



House of Commons Work and Pensions Committee Inquiry into Benefit Sanctions Policy Lone Parent Conditionality & Sanctions

December 2014

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1. One Parent Families Scotland

One Parent Families Scotland (OPFS) is Scotland's national single parent organisation. Building on 70 years of advocacy and service-delivery expertise, OPFS provides expert information, advice & support, along with training activities, work preparation programmes & flexible childcare. Services include:

- National Information Service for lone parents and others working with lone parents:
- Community based advocacy, family support services and employability programmes in Dundee, Falkirk, Edinburgh, Lanarkshire & Glasgow.
- Marks & Spencer "Marks & Start " Lone Parent Work Trial Programme
- Lone Parent Peer Mentoring Service
- Specialist Services: young lone parents; lone & contact fathers; student lone parents.
- Training for intermediaries and Lone Parents
- Flexible childcare services in seven local authorities
- Mobile crèche services
- Policy, Research and lobbying decision makers at all levels in government
- 200 staff, turnover of £2.8m

There are over 165,500 single parents with 281,000 children in Scotland.¹ By 2033, the number of households containing one adult with children is projected to rise to 238,000 (24% to 38%)² Over four in every 10 (43%) children in single parent families are poor, compared to just over two in 10 (22%) of children in couple families³

Partnership working represents an important means of influencing policy and OPFS is involved in a significant number of partnerships involving : Children in Scotland; the Early Years Collaborative; Parenting across Scotland; Family Learning Network; CPAG; Scottish Campaign on Welfare Reform, the Poverty Alliance, the Ministerial Advisory Group on Child Poverty, and the Scottish Government's Welfare Reform Scrutiny Group.

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1. Household Projections for Scotland, National Records of Scotland, June 2012
2. Household Projections for Scotland, National Records of Scotland, 2008
3. Households Below Average Income (HBAI) 1994/95-2011/12, Table 4.5db. DWP,2013

2. Introduction

OPFS is pleased to be able to contribute to the **Work and Pensions Committee**

Inquiry into Benefit Sanctions Policy. This OPFS submission focuses on conditionality and the revised benefits sanction regime⁴ as this is an area which is impacting greatly on single parents and their children. **Children In Scotland** have added to this submission detailing their concerns from a children's rights perspective, backed up by case studies from **Enquire** the Scottish advice service for additional support for learning, in Appendix D. This briefing will describe what the key issues are for single parents and the practical experiences of those affected by benefit sanctions. Through feedback from parents we are able to identify the key challenges they face in their day-to-day lives. One Parent Families Scotland aims to challenge the myths and stereotypes about one parent families. It can be a challenge to bring up your children on your own, being solely responsible for their care and the family income. Single parents are worthy of recognition as well as support and advice to get through hard times.

3. Facts about Single Parents in Scotland

3.1 Profile of Single Parents

- It is estimated that there are 170,000 single parent families in Scotland⁵.
- By 2033, Lone Parent Households are projected to rise to 238,000 (from 24% to 38%)⁶
- Less than 2 per cent of lone parents are teenagers⁷
- Around 8% of single parents are fathers⁸
- The median age of lone parents is 38.1⁹
- 59.2% of lone parents are in work in Scotland, up 14.5 percentage points since 1997¹⁰

3.2 Single Parent Families and Poverty

- Around four in every 10 (41 per cent) of children in lone parent families are poor, compared to just over two in every 10 of children in couple families¹¹
- The poverty rate for one parent families where the parent works part time is 23 per cent, and 18 per cent where the parent works full time¹²
- 38 per cent of lone parents said that money always runs out before the end of the week/month compared to 19 per cent of couples¹³

3.3 Family Life

- At least 9 per cent of single parents share the care of their child equally, or nearly equally, with the other parent¹⁴
- The majority of children have face to face contact with their other parent. 71 per cent of resident parents said that their child had direct contact with the other parent¹⁵

4. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/238839/jsa-overview-of-revised-sanctions-regime.pdf

5. www.scotlandscensus_2011_householdsandfamilies

6. Household Projections for Scotland, National Records of Scotland, 2008

7. Annual Population Survey (APS), (Labour Force Survey plus boost), 2009 data

8. Lone parents with dependent children, January 2012, Office for National Statistics

9. Lone parents with dependent children, January 2012, Office for National Statistics

10. Working and Workless Households, 2012, Table P. ONS Statistical Bulletin, August 2012

11. Households Below Average Income, An analysis of the income distribution 1994/95 – 2009/10, Table 4.14ts. Department for Work and Pensions, 2011

12. Households Below Average Income, An analysis of the income distribution 1994/95 – 2009/10, Table 4.11ts. Department for Work and Pensions, 2011

13. Family and Children Survey 2008, Table 8.8. DWP, 2010

14. Problematic contact after separation and divorce. Peacey V. ; Hunt, J. Gingerbread, 2008

15. I'm not saying it was easy...Contact problems in separated families. Peacey, V., Hunt, J. Gingerbread, 2009

- Parental separation by itself is not considered predictive of poor child outcomes.¹⁶ Parental conflict has been identified as a key mediating variable in producing negative outcomes in children. A comparison between couple families experiencing high levels of conflict with single parent families found that children fared less well in conflicted couple families, demonstrating that family functioning has a greater impact than family structure in contributing to child outcomes¹⁷

4. Policy Context

4.1 Westminster Government

UK government **welfare reform**¹⁸ changes to the benefits system have had a devastating impact on single parents. They are now required to sign on when their youngest child is 5 years and to look for paid employment. In recent years, single mothers in receipt of welfare benefits have gone into paid employment in unprecedented numbers. 57% of working-age lone parents are working; up from 51% a decade ago. A further 23% are not in paid employment but want to take up paid work¹⁹

A high percentage of single parents have few qualifications and limited work histories, so often get forced into low-paying jobs and remain in poverty. An estimated 40 per cent of all lone parents have no qualifications²⁰ and even those with qualifications are concentrated in low-paying occupations.

Since recipients with higher skills tend to get better jobs,²¹ it seems logical that education and training should play a central role in welfare reform. However the UK government has chosen a 'work-first' approach which is based on conditionality & sanctions, rather than the alternative 'human capital development' approach which involves long-term investments in education, training, skills, health, wellbeing and personal development.²²

This means access to further & higher education for single parents is now extremely difficult – when their children are under five years barriers to training or education are immense including the shortage of flexible childcare; when their children are 5 years and over they must sign on and be available for work or lose benefit.

With essential living costs mounting, OPFS knows many families have to make difficult choices; and the freeze on benefits and tax credits has made these choices even harder. Analysis of the chancellor's decision to impose a three year real-term cut to benefits by the Resolution Foundation reveals that the losses for lone parents are more than ten times as large as for single people without children.²³ Sadly OPFS staff now find themselves referring single parents to foodbanks on a regular basis so that they can feed their children. In Glasgow itself there are over 50 Foodbanks. In such a rich country as Scotland this is unacceptable.

