1. Boycott Workfare is an independent UK campaign to end the policy of forcing claimants to carry out unpaid work under the threat of benefit sanctions. We are a grassroots campaign formed in 2010 by people with experience of workfare and those concerned about its impact. We expose and take action against those involved in workfare, encourage organisations to pledge to boycott workfare schemes and actively inform people of their rights. Our campaign has successfully drawn attention to the harmful consequences of workfare and benefit sanctions and has convinced many organisations to withdraw from workfare schemes and refuse to participate in the administration of sanctions. [1]

2. We have no confidence that this inquiry can deal adequately with the issues involved. We note it is the committee's view that sanctions "can be a useful tool for encouraging engagement with employment support". We reject this view. Sanctions make the possibility of positive engagement with employment support considerably less likely. We are submitting evidence because we feel that the case for ending workfare and sanctions should be heard by those responsible for inflicting these policies. Our evidence is drawn from our direct experience of these policies, from our experience of campaigning against them and from our experience of supporting others affected by them. [2]

3. For some time much of the media has been engaged in an aggressive and persistent campaign of hatred against benefit claimants. This campaign has spread toxic myths and misinformation and poisoned the debate surrounding welfare. The dominance of demonising and stigmatising language and narratives is the result of a deliberate attempt to undermine popular support for the principle of social security. The idea that an over-generous welfare state has created a "parasitic underclass of scroungers" and that claimants are "sleeping off a life on benefits" dominates public discussion. Hatred of claimants and misperceptions about the benefits system have been deliberately cultivated by the media, think tanks and politicians. Those in employment have been encouraged to resent and despise those without paid work, and those without paid work have been encouraged to despise themselves. The attitudes and behaviours of those without work are presented as the reason for unemployment, and 'welfare reform' is presented as the solution. [3-8]

4. Policies described as 'welfare reform' have in reality been policies to cut welfare spending and withdraw social security provision. Welfare reform policies have been introduced by successive governments under the guise of "supporting people into work", "making work pay" or "ending the something for nothing culture". These policies reinforce conceptual frames that stigmatise and demonise claimants. Increased conditionality, benefit sanctions and workfare are all policies that seek to blame and punish claimants for the existence of structural unemployment.

5. The shift from a welfare state to a workfare state has facilitated radical changes to the labour market. The casualisation of the workforce has meant that many people now have little or no job security. There has been a shift towards temporary, part time and zero hours contracts. There has been a growth in spurious self-employment. There has been a growth in exploitative sub-minimum wage apprenticeships and the introduction of zero-wage traineeships. There has been a growth in minimum wage jobs, a rise of in-work poverty and increasing reliance on in-work benefits to subsidise poorly paid work. An increasingly precarious workforce finds itself moving back and forth between insecure work and insecure benefits. Social security is no longer conceived as a safety net to protect people from deprivation, but a tool to discipline the labour force to accept worsening employment conditions. [10-14]

6. The shift from a welfare state to a workfare state can be understood as the shift from a supportive social security system to a punitive one. Features of the workfare state include:
a) the dominance of stigmatising discourses that blame claimants for unemployment and present claimants as needing correction and punishment.
b) a cruel paternalism that presents harmful policies as supportive and denies evidence about their consequences.
c) the growth of a private welfare-to-work industry and lobby whose profits depend upon sustaining these narratives.
d) the withdrawal of social security through benefit sanctions and other changes to the benefits system.
e) ever increasing conditionality in order to access social security.
f) claimants are pathologised and subjected to psychological coercion. Socially and scientifically dubious methods such as positive psychology, NLP and CBT are used as tools to manipulate claimants’ attitudes, beliefs and behaviours.
g) claimants are criminalised and subjected to harsher punishments than those available in the criminal justice system.
h) the creation of a claimant workforce without the legal status and rights normally given to workers.
i) the imposition and normalisation of unpaid and underpaid work and training
j) the replacement and displacement of previously paid work and workers.
k) taxpayer subsidy of private profits through the provision of free or subsidised labour.
l) social security policies aimed at disciplining the labour market, resulting in lower pay and poorer conditions for all workers.

[15,16]

7. The policy of making unemployment benefits conditional upon carrying out unpaid work was introduced by the last Labour government. The coalition have since introduced several mandatory workfare schemes and other schemes described as voluntary but underpinned by mandation. In 2012 two claimants sought a judicial review of these policies. They won their case: the courts ruled that legislation introduced by the coalition in 2011 was unlawful. The legislation had failed to provide sufficient information about the schemes, and letters sent to claimants did not give enough information about their obligations and the sanctions that might be applied. This judgement should have meant that those who had been unlawfully sanctioned received backdated benefit payments.

