

## **Parliamentary Briefing on the Devolution Of Employability Services**

Wed 5<sup>th</sup> October 2016

### **Introduction**

OPFS has a vision of a Scotland in which all families, including single parent families, have sufficient resources not just to survive but to thrive; where they are treated with dignity and respect and have equal opportunities and life chances, enabling them to flourish.

To reach their full potential, single parents need to have the conditions which support their health and wellbeing, including opportunities to access good quality, well paid employment. To achieve this, single parents, have to overcome a number of barriers: the challenges of balancing caring responsibilities and work, increased risks of poverty, labour market disadvantages and gender discrimination as well as the lack of flexible, affordable quality childcare.

The forthcoming devolution of employability services is important because it offers opportunities to the Scottish Government and others to make changes which could actively support single parents to overcome some of these barriers.

In particular it offers opportunities to challenge and develop a more effective approach to parts of the UK Governments very damaging conditionality regime – a regime which rather than supporting parents into good quality work, often does quite the opposite.

### **Single parents and conditionality**

Currently, the full conditionality regime, with the most serious sanctions, applies to all single parents who claim JSA, as soon as their youngest child is five years old. More limited sanctions are also imposed on parents claiming income support when their children are as young as one year old. This regime is being intensified and extended to single parent families with children aged three and upward with the roll out of universal credit.

The UK Government's conditionality regime uses the threat of financial sanctions in order to encourage certain behaviors. Sanctions are imposed by the DWP on those who are deemed to have not taken certain steps, for example, to look for work, attend training, DWP interviews or Work Programme placements.

Sanctions involve the loss of some or (more frequently) all of a person's benefit entitlement for various periods of time depending on how serious the so called "offence" is deemed to be.

People can be referred for sanctioning by Job Centre Plus job coaches or staff at the private companies or voluntary sector organisations that are contracted to operate employability programmes like the Work Programme.

Single parents claiming JSA are most likely to be sanctioned for 'not actively seeking employment' (the majority), failing to attend a WFI or failing to participate in mandatory unpaid work programmes like the Work Programme.

### **The impact of sanctioning**

There is already a large body of evidence about the negative impacts of sanctions on single parent families and others but there is also a need to focus on the long term impacts of living with the wider conditionality regime *whether or not someone is actually sanctioned*.

Inadequate social security benefits exacerbate the fear of being sanctioned because many single parent families have no financial resources to fall back on.

OPFS is seeing increasing numbers of single parents who are suffering from anxiety and depression associated with the fear of being sanctioned.

The fear of sanctioning is reinforced by widespread experiences of stigma. Many single parents find some Job Centre Plus staff attitudes to be hostile and judgmental.

Single parents say they find Job Centre Plus staff's attitude to themselves and their children unsupportive in enabling them to balance their parental responsibilities with requirements to look for paid work.

The current social security rules actively prevent single parents from improving their job prospects through further education, training or volunteering.

The conditionality regime and fear of sanctioning forces many single parents into poor quality, low paid and temporary work and so cuts across the Scottish Government policy to promote and encourage Fair Work.

Conditionality undermines parent's efforts to find good quality employment and further entrenches the labour market disadvantages that single parents and especially single mothers, face.

Conditionality is forcing parents to make decisions which they feel is not in the best interests of themselves or their children - undermining their rights and responsibilities as parents.

Conditionality and the associated stigma represents a fundamental failure to take the best interests of the child into account contrary to both the United Nations Convention on the Rights of the Child, Scottish children's rights legislation as well as wider Scottish Government policy such as Getting It Right for Every Child.

Between 2007 and 2015, in GB, the number of single parents who are not counted as either in work or claiming JSA or IS has increased from 10,000 to 143,000. Potential causes include increasing numbers of parents claiming ill-health benefits instead or being left without any benefit support whatsoever.

OPFS is seeing increasing numbers of parents who have moved from JSA on to ESA as a result of the stress and anxiety caused by living with the threat of sanctioning.

Based on both our experiences of working with single parents and other available evidence we conclude that the ongoing experience of living day to day with conditionality is having a profoundly negative affect on single parent families' health and wellbeing and is likely to be undermining the Scottish Government efforts to tackle health inequality.

**The following case study illustrates many of the problems highlighted above.**

## **ALEX**

Alex is a lone parent bringing up 3 children, ages 15, 11 and 6 years old. Her oldest daughter is bullied at school which causes problems with getting her to school in the mornings. Her son is often ill and off school and she also looks after her mother when she is not well. After a period of time claiming JSA when she felt constantly in fear of being sanctioned Alex was transferred on to the Work Programme where her fears continued. Her Work Programme provider told her that she was required to job search for 30 hrs. per week (her claimant commitment agreement was for 20 hrs.); that she could be sanctioned if she did not consider work at the weekends; that she cannot take her children with her to meetings with her Work Programme provider but will get sanctioned if she doesn't arrive; that her oldest child can look after the younger siblings; that she could organise childcare at a summer club for her children – even though there are no funds available to pay for this and that she should speak with JCP to query her activity requirements over the summer (JCP told her that she should speak with the Work Programme provider about this). The Work Programme Provider also continually pressurised her to apply for jobs that did not fit in with the childcare that she could access.

