



Working for benefits: Deservingness and discrimination in the British social security system

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We would like to thank all research participants for taking the time to explain to us the injustices built into contemporary social security systems.



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About ETHOS

ETHOS - Towards a European Theory Of Justice and fairness is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

- a) refining and deepening knowledge on the European foundations of justice - both historically based and contemporarily envisaged;
- b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
- c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
- d) providing guidance to politicians, policy makers, activists and other stakeholders on how to design and implement policies to reverse inequalities and prevent injustice.

ETHOS does not only understand justice as an abstract moral ideal that is universal and worth striving for but also as a re-enacted and re-constructed 'lived' experience. This experience is embedded in legal, political, moral, social, economic and cultural institutions that claim to be geared toward giving members of society their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice and its manifestation – as set out in the complex institutions of contemporary European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and its practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

- a) philosophical and political tradition;
- b) legal framework;
- c) daily (bureaucratic) practice;
- d) current public debates; and
- e) the accounts of vulnerable populations in six European countries (Austria, Hungary, the Netherlands, Portugal, Turkey and the UK).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Utrecht University in the Netherlands coordinates the project, and works together with five other research institutions. These are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019.

EXECUTIVE SUMMARY

In the aftermath of the 2008 financial crisis, the British welfare state came under systematic attack within a broader agenda of deregulation and austerity. As part of ETHOS Work Package 5 on justice as lived experience, this report explores what people understand to be the relation between means-tested working-age benefits and social justice. Its focus is on the impact of welfare retrenchment on three subordinated social categories: disabled persons, foreign nationals and young mothers. The research is based on documentary legal and policy analysis, secondary quantitative data, a literature review on political and media discourses of deservingness, as well as one interview and three focus groups with benefit claimants, activists and caseworkers. Each encounter lasted between 30 minutes and two hours. Most interviewees were recontacted after participating in previous ETHOS studies. All interviews were recorded, transcribed and, where necessary, translated into English.

Findings reveal an influential media and political discourse holding that insufficient motivation to work and other individual factors are to blame for poverty. Under the rule of Conservative-led Governments, this rhetoric provided a cover of legitimacy to coercive measures purporting to make employment more attractive than claiming benefits and instill work-related behaviour. While the principle of 'less eligibility' continues to enjoy broad support, upholding it in a context of increasing in-work poverty has meant plunging families into destitution, riddling them with debt, subjecting their daily lives to close scrutiny and making the conditions and process for claiming benefits increasingly onerous. By effect or by design, these impacts have exacerbated the subordination of disabled persons, foreign nationals and young mothers. Most disabled claimants have faced reduced allowances on the highly contested assumption that they would be able to participate in paid employment. Non-UK jobseekers have been imposed stringent conditions for retaining 'worker' and 'resident' status, including minimum earnings thresholds, compelling evidence of job prospects, language skills and social connections. Due to the scarcity of affordable childcare, single parents of young children, the vast majority of whom are women, have borne the brunt of work-related conditionality. Interviews suggest that some of these impacts are more likely than others to be perceived as flagrant injustices. While migrants have proven willing to accept a degree of less favourable treatment, sometimes by comparing the inadequate support received in their countries of origin, gendered ideals of work and childcare have contributed to stronger opposition toward austerity measures targeting young mothers. Perhaps the most uniformly negative reactions were aroused by the procedural failures of an increasingly complex and automatised system modelled after a vanishing 'standard' employment relationship, whose foremost intention is to ensure that claimants do not receive any more than the amount to which they are entitled.

While sowing division and arousing interpersonal frustrations, benefit cutbacks have also sparked transformative forms of mobilisation. Non-discrimination provisions have provided a legal basis on which to challenge austerity, and specialist charities have been joined by statutory bodies in their support for claimants. International human rights bodies have played an active role in legitimating these cases by condemning in unusually strong terms the negative effects of benefit restrictions. Unions and job centre staff have allied with claimants to contest the Government's insistence on making greater use of sanctions. Driven by an ideal of needs-based social assistance that furthers the interests of precariously employed workers, these alliances may become fertile ground for a renewed politics of social security.

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ABBREVIATIONS

CPAG Child Poverty Action Group

DWP Department for Work and Pensions

ECHR European Convention on Human Rights

EHRC Equality and Human Rights Commission

UC Universal Credit

UK United Kingdom

UN United Nations

WRA Welfare Reform Act

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1. INTRODUCTION

*I wasn't even fighting for anything luxury.
Just for completely basic things.*

Elina Garrick

In the aftermath of the 2008 financial crisis and particularly after the formation of a Coalition Government under the leadership of Conservative prime minister David Cameron in 2010, the British welfare state came under systematic attack as part of a broader agenda of deregulation and austerity.¹ Among other measures, this brought reductions in welfare payments, crackdowns on low waged migrants and pay freezes and privatisations in the public sector.² By most accounts, the 'toxic mix' of austerity and migration politics was among the main drivers of the push for Brexit.³ Critical voices have nevertheless attempted to contest depictions of welfare recipients and migrants as economic threats, drawing attention to the ways in which underinvestment and unbridled markets had set the stage for low productivity and growth.⁴

This report is part of ETHOS Work Package 5 on justice as lived experience. It examines the perspective of those who claim means-tested unemployment benefits. We are particularly interested in the welfare state as a means of inclusion (since access to the welfare state is a fundamental benefit of citizenship) and of exclusion (since access to some elements of the welfare state, particularly unemployment benefits, is associated with social stigma, compulsory work-related activities and marginalisation). In line with ETHOS guidelines, we understand the 'welfare state' to be an institution which provides benefits to everyone in a particular society, regardless of whether they have contributed to the cost of providing them. It also provides *specific* benefits which are seen as meeting needs, rather than sums of money which can be used as the recipient pleases. The aim is to explore what people understand to be the relation between contemporary welfare states and social justice. Is the welfare state an expression of social justice or is it a limitation of freedom? Does it promote equality or entrench discrimination?

To answer these questions, we analysed the retrenchment of the welfare state and its consequences on various social categories, based on documentary legal and policy analysis and quantitative data. Drawing on secondary literature, we also examined who was targeted as deserving and undeserving in political and media discourses. Finally, we conducted one interview and three focus

¹ Pier-Luc Dupont and Bridget Anderson (2018), [UK report on the economic struggles of young mothers and migrant domestic workers](#), ETHOS WP 6.2.

² Mary O'Hara (2015), *Austerity bites: A journey to the sharp end of cuts in the UK*, Bristol: Policy Press; Bridget Anderson (2015), 'Heads I win. Tails you lose. Migration and the worker citizen', *Current Legal Problems* 68, 179-196; Stephen Bach (2016), 'Deprivileging the public sector workforce: Austerity, fragmentation and service withdrawal in Britain', *The Economic and Labour Relations Review* 27(1), 11-28.

³ Stuart Gietel-Basten (2016), 'Why Brexit? The toxic mix of immigration and austerity', *Population and Development Review* 42(4), 673-680.

⁴ TUC (2015), [The price of austerity. How spending cuts damaged the economy, and how they could do so again](#); David Skelton (2015), [Tackling low pay](#), Centre for Social Justice.

groups with benefit claimants, activists and caseworkers (see Table 1 below). Each encounter lasted between 30 minutes and two hours. Most interviewees were recontacted after participating in previous ETHOS studies. One of the client managers, employed by a job centre, was recruited through his union, and a new trade union official was invited to join a focus group. Some participants received financial compensation for their long-term contribution to the ETHOS project. All interviews were recorded, transcribed and, where necessary, translated into English.

Table 1. Participants

Interview number	Participant role/gender
Interview 1	UC advisor / male
Focus group 1	Claimant / male
	Claimant / female
	Benefit consultant / female**
Focus group 2	Claimant / female
	Claimant / male
	Benefit consultant / female**
Focus group 3	Elina Garrick / Young mother, claimant and housing activist / female
	Joe Delaney / Housing activist / male
	Trade union officer / male

** This participant was present in focus groups 1 and 2.

All focus groups were conducted in London. The first two, with Romanian Roma families, took place in participants’ homes. They included men and women in their late 30s and early 40s, who respectively had two and five children. The parents had up to secondary education. The men were working in construction on a self-employed basis, while the women were full time home makers. Both families claimed joint tax credits and housing benefit, with the larger also in receipt of a council flat. The interviews were conducted in Romanian and in the presence of the families’ consultant, who acted as our gatekeeper over the course of this project. The third focus group comprised participants with a variety of backgrounds, and researchers’ intervention was kept to a minimum in order to facilitate interaction between them. Many exchanges involved the housing activist and the young mother, with the former advising the latter on how to advance her complaints with various authorities. However it should be noted that the young mother was also involved in a campaign for housing rights and the housing activist himself had experience claiming benefits, illustrating the overlapping and variability of social roles. The discussion opened up with participants recounting their personal experiences with

the social security system, then moved to the relation between the welfare state, deservingness and justice, and concluded with opportunities for political mobilisation.

The report proceeds as follows. Section 2 maps out the main changes made to the unemployment benefit system since 2010. To clarify their underlying logics it groups them into four types: 1) reductions in the value of different benefits, as well as in their maximum total value; 2) increasingly stringent conditions on the receipt of these reduced benefits; 3) harsher sanctioning of claimants who do not comply with conditions, through the temporary suspension of benefits; and 4) replacement of personalised attention with automated on-line systems to assess entitlements. Section 3 synthesises the results of recent official evaluations to highlight the impact of these changes on already precarious social categories such as disabled persons, non-UK citizens and young women. Section 4 foregrounds the mobility implications of benefit restrictions, zooming in on the gendered situation of unemployed or low waged EU citizens. Section 5 conveys how media and political discourses have redefined benefit deservingness so as to exclude an expanding range of claimants, including those with disabilities, migrants and carers. Section 6 builds on interview findings to explore how deservingness is understood on the ground, as well as how everyday experiences support or contradict social norms in this field. Given the considerable amount of litigation generated by austerity policies, Section 7 describes several high profile cases decided in UK courts and distills general trends in the judicialisation of social security. It also sketches out the involvement of new actors in related politics. The conclusion provides a synthesis of findings.

2. RETRENCHMENT OF THE WELFARE STATE SINCE 2010

The main pieces of UK social security law are the Social Security Contributions and Benefits Act 1992, the Social Security Administration Act 1992, the Jobseekers Act 1995, the Tax Credits Act 2002, the Welfare Reform Act (WRA) 2012 and their subordinate legislation. Until 2012, the main means-tested benefits available for the working-age population were income support, employment and support allowance (respectively for lone parents of young children and disabled persons working less than 16 hours per week), tax credits (for persons working over 16 or 30 hours per week depending on their circumstances), housing benefit (to cover housing costs) and jobseekers' allowance (for the unemployed actively seeking work).⁵ The WRA 2012 combined these 'legacy' benefits into a new system, Universal Credit (UC), intended to simplify procedures and eliminate 'cliff-edges' which penalised some claimants when their weekly working hours reached the threshold. Under the new system, the amount of benefits a household receives is reduced ('tapered') at a 63% rate when its net earnings exceed an inflation-indexed 'work allowance'.⁶

⁵ Jonathan Bradshaw and Fran Bennett (2015), [ESPN thematic report on minimum income schemes](#), Brussels: European Commission Directorate-General for Employment, Social Affairs and Inclusion, 4-14.

⁶ Roderick McInnes (2019), [Benefits Uprating 2019](#), House of Commons Briefing Paper 8458, 18-19.

Table 2. Working-age means-tested benefits under UC and the legacy system⁷

UC amount	Legacy benefit
Standard allowance	Income support / jobseekers' allowance / employment and support allowance / working tax credit
Child amounts	Child tax credit child and family elements
Disabled child additions	Child tax credit disabled child elements
Limited Capability for Work and Work-Related Activity	Employment and support allowance support component and premiums
Carer amount	Carer premium in jobseekers' allowance, employment and support allowance and income support
Housing cost amount	Housing benefit
Childcare cost amount	Working tax credit childcare element

The roll-out of UC began in April 2013. By the beginning of 2019, all new claims across Great Britain had to be made through the new system. The transferral of existing claimants from legacy benefits to UC, a process designated as 'managed migration', is due to take place between July 2019 and 2023.⁸

a. BENEFIT REDUCTIONS AND CAPS

During the Conservative-led Coalition Parliament from 2010 to 2015, a number of measures combined to reduce significantly the overall value of working-age benefits. The inflation index used to adjust benefits from year to year switched from Retail Price Index to the Consumer Price Index, which tends to grow more slowly.⁹ From 2012 to 2015 the annual increase of working-age benefits (except those related to disability) was limited to 1%, well below inflation however measured. Child benefits were frozen from 2011 to 2014 and increased by only 1% the following year, losing 15% of their value during the Coalition Parliament.¹⁰ In 2011 housing benefits were reduced to cover only the lowest 30% of local rents, instead of the lower half, and in 2013 they were indexed to CPI inflation which is normally

⁷ Adapted from *ibid*, 18.

⁸ *Ibid.*, 18; Steven Kennedy and Richard Keen (2018), [UC Roll-out: 2018-19](#), House of Commons Briefing Paper 8299.

⁹ John Hills (2015), [The Coalition's record on cash transfers, poverty and inequality 2010-2015](#), Social Policy in a Cold Climate Working Paper 11, 15.

¹⁰ *Ibid.*, 16.

below actual rent increases.¹¹ Housing benefit penalties of 14% or 25%, dubbed the ‘bedroom tax’, were imposed on local authority tenants deemed to have one or more spare rooms.¹² Recipients of the employment and support allowance who were transferred from the previous incapacity benefit were subjected to a more stringent ‘work capability assessment’ to determine their future eligibility.¹³ Since 2012 income support is withdrawn when a lone parent’s youngest child turns five, down from 16 until 2008.¹⁴

Section 11 of the Welfare Reform and Work Act 2016 enshrined in statute a four-year freeze in the following working-age benefits: jobseekers’ allowance, employment and support allowance (personal allowance and work-related activity components), income support, child and working tax credit (non-disability-related elements), housing benefits (various allowances/premiums and LHA rates) and their equivalent in UC. The freeze resulted in a cumulative 6,5% reduction in the nominal value of these benefits relative to the level they would have reached otherwise.¹⁵ While the proportion of childcare costs covered by the UC childcare cost amount rose to 85% in 2016 (versus 70% under the working tax credit child element),¹⁶ the maximum caps for childcare have not been updated since 2005. In the meantime, formal childcare costs have risen above inflation across the UK.¹⁷ In addition, since 6 April 2017 the child amount of UC (and the child/family elements of the child tax credit) does not apply to a third or subsequent child born after this date.¹⁸ From 1 February 2019 onwards, the child element of UC is only paid for the first and second child regardless of when third or subsequent children were born.¹⁹

In 2013 a £26,000 cap was introduced on the total benefits and tax credits working-age households could receive in a year (£18,200 for childless single adults). In 2016 this was lowered to £23,000 for those living in Greater London (£15,410 for single adults without children) and £20,000 for those outside (£13,400 for single adults without children).²⁰ The cap remains at these levels in 2019/20.²¹ There are specific exemptions from the cap for households earning over £542 a month in receipt of certain disability and armed forces-related benefits.²² Households where one of the partners

¹¹ Alex Fenton (2010), [How will changes to Local Housing Allowance affect low-income tenants in private rented housing?](#), Cambridge Centre for Housing & Planning Research, 6.

¹² Hills, *The Coalition’s record on cash transfers*, op. cit., 16-17.

¹³ Ibid., 17-18.

¹⁴ Ibid., 26.

¹⁵ McInnes, *Benefits uprating 2019*, op. cit., 3, 5.

¹⁶ Ibid., 19.

¹⁷ House of Commons Work and Pensions Committee (2018), [UC: Childcare](#), House of Commons, 21.

¹⁸ House of Commons Work and Pensions Committee (2019), [Two-child limit](#), House of Commons, 3-4. There are exceptions in special circumstances such as when a third or subsequent child is born as part of a multiple birth, was conceived under coercion, was adopted or is living in a non-parental caring arrangement that substitutes local authority provision.

¹⁹ Ibid.

²⁰ Benefit Cap (Housing Benefit and UC) (Amendment) Regulations 2016/909.

²¹ McInnes, *Benefits uprating*, op. cit., 7.