[17-19]

8. Having lost their case the DWP introduced emergency retrospective legislation in order to deny the repayment of benefits to those who had been unfairly and unlawfully sanctioned. The judgement potentially affected over 300,000 sanction decisions. The passing of the Jobseekers (back to work schemes) Bill, known popularly as the Workfare Bill, meant that sanctions ruled by the courts to be unlawful were retrospectively made lawful. It also meant that sanctions that had been stockpiled pending the outcome of the case would be applied. The high court has since ruled the Workfare Bill incompatible with the right to a fair trial. Only one of the current members of the Work and Pensions Select Committee (Teresa Pearce) voted against this terrible legislation. One of the spurious reasons given by the Labour leadership for abstaining on and supporting the timetabling of this bill was that they had secured an inquiry into benefit sanctions. The appointment of Matthew Oakley (a champion of workfare and benefit sanctions at Policy Exchange) to carry out this inquiry was disgraceful. That Oakley concluded that "sanctions provide a vital backstop in the social security system" is unsurprising and entirely wrong. [20-24]

9. David Clapson died after receiving a benefit sanction for missing a Work Programme appointment. He was a diabetic who had been left without enough money for electricity and so was unable to keep his insulin refrigerated. It was reported that he died with an empty stomach, next to a pile of CVs. Following the reports of David Clapson's death, over 200,000 people signed his
sister's petition calling for a full inquiry into sanctions. Labour MP Debbie Abrahams has been credited with bringing about this new inquiry and recently accused the government of contributing to the deaths of vulnerable people, stating that "people are dying because of these sanctions". It should be noted that Debbie Abrahams had previously stated:

"I support the principle of a sanctions regime. If somebody consistently fails to turn up for work experience or a Work programme scheme, sanctions should be applied."

It seems undeniable that the sanction David Clapson received contributed to his death. Yet the DWP claim that they followed correct procedures and made no errors. [25-28]

10. There has been much discussion about whether the DWP have targets for the number of sanctions. Obviously a culture of targets does exist and jobcentre staff are under pressure to impose sanctions. This leads to the imposition of more sanctions for ever more ludicrous reasons. Many sanctions are petty and unfair, and many are applied in violation of the DWP's own rules. Many sanctions are not the fault of claimants at all. This should not be taken to mean, however, that sanctions applied in accordance with the "rules" are acceptable or result in less damaging consequences. Harm can occur whether sanctions are applied in accordance with the rules or not, and whether there are targets or not. The problem is not simply with the administration of sanctions policy but with the entire principle of sanctions. The only way to ensure that inappropriate sanctions are not applied, and to ensure that more people do not suffer or die as a result of sanctions, is to stop sanctions altogether. [29-32]

11. Sanctions are the threat and imposition of financial penalties in order to manipulate behaviour. Sanctions in this form were introduced in the 1980s. From 1911 until 1986 the maximum disqualification from unemployment benefits was for 6 weeks. Claimants can now lose benefits for up to 3 years, including for a failure to participate in workfare. The current steep rise in sanctions started under the last Labour government and the number of sanctions applied annually has almost doubled under the coalition. Currently about a quarter of all JSA claimants receive a sanction and all claimants are affected by the threat of sanctions. [33,34]

12. The harmful effects of receiving sanctions have now been well documented in many reports. They include:

a) harm to physical health
b) harm to mental health
c) harm to relationships
d) harm to children
e) increased debt and reliance on payday lenders
f) food poverty and hunger
g) fuel poverty
h) survival crime
i) increased risk of domestic violence
j) increased risk of homelessness
k) increased risk of suicide
l) it is more difficult to look for work

These are predictable results of a policy that deliberately threatens and imposes poverty and destitution. It should be obvious that the harm caused by sanctions vastly outweighs any supposed benefits. Sanctions are being used to cut welfare spending without regard to the human costs. [35-47]
13. Wider impacts include:

a) sanctions have played a significant part in the growth of foodbanks. Foodbanks only offer short term support whilst sanctions last for months or years.
b) living with the constant threat of sanctions places claimants under severe and damaging levels of anxiety and stress.
c) sanctions create an imbalance of power between claimants and staff, which means that claimants feel bullied rather than supported.
d) sanctions create a climate of conflict, which puts DWP staff and claimants at risk.
e) claimants are often misinformed and misdirected by DWP staff. The fear of sanctions means many claimants are reluctant to question what they are told.
f) the fear of sanctions combined with a lack of clarity about rules means that supposedly voluntary activities (such as work experience) are presented as mandatory.
g) sanctions create a perverse welfare-to-work market and provide it with mandated "customers". This has a detrimental impact on the quality and appropriateness of interventions, which claimants often find to be humiliating and completely useless.
h) sanctions distort unemployment statistics by forcing people off JSA and preventing take-up. More than half of unemployed people are now not claiming JSA.
i) claimants' own strategies for finding employment are denied and claimants are forced to give up volunteering, training or education.
j) the fear of sanctions combined with a lack of clarity about rules means that supposedly voluntary activities (such as work experience) are presented as mandatory.

