current legislative framework) to claimants of JSA and ESA as an interim measure before the full roll-out of Universal Credit. We will also await with interest a definitive statement on how tailored conditionality will interact with mandatory employment support, including the Work Programme.

Recommendation 7 - Adjust the Mandatory Reconsideration rules:

The mandatory reconsideration rules should be at least time-limited. Currently it puts clients in an open-ended position that may place them at risk of destitution. For claimants who are often already extremely vulnerable, this could be life-threatening.

Recommendation 8 – Include Housing Benefit advice on JCP sanctions letters:

A simple paragraph on sanctions letters advising clients claiming Housing Benefit to contact their local authority could prevent vulnerable claimants accumulating avoidable rent arrears.

Recommendation 9 - Work on developing relationships between Jobcentre Plus, mandatory work activity schemes and local homelessness and substance dependency services:

There are models of good practice where agencies are working in partnership to move clients closer to the labour market, there could be real benefits in replicating these, using a similar model to that outlined in the National Treatment Agency (now Public Health England) document Employment and Recovery a Good Practice Guide⁵, including the use of named single points of contact at both treatment services and Work Programme providers. Whilst this has not been uniformly effective, there are some encouraging indications of improved partnership working.

In addition to the examples referred to above, the former Drug Coordinators within JCP were widely welcomed and were felt to have improved partnership between JCP and treatment providers. Whilst many of the former Drug Coordinators are still in place as Borough Partnership Managers, their remit has been broadened and some consideration should be given to how partnerships can continue to be strengthened for the most vulnerable groups.

Recommendation 10 - Ensure the Universal Credit Local Support Services Framework is resourced adequately and that local authorities work with Jobcentre Plus to identify vulnerable claimants and potential support providers:

The new, tougher conditionality rules under Universal Credit will almost certainly create difficulties for homeless and substance dependent clients. It is vital that agencies supporting them have the resources they need, and that effective partnerships are developed that will support at-risk claimants to manage the transition to the new benefit, avoid negative outcomes and to move closer to employment. Safeguards and proper piloting needs to be in place to ensure tools for identifying homeless and substance dependent clients function effectively.

Recommendation 11 – extend additional protection from vulnerable ESA claimants to all claimants participating in the Work Programme or other mandatory activities.

Work Programme providers and the Employment Related Services Association have expressed concern about the number of JSA claimants with significant and long term health problems, and particularly mental health problems. Extending the stipulation that providers must ensure that the jobseeker has 'understood the requirement to undertake the required mandatory activity' to JSA claimants would provide additional protection to jobseekers on job-ready benefits but who are nevertheless vulnerable.

⁵ <http://www.nta.nhs.uk/uploads/employmentandrecovery.final.pdf>

EVIDENCE TO SUPPORT OUR RECOMMENDATIONS

Part A - Our Organisational experience and knowledge

Historically both organisations have had a role regularly liaising with the Department of Work and Pensions (DWP) on benefit issues affecting homeless and substances dependent people. For example Homeless Link sits on informal groups with DWP officials looking at conditionality/sanctions, works regularly with the DWP Social Justice team and is a member of the DWP Operational Stakeholder and Policy Forums.

DrugScope also has a number of roles liaising with DWP including membership of the Operational Stakeholder and Policy and Strategy Forums, the Local Support Services Framework VCS Reference Group and works closely with the DWP officials around a number of policy and implementation areas relating to drug and / or alcohol use including welfare reform and employment support.

DrugScope's London Drug and Alcohol Network also delivers a Trust for London-funded project – Routes to Employment.⁶ This has involved working with employers, providers of education, training and employment (ETE) services and treatment providers as well as people in treatment themselves to better understand how good and effective practice can be identified and disseminated.

Following concerns from our member agencies around both the Work Programme and increases in benefit sanctions Homeless Link has undertaken two pieces of research which provide some of the evidence for this response.

