



**One Parent  
Families Scotland**



# **Single Parent Families, Benefit Conditionality and Wellbeing**

**Why conditionality is unnecessary,  
unjust and ineffective**

**By Maggie Kelly**





# One Parent Families Scotland

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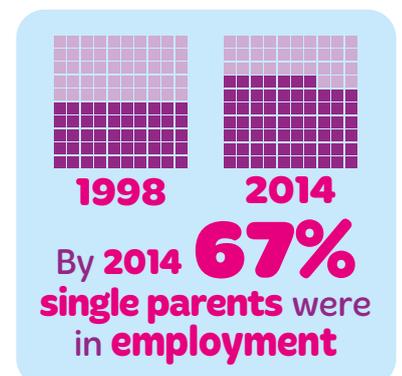




**One Parent Families Scotland** is Scotland's leading single parent organisation. Building on seventy years of advocacy and service-delivery expertise, OPFS provides expert information, advice and support, along with training activities, work preparation programmes and flexible childcare. OPFS delivers services across Scotland in Edinburgh, Dundee, Glasgow, Renfrewshire, Lanarkshire and Aberdeen and provides support to over 5,000 families and 12,000 children.

## Key Points

- 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.
- The risk of sanctions is far higher than the government claims – at its peak, around 1 in 5 single parents a year were referred for a sanction, and 1 in 7 had a sanction imposed.
- Single Parents are at particular risk of unfair sanctions – they are more likely than other claimants to get their sanction overturned (61%) on appeal.
- 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*.
- Single parents face multiple disadvantages compared to two parent families - increased risks of poverty, greater health inequality, labour market disadvantages, gender discrimination and greater challenges balancing caring responsibilities and work.
- In 1998, less than half of single parents were in work. By 2014 the rate across the UK had risen to 67 per cent.
- Research has shown that single parent families have been hit hardest by the tax and benefit changes introduced since 2010.
- Already inadequate social security benefits exacerbate the fear of being sanctioned because many single parent families have no financial resources or safety net 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 Jobcentre Plus staff attitudes to be hostile and judgmental.
- Single parents say Jobcentre Plus staff are failing to take into account their need 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 cutting 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.
- Analysis has highlighted that in 2020 a single parent family with one child (working full time on the National Living Wage) would be £80 short of what they need every week, compared to £39 short in 2015.
- Conditionality is forcing parents to make decisions which they feel are 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.
- Since 2001 the number of single parents claiming income support or jobseekers allowance has fallen by around 20% but only half of these have moved into paid employment.
- OPFS is seeing increasing numbers of parents who have moved from jobseekers allowance on to employment and support allowance as a result of the stress 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 effect on single parent families' health and wellbeing and is undermining efforts to tackle health inequality.



## Summary Action Plan and Recommendations

Our experience of working with single parents alongside the evidence from academics and others has led us to conclude that in the long term the conditionality regime should be abolished and replaced by a system which treats parents and their children with dignity and respect. In the meantime we must also do all we can to support families affected by conditionality. To support single parent families we need to:

Take action to **challenge the UK Government's continued use of conditionality.**

Focus efforts on **reducing the impact of conditionality** in the short to medium term.

**Develop and promote positive alternatives** to conditionality; approaches which support single parents and children's wellbeing.



# 1. Challenging the conditionality regime

## Actions for the Scottish Government and stakeholders

To support action to challenge the conditionality regime the Scottish Government should fully incorporate the United Nations Children's Rights Convention (UNCRC) into Scottish Law. The Scottish Government should develop a good practice, human and children's rights based approach to the UK conditionality regime. This should include:

- Urgent discussions with the UK Government and DWP focused on the importance of ensuring that human rights and children's rights are taken into account particularly in considering referrals for sanctions.
- Guidance and support and training for all staff engaged in making policy and delivering services which affect single parent families, about need to take the relevant guidance, legislation and treaties into consideration.
- Implementation locally by Community Planning Partnerships and others working alongside Jobcentre Plus.

The Scottish Government and partners should provide training and support to newly devolved service providers on how to ensure they meet legislation and guidance to protect parent's and children's rights and wellbeing.

Training to tackle stigma and discrimination, co-produced by single parents and stakeholders should be made available to Jobcentre staff nationally.

The Scottish Government and partners should support and fund a national anti-stigma campaign to support single parents and others who are living with conditionality.

Progress on all these measures, should be assessed using the Child Rights and Wellbeing Impact Assessment (CRWIA).

The current list of public bodies, to whom the CRWIA should be extended to include the new Scottish Social Security Agency and Employability Service.



## 2. Reducing the impact of conditionality

### Actions for Westminster and UK stakeholders

Key short to medium term reforms requiring urgent action at a UK level are:

- Reinststate specialist single parent job coaches across Jobcentre Plus.
- Issue every single parent claiming social security benefits with a clear fact sheet on their rights.
- Ensure the rigorous application of the guidance and legislation covering the current lone parent flexibilities.
- Introduce safeguards so that the claimant commitment:
  - Is genuinely a co-produced plan which allows parents to agree realistic and achievable goals; and
  - Work preparation and job seeking requirements reflect single parents caring responsibilities.
- Amend the regulations to allow parents to participate in further education, training, volunteering or employability programmes without fear of sanctioning.
- Introduce a duty on work coaches to show they have considered the impact on child well-being of any decision they require a parent to fulfil.
- Introduce a duty on DWP Decision Makers to show they have considered the impact on child well-being of any sanction they decide to impose.
- Introduce an early warning system so that parents know they may be sanctioned and why.
- Implement automatic entitlement to hardship payments for single parents who have been sanctioned.
- Pilot alternatives to financial sanctions and the current conditionality regime.

### Actions for the Scottish Government and stakeholders

The Scottish Government should use newly devolved powers over welfare to support single parent's incomes both in and out of work by, for example, uprating child benefit.

The Scottish Government should continue to invest in specialist welfare and money advice and support for single parents to enable them to effectively challenge sanctions and claim their full benefit entitlements.



## 3. Develop and promote positive alternatives to conditionality

### Actions for the Scottish Government and stakeholders

#### Childcare

The Scottish Government should:

- Introduce phased implementation of the increase in hours for eligible two, three and four year olds, prioritising single parents affected by conditionality.
- Within the trials for the expansion of childcare, ensure there is specific focus on supporting groups such as single parents and children with disabilities.
- Ensure there is a coherent funding strategy bringing together the various funding streams so that parents can understand and easily access childcare to enable them to study, train or work.
- Ensure there is a mix of provision to enable single parents to choose the childcare that best meets the needs of their children and allows them to work, study or train.
- Expand current investment in childcare to include high quality, wraparound, flexible childcare including before and after school care and greater provision for disabled children.

#### Education, skills and training

The Scottish Government should invest in a wide range of part-time, modular education and training opportunities (with access to childcare) for single parents.

Skills Development Scotland should develop and promote a specific programme of family friendly Modern Apprenticeships targeted at single parents.

The Scottish Government should press the UK Government for changes in the social security rules which would enable single parents to volunteer, study and train while they are claiming benefits.



## **The Scottish Employability Service – Fair Start Scotland**

The Scottish Government should press the UK Government to come to an agreement to ensure that all those who are actively participating in Fair Start Scotland are treated as meeting the requirements to seek work for the purposes of their benefit claim.

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.

To promote equality, counteract stigma and provide services which meet parents' needs (and safeguard the wellbeing of their children) the new Scottish employability service staff should have training in the issues faced by single parents.

Training for new employability service staff should be co-produced by single parents and organisations with expertise in the issues for single parents.

## **Employment**

As part of their policy to promote fair work, the Scottish Government and partners should develop a specific program of action to support single parents to access fair work in Scotland, by for example:

- Central, local government and other public bodies making use procurement to incentivise employers to deliver flexible working for parents.
- Designing and advertising all public sector jobs to have the option of part time hours and be flexible by default.

**Detailed discussion of these recommendations can be found in Part 2 - A strategy to support single parent families' wellbeing.**





## 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. How their children fare is equally important.

To access good quality employment 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. OPFS provides a range of services designed to enable single parents to overcome these barriers including flexible, affordable childcare, advice, support, peer mentoring, support with employability, training and work experience.

OPFS has produced this policy paper because our experience of the impact of the conditionality regime on single parents in Scotland gives us very serious cause for concern. OPFS advisors and support staff have dealt with hundreds of single parents whose lives have been turned up-side down by the threat of sanctions. For some the loss of benefit has meant having to visit a foodbank to survive. Some of these parents have provided their testament for inclusion in this report. We are concerned that rather than moving towards a society where single parent families can flourish, we are seeing the results of a policy which only serves to exacerbate poverty and inequality and close down choices and opportunities for single parents and their children. We aim to highlight why and how this is happening and to offer politicians, policy makers and practitioners a series of recommendations about how we can counter these impacts and support single parent families to thrive.

There is already a large body of evidence about the negative impacts of sanctions on single parent families and others.<sup>1</sup> But there is less focus on the long term impacts of living with the wider conditionality regime. This paper focuses on the majority of single parents who, although they did not actually receive a sanction, nevertheless live with the threat of sanctions on a daily basis.

One in seven of all single parents looking for work over the last decade have had their income reduced due to benefit sanctions. An analysis of DWP figures by Gingerbread found that more than 209,000 single parents claiming Jobseekers Allowance had had their benefit payments stopped in the last 10 years.<sup>2</sup> Many were referred for sanctions more than once, with nearly 436,000 referrals in total. Single parents are at particular risk of unfair sanctions – they're more likely than other claimants to get their sanction overturned (61%) on appeal.

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1 CPAG [www.cpag.org.uk/content/sanctions](http://www.cpag.org.uk/content/sanctions) lists many reports which describe the impacts of sanctioning.

2 Rabindrakumar, S (2017) On the rise: Single parent sanctions in numbers Gingerbread. [www.gingerbread.org.uk/uploads/media/17/10052.pdf](http://www.gingerbread.org.uk/uploads/media/17/10052.pdf)



Proponents of the conditionality regime see the majority who have not been sanctioned as the success stories of the system. They are seen as the parents who do the right thing, abide by the rules and meet the requirements placed on them. The other success stories are those who cease claiming or move into paid employment. In this paper we ask questions about these “success” stories. What does this compliance and conditionality mean in practice and crucially what effect does it have on single parent families? In particular, how far does conditionality help or hinder single parents not just to survive but to truly thrive and flourish?