Her OPFS support worker commented:

*“Work Programme demands and activities left her out of pocket, affecting her confidence, sense of self-worth and in turn had a negative impact on her children during their school holidays – where she as their sole carer was not in a position to hide as much as she may normally be able to from them.”*

Despite these difficulties, Alex was delighted when she was offered a job following a successful interview. However, the practicalities of childcare, travel, appropriate work wear, money to live on for the first month, as well as the lack of support, understanding and practical help from her Work Programme Advisor made the transition extremely stressful and ultimately caused her multiple problems. She said:

*“The Advisor there put me under incredible pressure to get a job even though I didn't feel the options given to me were best for my family. I was told if I didn't take a job offered in a call centre then JCP would not be pleased and I may not be able to sign on again. I ended up in a job which was self-employed; my childcare was £119 a week, travel was around £50 a week and I got no run-on with my Housing Benefit, and so was unable to continue. My health was affected by the experience and I am now on ESA as well as £1700 in debt to my Housing Association. “*

## Employability and the Work Programme

Currently the Work Programme plays a significant role in conditionality and sanctioning. However, the UK Government is cutting the current budget of around £800m - £1bn per annum to £130m by 2020, meaning that it will play a much reduced role in future.<sup>1</sup> This translates into a devolved budget of £7m for 2017/18. It is clear, given the size of these cuts (around 90 per cent) that the UK Government is substantially winding up the Work Programme. Meanwhile the Scottish Government have committed to invest £20 million into a new employability programme.

The Scotland Act 2016 also devolves responsibility for what remains of the UK Work Programme to the Scottish Government whilst maintaining the current conditionality regime, which includes referring Work Programme participants to the DWP for sanctioning.

## The Scottish Employability Service

We are fundamentally opposed to the use of forced destitution as a policy instrument. We believe that our social security system and associated employability services should prevent poverty, treat people with dignity and respect and support everyone to flourish.<sup>2</sup> We therefore welcome the key principles for the new Scottish employability service in *Creating a Fairer Scotland: A New Future for Employability Support in Scotland* including:

“Dignity and respect... Individuals can expect to be treated with dignity and respect through each step of their journey into work.” and “Fairness and Equality: Our approach to employment support will not be driven solely by a need to reduce the Welfare Bill... Instead we will aim to contribute to a broader range of economic and social outcomes by supporting those further from the labour market.”<sup>3</sup>

The best way to develop the Scottish service is to design a non-mandatory service in line with Scottish policy objectives rather than adapt the new service to the UK’s damaging, cruel and flawed system. The winding up of the majority of the UK funded Work Programme and the Scottish Government’s £20 million investment now means that the UK Government is the junior partner in any relationship between the new Scottish Employability Service and the DWP. This offers much greater scope to develop a service in line with Scottish Government policy.

We already have good evidence about what works for single parents in Scotland<sup>4</sup> and need to base policy on what we know works. Scotland has a proven track record of delivering successful voluntary employability schemes delivered by voluntary sector / local authority partnerships such as “Working for Families”, Big Lottery funded “Making it Work” programmes and the SCVO Community Jobs Programme.

Of course a voluntary approach would conflict with DWP expectations about the need to maintain conditionality and sanctioning for those who they refer to the new Scottish

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<sup>1</sup> Scottish Government (2016), *Creating a Fairer Scotland: A New Future for Employability Support in Scotland*  
<http://www.gov.scot/Resource/0049/00498123.pdf>

<sup>2</sup> OPFS is member of the Scottish Campaign on Welfare Reform  
<http://www.cpag.org.uk/sites/default/files/SCoWR%20manifesto%202013.pdf>

<sup>3</sup> Scottish Government (2016) *Creating a Fairer Scotland: A New Future for Employability Support in Scotland*  
<http://www.gov.scot/Resource/0049/00498123.pdf>

<sup>4</sup> Evaluation of the Working for Families Fund (2004-2008); Napier University; 2009  
<http://www.scotland.gov.uk/Resource/Doc/269769/0080320.pdf>  
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employability scheme. But as the main funder the Scottish Government is in a strong position to argue that the DWP ought to agree a system which can accommodate the Scottish Government's approach. Given that the UK Government is winding down the Work Programme, an argument should be made for the remaining, relatively small pot of UK funding to be made available to pilot a new non mandatory approach.

If the UK Government are unwilling to consider a new approach, we believe that the impacts on single parent and their children is so severe that it is incumbent of the Scottish Parliament, Government and other stakeholders to do everything in our powers to challenge the conditionality regime. In particular, the Scottish Government and other stakeholders should make clear that whilst administering the new Scottish scheme, with regard to any DWP expectations about sanction referrals, we would be taking full account of our duties under international and national human rights and children's rights law and therefore will not be referring participating single parents to the DWP for sanctioning. This ought to be part of a wider strategy to challenge the conditionality regime.

