The Advice Network & Training Partnership (ANTP) is a charitable organisation representing over 20 advice agencies in Bradford District. Enquiries about benefit problems from people in deprived and excluded communities makes up around 70% of the total demand presented to our members. See more about the ANTP at: www.antp.org.uk

The issue of benefit sanctions is a great concern to our members because of the significant increases in:

- the number of sanctions imposed on people since 2010
- the period for which sanctions apply since November 2012
- the destitution and dependence on friends, family and food parcels for survival resulting from sanctions

Doubtless you will receive similar concerns in submissions from independent advice services and other charities in many parts of the UK. The four specific issues that we want to highlight are:

1) lack of detailed written notification of decisions to impose sanctions, with insufficient reasons to identify errors, misunderstandings or good reasons to challenge sanction decisions

2) communication about JCP requirements with clients who speak little or no English

3) preventing sanctions by providing support for people with mental health problems, learning difficulties, other disabilities and who have limited literacy/IT skills, which place limitations on their ability to satisfy JCP requirements

4) monitoring of sanctions imposed on people using the Equality Act 2010 protected characteristic groups

Please see our detailed comments (below) and two recent case studies (attached) from a local advice agency, which illustrate the problems we have highlighted.

1) **Detailed written notification of sanction decisions**: this is a key issue for welfare rights advisers who try to assist claimants who have been sanctioned. In Bradford, it is not uncommon for JCP staff to impose a sanction and then immediately advise the sanctioned claimant to go to an advice centre for help with food. The adviser’s job is obviously not simply to hand out food, though often there is little else that can be done in many circumstances.
We receive regular reports from advisers who try to understand the reasons for the sanction in order to identify any reasons why the decision should be reconsidered or appealed.

However in many cases this proves impossible for several weeks. The client often does not know why they have been sanctioned or is unable to explain it to the adviser; JCP staff are often either unavailable or refuse to speak with advisers over the phone, so it is not possible to understand the sanction decision’s reasons by that method; and the JCP sanction decision letters issued to claimants are generic, with no information about the specific reasons for that particular decision to impose a sanction.

We believe that these initial sanction decision letters should permit, and indeed require, local JCP staff to write the specific reasons for the decision on the letter given to clients at the point when the sanction decision is communicated. While this would depend on the skills and articulacy of local JCP staff, it would improve the current situation where claimants and their advisers routinely have no specific written explanation of the decision until an appeal bundle is provided by DWP, usually weeks or months later.

2) Clients who speak little or no English: like other parts of our country, Bradford is blessed with a diverse population of people speaking many languages, which presents challenges for front line staff in state and voluntary agencies. We are repeatedly told that JCP staff have access to the Big Word translation service when dealing with clients whose first language is not English. Unfortunately, advice workers in our member agencies also repeatedly receive reports from claimants that either no interpreter was used at all, or that a child was used, when meeting with JCP staff re their jobsearch requirements and activities.

Predictably, those claimants do not properly understand what is expected of them, or cannot fully explain the steps they have taken and/or the good reasons why some steps have not been taken, and the result can be inappropriate imposition of sanctions. We do not know how the following proposal could effectively be enforced but we believe it is essential for JCP staff to use a professional interpreter on each occasion when the client has no or limited English

3) Support for vulnerable claimants – sanctions prevention: the consequence of DWP continuing to use the flawed Work Capability
Assessment (WCA) for Incapacity Benefit and ESA claimants, is that people with enduring health problems are redefined as ‘fit for work’ when in reality they have genuine obstacles to gaining and/or keeping employment. So they become JSA claimants and are required to fulfil JCP requirements. As there seems no prospect of the WCA being withdrawn or adequately reformed, we believe that there is a duty on JCP offices to arrange for proportionate, additional support for these vulnerable claimant groups. There is already a national scheme to provide additional support for people with drug and alcohol problems who claim JSA and in Bradford, the local JCP is setting up a similar scheme to provide additional support for people with mental health problems. However there is no national equivalent nor anything to support other groups with disabilities that limit their ability to satisfy JCP requirements.

Furthermore, there is an increasing expectation that claimants will use JCP’s online jobsearch facility, Universal Jobmatch, an expectation that is often enforced via JS Directions and by its inclusion in JS Agreements. However our advisers report this requirement being imposed on people who have limited literacy and/or IT skills. Even for those with higher literacy/IT skills, there is almost no provision by JCP of computers and internet access, meaning that claimants can be sanctioned for failing to use a system which they cannot access and/or lack the skills to use. We believe that no one should be required to take jobsearch steps based on internet use if they lack the literacy/IT skills or computer hardware/internet access to take those steps, unless JCP can provide the claimant with support to gain the skills and access to the necessary resources. It is wholly unreasonable to punish people for not doing something that they simply cannot do.