This paper starts with key points followed by a summary action plan and recommendations. Three main sections follow:

**Part 1** describes the development and nature of the conditionality regime. It then looks in more detail at the impact of living under the conditionality regime on parents and their children. It considers case study evidence gathered in the course of OPFS’ work with single parents across Scotland over the last two years, alongside other relevant evidence from academics, the third sector and others. It looks at the impact on single parents in three different scenarios: whilst not in paid work, moving into paid work and whilst in paid employment.

**Part 2** sets out a strategy and recommendations, for the Scottish and UK Governments and other stakeholders, about how to best support single parents and their children to overcome the barriers they face and achieve improved health and wellbeing.

**Part 3** considers the context for the evidence in Part 1 and the recommendations in Part 2. It describes the profile of single parent families and the barriers they face to achieving wellbeing. It also considers some relevant policy and legislation in Scotland and elsewhere, especially the role of human and children’s rights legislation and policy.





# Part 1 Single parent families and conditionality

## What is conditionality?

In this paper, we use the term conditionality to refer to the UK Government's current regime, which uses the threat of financial penalties to promote certain behaviors. We do not mean the general conditions of entitlement, for example, for means tested JSA you must show that you have no or low income, are not in paid employment and sign on regularly to confirm that you are actively seeking and available to take up work to remain entitled.<sup>3</sup> Rather, we focus on the use of financial penalties to police behavior on a day to day basis.

The UK Government's conditionality regime uses the threat of financial sanctions to encourage certain behaviors amongst some people who are claiming social security benefits. Sanctions are imposed by the DWP on those who are deemed to have not taken various actions which it requires of them, such as taking certain steps to find work, attending training, DWP interviews or Work Programme placements. Sanctions involve a financial penalty, in the form of a 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 Jobcentre Plus job coaches, or staff at the private companies or voluntary sector organisations who are contracted to operate employability programmes like the Work Programme.

Historically, in the UK, the use of sanctions has been justified on the basis that it formed an important plank in wider anti-poverty strategies and especially child poverty strategies in which work is seen as the key route out of poverty. Changes in the labour market however make this an increasingly untenable proposition.

More recently, both in the UK and internationally, sanctions have been implemented as an important element within wider strategies to cut social security budgets. Hand in hand with this there has been a fundamental shift in the way social security is understood and debated, with those who make a claim for benefits becoming increasingly demonised and stigmatised. Recent research has argued that sanctions and the demonisation of claimants plays a key role in restricting the social security budget – using stigma to limit the numbers of claimants.<sup>4</sup>

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3 This is an important distinction. This paper does not discuss whether or not we should have any conditions of entitlement attached to claiming benefits at all (which would be about the pros and cons of introducing a citizen's income).

4 Daguerre, A and Etherington, D (2014) Workfare in 21st century Britain The erosion of rights to social assistance, Economic and Social Research Council (ESRC).  
[www.workfare.org.uk/images/uploads/docs/Workfare\\_in\\_21st\\_century\\_Britain-Final.pdf](http://www.workfare.org.uk/images/uploads/docs/Workfare_in_21st_century_Britain-Final.pdf)



## Single parents and conditionality

Until relatively recently, single parents on no or low incomes could claim income support (IS), in recognition of the fact that they had caring responsibilities, until their youngest child was 16. Entitlements reflected the view that parenthood and caring for children was work (albeit very low value work given the rates of entitlement) which ought to be supported. They were not required to claim jobseekers allowance (JSA), to look for or be available for work, and therefore not subjected to sanctions.

However, over time, the age of the youngest child – the cut off point for income support, when a single parent must claim JSA instead - has been progressively lowered from 16 to 12 years old in 2008, to ten years in 2009, to seven years in 2010 and to, five years old in 2012. More limited sanctions can also be imposed on single parents claiming income support when their children are as young as one year old. Thus, fundamental changes in support for single parents with far reaching consequences, have been implemented in a relatively short period of time.

Since 2012, conditionality has been extended to many more single parents including those with young children and those claiming employment support allowance (ESA) on the basis of ill health. The severity of sanctions imposed in terms of loss of benefit and the length of time which they are imposed (up to three years) has also been dramatically increased.

Under universal credit, conditionality has being extended even further, with full conditionality applied to single parents when their child is just three years old instead of five. There is also provision to extend conditionality and sanctions to those claiming in work benefits. Those who are in part time, low paid employment can be sanctioned and their universal credit cut if they are deemed to be making insufficient effort to increase their rate of pay and/or hours.

These changes mean that conditionality in one form or another now applies to the vast majority of single parents, even those with very young children. In 2014/15 59,246<sup>5</sup> single parents across Great Britain were sanctioned plunging many into extreme poverty. But outside of these what is happening to the rest? What is happening to those who are claiming and engaging with the regime 'successfully' and those who have stopped claiming social security benefits.

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5 Income support and JSA sanctions only.  
DWP Income Support Lone Parents Regime: Official Statistics; DWP Stat X-plore; DWP Lone parents receiving JSA: monthly claimant count; DWP WPLS.



## Why are single parents sanctioned?

Whilst we do not focus specifically on the impact of sanctions in this paper it is important to understand how they are implemented in order to appreciate why the threat of sanctions is having such a negative impact effect on single parents' physical and mental wellbeing.

Single parents claiming income support are most likely to be sanctioned for failing to attend a work-focused interview (WFI) or failing to undertake agreed work-related activity such as participating in training.

Single parents claiming JSA are most likely to be sanctioned for failing to attend a WFI, failing to participate in mandatory unpaid work programmes like the Work Programme or for 'not actively seeking employment'. The grounds for sanctioning set out in law and guidance can sound reasonable to anyone unfamiliar with the system. However, in practice their application is often anything but reasonable.

***“I missed an appointment after I was admitted to hospital after my first pregnancy scan showed my baby had died, despite me phoning them to explain the situation, and being assured it was OK and it would be rescheduled, I had to fight to have my money reinstated and was without for three weeks.”***

***“(My) advisor forgot to send me an email. She was sorry about it but sorry didn't feed my kids at the weekend.”***

***“Threatened with sanction for not quitting job to attend a Work Programme. Sanctioned for being late with pay slips. Sanctioned for phoning in sick when I was due to sign on.”***

For single parents claiming JSA there are special rules, known as lone parent flexibilities, which apply. For example, a single mother with a child under 13 need only be available for work during their child's normal school hours. While in theory these flexibilities ought to provide some protection against being unfairly sanctioned, in practice they are routinely ignored. With the rollout of universal credit many of these already inadequate protections are watered down or removed entirely.

Recent findings from ongoing UK wide research states that **“Existing evidence indicates that lone parent flexibilities are insufficiently implemented by Jobcentre advisers”** and **“A number of lone parent interviewees have been sanctioned for failing to meet demands that should not have been imposed given the existence of lone parent flexibilities.”** They go on to note that **“Support providers are very concerned that these flexibilities are to be ‘diluted’ under Universal Credit.”**<sup>6</sup>

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6 Johnsen, S (2016) Welfare Conditionality: Sanctions, Support and Behaviour Change, First Wave Findings: Lone Parents, ESRC. [www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-lone-parents-May16.pdf](http://www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-lone-parents-May16.pdf)



## The impacts of conditionality

In this section, we consider the impact of conditionality and whether it helps or hinders parents to overcome the barriers and challenges they face. We do this by considering how conditionality impacts on parents in three different circumstances: while not in paid work, moving off out of work benefits and being in paid employment.

### Parents not in paid employment

It is important to understand the economic situation that many single parents are faced with if we are to fully appreciate the impact of living with the fear of sanctions. Due to a range of barriers, single parent families are at much greater risk of being in poverty than two parent families (see Part 3 Single parent families profile). A key cause of poverty amongst single parents is below poverty level social security payments. Parents who are not in paid work perhaps because of ill health, caring responsibilities, lack of appropriate childcare, or a simply a lack of jobs are automatically consigned to below the internationally accepted definition of the poverty line.<sup>7</sup>

This is a trend which has accelerated over the last few years, with single parents being hit by the huge raft of ongoing cuts to social security benefits, particularly since 2010. These include cuts to housing benefit, tax credits (including help with childcare costs), benefits associated with pregnancy, maternity, young children and child benefit as well as more general cuts made through capping and freezing the levels of benefits. Research has shown that single parent families have been the hardest hit type of household by the tax and benefit changes introduced since 2010.<sup>8</sup>

Joseph Rowntree Foundation's (JRF) annually up rated Minimum Income Standards (MIS) research sets out the minimum needed to enable people to meet their needs with dignity. In 2008 for a single parent family with one child, means tested benefits met only 68 per cent of their needs (excluding rent, childcare and council tax). By 2016 this had fallen to 56 per cent, the sharpest fall experienced by any family type. In 2016 a single parent family with one child needed £282.53 per week to live on (excluding rent and childcare costs) in order to achieve an acceptable standard of living. Those claiming means tested benefits were left £125.10 per week short of that figure.<sup>9</sup> The reality of living on inadequate social security income is described by some of our service users.<sup>10</sup>

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7 Defined as 60% of median income.

8 De Agostini, P et al (2014) Were we really all in it together? The distributional effects of the UK coalition government's tax-benefit policy changes, Centre for the Analysis of Social Exclusion, LSE. [www.sticerd.lse.ac.uk/dps/case/spcc/WP10.pdf](http://www.sticerd.lse.ac.uk/dps/case/spcc/WP10.pdf)

Browne, J and Elming, W (2015) The effect of the coalition's tax and benefit changes on household incomes and work incentives, Institute for Fiscal Studies (IFS). [www.ifs.org.uk/uploads/publications/bns/BN159.pdf](http://www.ifs.org.uk/uploads/publications/bns/BN159.pdf)

9 JRF (2016) A minimum income standard for the UK in 2016. [www.jrf.org.uk/report/minimum-income-standard-uk-2016](http://www.jrf.org.uk/report/minimum-income-standard-uk-2016)

10 OPFS Stakeholder Focus Group Discussions Report (2014) Response to the Scottish Government Expert Working Group on Welfare: Call for Evidence. [www.parliament.scot/S4\\_Welfare\\_Reform\\_Committee/Inquiries/OPFS\(1\).pdf](http://www.parliament.scot/S4_Welfare_Reform_Committee/Inquiries/OPFS(1).pdf)



“ There is less money for young parents and this means I need to regularly go to food banks and go to the Salvation Army for help with gas and electricity. This is embarrassing but I need to go or I can't feed myself or my baby.”

“ I'm scraping by until the next benefit day. Going without food some days to get my baby milk and nappies.”

“ It's caused me mental health problems, I'm not sleeping, I'm worrying constantly about how I can manage to pay for things I need and to heat my house.”

