

Consultation on the Claimant Commitment

Response from Citizens Advice Scotland

April 2019

Citizens Advice Scotland (CAS), our 59 member Citizens Advice Bureaux (CAB) and the Extra Help Unit form Scotland's largest independent advice network. Advice provided by our service is free, independent, confidential, impartial and available to everyone.

In 2017-18 the Citizens Advice Service network helped over 295,100 clients in Scotland and dealt with almost 800,000 advice issues. With support from the network clients had financial gains of over £138 million and our self-help website Advice in Scotland received approximately 3.2 million page views.

Introduction and context of response

CAS welcomes the opportunity to respond to the Committee's call for evidence. In 2017/2018, the Scottish CAB network provided advice on 19,047 issues related to Universal Credit (UC), which by the end of the period had only been rolled out to around half of Scotland's local authority areas. Additionally, CAB advised clients on 10,562 Working Tax Credit and 11,499 Child Tax Credit issues, which are the main in-work benefits that will be replaced by UC.

CAB evidence stems from the clients who seek advice from us. As people generally seek advice when something's gone wrong or when they are facing hardship, our evidence on the Claimant Commitment generally focuses on the problems arising from an unsuitable Claimant Commitment (e.g. stress, financial hardship, sanctions and impacts on the claimant's physical and mental health), not necessarily the details of the Commitment itself. Therefore, CAS does not seek to suggest levels of overall suitability and effectiveness of Claimant Commitments. Instead, the evidence we offer focuses on where Claimant Commitments are unsuitable for our clients in some way, and the impacts thereof.

Summary of recommendations

In order for a Claimant Commitment to be effective in supporting people into or progressing in work, our evidence suggests that it must be:

- Clear, straightforward and well communicated to the claimant, so that they understand exactly what is expected in exchange for benefit
- Appropriately tailored to and an accurate reflection of the claimant's individual circumstances, with proper consideration for potential restrictions
- Accompanied by appropriate support to comply with conditionality, such as digital support, particularly for those for whom digital job searching and claim maintenance will never be appropriate

- Part of a holistic system that supports, rather than compels, jobseekers into sustainable and meaningful employment, not just 'any job'
- Flexible in allowing claimants to prioritise jobs which are full-time, long-term and well suited to their skills, interests and personal circumstances.

Without the above, the claimant may be faced with both unrealistic and inappropriate jobseeking requirements. This may have a range of unintended consequences, including distancing the claimant from the labour market, detrimental personal impacts on the claimant (such as on their health) and even sanctions. In some cases, it may also lead to claimants dropping out of the benefits system altogether, which could result in serious financial hardship.

Evidence from Citizens Advice Bureaux

How are a claimant's circumstances factored into the Claimant Commitment (including if they change), particularly for claimants with potential restrictions on their work ability, such as caring responsibilities or a disability?

The UK Government's response to the Work and Pensions Committee inquiry into benefit sanctions states that 'training and guidance products ensure that development and review of the Claimant Commitment must include discussion of any caring responsibilities, health conditions and any other complex circumstances that could impact the claimant's ability to meet their requirements'.¹ It is unclear from CAB evidence how this is done. However, we have found that, even when Work Coaches are aware of restrictions, they do not always factor a claimant's circumstances into the Commitment. Circumstances that are not always factored in, according to CAB evidence, include:

- mental and physical health conditions
- disabilities
- learning difficulties
- literacy problems
- lack of digital access and/or skills
- cost and travel distance to the nearest Job Centre Plus

A lack of consideration for the latter two circumstances can be particularly problematic for claimants living in rural areas with poor and expensive public transport connections and/or where there is no Internet connection, mobile data coverage or public Internet access points. Where such circumstances are not appropriately factored into the Commitment, claimants can be faced with unrealistic jobseeking requirements. In the worst cases, these requirements can have a range of detrimental impacts on claimants and ultimately leave them vulnerable to sanction. It may also distance the claimant from the labour market, rather than bringing them closer to it. Previous CAS research also suggests that sanctions disproportionately affect those with disabilities and learning difficulties and in many cases are applied to those who are unable

¹ Paragraph 57, Benefit Sanctions: Government Response to the Committee's Nineteenth Report of Session 2017-2019: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1949/1949.pdf>

to fulfil their Claimant Commitment, as opposed to those who are reluctant to fulfil it.² These problems are demonstrated by recent CAB case evidence below.