²² House of Commons Work and Pensions Committee (2019), [The benefit cap](#), House of Commons, 14.

was in work consistently for the last 12 months benefit from a 'grace period' during which the benefit cap is not applied, lasting 39 weeks for housing benefit claimants and 9 months for UC claimants.²³

If relevant legacy benefits exceed the cap, claimants' housing benefit is reduced until their income equals the cap. Relevant benefits include all means-tested benefits as well as some additional ones, such as the bereavement allowance, the maternity allowance, the widowed mother's allowance and the widowed parent's allowance.²⁴ In UC the cap is applied to the overall award rather than solely to a household's housing costs, meaning that if the capped amount exceeds housing costs the cap can affect other parts of a claimant's award (eg their standard allowance or child and disability amounts). These reductions may be especially pronounced for claimants who have deductions made directly from their UC award for repayments or advances (see Section 2.3).²⁵

b. WORK-RELATED CONDITIONS

In addition to the falling value of benefits, several of them (namely jobseekers allowance, income support, employment and support allowance and UC) have been made conditional upon an increasing number of work-related duties. Depending on their abilities or health condition, their caring responsibilities and level of income from paid work, claimants are allocated by their local job centre to a given conditionality group. Each group is associated to a tailored 'labour market regime' that determines what steps the claimant must take towards work and what 'supportive' interventions they must engage with. There are four conditionality groups: no work-related requirements (where claimants' earnings exceed a specified level or where they are unable to meet any work-related requirements); work-focused interviews only (where they are expected to stay in touch with the labour market and begin thinking about a move into work, more work, or better paid work); work preparation (where claimants who have limited capability for work are expected to prepare to move into work, more work or better paid work by participating in training and skills assessment); and all work-related requirements (where claimants are expected to move into work, more work or better paid work, for instance through coaching and job search).²⁶

An important change brought about by UC is that 'in-work' conditionality may be imposed on all claimants earning less than the equivalent of 35 hours a week at the National Minimum Wage. Under the 'legacy' system those who worked more than 16 hours a week usually had no obligations to the job centre.²⁷ In addition, claimants waiting for their work capability to be assessed are subject to full conditionality (which may entail an obligation to look for work for up to 35 hours a week) unless their work coach uses a discretionary power to reduce their commitment. Previously claimants with

²³ Ibid., 15.

²⁴ Housing Benefit Regulations 2006, regs 75C(2)(a), 75G and 75H.

²⁵ House of Commons, *The benefit cap*, op. cit., 36.

²⁶ House of Commons Work and Pensions Committee (2018), [Benefit sanctions](#), House of Commons, 7-8; N/A, [Explanatory memorandum to the UC Regulations 2013](#), 10.

²⁷ House of Commons, *Benefit sanctions*, op. cit., 35.

disability only had to undertake work-related activities once their work capability assessment found them able to do so.²⁸

Between 2011 and 2017 claimants of jobseekers allowance and employment and support allowance were referred after a maximum of 12 months to a Work Programme delivered mainly by private providers under a so-called 'black box' funding arrangement. By virtue of this scheme, providers' financial compensation was based on the number of claimants they helped gain 'sustained employment', with less favourable claimant profiles and longer-term employment drawing higher amounts of funding.²⁹ Work Programme participants could be made to take up training, spend up to 35 hours per week looking for work or apply for a certain number of jobs each week.³⁰ Some were also put on work placements during which they lacked 'worker' status, meaning they could earn less than a third of the minimum wage.³¹ From 2017 the Work Programme was replaced with a smaller Work and Health Programme, mandatory only for those who have been unemployed for more than two years. One of the aims of the reform was to deliver a greater proportion of employment services through public job centres rather than private providers.³²

The conditions attached to the continued receipt of benefits are set out in a claimant commitment agreed between claimants and their work coaches in job centres or private providers. The latter enjoy wide discretion in the application of work-related requirements, for instance when deciding the frequency of work-focused interviews. The stated aim is to tailor commitments to claimants' personal circumstances, including any vulnerability, complex needs or health issues.³³

C. SANCTIONS AND DEDUCTIONS

Under UC failure to comply with work-related requirements are punishable with four levels of sanctions, or withdrawal of benefit, according to the claimant's conditionality group and type of compliance failure. Higher-level sanctions may be imposed on claimants who are subject to all work-related requirements due to unjustified failure to undertake mandatory work activity, apply for a particular vacancy, take up an offer of paid work or losing paid work or pay by reason of misconduct or voluntarily. These sanctions last 91 days for a first failure, 182 days for a second failure and three years for a third or subsequent failure committed within 365 days or a previous failure that resulted in a 182-day or 3-year sanction. Medium-level sanctions may be imposed on claimants subject to all work-related requirements who unjustifiably fail to take all reasonable work search action and who fail to demonstrate they are able and willing to take up work immediately (or more paid work or better paid work). They last 28 days for a first failure or 91 days for a second and subsequent failure within 365

²⁸ Ibid., 31.

²⁹ Sainsbury, Roy and Jonathan Bradshaw (2016), *ESPN thematic report on integrated support for the long-term unemployed*, European Commission Directorate-General for Employment, Social Affairs and Inclusion; Aliyah Dar (2016), [Work programme: Background and statistics](#), House of Commons Briefing Paper 6340.

³⁰ Bradshaw and Bennet, *Minimum income schemes*, op. cit., 20-21.

³¹ Amir Paz-Fuchs and Anja Eleveld (2016), 'Workfare revisited', *Industrial Law Journal* 45(1), 44.

³² Andrew Powell (2018), [Work and health programme](#), House of Commons Briefing Paper 7845.

³³ House of Commons, *Benefit sanctions*, op. cit., 43.

days of the previous failure. Low-level sanctions may be imposed on claimants in the work preparation conditionality group as well as those subject to all work-related requirements for failure to comply with a requirement to search for work, to come for an interview or provide information. They continue until a compliance condition is met, consisting in meeting the original requirement or an alternative agreed with the work coach. Once the compliance condition is met, there is an additional fixed period of seven days for a first failure, 14 days for a second failure at the same level within 365 days and 28 days for a third or subsequent failure within 365 days of a previous failure which resulted in a 14 or 28-day sanction. Lowest-level sanctions apply to claimants subject to work-focused interview requirements only and are open-ended until the claimant meets the compliance condition. Claimants subject to higher, medium and low-level sanctions are sanctioned an amount equivalent to 100% of their standard allowance. Claimants subject to lowest level sanctions are sanctioned an amount equivalent to 40% of their standard allowance. A sanction may be reduced if a claimant moves to the no work-related requirements group, to 40% if they have responsibility for children or nil if they have limited capability for work and work-related activity. Lower sanctions apply for 16-17 year olds.³⁴

Before imposing a sanction, work coaches first inform claimants that they believe they have failed to comply with their claimant commitment. They then attempt to establish whether there was a good reason for the failure, either during a face-to-face interview or by communicating with them in some other way. If the work coach concludes there was no good reason or does not hear from the claimant within five to seven days of raising a doubt (or more in special circumstances), they refer the case to an independent 'decision-maker' for them to consider whether to apply a sanction. The claimant can challenge a decision to sanction through a mandatory reconsideration and then through the First-tier Tribunal.³⁵ There is no fixed maximum time for mandatory reconsideration and appeals.³⁶

Claimants subject to a sanction can apply to the independent decision-maker for hardship payments to be made at a daily rate of 60% of the sanction reduction from the date the claimant meets the conditions to be in hardship to the day before their next UC payment. To receive the payment, they must comply with work-related requirements, show their household is unable to meet their immediate basic and essential accommodation, food, heating or hygiene needs, and has no alternative sources of support. A claimant must regularly re-apply for a hardship payment to demonstrate their continuing need for support, and that they are making reasonable efforts to reduce non-essential costs and seeking alternative sources of support.³⁷

Under UC, payments are recoverable from future non-sanctioned benefit payments. The maximum rate of repayment, which is frequently applied, is 40% of the claimant's standard allowance. Since 40% is the same amount by which a benefit is reduced if a claimant has been sanctioned, this means that the effective time of sanctions is 2.5 times as long as legally stipulated for households receiving hardship payments.³⁸ Recovery of payments ceases where the claimant has been in paid work with an income at or above the level reasonably expected of them for a period of 26 weeks.³⁹ In

³⁴ N/A, [Explanatory memorandum to the UC Regulations 2013](#), 10-12.

³⁵ House of Commons, *Benefit sanctions*, op. cit., 9.

³⁶ *Ibid.*, 51.

³⁷ N/A, Explanatory memorandum, op. cit., 12.

³⁸ House of Commons, *Benefit sanctions*, op. cit., 58.

³⁹ N/A, Explanatory memorandum, op. cit., 12.

March 2018, 6% of UC claimants had a total deduction amount reaching 40% of the standard allowance. Since the repayment of emergency 'advance' benefits is not included in the 40% cap, up to 0,5% had a deduction exceeding 40% of the standard allowance. By way of comparison, under the legacy system deductions were normally set at 5% of the claimant's personal allowance, and their consent was required for deductions exceeding 25% of the total benefit.⁴⁰

d. SELF-RELIANCE

To mirror the world of work and foster individual responsibility, UC is paid as a lump sum on a monthly basis. This lump sum includes a significant amount for housing costs that, under the legacy system, were usually paid directly to the landlord. At the same time, the Department for Works and Pensions plans to save some £100 million per year by replacing telephone and in-person support for claimants with digital procedures and communications with the job centre.⁴¹ One way to grasp the far-reaching impact of these reforms on the procedure for claiming and managing benefits is to examine the support services developed to help claimants cope with them. Assisted Digital Support, targeted at those with poor digital skills, is intended to help claimants with online procedures related to their claims. This includes supporting them to use a personal computer; ensuring they keep their log-in credentials safe; helping them set up a personal email address; ensuring they can access an email account; ensuring they know how to verify their identity; ensuring they understand the requirements for their partner to complete their online claim; managing their claim via their UC account; managing their personal email account; navigating and clearing 'to do' lists; making journal entries; uploading CVs and medical certificates; making inquiries; and printing documents.⁴² Personal Budgeting Support, designed to help claimants prioritise essential bills and payments, includes advice on understanding what can be claimed under UC; working out monthly income and outgoings; recognising priority bills such as rent; identifying and cutting back on non-essential spending; completing and maintaining a budgeting plan; obtaining a transactional bank account; and setting up direct debit payments.⁴³ This advice can only be offered during a single two-hour session within the first three months of a claim.⁴⁴ Claimants are referred to support services via their work coach at their own request or if the latter identifies a need. In 2017-18 some 60,000 claimants were referred to the service, a third of the expected number. Only one in three claimants referred to the service took up the offer.⁴⁵

Attempts to fit the welfare system into the mould of paid employment have also created more specific logistical challenges, some of them paradoxically resulting from the progressive disappearance (or diversification) of 'typical' employment relations.⁴⁶ For instance, the fact that UC financial

⁴⁰ House of Commons Work and Pensions Committee (2018), [Universal Support](#), House of Commons, 20.

⁴¹ *Ibid.*, 6.

⁴² *Ibid.*, 10-11.

⁴³ *Ibid.*, 14.

⁴⁴ *Ibid.*, 9.

⁴⁵ *Ibid.*, 25.

⁴⁶ Aristeia Koukiadaki and Ioannis Katsaroumpas (2017), [Temporary contracts, precarious employment, employees' fundamental rights and EU employment law](#), Brussels: European Parliament Policy Department for Citizens' Rights and Constitutional Affairs, 41-62.

assessments are made on a monthly basis can significantly disadvantage workers who are paid every four weeks. Since they are paid 13 times a year, namely once in eleven of their assessment periods and twice in another, there is a possibility that they may earn slightly less than the benefit cap threshold in eleven out of 12 assessment periods and far above the threshold in the remaining one. This means they would be capped in eleven out of twelve months while a person receiving the same earnings on a monthly basis would never be capped.⁴⁷

Other problems relate to the principle of payment in arrears which can be especially difficult to weather for low-income families with little or no savings. One of this principle's harshest manifestations is the six-week wait that precedes claimants' first UC payment – the monthly assessment period plus seven 'waiting days' and seven days for processing the claim. This has been linked to increases in rent arrears, debt and foodbank use.⁴⁸ While claimants can receive so-called 'advance payments' to ease the wait, these can only amount to half of the expected monthly award, must be repaid through deductions from subsequent UC payments and are not included in the 40% limit on deductions from the standard allowance.⁴⁹ Under UC childcare costs also need to be paid upfront by parents and claimed after provision rather than payment, which may be earlier. They are paid monthly in arrears at the same time as other components of UC. By contrast, the childcare element of the working tax credits they replace was claimed annually based on parents' estimation of their weekly childcare costs over the year.⁵⁰

3. RETRENCHMENT AND STRUCTURAL INEQUALITY

During the post-2012 period of benefit reductions and increased conditionality, the percentage of the minimum income standard (a measure of the income needed to pay for material essentials and enable social participation in the UK, assessed by the Joseph Rowntree Foundation) covered by working-age benefits and tax credits fell from around two-fifths to a third for childless adults and from 63,2% to 59,5% for lone parents with two children.⁵¹ Between 2013 and November 2016, 84,000 households had their benefits capped at some point. As of November 2018, 53,000 households were capped under Housing Benefit and another 9,800 under UC.⁵² As of December 2017, 8.2% of UC claimants subject to conditionality were experiencing a sanction, though this rate fell to 5.3% in May 2018.⁵³ This section examines how the negative impact of benefit reductions, sanctions and self-reliance has interacted with structural inequalities based on ability, nationality, gender and age.

⁴⁷ House of Commons, *The benefit cap*, op. cit., 37.

⁴⁸ House of Commons Work and Pensions Committee (2017), [UC: The six week wait](#), House of Commons, 4-5.

⁴⁹ Ibid., 6.

⁵⁰ House of Commons, *UC: Childcare*, op. cit., 8.

⁵¹ McInnes, *Benefits uprating*, op. cit., 7.

⁵² House of Commons, *The benefit cap*, op. cit., 11-12.

⁵³ Richard Keen (2018), [UC: Why are sanction rates higher?](#), House of Commons Briefing Paper 8410, 6.

a. DISABLED PERSONS

As of mid-2018, one in two disabled persons was in employment in the UK, versus 81.4% of non-disabled persons. The gap had narrowed by four percentage points since 2013. At the same time, over 1.7 million disabled persons claimed employment and support allowance and some 150,000 claimants of jobseeker's allowance considered themselves disabled. With some 4 million disabled persons in employment and 2 million claiming out-of-work benefits, the welfare system clearly plays a key role in sustaining the livelihoods of the disabled population.⁵⁴

The roll-out of UC has undermined this role in various ways, direct and indirect, permanent and temporary. One of the most significant is the lower rate of employment and support allowance (and its corresponding standard allowance in UC) offered since April 2017 to new claimants who are assessed as able to undertake work-related activity. This allowance is currently the same as that available to jobseekers. While the Department for Work and Pensions (DWP) has stated this would be offset by greater support to find work, disability charities have objected that those affected had already been found unable to work.⁵⁵

Another momentous change is the disappearance of the disability premia ('enhanced disability premium' and 'severe disability premium') that some disabled people without an adult carer could claim under the legacy system. This setback is only partially offset by the more generous support offered to the most severely disabled UC claimants and leaves those who have not been assessed as severely disabled substantially worse off. Disability premia help cover the additional living and care costs created by disabilities, for instance by paying the expenses of ad hoc carers such as relatives and friends, paying for professional cleaning, cooking and personal care, buying ready meals, compensating minor household tasks and using taxis.⁵⁶ Even before the removal of disability premia and the reduced rate of employment and support allowance, disabled persons were found to experience high levels of distress and isolation due to benefits falling short of their care and living costs. Specialist employment providers have argued that insufficient benefits can hamper incorporation into paid employment through unstable housing, fragile mental and physical health and accumulating debt.⁵⁷ Charities have warned that the reduction of financial support for disabled parents was likely to lead them to rely more heavily on the care already provided by their children, further limiting the latter's leisure opportunities and long-term life chances.⁵⁸

For families with disabled children, legacy benefits included a 'disability child element' worth £273 per month, complemented with an additional £110 per month if the child was severely disabled. UC's corresponding 'disabled child additions' are slightly higher for severely disabled children but lower for all others, meaning that approximately 100,000 families with a disabled child will see their corresponding benefits cut by half once roll-out is complete.⁵⁹ According to a specialist charity, families

⁵⁴ House of Commons Work and Pensions Committee (2018), [*UC: Support for disabled people*](#), House of Commons, 6.

⁵⁵ *Ibid.*, 16.

⁵⁶ *Ibid.*, 18.

⁵⁷ *Ibid.*, 18-19.

⁵⁸ *Ibid.*, 19-22.