4.2 Conditionality and Sanctions

In addition to cuts to the level of benefit, thousands of lone parents have faced benefit sanctions which mean a further cut to their benefit as vital protection from sanctions for lone parents no longer appears to be in place. OPFS staff working with vulnerable families in local communities are reporting that there has been a dramatic increase in numbers of lone parents who have been wrongly sanctioned.

4.2.1 JSA Lone Parents

Single parents not in paid work, whose youngest child is aged five or over, are required to seek employment or face potential cuts to their benefits. They face tougher conditionality and benefit sanctions if they fail to demonstrate that they are actively seeking and available for work. Moreover since April 2014, to prepare for their first interview with a

16. Impact of Family Breakdown on Children's Well-Being. Mooney, A., Oliver, C., Smith, M. Thomas Coram Research Unit, Institute of Education, University of London, 2009

17. Impact of Family Breakdown on Children's Well-Being. Mooney, A., Oliver, C., Smith, M. Thomas Coram Research Unit, Institute of Education, University of London, 2009

18. <https://www.gov.uk/government/policies/simplifying-the-welfare-system-and-making-sure-work-pays>

19. <http://www.poverty.org.uk/46/index.shtml>

20. <http://www.publications.parliament.uk/pa/cm199798/cmselect/cmeduemp/646/64602.htm>

21. Walker and Zhu, (2007). 'The Labour Market Effects of Qualifications', Futureskills Scotland.

http://www.futureskillsscotland.org.uk/web/site/home/Reports/WhatEmployersThink/Report_Skill_Gaps.asp

22. http://cpag.org.uk/sites/default/files/CPAG_Poverty139_CanWelfareReformWork_0.pdf

23. http://www.resolutionfoundation.org/media/media/downloads/Resolution_Foundation_AS_Reaction.pdf

Jobcentre Plus adviser, jobseekers will be expected to do things like preparing a CV, setting up an email address and registering for the government's new jobs website.²⁴ When a jobseeker has their first interview with Jobcentre Plus, the adviser will review what they have done to make themselves employable prior to claiming JSA. If they haven't completed what is required, they will be mandated to comply quickly and if they don't they could face a sanction. The length of the sanction can vary between four weeks and three years depending on the reason for the sanction. For Lone Parents who have not been in paid work for many years, if at all; this is an incredible pressure unless they can access the right support.

However, at the moment some special rules apply to single parents.²⁵ If a parent has caring responsibilities, they can restrict the total hours they are available to less than 40 hours a week if: they are available for employment for at least 16 hours a week and for as many hours as caring responsibilities permit; *and* they have a reasonable chance of securing employment despite the restricted hours they are available. They do not have to show this if they have caring responsibilities for a child under 16 and the Advisor decides that they would not satisfy this condition because of the type and number of job vacancies within daily travelling distance of home. However OPFS Advisors regularly hear from lone parents who have been wrongly sanctioned or threatened with sanctions by the Job Centre or their private sector Work Programme Advisor.

A DWP FoI²⁶ request from OPFS shows that in a 12 month period it can be estimated 9,000 Lone Parents in Scotland had their benefit sanctioned. (6,020 Income Support Lone Parents, July 2012- June 2103 & 2,980 JSA Lone Parents over a similar period²⁷) This means over 14,310²⁸ children living with a sanctioned parent have been affected by a cut to their parents benefit so around 23,310 parents and children in a one parent family in Scotland have been thrown into further poverty.

4.2.2. Parents of pre-school children face new sanctions threat

Single parents with very young children are being put at risk of inappropriate sanctions as the government has been implementing new Income Support rules. Since April 2014²⁹ Jobcentre Advisers have gained new powers to sanction single parents with children under five who claim Income Support. Single Parents whose child is aged one or over must now attend more work-focused interviews at the jobcentre and those whose children are three or four can be required to attend courses, volunteer, or undertake other work related activity, by their Jobcentre Adviser. Parents will face sanctions if they fail to comply. OPFS believes that the new regulations focus too heavily on sanctions, when single parents are already keen to access more support to take up training, education or employment.³⁰

Many single parents do want to work before their child reaches school age, some decide that's not right for their family, and others have little choice financially. Whenever parents decide they're ready to go to work, they should get support that helps them do just that however OPFS is concerned that the new rules will become little more than a tick box exercise with punitive sanctions attached. OPFS has already been hearing from single parents with children as young as six months old whose jobcentre advisers have wrongly told them they must start looking for work or face having their benefits cut ahead of the new rules' introduction. Wrongful sanctions are already common under Jobseeker's Allowance, with four in 10 (38%) of sanction decisions against single parents overturned³¹.

Earlier this year the House of Commons Work and Pensions Select Committee recommended an independent review of conditionality and sanctions after finding that many benefit claimants were sanctioned inappropriately.³² **OPFS is calling for the government to: Ensure all Job Centre Plus Advisers understand the new regulations in full; Invest in voluntary tailored support and training for single parents.**

24. <https://www.gov.uk/government/news/jobseekers-required-to-do-more-to-find-work>

25. http://www.gingerbread.org.uk/factsheet_special-rules-for-single-parents

26. DWP FoI No 4873 / <https://www.whatdotheyknow.com/body/dwp>

27. Extrapolated to 12 months from 8 mths figure of 2,100 from Oct 2012 – June 2013

28. Lone Parents have 1.59 dependent children on average, ONS Labour Force Survey 2012
<http://www.ons.gov.uk/ons/rel/family-demography/family-size/2012/family-size-rpt.html> page 2

29. The Income Support (Work-Related Activity) and Miscellaneous Amendments Regulations 2014

30. <http://www.legislation.gov.uk/ukdsi/2014/9780111108499/note>

31. DWP: Jobseeker's Allowance and Employment and Support Allowance sanctions: decisions made to September 2013

32. House of Commons Work and Pensions Committee, The role of Jobcentre Plus in the reformed welfare system, January 2014

5. Single Parents Experiences

OPFS has had a number of cases where single parents have been negatively impacted by changes to the benefits system. (See Appendix A & B). Some of the issues include:

- Parents are unclear about their rights for example - at what age can a parent leave their child on her/his own to go to work. Can a parent take travel time into account? Can a parent refuse a job if they are not better off? Parents feel that they are unsure of their rights leaving them in a vulnerable position and often unable to challenge decisions. Parents feedback highlights that the "claimant commitment "disempowers them". The power imbalance means parents are unable to negotiate what's best for their children.
- Lone Parent Flexibilities are not being adhered to, in that lone parents are being told to apply for jobs which they would find difficult to sustain given their existing caring commitments. JCP interpretation of the new guidance on JSA is often flawed. For example, a lone parents need to be able to take a primary school child to school & pick up after school should take precedence over 90 min travel to work expectation. However some parents have been told by JCP they need to travel & that it's okay to leave their child unsupervised.
- LPs experiencing increasing judgmental attitudes by JCP staff. Signing on during school hols - told not to bring child. Very little support from JCP when sign on- " You may have a degree but you're a single mum on JSA so a jobs a job."
- OPFS staff have been told by JCP Advisers anecdotally that JCP have targets for sanctions. Also sanctions are automatically applied if rules are breached e.g. someone not turning up for an appointment because of a sick child, so a valid excuse is no protection.
- Interaction between welfare reform & devolved areas. Pressure on parents from JCP re responsibilities as Job Seeker but what about rights to childcare ; access to crisis help when sanctioned ; cost of moving when affected by bedroom tax for example ?
- Single Parents say are being pushed into low paid, unsustainable employment. Often zero hour or flexible hours contracts.
- There is a shortage of specialist advice geared to single parents' particular situation – parents feedback indicates that some generic agencies are not resourced to respond to the tailored needs of single parents.

