Justifying conditionality: sanctions, support and behaviour change in the UK

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Welfare conditionality: sanctions, support and behaviour change (2013-2018)

Twin aims

- To consider the ethics and efficacy of welfare conditionality

Fieldwork with three sets of respondents

1. Semi-structured interviews with 40 KIs policymakers/actors
2. 24 focus groups (6-10 respondents) with frontline welfare practitioners who implement policy
3. Three rounds of repeat qualitative longitudinal interviews with a diverse sample of 480 welfare recipients who are subject to conditionality i.e. 1440 interviews in total.

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Welfare conditionality: sanctions, support and behaviour change (2013-2018)

- **Exploring welfare conditionality across a range of policy domains and groups**

Recipients of social security benefits (unemployed people, lone parents, disabled people, UC), homeless people, social tenants, individuals/families subject to antisocial behaviour orders/family intervention projects, offenders and migrants

- **Locations in England and Scotland**

Bath, Bristol, Edinburgh, Glasgow, Inverness, London, Manchester, Peterborough, Salford, Sheffield Warrington

Content

1.0 Conduct, conditionality and the reconfiguration of social citizenship in the UK

2.0 Justifying conditionality: insights from key informants

- A conditionality consensus?
- Contesting conditionality
- Conditionality with caveats
- 'Paternalism 'plus' , the coercive contract and the end of welfare rights?

3.0 Conclusions

1.0 Conduct, conditionality and the reconfiguration of social citizenship in the UK

Passive 'welfare society' superseded by 'active society' (Walters, 1997)

- Prioritisation of *responsible* individual agency/behaviour over rights
- Activation of previously *'passive'* welfare recipients, primacy of paid work
- 'No rights without responsibilities' (Giddens,1998)

Social citizenship reconfigured: emergence of the conditional welfare state (Dwyer, 1998-2014)

- Importance of New Right and New Communitarian ideas in this shift
- Welfare dependent 'underclass' created and sustained by unconditional welfare
- 'Third order' change (Hall, 1993) principle of conditionality is the 'prism' through which we view reform
- A distortion or correction of social citizenship?

Conditionality is nothing new?

- The link between social rights and contractual obligations of citizens has long been explicit (e.g. Beveridge Report ,1942; Freud, 2007; DWP, 2008).

Emergence of a principle of conditionality

- Access to certain basic publicly provided welfare entitlements should "be subject to the condition that those who receive them behave in particular ways, or participate in specified activities" (Deacon, 1994: 53**)**

Focus on 'conduct conditionality' (Clasen and Glegg, 2007)

- "A new politics of welfare intent on converting the welfare benefits system into a lever for changing behaviour" (Rodgers, 2008 :87).

Purpose of the conditional welfare state

- Realign the relationship between entitlement/support and conduct/behaviour (Handler, 2004; Betzelt and Bothfeld, 2011)

Conditionality embodies the principle that aspects of state support, usually financial or practical, are dependent on citizens meeting certain conditions which are invariably behavioural" (DWP, 2008 :1)

Understanding welfare conditionality

- **Sanctions and support** ('sticks' and 'carrots') positive potential for coercive welfare? (Phoenix, 2008)
- '**Amorphous**' (behaving responsibly) – '**concrete**' (tightly specified) conditionality (Paz-Fuchs, 2008)
- '**Conditional**' (sanctioning irresponsible behaviour) and '**earned**' (rewarding positive behaviour) citizenship (Flint, 2009)

UK Conservative governments (1979-1997)

- **Social security:** Child Support Agency (1993), Jobseeker's Act (1995), 'Project Work' (1997)
- **Housing**: Housing Act (1996)

UK New Labour governments (1997-2010)