- Research by Crisis, Homeless Link and St Mungo's conducted in 2011 on how well the Work Programme (WP) was functioning for homeless people. Whilst we acknowledge that this is some time ago, we are not aware of significant changes (other than the introduction of a new sanctions regime in late 2012) that lead us to believe the findings are not still broadly representative. The research found that generally the programme was failing to meet the needs of homeless people with 22% of clients interviewed having been sanctioned.⁷
- 2013 research on the rates and impact of JSA and ESA sanctioning amongst homeless people. We found that 30% of JSA clients in homelessness projects had been sanctioned. 86% of agencies had seen an increase in sanctions in the last 12 months. Whilst we did not specifically disaggregate those on the Work Programme from those not, there was nothing in the responses to suggest any significant difference between the two.⁸ DrugScope has also carried out related research:
- In late 2012 DrugScope undertook a survey of 72 Work Programme customers with histories of drug and / or alcohol use. Of the 25 who answered the questions concerning their understanding and awareness of conditionality and experience of sanctions, 11 had not fully understood the conditionality regime they were subject to, and a similar number had been sanctioned. In several cases there was the suggestion that the sanction or compliance doubt may have resulted from an administrative or communication error (such as not being informed of a new or changed date and time for an appointment) or due to the provider not taking into consideration legitimate commitments relating to drug and / or alcohol treatment

⁶ <http://www.ldan.org.uk/employment.html>

⁷ <http://homeless.org.uk/news/work-programme-not-working-homeless-people#.UsKEzskYadI>

⁸ <http://homeless.org.uk/news/benefit-sanctions-hitting-homeless-people-hardest#.UsKGjckYadI>

- In 2013, DrugScope’s London Drug and Alcohol Network conducted research with a large number of people in treatment for or in recovery from substance use. Over 150 people responded to a structured questionnaire, whilst around 30 people participated in detailed, qualitative interviews designed to learn more about their engagement with the job market, with ETE services (including, where applicable, the Work Programme and other initiatives such as Work Experience and Mandatory Work Activity). The report will be published in early 2014, but a key finding for the purpose of this submission is that participants had a general understanding of conditionality and broadly expressed a measure of support for it. However, many expressed concerns about whether basic standards of fairness and proportionality were currently adhered to.

The findings from these separate pieces of work appear to confirm other research into the subject. A recent review of the available evidence on sanctions stated:

“The literature suggests that those who are particularly vulnerable to sanctions are also the most disadvantaged. This includes people that lack work experience or who face practical barriers to work, such as not having access to a car; or those with health problems, including drug and alcohol dependencies; and those with mental health difficulties”⁹

Similarly, a 2012 report by the Social Security Advisory Committee on Universal Credit and Conditionality noted that:

“The evidence suggests that many vulnerable claimants do not set out to be non-compliant but they often lead chaotic life-styles, have poor organisational skills and frequently forget the conditions they are supposed to fulfil. A recent study of offender employment services also referred to the chaotic lifestyles of many offenders and their inability to understand the sanctioning regime, and questioned the utility of sanctions as a mechanism for generating behaviour change amongst certain groups.”¹⁰

Part B – Answers To The Specific Questions Asked By The Inquiry

We have attempted to address the five questions specified in the inquiry, some at length and others more briefly. Throughout, we have also included quotes and examples given by staff and clients in services so the inquiry can hear the feedback of those directly affected by sanctions. When we refer to “clients” we mean people who are homeless and/or currently or formerly substance dependent individuals, usually accessing support services. Where we use the term “claimant” instead it is specifically in the context of a client interacting with the benefit system.

Homeless Link and DrugScope understand that conditionality has played a role in the social security system since its inception in something approximating its modern form in the early years of the 20th century, but believe that it should be fair, appropriate to the individual and aimed at helping people move closer to paid employment. Where conditionality is breached, the sanction should be proportionate, appealable, and communicated in a way that minimises harm to the claimant.

This is a view shared by the majority of the clients interviewed in research by DrugScope involving over 180 jobseekers with histories of drug and / or alcohol use. The majority of participants interviewed understood the need for conditionality. Many were concerned about

⁹ <http://www.scotland.gov.uk/Resource/0044/00440885.pdf>

¹⁰ <http://ssac.independent.gov.uk/pdf/universal-credit-and-conditionality.pdf>

fairness and proportionality, with one participant commenting, when asked about engagement with Jobcentre Plus:

“I just try to get in and out as quickly as possible – they’re just there to catch you out”

If conditionality and sanctions are having the effect of reducing meaningful engagement with employment service provision (whether Jobcentre Plus or contracted out), there may be unintended and harmful consequences to consider.

The terms of reference specifying “*sanctions where claimants of JSA have had their benefits reduced for failing to participate in a mandatory back-to-work scheme such as the Work Programme*” create a challenge for us, as clients are sometimes unsure why they have been sanctioned, and we have seen few signs that clients have a different experience of the conditionality and sanctions regime when on the Work Programme than when not. Consequently, whilst we have tried to address the questions directly, we have inevitably had, to an extent, to interpret the terms of reference somewhat broadly.