6. Are sanctions encouraging single parents to meet the claimant commitment?

DWP research on the effects of benefit sanctions on lone parents' employment decisions and

moves into employment suggest that imposing a sanction had only a negligible effect on parents' labour market decisions.³³

In relation to sanctions, a further important factor in this research was to understand a little more about those who have incurred a sanction and those who have continued to live with a sanction. These single parents, in comparison with others demonstrated higher levels of ill health, both of themselves and of their children.

Single parents on JSA generally now have an understanding of the risk to benefit associated with failing to comply with conditionality. Failing to comply in our experience of cases we have dealt with have been for reasons linked to health, caring responsibilities or forgetting the appointment because of family pressures. Incurring a sanction does cause lone parents incredible stress. However, the majority of lone parents report being unaware of a sanction until they noticed a reduced benefit payment. The SSAC say that when a parent comes off benefit prompted by sanctions this results in poorer quality employment, lower earnings and job instability. When lone parents, for example, moved into work they tended to be in unstable and low paid jobs.³⁴

33. <http://lx.iriss.org.uk/sites/default/files/resources/rrep511.pdf>

34. <http://ssac.independent.gov.uk/pdf/universal-credit-and-conditionality.pdf> p13

7. The Future: Universal Credit - Conditionality and Sanctions

Under Universal Credit, single parents whose youngest child is aged five or over will be subject to all work-related requirements as they are under Jobseekers Allowance (JSA).

Despite government assurances during the passage of the Welfare Reform Act 2012, Gingerbread have described how the flexibilities available to job seeking single parents are changing. (See Appendix C) Only one (out of 12) of the current flexibilities has been migrated into new regulations in its entirety. The other 11 have either not been accounted for at all or have been qualified to narrow their application.

For example, in Universal Credit regulations, single parents will still be able to restrict the number

of hours they can work, but only if they can demonstrate there are jobs at those hours. Single Parents who are sanctioned will lose around £71 a week for a minimum of three months– money that is absolutely essential for paying gas and electricity bills and the weekly food shop for their families – and can have the money stopped for six months or three years for repeat ‘offences’.³⁵

The following regulations for lone parents are among those weakened under new universal credit proposals³⁶:

- Limiting job searches to school hours (including travel time) if their child is under 13: **under new regulations lone parents will only be able to do this if they can prove that jobs within school hours are available in their local area.**
- Being able to turn down a job if there is no suitable or affordable childcare available: **downgraded from regulation to guidance.**
- Being able to leave their job if their childcare arrangements fall through and they are unable to make alternative arrangements: **downgraded from regulation to guidance.**

8. Summary of Key Issues for Single Parents

1. Lone Parents have reported back to OPFS through a recent survey & to our partners that there has been a cultural shift within some JCP offices where lone parents are treated in a judgemental way and with disrespect.³⁷
2. Lone Parents are often very unsure of why they were sanctioned and tell us that they had not received a letter from the Job Centre informing them of the sanction.
3. In many of the cases being sent to OPFS the sanctions had been applied unfairly, where lone parents have tried their utmost to follow the directives of the Advisor but because of a very narrow interpretation of the rules or for reasons that were beyond their control they are being sanctioned.
4. Parents, in many cases had not received any information about how to appeal against the sanction.
5. Lone parents with young school age children are being told they need to apply for jobs which may involve up to 90 mins travel there and 90 mins back, when it's clear they don't have access to the out of school care to make that a viable option.
6. Some Lone Parents whose children turn 5 years, months before they are at school, are being pressurised to be available for work. Parents who have a child with a disability, behavioural issues or ill health are not being given a tailored service and are treated like any other “Job- Seeker”

35. JSA claimants currently receive £71 a week and will receive a similar amount under universal credit.

36. Jobseeker's Allowance Regulations 1996 as amended by Regulation 11 (8) of the Social Security (Lone Parents and Miscellaneous Amendments) Regulations 2008

37. http://opfs.org.uk/wp-content/uploads/survey-results_201411_single-parents-and-stigma.pdf

7. Issues of digital access are being ignored so that sanctions are being applied to lone parents who: don't have access to a PC; don't have broadband; or don't have the on-line skills required by JCP to meet job search requirements.
8. Lone Parents are being discouraged from accessing volunteering opportunities / participating in training – for example OPFS Big Lottery funded training.
9. OPFS has cases where a parent has been told to attend a JCP course with one days notice or face being sanctioned.

9. OPFS Recommendations at a Scottish level

1. Job Centre Plus should review its communications with single parents and ensure that important information about sanctions and appeals reaches them effectively. In particular, clients should understand the reason why the sanction has been imposed and how they can appeal against it.
2. Single Parents who have been sanctioned should also be given information about Hardship Payments³⁸ and the Scottish Welfare Fund.³⁹
3. Job Centre Plus should ensure that parent's individual circumstances are investigated and taken into account when deciding whether to impose a sanction. Sanctions should be used as a last resort, when all other avenues of action have been explored, including that of providing additional support through partners such as OPFS to the claimant to ensure that benefit conditions are met.
4. Issues of digital inclusion must be addressed.
5. OPFS does not support a sanctions based regime. However while in place sanctions should be fair and proportional. Lone Parents should not be sanctioned for things that are not their fault, such as administrative errors, or for issues that are beyond their control, e.g. attending a funeral.
6. JCP Advisor training on lone parent issues and the challenge of being a sole breadwinner and carer.
7. JCP should consider reintroducing specialist JSA Lone Parent Advisors who are trained to understand the challenges facing JSA Single Parents.
8. Sanctions should be recognised as a public health issue. For example, sanctions have been recognized as a public health issue by the Director of Public Health in Glasgow. OPFS is a member of Glasgow City Councils Leadership Panel Child Poverty Group which aims to contribute to significantly reducing child poverty in the city. Chaired by the Director of Public Health for NHS Greater Glasgow and Clyde Health, the group includes multi-agency partners including JCP. Concerns have been communicated to JCP local management around the increased implementation of sanctions on lone parents, reducing family income, causing stress, impacting on parents' health and thus increasing child poverty.
9. Liaison meetings have been set up with the JCP District Manager, the Director of Public Health and the Director of OPFS to discuss process changes which may be piloted within the District to reduce the number of lone parents being sanctioned and to set in place ongoing liaison meetings to review progress in responding to the "unintended consequences" of sanctions which result in serious financial hardship for parents and dependents. The aim being to lobby JCP locally to use the discretion that is available within the framework set by Westminster to have a less punitive and more supportive approach to Single Parent JSA claimants .