- **Social security:** various 'New Deals' (from 1997), Welfare Reform and Pensions Act (1999), Jobcentre Plus (2002), Welfare Reform Acts (2007, 2009), Freud Report (2007), Employment and Support Allowance (2008)
- **Management of anti social behaviour/housing**: Crime and Disorder Act (1998), Anti-Social Behaviour Act (2003), Criminal Justice Act (2003), Supporting People (2003), Housing Act (2004) Action Plan on Social Exclusion (2006),) Respect Action Plan (RTF, 2006)
- **Education and healthcare:** Sure Start Maternity Grant (2001), The Skills for Life Scheme (2001), Welfare Food Scheme (2002)

UK Coalition government 2010-2015

- **Social security:** Mandatory Work Activity (2011), The Work Programme (2011), The Welfare Reform Act (2012) which introduced Universal Credit (2013 - ongoing) and the Claimant Commitment, a strengthened sanction regime, Supervised Jobsearch Pilots (2014)

- **Housing:** Localism Act (2011)

- **Antisocial behaviour:** Troubled Families Programme (2012 - 2015), Anti Social Behaviour, Crime and Policing Act (2014),

Biggest welfare revolution in over 60 years…Past governments have talked about reform, while watching the benefits bill sky rocket and generations languish on the dole and dependency. This government is delivering it. Our new law will mark the end of the culture that said a life on benefits was an acceptable alternative to work (Cameron, 2012)

Intensified, personalised and extended conditionality

UK Conservative Government 2015-2020

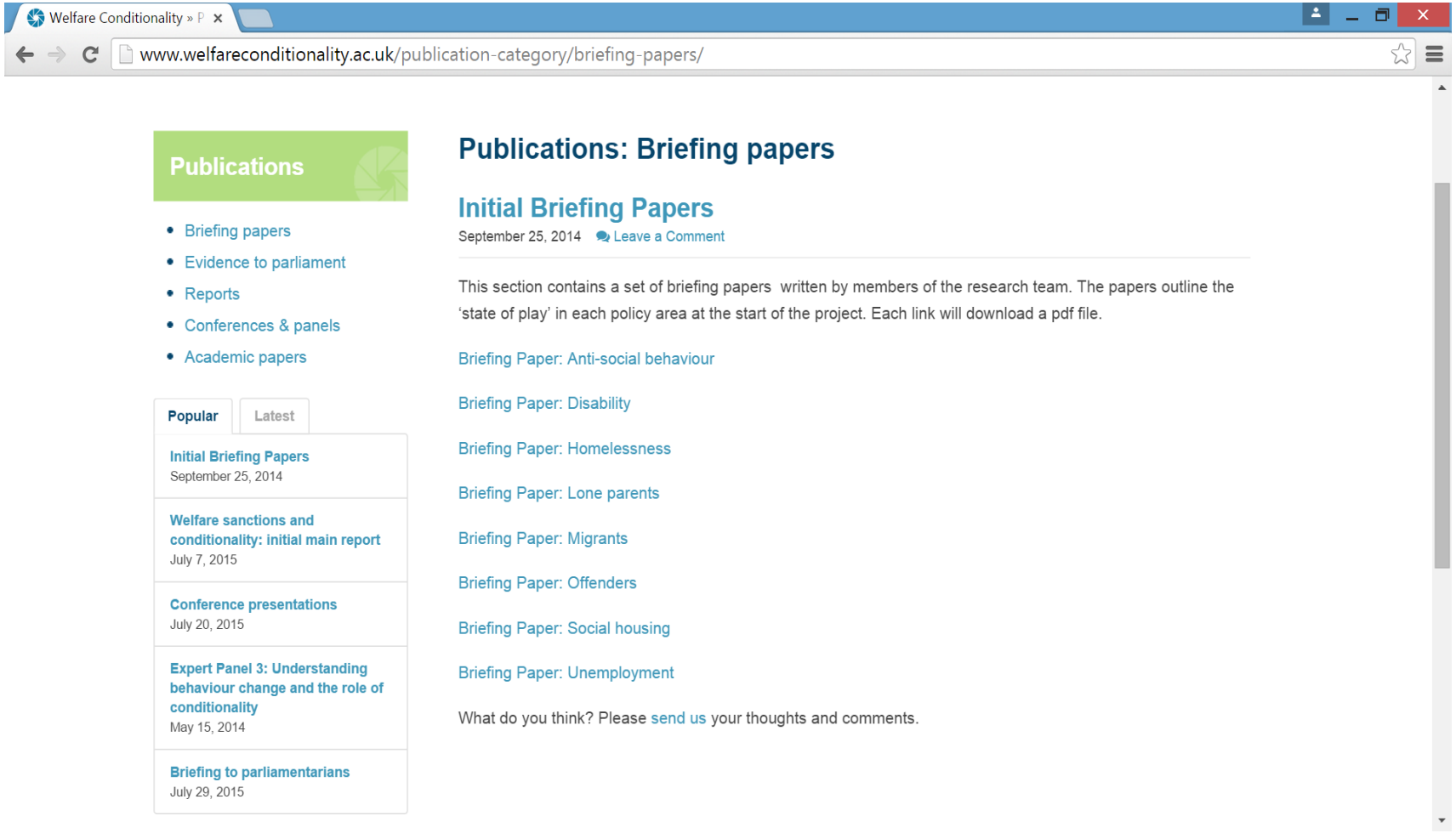
- **Welfare Reform and Work Bill (2015)**