A south of Scotland CAB reports of a young, distressed client who cannot adhere to his Claimant Commitment due to learning difficulties. He has now been sanctioned. He struggles to read, write and understand what is being communicated to him. His Work Coach is aware of these difficulties, yet has not changed his Claimant Commitment to reflect. On top of the sanction, he has ongoing deductions from his UC award. The client was very upset and he cannot afford to live on such a reduced income. He has not had electricity or gas in his property for days. He does not understand why he has been sanctioned.

A west of Scotland CAB reports of a 19 year-old client that was sanctioned for 'failing to do everything possible to find work', including failure to attend JCP appointments. The client lives in a rural area and incurs significant travel costs and long journeys to the nearest town to attend the JCP and the local library for job search purposes, where she struggles to get the support she needs. She cannot afford broadband at home. She advised her Work Coach of her travel difficulties but she was sanctioned regardless. She has been left with only £60 to cover all food, utilities, travel and other basic necessities for the month. As the client is under 25, her personal allowance is lower than that of claimants over 25. This, together with the sanction, has caused her to accrue several debts. The client wants to work but advises that the stress of additional financial hardship (following the sanction) and the constant need to look for and worry about other financial help is causing her great distress and is consuming her energy and time, negatively impacting on her ability to search for work.

A north of Scotland CAB reports of a client who was sanctioned because he did not attend a JCP appointment. He was unaware of the appointment as he is not computer literate and so depends on his daughter, who isn't always available, to check communications and update his work search history on his journal. He has otherwise been fulfilling his Claimant Commitment and has taken computer classes to improve his skills but is struggling to make any progress. Meanwhile, he has no money for food, gas or electricity during the coldest months.

CAS believes that Work Coaches must ensure that claimants who have learning difficulties, literacy difficulties, or struggle to keep up with work activity due to ill health or disabilities have a Claimant Commitment that reflects their capabilities, as well as receive adequate support and guidance to help them into suitable employment. There is also a clear need for the claimant's digital skills and ability to access computers and the Internet to be factored appropriately into the Claimant Commitment. We understand that Universal Credit is designed to be a digital-by-

² Sanctioned: What Benefit?: <https://www.cas.org.uk/publications/sanctioned-what-benefit>

default benefit. However, CAS research, along with the case examples above, has consistently shown that a significant minority of people do not have the Internet access, digital skills or confidence required to maintain their Universal Credit claims online. Within this group, those with disabilities, mental and/or physical health conditions, learning difficulties, poor literacy skills and other complex needs appear to face particular disadvantage and barriers to online claim maintenance. Some simply may never be able to do so without substantial support.³ As such, these circumstances must be factored into Claimant Commitments. Alternative, suitably supported offline options to make *and* maintain claims (such as telephony, face-to-face support and home visits) should be available and actively promoted to all claimants as part of their Claimant Commitment discussion. Those with health conditions, disabilities or other complex needs should be specifically targeted for support.

Do claimants feel their Commitment accurately reflects their circumstances, particularly those with potential restrictions?

CAB evidence suggests that claimants often feel that their Commitment does not accurately reflect their circumstances, as demonstrated in the case evidence below. In all cases, it would appear that claimants find this difficult to challenge and often experience significant distress, negative impacts on their health and sanctions as a result:

An east of Scotland CAB reports of a vulnerable client with mental health issues who is undergoing weekly treatment for alcohol addiction. She has been sober for three months, so her Work Coach felt it appropriate to increase her Claimant Commitment to full conditionality. The client was urged to sign the new Commitment without time to understand what she was agreeing to, or any real explanation of what the change would mean. The client is very worried that if she has to spend more time job searching and/or working she won't have the necessary time to continue with and finish her weekly treatments and so may relapse into alcoholism and depression. This would not only adversely impact her health, but also her chances of finding and sustaining employment. If she were to sign the increased Commitment but could not keep up with it due to her recovery programme, she would put herself at risk of sanction which could force her into hardship and further affect her health.

A north of Scotland CAB reports of a client who was sanctioned for non-compliance with his Claimant Commitment. The client had lost his job and was in the process of going bankrupt, at which time he tried to take his life. Following these events, the client felt completely overwhelmed and was unable to cope with his Claimant Commitment. He was subsequently sanctioned for non-attendance at Jobcentre Plus appointments and for not answering phone calls from his Work Coach. The client now receives only £16 UC per month. The client is seriously mentally unwell and this situation is making his condition worse.

³ Disconnected: Understanding Digital Inclusion and Promoting Access:
<https://www.cas.org.uk/publications/launch-disconnected-understanding-digital-inclusion-and-improving-access>

An east of Scotland CAB reports of a client who had to give up his job following award of full custody of his young children. The children experienced trauma under the care of their mother (her new partner was violent) and have been put on the Child Protection Register. The children need their father's support and care following these incidents and so he does not feel that childcare is an option right now. His work coach gave him a brief easement in his work search requirements; however, he has been informed that he will shortly be returned to full conditionality. The client is extremely worried about the impact this will have on his children and is considering speaking with his doctor to obtain a stress-related Fit Note.