10. UK Recommendations

The Government's Social Security Advisory Committee (SSAC), in its 2012 review of conditionality and sanctions in the benefits system, concluded that for conditionality to work in practice, three kinds of practical steps were required⁴⁰:

38. http://www.opfs.org.uk/wp-content/uploads/2013/07/fs02_changes-to-is-and-jsa_201304.pdf

39. <http://www.scotland.gov.uk/Topics/People/welfarereform/scottishwelfarefund>

1. **Communication:** ensuring that benefit claimants have a clear understanding of the conditions which a benefit claim involves and of the penalties for non-compliance; where a claimant is under threat of sanction, information on how to provide evidence of good cause for non-compliance and how to get a sanction reversed. When a sanction is imposed, clear information about why and for how long.
2. **Personalisation:** Conditions need to be unambiguous, achievable and demonstrable and tailored to individual claimants' circumstances. Vulnerable claimants need to be identified and given appropriate support. Before a claimant is sanctioned their reasons for non-compliance need to be investigated. Sanctions should be used only as a last resort.
3. **Fairness:** unintended consequences of sanctions should be monitored and appropriate hardship arrangements need to be available. Claimants should be given the chance to learn from their experiences and avoid further sanctions where possible.

OPFS recommend that the findings of the SSAC should be implemented swiftly and effectively.

11. Conclusion

Two sets of issues recur time and again in the case studies detailed in Appendices A & B of this document

- The system and how it is applied;
- Advisers getting things wrong.

First, there is often little or no consideration given to a lone parent's need to fit their hours of work around their child-care responsibilities. This involves JCP (and Work Programme agencies) requiring the lone parent to pursue jobs that are inappropriate or incompatible with their childcare needs. Not recognising this, leads to sanctions being imposed which in some cases means no money at all coming in to the home. This is bringing people into severe financial hardship. A high percentage of sanctions decisions against single parents are overturned. (See Appendix C)

The second set of issues is around wrong advice, bad advice and incomplete advice. The common feature of all the case studies is that people are living at the margin. A missed payment or sanctioned benefit means no money coming in to the house – directly affecting the children as well as the parent. Further, the system appears to have no flexibility to take account of the impact of sanctions on children. Research shows many lone parents and their children already suffer poor health. Where lone parents are not working, this is often because there are health issues that make work difficult: 33 per cent of unemployed lone parents have a disability or longstanding illness⁴¹ and 34 per cent have a child with a disability⁴² These are highly stressful situations for lone parents, and it is no surprise that mental health issues have been mentioned several times.

There is extensive research evidence – from the DWP and other sources – that single parents are highly motivated to work.⁴³ **Taken in the context of the exceptionally high level of sanction decisions overturned for single parent claimants, it would seem clear that there are systemic failings in the sanctions system.** Improved educational and training opportunities are key to enabling single parents to improve their employability, progress in work and support their wider ambitions for themselves and their families. Improving job retention is essential for the Government if it is to meet its objectives on child poverty and employment rate targets. Lone parents are entering jobs at the same rate as the average, but leave employment at about twice the rate. A 20 per cent reduction in lone parent exit rates from work would lift 44,000 children out of poverty.⁴⁴

This requires investment in specialised skills development programmes tailored for single parents that take account for their complex family situations and provide holistic support, raising skills and aspirations by empowering participants to challenge the barriers that prevent them from fully participating in paid work, education or training. Education and training policy should be co-ordinated with social security so that – unlike the present arrangements

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

41. Family and Children Survey 2008, Table 3.2. DWP, 2010

42. Family and Children Survey 2008, Table 12.5. DWP, 2010

43. For example Tu, T and Ginnis, S (2012) Work and the welfare system: a survey of benefits and tax credits recipients. DWP Research Report 800

44. <http://www.nao.org.uk/wp-content/uploads/2007/11/070832.pdf>

whereby those who want to study or train full-time face sanctions and losing entitlements – social security actively promotes lifelong learning.

We believe the Work Programme, as currently designed, based on conditionality and sanctions, is insufficient to tackle the problems faced by lone parents wishing to move into paid work. Single Parents have told us they wanted good, well resourced help and assistance with finding and moving into work. They do not need to be threatened with sanctions and would make use of services provided on a voluntary basis.

Scotland has a proven track record of delivering very successful **voluntary** welfare to work schemes delivered by voluntary sector / local authority partnerships such as " Working for Families",⁴⁵ Big Lottery funded " Making it Work " programme⁴⁶ and the SCVO Community Jobs Programme.⁴⁷

Up and down the country, thousands of lone mothers and fathers already face extra hurdles when caring for their children. These struggling families must not be hit any harder, especially at a time when support services are being cut and the costs of childcare and housing are rising. The findings from Scottish Government research show that the current UK government's welfare reforms, as they stand, are failing to move us towards a system that offers dignity and appropriate support to lone parents.⁴⁸ Research by Napier University highlights that "the current benefits system 'pushes' people into work, without recognition of the implications for children's wellbeing, and the ability of the job to be sustained in light of childcare responsibilities."⁴⁹ As a member of the **Scottish Campaign on Welfare Reform**, which is supported by over 40 Scottish organisations, OPFS believes that it is time for a system which prevents poverty, treats people with dignity and respect and supports everyone to flourish.

At OPFS, we believe that it is unacceptable that in a rich country we find families where basic needs are not being met, where children go hungry and destitution faces some of our most vulnerable families. Mitigation is not sufficient. Welfare reform is robbing our poorest children of life chances and meaningful existence. A system which is condemning families to live in penury with a terrible impact on children's health and wellbeing cannot go unchallenged. Now it is time to say welfare reform is not working. Other European countries support much more generous and effective welfare systems and there is no reason why we cannot afford to do likewise.

Appendix A: Case studies

Case Studies are from calls to OPFS lone parent helpline & parents attending OPFS services. Parents have been anonymised. All rules are based on the existing regulations, not the new Universal Credit Guidance.

1. Find a job of at least 25 - 30 hours or may face sanction

Ann called the Advice Line as she was very worried & stressed as had been told by Job Centre that she must find a job of at least 25 - 30 hours and may have to travel 90 minutes or she may get her benefit cut. She has an 8 year old child.

The rules:

Lone parents with children aged under 13yrs can limit their availability for work to fit with school hours. Not being able to find suitable childcare is also accepted as good cause to turn down a job. In addition, while regulations do say that lone parents in receipt of JSA have to be available for work within school hours, travel time must also be taken into consideration.

2. Parent advised to leave 10 year old on own after school to take up employment

Barbara called the Helpline in distress. She is taking part in the Work Programme and she reported that the Employability Advisor at the private company that delivers the work programme said a 20hr job was not enough. Her daughter is 10 and she wants to work part time to fit with school hours. She said the Work Programme Advisor also gave her an appointment at 9.30am and she wanted a later appointment as she needed to travel on 2 buses and she

45. <http://www.scotland.gov.uk/Publications/2009/04/20092521/0>

46. www.biglotteryfund.org.uk/makingitworkguide120312.pdf

47. <http://www.scotland.gov.uk/Publications/2012/07/1258/0>

48. <http://www.scotland.gov.uk/Resource/0046/00463006.pdf>

49. http://www.gcph.co.uk/assets/0000/4283/Lone_parents_Full_Report_amended_Sept_2014.pdf

http://www.gcph.co.uk/publications/496_the_impacts_of_welfare_reforms_on_lone_parents_moving_into_work

takes her daughter to school. The Advisor told her to get her child into after school care even though the local service is full and also it was alright to leave her a couple of hours on her own. The parent said she didn't want to leave her daughter alone as she was too young.