Question 1 –

To what extent do JSA claimants understand that when they are referred to a 'back-to-work' scheme (such as the Work Programme) their benefit may be sanctioned if they don't take part?

There is some difficulty for us in answering this question relating to the level of understanding that clients frequently have. Rather than being fully aware or conversely entirely ignorant of the expectations of them and the penalties for failing to meet them, our experience is that whilst most individuals may have a general understanding that they are potentially open to sanction for not following instructions, they are less clear about the specific requirements and penalties. Evidence collected by both Homeless Link (HL) and DrugScope (DS) suggests this is a problem.

“[Clients] would [have] acted differently had they known the potential consequences of not fulfilling a certain requirement”.

Homelessness service, staff

“It would be useful, [if] from the outset, claimants [were] made aware of the requirements and the circumstances where they may face a sanction”.

Homelessness service, staff

Other examples emerged where clients stated that it was not made clear to them whether they were attending a training course or a work placement, and other instances where clients were unaware they were on a mandatory scheme of any kind.

DrugScope’s survey of clients on the Work Programme¹¹ found that some participants had not been informed they could lose benefits if they failed to keep appointments or meet other commitments. Reflecting on the SSAC report on Universal Credit and Conditionality referred to above, it is possible that these clients were informed of the requirements placed on them, but that they had not fully understood or were unable to remember them. This in itself would

¹¹<http://www.drugscope.org.uk/Resources/Drugscope/Documents/PDF/Policy/DrugScope%20Autumn%202012%20WP%20survey.pdf>

be problematic as to be effective, conditionality should be realistic for the particular client and, crucially, meaningfully understood by them:

“The reality is there is probably a greater tendency, particularly for those who have been receiving various type of support for many years, to assume that they can explain the reasons they failed to meet their conditions retrospectively.”

Treatment provider, staff

Whilst this expectation may be inaccurate and for the client unhelpful, it emphasises the need for due care to be taken in ensuring that long-term claimants understand conditionality, and that people don't mistakenly (and often in good faith) accrue sanctions on the basis of a mistaken assumption.

From our experience, the expectations placed upon clients do not always seem to be reciprocated in what Work Programme providers deliver. Homeless Link's 2011 research¹² found providers frequently fail to offer a high-quality, tailored and personalised service to clients including (for example) unilaterally cancelling meetings, not carrying out promised activities or performing tasks inadequately. Over half the clients surveyed by both Homeless Link and DrugScope had seen their Work Programme provider once a month or less frequently, and we have concerns about access to the type of specialist support that is best placed to meet support needs and address the barriers of jobseekers with multiple and complex needs. This frequently leaves clients feeling there is a double-standard in terms of making mistakes.

“They said I would get help and my benefits wouldn't get cut off, but that's not how it went - it put me in jeopardy for three or four weeks. My housing benefit was cut off, my JSA stopped....I was misguided.”

Homeless client advised to become self-employed by WP staff

“A service user was given information about sanctions to benefits by a Work Programme provider that was out of date and was therefore irrelevant and [caused] confusion”.

Treatment provider, staff

There is genuine confusion amongst clients as to how the interaction between Job Centre Plus (JCP) and the Work Programme works. Some do not understand that they can be sanctioned for not following a Work Programme directive in the same way they can be for not doing what JCP tells them. This misunderstanding may be exacerbated by Work Programme providers repeatedly stating that they do not sanction people; whilst this is procedurally correct (i.e. providers merely raise a compliance doubt), it may mean that key messages become muddled.

Clarifying the relationship between Work Programme non-compliance (or non-compliance with any other contracted-out provision) and JSA sanctions would be useful. This includes the use of services such as Universal Jobmatch: members have informed us of examples where all the records of work done by clients looking for employment under Universal Jobmatch have been lost when claimants have been moved onto the Work Programme.

¹² <http://homeless.org.uk/news/work-programme-not-working-homeless-people#.UsKEzsKYadI>

Question 2 –

To what extent does a claimant’s failure to meet their conditions arise from them not having a sufficient understanding of what is expected? Are there ways in which this could be made clearer to them?