“ I need to do without to give the kids what they need and this is affecting my mental health and in turn makes me not want to leave the house. I cry a lot when I'm on my own.”



The physical and mental stress and strain caused by trying to live on below poverty level benefits is already hitting many parents and their children very hard indeed. In short, because many parents are already struggling to survive, they know that if they are sanctioned the impact will be severe simply because they have absolutely no financial resources to fall back on.

### **Stigma and discrimination**

The challenges of trying to make ends meet on a below poverty budget are compounded by widespread experiences of stigma and discrimination. Many parents are very critical of the general attitude of Jobcentre and Work Programme staff. This is not simply that staff are not providing information and support to help them overcome the challenges they face, including progressing to work. Many found staff to be actively hostile and even aggressive.

Respondents to an OPFS online survey were asked to describe some of the challenges they face in claiming benefits. Comments included the following:

**“The attitude of the people who work in the Jobcentre.”**

**“They make you feel worthless.”**

**“Made to feel worthless, privacy invaded, negative impact from people outside and inside the job center.”**

**“You are made to feel like a worthless piece of garbage.”**

**“Being told by JCP if I can't cope with my kids go to social work! I can cope with my kids.”**

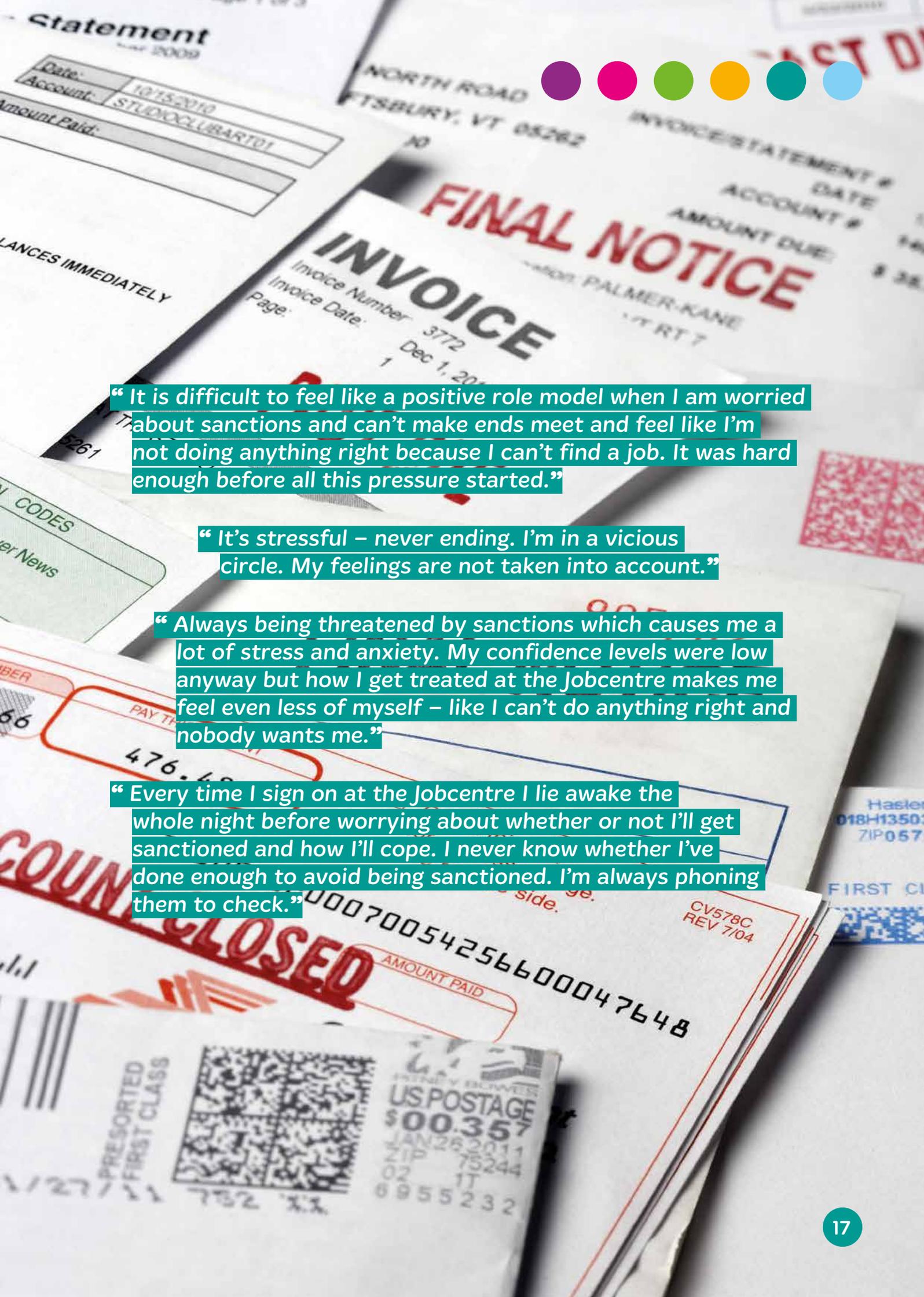
Research into the experiences of single parents in Glasgow found that most single parents' experiences of services provided by Jobcentre Plus were very negative indeed. The authors' state<sup>11</sup>: **“Many respondents found the atmosphere intimidating and the manner of their advisors cold and accusatory. For many lone parents, whose confidence is low enough already, being confronted with this further erodes their confidence, and thus their chance of finding work.”**

Clearly, if a parent is lacking confidence about moving towards paid employment, encountering such attitudes is hardly likely to improve this. But the impact of such stigmatising and aggressive behavior goes beyond this, feeding into the anxiety and fear created by living with the threat of sanctioning.<sup>12</sup>

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11 Graham, H and McQuaid, R (2014) Exploring the impacts of the UK government's welfare reforms on lone parents moving into work, Glasgow Centre for Population Health. [www.gcph.co.uk/Lone\\_parents\\_Full\\_Report\\_Sept\\_2014.pdf](http://www.gcph.co.uk/Lone_parents_Full_Report_Sept_2014.pdf)

12 OPFS Stakeholder Focus Group Discussions Report, February 2014, Response to the Scottish Government Expert Working Group on Welfare: Call for Evidence. [www.gov.scot/Resource/0045/00451857.pdf](http://www.gov.scot/Resource/0045/00451857.pdf)



“ It is difficult to feel like a positive role model when I am worried about sanctions and can't make ends meet and feel like I'm not doing anything right because I can't find a job. It was hard enough before all this pressure started.”

“ It's stressful – never ending. I'm in a vicious circle. My feelings are not taken into account.”

“ Always being threatened by sanctions which causes me a lot of stress and anxiety. My confidence levels were low anyway but how I get treated at the Jobcentre makes me feel even less of myself – like I can't do anything right and nobody wants me.”

“ Every time I sign on at the Jobcentre I lie awake the whole night before worrying about whether or not I'll get sanctioned and how I'll cope. I never know whether I've done enough to avoid being sanctioned. I'm always phoning them to check.”



## Children's Wellbeing

Unfortunately, stigma and aggressive behavior also affects children, sometimes very directly. As much previous research has already demonstrated, a common reason for parents being sanctioned is the failure of Jobcentre and Work Programme providers to arrange appointments to accommodate difficulties with childcare. As one parent commented:

**“What do we do with our children if we have an interview to go to? I have no family support and no childcare out with school and nursery hours”**

A caller to OPFS Helpline highlights how lack of childcare and the threat of sanctions impact on parents:

Jean called the OPFS Helpline in a very upset and distressed state. She was isolated and without any family support and so had no opportunities to call on informal childcare to enable her to attend Jobcentre interviews. She had been told by the Jobcentre that she could leave her older, twelve-year-old in charge of the younger, five-year-old when she attended appointments (and so avoid sanctioning). She was extremely stressed and anxious about this as she felt that the older child was not capable of managing this and did not think that she should be put into this position. She was very worried about being sanctioned, causing her to have insomnia. The insomnia was making it very difficult to look after the children, especially as she was isolated and had no family support.

This case is by not unusual, we have several instances of parents threatened with sanctions unless they leave their children unattended. Often parents simply have no option other than to bring the children into the Jobcentre, if they want to avoid having their benefit being cut off. However, several of our service users have spoken about Jobcentre not being a suitable environment for children.

**“When signing on, my child is not welcome to come with me when school is closed for holidays or in-service”**

**“I had to take my three year old to a Jobcentre interview as I had no childcare. He started playing in the waiting area and straight away the security guards went up and stood on either side of him intimidating him. The guard shouted to the staff to “Get this one seen and out of here.”**



A senior OPFS staff member provided the following input to a local liaison meeting:

**“Having spoken to several parents over the last three years about their benefit claims it would appear there is a standard practice of using the claimant commitment appointment time to set the tone verbally for the parents i.e. stressing the threat of sanctioning if the parent fails to comply. There have also been times where the adviser has waved her finger at the child and told the parent “do not bring them (pointing a finger at the child) with you to future appointments”. In one particular office clients are regularly told “this is a place of business; do not bring children with you.”**

Often conditionality is leading to parents making decisions which they feel are not in the best interests of themselves or their children - undermining their rights and responsibilities as parents. If parents do not to comply with Jobcentre or Work Programme provider’s demands they are very aware that the consequence will be losing benefit which will impact on their children. They are put in an impossible situation, where their children suffer no matter what they do.

This represents not just a fundamental failure to take the best interests of the child into account but a policy which is actively harmful to children and their parents. This is a very serious issue impacting on the health and wellbeing of both the parents and the child. It is also in breach of international human and children’s rights protocols and cuts across Scottish Government policies which aim to support child wellbeing and tackle inequality (see Part 3 Policy and legislative context).

## **Moving off “out of work” benefits**

### **Ceasing to claim JSA**

There has been much debate about whether the main purpose of the sanctions regime is simply bringing claimant numbers down regardless of the consequences. Webster has noted that

**“Since 2001 the fall in the proportion of lone parents with dependent children claiming IS or JSA, of about 20 percentage points, has been approximately twice as large as the increase in the proportion in employment, of about 10 percentage points. To the extent that sanction regimes have had any effect, it has been much greater in getting lone parents off IS than in getting them into work... Of those who have moved off IS/JSA but not into work, some will have moved on to ESA, and the rest will simply not be receiving benefits (other than child benefit), so that their incomes will have fallen.”**<sup>13</sup>

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13 Webster D (2014) Fawcett Society, Who Benefits? An independent inquiry into women and Jobseekers Allowance Submission by Dr David Webster Honorary Senior Research Fellow, University of Glasgow, Updated 8 July 2014. [www.cpag.org.uk/CPAG-Fawcett-Soc-DWebster-evidence-rev-8-Jul-14.pdf](http://www.cpag.org.uk/CPAG-Fawcett-Soc-DWebster-evidence-rev-8-Jul-14.pdf)



Similarly, an analysis of the impact of the introduction of moving single parents from income support to JSA over a number of years found that **“Nine months after the loss of entitlement to the unconditional income support, the reform has increased the probability that a previously welfare-receiving single parent is in work by about 10 percentage points but has also increased the probability of receiving either health-related benefits or being in non-claimant unemployment by about 18 percentage points.”** In other words, again, nearly twice as many parents claimed an ill health benefit or stopped claiming any benefits at all as the numbers who actually moved into work.<sup>14</sup>

Given the distress and anxiety that many parents experience claiming JSA and income support it is not difficult to see how their experiences can lead to ill health and a subsequent claim for ESA instead, as illustrated by the case study overleaf.