The rules:

Lone parents with children aged under 13 can limit their availability for work to fit with school hours. Under current regulations, being unable to find childcare to enable you to take up a certain job protects lone parents from being sanctioned.

In addition, while regulations do say that lone parents in receipt of JSA have to be available for work within school hours, travel time must also be taken into consideration, so, depending on the school hours of Barbara's daughter, stipulating 9am to 3pm is also likely to be in breach of current regulations.

There is no legal age limit for leaving a child on their own, but it's an offence to do so if it places them at risk. Parents can be prosecuted for neglect if they leave a child unsupervised "in a manner likely to cause unnecessary suffering or injury to health".

3. Fear of Benefit Sanction

Christine was offered a job of 30 hours per week and was happy at first but is now worried as it turns out it means leaving her 11 year old son, who is on the autistic spectrum, on his own some nights and weekends. She reported that she was told by her Employability Advisor based at her Work Programme provider not to worry as her son will be ok on his own. Although she is only required to work 16hrs because of her child's needs she was worried about telling her Advisor she didn't want to take the job at these hours as she had heard about the threat of a benefit penalty.

The rules:

Lone parents with children aged under 13 can limit their availability for work to fit with school hours. Not being able to find suitable childcare is also accepted as good cause to turn down a job. If a child is aged under 13, you cannot be required to leave them on their own after school.

There is no legal age limit for leaving a child on their own, but it's an offence to do so if it places them at risk. Parents can be prosecuted for neglect if they leave a child unsupervised "in a manner likely to cause unnecessary suffering or injury to health".

4. Must take a job or face losing benefit

Debbie had always worked but had to stop due to youngest child's health. Her children are 8yrs & 10yrs. She had been moved from IS to JSA and was told by JCP that if a job came up she must take it or face losing benefit. Her after school club is full and there is no family to help out. She was advised that in Scotland you can leave you child on their own so she can go to work.

The rules:

Lone parents with children aged under 13 can limit their availability for work to fit with school hours. Not being able to find suitable childcare is also accepted as good cause to turn down a job.

There is no legal age limit for leaving a child on their own, but it's an offence to do so if it places them at risk. Parents can be prosecuted for neglect if they leave a child unsupervised "in a manner likely to cause unnecessary suffering or injury to health". If a child is aged under 13, you cannot be required to leave them on their own after school.

5. Worse off in Work

Eileen has a long work history, but moved to Glasgow (mother's home) to escape domestic violence in England. She eventually moved into unfurnished accommodation, with a furniture package (£200mthly), which was paid by Housing Benefit. She has two children, 5yrs & 6yrs. Mother recently diagnosed with terminal cancer. She is also now acting effectively as her mother's carer. As she is on JSA she is mandated to continually apply for jobs, but not made aware by JCP that help with the furniture package would stop if she moved into work. This means in most low paid jobs she would be much worse off in work. JCP requiring her to consider jobs up to 90 minutes travel time away from home but she needs to get child to school – breakfast clubs not open in time to accommodate 90 minute travel time. Eileen is under constant threat of being sanctioned if she doesn't comply.

The rules:

JCP decision makers need to consider whether someone had good reason before imposing a sanction, ie it shouldn't be automatic. The rules are not that unclear about what hours and when a lone parent is expected to be available for work – only expected to be available during school hours and allows for travel time, when child under 13.

6. Communication Issues

Work Focused Interview – reminder but actual letter arrives 3 days later

Cat a single mum from Govan has three children with the youngest being 3 yrs. She is on Income Support and is required to attend work-focused interviews where parents are expected to answer questions about their qualifications, previous work experience and childcare responsibilities. Cat received a text to remind her that she had an interview the next day but she had never received a letter to inform her of the date. This arrived 3 days later.

Cat had to quickly put in place help from friend to take her two school age children to school and to look after her 3 year old so that she could go to the interview and avoid a sanction.

The rules:

If a parent does not attend the interviews, unless Jobcentre Plus agree that they had a good reason for not attending or taking part in an interview, Income Support could be reduced.

7. Sanctioned for Missing Appointment with Work Programme Provider

A single father recently contacted the Children and Fathers Support Worker at One Parent Families Scotland. Ian lives in Edinburgh and is the main carer of his two children, aged 9 and 10 years. He is currently in receipt of Jobseeker's Allowance.

The father was unable to attend an appointment with Ingeus (Work Programme provider). This was due to the time of the appointment which had been scheduled late in the afternoon in the city centre. He resides in the south side of Edinburgh and had to be at home for his children coming in from school. As the father was originally from London, he does not have any family in the area and has no contact with the boy's mother. There was no one he could call upon to be at home for the children. Because he missed the appointment he was sanctioned. He now uses payday loans to make ends meet.

He has explained that he gets a loan for £55.00, has 10 days to pay it back and has to repay £70.00. *"I have to do this as it is the only way I can manage"*

It has been explained to the dad that he can appeal against this decision and that he only has a limited amount of time to do this. He has also been referred to a food bank as there was no food in the house for him and the children.

8. Sanctioned for not doing Job Search after receiving Job Offer

Kerry- Ann is a single parent from Maryhill. She has been on JSA for 3 years and has been actively seeking work. In Feb 2014 she was successful in getting a job. She rushed to her signing on appointment to tell her Advisor that she had got a job. The JSA Advisor's response was to ask her how many jobs she had applied for since last signing on. As Kerry-Ann had stopped applying for jobs because she had found one the Advisor said she would be sanctioned and lose benefit for 4 weeks with all the implications for Housing & Council Tax Benefit.

9. Sanctioned for missing signing on time because of Morning Sickness

Emma is 20yrs old and 2 months pregnant. She has been out of work and so is claiming JSA. Emma has been suffering from severe morning sickness and as a result is incapacitated first thing in the morning. When she called her JSA Advisor to say she wouldn't make her work focused interview and to ask for it to be rearranged she was told he was in a meeting but that the message would be passed on. The Advisor called a week later to ask why she hadn't turned up, She then received a letter the next day to say she had been sanctioned, losing her JSA for 4 weeks. The OPFS Welfare Rights Officer supported Emma to claim a Hardship Payment and to ask for a "revision "of the decision for which she has 4 weeks to request but for which JCP have no time limit to reply.