The detailed findings from the Homeless Link research¹³ suggest that this is an issue. Whilst homeless people were ten times more likely to be sanctioned than an average JSA claimant, certain groups within the homeless population were particularly overrepresented. These included individuals with substance misuse issues, mental health problems, learning difficulties, literacy problems and difficulties with English not being their first language. There was also a hugely disproportionate amount of young people affected; this maybe because they are more likely to be new to benefits and conditionality.

For claimants on ESA and who are also considered to be vulnerable (although the definition of ‘vulnerable’ is unclear in this instance), there is some potential additional protection offered by the stipulation in Work Programme Provider Guidance that providers must make “every effort to ensure that the participant has understood the requirement to undertake the agreed mandatory activity” prior to raising a compliance doubt (the initial step that may result in a sanction being applied).¹⁴ This additional layer of protection is welcome, although we are unable to comment on how consistently it is applied. Work Programme stakeholders including the Employment Related Services Association have suggested that there is a substantial number of JSA claimants with long-term mental health problems, so it is reasonable to assume that there will be vulnerable people on JSA, plus additional vulnerable people on ESA but not considered vulnerable for this purpose who will not benefit from this protection.

In 2013, the Court of Appeal ruled that sanctions are potentially unlawful if they follow from notices simply telling individuals that they must follow “any activities” mandated by mandatory work scheme providers¹⁵. In this case, thousands of notices were ruled to have been of such poor communicative standards as to be “defective”. If communications are inadequate for the general JSA claimant population to understand, they are likely to be impenetrable to individuals with language and literacy issues, a cognitive impairment or memory problems:

“It’s all mumble-jumble to me because I’ve got dyslexia, Sue’s been helping me with the papers, I just really struggle around some of that stuff ... I just read the letter I can’t take it in”.

Homeless client

“I have [had it explained to me] but it has been explained in a matter of fact way without any understanding for other individual circumstances being taken into account.”

DrugScope survey

The court ruled that, as a matter of fairness, jobseekers must be provided with enough accessible information to be able to make adequate representations around any mandatory work schemes they might be told to participate in. We believe the principle that information needs to be full and understood by claimants should be applied to all communications, and

¹³ <http://homeless.org.uk/news/benefit-sanctions-hitting-homeless-people-hardest#.UsKGicKYadI>

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264722/wp-pg-chapter-6.pdf

¹⁵ <http://www.judiciary.gov.uk/Resources/JCO/Documents/Judgments/reilly-wilson-v-secretary-state.pdf>

that the means and frequency of communication should pay heed to individual need rather than benefit type.

We also feel that there is a further problem that relates to this question, and that is the extent to which claimants fail to meet their conditions as a result of those conditions being unrealistic. We are concerned that whilst provider diagnostic tools appear to be generally of a reasonable quality, we are aware that very often, serious barriers to employment including homelessness, substance use, mental health problems and so on, are not immediately disclosed or identified, and that often, JCP are unable to convey this information. This may lead, at least during the early stages of a client's engagement with the Work Programme, to a misunderstanding of the client's needs and barriers both to employment, but also to engagement.

The Gregg Review into conditionality in 2006 recommended that there needed to be a variety of conditionality groups which acknowledged differing proximity from the labour market. The Government have stated explicitly that neither Job Centre Plus nor Work Programme providers should be giving people unrealistic tasks beyond their individual abilities.

The reality is that homeless and substance dependent clients may agree to undertake activities but then struggle to do so as a result of their support needs and often substantial barriers to employment. For example, they are more likely to experience mental ill-health, domestic violence, low confidence, low self-esteem and aspirations, feelings of stigma, difficulty in relating to other people and fluctuating health conditions. This was acknowledged in a recent Social Security Advisory Committee report referred to above, and is reflected in the principles of flexible conditionality, where expectations will be varied to take into consideration the requirements of vital non-employment support related activity.

This principle is further extended with tailored conditionality under Universal Credit, in which claimants are eligible for exemption from work search and availability requirements to enable them to focus on accessing recovery orientated treatment for substance use. This has the double effect of not only enabling participation in treatment, but also acting as a positive incentive to enter treatment in the first place.