  Reduces the children's age thresholds at which LPs are subject to conditionality and sanction; from 3 to 2 years old for work preparation to 2, and from 5-3 full work-related requirements

  Abolishes provision of the additional £29.05 pw payment for those in ESA Work-Related Activity Component and the corresponding Limited Capability for Work element in UC from April 2017 and aligns it with JSA rates

- **Intensive Activity Programmes (Aug 2015)**

  Mandatory 'intensive support/ 'boot camps' for 18-21-year old, 71 hours over 3 weeks at start of claim or face sanctions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Briefing Paper: Anti-social behaviour
Briefing Paper: Disability
Briefing Paper: Homelessness
Briefing Paper: Lone parents
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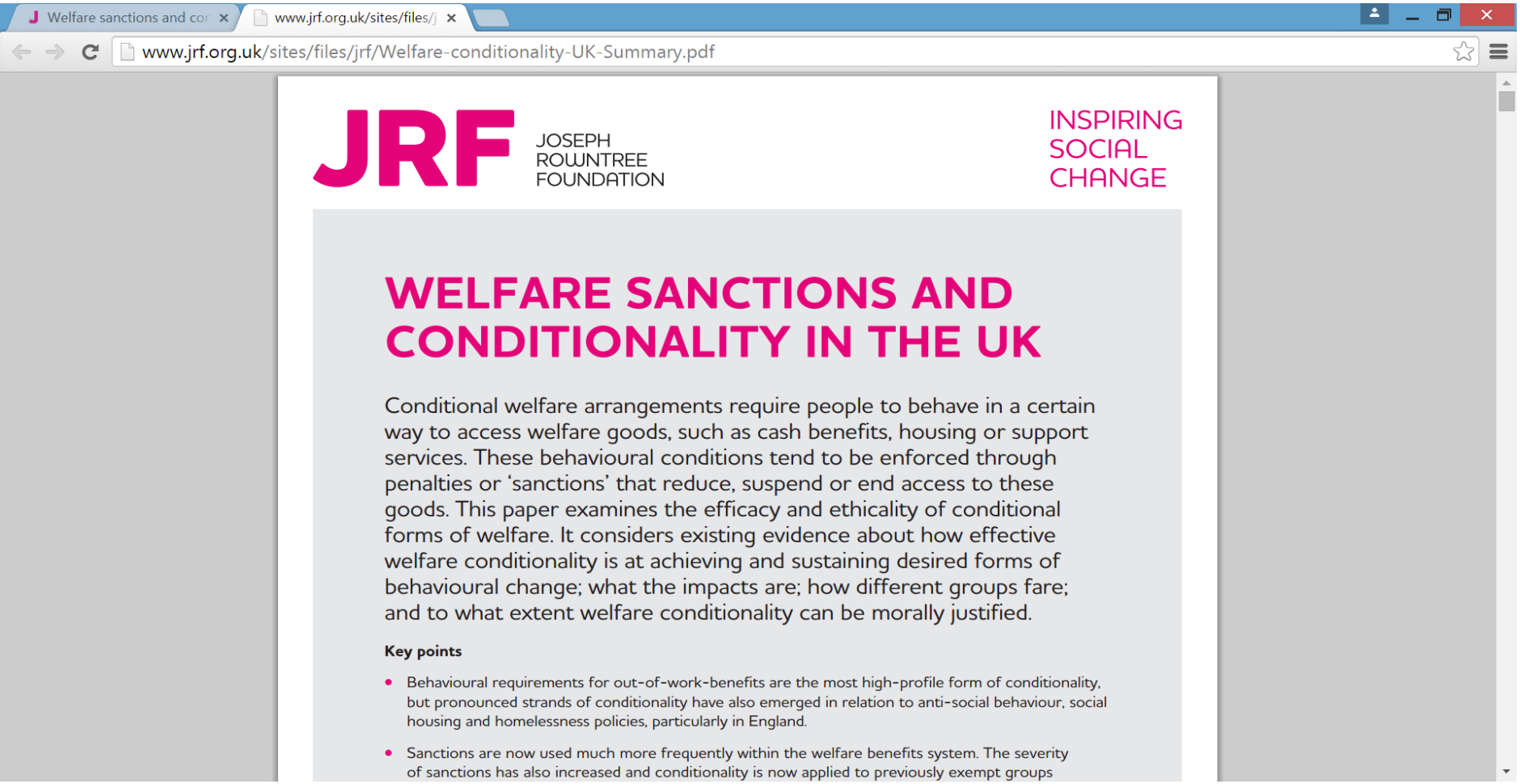
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WELFARE SANCTIONS AND CONDITIONALITY IN THE UK
Conditional welfare arrangements require people to behave in a certain way to access welfare goods, such as cash benefits, housing or support services. These behavioural conditions tend to be enforced through penalties or 'sanctions' that reduce, suspend or end access to these goods. This paper examines the efficacy and ethicality of conditional forms of welfare. It considers existing evidence about how effective welfare conditionality is at achieving and sustaining desired forms of behavioural change; what the impacts are; how different groups fare; and to what extent welfare conditionality can be morally justified.
Key points
Behavioural requirements for out-of-work-benefits are the most high-profile form of conditionality, but pronounced strands of conditionality have also emerged in relation to anti-social behaviour, social housing and homelessness policies, particularly in England.