An east of Scotland CAB reports of a vulnerable client who feels both misunderstood and unsupported by his Work Coach. He says he feels that his Work Coach is against him rather than with him as his support needs have been totally ignored (he suffers from epilepsy, depression and he has no basic computers skills) and their relationship feels very strained. He is really struggling to maintain his Claimant Commitment and is entirely dependent on the local Job Club to help him look for jobs online and to log his work search history. His Work Coach insists that he apply for jobs that are long, multiple and expensive bus rides away (he lives in a rural area with infrequent public transport and cannot drive due to his Epilepsy). He is also struggling financially to attend Jobcentre Plus appointments.

Do you think claimants completely understand and accept their Claimant Commitment?

CAB evidence suggests that this varies greatly. CAS is particularly concerned by evidence which suggests that Work Coaches do not always fully explain the responsibilities attached to the Claimant Commitment. This is despite the Government's statement that 'when claimants agree their Claimant Commitment, the Department provides them with information about sanctions including the type of commitments or activities they will be expected to adhere to, depending on their circumstances and regime, and the type of sanction they can receive if they do not keep to their commitments. This information is also accessible thereafter by the claimant's own Claimant Commitment'.⁴ The terminology can be confusing and difficult to understand at the best of times, but even more so when it is not well explained, especially for vulnerable claimants. In addition, whilst not a requirement as such, it is also of concern that Work Coaches do not always demonstrate how to and check claimants' understanding of use of the online journal. This can have serious consequences for those who have few or no digital skills:

⁴ Paragraph 67, Benefit Sanctions: Government Response to the Committee's Nineteenth Report of Session 2017-2019: <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/1949/1949.pdf>

An east of Scotland CAB reports of an illiterate client who sought advice as he had no idea what the online journal is or how to access it. He was then locked out of his journal because he could not remember his email address, password or security code. He will always require substantial support to maintain his Claimant Commitment as he cannot read his Work Coach's instructions on the journal, apply for jobs online or fill out his work search history.

A west of Scotland CAB reports of a schizophrenic client who did not understand at all the responsibilities of his Claimant Commitment, the terminology on his journal or how to actually log in to and update his journal. The client approached the CAB for assistance as he had no idea what to do or what was expected of him. He is clearly very vulnerable yet his Work Coach appears not to have offered any additional support to the client. The adviser is extremely concerned that the client will be sanctioned.

CAB have also reported of claimants who have understood and signed the Commitment but know that they will not realistically be able to fulfil it (for example due to a lack of digital skills or because of their health conditions). This is often because claimants feel they cannot negotiate with their Work Coach and/or have felt forced to sign the Commitment without being given an opportunity to discuss their concerns. As discussed above, claimants have also reported that they have tried to voice their concerns but they have been ignored:

A south of Scotland CAB reports of a vulnerable client who signed the Commitment even though he knew his depression would prohibit him from being able to fulfil it. He felt his Work Coach did not understand his needs at all and did not return to the Jobcentre because he felt it was pointless. He received a 365 day sanction as a result.

A west of Scotland CAB reports of a claimant who was sanctioned for non-compliance with his jobseeking requirements. The client stated that it is impossible for him to comply because he has no digital skills or access to a computer. Despite this, DWP refused to lift the sanction as they stated that 'by signing the Claimant Commitment, the claimant agreed that he would maintain the claim online. He has broken this agreement'. The client has 0.56p in his account and required both a Crisis Grant and food bank voucher.

Finally, some CAB have highlighted the particular difficulties and dangers for claimants with language barriers. We have seen evidence of claimants who speak little or no English signing a Claimant Commitment without any real (or no) understanding of what has been discussed during the meeting, what the Claimant Commitment contains, or what it means in practice for them. This has occurred despite requests for an interpreter. Some CAB have also reported of claimants experiencing a double barrier of little or no English, as well as no computer skills, which leaves them twice as vulnerable to sanction.

Do you think the Claimant Commitment is an effective tool for supporting people into or progressing in work? If not, why, and can you highlight evidence to support your view?