It is also not difficult to see how such levels of stress and anxiety could prompt others to disconnect from social security support entirely, despite not having any employment income. There is little international research about the impact of conditionality on single parents specifically as a group. The most robust evidence comes from the USA’s Temporary Assistance for Needy Families (TANF) where single parents are the main group who claim. A number of TANF studies have revealed the increasing number of parents who become ‘disconnected’ (in other words, potentially destitute) as a result. One study found the numbers of single mothers with no social security or employed income in the previous year had almost doubled from 10 per cent in 1990 to just below 20 per cent in 2008.<sup>15</sup>

These American studies result show the long term impact of harsh conditionality regimes implemented since the 1990s. With the increasing use of extremely harsh conditionality in the UK, they give us a disturbing vision of where the UK is heading if we continue along the same path.

## **Employability, education, skills and training**

Research has revealed that the majority of single parents who are not in paid work are highly motivated to find work or return to study.<sup>16</sup> But for some a lack of work search skills, qualifications, training or work experience can be barriers to finding sustainable employment which meets their potential.

However, conditionality forces many into poor quality work when they would benefit from further education or training. The social security rules actively discourage parents who would like to study full time. The rules mean that they are not able to claim benefit and study full time and many find the prospect of trying to make ends meet on a bursary, if available, too daunting.

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14 Silvia A et al (2016) Can’t Work or Won’t Work: Quasi-Experimental Evidence on Work Search Requirements for Single Parents, Institute for the Study of Labor (IZA). [www.ftp.iza.org/dp10106.pdf](http://www.ftp.iza.org/dp10106.pdf)

15 Loprest P.J (2011) Disconnected families and TANF, Research Synthesis Brief Series No.2, Urban Institute, Washington DC. Cited in Finn, D and Casebourne, J (2012) Lone parent sanctions: a review of international evidence Policy paper, Centre for Economic Inclusion. [www.socialwelfare.bl.uk/poverty-benefits/LP\\_Sanctions\\_Policy\\_Paper.pdf](http://www.socialwelfare.bl.uk/poverty-benefits/LP_Sanctions_Policy_Paper.pdf)

16 Park, A et al (2010) British Social Attitudes: the 26th report. [www.uk.sagepub.com/en-gb/eur/british-social-attitudes/book234304](http://www.uk.sagepub.com/en-gb/eur/british-social-attitudes/book234304)



John is a single parent who had worked in the construction industry prior to becoming a single parent when his ex-partner was no longer able to care for their son. When his son Jack was under five, with no support and a child (like many) that struggled in DWP offices, the timing of appointments were an ongoing challenge. John was referred onto a number of training courses and worked hard to juggle these in the three hours per day that his son was in nursery. When his son turned five, John was moved to JSA and expected to look for work full time, despite the fact that Jack would not start school for another six months. Over this period, his Advisor agreed that he could phone in to sign on, which he did and was immediately sanctioned.

Erratic contact with his mum and behavioral issues has meant that Jack could only manage to be in school for an hour a day. Nevertheless, John's advisor insisted that he start a Work Programme placement the following week and threatened to remove his benefits if he did not attend. After a lot of stress and phone calls, John was excused from this obligation in the short term but feels that it has had longer term implications. Soon after this John started receiving treatment for stress and anxiety. He feels this process has ground him down and had a direct impact on his mental health, and inevitably on the wellbeing of his son. He is now claiming ESA instead. At last contact, he was worried about what might happen in eight weeks when he will be reassessed for ESA.



Morgan, a single mother with a daughter about to turn five years old was having to make the transition to JSA. She had no formal qualifications and was keen to study administration on a part-time basis at her local college. She was informed by the Jobcentre that if she studied part-time while in receipt of JSA she would have to continue to be actively seeking employment, sign on and if offered employment, give up the course. Although the possibility of studying full-time and receiving a college bursary was explored with her, she did not feel this was the right move at this point in time for herself and her daughter. She could not understand why she might be expected to give up her course of study, when the qualification would ensure that she had better prospects of secure employment.

Linda , a single mother from Maryhill said

**“On income support I can only learn to a certain level without having to come off of benefits. This doesn’t make sense. The Government want me to prepare to get a job when my youngest is five but they don’t want to support me getting a recognised qualification that will support me getting a better job.”**

**“I’m on JSA and can’t access the training course that would help me get a job as I need to be available for work. There is no work that fits with the childcare available to me. I’m feeling really stuck!”**

## **Paid employment and conditionality**

### **In work poverty**

In general, being in paid employment is associated with lower risks of poverty, not least because of the scandalously low level of social security. However, rising levels of in work poverty both in the UK and Scotland mean that for many, work is no longer a route out of poverty. In Scotland 58 per cent of working age adults and 66 per cent of children living in poverty were in households where at least one person is in work.<sup>17</sup>

Whilst these trends are impacting on families across the board, because of the labour market disadvantages described elsewhere (see Part 3, Single parent families profile), they hit single parent families particularly hard. In these circumstances, it is more important than ever to help single parents overcome the barriers which push them into low paid, temporary and poor quality work but the conditionality regime does quite the opposite.

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17 Scottish Government (2016) Poverty in Scotland. [www.gov.scot/Resource/0050/00502217.pdf](http://www.gov.scot/Resource/0050/00502217.pdf)



A Joseph Rowntree Foundation (JRF) review of a number of European studies (for general populations, not single parent specific) concluded that various sanctioning regimes did result in increased numbers of individuals moving into paid employment or ceasing to claim social security. However, they suggest that individuals are likely to have moved into work because sanctioning made them more willing take up poorly paid, temporary and insecure employment. Others claimed different benefits instead or simply stopped claiming social security benefits.<sup>18</sup>

Similarly a report of the National Audit Office on sanctions found that

**“International evidence suggests that sanctions increase movement from benefits into employment. Studies show people who receive sanctions are more likely to get work, but the effect can be short-lived, lead to lower wages and increase the number of people moving off benefits into inactivity.”<sup>19</sup>**

Alison, a single mother from Edinburgh was very stressed as she had to take on work which was well below her skills, or she would have been sanctioned because she was on JSA. She has an Honours Degree and was doing a minimum wage job and was very worried about the future and how this would affect her long term employment prospects. She wanted to do a Post Graduate course but this was not possible in the current situation. She felt she could not enjoy playing with her children as she was too stressed and anxious and has had to attend her son’s school because of his behavior. She has also been to her GP because of suffering from stress.

The impact of poor quality, low paid employment and the rise of in work poverty has been intensified as a result of cuts to social security entitlements. Cuts to social security introduced under the UK Government’s Welfare and Work Act 2016 and recent Budgets have meant that while working families across the board will lose out, single parents will be hit hardest. For example, the Institute of Fiscal Studies (IFS) estimates that proposals in the Summer Budget 2015, (including cuts to tax credits and the uprated minimum wage) will result in a loss of £1,790 a year by 2019 for a single parent working 20 hours a week on the minimum wage with two children under five.<sup>20</sup>

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18 Griggs, J and Evans, M (2010) Sanctions within conditional benefit systems. A review of evidence, Joseph Rowntree Foundation. [www.jrf.org.uk/report/review-benefit-sanctions](http://www.jrf.org.uk/report/review-benefit-sanctions)

19 National Audit Office (2016) Department for Work & Pensions Benefit sanctions. [www.nao.org.uk/report/benefit-sanctions/](http://www.nao.org.uk/report/benefit-sanctions/)

20 Institute of Fiscal Studies (2015) Summer Budget 2015: IFS post-Budget analysis [www.ifs.org.uk/tools\\_and\\_resources/budget/505](http://www.ifs.org.uk/tools_and_resources/budget/505)



Research from JRF looked at the projected impact of the Summer Budget for different people on minimum wages between 2010 and 2020. They found that single parents have been the biggest losers. In 2010, comparing wages with Minimum Income Standards,<sup>21</sup> a single parent working full time on the minimum wage had 97 per cent of what they needed to live with dignity. The research found that forthcoming changes to social security and taxation mean that by 2020 a single parent in the same circumstances will only have around 71 per cent of what they need to live with dignity.<sup>22</sup>

Other JRF analysis has highlighted that in 2020 a single parent family with one child (working full time on the new National Living Wage<sup>23</sup>) would be £80 short of what they need every week, compared to £39 short in 2015.<sup>24</sup>

In April 2017 a new two-child cap in tax credit and universal credit support, along with the removal of the “first-child premium” for new claims, was introduced. According to House of Commons library figures, a single mother with three children, who makes a universal credit claim after these rules came into effect, will stand to lose £6,198 by 2019 compared with the current rules.<sup>25</sup>

## Health and wellbeing

Single parent families experience greater health inequalities compared to two parent families (see Part 3, Single parent families profile). The case studies described above show how conditionality is having a damaging effect on single parent families’ health and wellbeing. More worryingly, the majority of these are cases where parents have not received a sanction.

A recent British Medical Council (BMC) review of qualitative evidence about the impacts of welfare to work (WtW) regimes, including sanctioning, on single parents’ health and wellbeing provides some compelling insights. The review considered research data from the UK, the USA, Canada, Australia and New Zealand.

They found that issues of conflict and control emerged as key themes in single parents’ experiences of conditionality. They concluded that welfare to work **“requirements often conflicted with child care responsibilities. Available employment was often poorly paid and precarious. ...Welfare to work reduced control over the nature of employment and care of children.”**<sup>26</sup>

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21 Joseph Rowntree Foundation’s (JRF) annually up rated Minimum Income Standards (MIS) research sets out the minimum needed to enable people to meet their needs with dignity.