We therefore welcome the recent announcement by the Cabinet Secretary for Communities, Social Security and Equalities, Angela Constance, that the Scottish Government is intending to take an approach which will avoid referring participants for sanctioning. To avoid sanctioning in these circumstances we urge the Scottish Government to press the UK Government to amend the JSA and universal credit regulations so that participation in the Scottish employability scheme is treated as being available for and actively seeking work.

Although this approach could avoid sanctioning for participants whilst they are on a Scottish voluntary scheme, the DWP would still have powers to sanction anyone who did not take up an offer of a place or who was unable to complete a placement for whatever reason. Therefore, there is also a need to ensure that an agreement with the DWP is made and arrangements put in place so that referrals (and completion of placements) do not form part of any DWP mandated action which could be subject to sanctions. Instead, all referrals and completions must be on a voluntary basis.

*A New Future for Employability Support in Scotland* sets out plans for a specialist service for disabled clients which is very welcome, especially given the disproportionately high numbers of single parent families with disabled members. However, given the multiple disadvantages which all single parents face: greater health inequality, increased risks of poverty, gender inequality and barriers to the labour market, it is imperative that a specialist service is provided to meet their needs as well.

Other principles in the paper include "Continuous improvement: ...Our policies, processes and systems will evolve in response to individual, employer and community need across Scotland. We will ensure that they remain fit for purpose through close engagement with stakeholders and service users alike".

Therefore, to promote equality, counteract stigma and provide services which meet parent's needs (and safeguard the wellbeing of their children) the new Scottish employability service staff should have training in the issues faced by single parents. This training should be co-produced by single parents and organisations with expertise in the issues for single parents.

## **Fair Work, employment services, skills and training**

The Scottish Government's Fair Work agenda emphasises the need to promote good quality, well paid, secure employment. But all the evidence shows that not only does conditionality fail to support single parents into sustained, well paid work, it actively reinforces the disadvantages they face in the labour market.

The Fair Work Convention has acknowledged the need to build in measures which tackle gender inequality within the labour market. Whilst some of the measures suggested will support single mothers, given the complexity of single parent's family circumstances, there is a need for a specific program of action to support single parents to access fair work in Scotland.

This needs to be integrated with the current very welcome expansion of childcare provision so that help for single parents is prioritised at the earliest stages of rollout. In addition, improved educational and training opportunities - a wide range of part-time, modular education and training opportunities with access to childcare to facilitate participation of those with parenting responsibilities is critically important.

These measures ought to be integrated into a new approach to employment services as a whole, one which aims to be person centered and holistic. This should include a non-mandatory employability service, as described above, available to all (not just social security claimants) and include support with accessing training, education and in work progression. Crucially, services should focus on reducing poverty through supporting people into the best options available to them for sustained employment and increased earnings, rather than simply moving them into poor quality work.

## **Recommendations**

### **The Scottish Employability Service**

1. The Scottish Government should design the new Scottish employability service as a non-mandatory service, in line with wider Scottish policy objectives
2. The Scottish Government and wider society should press the UK Government to pilot a new approach to conditionality and employability services in Scotland.
3. UK Social security regulations should be amended so that parents who are participating in Scottish employability schemes are treated as actively seeking and available for work and so are not subject to conditionality and sanctions.
4. In the absence of such changes, with regard to any DWP expectations about sanction referrals, the Scottish Government and employability service providers must take full account of their duties under international and national human rights and children's rights law and therefore should not refer participating single parents to the DWP for sanctioning.
5. A specialist single parent focused employability service should be provided, aimed at tackling the multiple barriers which single parents face in accessing good quality, sustainable work. This should be integrated with other forms of support such as childcare, family support, welfare rights and money advice.
6. To promote equality, counteract stigma and provide services which meet parent's needs (and

safeguard the wellbeing of their children) the new Scottish employability service staff should have training in the issues faced by single parents.

7. Training for new employability service staff should be co-produced by single parents and organisations with expertise in the issues for single parents.
8. Employability services should be integrated into a new approach to employment services as a whole, one which aims to be person centered and holistic.

### **Fair Work, employment services, skills and training**

9. Given the complexity of single parent's family circumstances, there is a need for a specific program of action to support single parents to overcome the barriers they face and access fair work in Scotland.
10. The current expansion of childcare provision should prioritise the targeted provision of childcare to meet the needs of single parents at the earliest stages of rollout.
11. Improved educational and training opportunities - a wide range of part-time, modular education and training opportunities with access to childcare to facilitate participation of those with parenting responsibilities should be made available.
12. Employment services should focus on reducing poverty through supporting people into the best options available to them for sustained employment and increased earnings, rather than simply moving them into poor quality work.
13. Wider employment services should include a non-mandatory employability service available to all (not just social security claimants) and include support with accessing training, education and in work progression.

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