The research which Homeless Link undertook with Crisis and St Mungo's¹⁶ found that the Work Programme was generally not meeting the needs of homeless clients (some of whom also had substance dependence issues):

- Homeless people (including rough sleepers) were not being identified and were thus placed in the wrong Work Programme group;
- 78% of those with drug and alcohol problems did not consider that they had received helpful advice and support from their Work Programme provider in these areas;
- 64% of homeless people on Work Programme did not feel more optimistic about gaining employment;
- 58% of homeless people had never been talked to by their Work Programme about their individual barriers to employment;
- 58% felt stigmatised by their Work Programme provider
- 22% had been sanctioned;

Testimony from clients on the Work Programme suggest mixed experiences, but also potentially signs of conditionality being applied which may be unsuitable or unrealistic for the client group in question:

¹⁶¹⁶ <http://homeless.org.uk/news/work-programme-not-working-homeless-people#.UsKEzsKYadI>

“I think they’re (Work Programme provider) a fantastic resource, if you’re in the position, they can help with your CV, to look for jobs, you can go in and use the computer or jobs board, it’s another resource you can use, but they’ve got no training about dealing with people in recovery and they expect you to go for things too early.”

DrugScope survey

“[My] action plan does not consider the problems I have with addiction issues or offending and physical health issues.”

Homeless client

“I know they’ve [Work Programme staff] had training, but they don’t look at us as terribly nice people, and certain things said that you don’t like – stigma. ‘Those people just need to pick themselves up and get a job’ – that’s their core belief!”

DrugScope survey

“It [the Work Programme support] has been a very patronising service. When I attended a mandatory computer course I was told off in front of the class and the tutor made me cry”

Homeless client

It seems likely that some of the above can be explained by high caseloads: the Work and Pensions Select Committee recently reported that caseloads per adviser in the Work Programme were around 120-180 jobseekers¹⁷. With caseloads of that size, it is difficult to see how the ambition of delivering tailored and personalised support will be achieved. Indeed, we have seen signs of unrealistic expectations being uniformly placed upon people, for instance, hostel residents with very limited access to IT facilities being directed to apply for 50 jobs per week, rather than the sort of personalised support that would acknowledge serious barriers of that sort and, ultimately, support claimants to overcome them.

The experience of both DrugScope and Homeless Link mirrors findings from the Select Committee and early qualitative research into the Work Programme¹⁸ that access to specialist provision, for those with support needs, appears to be limited. Indeed most of the homelessness charities initially involved in the Work Programme supply chains have withdrawn and whilst a number of treatment providers remain, their experience has been mixed in terms of the volume and appropriateness of referrals. Both Homeless Link and Drugscope believe that one of the mechanisms by which complex clients can be engaged and retained is by provision of specialist services by appropriately skilled and experienced staff, or through coordinated partnership to deliver the same service jointly.

In summary - without appropriate assessment of needs and support of each homeless and substance dependent client Work Programme providers are likely to have difficulty in knowing whether the expectations they are setting are realistic and there appears to be a risk that they default to standard directions.

¹⁷ <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmworpen/162/16203.htm>

¹⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/193323/rrep821.pdf

Question 3

Do sanctioned claimants understand why they have been sanctioned, and if not are there ways in which this could be made clearer to them?

Question 4

Do sanctioned claimants feel informed throughout the sanctions process, and if not how could their awareness be improved?

We have made several observations concerning communication problems in previous answers; many of these also apply here.

We have been given examples of clients receiving unclear, contradictory and factually incorrect information around the reasoning for sanctions and the types of sanctions.

“One individual...was given a 13 week sanction to benefits, however, the letter that was received after this indicated that a 13 week sanction didn't exist”

Treatment provider, staff

We are also aware of clients who have been told to stop taking the initiative in trying to improve their employability by attending non-Work Programme or JCP courses or activities, and in some cases have been sanctioned for doing so:

“I am losing all my benefits for missing one appointment to attend a training scheme that I arranged myself”.

DrugScope survey

Furthermore, they do not necessarily anticipate being sanctioned for not taking part in a mandated activity when the reason is an emergency, due to an event beyond their control, or where they have clearly taken every reasonable step possible to inform their provider. However, we are aware of cases where people have been sanctioned for not attending appointments because they were in hospital or because they were taking their child for emergency treatment or because of what appear to be staff errors on the part of the Work Programme provider or JCP:

“They sanctioned me and didn't give me any reason for it. They said I'd missed the appointment but I hadn't missed the appointment, they keep changing things”.