⁵⁹ *Ibid.*, 21.

whose child's disability falls in the middle range will have the greatest difficulty making up for the shortfall through work due to the high cost of professional childcare.⁶⁰

The six week wait for the first UC award to be paid also seems to have had a disproportionate impact on disabled people. At the end of 2017 two thirds of claimants whose award included an additional amount for disability had not received their payment in full, compared to 16% of other claimants. The DWP attributed the delays to long waits for work capability assessments, whose median length was 17 weeks in March 2018.⁶¹ Work capability assessments pose even more acute problems for disabled students in full-time education, who used to be automatically eligible to employment and support allowance when claiming the main benefit available to people with a disability or long-term health condition (personal independence payment, previously disability living allowance). The allowance acted as a passport to other benefits, most importantly housing benefits, that facilitated students' access to educational institutions across the UK. Under UC these claimants also need to undergo a work capability assessment. According to the Child Poverty Action Group (CPAG), however, they cannot be referred to an assessment precisely because they do not have an active UC claim. Since disabled students are rarely entitled to claim UC on other grounds (eg job search, lone parenting or other care), this creates a vicious circle that prevents disabled students from accessing the standard allowance of UC.⁶²

As of November 2018, 13% of claimants affected by the benefit cap received employment and support allowance, meaning they had been assessed as having limited capacity for work.⁶³ The main way for them to escape the cap was to obtain one of the benefits reserved to severely disabled persons or their carers.⁶⁴ Available evidence suggests that single people on employment and support allowance were less likely than the average claimant to move into work after the introduction of the cap, in part due to employers' reluctance to hire them.⁶⁵

As mentioned above, disabled UC claimants who have not yet gone through a work capability assessment must bear the full weight of work related conditionality. Even before this however disabled claimants seemingly had a disproportionate propensity to be sanctioned, and research based on self-identified disability among jobseekers allowance claimants found that those with a disability were 26% to 53% more likely to be sanctioned than non-disabled claimants between 2010 and 2014.⁶⁶ Witnesses to a parliamentary inquiry have stressed how both the threat and application of sanctions can undermine disabled claimants' well-being and health.⁶⁷ This includes suicidal thoughts flowing from the fear of losing welfare benefits, anxiety experienced while navigating the system, difficulties in meeting the extra day-to-day costs of managing their condition and reluctance to engage with job centres or other work-related activities.⁶⁸ While claimant commitments are meant to reflect individual

⁶⁰ Ibid., 22.

⁶¹ Ibid., 8-9.

⁶² Ibid., 29-30.

⁶³ House of Commons, *The benefit cap*, op. cit., 16.

⁶⁴ Ibid., 20.

⁶⁵ Ibid., 19.

⁶⁶ House of Commons, *Benefit sanctions*, op. cit., 28.

⁶⁷ Ibid., 30.

⁶⁸ Ibid., 30-31.

claimants' needs and circumstances, for instance by not applying any conditionality to claimants who are felt to be unable to take steps towards work, research conducted by the DWP itself reports that work coaches frequently struggle to identify needs accurately, partly due to a lack of time, knowledge and ability; to a lack of confidence when making adjustments; and to a perception of 'overwhelming' volume of claimants who report health problems.⁶⁹ Work coaches are generalists, but many of the roles they have to perform require specialist knowledge. Funding for Disability Employment Advisers and Community Partners, which are meant to supply this knowledge, is due to expire in 2019.⁷⁰

When UC support services were launched in 2013, they were initially envisaged as serving two purposes: facilitating the transition to UC and providing longer-term support for those with complex needs, including those with mental health conditions and learning difficulties. However the latter aim was neither part of the DWP's pilots nor of its subsequent support offer.⁷¹ Yet, claimants frequently experience difficulties making and managing on-line claims, and such difficulties are more pronounced for those with long-term health conditions than for those without. A study by the DWP found that 79% of claimants with no health conditions but 69% of those with a health condition were able to register online. The latter were also more likely to need help in setting up and managing their claim.⁷² According to experts, an important obstacle is the low quality of IT equipment available in job centres, which sometimes makes it difficult to use with basic assistive technology such as screen readers and magnification software. This is further exacerbated by the sub-optimal configuration of the UC online system that may pose obstacles even for claimants who can rely on a personal computer.⁷³ It has also been noted that digital applications cannot be the default for everyone and that claimants with learning difficulties in particular are likely to require non-digital support either in person or by phone.⁷⁴ The scarcity of assistive technology and tailored support may pose particular challenges during the 'managed migration' process when legacy benefit claimants will be given three months to lodge a new UC claim. While the DWP has vowed to check for claimant vulnerability before discontinuing legacy benefits, as of December 2018 it had yet to set out a credible way of collecting the necessary data.⁷⁵

b. NON-NATIONALS

Broadly speaking, UK social security law divides non-nationals between persons 'subject to immigration controls', who cannot have recourse to means-tested benefits, and a number of migrant categories who do have access to these benefits under certain conditions. These include persons with indefinite leave to remain (which can be obtained after a minimum of five years' residence), refugees, beneficiaries of humanitarian protection and citizens of the European Economic Area (EEA).⁷⁶ In the post-2008 era several measures have explicitly aimed to restrict benefit uptake among the latter

⁶⁹ Ibid., 33.

⁷⁰ House of Commons, *UC: Support for disabled people*, op. cit., 38.

⁷¹ House of Commons, [Universal Support](#), op. cit., 9.

⁷² House of Commons, *UC: Support for disabled people*, op. cit., 24.

⁷³ Ibid., 26.

⁷⁴ Ibid., 25.

⁷⁵ Ibid., 12-13.

⁷⁶ Department for Work & Pensions (2017), [Analysis of migrants' access to income-related benefits](#), 5.

category, but some have also caught in their wake other migrant categories and even citizens. In general terms, measures requiring recipients to prove habitual residence in the United Kingdom have indirectly impacted all those who move or return to the UK, whereas those obliging jobseekers to prove that they have genuine work or prospect of finding it in order to keep receiving unemployment and derived benefits have targeted EEA citizens. Let us address these two types of measure in turn.

Habitual residence tests were first introduced in 1994. They are applied to people who have recently arrived in the UK and make a claim for certain benefits (including jobseeker's allowance, employment and support allowance, income support, housing benefit and UC), whether or not they are UK nationals or have previously lived in the country.⁷⁷ There is no statutory definition of 'habitual residence' but relevant authorities can take into account factors such as how long a person has been in the country, her reasons for coming, her future intentions, what she has done to establish herself, her employment prospects and her 'centre of interest'. These factors are assessed during an interview with the claimant.⁷⁸

In December 2013 the Government announced the roll-out of a more stringent habitual residence test through the reinterpretation of existing criteria rather than legislative amendment. Its press release explained that the new test would oblige migrants to answer more tailored questions in greater detail, as well as to submit more evidence. For instance they would be quizzed about the efforts they had made to find work before coming to the UK and any barriers to employment posed by their English language skills. Their housing and family situation would also be examined, as would the ties they maintain abroad. Assessment would rely on an electronic tool that would guide officials to appropriate questions, generate further questions where required, alert of any required information that had been left out and capture the information already collected.⁷⁹

Residence requirements were further strengthened by the Jobseeker's Allowance (Habitual Residence) Amendment Regulations 2013 (SI 2013/3196), which came into force on 1 January 2014. This introduced the condition that people coming to the UK could only claim jobseeker's allowance after living in the 'Common Travel Area' (ie the UK, the Republic of Ireland, the Channel Islands and the Isle of Man) for a minimum period of three months. Since jobseekers' allowance functions as a passport to housing benefit, destitute newcomers would not be able to claim housing benefit either.⁸⁰ In a memo to its benefit decision-makers, the DWP explained that the expression 'living in' should be given its 'ordinary everyday meaning taking into account the context' but it also cited the Shorter Oxford Dictionary's definition of 'dwelling' as 'the action of residing, living or having one's home'. It also specified that decision-makers would have to use their common sense when judging whether any temporary absences during the three months meant that the claimant had ceased to be living in the Common Travel Area.⁸¹ A similar three-month rule, albeit softened by a greater number of exemptions, was extended to child benefits and tax credits through the Child Benefit (General) and the Tax Credits

⁷⁷ Steven Kennedy (2015), [Measures to limit migrants' access to benefits](#), House of Commons Library Briefing Paper 06889, 8.

⁷⁸ Ibid., 8.

⁷⁹ Ibid., 8-9.

⁸⁰ Ibid., 11.

⁸¹ Ibid., 13.

(Residence) (Amendment) Regulations 2014 (SI 2014/1511). The regulations were passed without debate or impact assessment.⁸²

Work-related requirements are built in the somewhat misleadingly named ‘right to reside’ test, which EEA citizens have been required to pass in addition to the habitual residence test since May 2004. In broad terms, a person who moves from one EEA country to another has a right to reside there if she is economically active or able to support herself. In 2006 the Rights of Residence Directive 2004/38/EC gave economically inactive people an automatic right of residence for the first three months of their stay in an EEA state, but UK rules were amended to ensure that people who had a right to reside solely on this basis would not be able to claim benefits.⁸³

Article 7 of the 2004 Directive establishes that workers and students who can support themselves, as well as their respective families, automatically have a right to reside after the first three months of their stay. A ‘worker’ has the right of residence for as long as they are in ‘genuine and effective work’ and can retain this status if they stop working inter alia because of illness or after having been made redundant while they are registered as looking for work. Under legacy benefits but not UC (see below), EEA citizens may also have a right to reside as jobseekers if they are looking for work and have a ‘genuine chance of being engaged’.⁸⁴ Case law provides that ‘genuine and effective work’ is work that is ‘more than marginal and ancillary’. Hours worked, earnings, duration of the employment and regularity of the work are some of the factors that may be taken into consideration.⁸⁵ According to a DWP memorandum, ‘genuine prospect of work’ can be proven either by providing reliable evidence of a genuine offer of a specific job which was due to start within three months or by proving that a change of circumstances during the previous six months had given claimants genuine prospect of effective work, as a result of which they were awaiting the outcome of job interviews. A change in circumstances could include, for instance, the recent completion of a vocational training course or a change of location to improve labour market conditions. In such cases jobseekers’ allowance could be extended by up to two months.⁸⁶

The Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2013 (SI 2013/3032) restricted the rights of workers and jobseekers by requiring the former to provide from the outset evidence that they had a genuine change of being engaged, by limiting worker status to six months after becoming involuntarily unemployed and by requiring the latter to show ‘compelling evidence’ of their job prospects after six months.⁸⁷ In addition, since 1 March 2014 EEA migrants can only be assured of retaining worker or self-employed status if they show that for the last 3 months they have been earning £150 a week, equivalent to 24 hours at the National Minimum Wage. Those who have some earnings but do not reach this threshold are assessed against a ‘broader range of criteria’.⁸⁸

⁸² Ibid., 31-32.

⁸³ Ibid., 4.

⁸⁴ Ibid., 4.

⁸⁵ Ibid., 21.

⁸⁶ Ibid., 19.

⁸⁷ Ibid., 16-17.

⁸⁸ Ibid., 22.

By Government decision, since April 2014 interpretation services are not routinely provided to new claimants of jobseeker's allowance, and claimants whose spoken English is found to be a barrier to work are expected to undertake language training.⁸⁹

The clearest examples of welfare state retrenchment targeting non-nationals were the Housing Benefit (Habitual Residence) Amendment Regulations 2014 and the UC (EEA Jobseekers) Amendment Regulations 2015 (SI 2015/546). The former excluded EEA nationals with solely jobseeker status from access to housing benefit (except if they were already receiving it and only until their claim ceased or they made a new one),⁹⁰ whereas the latter deprived them of all elements of UC.⁹¹

A public consultation led by the Social Security Advisory Committee, a statutory body with a mandate to examine new social security legislation, identified a number of concerns with the denial of housing benefits to EEA jobseekers. These include overcrowding in sub-standard accommodation, homelessness and rough sleeping; health problems; difficulties in proving retained worker status due to transient work, minimal earnings, zero hours contracts and poor record-keeping by employers; difficulties in challenging related decisions due to language barriers, lack of accessible specialist advice services, fear of antagonising relevant authorities and possible deportation; incapacity to provide evidence in the possession of estranged family members (eg utility bills); increased vulnerability for victims of domestic violence; and increased discrimination against EEA migrants by hostels and landlords.⁹²

Statistics compiled in 2017 illustrate the impact of all these measures on non-nationals' uptake of benefits. Between November 2013 and January 2017 there was a 47% reduction in the number of new jobseeker's allowance claims by EEA citizens. From November 2013 to November 2016 the caseload of EEA citizens claiming jobseeker's allowance fell by 76%. There was also a 76% fall in the number of new housing benefit claims by EEA jobseekers between March 2014 and February 2017 and a 83% fall in the caseload of EEA jobseekers claiming housing benefit between February 2014 and November 2016. In the month before the three-month residence rule was introduced approximately 8% of jobseeker's allowance claims by EEA citizens began within three months of arrival but this had fallen to 1% by 2017. The average time EEA citizens spend on jobseeker's allowance fell from 86 days in 2013 to 65 days in 2015. However the number of EEA migrants claiming in-work housing benefit and employment and support allowance increased by 17% and 30% respectively between November 2013 and November 2016. Likewise, since 2012 there has been a steady fall in the number of non-EEA migrants claiming jobseeker's allowance but an increase in claims of employment and support allowance and in-work housing benefit.⁹³

⁸⁹ Ibid., 31.

⁹⁰ Ibid., 24.

⁹¹ Ibid., 33.

⁹² Ibid., 25-28.

⁹³ Department for Work & Pensions (2017), [Analysis of migrants' access to income-related benefits](#), 3-4.

c. YOUNG WOMEN

Under both the legacy system and UC young people between 18 and 24 receive a lower standard/personal allowance. However the legacy system made an exception for lone parents, who received the same personal allowance as single persons or lone parents who were 25 and over.⁹⁴ In addition, since April 2017 most claimants between 18 and 21 are not eligible for the housing component of UC.⁹⁵

Beyond this direct age discrimination, the main impact of benefit cuts on young women has derived indirectly from their disproportionate contribution to unpaid childcare and particularly their overrepresentation among single parents, more than 90% of them women.⁹⁶ Analysis of UC cuts commissioned by CPAG reveals that they will cost families with children an average of £960/year in 2020, increasing to £2380/year for single parent families. Because of the increase of the childcare subsidy from 70% to 85% of eligible costs, couple families with two earners may be better off overall but they will be worse off if only one parent works or the second earner works few hours. Single parents of two children earning the minimum wage will be worse off unless they work more than 40 hours/week.⁹⁷ On its own, the four-year freeze of the child element of UC will cost the average couple with children £260/year and the average lone parent family £650/year.⁹⁸

The benefit cap has also had a disproportionate impact on parents of young children and thereby on young women. Of the 84,000 households affected by the cap between its introduction in 2013 and November 2016, 94% had dependent children and 56% were single parents (who are less likely to be in employment, and thus more likely to rely on benefits, than parents in a couple).⁹⁹ In November 2018, 51% of capped claimants were claiming income support, a benefit mainly for single parents with young children.¹⁰⁰ Under the original cap, single parent households capped lost over £60 a week on average. The post-2016 reform affected more families, including small ones, by lower average amounts: whereas 47% of single parents under the original cap had three children or less, this was the case for 76% of those capped after 2016.¹⁰¹ According to a housing charity, the new cap is so low that it has made it impossible for large families to cover the rent even in the cheapest areas of England.¹⁰²

A 2016 survey with over 1,800 single parents found that 14% frequently failed to pay their household bills, 25% sometimes failed to do so and 32% did not fail but always found it difficult.¹⁰³ Up to 85% of single parents declared they had cut back on their clothes during the last 12 months, whereas 81% had cut back on their leisure activities, 58% on their food, 41% on their children's leisure activities,

⁹⁴ McInnes, *Benefits Upgrading 2019*, op. cit., 13.

⁹⁵ CPAG (2017), [Broken promises: What has happened to support for low-income working families under UC?](#), 5.

⁹⁶ House of Commons, *The benefit cap*, op. cit., 13.

⁹⁷ CPAG, *Broken promises*, op. cit., 2.

⁹⁸ *Ibid.*, 10.

⁹⁹ House of Commons, *The benefit cap*, op. cit., 13.

¹⁰⁰ *Ibid.*, 16.

¹⁰¹ Sumi Rabindrakumar (2017), [Paying the price: Still 'just about managing'?](#), Gingerbread, 13.

¹⁰² House of Commons, *The benefit cap*, op. cit., 21.

¹⁰³ Rabindrakumar, *Paying the price*, op. cit., 10.