Sanctions are now used much more frequently within the welfare benefits system. The severity of sanctions has also increased and conditionality is now applied to previously exempt groups

2.0 Justifying conditionality: insights from key informants in the UK

- A conditionality consensus?
- Contesting conditionality
- Conditionality with caveats
- ‘Paternalism ‘plus’ , the coercive contract and the end of welfare rights?

Justifying conditionality?

- **Contractualism:** citizens and the state have linked obligations (e.g. to actively seek work/provide safety-net for the unemployed), reciprocal contractual duties/responsibilities of both the state and government.

- **Paternalism:** conditionality is in the best interests of welfare recipients 'Inactive' poor people lack competence, paid work is good for people, encourage or compel the demotivated to train, work or engage with support

- **Mutualism:** people have obligations and responsibilities towards each other independent of the actions of the state, personal responsibility as the cornerstone of community

(rf. Deacon 2004; Watts et al. 2014; Patrick and Fenney, 2015)

Justifying /rationales for conditionality

1. **Deterrence:** Deterring applicants from claiming relief by conditioning relief payments upon harsh requirements

2. **Morality:** arguments extending from the view that work enjoys an inherent moral value to various mechanisms of social control

3. **Utilitarian or fiscal** rationales: emphasizing that resources should be used efficiently and that public costs kept to a minimum

4. **Contractual, quid-pro-quo** i.e. relief requires clients to give something in return for the benefits received

(rf. Paz-Fuchs, 2008 :76)

A conditionality consensus?