22 Hirsch, D (2015) Will the 2015 Summer Budget improve living standards in 2020? JRF. [www.jrf.org.uk/publication/will-2015-summer-budget-improve-living-standards-2020](http://www.jrf.org.uk/publication/will-2015-summer-budget-improve-living-standards-2020)

23 Not to be confused with the Living Wage, the UK Government National Living Wage is significantly lower.

24 Maclnnes, T et al (2015) Monitoring Poverty and Social Exclusion JRF. [www.jrf.org.uk/mpse-2015](http://www.jrf.org.uk/mpse-2015)

25 House of Commons Library BRIEFING PAPER Number 7935 (2017) The two child limit in tax credits and Universal Credit. [www.esearchbriefings.files.parliament.uk/documents/CBP-7935/CBP-7935.pdf](http://www.esearchbriefings.files.parliament.uk/documents/CBP-7935/CBP-7935.pdf)

26 Campbell et al (2016) Lone parents, health, wellbeing and welfare to work: a systematic review of qualitative studies BMC Public Health 16:188. [www.bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-2880-9](http://www.bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-2880-9)



The following case study demonstrates how this lack of consideration for caring responsibilities is impacting on single parents and their children.

Agnes is a single parent with an eleven year old son and was in receipt of JSA. She was put forward for a vacancy by her Job Coach at Jobcentre Plus. The vacancy was advertised as being in the Glasgow area. She worked there for four days. In that time, she was told to travel to Inverness, a four hour journey to start an hour shift. On another day, she was told to travel to Edinburgh for a shift and on another to Dundee. She has no family support around her and had to leave her son with his friend's family. Agnes did not have a particularly close relationship with the family so it was a big ask. The son's friends were teasing her son saying "Your mum must be lying because she would not be working a shift that kept her out the whole day and night."

Agnes is in poor health and the long hours and stress involved has taken its toll on her so that she could not continue in work. With OPFS support she has since been successful in securing Personal Independence Payment - awarded to assist with the cost of living with a disability. She has also been to her GP who has signed her off as unfit to work and she is now in the process of changing her claim over from JSA to ESA.

The BMC review found that **"Respondents reported that ...the combined pressures of domestic obligations, involvement in WtW, employment requirements and financial insecurity were linked to poor mental health (stress, anxiety, panic attacks), depression and fatigue"** and **"Participation in WtW could contribute to low self-esteem and low self efficacy, the attributes respondents often required to improve their chances of gaining employment and independently supporting themselves and their families. For many, WtW was experienced as stigmatising, and questions could be perceived as humiliating and intrusive"**. They found only a small number of reports of beneficial effects.<sup>27</sup>

Similarly, ongoing UK wide research found that: **"Sanctions had a very negative impact on the mental health of almost all the lone parent interviewees affected."** They add that **"The risk of being sanctioned had caused extreme anxiety for some, even when they were doing everything in their power to adhere to their Claimant Commitments."**<sup>28, 29</sup>

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27 Ibid.

28 The Claimant Commitment is a Jobcentre agreement, signed by the claimant, which sets out what steps they must take to prepare for and look for work. If they fail to take these steps, they can be sanctioned.

29 Johnsen, S (2016) Welfare Conditionality: Sanctions, Support and Behaviour Change, First Wave Findings: Lone Parents. [www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-lone-parents-May16.pdf](http://www.welfareconditionality.ac.uk/wp-content/uploads/2016/05/WelCond-findings-lone-parents-May16.pdf)



There is already evidence that paid employment is generally good for health. Therefore, given the large number of single parents who have moved into paid employment over the recent years (see Part 3 Single parent families' profile) one would expect there to be a corresponding improvement in their health. However, analysis from NHS Scotland shows that this has not been the case. The study looked at the percentages of single parents describing their health as either fair, bad or very bad and the percentage with a score General Health Questionnaire 12 (GHQ – 12) of 4+ (which would indicate a possible mental health problem) over the period 2003 to 2012/13/14 and found no improvement in either.<sup>30</sup>

Both poverty and parental mental health (especially maternal mental health) are associated with children's emotional wellbeing.<sup>31</sup> For example, Scottish Government research found that: **“Children whose mothers had good or average mental health ... had better social, behavioural and emotional development than those whose mothers had brief mental health problems, and they in turn, had better development than those whose mothers had repeated mental health problems.”**<sup>32</sup>

NHS Scotland research also revealed that while the mental wellbeing of children in single parent households in Scotland improved between 2003 and 2010 (possibly because of increased participation in the labour market), progress has stalled since 2010 (and for children in working single parent households, from 2012). They conclude that **“Welfare reform policies [including the replacement of Income Support with Job Seeker's Allowance (JSA) for lone parents whose youngest child is aged 5 years from 2011 and stricter sanctions regime for jobseekers after 2012 combined with a weak labour market may have played a role here”**.<sup>33</sup>

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30 Taulbut M, et al. (2016) Lone Parents in Scotland, Great Britain and the UK: Health, employment and social security, NHS Scotland. [www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland](http://www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland)

31 Graham H, McQuaid R (2014) Exploring the impacts of the UK government's welfare reforms on lone parents moving into work: literature review, Edinburgh Napier University. [www.gcph.co.uk/assets/0000/4284/Lone\\_parents\\_Literature\\_Review\\_web.pdf](http://www.gcph.co.uk/assets/0000/4284/Lone_parents_Literature_Review_web.pdf)

32 Marryat, L and Martin, C (2010) Growing Up in Scotland: Maternal mental health and its impact on child behaviour and development, Scottish Centre for Social research, Scottish Government. [www.gov.scot/resource/doc/310448/0097971.pdf](http://www.gov.scot/resource/doc/310448/0097971.pdf)

33 Taulbut M, et al. (2016) Lone Parents in Scotland, Great Britain and the UK: Health, employment and social security NHS Scotland. [www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland](http://www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland)



## Part 2 A strategy to support single parent families' wellbeing

Our experience of working with single parents alongside the evidence from academics and others has led us to conclude that in the long term the conditionality regime should be abolished and replaced by a system which treats parents and their children with dignity and respect. In the meantime, we must also do all we can to support families affected by conditionality. To support single parent families we need to:

- Take action to **challenge the UK Government's continued use of conditionality** with the long term aim of abolishing the system entirely and protecting our citizens, especially children.
- Focus efforts on **reducing the impact of conditionality** in the short to medium term (while continuing to make the case for wholesale reform) aiming to reduce the overall number of sanctions, help parents avoid sanctions and cope with the ongoing impacts of conditionality.
- **Develop and promote positive alternatives to conditionality;** approaches which are in line with Scottish policy aims and objectives to tackle health and financial inequalities, support single parents and children's wellbeing and support parents into good quality, sustainable employment.

We consider how we can achieve each of these in more detail below.





## Challenging the conditionality regime

### Actions for the Scottish Government and stakeholders

The evidence suggests that the UK Government's conditionality regime is in breach of international human rights and children's rights including the United Nations Convention on the Rights of the Child (UNCRC). It also cuts across the policy intentions behind the Children and Young People (Scotland) Act 2014. (see Part 3 Policy and legislative context for detail on relevant international and national legislation).

In this context, to prioritise children's rights, along with many others, OPFS is calling for full incorporation of the UNCRC into Scots Law. While the Children and Young People (Scotland) Act 2014 requires public authorities to publish a report of the steps they've taken to improve realisation of the UNCRC, it does not place a duty on them to have due regard to it. Incorporation would ensure that public authorities are required to take action as well, to support children's rights and wellbeing.<sup>34</sup>

But even before the UNCRC is incorporated into Scottish Law there is more we can do. In Scotland we have an approach to children's wellbeing which is often held up as one of the most progressive in Europe. We should build on this, ensuring that all agencies are fully aware of steps they need to take to support children's wellbeing. The Children and Young People (Scotland) Act 2014 places duties on Ministers to consider what they can do to realise the requirements of the UNCRC and take steps they consider appropriate. The following steps would help to realise these requirements.

The Scottish Government should promote and develop a good practice, human and children's rights based approach to the UK conditionality regime. This should include urgent discussions with the UK Government and DWP focused on the importance of ensuring that human rights and children's rights are taken into account.

The Scottish Government should develop this work with a range of partners including those concerned with tackling poverty and inequalities and promoting human and children's rights and wellbeing. At a local level, this could be customised and implemented by Community Planning Partnerships and others alongside Jobcentre Plus. These measures should also be taken forward as part of the development of local Children's Services Plans as required under the Children and Young People (Scotland) Act 2014.

Guidance, support and training should be provided to all management and front line staff in relevant agencies and services about the need to take the relevant guidance, legislation and treaties into consideration when making policy and providing services. For Jobcentre Plus, this should specifically include the need to take these into account when considering what requirements they should place on single parents and whether to refer parents for sanctions.

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<sup>34</sup> Scotland's Commissioner for Children and Young People (2015) Submission to the Joint Committee on Human Rights Inquiry into the UK's compliance with the United Nations Convention on the Rights of the Child. [www.dera.ioe.ac.uk/22890/1/evidence-to-JCHR-Mar15.pdf](http://www.dera.ioe.ac.uk/22890/1/evidence-to-JCHR-Mar15.pdf)



As our case studies show, one of the most damaging aspects of conditionality is the dehumanising treatment meted out to parents and children by staff. Therefore, training to tackle stigma and discrimination, co-produced by single parents and stakeholders should be made available to Jobcentre staff nationally.

In response to stigma and discrimination OPFS is running a Proud Single Parents Campaign.<sup>35</sup> This should be supported further and extended as part of a national anti-stigma campaign to support parents and others who are living with conditionality.

Alongside the Children and Young People Act, the Child Rights and Wellbeing Impact Assessment (CRWIA) is designed to support Ministers and Government to assess whether policies and legislation help realise the children's rights<sup>36</sup> in the UNCRC and to protect and promote the wellbeing of children and young people<sup>37</sup>, as defined by the wellbeing indicators in the Children and Young People (Scotland) Act 2014.<sup>38</sup> So, progress on all the measures suggested above, should be assessed using the new Child Rights and Wellbeing Impact Assessment (CRWIA).

Both social security and employability services have a major impact on children's lives and wellbeing. Therefore, the current list of public bodies in the Children's Rights Impact Assessment ought to be extended to include the new Scottish Social Security Agency and Employability Service.

## Reducing the impact of conditionality

The Scottish Government and other stakeholders should press the UK Government to abolish the current system entirely in the long term. But at the same time, we should also seek short to medium term reforms which would mitigate the worst aspects of the current system. Reforms requiring urgent action are set out below.