38% on their gas or electricity, 35% on transport, 33% on the telephone, 28% on clothes for their children, 15% on the Internet and 12% on food for their children.¹⁰⁴ Half of single parents were hardly ever or never left with money at the end of the month.¹⁰⁵

Work-related conditionality and its associated sanctions also take a heavy toll on single parents. According to a 2017 report, 15% of all single parents claiming jobseeker's allowance were sanctioned in 2015, up from around 5% a decade earlier. In the vast majority of cases, the reason for referral was failing to participate in the Work Programme 'without good reason', not actively seeking employment and failing to attend or participate in an advisor interview 'without good reason'. Between October 2012 and June 2016, single parent claimants lost around £40 million due to sanctions, before taking into account compensatory hardship payments and reimbursements following overturned decisions.¹⁰⁶ A Parliamentary inquiry described the impact of sanctions on single parent families who cannot count on a second income as 'devastating', leading to debt, reliance on emergency support and severe hardship.¹⁰⁷

Conditionality often creates an 'impossible bind' between paid employment and childcare. A 2017 qualitative study with mothers of children aged two to four, who were about to be imposed new job-seeking requirements, showed that most were interested in taking up flexible or part-time work, but the majority of positions advertised within reasonable travelling distance were full-time or required late-night or early morning availability. Few of the remaining ones matched their skill profile or paid enough to cover the cost of childcare, which was in short supply and of uneven quality. Young mothers unanimously criticised the inadequacy of Universal Jobmatch, and several saw jobcentre personnel as more eager to pressurise them into paid work than to propose suitable training and openings. The lack of facilities for children also emerged as an obstacle for attending interviews.¹⁰⁸ The receipt-based payment procedure that precedes the reimbursement of childcare costs under UC exacerbates this problem by obliging parents of young children to pay up-front costs (consisting of deposits and advance payments) of up to £1,000, which can be extremely difficult to cover for single parents who have spent time out of the workforce.¹⁰⁹ Frontline staff for Citizens Advice, a legal charity, have reported claimants running up in arrears, going into debt, losing their child's place in a childcare setting and even their job.¹¹⁰ A final hurdle is the complexity of financial assistance schemes available for parents of young children, which can make it difficult for families to understand which ones they are entitled to and would be most advantageous in their situation. A survey by the Social Mobility and Child Poverty Commission found that nearly half of parents were either entirely unaware of or confused about the support they could receive, and this proportion was significantly higher among low income families (54%) than high income ones (36%). Important sources of confusion and complexity

¹⁰⁴ *Ibid.*, 21.

¹⁰⁵ *Ibid.*, 24.

¹⁰⁶ Sumi Rabindrakumar (2017), [On the rise: Single parent sanctions in numbers](#), London: Gingerbread, 12-13.

¹⁰⁷ House of Commons, *Benefit sanctions*, op. cit., 23.

¹⁰⁸ Laura Dewar and Dalia Ben-Galim (2017), [An impossible bind: Requirements to work under UC](#), London: Gingerbread, 13-16. See also Rabindrakumar, *Paying the price*, op. cit., 32ff; House of Commons, *The benefit cap*, op. cit., 18-19; House of Commons, *UC: Childcare*, op. cit., 6.

¹⁰⁹ House of Commons, *UC: Childcare*, op. cit., 9.

¹¹⁰ *Ibid.*, 11.

are the different qualifying conditions for each scheme, the interaction between schemes and the difficulty of evaluating the most advantageous ones under changing circumstances.¹¹¹

4. RETRENCHMENT AND (IM)MOBILITY

As we have seen in Section 3.2, the working-age benefit system generally restricts international mobility by imposing stricter conditions on non-UK nationals and by requiring claimants to prove 'habitual residence' on the UK territory. The UK government has also resisted the exportation of benefits for nationals residing in other EU member states. These restrictions are not a fortuitous by-product of the regulations but their avowed aim. For instance, the restrictions on the welfare rights of EU migrants was announced in a Financial Times article entitled 'Free movement within Europe needs to be less free'; the press release announcing the Minimum Earnings Threshold described it as 'part of the government's long-term plan to cap welfare and reduce immigration'; and the three-month wait for child tax credit and child benefit as well as the withdrawal of job centre interpretation were justified by an intention to 'cap welfare and reduce immigration as part of Britain's long-term economic plan'.¹¹² No systematic attempt to quantify the actual impact of welfare cutbacks on migration flows seems to have been undertaken, and its significance has been called into question on the grounds that job opportunities rather than benefits are the primary 'pull factor'.¹¹³ However it has been suggested that the official publicity given to policies discriminating against migrants can act as 'declaratory obstacles to movement' by influencing the decision-making of prospective ones.¹¹⁴

Since means-tested benefits are, by definition, claimed by people on low earnings, their restriction inevitably bears particularly heavily on the international mobility of the poor. As Bridget Anderson observes: 'While policy makers in liberal democracies are keen to claim that immigration controls are not racist, there are no claims that immigration controls are *not* designed to keep out these people. Indeed keeping out the poor and facilitating the mobility of high net worth individuals/'highly skilled' and so on is the sign of a well-designed immigration policy.'¹¹⁵ In the UK context, this logic is not new but can be traced back to medieval vagrancy statutes and poor laws that restricted material support to those who were born or settled in a parish.¹¹⁶ In 1662, the Poor Relief Act institutionalised the removal of foreigners who were likely to be chargeable to the parish and stipulated that those who begged could be pursued as vagrants. In 2014 the Secretary of State for Work and Pensions echoed this history by justifying the denial of UC to EEA nationals, despite the potential hardship this would cause for families, through the aim to 'shape future EEA migration activity so that people do not migrate to the UK until they have a job' (or if they still wish to come

¹¹¹ Ibid., 27.

¹¹² Charlotte O'Brien (2015), 'The pillory, the precipice and the slippery slope: The profound effects of the UK's legal reform programme targeting EU migrants', *Journal of Social Welfare and Family Law*, 37(1), 124-125.

¹¹³ Richard Keen and Vyara Apostolova (2017), *Statistics on migrants and benefits*, House of Commons Library Briefing Paper 7445, 7.

¹¹⁴ O'Brien, *The pillory, the precipice and the slippery slope*, op. cit., 124.

¹¹⁵ Bridget Anderson (2015), 'Immigration and the Worker Citizen', in Bridget Anderson and Vanessa Hughes (eds), *Citizenship and its others*, New York: Palgrave Macmillan, 44.

¹¹⁶ Anderson, *Heads I Win. Tails you Lose*, op. cit., 44.

without a job they can fully support themselves until they find work). Between 2009 and 2011 over two thirds of applications for A8 (Eastern European) nationals were rejected because of the habitual residence and right to reside tests. Yet neither 17th-century vagrants nor 21st century EU migrants necessarily returned to their respective parish or country of origin after being denied assistance, and benefit cuts have been linked to increasing homelessness and rough sleeping.¹¹⁷

Gender differences in relation to participation in paid and unpaid work, and particularly gendered patterns of childcare, mean that mobility is not only classed but also gendered: the high-waged worker who is allowed and able to settle on UK territory without recourse to public funds is typically male. In the EU context free movement law has excluded unpaid care from definitions of economic activity, so that engaging in unpaid care is not sufficient to claim the status of worker and carers are not included in the categories of mobile EU citizens who have residence rights. An EU citizen may obtain residence rights as a primary carer of a child in education, but these do not extend to permanent residence, and neither do they apply to carers of pre-school children. In addition, the definition of the 'involuntarily unemployed' who retain worker status if they register as jobseekers after losing their job does not include those who leave commodified work in order to undertake unpaid care. European Court of Justice case law has established a right for women to retain worker status after childbirth, thus maintaining the continuity required for permanent residence, but they must return to the labour market within a year unless they are otherwise self-sufficient or are the partner of an EU citizen with worker status. Overall, the lesser continuity of women's participation in (high) paid work and their greater representation in part-time and temporary employment significantly curtails their ability to fit into the classed ideal of the mobile worker. Because an overwhelming majority of single main carers are women, family breakdowns also have a greater impact on their employment status.¹¹⁸

Paradoxically, the residence rights of EU migrant women whose partner is a UK national can be more precarious than if they were partnered with an EU migrant worker. If they are out of work caring for young children they are simultaneously excluded from the status of EU citizen-worker and family member of a EU citizen-worker, thus losing their right to obtain permanent residence after five years. However even the partners of EU migrant workers can experience difficulties providing evidence of the latter's status, for instance through national insurance contributions or income tax payments, in case of relationship breakdown. A further complication is that demonstrating self-sufficiency during periods out of paid work often requires comprehensive sickness insurance, so that while EU migrants are entitled to access the National Health Service, this can undermine their future residence opportunities.¹¹⁹

Shifting the gaze from the international to the state scale, benefit cuts and work-related conditionality can also create situations of forced mobility. In 2011 the government announced that working-age benefit claimants should be prepared to take up jobs within 1.5 hour commute from their

¹¹⁷ Ibid., 192-194.

¹¹⁸ Isabel Shutes (2018), 'Gender and free movement: EU migrant women's access to residence and social rights in the UK', *Journal of Ethnic and Migration Studies* 44(1), 140-142.

¹¹⁹ Ibid., 147-149.

home,¹²⁰ effectively transforming the regional labour market into ‘a disciplinary area’.¹²¹ Mandatory appointments and training can also oblige claimants to undertake frequent travel, sometimes at short notice, to job and training centres.¹²² Destitution caused by benefit caps, sanctions and deductions can also oblige claimants to move to places where informal support networks will provide them with basic means of subsistence or where more affordable council housing is available, as will be explored in Section 6.

5. MEDIA AND POLITICAL DISCOURSES OF (UN)DESERVINGNESS

Research suggests that perceived reciprocity, gratefulness, need and control over neediness are key factors shaping public judgements on the deservingness of benefit claimants.¹²³ Analyses of recent media and political discourses have found these conditions to be frequently called into question, leading to widespread stigma. These feelings do not target only the poor but also other social categories that are seen as particularly likely to rely on benefits, including young women, disabled persons and migrants. In 2014, a six-part Channel 4 documentary entitled *Benefits Street* followed a group of claimants residing on a Birmingham street that is said to be Britain’s most ‘benefit-dependent’. The series portrayed in an often voyeuristic mode residents’ drug dealings and sexual activity and insinuated the presence of welfare fraud. It sparked a media storm, a twitter backlash and a wider debate on the traits, behaviour and lifestyle of the protagonists. More generally, stories of criminality are often set in the context of anti-welfare arguments, with violent or anti-social behaviour, often involving children, being provided as evidence of poverty traps and problematic lifestyles supported by the welfare state.¹²⁴

Teenage mothers have long occupied a prominent position in media representations of welfare dependency. An illustration of this is the character of Vicky Pollard in the BBC series *Little Britain*, which appeared on television between 2003 and 2006. The series portrayed this mother of many children as overweight, promiscuous and low-educated, personal traits that are commonly associated to the popular stereotype of the working-class ‘chav’. More recently, claimants with disabilities have been targeted by press reports of fraudulent claims. Related headlines include ‘Caught out on holiday hula-dancing’ and ‘Pictured: “Disabled” £100,000 benefits cheat caught mowing lawn’.¹²⁵

When they seep into political debates, such representations can have tangible effects on political developments:

¹²⁰ Bridget Anderson (2013), *Us & Them? The Dangerous Politics of Immigration Control*, Oxford: Oxford University Press, 75.

¹²¹ Anderson, *Heads I Win. Tails you Lose*, op. cit., 187.

¹²² Dupont and Anderson (2018), *UK report on economic struggles*, op. cit., 28-31.

¹²³ Ben Baumberg (2016), ‘The stigma of claiming benefits: A quantitative study’, *Journal of Social Policy* 45(2), 183.

¹²⁴ Jessica Pykett (2014), ‘Representing attitudes to welfare dependency: Relational geographies of welfare’, *Sociological Research Online* 19(3), 1-7.

¹²⁵ *Ibid.*

Channel 4's *Benefits Street* was at once decried for its demonization and stereotyping, and celebrated as a realistic portrayal of the lives of welfare claimants which opened up public debate on the current direction of welfare reform through an 'entertainment' format. Seen in the context of a much longer set of divisive representations of the 'underclass' and the '(un)deserving' poor, and in light of the changing meanings of dependency itself, we can begin to see how telling welfare stories as a morality play provides a script for welfare state reforms based on selective behavioural interventions targeted at specific social groups.¹²⁶

From the end of the 1990s, New Labour popularised a discourse of 'activation' according to which 'passive' or 'inactive' benefit claimants, held back by incompetence or immorality, should be coerced into self-improvement and paid employment.¹²⁷ These ideas were promoted by Prime Minister Tony Blair (1997-2007) and his successor Gordon Brown (2007-2010) through consultative Green Papers and policy planning White Papers communicating a commitment to the modernisation of welfare. For instance, the language and style of its 1998 Green Paper *New Ambitions for our Country: A New Contract for Welfare* conveyed the overall message that people's choices may put them at risk of poverty and unemployment and that sanctions should be applied to those who fail to take up labour market opportunities. This paved the way for more coercive conditionality based on the principles of 'work for all' and 'work first'.¹²⁸

The Coalition government led by Conservative Prime Minister David Cameron (2010-2015) maintained and developed this behavioural understanding of poverty and un(der)employment. The intellectual architect of its social security policy was Ian Duncan Smith, a previous leader of the Conservative Party. In 2004 he helped establish the Centre for Social Justice, a right-of-centre think tank whose highly mediatised reports focused on the relationship between welfare and a number of social problems. The underlying theory was that social security was responsible for anti-social choices, fractured relationships, dysfunctional communities and the intergenerational transmission of poverty.¹²⁹ In 2006 and 2007, two influential reports (*Breakdown Britain* and *Breakthrough Britain*) identified five 'pathways into poverty': family breakdown, educational failure, personal debt, addiction and worklessness.¹³⁰ Within this paradigm, any form of financial assistance was cast as encouraging 'worklessness', a term that expanded beyond the category of the 'unemployed' to incorporate disabled persons and lone parent. The focus on educational failure, addiction and indebtedness situated poverty as a consequence of individual actions and relationships rather than inadequate income or economic change. These perspectives decisively shaped the Coalition Government's approach to

¹²⁶ Ibid., 4-5.

¹²⁷ Sharon Wright (2016), 'Conceptualising the active welfare subject: Welfare reform in discourse, policy and lived experience', *Policy & Politics* 44 (2), 236.

¹²⁸ Ibid., 242.

¹²⁹ Jay Wiggan (2012), 'Telling stories of 21st century welfare: The UK Coalition government and the neo-liberal discourse of worklessness and dependency', *Critical Social Policy* 32 (3), 387.

¹³⁰ Christina Pantazis (2016), 'Policies and discourses of poverty during a time of recession and austerity', *Critical Social Policy* 36 (1), 10.

poverty. Its Green Paper *21st Century Welfare*¹³¹ and its White Paper *UC: Welfare that Works*¹³² argued for a need to promote economic rationality, flexible labour and punitive conditionality in a society riddled by benefit dependency and lack of personal responsibility.¹³³ Several high profile declarations have captured the prevalence of a paradigm that casts benefit claimants as workshy and undeserving. In his response to riots that occurred in major English cities in 2011, David Cameron stated:

For years we've had a system that encourages the worst in people – that incites laziness, that excuses bad behaviour, that erodes self-discipline, that discourages hard work [...] Above all that drains responsibility away from people. We talk about moral hazard in our financial system – where banks think they can act recklessly because the state will always bail them out [...] Well this is moral hazard in our welfare system – people thinking they can be as irresponsible as they like because the state will always bail them out. [...] I want us to look at toughening up the conditions for those who are out of work and receiving benefits [...] and speeding up our efforts to get all those who can work back to work. Work is at the heart of a responsible society.¹³⁴

In a 2010 article in *The Guardian*, Chancellor of the Exchequer George Osborne warned that 'lifestyle choice is going to come to an end', and in 2014 Ian Duncan Smith defended work-related conditionality since it would put 'the final nail in the coffin for the old "something for nothing" culture'.¹³⁵ He had previously remarked in a speech at the Conservative Party annual conference that 'too many British people were on benefits living unproductive lives [...]. A growing underclass was establishing itself, shut away, dysfunctional and too often violent'. Long-term sickness claimants in particular were portrayed as seeking to avoid work and abusing the welfare system,¹³⁶ triggering negative press coverage and perceptions of increased stigma and abuse by disabled persons.¹³⁷ Discourses focused on working-age benefits, thereby shielding pensioners from the ever-expanding stigma of the undeserving poor.¹³⁸

In addition to worklessness, Pantazis (2016) argues that Coalition years were dominated by the problem representation of 'less eligibility'. Rooted in utilitarian philosophies and established in social security policy following the 1834 Poor Law legislation, this principle mandated that the condition of the 'able-bodied pauper' should be less eligible/desirable than the condition of the poorest labourer. This meant that the pauper should gain less from support than the labourer from wages.¹³⁹ Cameron echoed these views in a 2009 lecture:

¹³¹ DWP (2010), [21st Century Welfare](#), London: HM Government.

¹³² DWP (2010), [Universal Credit: Welfare that Works](#), London: HM Government.

¹³³ Wiggan, Telling stories of 21st century welfare, op. cit., 385, 387.

¹³⁴ David Cameron (2011) '[PM's Speech on the Fight Back after the Riots](#)', 15 August.