Appendix B: Single Parents – In Their Own Words

10. Kinship Carer sanctioned for taking up offer of a Social Work Holiday

“I’m Joan & I go along to the Lone Parent Hub in Avenue Park Street in Maryhill. I was given the Lone Parent Helpline number by a friend and just one call opened up a whole new world to me. I got information on local contacts & I’ve been going along to the lone parent hub since the beginning of the year. If you’d have told me 5 years ago I’d be where I am today I wouldn’t have believed you . I’d have said people don’t live like that- but they do & I’m one of them. I had a good life, a nice house, a car and foreign holidays. My son’s girlfriend fell pregnant, but when the baby was born it was obvious she wasn’t my son’s child as she was Asian. Unfortunately they split up and 5 months after that I got a call from social work to ask if I would look after the baby until her mum got herself together as she wasn’t able to care for Debbie. Sadly Debbie’s mum still wasn’t able to cope & it was left to me to decide whether to put her in care or to look after her. I chose to keep her but the consequences were life changing as my partner decided to leave. The pressures were too much. When he left so did his income & I had to apply for benefits. I became a single parent. I had to move house, I had a card meter put in but quickly got into arrears. When I first contacted OPFS I was in a really difficult situation. I often had to choose between heat & food.

“When Debbie turned 7; that was when the changes to my benefits really started to cause havoc. I was on Income Support but because of welfare reform I was told this had to change & I would need to claim JSA and look for work. However because of my ill health my Dr advised me to claim ESA. I did this for a while but my claim was turned down and I lost my appeal even though I have fibromyalgia which make me unwell. During my appeal I lived on £40 a week which meant it was impossible to find the money to top up my prepayment gas card. All through last winter for 3 mths I had no heating which was soul destroying for me to be unable to keep my wee girl warm. Sometimes I didn’t eat to make sure she was well fed. Even my closest family know nothing of this – I have my pride. The depression that comes with that is immense. As I speak I have 2 sons serving in Afghanistan – prepared to give up their lives to support the people in another country to have basic rights- but their own mother was in Scotland with no heat.

“So I was then moved on to JSA – another change which caused hold-ups in my benefit but not just that- it meant my housing benefit claim had been messed up and now in total I am over a £ 1000 in debt to the Housing Association . This comes off my benefit at £35 a week.

“When I went on to JSA I was required to sign on every two weeks. My Advisor was very judgemental in her attitude, even though she knew nothing about me - that I have lots of skills.

“I’ve been a prison sponsor, have been to college to do social sciences and I got into Glasgow University to do a Psychology degree but had to give up because of the pressures of being a Kinship Carer. I was told to look for any kind of work and was sent on a mandatory work experience which was arranged for me at a local charity shop; even though it was school holiday time & I had no childcare!

“Signing on has been a horrible experience, which destroys you emotionally and psychologically. I was offered a holiday arranged by social work as I am a Kinship Carer. I needed a break with my wee girl. When I asked JCP if I could sign on a week early to go away the Advisor said she would sanction me- my benefit was suspended for 2 weeks and I had the amount cut for a further 2 weeks. This has caused me to get even deeper in debt.

“If I hadn’t found out about the Lone Parent Helpline and the local hub I’m not sure what would have happened. I’ve done courses, and got help to sort out benefits & fuel debts.

“I have trembled with fear at the thought of signing on, at the thought of being sanctioned again – no money for food for fuel. It’s brought me to the edge of despair.

“After getting advice from the Welfare Rights Officer at OPFS it now turns out that as a Kinship Carer I should never have been moved off Income Support – so now again my benefits have been in an upheaval but I know my rights now. I also only recently found out about the Kinship Carer payment as I had never been told by social services about it.”

11. Fear of Sanctions if miss training course because of Childcare Issues

“My name is Susan and I attend the Lone Parent Hub in Shettleston Job Centre. My daughter was 5 years old in May so I have been claiming JSA since then. It’s a big change from being on Income Support where there is support from a

Lone Parent Advisor at the Job Centre who understands the challenges of being a parent on your own and trying to find a job that fits with school hours. I got in touch with Choices through picking up a leaflet at the Job Centre which had a freephone number on it. I called the number to speak to someone about getting support to look for a job. They gave me advice about signing on and put me in touch with Elaine who is the local lone parent worker.

"I now sign on every 2 weeks and am expected to apply for 6 jobs between signing on days. I am supposed to use the JCP Universal Job Match web-site and you are asked to sign a form to allow an Advisor to monitor all your activity on the site. You have a right not to agree to be monitored but everyone is too frightened to say no. I don't have internet as it's too expensive so I need to go to the library but sometimes it's not easy to get on to a PC. Signing on is very stressful – you worry you will be sanctioned if you haven't done enough to keep the Advisor happy. It can be a different Advisor each time – some just deal with you quickly, others ask lots more questions and that's where the fear creeps in. I often don't sleep the night before I sign on, I feel sick with worry that if my benefit is stopped I will struggle to make ends meet.

"I do want to work & 2 years ago I did take a 16hr job but I didn't realise that when coming off Income Support and going on to Tax Credits that I was required to make a new Housing Benefit claim. I ended up with over a £1,000 rent arrears even though I was still on a really low income. In the end the job was not sustainable as I couldn't afford the childcare and I ended up back on Income Support.

"Moving from Income Support to JSA was a shock- no letter, no warning. It's so different from being on Income Support – suddenly you are treated as a Job Seeker & there seems to be no recognition that as a parent you have responsibilities for your child. The attitude of Job Centre staff can be very demeaning – it seems they make judgments about lone parents and they actually know nothing about you. I had to wait 2 mths for my benefit to be processed and lost over 2 stones in weight caused by stress and the lack of decent diet. Some days I don't eat because I want to ensure my daughter has fresh fruit which is expensive.

"I have gained so much from attending the Lone Parent Hub, meeting other parents, doing training and getting support from Jobs & Business Glasgow staff. It was through the Lone Parent Helpline that I was told about a course at the Wise Group. When I signed on last Thursday I was handed a letter to attend a JCP course the next day at 9.15 or be sanctioned. This just wasn't possible for me as it takes longer than 30 mins to get from my child's school after dropping her off to get to the Job Centre. I had to ask my dad to help which made him late for work. The stress was unbelievable. You also have to find the fares to travel to the Job Centre – for me every penny counts as sometimes I do go without a proper meal so that my child has a healthy diet."

12. Fear of sanctions as unable to sign on as required because of Injury to Child

"Hi, my names Gina. I go along to the Maryhill hub. I have 3 children. My experience of being on Job Seekers has been very stressful. I sign on every second week and have been told to do 20 hrs job search on the Job Centre' website. I don't have a PC at home and I have never had training on how to use one so have no computing skills. I was sent to do a course by the Job Centre Advisor at the Savoy Centre. When I got there, after paying the fares which left me short for food, I discovered the course was full and I was sent back home.

"My worst experience has been when my daughter who is 7 years was bitten by a dog on the face and she needed 56 stitches. As you can imagine I was incredibly upset and worried. I called the Job Centre to say I couldn't sign on as I couldn't leave my daughter who was traumatised by the attack. I was told, sign on or no money. I got a friend to sit with my daughter but when I went to the Job Centre I was asked to sit down and explain why I was late. The Advisors attitude was very disrespectful. I told the Advisor I wouldn't be able to do job search as my daughter would be off school for 3 weeks and she wouldn't go outside because of the stitches on her face. She said go to the library and take the child with you. I was so stressed I knew I wouldn't be able to do that but the Advisor insisted. I called One Parent Families Scotland on their free support number and took advice from the Welfare Rights Officer because I was so worried I would be sanctioned as I had been unable to look for work. I signed on and felt so much better knowing they were behind me."