Never thought there was much wrong with Labour's language of rights and responsibilities… There are obligations on you as an individual, but provided you meet those obligations you have a right to support (KI18, Labour MP)

Trying to avoid reciprocity in the design of social security is a mistake… One of the reasons for having conditionality is that it demonstrates that we as a society expect people to make their contribution when they can… you could say that we have a revealed preference for reciprocity (KI22, TU org. senior officer)

Certainly [national advice agency] isn't opposed to conditionality in the benefits system… we're on board with the idea that rights and responsibilities come together. It's just getting the level of responsibility set in the right way (KI91 Senior researcher)

This regime does help people back into work, and actually there's a lot of evidence that the best way out of poverty…so encouraging people and helping people to get back into work must be the right thing to do. There's lots of evidence about if you take away this regime it works less well (KI80, Civil servant)

Paternalistic justifications

Elements of society where welfare, access to welfare benefit has become the norm, and people have lost their focus on accessing employment, and supporting themselves… I think conditionality in itself is not a bad thing. It is about taking responsibility for your own actions…the conditionality is a way of hopefully supporting people towards that (KI19, Refugee advisor/ project manager)

There is enough work out there. It's a personal belief, but it's quite often backed up with the volume of vacancies that we can see on a regular basis. I guess the biggest thing for me is supporting the attitudes towards work…If I ever found myself out of work I would quite happily stack shelves at Tesco, and I've come across a number of customers on programme that that would be the furthest thing from their mind (KI94 Director of WP provider)

I can give you the history of social housing starting at Octavia Hill, Peabody, Rowntree, Cadbury. Now that's paternalism in every shape, but it was motivated by absolutely recognising that there were injustices in equality, poor health and there needed to be… a powerful response that assumed some degree of moral responsibility for that for a time… [As the state retreats] ultimately our organisation is coming at this, in that we exist for two reasons; building houses, managing houses and dealing with social and economic inequality. That's why we exist. You can call it paternalism (KI84, CEO HA)

Contesting conditionality

DWP would say that it relates to support, in my experience that's not the case. In my experience it relates to sanctions. I can't think, off the top of my head, of any time when someone has received more support because of welfare conditionality… When 50 people are applying for the one job, how can you make people get jobs which don't exist?.. where people are being asked to meet Claimant Commitments that they simply cannot meet.. the weirdly Kafkaesque situation of when someone fails an Employment Support Allowance test and then now has to go and claim Jobseekers Allowance, but can't claim Jobseekers Allowance because even though they're appealing the ESA claim, can't claim JSA unless they say they're fit to work, although they're contending that they're not fit for work. So, they're damned if they do, they're damned if they don't (KI21)

A whole series of misconceptions about the causes of poverty, so the fact that drugs and alcohol dependency comes first, and the second cause of poverty is seen by the public to be lack of willingness to work, too lazy to work. it's been built on very shaky assumptions (KI62 CEOl LPs Org)

There's the belief that if you want to get the rich to work harder you pay them more, if you want to get the poor to work harder you pay them less. What better way than to simply remove all sorts of income and force people to take anything that would be available?(KI21 welfare rights advocate)

There are enough tools in a landlord's box to be able to deal with poor tenancies. I don't think it should be about the conditional bit…I f you kick folk out they're going to come back through the system again so you're not actually solving anything by doing that (KI34 CEO Umbrella org. Scotland)

Conditionality with caveats

Conditionality partly provides a framework… you do need to have conditionality as a backstop. The proportion of people who are taking the system for a ride is small… I don't think it's got no place in inducing desired behaviour, but I do think that we're seeing a disproportionate use of a more punitive conditionality model than we've seen in the past (KI18, Labour MP)