¹³⁵ Pantazis, Policies and discourses of poverty, op. cit., 7.

¹³⁶ Ibid., 11.

¹³⁷ Disability Rights UK (2012), *Press portrayal of disabled people: A rise in hostility fuelled by austerity?*, 3-4.

¹³⁸ Pantazis, Policies and discourses of poverty, op. cit., 11.

¹³⁹ Anderson, *Us & Them?*, op. cit., 25-26.

When you are paid more not to work than to work, when you are better off leaving your children than nurturing them, when our welfare system tells young girls that having children before finding the security of work and a loving relationship means a home and cash now, whereas doing the opposite means a long wait for a home and less cash later [...] is it any wonder our society is broken?¹⁴⁰

Violations of the principle of 'less eligibility' have been conceived as a form of unfairness, as in George Osborne's 2012 statement that 'Where is the fairness, we ask, for the shift worker, leaving home in the dark hours of the early morning, who looks up at the closed blinds of their next door neighbour sleeping off a life of benefits?'¹⁴¹ Similarly in *21st Century Welfare* and *UC: Welfare that Works*, the Government used concepts of fairness to draw a line between those contributing to and benefiting from social security: 'Any reforms should also establish a fairer relationship between the people who receive benefits and the people who pay for them and, as crucially, between the people on out of work benefits and the people who work in low paid jobs'.¹⁴² This discourse represented social assistance as a gift and the interest of taxpayers as a right being abused.¹⁴³

The less eligibility doctrine was deployed to justify the four-year benefit freeze on the grounds that since the onset of the financial crisis in 2008 benefits had risen twice as fast as average earnings.¹⁴⁴ It also provided the discursive underpinning for the benefit cap, one of whose stated aims was to 'introduce greater fairness between those on out-of-work benefits and taxpayers in employment'. More specifically, the Government argued that 'no out of work family should receive more in benefits than the average working family earns'. In the words of Ian Duncan Smith, 'those who are working hard and paying their taxes [should] not feel that someone else will benefit more by not playing a full part in society'.¹⁴⁵ By extending to some claimants considered unfit for work, the benefit cap significantly diluted a key component of the less eligibility doctrine which, in line with the idea of the 'able-bodied pauper', spared those who were unable to work. The Government recognised this but suggested these claimants could 'seek a level of work'.¹⁴⁶

Political discourses on claimant undeservingness also zoomed in on interrelated problems of family and financial planning. The two-child limit on some child benefits was presented as ensuring that claimants 'face the same financial choices about having children as those supporting themselves in work', an argument that was reiterated in a parliamentary committee in December 2018.¹⁴⁷ The coherence of this discourse was called into question on the grounds that the policy applied retrospectively to children born before it was announced.¹⁴⁸ Incentivising financial savings was another of the benefit cap's stated aims, and good financial management also came to the fore in the declaration that those who were capped but could not move into work may be able to cope by moving

¹⁴⁰ Quoted in Pantazis, *Policies and discourses of poverty*, op. cit., 8.

¹⁴¹ Quoted in *ibid.*, 9.

¹⁴² DWP, *21st Century Welfare*. op. cit., 6.

¹⁴³ Wiggan, *Telling stories of 21st century welfare*, op. cit., 390.

¹⁴⁴ McInnes, *Benefits Uprating*, op. cit., 5.

¹⁴⁵ House of Commons, *The benefit cap*, op. cit., 10.

¹⁴⁶ House of Commons, *The benefit cap*, op. cit., 5, 20.

¹⁴⁷ House of Commons, *Two-child limit*, op. cit., 3.

¹⁴⁸ *Ibid.*, 11.

house, renegotiating their rent or taking in a lodger.¹⁴⁹ In a discursive move that combined and took to their logical extreme ideas of worklessness, less eligibility and financial irresponsibility, the Government argued that repayment of hardship payments was needed to uphold fairness between those who claim them, those who do not and those who have their ‘debt’ written off after returning to work for 26 weeks. Since hardship payments are designed to support those facing destitution, this discourse can be seen as a radical distancing from needs-based ideals of the welfare state.¹⁵⁰

In the case of non-UK nationals, undeservingness has mainly been linked to insufficient time residing or paying taxes in the UK, as well as commitment to family members residing outside the country. In addition to the restrictions outlined above, all the main political parties (Labour, Liberal Democrats and Conservatives) have pledged to increase the minimum time EEA citizens must reside or work in the UK before being eligible for benefits, as well as cut back the payment of child benefits for family members living abroad.¹⁵¹

Overall the notion that undeserving claimants should be identified and punished has gained increasing prominence over the last decade, and the impact assessment of the benefit sanctions set out in the WRA 2012 indicated they would address the problem of ‘insufficiently tough’ sanctions for those who ‘repeatedly fail to meet their most important responsibilities’.¹⁵² However the 2017 Labour manifesto marked a significant change of tone by pledging to ‘end the punitive sanctions regime’ and pilot universal basic income. This strategy seemed to reflect a newly found confidence in the party’s capacity to shape a public opinion that remains broadly critical of welfare claimants and supportive of work-related conditionality,¹⁵³ particularly for migrants.¹⁵⁴

6. UNEMPLOYMENT BENEFITS AND THE LIVED EXPERIENCE OF JUSTICE

A key motivation of the UC project is to simplify a complex benefits system, merging six different benefits into a single payment into the claimant’s bank account. Unlike in the past when it was paid directly to landlords, housing benefit is normally included in this payment. UC is also designed to prevent people facing a ‘cliff edge’ whereby they lose the bulk of financial support when they work more than 16 hours a week. Payments are reduced at a steady rate as earnings increase: for every additional £1 earned after tax, benefit is reduced by 63 pence. The stated aim is to make work pay, and to make the transition into work easier.

¹⁴⁹ House of Commons, *The benefit cap*, op. cit., 10, 20.

¹⁵⁰ House of Commons, *Benefit sanctions*, op. cit., 58.

¹⁵¹ Steven Kennedy (2015), [Further proposals to restrict migrants’ access to benefits](#), House of Commons, 8-9.

¹⁵² House of Commons, *Benefit sanctions*, op. cit., 14.

¹⁵³ Daniel Sage (2019), ‘The quiet revolution? The Labour Party and welfare conditionality’, *The Political Quarterly* 90(1), 101-106; Anouk Kootstra and Femke Roosma (2018), ‘Changing public support for welfare sanctioning in Britain and the Netherlands: A persuasion experiment’, *Social Policy & Administration* 52(4), 847-861.

¹⁵⁴ Peter Taylor-Gooby, Ben Leruth and Heejung Chung (2018), ‘Identifying attitudes to welfare through deliberative forums: The emergence of reluctant individualism’, *Policy & Politics* 47(1), 107-108.

a. UC AND THE WORKER CITIZEN

As noted in Section 2.2, UC claimants are allocated to one of four groups based on their relation to the labour market. UC was explicitly designed to be ‘like work’ in three ways. Firstly, the claimant must sign a commitment ‘deliberately mirroring a contract of employment’ and which ‘makes clear that welfare is no different from work itself’ (DWP, 2015: 5 cited in Millar and Bennett, 2016: 171). Secondly, the money is paid in a lump sum, directly to the claimant. Thirdly, it is paid monthly in arrears, to reflect the monthly wage of 75% of those in the labour market. UC is thus modelled around the ideal of the worker citizen, the person who contributes to society through paid work, who is expected to self-manage, and who deserves support only to the extent that they are attempting to enter the labour market.

It is important to note, however, that the UC worker citizen is modelled not only on participation in the labour market but on a particular ideal of full-time work, which is not always within the grasp of claimants. When claimants are in part time positions and receiving the tapered allowance, they can be sanctioned for not actively trying to increase their work hours or pay levels. Put differently, the ideal promoted seems to be not a *labouring* citizen, making a livelihood by piecing together precarious jobs, but a *wage-earning* citizen who may be in precarious work but is on a track out of it. The UC payment is also designed with an educative financial management approach that is very much in evidence on the DWP support webpage:

UC is paid monthly and is designed to match the way that most salaries are paid. You may be used to managing your money in this way, but help is available if you could do with some support.

Your UC monthly payment may include an amount towards your rent. You will be responsible for using this money to pay your landlord yourself.¹⁵⁵

The advice goes on to suggest ‘writing down what you spend each month and working out what you will have left over when your bills are paid’ and ‘get budgeting advice from family or friends’. The ‘civilising mission’ flavour of these recommendations is somewhat removed from the lives of claimants. For example, while it is true that 75% of those in work are paid monthly in arrears, less than half of workers earning less than £10,000 are paid monthly. Moreover, research has found that those in receipt of benefits often develop very effective tools for managing on low incomes, but the monthly payment design runs counter to some of these strategies.¹⁵⁶

This is only one example of how the complexities of people’s lives, and the particular challenges and strategies of those on low incomes, can create difficulties for a system that is designed to be simple. UC is intended to be more flexible and accommodate those working in insecure jobs because it is a single system, meaning a person does not have to sign off one set of benefits (jobseeker’s allowance) if they have temporary employment. The UC adviser interviewed felt that this change could work for some people, but that there were problems with adapting to fluctuating wages.

¹⁵⁵ Department for Work and Pensions (2019), [Universal Credit: Help with managing your money](#).

¹⁵⁶ Kate Summers and David Young (2019), ‘[The alleged simplicity of Universal Credit and the lived experience of benefit claimants](#)’, LSE Blog.

For example, Elina Garrick found her UC cut when she eventually received pay that had been delayed by several months – even though she had not been paid UC during the period when the pay was delayed because she was in work. Furthermore, the UC adviser explained, people can be reluctant to apply for benefits straight away after losing their job. If they wait until the money runs out, by the time they apply they need immediate support rather than back payments.

The precarity of self-employed workers is compounded by the tax credits. In a welfare system which asks claimants to report every change of circumstance, the failure to adequately monitor and declare volatile earnings can lead to unexpected bills at the end of the fiscal year, when records from the HMRC are contrasted with benefit recipients' own income declarations. As the intervention of the consultant (A) indicates in the excerpt below, the onus is on benefit recipients to report any change in circumstance:

A: [...] any change of circumstance must be reported, given how people don't communicate, and there are lots of people who won't sit like me and explain to them that you need this and the other, and there are x and y consequences. People don't declare it, and obviously they earn a little more, because every year you earn a little more, then you get letters that tell you that you have money to return.

These problems need to be understood in the context of significant cuts to the income people receive through the benefits system due to the 'bedroom tax', the benefit cap, the removal of child benefits for third and subsequent children unless conceived in a sexual assault, work capability tests, etc. The fact that UC is a lump sum including housing benefits means that claimants may be tempted to use some of the rent money to pay for food and other immediate needs, precisely because their budget is so tight: 'The people who are making these decisions [...] don't live in the world of the people who actually live on those benefits [...]. It's very easy for someone with millions of pounds to say 'Well you can budget yourself. You can pay the rent now' (UC advisor).

While the practice might be over-bureaucratic and difficult to accommodate, interviewees did generally accept the logic of the worker citizen who demonstrates deservingness through (willingness to) work. This illustrates the two very different ways in which work is grafted onto citizenship. On the one hand, from individual respondents' perspective, work is valued as a form of agency, self-reliance, upon which deservingness is staked. On the other hand, the *work-like* process of claiming benefits keeps claimants occupied, as if they were in a form of service, but without any of the virtues of self-governing. What is particularly striking in the effort to make benefit claiming 'like work' is indeed how much 'like work' it has become:

Looking for work is meant to be like a full-time job in itself, right? So if you're not working at all then according to the government you should be spending all the time when you would be working actually looking for work [...]. It's very difficult because we know that some people have been looking for work for years and still not finding it, and we've still got to tell them to search for work for 35 hours a week.

UC adviser

The interviews demonstrate the often challenging process of benefit claiming and its associated requirements – not only attending trainings but also the required meetings, the record keeping

(particularly by women who, as a kind of extension to the reproductive labour of housework, work to evidence school attendance and GP registration in order to demonstrate the presence of children) and the quiet everyday labour of interpretation as people learn to navigate the system.

It is revealing to observe, however, that these significant and time-consuming efforts were not represented by any of our interviewees as work, with its associations of self-reliance and moral capital. What was represented as work was when claimants were required to 'train' with employers in order to receive benefits, such as in the Work Programme (now the Work and Health Programme for the disabled and long term unemployed). This is not considered as work for the purposes of minimum wage and labour protection, but several participants felt that it was really for the benefit of employers 'getting cheap labour' (trade union officer) rather than supporting the claimant into work.

The problem is that welfare being '*like work*' means that it is not work. While activities associated with claiming benefits are undertaken for the purpose of obtaining an income, conditioning subsistence upon a handover of personal agency much like being in the service of an employer does, they have neither the personal value, nor the social standing of having a job. Payment in exchange for work is not means tested, unlike welfare benefits. Furthermore, people deemed to be not trying hard enough can be denied benefits through sanctions, i.e. suspension of benefits during up to three years:

People are vulnerable to sanctions because you have to commit to working a number of hours, but if somebody says to us, 'Well, I'm not looking for work because I'm not capable of work and I know I'm not capable of work,' as some people do, then they're vulnerable to a sanction because they have to look for work.

UC advisor

Another important difference is that, unlike wages, UC is usually paid to one member of a household. As main breadwinners, it tends to be men who receive this payment. The UC adviser flagged that this raised gendered justice issues:

There are sometimes abusive relationships [...]. I know it happens the other way round sometimes, but the way sexism works in society and the way the role of the family works, the man keeps the money, does what he wants with the money. The woman gets hardly any. Now, I've dealt with cases like that in the past [...] and you could split the payments in those circumstances so that you make sure that all the members of the household get enough [...]. Now the problem is that it's very difficult for an advisor to find out that they should split the payment because unless somebody's going to tell directly that they're experiencing abuse, it's extremely difficult [...] and a lot of what we do now is online [...] so you're not having the opportunity to see any sign of abuse.

UC advisor

b. MIGRANT WORKERS

Several of our participants were EU citizens identified as Roma who faced specific issues in their engagement with the benefits system. EU mobility has produced very particular kinds of worker citizens: while EU citizens are free to enter any other EU member state without being subject to immigration controls, those who want to stay for longer than three months must either be self-sufficient, a student or in work. It is difficult for people who are not working to obtain benefits other than for a short period. This group therefore can be under particular pressure to stay in work. Moreover, the barriers of English, literacy and digital competence, but most importantly the difficulty of navigating bureaucracy, with its formal language and reputation for complexity, made it unthinkable for our participants to apply for benefits without some help, be it from a friend or a consultant. Their access to social welfare was facilitated by paid intermediaries who straddled the boundary between commerce and care.

Every service had a price, from making an application for the National Insurance Number to completing a tax return. But to view that exchange as a mere transaction would miss the sense of personal responsibility taken on by intermediaries who make a profession out of walking migrants through the gates of bureaucracy. The consultant interviewed did not only talk about rules but also 'her advice', 'her duty', and even 'her rules', adding a personal layer of morality to the general eligibility criteria for applications. She made it clear that there were some cases she refused to take, not only on account of insufficient evidence but also when she suspected that her clients did not deserve benefits.

The relation we observed between consultant and clients was one of mutual trust and care, but dependency can be problematic. It was revealing to listen to an entire family berate a past consultant who, as they put it, 'abandoned them'. On one level, the abandonment was simply a regular market mechanism. The consultant raised her rates in response to increased demand, presenting her clients with the option of paying the new fees or finding someone else. There was hardly a question of intention to harm. The sense of disappointment this created however speaks volumes about migrants' dependency on private service providers in the exercise of their social rights.

The following intervention, from a woman whose husband had developed a medical condition that interfered with his ability to work, illustrates the anxiety arising from the possibility of losing at once one's health, one's work and the modicum of social security deriving from economic activity.

Interviewer: So what was your fear, that if your husband stops working you lose the tax credit?

Woman: Yes, the benefits that are linked to his work. Basically all the benefits are linked to a person who works. And that is a problem. If you can't work, as A [the consultant] says, as soon as anything changes [...]

A: The moment one of them can't work, if he can't work, his wife is forced to go to work. Because otherwise they will cut their housing benefit.

Interviewer: Because housing benefit is linked to working too?

A: Yes, yes. Absolutely all social assistance. As Europeans, you have to work to get social assistance, you understand? Including jobseeker's allowance. You need to prove that you worked before you can claim it. Rules changed.

Interviewer: So then the system is sort of upside down, in the sense that the needier you are, the harder it is.

[All at the same time]

Man: Yes.

Woman: The more you have to work.