Appendix C: Comparison table of flexibilities in current regulations and the provision of flexibilities in Universal Credit regulations⁵⁰

Provision for flexibilities in current regulations	Provision for flexibilities in Universal Credit regulations ⁵¹
Regulations that have no comparable Universal Credit regulation	
<p>Single parents with a dependent child under 13 can limit the hours they work to their child's usual school hours, even if there are no reasonable prospects of finding work.</p>	<p><i>Regulation 88 (2) (b) stipulates that responsible carers with a child under 13 can restrict their work availability to their child's normal school hours. An answer to a parliamentary question⁵² confirms that this group of single parents will not have to show reasonable prospects of finding work, however the regulation as drafted is unclear and could be misinterpreted.</i></p> <p>Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.</p>
<p>Single parents with a dependent child aged between 13 and 16 can limit the hours they work according to their caring responsibilities, even if there are no reasonable prospects of finding work.</p>	<p><i>Regulation 88 (2) (a) (i) (ii) stipulates that responsible carers can restrict work availability, but only if they have reasonable prospects of finding work. It does not make provision for continuing to limit availability if there are no reasonable prospects of work.</i></p> <p>Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.</p>
<p>Refusing a job offer or to follow an instruction from an advisor when there is no affordable or appropriate childcare available</p>	<p>Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.</p>
<p>Leaving a job because of a lack of available and affordable childcare</p>	<p>Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been non-compliant on previous occasions.</p>

50. Table supplied by Gingerbread : www.gingerbread.org.uk

51. <http://www.disabilityalliance.org/how-we-can-help/benefits-information/universal-credit-regulations>

52. See: HC Deb, 29 January 2013, c784W

Allowing up to seven days to attend a job interview to take account of caring responsibilities	Failure to comply with a work availability requirement could be sanctioned for three months, six months or three years depending on whether the claimant has been noncompliant on previous occasions.
Limiting work search requirements when a child has been excluded from school	Failure to comply with a work search requirements could attract a medium or higher level sanction.
Limiting work search requirements when there is no affordable, appropriate childcare available during the school holidays	Failure to comply with a work search requirements could attract a medium or higher level sanction.
Limiting work search requirements when a claimant is subject to a parenting order or contract	Failure to comply with a work search requirements could attract a medium or higher level sanction.
Regulations that have been limited in Universal Credit regulations	
Limiting work search and work availability requirements when dealing with a death involving a close friend or family member	Regulation 99 (3) (d) only applies to the death of a claimant's partner or a claimant's child
Limiting work search and work availability requirements when dealing with a serious illness involving a close friend or family member	This may be covered in guidance relating to regulation 99 (5) (b) under temporary circumstances
Limiting work search and work availability requirements when dealing with a domestic emergency involving a close friend or family member	This is covered regulation 99 (5) (b) however timeframes are not stipulated
Regulations that are being matched in Universal Credit	
A single parent can take up to one month to take up paid work and be treated as fulfilling the work availability requirement	Equivalent regulation: 96 (3) (b)

Appendix C: Data on Sanctions provided by Gingerbread ⁵³

UK SP data is for Oct 2012 to June 2013.

JSA headlines:

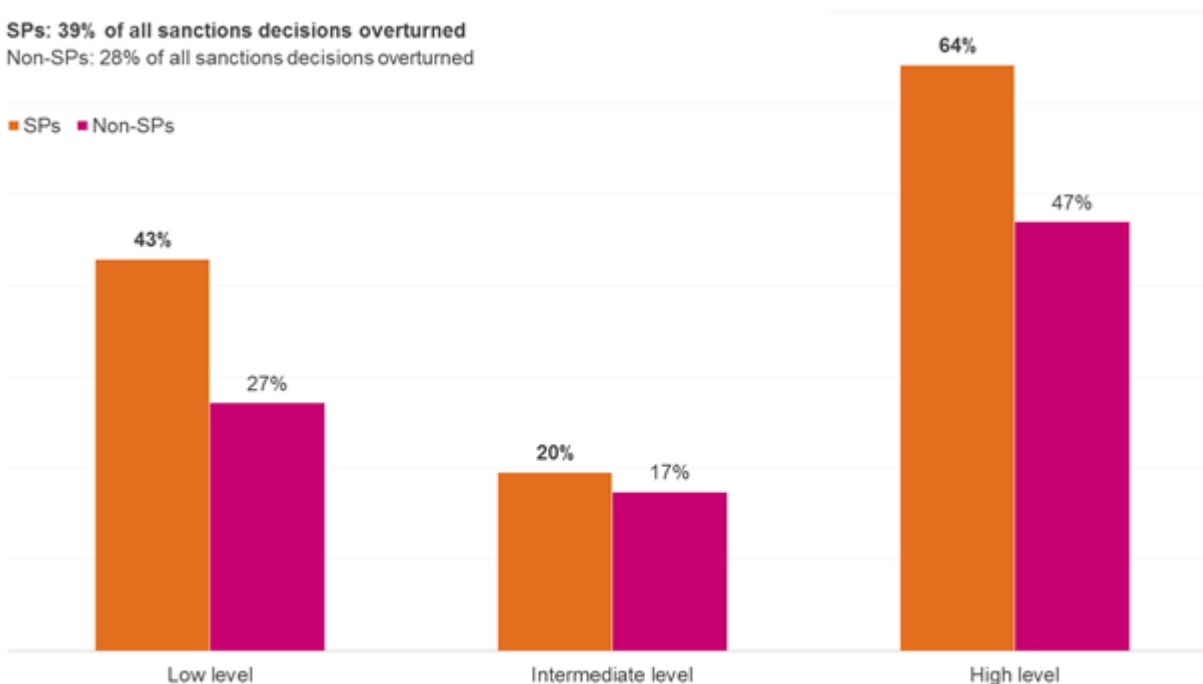
- Total nos: 74,920 JSA sanctions for SPs (to put into context, at June 2013 there 146,660 single parent JSA claimants)⁵⁴
- Type of sanctions assessed: Similar spread by level of sanction as non-SPs (c60% were low level; slightly more likely than non-SPs to have intermediate level sanctions (30% vs 21%)
- **Likelihood of decisions overturned ('non-adverse decisions'): SPs more likely to have decisions overturned than non-SPs, particularly the case for low and high level sanctions – suggests they are being unfairly sanctioned in the first place...chart copied below**
- Type of adverse decisions (ie sanctions imposed): Similar spread by level of sanction as non-SPs (c50% were low level; slightly more likely than non-SPs to be intermediate, and less likely to be high level sanctions)

The key difference to highlight from this data is the rate of 'non-adverse' – i.e. overturned sanctions, which is higher for Single Parents and suggests a particular lack of understanding about when sanctions should apply to Single Parents. Worryingly, the difference is highest for high level sanctions, which would have the biggest impact on incomes.