Homeless client

Other research has also found that the use of sanctions in the benefits system is complex and that requirements and regulations are too difficult for both staff and claimants to understand.¹⁹

It also appears clients often only realise they have been sanctioned when no money appears in their bank account with letters arriving afterwards. Particularly because Housing Benefit often needs to be sorted out quickly this lack of formal notice creates a lot of problems. The period in which a Housing Benefit (HB) or Local Housing Allowance (LHA) claimant must inform a council of a change of circumstances and provide proof of their reduced income is time-limited. If they fail to do it within the relevant “window” they will lose their entitlement for that period and end up with overpayments and arrears. This can lead to hundreds of pounds

¹⁹ <http://www.jrf.org.uk/publications/review-of-benefit-sanctions>

worth of debt, may put their accommodation at risk or, if they are in a hostel, damage their prospects of move-on to more independent accommodation. Unfortunately, many clients see much of the work of contracted-out providers and JCP as a target-driven procedural exercise which has little to do with helping them find work, and more attention is given to compliance with conditionality than effective employment support. Some view the implementation of sanctions as part of a cynical process and believe that the “real” reason they are sanctioned is because they are seen as easy targets:

“Advisors are seen [by clients] as data collectors, and unsympathetic pen pushers, who are not interested or motivated by supporting service users into employment”

Treatment provider, staff

“[I was sanctioned] for missing an appointment that I wasn’t informed about”

DrugScope survey

“Many people are getting sanctioned by not attending interviews sometimes because they are homeless or get put into different supported accommodation and letters get sent to wrong addresses”

Homeless agency, staff

“I am a recovery support worker and already this morning two people have come in after being sanctioned. It seems that some of the people being sanctioned there is no reason”

Homeless agency, staff

This impression is strengthened when people are sanctioned because of mistakes made by Work Programme Providers and JCP. We know cases where clients have been told appointments have been cancelled and then they have been sanctioned for not attending, or when communication has failed.

“[The Job Centre said I] had an appointment in London for a Work Programme that I hadn’t been on for a year and a half but then they were trying to say I’d get sanctioned for that”

Homeless client

To improve awareness, we believe there could be real value from Work Programme providers learning from good practice initiatives adopted by some Job Centres working in partnership with local homelessness and/or substance misuse services. These include the use of dedicated link workers, outreach services provided by Job Centre Plus or other forms of co-location and joint awareness raising sessions. Homeless Link recently worked with DWP to run a series of events promoting this type of joint work. We have been given case studies where JCP, Work Programme Providers and homelessness agencies or substance use treatment providers have worked collaboratively to use their respective skills and tools to encourage and motivate clients to take part in activities which move them closer to the labour market.

“Once we broke through we realised that they (the local Job Centre Plus) wanted the same things as us and they now have empathy with our residents. The relationship is built on trust which has been built up over the past few years ... Get to know the

people who work at your job centre. Once they know who you are and what you are trying to achieve they will treat you and your clients differently.”

Homelessness service manager

“The job centre let us know if there are any issues with clients and we can deal with them before they escalate ... Our positive relationship with the job centre means we have managed to avoid many of our residents receiving sanctions.”

Homelessness Service Manager

“Although we are spending a lot of time on the phone we now have a drug champion at the job centre who is brilliant and understands our client group”

Homelessness service user representative

Similarly, in some areas, drug and/or alcohol services work in partnerships with Jobcentre Plus, treatment agencies and providers of contracted-out employment. This collaborative approach tends to deliver stronger results in supporting individuals towards employment.

Question 5 - To what extent are sanctioned claimants aware of the help available to them from Jobcentre Plus? For instance are they aware of how to appeal a decision or how to seek help through hardship payments? Are there ways in which this could be made clearer to them?

As mentioned previously, homeless and substance dependent clients often tend to have negative experience or expectations of Job Centre Plus. Sanctions, with their associated stress and anxiety for vulnerable people are likely to make this worse. Unfortunately this means clients are often unlikely to believe JCP will provide them with much help.

“Threatening people to do things when their only other choice is to starve hardly seems the way forward”

DrugScope survey

“I don’t see the same person all the time you see, I’ve seen different people and you can get, you know, a different response “

Homeless client

“I don’t get why the job centre lie to you so much, they say they’re doing one thing and then do the exact opposite or just do things without telling you”

Homeless client

“My relationship with the job centre staff wasn’t positive as they are a face of a bad service which is unfortunate for them”

Homeless client

“[You] will be put through to someone else and it is difficult to get a coherent answer from someone. You find sometimes they are swift but normally it is a slow process”

Homeless agency, staff

"[A client] hadn't managed to sign on because she had been made homeless and felt she could go in at a later date and tell JCP of this and they would understand. JCP raised the fact that she had failed to evidence job searching...she hadn't understood she needed to evidence job searching a particular way."