The work involved in the interpretation of the benefit system was particularly evidenced by these migrants. They expressed a lively curiosity about UC, trying to determine whether it might bring something different to improve their condition – and thereby demonstrating the importance of not portraying welfare recipients through tropes of passivity. With the prescriptive confidence of a tutor and the commanding authority of a bureaucrat, who could close doors as easily she could open them, the consultant regularly coached her clients in matters of employment, record keeping, choice of home and even diet, which exceeded mere eligibility criteria:

A: [...] My advice for all clients would be to take up some work, at least part time. This is for their pension, for their residence, and I've been saying that for years without knowing that Brexit would happen. There are a lot of mothers who stay at home with their children because, I don't know if it's our culture, or if it's harder here because childcare is very expensive, so mums prefer to stay at home with the children. But you do that, how long for? How are you going to retire? [...] It's my duty to tell them what happens if you stay at home with the child and you don't pay any kind of tax anywhere.

In some cases, she added her own rules, derived not so much from the letter of the law but from a sense of cautiousness she had developed over years of acting as an all-round decoder of state processes.

A: Gabi had appealed to the help of a friend, she'd written an email, but I wanted her to mail it and send it by recorded delivery to make sure they were received. Because housing benefit was suspended. And I was afraid they would cut it altogether. Because if they cut it, how much do you pay here, 1,000?

Woman 1: 1,300 yes.

A: 1,300 pounds would have been a serious cost for them.

Woman 1: Yes.

A: And I know that Gabi works one day and is off another, so I asked her to send it by recorded delivery so that if they ever said 'We cut it because we didn't get the evidence', we had proof that this was actually sent.

C. SELF-PERCEPTIONS OF DESERVINGNESS

In our interviews the ideal of the worker citizen and associated deservingness was not generally felt to be unjust (though working for benefits was). When asked to consider whether any of their encounters with the British welfare system were unjust, the Roma participants and the consultant all responded negatively. They were well aware of the fact that it took some effort to wedge their way into citizenship, and were intimately familiar with the possibility that even this access could be interrupted – by nosy neighbours, by bouts of illness, or even the odd misplaced letter which prevented them from conforming with monitoring requirements. Male informants emphasised that they wanted to work, not to be on benefits, echoing in many respects the media's depictions of the good migrant through tropes of self-sufficiency.

Beyond this level of convergence, however, it is important to observe that both the ability to work and the type of work available were shaped by divisions of gender and class. Class was a factor in perceptions of deservingness. While the ideal of the worker citizen is premised on the imperative of economic self-sufficiency, it blurs the distinctions which ordinary men and women draw between work which barely enables subsistence, and good work, which is commensurate with their training and conducive to a certain form of self-realisation.

Some felt pushed into work that does not live up to expectations of honourability and that they actively do not want to do:

And I was quite upset that I came there myself voluntarily and I was trying to look for a job [...]. And I don't want to work in Poundland. This is not the job. It's not my dream job. I'm sorry. And they're trying to push me to get this kind of job.

Elina Garrick

Interestingly, while the worker citizen might be seen as dividing the 'good' citizen who works from the 'bad' citizen who is unemployed, UC blurs this distinction. Previous to its introduction, 'welfare' tended to be understood as meaning unemployment and disability payments but not tax credits, the top-up money paid to certain groups of low wage earners. With all benefits including tax credits rolled up into a single claim, the difference between claimants who are low waged and those who have no work has become much less clear. The UC advisor suggested that this might have contributed to the slew of bad publicity attached to UC, as it is not only the unemployed who have complaints about it.

Women in the Roma group provided an exception to worker citizen normativities. Eligibility criteria made it impossible for them to apply for unemployment benefits and tax credits, and their income depended upon their partner. As Roma participants remarked however, the position of women as benefit recipients and men as benefit enablers could hardly be attributed to Roma culture. Instead it was the result of broader gendered governance, where an intersection of costly childcare and low wages simply make it more economical for the entire family to have men in employment and women as full time carers. Interestingly, in the Roma interview group all participants thought that it was easier for women to claim welfare than men. Yet without being either in employment or the family member of a worker, and thus able to pass the eligibility criteria applied to EU migrants, women were excluded from welfare. What the comment likely indicates is the perception that women were more deserving of being helped than men.

Endorsement of the 'citizen' ideal of deservingness was more ambiguous. The UC adviser drew attention to the fact that being a legal citizen does not entail entitlement to all welfare benefits, and that everyone is required to pass the 'habitual residence test'. As we have seen, the habitual residence test requires everyone to demonstrate where they have been working, what their plans are, and whether they have an intention to reside long term in the UK. It was originally introduced in 1994 in response to concerns about 'benefit tourism' and applies to all recent arrivals including UK nationals. This means that citizenship alone is not enough to acquire the right to certain benefits (and now UC). Among other requirements is a 'settled intention to reside', which one might read as an intention to make one's home, or to attempt to 'belong'. This can come as a surprise to UK nationals who are returning after a period living abroad: 'A lot of people are shocked when they find out they've got to undergo this test. They're "Oh, I've got a British passport. I can show it to you".'

All Roma participants responded affirmatively to a question that stimulated them to consider whether access to benefits would have been simpler had they been born in the UK. 'They have different rights', stated the ill man who contemplated the prospect of losing his family's benefits. In his wife's words: 'I think we're only here half way'.

'To be frank', one of the women summarised, 'we're not even getting benefits as we should in our own country. So what demands can you make of London and the UK?'. The sense of entitlement seemed to be constituted transnationally and over time, through the accumulation of everyday encounters with bosses, neighbours and bureaucrats who told one what they could get and thus what they deserved. Expectations were thus set tacitly, with a regularity that came to represent matters of systemic inequality as an observable but unquestionable state of affairs.

It is important not to mistake the deficit of entitlement with one of imagination for what a more just society would look like. Probed to consider whether there were some people who were left behind, participants responded without hesitation: it was those who could not help themselves, and who had to be helped. Asked whether welfare entitlements should depend on where one came from, or whether it was just to chip away at the benefits granted to a poor family, the response was once again unequivocally no. When it came to themselves however, their 'fate', as one of them put it, was clear. The ability to get by in the UK was dependent upon at least a working family member, and accessing and retaining benefits in itself entailed a cost.

d. PROCEDURAL AND SUBSTANTIVE INJUSTICE

Despite their broad support for worker citizen principles, participants identified the complexity, impunity and unaccountability of the benefits system as sources of injustice. In this respect, as the trade union officer observed, the benefits system is not unlike immigration, and a combination of complexity and permanent rule change subjects people to a 'multiplicity of problems coming from all different directions'. Certainly the process of claiming was experienced by some as impenetrable, and they felt penalised by not understanding it. As the following exchange reveals, it took more than an English speaker to crack the code:

A: It's not enough to speak English [...] that's what I was saying earlier, you need to know the criteria. The application, honestly...

Woman: It's simple.

A: [...] it's very simple to complete. But you need to know the eligibility criteria.

Woman 2: Well my girl, she speaks English doesn't she? I could have asked her to fill the form, but I can't.

Woman 1: If you don't know what the deal is, what you have to say, what you have to fill out, there's no use doing it on your own.

Woman 1: [...] all we ever get, from the mayor, from wherever we get it, we send it to A [the consultant] so that she can give us the answer. What's going on, is it a bad thing, is it a good thing? She tells us. Look this and that and that.

The consultant's assistance was required at every stage of the encounter with the welfare system: to make the application, but also to maintain the application, respond to requests for updates, report changes of circumstance and deal with the occasional crisis which occurred when a misplaced request for updates led to the sudden interruption of housing benefits. UC was going to exacerbate this with its frequent updates and emphasis on online communication. The UC advisor was particularly concerned about people who did not have access to computers or who otherwise struggled with online exchanges, who might miss appointments and important notifications and thereby open themselves up to sanctions.

Sanctions were unanimously felt to be unjust. The UC advisor asserted that 'sanctions don't help anybody' and decried how at one time advisers had been given sanctioning targets of at least five people a week. This finding contrasts with the conclusions of a recent parliamentary consultation that found 'little support for unconditional welfare' and cited a prominent anti-poverty charity saying that 'sanctions are an inevitable part of a welfare-to-work system', without which 'conditionality is meaningless'.¹⁵⁷ The report carved an exception for disabled claimants and drew attention to research finding that the current regime went 'far beyond most members of the public's sense of fairness'. Disability rights organisations recommended that conditionality and sanctions should be replaced by voluntary, specialised and personalised employment support for the disabled. Exemptions should also extend to claimants waiting for their work capability assessment.¹⁵⁸

The punitive nature of the system contrasts with its imperviousness to challenge. The advisor cited figures from a trades union study that found that one in four payments in the previous 12 months had been late, and 40% of new claims had to wait 11 weeks for the first payment. Yet 'There's no comeback at all'. Several interviewees contrasted the latitude that was given to the system with the harshness of punishment for claimants: 'There are huge, huge debts that are being accrued and it's their fault [...] as long as I can show it's their fuck-up I will just say. And they're like, "Well, these things need to be sorted out"' (Joe Delaney). For example, Elina Garrick was moved to a new area to reduce housing benefit costs. She observed that parents who take their children out of school in term time can be fined or even go to prison, but that when she objected to the move on the basis of interruption to her daughter's schooling, this was not taken seriously: 'They punish parents for missing two or three

¹⁵⁷ House of Commons, *Benefit sanctions*, op. cit., 6.

¹⁵⁸ *Ibid.*, 31-32.

days. They send them to prison [...] but when it comes to the Council they can miss any time and it's fine. I said, "Why does my daughter have to suffer like this?". She described how she barely prevented a fire when she was living in a studio flat with her daughter who was able to access the cooker while she was asleep: 'I sent a letter to the council and I said, "This is unacceptable. People shouldn't be living like this.'"

Complexity, impunity and unaccountability were experienced as very disempowering, and not helped by the unacknowledged problems with the computer system. The housing activist claimed that the reason that claimants are told they have to contact the office at the end of their sanction is that the computer system is 'so old and crap' that officials have to end payments rather than suspend them, and the claimant contact is necessary so that they can restart the payment again. In December 2018 a parliamentary committee reported that the Government's on-line calculator allowing parents and carers to know their eligibility for childcare benefits and the amount they can receive did not list the support available through UC.¹⁵⁹

Difficulty in understanding led to perceptions of arbitrariness, both in the process – which office is processing your claim – and in the decision-making. This becomes particularly toxic in a context where people felt scrutinised and criticised for 'wrong' behaviour, whether speaking with a strong accent, not speaking English, not being a 'good' parent or being too pushy and difficult. This did not only produce a sense of vulnerability to decision makers but also to the social environment more generally:

If I have mean neighbours they can make a complaint to hurt me, because there are lots of people whose benefits were suspended because they had a complaint. God knows where from. [...] Once the complaint is there they just send an on the ground inspection to see, what's the deal, is this true or is it not true? And they catch you red handed. And that would be a problem, because [the benefits] would be suspended for good, and you couldn't apply anymore.

Female claimant

Similarly, Elina Garrick felt that her neighbours looked down on her as a single mother, a migrant, and someone on benefits: 'They think, "Oh my God, she's on benefits. We're not talking with this kind of people." [...] There is a family, they are plumbers, and they just look down on me, like they are royalty or something, and I'm like nobody'. She felt her parenting was actively policed socially as well as by the welfare system and that this was as much associated with her being a migrant as with being on benefits, which added another layer of undesirability. Resisting these attitudes was very important to her, and this was not simply about claiming legal rights, but asserting herself, and notably, asserting herself as a woman:

OK I want to do my nails. Maybe that makes me happy. But because I'm on benefits, I shouldn't be doing that. I shouldn't be colouring my hair because I'm poor. So... just because I don't have millions I have to look like a tramp. Sometimes people say, 'Oh.

¹⁵⁹ House of Commons, *UC: Childcare*, op. cit., 28.

You don't look like you're a single mum.' [...] How am I supposed to look? Do you want me to cut myself?

While the rhetoric around UC is very much about responsibility and independence, what is striking is that people experienced precisely the opposite – that they were out of control of their own lives. The young mother described how she was moved to cheaper accommodation: 'They dumped me, basically. I didn't know where the shops were. It was in the middle of nowhere. The closest GP was 40-minutes' walk. The closest shop was about 20-minutes' walk'. They also felt under surveillance. Indeed the housing activist complained that the cards that Grenfell claimants had been given to make payments on were being monitored for spending patterns, and data used to question people about their movements.

Perhaps it is not surprising that these kinds of conditions seem to facilitate a more personalised suspicion of and combativeness toward the people implementing the system:

They were talking about how great [UC] is [...] and I'm sitting and I'm thinking, just don't say anything... Basically I'm bursting. I want to say something... So when she finished, I said: 'Listen, I will tell you this. Go research yourself and I will tell you, most of the time they tell you lies.' [...] 'Why is this advisor supposed to call me mad or something, all these names?' [...] I should have, I think, called her some names.

Elina Garrick

Such was the mistrust in the system that in the focus group discussion, Joe Delaney demonstrated how to record exchanges with officials to Elina Garrick to help her evidence her harassment claims.

The trades union officer pointed out that the system has been privatised, and that this is compounded by means testing which obliges the people administering the system to make judgments about applicants:

A group of low paid exploited people are paying benefits to another group of exploited people [...] and so validate their own position often by treating the people that they're paying benefits to badly because they've got power. That's means testing. So to get any kind of just system means-testing has to go.

As the UC advisor put it: 'Basically what they're trying to do is they're trying to get working class people to blame other working class people for issues of austerity. And they're trying to get some people to blame other people'. This was described by Elina Garrick who said she 'dressed down' when she went to the job centre for fear of looking too smart and making the staff vindictive.

Anti-poverty organisations have pointed out how power imbalances between claimants and jobcentre officials could lead to claimant commitments being imposed rather than agreed through a deliberative negotiation. This situation was made worse by UC conditioning the first benefit payment to the signature of the commitment, adding to the pressure on claimants facing destitution, as well as by work coaches' frequent failure to enquire about individual circumstances that could justify an 'easement' (ie the discretionary or mandatory reduction or withdrawal of work-related conditions). This failure was attributed in part to lack of training and in part to a lack of time to 'explore fully

claimants' personal circumstances'.¹⁶⁰ Likewise, the parliamentary commission heard of 'many decisions that were at best ill-informed and, at worst, wholly inappropriate' regarding the referral of claimants to independent decision makers. For instance, UC statistics showed that 81% of sanctioning decisions were overturned in appeals to the First-tier Tribunal.¹⁶¹ Yet appeals could take over 6 months to be heard, obliging claimants to cope with extended periods of hardship.¹⁶² Lack of time, training and coordination between departments also emerged as an obstacle to frontline staff helping claimants understand different childcare options.¹⁶³ While privatisation has been put forward as a solution to under-resourcing, another parliamentary report denounced how Maximus, the firm contracted by the DWP to carry out work capability assessments, had struggled to meet already insufficient performance targets. The report recommended that the Department should consider 'whether the market is capable of delivering the service and, if it cannot, whether assessments might be better delivered in-house'.¹⁶⁴

These findings were echoed in our interviews. The advisor explained that staff were under considerable pressure as a result of cutbacks and numbers of claims, as well as the pressure they put themselves under because of concerns about waiting periods. Face to face staff were being asked questions about benefits, hardly surprisingly because claimants reported it was difficult to have face to face time with benefit staff, but job coaches do not know much about the benefit system. He also reported that there was a lack of training, and that people had gone on training courses but not had the recommended period of consolidation meaning that 'we're scrambling around talking to colleagues trying to find somebody who knows how to do this [...] and it's really stressful because the claimant's sitting there thinking 'Well I want to speak to someone who knows what they're doing.' The underfinancing of public services is not limited to social security, and a previous ETHOS Deliverable showed how both professional care workers and care users bore the brunt of the time scarcity caused by unmanageable workloads and precarious contracts.¹⁶⁵

Perhaps unsurprisingly, interviewees had very different attitudes to discretion. The housing activist felt that discretion was a problem and that it easily became an exercise of power, and that a strictly rule based system was much fairer: 'Two and two is always four. You can never interpret it in any other way.' When the interviewer asked whether such an approach could effectively capture people's needs and lives in practice he was definitive: 'You're a single male. It should take X amount for you to live per week. Are you getting that? No. Well, then you should be topped up to that amount.' Notably the activist here is referring to the amount of benefit, and there is general agreement that the sum is not enough. However CPAG, a charity, also recommended stricter rules on easements:

Where you have a general reasonableness test [for when to apply an easement], the amount of fact-finding that the work coach needs to do, the number of things they need to look into, is vast. When you have much more of a rules-based system you can

¹⁶⁰ House of Commons, *Benefit sanctions*, op. cit., 44-45.

¹⁶¹ *Ibid.*, 47.

¹⁶² *Ibid.*, 51.

¹⁶³ House of Commons, *UC: Childcare*, op. cit., 28.

¹⁶⁴ House of Commons, *UC: Support for disabled people*, op. cit., 24.