Proportion of sanctions which were overturned, by level of sanction
October 2012 to June 2013

SPs: 39% of all sanctions decisions overturned
Non-SPs: 28% of all sanctions decisions overturned

■ SPs ■ Non-SPs



Source: DWP, JSA and ESA sanctions: decisions to June 2013, 2013

53. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255176/sanctions-nov-2013.pdf via www.gingerbread.org.uk

54. <https://www.gov.uk/government/statistical-data-sets/lone-parents-receiving-jobseekers-allowance-claimant-count>

Appendix D



House of Commons Work and Pensions Committee Inquiry into Benefit Sanctions Policy Lone Parent Conditionality & Sanctions

December 2014

Children in Scotland is the national network for the children's sector in Scotland. Its membership consists of over 420 children's organisations and individuals from across the statutory, voluntary and private sectors.

We believe the wellbeing of children should be of paramount concern to any nation, irrespective of how it is administered or governed. Good and equitable outcomes for children build the foundations of a stable and successful country. For this reason we believe that the Welfare Reform system should be seriously reviewed and investigated in order to put into consideration how the system can cease the detrimental impact of benefit sanctions on children's health and wellbeing and to overcome the adverse impact of the poverty and inequality that beset far too many children from their earliest years.

Children in Scotland believes that benefit sanctions have escalated levels of child poverty and deprivation and will continue to impact adversely on the population of the most vulnerable groups such as lone parents, looked after children, disabled children and families, young parents and families living within deprived or rural areas this has also countermand the work by statutory and third sector organisations to tackle health inequalities in Scotland.

Children in Scotland endorse the contribution by One Parent Families Scotland (OPFS) to the Work and Pensions Committee Inquiry into Benefit Sanctions Policy. We would like to bring particular attention to the below areas that we feel are a disservice within the benefit sanction regime to children and the families and or carers supporting them.

Children in Scotland believes that the Benefits Sanction regime focuses far too heavily on reaching quotas and targets for Job seekers searches, interviews and appointments. The regulations for the Sanctions are not only administered with a vast amount of error to the consequences of the claimant. Moreover they don't actually take into consideration the achievability or realistic situations for the majority of families who are out of work and raising children this is particularly adverse for lone or single parents, looked after children, kinship carers, young carers and children with additional support needs.

Children in Scotland supports the recommendations by OPFS that Job Centre Plus (JCP) Advisors require additional training to be aware of the particular varying needs of families and the horrendous impact that sanctions have on them and consequently their children. On top of this we agree with OPFS that JCP should reintroduce specialist advisors to direct parents and carers to services and information that can support them throughout unemployment, hardship and benefit sanctions.

Children in Scotland endorse any system of support throughout the welfare system that encourages a procedure of prevention and support to enable families to cope and prevent them from entering further crisis which will inevitably add pressure to other public sector services that are already pressurized, for example housing and homelessness.

We feel strongly that the JCP's sanctioning system should not be target driven but should focus on the individual circumstances and situations before deciding whether to impose a sanction. We fully support with OPFS that:

“Sanctions should be used as a last resort, when all other avenues of action have been explored, including that of providing additional support through partners such as OPFS to the claimant to ensure that benefit conditions are met.”

It is without doubt that families should not be sanctioned for things that are not their fault, such as administrative errors and also because of the lack of child care facilities. Children in Scotland disapprove that parents and families have been pressurised into low paid employment that does not financially benefit their family in order to avoid sanctions. On top of this we completely abhor that JCP Advisors have been wrongly advising parents to ‘leave their children at home alone’ in order for them to attend work.

Children in Scotland’s vision is that we want every child to achieve their full and unique potential, to have the best start in life and the best support throughout their childhood. We are an organisation that places the UNCRC within the foundations of our work. The final outcome of our work is to uphold what is in the best interests for children and young people in Scotland. It is within this standing that we would like to highlight that the Benefit Sanctions regime infringes on the UNCRC under articles 24, 26, 27 and 19.

The children of families who are claiming benefit are in no fault of their own, they have no say to how their parents or carers should or should not work, no matter how their parent behaves in respect of their benefits the sanction regime penalizes them this is also a transgression to the rights of the child.

Enquire is the national advice service for additional support for learning in Scotland. It is managed by Children in Scotland and funded by the Scottish Government. Enquire offers independent and impartial advice and information to parents, carers, practitioners, children and young people through a dedicated helpline and publications.

Enquire Helpline Cases

The following cases are all drawn from calls made to the Enquire helpline, which receives enquiries and questions with regard to Disability Living Allowance (DLA) and Carers’ Allowance.

1. Loss of DLA

Caller 1 reported that their child had lost his/her entitlement to DLA because the head teacher at the child’s school stated the child is ‘age and stage appropriate’. The caller stated that the Action Group, a major third sector provider of learning disability services in Scotland, is supporting the caller to appeal against the DWP decision.

This example demonstrates that it would be advisable for DWP staff involved in making such decisions to have additional, specialised training. This would enable them to better understand the varying needs of families in particular families affected by disability and/or where a child has additional support needs, so that the benefits service is more responsive to their needs. It is also essential that staff within the JCP and DWP are aware of organisations that support and help children affected by disability or who have additional support needs and actively refer families to minimise further stress and hardship.

2. Transport to work before and after school hours

Caller 2 asked if her transport entitlement could be cut or lost as she uses her DLA to pay someone to take her child to school, as the caller has to be at work by 8.30.

Children in Scotland and OPFS would like to restate that flexibility must be applied in relation to transport to and from school, particularly when a parent has work commitments. This is likely to be even more necessary where the child is disabled, as transport to school often involves a specially adapted vehicle and or specialised transportation aids.

3. Family life and disability

Caller 3 reported the difficulties of coping with a child who requires considerable support. She proposed to her child’s social worker that she would like to employ her sister to provide respite care. The local authority social work department stated that she could use her DLA to pay her sister. The caller was, however, concerned that this advice was incorrect and that she might lose her DLA.

Children in Scotland favour a system that ensures access to accurate and reliable benefit information through the DWP. This would reduce the risk of agencies giving wrong advice on entitlements that could potentially result in benefit loss or sanction.

4. Reduction in DLA

Caller 4 has a child with additional support needs. The caller had been receiving the highest level of DLA but recently had this reduced by £400 a month. As the needs of the child were likely to increase with age, this reduction had caused the caller great distress and anxiety. The caller had queried the decision with the DWP and was told the decision was based on a report given by the child's school. The school would not provide a copy of this report to the caller who wished to know (a) whether the report should be included in the child's school record and (b) what rights do parents have to view reports.

Children in Scotland encourages the DWP to establish transparent procedures for obtaining information on which it bases its decisions and to respect the rights of parents and children to have access to information about them that is being shared among agencies.

5. Specialist Financial Advice Service

Caller 5 asked for the contact details of a provider or organisation based in Scotland that could provide specialist financial advice to a family with an autistic child aged 12yrs.

Children in Scotland recommends that the DWP improves its information services so that families are enabled to claim their full legal entitlement and avoid risk of sanctions or sudden and substantial reductions. Moreover, if responsibility for DLA is devolved to the Scottish Parliament (as proposed in the report of the recent Smith Commission) services should be put in place to ensure that the transition takes place in a way that avoids negative impact on children and their families.

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