Treatment provider, staff

Many clients and staff also described the difficulty they had experienced in appealing against sanctions, particularly the length of time and amount of work the process takes up.

"One of the advisors I click with...I told him my situation and he asked why I had not been given an appeal form, they purposely hold that from you."

Homeless client

"JCP staff are inconsistent in the information, advice and guidance they offer claimants around appeals, and hardship payments. It appears JCP staff themselves are unclear around financial support post sanctioning, and whilst some offer claimants guidance, others do not. The lack of consistency adds further anxiety to an already difficult situation."

Treatment provider, staff

There are fears that the introduction of Mandatory Reconsideration before appeals can be lodged will cause further problems. It now appears to clients that Job Centre Plus is being asked to adjudicate on its own potential mistakes, which further undermines trust. The fact that reconsiderations are not time-limited adds further concern as it may mean individuals could be left without JSA indefinitely, even if ultimately their sanction is overturned.

There is also much confusion around the material assistance which sanctioned clients can receive. The abolition of Community Care Grants and Crisis Loans, the development of a patchwork of Local Welfare Assistance schemes and the introduction of a system of repayable hardship payments have all created new complexities.

"I wasn't told about hardship payments or options, I was told I could go to the food bank and was given some leaflets."

Homeless client

Homeless Link's research found that Housing Benefit (HB) arrears were the single biggest outcome of JSA (and ESA) sanctions, even though HB is not the benefit being sanctioned. One simple, cost-neutral action which could alleviate this and would enable DWP to better meet its duty of care to vulnerable claimants would be for JCP to add a paragraph to sanctions letters pointing out that Housing Benefit claimants need to inform their local council that their circumstances have changed and that, depending on their circumstances, they may still be eligible to claim based on a declaration of nil income.

Conclusion - Can Sanctions Be Made To Work?

The Minister of State for Employment recently said that sanctions should be judged on the following criteria:

“Was it proportionate? Is it right? Is it having the right effect? Are people adhering to the rules? Does this help us? All we want to do is help people engage, to move into a job”²⁰

Our evidence is that the current sanctions regime is frequently harmful, often perceived as unfair, and may even be counter-productive - moving people further away from the labour market rather than closer to it.

The Homeless Link survey of agencies found that sanctions had the following impacts:

- 69% - Housing Benefit problems:
- 66% - Increased service charge arrears:
- 60% - Increased rent arrears:
- 53% - Difficulty resettling clients into appropriate accommodation:
- 49% - Increased evictions and notices to quit leading to potential loss of accommodation:
- 18% - Increased client motivation:
- 7% - Better engagement with Jobcentre Plus²¹:

The overall impression from DrugScope and Homeless Link members and clients is that the current sanctions regime creates a culture of fear of doing or saying the wrong thing and may in fact lead to further benefit dependency and harming engagement with employment services, as vulnerable clients fear having benefits removed and never being reinstated. This may lead to many choosing to stay on benefits rather than taking the risk of “failing” in paid employment or volunteering.

In conversation, DWP officials have sometimes used the analogy of homelessness hostels which use warnings and (ultimately) evictions as ways of managing behaviour. We think this is an illuminating comparison because hostels use warnings flexibly, taking into account personal circumstances, aiming to help clients develop skills for greater independent living. Crucially, an increase in warnings and evictions are also seen as a sign that a service is failing and is a cause for concern.

The basic presumption behind the current, increasingly tough, approach to sanctions appears to be that all individuals are always given reasonable and realistic directions which they wilfully choose to not follow. But throughout our research (and that of others) we have found circumstances are usually more complicated than this.

Sadly, for many homeless and substance dependent clients a single inappropriate sanction can undermine months and years of personal life-skills development and even end up with them at risk of losing their home or relapsing into substance use. Clients have described how the fear of sanctions may exacerbate depression, anxiety, paranoia and other forms of mental health problems.

Agencies have told us they are genuinely afraid that as a result of sanctions, vulnerable clients will simply disengage from support helping them move closer to the labour market. If this is the outcome it would seem to undermine the very intent of Government policy.

²⁰ <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmworpen/c479-vi/c47901.htm>

²¹ <http://homeless.org.uk/news/benefit-sanctions-hitting-homeless-people-hardest#.UsKGjckYadI>

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