¹⁶⁵ Bridget Anderson (2018), [Justice, care and personal assistance](#), ETHOS WP 5.3.

ask them questions, 'Do you have any [caring] responsibilities for an elderly relative?' [...]. Tick box. 'How many hours?' Tick box.¹⁶⁶

The same approach was propounded for judgements on the existence of 'good reasons' for failing to comply with a claimant commitment:

Rules ought to set out those situations which constitute good reason, rather than requiring [work coaches and] decision makers to make judgement on a case by case basis [...]. The risk that a particular case may have a good reason but not come within one of the explicit rules can be catered for by having a residual category for other situations, allowing for a reasonableness test in these cases.¹⁶⁷

In contrast, as discussed above with reference to domestic violence, the UC advisor felt that the limits placed on discretion and face to face advice was in itself a problem, pointing out that the number of sanctions has increased since UC has been introduced. He gave the example of someone who hasn't spent 35 hours a week looking for work: 'If they tell you, "Well, it's because my father died" [...] any kind of issues like that you can take that into account and you can use your discretion not to enforce an unfair sanction'. Notably contracted providers of the Work Programme did not have the power to accept good reason for failure to comply with conditionality, an approach that was described as 'a source of injustice and damage to claimants'. Under UC proposals have been made to give work coaches discretion not to refer a claimant to a sanction even if they fail to comply with their commitment without good reason in cases where the sanction would have a disproportionate effect on them or their household, as well as to introduce a 'yellow card' system consisting of a written warning before the imposition of any sanction.¹⁶⁸

7. MOBILISING (AGAINST) THE LAW

Restrictive reforms in the field of unemployment benefits have been contested in a number of high profile legal cases on the grounds that they impinged on rights enshrined in UK, EU and international law. Several of these cases were supported by civil society organisations and the Equality and Human Rights Commission (EHRC), an independent statutory body established in 2006 to promote human rights in Great Britain. While some of them were unsuccessful, others have spurred significant legislative or judicial changes aiming to shield those most exposed to the effects of the cuts.

A claim against the original benefit cap was brought by three lone parents families in 2013 on the grounds that it discriminated against women and large families in contravention of Article 14 (prohibition of discrimination) and Article 1 Protocol No 1 (right to peaceful enjoyment of one's possessions) of the European Convention on Human Rights (ECHR). The UN Convention on the Rights of the Child was also cited to foreground the importance of taking the best interests of children into account when assessing the proportionality of the cap as a measure to reduce public expenditures,

¹⁶⁶ House of Commons, *Benefit sanctions*, op. cit., 46.

¹⁶⁷ *Ibid.*, 50.

¹⁶⁸ *Ibid.*, 50-54.

incentivise paid employment and setting a maximum amount on the overall benefits a given household can receive. CPAG and Shelter Children’s Legal Service intervened on behalf of the claimants. The claim was rejected by a divided Supreme Court, whose majority opinion emphasised the discretion the Government could exercise in the design of ‘general measures of economic or social strategy’.¹⁶⁹ In June 2017 a similar case against the revised cap, brought by four lone parents and three of their children under the age of two, succeeded in the High Court.¹⁷⁰ The decision was overturned in May 2019 by a 3-2 Supreme Court majority, despite the intervention of the EHRC and various specialised NGOs.¹⁷¹

Two cases concerning discrimination against disabled claimants of housing benefits have shaped the regulation of the ‘bedroom tax’.¹⁷² In *Burnip v Birmingham City Council*,¹⁷³ two claimants were disabled adults who required a carer throughout the night. The third case, *Gorry v Wiltshire Country Council*, concerned two children whose disabilities made it inappropriate for them to share a bedroom. All claimants alleged that previous housing benefit regulations in relation to private sector tenants discriminated against them as they did not take into account the bedroom needs arising from their disability. These cases relied entirely on Article 14 ECHR.¹⁷⁴ The EHRC intervened on behalf of the claimants. The Court held that there had been an unjustified disparate impact on these claimants, and the regulations were amended to deal with disabled persons in similar circumstances.

In *R (Carmichael and Rourke) v Secretary of State for Work and Pensions*¹⁷⁵, the Supreme Court considered a range of appeals concerning the bedroom tax for social housing tenants. The only successful case had a disability dimension. The situations of Mrs Carmichael and the Rutherford family were the mirror image of those in *Burnip*, with the positions of the adults and the children reversed: Mrs Carmichael could not share a bedroom with her husband because of her disabilities, whereas the Rutherfords needed a regular overnight carer for their disabled grandson. The claimants argued that the regulations, by ignoring their housing needs, constituted unjustified discrimination on the grounds of disability under Article 14 ECHR in conjunction with Article 8 (private and family life) and/or the right to peaceful enjoyment of possession. Relying on domestic law, they also alleged that the Secretary of State had failed its duty to have regard to equality under Section 149 of the Equality Act 2010.¹⁷⁶ In both cases the Court found no justification for distinguishing between adults and children and

¹⁶⁹ *R(SG and ors) v Secretary of State for Work and Pensions* [2015] UKSC 16, [2015] 1 WLR 1449.

¹⁷⁰ *DA and Others v Secretary of State for Work and Pensions* [2017] EWHC 1446 (Admin).

¹⁷¹ *R (DS & Ors) v Secretary of State for Work and Pensions* [2019] UKSC 21.

¹⁷² This overview draws on Timothy Sayer (2017), ‘The Bedroom Tax Case: *R (Carmichael and Rourke) v Secretary of State for Work and Pensions* [2016] UKSC 58 [2016] 1 WLR 4550’, *Judicial Review* 22(2), 208-214.

¹⁷³ *Burnip v Birmingham City Council & Anor* [2012] EWCA Civ 629.

¹⁷⁴ ‘The enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.’

¹⁷⁵ [2016] UKSC 58.

¹⁷⁶ *Ibid.*, para 3.

identified a violation of Article 14.¹⁷⁷ However it rejected, upon examination of the legislative process, the claim that the Secretary of State had failed to fulfil the public sector equality duty.¹⁷⁸

Work-related conditions, and more specifically work placements, have been contested on the grounds that they amounted *inter alia* to forced labour in violation of Article 4 ECHR. The High Court rejected these arguments in 2012 but prompted the Government to modify the regulation of the jobseeker's allowance to detail the nature of claimants' obligations to participate in work placements under the discontinued Work Programme.¹⁷⁹

The provision of the Welfare Reform and Work Act 2016 imposing an upper limit of two children in respect of whom tax credits (or the child component of UC) is payable was litigated by two single mothers of three and five children, the youngest of whom was born after the law came into force. The mothers alleged that the Act was contrary to Articles 8, 12 (right to marry and found a family) and 14 ECHR. As in the benefit cap cases, the authority of the UN Convention on the Rights of the Child was invoked to foreground the best interest of the child, and the EHRC and CPAG intervened on behalf of the claimants. Upholding the judgement of the High Court,¹⁸⁰ the Court of Appeal found in April 2019 that Parliament had paid scarce regard to the significant impact on children who were, through no fault of their own, raised in large households, but that this was not sufficient to infringe the right not to be discriminated against. It also dismissed the allegation of sex discrimination on the basis that any measure intended to reduce social security expenses would be likely to affect women disproportionately.¹⁸¹

In two separate cases decided in 2016,¹⁸² EU citizens appealed against the 'genuine prospects of work' test used by the DWP to determine their eligibility to unemployment benefits, arguing *inter alia* that the requirement to provide 'compelling evidence' was more restrictive than the EU standard set out in the leading *Antonissin* case.¹⁸³ According to *Antonissin* a mobile EU citizen retains the status of worker (and its associated benefits) merely if they provide 'evidence' that they are seeking employment and have genuine chances of being engaged, with no mention of the evidence having to be compelling. Some of the claimants were supported by CPAG and Citizens Advice. In both cases the Court found that the 'compelling evidence' requirement set out in the Immigration (European Economic Area) (Amendment) (No.2) Regulations (SI 2013/3032), together with the administrative guidance explaining its meaning, indeed could give rise to interpretations that would be incompatible with EU free movement rights. The only way to avoid this was to interpret the 'compelling evidence' in line with the civil standard of proof, so that evidence would merely need to establish on the balance of probabilities that the claimant was seeking employment and had genuine chances of being engaged.

¹⁷⁷ *Ibid.*, para 49.

¹⁷⁸ *Ibid.*, para 68.

¹⁷⁹ *R (Reilly & Anor) v Secretary of State for Work and Pensions* [2013] UKSC 68. See Amir Paz-Fuchs and Anja Eleveld (2016), 'Workfare revisited', *Industrial Law Journal* 45(1), 29-59.

¹⁸⁰ *SC and others v Secretary of State for Work and Pensions and others* [2018] EWHC 864 (Admin).

¹⁸¹ *R (SC & Ors) v The Secretary of State for Work and Pensions & Ors* [2019] EWCA Civ 615.

¹⁸² *KS v Secretary of State for Work and Pensions (JSA)* [2016] UKUT 269 (AAC); and *Secretary of State for Work and Pensions v MB and others (JSA)* [2016] UKUT 372 (AAC).

¹⁸³ C-292/89.

The method used by the DWP to calculate the earnings of UC claimants came under the scrutiny of the High Court, whose judgement of 11 January 2019 found in claimants' favour. The case was brought by four single mothers of young children who received their pay on or around the last day of the month. At times this led to them receiving two pay cheques in the same UC assessment period and none in the following one, meaning they missed out on one of their £192 'work allowances' (the monthly amount that can be earned before UC is tapered). The claimants alleged, inter alia, a violation of Article 14 ECHR, but the Court limited itself to the finding that UC regulations could be read flexibly so as to avoid penalising claimants because of the frequency at which they were paid. Interestingly the Government attempted to defend the policy on the basis that UC was designed to be automated and that claimants could ask employers to modify payroll arrangements. The Court dismissed these arguments by observing that regulations already provided for manual interventions in the management of UC claims and that employers, not employees, normally made decisions regarding payment arrangements.¹⁸⁴

The foregoing review suggests a number of general trends regarding legal mobilisations against unemployment benefit cutbacks. First and most obviously, various aspects of social security policy have become the target of strategic litigation. However claimants rarely invoke free standing social rights (such as the right to housing, food, health or an adequate standard of living), relying instead on related rights to family life, peaceful enjoyment of possessions, protection against forced labour, freedom of movement and especially non-discrimination. This strategy has enabled them to bypass the relative neglect of social rights in legal instruments such as the ECHR. Reflecting the effectiveness of non-discrimination as a legal basis on which to claim social rights, the Equality and Human Rights Commission has played a prominent role as an intervener in favour of claimants, but specialist poverty charities have also contributed to litigation in part by documenting the impact of policy changes. Despite increasing judicial activity British courts generally remain reluctant to second guess the decisions of the legislature and the executive in matters of social and economic policy, especially when these decisions are the outcome of extensive political debates where the interests of adversely affected populations are explicitly taken into account. Rulings often revolve around proportionality tests where these adverse effects are balanced with the legitimate aims of the contested measures. The open-textured nature of these tests, and their concomitant sensitivity to judges' ideological leanings, has resulted in several overturned rulings and dissenting opinions, with current Supreme Court President Baroness Hale frequently dissenting from the majority's deference to the Government and Parliament. International law adopted in the UN framework is sometimes called upon to centralise specific principles, such as the best interests of children, in the conduct of proportionality tests, but the general position is that British courts are not bound by 'unincorporated' international treaties (unlike the ECHR, which was given quasi-constitutional status by the Human Rights Act 1998).

Notwithstanding the uncertain applicability of international human rights law in the UK, UN monitoring bodies have played an increasingly significant role in political debates on means-tested benefits. In a 2013 report on the UK, the Special Rapporteur on the right to housing described how changes to the welfare system had left the disabled 'between a rock and a hard place: downsizing or facing rent arrears and eviction. Many testimonies refer to anxiety, stress and suicidal thoughts as a

¹⁸⁴ R (Johnson, Woods, Barrett and Stewart) v SSWP [2019] EWHC 23 (Admin).

result.¹⁸⁵ In its 2016 concluding observations, the Committee on the Rights of the Child expressed serious concern at the benefit caps and the bedroom tax and recommended measures to reduce homelessness and progressively guarantee all children stable access to adequate housing that provides physical safety, adequate space, protection against threats to health and structural hazards and accessibility for children with disabilities.¹⁸⁶ In the same year, the Committee on Economic, Social and Cultural Rights noted the disproportionate impact of the benefit cap, benefit sanctions and bedroom tax on persons with disabilities. It recommended reviewing entitlement conditions, reversing cuts in social security benefits, reviewing the use of sanctions and providing disaggregated data on the impact of reforms on persons with disabilities.

In its 2017 concluding observations,¹⁸⁷ the Committee on the Rights of Persons with Disabilities expressed concern at the austerity measures which resulted in severe economic constraints for persons with disabilities and their families. It cited the negative impact of reductions in UC payments, the insufficient compensation of disability-related costs and the eligibility criteria which reduced the number of recipients of disability-related allowances. It recommended that the British state carry out a cumulative impact assessment, based on disaggregated data, of the reforms for persons with disabilities and implement and monitor measures to tackle regression in their standard of living. It also emphasised the need to ensure that UC eligibility criteria and assessments were in line with the human rights model of disability.¹⁸⁸

In April 2019, following consultations in 10 cities during which he received some 300 submissions, the Special Rapporteur on extreme poverty and human rights delivered a scathing report¹⁸⁹ detailing the ‘tragic consequences’ of austerity policies adopted since 2010:

Close to 40 per cent of children are predicted to be living in poverty by 2021. Food banks have proliferated; homelessness and rough sleeping have increased greatly; tens of thousands of poor families must live in accommodation far from their schools, jobs and community networks; life expectancy is falling for certain groups.

Stressing the incongruence of the world’s fifth largest economy leaving a fifth of its population in poverty, the report diagnosed that ‘much of the glue that has held British society together since the Second World War has been deliberately removed and replaced with a harsh and uncaring ethos’. Generally favourable economic indicators showed that austerity policies had been ‘pursued more as an ideological than an economic agenda’, a conclusion reinforced by evidence of numerous counter-productive effects:

¹⁸⁵ Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik. Mission to the United Kingdom of Great Britain and Northern Ireland, A/HRC/25/54/Add.2, para 65.

¹⁸⁶ Committee on the Rights of the Child (2016), Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland, CRC/C/GBR/CO/5, para 70-71.

¹⁸⁷ Committee on the Rights of Persons with Disabilities (2017), Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland, CRPD/C/GBR/CO/1*, para 60-61.

¹⁸⁸ *Ibid.*, para 58-59.

¹⁸⁹ *Report of the Special Rapporteur on extreme poverty and human rights on his visit to the United Kingdom of Great Britain and Northern Ireland*, 23 April 2019, A/HRC/41/39/Add.1.

The many billions extracted from the benefits system since 2010 have been offset by additional resources required, by local government, by doctors and hospital accident and emergency centres, and even by the ever-shrinking, overworked and underfunded police force to fund the increasing need for emergency services.

The Special Rapporteur insisted that a system falling into 'Universal Discredit' needed urgent reforms going 'well beyond tinkering'. Its underlying premise that 'almost any alternative will be more tolerable than seeking to obtain government benefits' was 'a very far cry from any notion of a social contract, Beveridge model or otherwise, let alone of social human rights'. Drawing on Hobbesian imagery he condemned an approach that relegated the least fortunate to lives that are 'solitary, poor, nasty, brutish, and short'.

Political mobilisation is not only experienced as a fight for rights but more generally as a fight for self-expression. "I feel so broken [...] but then I thought, I'm not going to give them this joy being like that. I'm still going to go out and express myself and [...] I'm going to find a way', asserted Elina Garrick. From 2010 onwards, several grassroots movements emerged to oppose benefit restrictions, such as Boycott Workfare, Kilburn Unemployed Workers Group, Brighton Benefits Campaign, Keep Volunteering Voluntary, Scottish Unemployed Workers' Network and Dundee Against Welfare Sanctions. Pre-existing movements also revised their mission to focus on benefits, such as Leeds Off Our Homes which became Leeds Fightback Welfare and Haringey Solidarity Group that started as a group against poll tax. Some of these groups adopted the organising principles of claimant unions, whose members represent each other in their dealings with job centres.¹⁹⁰ While our interviews brought out considerable anger at the treatment received from some job centre staff, there have also been instances of solidarity between claimants and officials. For instance the former supported a strike by the Public and Commercial Services union in reaction to disciplinary measures taken against its members for not sanctioning claimants enough.¹⁹¹

Trade unions have also made forays into the politics of unemployment benefits. In 2011 the largest private sector union in the UK, Unite the union, announced it would create a new organising structure to represent those not in employment. For 50 pence a week, much less than the average fee of industrial membership, Unite Community members enjoy most benefits of being part of the union. However they cannot participate in any of the union structures beyond their local Community branch, nor vote in elections to the Executive Council. For a Community branch to be formed in a locality it must recruit a minimum of 50 members, and each branch receives £500 annually from the head office to support campaigning. In addition to opposing cutbacks in disability benefits, the 'bedroom tax', benefit sanctions and other austerity measures, Unite Community members have established training and advice sessions, encouraged people to claim the benefits to which they are entitled and appealed benefit sanctions.¹⁹² While the relation between Unite's long-standing industrial departments, Unite

¹⁹⁰ Vera Weghmann (2019), 'The making and breaking of solidarity between unwaged and waged workers in the UK', *Globalizations* 6 (4), 444-445.