We think there's a role for conditionality, we think there's a role for some sort of sanction system, but we do think that it is too harsh at present…Beveridge, in his report, said that the obligation to work could only be tested by the offer of a job… So either a job guarantee, or enough jobs for people to do, is by far the most important key condition (KI22, TU org. senior officer)

There's a kind of state imposed destitution in many ways. That lack of proportionality between the compliance failure and the punishment for it…that concept of responsibilities with rights is pretty embedded in the thinking… around welfare benefits… We seem to have very different thinking when it comes to education or health, which are also the welfare state. That it's our God given right to have access to these things come hell or high water, but when it comes to welfare benefits different rules apply (KI91 Senior researcher)

Paternalism 'plus', coercive welfare

Old fashioned paternalism was kind of, 'oh these people just don't know any better, we really must help them. And so we'll sort of gently encourage them and help them to do better and to think about their lives in a different way'. That's quite different from a system of behavioural incentives, large or small… the gold standard type approaches are basically saying, we're not going to financially punish you but if you don't do the things that we say you need to do, as a tenant… You won't be able to access swaps, you won't get the same day repair service… So there's already a sort of an element of sanction there, albeit relatively gentle. Right through to people who are kind of requiring you to engage with the reformed welfare system rather than protecting you from it. That feels, to me, to be rather different than some of the paternalism of '60s and '70s, or before…

Well probationary tenancies feel a bit like that because they are a mechanism for saying to people, 'You need to understand that we are serious about the things that we say are your responsibilities as a tenant, and the things that we expect of you. And we're going to put you on this particular form of tenancy because if you contravene those standards it makes it much easier for us to get rid of you.' (KI79 Director housing professionals' organisation)

- **What about welfare rights?**

When I'm working with young offenders, they always talk about it as 'my benefits': 'I want my benefits', as if there's a right to the benefits. And maybe the system's actually saying, 'Well, if you think you've got a right, then we have a right to impose conditions' (KI50)

I think it's fair to say that probably historically [organisation] has been radically opposed to conditionality full stop… there is a social safety net for a reason. It's an entitlement based system, despite the fact that the word entitlement carries such a lot of political freight now and that if you're poor for whatever reason you should have that entitlement… conditionality is a priori for us a bit problematic. That said of course we recognise that it's a feature of the current political system and has been for a long time. So it's a question more of how you moderate that and mediate it… A purist human rights perspective is that rights are the fundamental and they come from your humanity. They don't actually become conditional on a form of behaviour. Somewhat extreme probably, but it's a position… Its all those human rights words I haven't spoken for a long time (KI78 Senior policy officer national advocacy organisation)

3.0 Conclusions

Conclusions

- Notions of need and (unconditional) social rights marginalised
- Contractual and paternalistic justifications of behavioural conditionality to the fore
- Prior contribution and individual responsibility dominant
- But a couple of notes of caution…???
  1. Welfare conditionality may not be as entrenched in some sectors as others (e.g. Social Housing, Fitzpatrick and Watts, 2015)
  2. The conditionality consensus not as strong as is some times implied
- Space for resistance/challenge

Conclusions: the conditional welfare state

- 21st Century welfare state: constrained and conditional
- In UK 6.8m JSA sanctions in past 13 years, 120,800 ESA sanctions since 2008 (Beatty et al. 2015)
- Social economic and political cause of poverty, unemployment and disability are being forgotten
- Conditionality and austerity combine to offer a heady mix of money and morals (see Dwyer, 2000) to undermine welfare rights and allow politicians to propagate a popular politics of resentment (Hoggett et al. 2013)
- Universal credit – redefines welfare dependency
- Conditionality : a paradigm underlying current social policy that threatens to the rights of claimants (Paz-Fuchs 2008b : 198)

Welfare Conditionality

SANCTIONS, SUPPORT AND BEHAVIOUR CHANGE

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