### Actions for Westminster and UK stakeholders

To improve the quality of support which parents receive, Jobcentre Plus ought to reinstate specialist single parent job coaches. These coaches should receive training co-produced by single parents and organisations with expertise in the issues for single parents. Jobcentre Plus should issue single parents with a fact sheet on their rights and all staff should receive training in the rigorous application of the guidance and legislation covering lone parent flexibilities.

There is an urgent need to introduce safeguards, through amendments to the Regulations, (but in the short term via guidance) so that the claimant commitment is a genuinely a co-produced plan which allows parents to agree realistic and achievable goals. This should include an emphasis on ensuring that all work preparation and job seeking requirements reflect single parents caring responsibilities.

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35 See <http://www.opfs.org.uk/policy-doc/proudsingleparents-campaign>

36 See <http://www.gov.scot/Topics/People/Young-People/families/rights>

37 See <http://www.gov.scot/Topics/People/Young-People/gettingitright/wellbeing>

38 For information about CRWIA's see <http://www.gov.scot/Topics/People/Young-People/families/rights/child-rights-wellbeing-impact-assessment>



As discussed above, under universal credit, conditionality is extended to those who are already in part time, low paid work so that they can be sanctioned if they are deemed to have made insufficient efforts to increase their hours or pay. Because of their employment profile (see Part 3 Single Parent Families Profile) this is a policy which will particularly target single parents. At the same time the already inadequate protections which parents have under JSA (which require coaches and Decision Makers to take some account to their caring responsibilities) are to be watered down even further.

In these circumstances, it is very important that these safeguards are implemented for universal credit job coaches. It is essential that they recognise the barriers single parents face to taking on more hours - especially the lack of affordable childcare and well paid, part time and flexible jobs - and ensure that any requirements they place on parent reflect this.

There is need for an early warning system to ensure that parents know they may be sanctioned and why, giving them an opportunity to challenge unfair decisions before a sanction is imposed. To mitigate against destitution, automatic entitlement to hardship payments for single parents who have been sanctioned should also be implemented.

Given the mounting evidence about the negative impact of conditionality on children there should be a specific duty placed on all job coaches to show they have considered the impact on child wellbeing of any decision they require a parent to fulfil. A similar duty should be placed on all DWP decision makers with regard to any decision they make to impose a sanction on any family.

To support single parents to enter better paid, high quality employment the current regulations ought to be amended to allow parents to participate in further education, training, volunteering or employability programmes without having to be available for paid work.

There is need to develop and pilot alternatives to the current conditionality regime nationally and the development of the Scottish employability service could form part of such a wider pilot.

## **Actions for the Scottish Government and stakeholders**

One of the reasons that conditionality has such devastating impacts on families is because parents know that whilst relying on such low levels of social security benefits (whether in or out of work), any reduction in income is likely to send them into crisis. Therefore, policies which aim to support their incomes are an important way to mitigate the impact of conditionality.

Therefore, the Scottish Government should continue to invest in specialist welfare and money advice for single parents to support them to effectively avoid or challenge sanctions and to claim their full benefit entitlements.

The Scottish Government has new powers over aspects of social security provision in Scotland. OPFS warmly welcomes the Scottish Government's commitment to introduce a maternity and early years allowance. However, more needs to be done to support single parents' incomes and help reduce the impact of conditionality.



OPFS has already set out in detail steps which could be taken to achieve this.<sup>39</sup> Amongst the measures suggested, we recommend that children's benefits be targeted for uprating. This would target funds at tackling child poverty (supporting parents at risk of sanctioning) and wider Scottish Government policies including the Getting It Right for Every Child aims and provide investment in early years, helping children to get a better start in life. Because child benefit is a universal benefit this would support families both in and out of work.

## **Develop positive alternatives to conditionality**

Our case studies and other evidence shows rather than supporting and empowering single parents to overcome the barriers they face in moving in to good quality employment, conditionality is often closing down their opportunities to progress.

Instead of a system which focuses on blaming individual parents for a lack of motivation or effort, what is needed is a series of policies and interventions which offer support to enable parents to overcome both the individual and the wider structural barriers they face. In Scotland, we already have many of the powers which enable us to put in place key elements of such an approach.

## **Actions for the Scottish Government and stakeholders**

### **Childcare**

Evidence from academics, charities and service providers shows that lack of appropriate childcare is a key cause of being threatened with and/or being sanctioned - whether it is due to failing to attend a Jobcentre appointment or a mandated work programme placement.

Lack of appropriate childcare is also a key barrier for parents wishing to move into or increase their hours of work (see Part 3, Single parent families profile). Therefore, we welcome the Scottish Government current plans to increase childcare provision.

In relation to this expansion, given the disadvantage that single parents face and the crucial role that childcare plays in enabling them to overcome some of these barriers, we recommend a phased implementation of the increase in hours for eligible two year, three and four year olds, prioritising provision for single parents. Similarly, within the proposed trials for the expansion of childcare, there should be a specific focus on supporting groups such as single parents and children with disabilities.

At the moment there is a confusing mix of sources of childcare funding available to parents who want to work, study or train. These funding streams ought to be integrated so that parents can understand and easily access them.

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<sup>39</sup> OPFS Evidence to the Welfare Reform Committee: The Future Delivery of Social Security in Scotland. [www.opfs.org.uk\\_evidence-to-welfare-reform-committee](http://www.opfs.org.uk_evidence-to-welfare-reform-committee)



Single parents require a mix of provision so that they can choose the childcare that best meets the needs of their children and allows them to work, study or train. In terms of further expansion, priority should be given to more high quality, wraparound, flexible childcare including before and after school care, an expansion of quality care for disabled children and a focus on local provision so that parents can access it.

## Education, skills and training

Improved educational and training opportunities are key to enabling single parents to improve their employability, progress in work and support their ambitions for themselves and their families. This requires investment in a wide range of part-time, modular education and training opportunities with access to childcare to facilitate participation of those with parenting responsibilities.

Single parents wanting to improve their skills should be enabled to do so via the Scottish Government Modern Apprenticeships programme. Although the universal credit rules allow parents to participate whilst claiming, because apprenticeships are often inflexibly designed and delivered, they are taken up by predominantly young, single people rather than parents. Therefore, there is a need for Skills Development Scotland to develop and promote a specific programme of family friendly Modern Apprenticeships targeted at supporting single parents.

## ‘Fair Start Scotland’ – the Scottish Employability Service

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>40</sup> We therefore welcome the principles for the Scottish employability service in *Creating a Fairer Scotland: A New Future for Employability Support in Scotland* including that: “**...Individuals can expect be treated with dignity and respect through each step of their journey into work.**” and that “**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>41</sup>

We already have good evidence about what works for single parents in Scotland<sup>42</sup> and need to base policy on what 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.

Previously, the Work Programme plays a significant role in conditionality and sanctioning. However, the UK Government is substantially winding up the programme, cutting the budget of around £1bn per annum to £130m by 2020 (which translates into a devolved budget

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40 OPFS is member of the Scottish Campaign on Welfare Reform. [www.cpag.org.uk/sites/default/files/SCoWR%20manifesto%202013.pdf](http://www.cpag.org.uk/sites/default/files/SCoWR%20manifesto%202013.pdf)

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

42 McQuaid, R et al (2009) *Evaluation of the Working for Families Fund 2004-2008* Napier University. [www.scotland.gov.uk/Resource/Doc/269769/0080320.pdf](http://www.scotland.gov.uk/Resource/Doc/269769/0080320.pdf)



of £7m for 2017/18) meaning that it will play a much reduced role in future.<sup>43</sup> The Scottish Government have committed to invest £20 million into the new employability programme.

The Scotland Act 2016 devolves responsibility for what remains of the UK Work Programme to the Scottish Government whilst maintaining the conditionality regime. Currently includes mandatory referrals to the Work Programme by the DWP and Work Programme providers referring participants to the DWP for sanctioning.

Following campaigning by OPFS and others both in and outside the Scottish Parliament, Damien Green MP, Secretary of State for Work and Pensions has confirmed that DWP referrals to the Scottish Employability programme will be made on a voluntary basis, stating **“For the avoidance of doubt a voluntary referral means that a benefit sanction would not be applied for a failure to attend or participate in the programme”**. This is a very helpful announcement which will reduce the number of sanctions.

However, detailed arrangements for how the DWP and the new programme will interact are not yet in place. The Secretary of State goes on to state that

**“It is worth noting that these claimants will still be required to meet other conditions to continue to receive benefit – meaning they will need to demonstrate that they are looking for work. So I will be interested to learn of SG plans to ensure that employment programmes support participants to demonstrate this.”**<sup>44</sup>

As many case studies show, the steps which single parents are required to undertake to demonstrate they are seeking work are often unrealistic and counterproductive. So, it is essential that Fair Start Scotland offers parents genuine support and opportunities and enables them to escape the impacts of living with the constant fear of being sanctioned. Therefore, the Scottish Government should press the UK Government to come to an agreement to ensure that all those who are actively participating in the scheme are treated as meeting the requirements to seek work for the purposes of their benefit claim.

*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 (see Part 3 Single parent families profile), it is imperative that a specialist service is provided as part of ‘Fair Start Scotland’ to meet their needs as well.

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

44 Letter from Damien Green, Secretary of State for Work and Pensions to Sandra White, Convener, Social Security Committee (2nd Nov 2016). [www.parliament.scot/S5\\_Social\\_Security/General%20Documents/SoS.SWMSP.211116\\_\(2\).pdf](http://www.parliament.scot/S5_Social_Security/General%20Documents/SoS.SWMSP.211116_(2).pdf)



Other principles in the paper include that **“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.

## Employment

It’s vital the labour market in Scotland is characterised by good quality, well paid and sustainable work in line with Scottish Government policies to promote fair work (see Part 3, Policy and legislative context). More opportunities to enter good quality employment could help many single parents avoid conditionality all together. But although single parents face multiple disadvantages in the labour market, there is no specific strategy to support single parents into sustainable employment.

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

There is a need for the development and promotion of employment flexibilities to enable all parents to participate successfully in the workplace. Steps should include central, local government and other public bodies making use of procurement to encourage employers to deliver flexible working for parents.

In addition, given that demand for good quality, part time, flexible jobs far outstrips supply, all Scottish public sector jobs should be designed and advertised as flexible (i.e. enabling part time or job-sharing and with family friendly working conditions), by default (unless there is a good business reason not to) to support parents to reconcile work and caring responsibilities.

We should also encourage the reporting of illegal practices such as the failure to provide statutory rights (e.g. obligatory maternity and parental leave) and gender discrimination in the work place and support individuals to take action against employers who break the law.