¹⁹¹ *Ibid.*, 9.

¹⁹² Jane Holgate (2018), 'Trade unions in the community: Building broad spaces of solidarity', *Economic and Industrial Democracy*, 1-22.

Community and grassroots claimant groups remain fraught, these initiatives suggest a growing willingness to catalyse wider solidarity against the lived injustice of benefit cutbacks.

8. CONCLUSION

This report set out to explore how a variety of UK stakeholders – politicians, the media, courts, job centre staff, activists, trade unions and, especially, those who claim means-tested working-age benefits – understand the relation between the contemporary welfare state and social justice. Our findings suggest a situation of extreme polarisation, exacerbated by the benefit restrictions and claimant stigmatisation that followed the 2008 financial crisis and the subsequent coming into power of Conservative-led governments. During this period, an influential strand of media and political opinion held that insufficient motivation to work and other individual factors (such as family breakdown, educational failure, financial mismanagement and addiction) were to blame for poverty. This rhetoric, which echoed and radicalised the activation policies of previous Labour governments, provided a cover of legitimacy to coercive measures purporting to make employment more attractive than claiming benefits and instill work-related behaviour. Individual benefits were frozen year after year, their overall amount per household was capped, their payment became conditional upon interviews, job search, training, work placements and other work-related duties, failure to comply with these duties became associated with sanctions of up to three years, and claimants were invested with increasing responsibilities to manage their claims on-line. While the principle of rewarding paid employment over other types of labour continues to enjoy broad support, upholding this principle in a context of rampant in-work poverty has meant plunging families into destitution, riddling them with debt, subjecting their daily lives to close scrutiny and making the conditions and process for claiming benefits increasingly onerous.

By effect or by design, these impacts have exacerbated the subordination of disabled persons, non-UK nationals and young mothers. Most disabled claimants have faced reduced allowances on the highly contested assumption that they would be able to participate in paid employment and other non-specialist social structures, and been left to grapple with unadjusted on-line systems. Non-UK jobseekers have seen their path to deservingness considerably narrowed through stringent conditions for retaining ‘worker’ and ‘resident’ status, including minimum earnings thresholds, compelling evidence of job prospects, language skills and social connections. Due to the scarcity of affordable childcare, single parents of young children, the vast majority of whom are women, have borne the brunt of work-related conditionality. Interviews suggest that some of these impacts are more likely than others to be perceived as flagrant injustices. While migrants have proven willing to accept a degree of less favourable treatment, sometimes by comparing the inadequate support received in their countries of origin, gendered ideals of work and childcare have contributed to stronger opposition toward austerity measures targeting young mothers. Perhaps the most uniformly negative reactions were aroused by the procedural failures of an increasingly complex and automatised system modelled after a vanishing ‘standard’ employment relationship, whose foremost intention is to ensure that claimants do not receive any more than the amount to which they are entitled.

While sowing division and arousing interpersonal frustrations, benefit cutbacks have also sparked transformative forms of mobilisation. Non-discrimination provisions enshrined in the ECHR

have provided a legal basis on which to challenge austerity, and specialist charities have been joined by statutory bodies in their support for claimants. In several cases, mainly revolving around indirect sex discrimination, courts have been reluctant to challenge the validity of parliamentary measures, but in others they have obliged the executive to pay greater attention to the interests of disabled or migrant claimants. International human rights bodies have played an active role in legitimating these cases by condemning in unusually strong terms the negative effects of benefit restrictions. Perhaps the most interesting forms of political action has been the alliance of job centre staff with their service users, catalysed by a shared anger at the Government's insistence on making greater use of sanctions. Springing from a long-standing ideal of needs-based social assistance that also furthers the interests of precariously employed workers, this anger may become fertile ground for a renewed politics of social security.

Recommendations

In 2015 a Welfare Charter was launched jointly by PCS, Unite Community and the Derbyshire Unemployed Workers Centre.¹⁹³ The Charter was endorsed by Trades Union Congress in 2016.¹⁹⁴ Given its direct relevance to the problems identified in this report, as well as the principles and first-hand knowledge underpinning them, we hereby reproduce in adapted form some of its recommendations:¹⁹⁵

- Support people into appropriate work rather than forcing them to take any work on threat of removal of benefits;
- Remove the delay before people can claim benefits after losing their jobs;
- Remove benefit caps;
- End any obligation to work in exchange for benefits;
- Provide access to an advocate to help claimants navigate the social security system;
- Guarantee young people's access to benefits;
- Reverse the cuts to the budget for the implementation and enforcement of equality laws, including through the Equality and Human Rights Commission;
- End benefit sanctions which leave people without financial support;
- Establish a supportive careers and jobs-broking service, not linked to benefit conditionality;
- Grow the numbers of people who support the principle of a non-means tested, non-discriminatory benefit payable to all, that entitles everyone to have a safe, warm home, good food, proper clothing and being able to participate in society.

¹⁹³ PCS (2019), [*Social security: The case for radical change*](#), 22.

¹⁹⁴ TUC (2017), [*From welfare to wages? An evaluation of current and future support for jobseekers*](#).

¹⁹⁵ The full Charter can be consulted at https://nickplus007.files.wordpress.com/2015/09/welfarecharter_a5-full-version.pdf.

REFERENCES

- Anderson, Bridget (2013), *Us & Them? The Dangerous Politics of Immigration Control*, Oxford: Oxford University Press.
- Anderson, Bridget (2015), 'Heads I win. Tails you lose. Migration and the worker citizen', *Current Legal Problems* 68, 179-196.
- Anderson, Bridget (2015), 'Immigration and the Worker Citizen', in Bridget Anderson and Vanessa Hughes (eds), *Citizenship and its others*, New York: Palgrave Macmillan, 41-57.
- Anderson, Bridget (2018), *Justice, care and personal assistance*, ETHOS WP 5.3 [accessed via https://ethos-europe.eu/sites/default/files/docs/d5.3_website_report_pier_change_050719.pdf].
- Bach, Stephen (2016), 'Deprivileging the public sector workforce: Austerity, fragmentation and service withdrawal in Britain', *The Economic and Labour Relations Review* 27(1), 11-28.
- Baumberg, Ben (2016), 'The stigma of claiming benefits: A quantitative study', *Journal of Social Policy* 45 (2), 181-199.
- Bradshaw, Jonathan and Fran Bennet (2015), *ESPN thematic report on minimum income schemes* [accessed via <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2506&furtherNews=yes>].
- Cameron, David (2011), 'PM's Speech on the Fight Back after the Riots', 15 August [accessed via <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots>].
- CPAG (2017), *Broken promises: What has happened to support for low-income working families under UC?* [accessed via <https://cpag.org.uk/sites/default/files/Broken%20promises%20FINAL%20for%20website.pdf>]
- Dar, Aliyah (2016), *Work programme: Background and statistics*, House of Commons Briefing Paper 6340 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06340>].
- Department for Work & Pensions (2017), *Analysis of migrants' access to income-related benefits* [accessed via https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/639597/analysis-of-migrants-access-to-income-related-benefits.pdf].
- Department for Work and Pensions (2019), *Universal Credit: Help with managing your money* [accessed via <https://www.gov.uk/government/publications/help-with-budgeting-your-universal-credit/universal-credit-help-with-managing-your-money>].
- Dewar, Laura and Dalia Ben-Galim (2017), *An impossible bind: Requirements to work under UC*, London: Gingerbread [accessed via <https://www.gingerbread.org.uk/wp-content/uploads/2017/10/An-impossible-bind-requirements-to-work-under-Universal-Credit.pdf>].

- Disability Rights UK (2012), *Press portrayal of disabled people: A rise in hostility fuelled by austerity?* [accessed via <https://www.disabilityrightsuk.org/sites/default/files/pdf/disabilitypresscoverage.pdf>].
- Dupont, Pier-Luc and Bridget Anderson (2018), *UK report on the economic struggles of young mothers and migrant domestic workers*, ETHOS WP 6.2 [accessed via <https://cpb-eu-w2.wpmucdn.com/blogs.bristol.ac.uk/dist/e/505/files/2019/01/Economic-struggles-2mjnjet.pdf>].
- DWP (2010), *21st Century Welfare*, London: HM Government [accessed via https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/181139/21st-century-welfare_1_.pdf].
- DWP (2010), *Universal Credit: Welfare that Works*, London: HM Government [accessed via https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/48897/universal-credit-full-document.pdf].
- DWP (2010a), *21st Century Welfare*. Cm 7913. The Stationery Office Ltd [accessed via www.dwp.gov.uk/21st-century-welfare].
- Fenton, Alex (2010), *How will changes to Local Housing Allowance affect low-income tenants in private rented housing?*, Cambridge Centre for Housing & Planning Research [accessed via https://england.shelter.org.uk/_data/assets/pdf_file/0016/290041/CCHPR_final_for_web_2.pdf].
- Gietel-Basten, Stuart (2016), 'Why Brexit? The toxic mix of immigration and austerity', *Population and Development Review* 42 (4), 673-680.
- Hills, John (2015), *The Coalition's record on cash transfers, poverty and inequality 2010-2015*, Social Policy in a Cold Climate Working Paper 11 [accessed via <http://sticerd.lse.ac.uk/dps/case/spcc/wp11.pdf>].
- Holgate, Jane (2018), 'Trade unions in the community: Building broad spaces of solidarity', *Economic and Industrial Democracy*, 1-22.
- House of Commons Work and Pensions Committee (2017), *UC: The six week wait*, House of Commons [accessed via <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/336/336.pdf>].
- House of Commons Work and Pensions Committee (2018), *Benefit sanctions*, House of Commons [accessed via <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/955/955.pdf>].
- House of Commons Work and Pensions Committee (2018), *UC: Childcare*, House of Commons, 21 [accessed via <https://www.parliament.uk/business/committees/committees-a-z/commons-select/work-and-pensions-committee/news-parliament-2017/universal-credit-childcare-report-published-17-19/>].

- House of Commons Work and Pensions Committee (2018), *UC: Support for disabled people*, House of Commons, [accessed via <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1998/1998.pdf>].
- House of Commons Work and Pensions Committee (2018), *Universal Support*, House of Commons [accessed via <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1667/1667.pdf>].
- House of Commons Work and Pensions Committee (2019), *Benefit sanctions*, House of Commons [accessed via <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/955/955.pdf>].
- House of Commons Work and Pensions Committee (2019), *The benefit cap*, House of Commons [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06294>].
- House of Commons Work and Pensions Committee (2019), *Two-child limit*, House of Commons [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7935#fullreport>].
- Keen, Richard (2018), *UC: Why are sanction rates higher?*, House of Commons Briefing Paper 8410 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8410#fullreport>].
- Keen, Richard and Vyara Apostolova (2017), *Statistics on migrants and benefits*, House of Commons Library Briefing Paper 7445 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7445>].
- Kennedy, Steven (2015), *Further proposals to restrict migrants' access to benefits*, House of Commons [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN07145>].
- Kennedy, Steven (2015), *Measures to limit migrants' access to benefits*, House of Commons Library Briefing Paper 06889 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06889>].
- Kennedy, Steven and Richard Keen (2018), *UC Roll-out: 2018-19*, House of Commons Briefing Paper 8299 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8299>].
- Kootstra, Anouk and Femke Roosma (2018), 'Changing public support for welfare sanctioning in Britain and the Netherlands: A persuasion experiment', *Social Policy & Administration* 52 (4), 847-861.
- Koukiadaki, Aristeia and Ioannis Katsaroumpas (2017), *Temporary contracts, precarious employment, employees' fundamental rights and EU employment law*, Brussels: European Parliament Policy Department for Citizens' Rights and Constitutional Affairs [accessed via [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596823/IPOL_STU\(2017\)596823_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596823/IPOL_STU(2017)596823_EN.pdf)].

- McInnes, Roderick (2019), *Benefits Uprating 2019*, House of Commons Briefing Paper 8458 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8458#fullreport>].
- N/A, Explanatory memorandum to the UC Regulations 2013 [accessed via https://www.legislation.gov.uk/ukdsi/2013/9780111531938/pdfs/ukdsiem_9780111531938_en.pdf].
- O'Brien, Charlotte (2015), 'The pillory, the precipice and the slippery slope: The profound effects of the UK's legal reform programme targeting EU migrants', *Journal of Social Welfare and Family Law*, 37 (1), 111-136.
- O'Hara, Mary (2015), *Austerity bites: A journey to the sharp end of cuts in the UK*, Bristol: Policy Press.
- Pantazis, Christina (2016), 'Policies and discourses of poverty during a time of recession and austerity', *Critical Social Policy* 36 (1), 3-20.
- Paz-Fuchs, Amir and Anja Eleveld (2016), 'Workfare revisited', *Industrial Law Journal* 45(1), 29-59.
- PCS (2019), *Social security: The case for radical change* [accessed via https://www.pcs.org.uk/sites/default/files/site_assets/campaigns/welfare/Social%20security%20A5_booklet.pdf].
- Powell, Andrew (2018), *Work and health programme*, House of Commons Briefing Paper 7845 [accessed via <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7845>].
- Pykett, Jessica (2014), 'Representing attitudes to welfare dependency: Relational geographies of welfare', *Sociological Research Online* 19 (3), 1-7.
- Rabindrakumar, Sumi (2017), *On the rise: Single parent sanctions in numbers*, London: Gingerbread [accessed via <https://www.gingerbread.org.uk/wp-content/uploads/2017/10/One-the-rise-single-parent-sanctions-in-numbers.pdf>].
- Rabindrakumar, Sumi (2017), *Paying the price: Still 'just about managing'?*, Gingerbread [accessed via <https://www.gingerbread.org.uk/wp-content/uploads/2017/09/Paying-the-price-still-just-about-managing.pdf>].
- Sage, Daniel (2019), 'The quiet revolution? The Labour Party and welfare conditionality', *The Political Quarterly* 90 (1), 101-106.
- Sainsbury, Roy and Jonathan Bradshaw (2016), *ESPN thematic report on integrated support for the long-term unemployed*, European Commission Directorate-General for Employment, Social Affairs and Inclusion.
- Sayer, Timothy (2017), 'The Bedroom Tax Case: R (Carmichael and Rourke) v Secretary of State for Work and Pensions [2016] UKSC 58 [2016] 1 WLR 4550', *Judicial Review* 22 (2), 208-214.
- Shutes, Isabel (2018), 'Gender and free movement: EU migrant women's access to residence and social rights in the UK', *Journal of Ethnic and Migration Studies* 44(1), 137-153.

- Skelton, David (2015), *Tackling low pay*, Centre for Social Justice [accessed via https://www.centreforsocialjustice.org.uk/core/wp-content/uploads/2016/08/CSJJ3147_Tackling_Low_Pay.pdf].
- Summers, Kate and David Young (2019), 'The alleged simplicity of Universal Credit and the lived experience of benefit claimants', LSE Blog [accessed via <https://blogs.lse.ac.uk/politicsandpolicy/universal-credit-simplicity/>].
- Taylor-Gooby, Peter, Ben Leruth and Heejung Chung (2018), 'Identifying attitudes to welfare through deliberative forums: The emergence of reluctant individualism', *Policy & Politics* 47 (1), 97-114.
- TUC (2015), *The price of austerity. How spending cuts damaged the economy, and how they could do so again* [accessed via <https://www.tuc.org.uk/sites/default/files/ThePriceofAusterity.pdf>].
- TUC (2017), *From welfare to wages? An evaluation of current and future support for jobseekers* [accessed via https://www.tuc.org.uk/sites/default/files/final%20draft%20-%20welfare%20charter%20_0.pdf].
- Wegmann, Vera (2019), 'The making and breaking of solidarity between unwaged and waged workers in the UK', *Globalizations* 6 (4), 441-456.
- Wiggan, Jay (2012), 'Telling stories of 21st century welfare: The UK Coalition government and the neo-liberal discourse of worklessness and dependency', *Critical Social Policy* 32 (3), 383-405.
- Wright, Sharon (2016), 'Conceptualising the active welfare subject: Welfare reform in discourse, policy and lived experience', *Policy & Politics* 44 (2), 235-252.