4) **Equality Act 2010 protected characteristic groups:** during 2013, following rising concerns among our member agencies about sanctions, I attempted to gather detailed information about the numbers imposed and the types of people affected. I believe it is important to understand who is being affected in as much detail as possible, to understand whether there are trends or underlying issues that could be addressed in practical ways, with the aim of reducing the number of sanctions applied. While the 2010 Equality Act protected characteristic groups are not ideal, they are recognised by statute and there is an expectation that public bodies will monitor their contacts with people in these categories. So I was dismayed to find that DWP would only issue relatively limited information about sanctions applied to these groups. The full DWP letter is attached and perhaps the most relevant paragraph is below – the limit of £600/3.5 days seems wholly unreasonable in the context of the need for information about sanctions which leave people destitute:

“In response to question 2 regarding characteristic groups we can confirm that the Department does hold some information falling within the description
specified in your request. However not all of the required characteristics are included in the datasets available for analysis and we estimate that the cost of complying with your full request would exceed the appropriate limit of £600. The appropriate limit has been specified in regulations and for central Government it is set at £600. This represents the estimated cost of one person spending 3½ working days in determining whether the Department holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act (FOIA) the Department is not obliged to comply with your request and we will not be processing this part of your request further. Under section 16 of the FOIA we are obliged to assist you in providing options to narrow your request, by reforming or refocusing it, so that it will fall beneath the cost limit. In this case our advice is to narrow your question so that it only asks for information on these characteristics: a) Sex b) Disability c) Ethnicity d) Age – please specify which age groups you are interested in”. In other words, the DWP will only provide information about sanctions in relation to sex, disability, ethnicity and age.

Thank you for the opportunity to raise these concerns and I hope that you will be able to address the issues we have raised.

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Appendix

**Benefit sanctions case studies, taken from an email sent by a local adviser to Jobcentre Plus, in December 2013**

1) A lone parent was sanctioned for three months as the standard letter stated that she had not done enough to find work. She spoke very little English, we firstly requested in writing from Jobcentre Plus (JCP) the detailed reasons for the sanction, this was never provided. Six weeks elapsed and a letter came from Inverness DWP who were going to look at the reconsideration of the sanction and she was given an opportunity to provide further evidence in support of her appeal. We wrote to them sending a copy of our original request explaining we would like to respond but needed the sanction detailed reasons first. Again they were not provided. Then some weeks later she received a full appeal tribunal submission from them which finally outlined the real reasons for the sanction, when she had signed her jobseekers agreement; it stated she would use universal job match [the Jobcentre’s jobsearch website] and contact employers every week.

She had been doing the latter but hadn't complied with the former condition. She explained the agreement was drawn up without an interpreter so she didn't know she had signed up to the universal job match requirements. She had no IT skills or access to the internet and the JCP adviser should have been aware that she did not have the language skills to undertake this. In addition she had been signing on for months contacting employers and attending ESOL classes arranged through JCP and had not been pulled up about this. It was only when she got a new JCP Adviser that she was sanctioned. We were then able to send in detailed reasons of appeal. She then got a letter that the sanction had been removed, but this was two weeks short of her 3 month sanction end date. She was caused a lot misery, hardship and went into debt as a result, despite getting her backdated arrears.

2) The second lone parent, who has depression, was sanctioned again for failing to do enough to find work for two weeks. Despite us leaving messages for JCP staff and writing in she never got the detailed reasons, but we had helped her lodge an appeal. It was only when she got the appeal submission papers 8 months later, that we found that she had said to her JCP Advisor that she had been contacting employers every week by phone to look for and apply for work. The JCP Adviser stated as the sanction reason that "the claimant says she is contacting employers but in previous interviews has said she speaks no English, hence how can she be contacting employers?".

Our client then went to the Tribunal hearing and explained she had a 13 year old daughter, who after coming home from school would make the calls to potential employers and interpret for her. The appeal was successful. The client suffered unnecessary worry, stress and financial hardship due to this, as she had to make repeated visits for advice to us and attend a tribunal hearing. When looking at the cost of an appeal it is such a waste of taxpayer's money, when this matter could have been resolved right at the beginning had the detailed reasons been provided at the beginning.