## Conclusions

OPFS experience supporting single parents leads us to conclude that while the experience of sanctioning continues to have a traumatic impact on families, there is also an unrecognised long term disaster waiting to happen for families and children who are living subject to a relentless and conditionality regime on a day to day basis, *whether or not they actually get sanctioned*.

The evidence shows that although conditionality regimes have led to some people moving off out of work benefits in to paid employment, this tends to be poor quality, low paid and insecure work. This is especially so for single parents - reinforcing the labour market disadvantages they face already.

For many parents the stress and anxiety caused by the conditionality regime and the fear of being sanctioned is resulting in worsening health, especially mental health. This is exacerbating existing health inequalities and forcing some parents into claiming ill health benefits instead. There are also growing numbers who are failing to claim their full benefits entitlement altogether, despite not having any employment income.

These issues hamper measures to tackle health inequality and undermine international and national human and children's rights including the UNCRC and related rights set out in the Children and Young People (Scotland) Act 2014 as well as existing GIRFEC policies. They also cut across a range of other Scottish Government policy areas: undermining efforts to promote fair work; to tackle poverty (especially child poverty) and inequality (including gender inequality).

In order to thrive, parents and especially children need an environment which is supportive and nurturing of their physical, mental and emotional wellbeing. But rather than support and encourage single parents' resilience and confidence and provide them with practical support to meet the barriers they face, our experience is that for the majority of single parents and their children, living with conditionality is profoundly negative and dispiriting experience.

The need for action to support families now to prevent long term damage to the next generation is urgent. Both Scottish and UK Governments as well as other stakeholders and wider civil society all have a critical role to play. We all have a responsibility to challenge the current conditionality system and work towards a more humane, compassionate and effective approach: one which treats parents and their children with dignity and respect and gives them real opportunities to thrive and flourish.



## Part 3 Context

### Single Parent Families Profile

In the UK, 24.9% of all families with children are single parent households, almost 1.9 million families.<sup>45</sup> In Scotland, the rate is slightly higher at 27.6% - almost 170,000 single parent households.<sup>46</sup> The vast majority, over 90 per cent, are women.

**over 1** in **4**

**Scottish** families with children are **single parent households**



**90%** are **mother and child**

45 Office of National Statistics 2011: Lone parent households with dependent children, local authorities in the United Kingdom, Table KS107UK. [www.ons.gov.uk/peoplepopulationandcommunity](http://www.ons.gov.uk/peoplepopulationandcommunity)

46 Office of National Statistics 2011: Household composition, local authorities in the United Kingdom, Table KS105UK. [www.ons.gov.uk/peoplepopulationandcommunity](http://www.ons.gov.uk/peoplepopulationandcommunity)

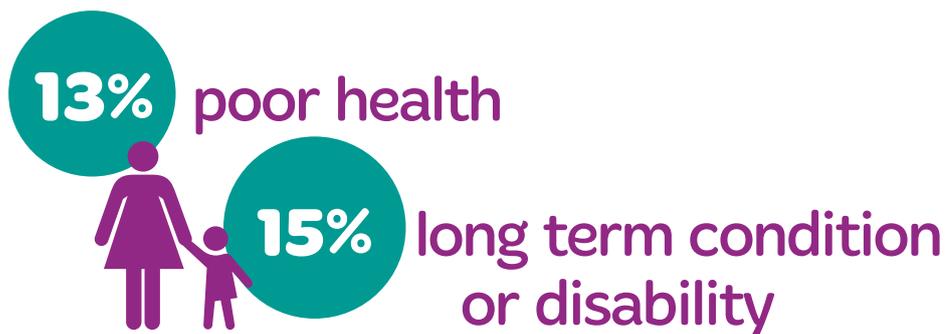


## Health and wellbeing

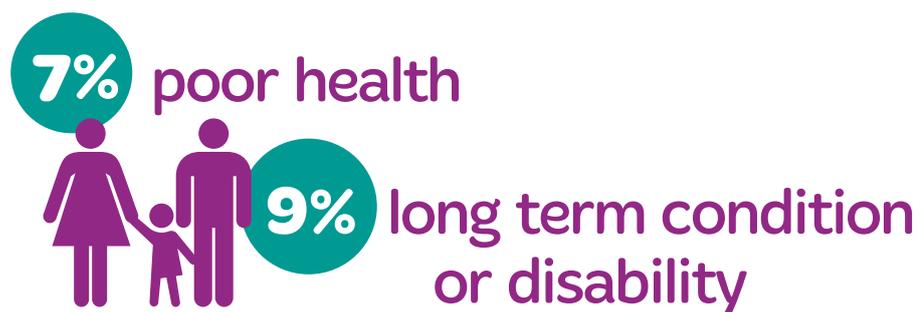
UK wide research shows that single parents are more likely to report having poor health (13 per cent), being disabled or having a long term condition (15 per cent) and having a disabled child (17 per cent) than parents in couple families, where the figures are seven per cent, nine per cent and 14 per cent respectively.<sup>47</sup> These figures rise even further for single parents who are not in paid employment.

Analysis of Scottish data by NHS Scotland also shows that single parents are less likely to report they are in good/very good general health and more likely to score 4+ on the General Health Questionnaire 12(GHQ-12), (indicating a possible mental health problem), than parents in two parent families.<sup>48</sup>

## In the UK, single parents are more likely to report health issues



versus couple parents who report



47 Maplethorpe N et al (2008) Families with children in Britain: Findings from the 2008 Families and Children Study (FACS) (Research report No. 656) DWP. [www.webarchive.nationalarchives.gov.uk/20130128102031/http://research.dwp.gov.uk/asd/asd5/rports2009-2010/rrep656.pdf](http://www.webarchive.nationalarchives.gov.uk/20130128102031/http://research.dwp.gov.uk/asd/asd5/rports2009-2010/rrep656.pdf)

48 Taulbut M et al. (2016) Lone Parents in Scotland, Great Britain and the UK: Health, employment and social security NHS Scotland. [www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland](http://www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland)



## Poverty

Single parents face a much higher risk of being in poverty compared to other families. Across the UK 41 per cent of children in single parent families are poor, compared to 24 per cent of children in couple families.<sup>49</sup> Single parent families are more likely to be in material deprivation, in other words, to lack everyday items because they cannot afford them, than any other type of family.<sup>50</sup> In addition, 23 per cent of single parent households were in persistent poverty in 2008-2013, compared with only five per cent of couple households.<sup>51</sup>

Analysis from NHS Scotland found that 35 per cent of children of single parents working part-time were in poverty in 2014/15, similar to levels of poverty in 2006/07. However, for children of single parents working full-time, this was 19 per cent in 2014/15, up from 12 per cent in 2003/04.<sup>52</sup>



**41%** of children in single parent families live in poverty

versus

**24%** of children in couple households



49 DWP (2015) Households below average income, 1994/95-2013/14. Table 4.14ts

50 MacInnes, T et al (2015) Monitoring Poverty and Social Exclusion JRF. [www.jrf.org.uk/mpse-2015](http://www.jrf.org.uk/mpse-2015)

51 Office for National Statistics (ONS) (2015) Persistent poverty in the UK and EU, 2008-2013 Household type breakdown on persistent poverty. <http://webarchive.nationalarchives.gov.uk>

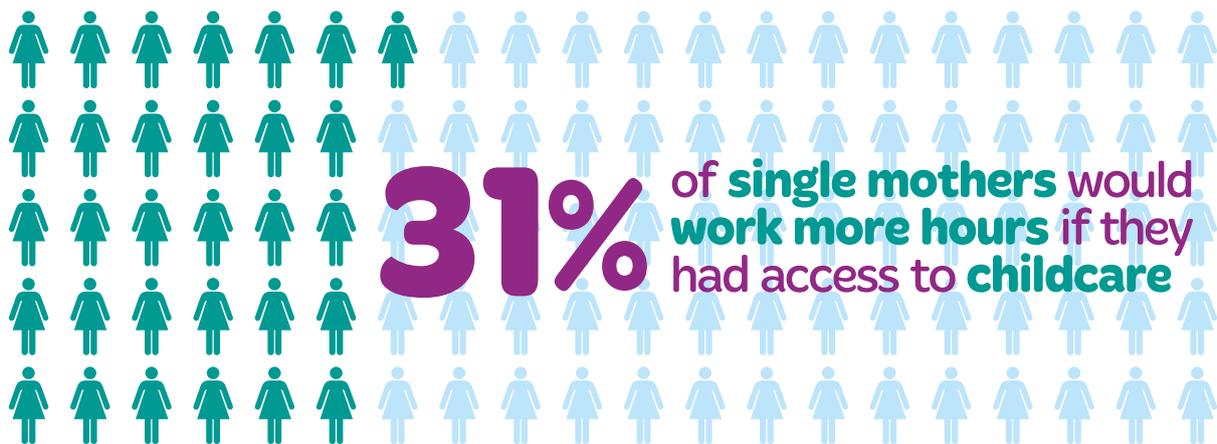
52 Taulbut M et al. (2016) Lone Parents in Scotland, Great Britain and the UK: Health, employment and social security NHS Scotland. [www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland](http://www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland)



## Childcare

Single parents are in the unique position of being both carer and economic provider for their children and the need to balance these roles means that they face significant labour market disadvantages. For single parents the lack of affordable and suitable childcare is a key barrier to paid employment, increasing hours of work or to study and training. Nearly a third (31 per cent) of single mothers would work more hours if they had access to good quality childcare.<sup>53</sup>

Scotland has some of the highest childcare costs in the UK.<sup>54</sup> Research in Scotland revealed that a quarter of parents in severe poverty have given up work, a third have turned down a job and a quarter have not been able to take up education or training because of high childcare costs.<sup>55</sup> Other research found that only 15 per cent of local authorities in Scotland have sufficient childcare for parents who work full-time, only nine per cent have enough childcare for parents who work outside of normal hours.<sup>56</sup> As noted above, single parents have a disproportionately high percentage of disabled children and research has shown that childcare availability for disabled children was even more limited.<sup>57</sup>



## Education, skills and training

Parents without paid work experience and those who have taken a career break to care for their children can lack confidence and the work search skills needed to enter the labour market. But even those with qualifications are concentrated in low-paying occupations, with more women especially employed in badly paid industries such as care and retail as discussed below.