14 The emergence of workfare is a consequence of the policy of sanctions. Only the existence of sanctions makes workfare possible and the existence of workfare puts claimants at an increased risk of sanctions. There are now several schemes where claimants are forced to work without pay under the threat of benefit sanctions, and other schemes that are described as voluntary but are backed by misdirection, the fear of sanctions and referral to mandatory schemes. Most workfare schemes are currently for those on JSA but in 2012 the coalition introduced the mandatory work placements for ESA claimants on the Work Programme. Ludicrously the DWP claim that "We do not have Work for Your Benefit or Workfare schemes in this country", despite the fact that the schemes are referred to as "work for your benefit" schemes in legislation. [51-53]

15. Workfare schemes:

a) put claimants at an increased risk of sanctions.
b) criminalise the unemployed.
c) perpetuate poverty and inequality.
d) replace and displace paid work and workers.
e) provide free labour for private companies.
f) undermine fundamental rights - to social security, to free choice of employment, to equal pay for equal work and to freedom from forced labour.
g) undermine workers rights to pay and fair conditions by introducing a claimant workforce without legal status as workers.
h) drive down wages and conditions for all workers by undercutting the labour market and undermining bargaining power.
i) do not help people into paid employment (despite this being the stated aim of the policy).
j) force people off benefits and prevent people taking up benefits.
k) prevent claimants from following their own strategies for finding employment.
l) create false employment statistics as claimants undertaking workfare are counted as in employment.
m) undermine the values and practice of volunteering.
16. Workfare taking place in commercial settings exploits the free labour of benefit claimants for private profit. Unpaid workers inevitably displace paid work and we have received many reports from employees concerned at the impact on overtime and staffing levels. Often we hear that those on workfare are working more hours than contracted staff. Companies are increasingly using workfare as part of an extended recruitment process. Many jobs that would previously have provided on-the-job training and paid from day one now require weeks or months of unpaid work from applicants merely to secure an interview. 

17. In December 2013 an investigation by Boycott Workfare found that nearly 2000 workfare placements had taken place in 106 local authorities, equating to more than half a million hours of unpaid work. Many of the councils involved had made recent cuts to paid staff. Very few placements resulted in paid work. 

18. Workfare in the charity and voluntary sector has been particularly controversial. The involvement of charities in implementing sanctions runs against core charitable values. Workfare providers often misrepresent those on workfare as "volunteers". Workfare undermines genuine volunteering, and claimants are forced to give up volunteering in order to attend workfare schemes. The culture of secrecy surrounding workfare is inconsistent with the duty of charities to be transparent. Over 500 charities and voluntary organisations have now signed the Keep Volunteering Voluntary agreement and say they will not participate in workfare. 

19. Under the Supervised Jobsearch Pilot scheme claimants are now being forced to spend 35 hours a week looking for and preparing for work. This policy (along with the introduction of the claimant commitment) introduces a generalised workfare regime that re-conceives jobseeking as a full time job. We note that preparing for work here can include carrying out unpaid work and training. This policy represents a massive increase in what claimants are required to do in order to receive benefits. Many claimants will find these conditions impossible to meet and they will of course lead to yet more sanctions. 

20. Claimants are already subjected to non-financial sanctions in circumstances where financial sanctions can't be applied. For example, claimants are referred to Mandatory Work Activity as a sanction for refusing supposedly voluntary Work Experience. In practice non-financial sanctions are underpinned by financial sanctions and merely provide another layer of threat and punishment. Providing further options for punishment seems likely to lead to more harassment and distress. We reject the logic of replacing financial sanctions with non-financial sanctions. 

21. Our main recommendation is that sanctions should be abolished. As both Labour and the Conservatives have already committed to continuing the policy of benefit sanctions we make the following suggestions. Nothing here should be taken to mean that sanctions can be made acceptable. 

a) Nobody should be made destitute by sanctions. Hardship payments should be paid immediately and automatically to all who receive a sanction. The level of hardship payments should be raised to ensure that enough money is provided to live on for the length of any sanction. 'Recoverable' hardship payments must be abandoned. 

b) The committee should recommend the restoration of the maximum 6 weeks disqualification that existed between 1911 and 1986.
c) ESA claimants should not be subjected to workfare or sanctions.
d) Sanctions for workfare schemes should be ended.
e) Money should be repaid to those whose sanctions were upheld by the Workfare Bill.
f) Claimants should be entitled to dispute and appeal against mandated activities.
g) All sanctions and disqualifications should be subject to a proper review and appeals process. Benefits should not be withheld while appeals are ongoing. Where sanctions are misapplied claimants should be entitled to compensation.
h) Sanctions should not be extended to those receiving in-work benefits.
i) Sanctions should not be used to mandate the use of ‘psychometrics’, ‘psychological surveys’ and ‘attitude profiling’.
j) The committee should investigate why some jobcentres make more sanction referrals than others, and why Seetec "has high numbers of sanction referrals compared to other providers".
k) It has recently been revealed that the DWP has carried out 60 peer reviews into benefit-related deaths since February 2012. These cases should be the subject of a full inquiry, and information related to benefit-related deaths should be made public.

[70-75]

22. Boycott Workfare are committed to ending the policies of workfare and benefit sanctions and we call for these policies to be abolished. Sanctions are wrong in principle and practice and must be ended.

12 December 2014

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