CAB evidence suggests that the Claimant Commitment is not always an effective tool for supporting people into or progressing in work. This is particularly apparent when the Claimant Commitment is not appropriate or realistic for the claimant to achieve, as discussed above. In the worst cases, this may actually have the opposite effect of further distancing the claimant from the labour market. It may also cause them to drop out of the benefits system altogether, which can leave the person in serious financial hardship. Indeed, numerous CAB have reported claimants actively choosing to end, or suggesting that they will end their claims, because they are struggling to adhere to their jobseeking requirements. The stressful threat of being sanctioned is also a contributing factor:

A west of Scotland CAB reports of a vulnerable client suffering from anxiety and depression who ended his UC claim because he found the Claimant Commitment too distressing. He simply could not keep up with the requirements and found that the added stress was causing his already poor mental health to deteriorate even further. He is now suffering significant financial hardship which will be further exacerbated when he is pursued for repayment of his UC advance payment of £336.

It should also be noted that conditionality requirements (and in particular the threat of sanction) can sometimes lead to claimants being forced into work that is not appropriate for them, whether because it offers too few hours, is a temporary contract or simply not a good fit for that individual:

A north of Scotland CAB reports of a young, vulnerable client suffering from serious anxiety and depression. The client describes his mental health as a barrier to some types of work, as it is incredibly stressful for him to interact with other people on a regular basis. He does want to work and feels he could cope with repetitive, solitary jobs. However, he is still expected to look for and take any sort of work that he is offered, without regard for how this may impact on his mental health.

Conditionality requirements have also forced a number of CAB clients across Scotland to apply for and accept zero hours contracts, even though these are completely unsuitable for their circumstances, for example because they do not provide the financial stability or security that people need in order to provide for themselves and their families. When this situation becomes unsustainable and the claimant leaves the job to find a better one, CAB have reported of claimants being subsequently sanctioned from UC for 'voluntarily leaving work'.

Rather than expecting claimants to apply for any job regardless of its suitability, support should instead be personalised and aim to help claimants find a job that is well suited to their skills, experience, ambitions and individual requirements. Where mandatory requirements are set, caution should be exercised to ensure that they are reasonable and appropriate. It should not merely consist of setting targets to apply for a particular number of jobs each week, without

regard to suitability or quality. In particular, it should also ensure that people are not forced into low quality, stressful and insecure jobs that may have a detrimental impact on their health. This would improve outcomes for claimants; particularly if they were allowed to prioritise jobs that are full-time, long-term and well suited to their skills and interests.

We would also like the Jobcentre to take an approach that recognises the different types of barriers that people with health conditions and disabilities face: attitudinal, environmental, organisational and communication barriers. It is not always the case that improving skills and gaining qualifications will help someone move closer to the job market, as the job market has some structural barriers that an individual cannot overcome on their own. There should also be consistent recognition that there are other socio-economic barriers to employment that might be just as obstructive as many health-related barriers. These might include access to childcare, economic hardship, unmanageable debt, relationship issues and housing issues. The Jobcentre should therefore develop strong relationships with other local services that offer debt and budgeting support, welfare and housing advice to minimise these barriers to work.⁵

Do you think the Claimant Commitment helps instil trust in and support for the welfare system? Can you highlight evidence to support your view?

The Claimant Commitment could instil trust in and support for the welfare system as -it should clearly set out what claimants are required to do in exchange for their benefit. This sort of transparency may well be valued by claimants and other parties alike. However, if a claimant suffers any sort of detriment due to a Commitment that is not tailored to their needs and accompanied by suitable support, it is difficult to see why that individual would necessarily trust the system. Indeed, as the evidence above demonstrates, CAB evidence suggests some difficult relationships between Work Coaches and claimants, with staff being dismissive and/or not listening to their support needs and concerns when setting up a Claimant Commitment and during subsequent meetings. This can even lead to people choosing to end their claims and dropping out of the benefits system altogether.

It is particularly difficult to see how trust and support would be instilled where inappropriate and unrealistic jobseeking requirements lead to sanction. Stopping someone's benefit means that they will likely have no money to pay for essentials including food, gas, electricity, toiletries, clothes and transport. It can also put tenancies and debt repayment arrangements at risk. These conditions obviously do not lend themselves to productive jobseeking and can even act as a barrier to work. The distress experienced as a result of a sanction can also lead to a deterioration of a claimant's health. It is also important to note that claimants often receive little or no notice or explanation of a sanction. CAB across Scotland often report of distraught claimants seeking advice because they have been sanctioned without warning and do not understand what they have done wrong. In some cases, claimants have even threatened to take their own life or have approached the CAB for advice after they have attempted but failed to take their own life.

⁵ CAS response to Improving Lives: The Work, Health and Disability Green Paper
<https://www.cas.org.uk/publications/response-improving-lives-work-health-and-disability-green-paper>