53 Huskinson, T et al. (2014) Childcare and early years survey of parents 2012/13 Department for Education. [www.dera.ioe.ac.uk/19557/1/SFR06-2014\\_Childcare\\_and\\_Early\\_Years\\_Survey\\_of\\_Parents\\_2012-13\\_final.pdf](http://www.dera.ioe.ac.uk/19557/1/SFR06-2014_Childcare_and_Early_Years_Survey_of_Parents_2012-13_final.pdf)

54 Telfer, C (2011) Making Work Pay – The Childcare Trap Save the Children. [www.savethechildren.org.uk/sites/default/files/docs/Making\\_Work\\_Pay\\_Scotland\\_briefing\\_1.pdf](http://www.savethechildren.org.uk/sites/default/files/docs/Making_Work_Pay_Scotland_briefing_1.pdf)

55 Ibid.

56 Rutter, J (2015) Childcare Costs Survey 2015 Family and Childcare Trust

57 The Daycare Trust and Children in Scotland (2011) The Scottish Childcare Lottery



## Paid employment

In 1998, less than half of single parents were in work. By 2011 the Census shows that, in the UK as a whole, 59.1% of single parents are in employment. The figures are very similar for Scotland (58.1% in employment).<sup>58</sup> By 2014 the rate across the UK had risen to 67 per cent.<sup>59</sup> Although more single parents are moving into paid work, they face very unequal access to the labour market. Due to a range of barriers, including the lack of affordable and appropriate childcare and family friendly employment, they are more likely to be in poorly paid, part time and temporary employment.<sup>60</sup>

In 2015 three per cent of parents in couple households were working part time because they could not find a full time work, but for single parents this was 6.1 per cent. Similarly, 1.4 per cent of adults in couple families reported they are working in a temporary job because they could not find a permanent one compared to 2.5 per cent of single parents.<sup>61</sup>

Research shows that single parents disproportionately work in lower skilled occupations, which are typically low paid and precarious. Twenty seven per cent of single parents work in elementary jobs such as cleaning and catering; a further fifth work in sales and customer service, 22 per cent work in personal service occupations, such as care assistants or childminders. In total, more than two-thirds (68 per cent) of single parents work in these types of roles.<sup>62</sup>



**68%** of single parents work in lower skilled jobs which are typically lower paid and precarious

58 Cited in Graham, H and McQuaid, R. (2014) Exploring the impacts of the UK government's welfare reforms on lone parents moving into work, Glasgow Centre for Population Health. [http://www.gcph.co.uk/assets/0000/4283/Lone\\_parents\\_Full\\_Report\\_amended\\_Sept\\_2014.pdf](http://www.gcph.co.uk/assets/0000/4283/Lone_parents_Full_Report_amended_Sept_2014.pdf)

59 MacInnes, T et al (2015) Monitoring Poverty and Social Exclusion JRF. [www.jrf.org.uk/mpse-2015](http://www.jrf.org.uk/mpse-2015)

60 Graham, H. and McQuaid, R. (2014) Exploring the impacts of the UK government's welfare reforms on lone parents moving into work: Literature review. Glasgow: Glasgow Centre for Population Health. [www.gcph.co.uk/assets/0000/4284/Lone\\_parents\\_Literature\\_Review\\_web.pdf](http://www.gcph.co.uk/assets/0000/4284/Lone_parents_Literature_Review_web.pdf)

61 Taulbut M et al. (2016) Lone Parents in Scotland, Great Britain and the UK: Health, employment and social security NHS Scotland. [www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland](http://www.scotpho.org.uk/publications/reports-and-papers/1984-lone-parents-in-scotland)

62 Sissons, P (2012) Quantitative background paper on the introduction of lone parent obligations. Unpublished report Data from DWP and the Labour Force Survey. Cited in Newis, P (2012) It's off to work we go? Moving from income support to jobseeker's allowance Gingerbread. [www.gingerbread.org.uk/uploads/media/17/7690.pdf](http://www.gingerbread.org.uk/uploads/media/17/7690.pdf)



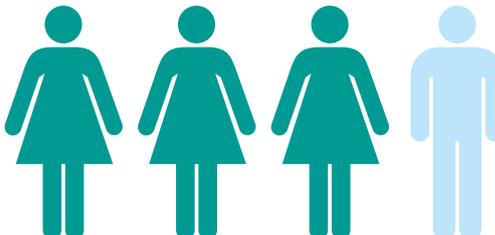
## Gender Inequality

These challenges are linked to and compounded by gender inequality. The gender pay gap for women working full time in Scotland is 14.8 per cent. The gap for part time workers is even greater at 33.5 per cent - demonstrating how gender discrimination in the labour market remains widespread.<sup>63</sup> In Scotland, 75 per cent of part-time workers are women.<sup>63</sup> Nearly a fifth of all Scottish employees are paid below the Living Wage<sup>64</sup> and 64 per cent of these low paid workers are women.<sup>65</sup> In the current climate of economic uncertainty following the Brexit vote, it is precisely this precarious sort of employment which single parents are engaged in, which is most at risk.

## The Scottish gender pay gap for women is

**15%** for full time workers

**34%** for part time workers

**3 in 4**  **part time workers are women**

63 Close the Gap (2016) Gender pay gap statistics. [www.closesthegap.org.uk/content/gap-statistics/](http://www.closesthegap.org.uk/content/gap-statistics/)

64 Note this refers to the Living Wage as calculated by the Living Wage Foundation not the UK government's National Living Wage which is substantially lower.

65 KPMG (2014) Structural Analysis of Hourly Wages and Current Trends in Household Finances. [www.kpmg.com/UK/en/IssuesAndInsights](http://www.kpmg.com/UK/en/IssuesAndInsights)



## Policy and legislative context

### Scottish Parliament and Government policy and legislation

The Scottish Government has a range of policies and measures which aim to tackle poverty and inequality. These include Scotland's Economic Strategy which focuses on "the two mutually supportive goals of increasing competitiveness and tackling inequality",<sup>66</sup> the Fairer Scotland Action Plan,<sup>67</sup> the Child Poverty Bill and the Fair Work Framework.<sup>68</sup> Other relevant existing policy approaches include Equally Well,<sup>69</sup> aimed at tackling health inequalities and Getting it Right for Every Child (GIRFEC) which aims to put the rights and wellbeing of children and young people at the heart of the services that support them.<sup>70</sup>

The Scotland Act 2016 gives the Scottish Parliament a number of new levers which can be used to address many of the issues highlighted in this paper. These include new powers over social security including the creation of new benefits in devolved areas, the topping up of reserved benefits and powers to vary the housing element of universal credit.

### International Human Rights and Children's Rights

The UK is signatory to a number of international treaties that guarantee social and economic rights. For example, the International Covenant on Economic, Social and Cultural Rights (ICESCR) which guarantees the right to an adequate standard of living including adequate food, clothing and housing (Article 11 (1), the fundamental right of everyone to be free from hunger, (Article 11(2)) and the right to social security (Article 9).<sup>71</sup>

There is mounting evidence that the UK Government is in breach of these treaties. For example, the ICESCR monitor has severely criticised the UK Government for its failure to meet the fundamental right to food as set out in article 3. Amongst the causes of increased hunger in the UK, it identifies welfare reform, including sanctions.<sup>72</sup>

The UK and Scotland are also signatories to the European Convention on Human Rights (which is incorporated in to law via the UK Human Rights Act and the Scotland Act). Article 3 of the ECHR prohibits "**degrading treatment or punishment**".<sup>73</sup>

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66 For information on Scotland's Economic Strategy see <http://www.gov.scot/Resource/0047/00473597.pdf>

67 Scottish Government (2016) Fairer Scotland Action Plan. <http://www.gov.scot/Publications/2016/10/9964>

68 For more information see the Fair Work Convention. <http://www.fairworkconvention.scot/index.html>

69 For information on Equally Well see <http://www.gov.scot/Topics/Health/Healthy-Living/Health-Inequalities/Equally-Well>.

70 For information on GIRFEC see <http://www.gov.scot/Topics/People/Young-People/gettingitright/what-is-girfec>.

71 The Office of the United Nations High Commissioner for Human Rights (OHCHR), International Covenant on Economic, Social and Cultural Rights. [www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx)

72 Just Fair (2014) Going Hungry? The Human Right to Food in the UK. [www.barrowcadbury.org.uk/wp-content/uploads/2014/04/Going-Hungry-Human-Right-to-Food-REPORT-FINAL-.pdf](http://www.barrowcadbury.org.uk/wp-content/uploads/2014/04/Going-Hungry-Human-Right-to-Food-REPORT-FINAL-.pdf)

73 European Convention on Human Rights. [www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)



The UK Government has signaled that following Brexit they intend to abolish the UK Human Rights Act. However, in a welcome announcement, the First Minister has stated that, in that event, the Scottish Government would take steps to maintain these protections in Scotland.<sup>74</sup>

## Children's Rights

The United Nations Convention on the Rights of the Child (UNCRC)<sup>75</sup> guarantees children the right to a standard of living adequate for the child's development (Article 27) and the right to benefit from social security (Article 26). Article 3 states that:

**“...in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”**

So far neither the UK nor Scotland has incorporated the UNCRC directly into domestic law. However, the Children and Young People (Scotland) Act 2014 places duties on Ministers to consider what they can do to realise the requirements of the UNCRC and take steps they consider appropriate to achieve this.

It also places duties on public authorities to report on what steps they have taken to realise the UNCRC.<sup>76</sup> Under the Act public bodies with a role in providing services to children have a duty to work together to create local Children's Service Plans. These plans must set out how they will work together to promote and protect the health and wellbeing of children.

The Act also sets out a number of indicators of child wellbeing, these being that a child is safe, healthy, achieving, nurtured, respected, active and included. The Child Rights and Wellbeing Impact Assessment (CRWIA) is designed to support Ministers and Government to assess whether policies and legislation help realise children's rights<sup>77</sup> in the UNCRC and to protect and promote the wellbeing of children and young people<sup>78</sup>, as defined by the wellbeing indicators in the Children and Young People (Scotland) Act 2014.<sup>79</sup>

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74 First Minister, Nicola Sturgeon's speech 9 December 2015.

75 See summary fact sheet of United Nations Convention on the Rights of the Child (UNCRC). [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

76 [www.legislation.gov.uk/asp/2014/8/contents/enacted](http://www.legislation.gov.uk/asp/2014/8/contents/enacted)

77 [www.gov.scot/Topics/People/Young-People/families/rights](http://www.gov.scot/Topics/People/Young-People/families/rights)

78 [www.gov.scot/Topics/People/Young-People/gettingitright/wellbeing](http://www.gov.scot/Topics/People/Young-People/gettingitright/wellbeing)

79 For information about CRWIA's see [www.gov.scot/Topics/People/Young-People/families/rights/child-rights-wellbeing-impact-assessment](http://www.gov.scot/Topics/People/Young-People/families/rights/child-rights-wellbeing-impact-assessment)



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