



DEBATE PACK

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Benefit sanctions

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Steven Kennedy

Westminster Hall debate,
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This debate was initiated by Neil Gray MP.

A benefit sanction may be imposed if a claimant is deemed not to have complied with a condition for receiving the benefit in question. Sanctions are not a new feature of the social security system, but there is widespread concern among welfare rights and pressure groups about their incidence and impact, particularly since new [“conditionality” regimes for Jobseeker’s Allowance and Employment and Support Allowance](#) claimants were introduced in late 2012.

The previous Government announced a series of initiatives in [response to Matthew Oakey’s July 2014 Independent Review of JSA sanctions](#), including improving claimant communications, streamlining the checks and balances already in place to give claimants the chance to provide evidence of “good reason”, and improving guidance and processes in relation to hardship payments for sanctioned claimants.

In its October 2015 response to the Work and Pensions Committee’s report [Benefit sanctions policy beyond the Oakley Review](#), the current Government announced [further measures](#) including trialling a “yellow card” warning system whereby claimants would be given 14 days to provide further evidence before imposition of a sanction, reintroducing automated JSA sanction notifications, new guidance to jobcentre plus staff to improve awareness of vulnerability and how conditionality can be varied, and changes to hardship provision. It did not however accept the Committee’s recommendation that it establish a further broad independent review of benefit conditionality and sanctions.

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1. Overview

A benefit sanction – ie withdrawal of benefit or a reduction in the amount of benefit paid for a certain period – may be imposed if a claimant is deemed not to have complied with a condition for receiving the benefit in question. Benefit sanctions are not a new feature of the social security system, but there is widespread concern among welfare rights and pressure groups about the incidence and impact of sanctioning, particularly since new [“conditionality” regimes for Jobseeker’s Allowance and Employment and Support Allowance](#) claimants were introduced in late 2012.

The [latest statistics](#) show that between October 2012 – when the new JSA regime was introduced – and June 2015, over 1.8 million sanctions were imposed on JSA claimants. Between December 2012 and June 2015, 70,452 sanctions were imposed on ESA claimants.

In 2013 the previous Government appointed an Independent Reviewer to look at the clarity of communications between Jobcentre Plus and claimants in relation to JSA conditionality and sanctions, the availability of hardship payments to those who are sanctioned, and the clarity of the review and appeals process. The [report by the Independent Reviewer](#) – Matthew Oakley – was published in July 2014 and the [Government accepted](#), either fully or in principle, all of its 17 recommendations.

In March 2015 the Work and Pensions Committee published a report, [Benefit sanctions policy beyond the Oakley Review](#), which recommended, among other things, that the Government take urgent steps implement fully the outstanding recommendations from the Oakley Report. Other recommendations included a series of evaluations to increase the evidence base around the efficacy and impacts of the new sanctions regime; better training for Jobcentre staff on the lone parent flexibilities; developing guidance to assist staff to identify vulnerable claimants and tailor conditionality according to the claimant’s individual circumstances, expediting the evaluation of the JSA “claimant commitment”, including a review of the appropriate use of jobseeker directions; a small-scale pilot to test the efficacy of a more targeted approach to sanctions based on “segmentation” of claimants by their attitudes and motivations; and a review of ESA sanctioning within the Work Programme. The Committee also recommended changes to hardship provision, including making all hardship payments available from the start of sanctions periods, and putting the onus on the Department to initiate the hardship process for vulnerable claimants and those with children.

In its [response to the Committee](#) published in October, the Government made a series of announcements including its intention to trial a “yellow card” warning system whereby claimants would be given 14 days to provide evidence of “good reason” before imposition of a sanction; reintroducing automated JSA sanction notifications; new guidance to jobcentre plus staff to improve awareness of vulnerability and how conditionality can be varied; and changes to hardship provision including accepting in principle that payments should be available from day one, removing the necessity of a separate application process for vulnerable claimants and those with children, and extending the definition of groups considered “at risk” for hardship purposes to include homeless people and those with mental health conditions. The Government did not however accept the Committee’s recommendation that it establish a “broad independent review of benefit conditionality and sanctions” to investigate whether sanctions are being applied “appropriately, fairly and proportionately, in accordance with the relevant Regulations and guidance.”

This note outlines the new JSA and ESA sanction regimes. Links to the Oakley Review and the Government’s response to it, to the work and Pensions Committee’s report and Government response, and to other reports and resources relating to sanctions are given at the end.

2. The current JSA sanction regime

If a claimant is deemed to have failed to meet a condition for JSA – eg they failed to attend an interview, were found not to be available for work, or left their job voluntarily – they may be subject to a [benefit sanction](#), which normally means that their benefit is stopped for a period.

Decisions on whether to sanction a claimant are not made by Jobcentre Plus Work Coaches or by advisers employed Work Programme providers, but by DWP “**Decision Makers**.” Where a Work Coach/adviser believes that the claimant has not fulfilled a mandatory requirement, a “doubt” can be raised and referred to a Decision Maker (a “**sanction referral**”). The Decision Maker should attempt to obtain evidence from the claimant, as well as from the Work Coach/adviser, and make a decision on whether to apply a sanction, based on the “balance of probabilities”.

A sanction should not be imposed on a person if they can show that they had “**good reason**” for behaving in the way they did. Where a sanction has been imposed, a person may be able to get reduced rate **hardship payments**, but these are not awarded automatically – the person will need to apply for them.

The new sanctions rules came into force for Jobseeker’s Allowance claimants in October 2012 broadly aligned the rules for JSA sanctions with those for Universal Credit. The main changes were:

- Three categories of sanction – “higher”, “intermediate” and “lower” – depending on the nature of the “sanctionable failure”
- different durations of sanction for first, second and third offences – fixed periods, rather than variable
- changes to the date a sanction starts

Higher, intermediate and lower level sanctions

- **Higher level sanctions** (for example for leaving a job voluntarily) will lead to claimants losing all of their JSA for a fixed period of 13 weeks for a first failure, 26 weeks for a second failure and 156 weeks for a third and subsequent failure (within a 52 week period of their last failure)
- **Intermediate level sanctions** of 4 weeks for a first failure, rising to 13 weeks for a second or subsequent failures (within a 52 week period of their last failure) may be applied following a period of disallowance for not actively seeking employment or not being available for work
- **Lower level sanctions** (for example for failing to attend an adviser interview) will lead to claimants losing all of their JSA for a fixed period of 4 weeks for the first failure, followed by 13 weeks for subsequent failures (within a 52 week period of their last failure)

A table produced by the Department for Work and Pensions (DWP) summarises the current and previous JSA sanction regimes can be found in Annex A to this note.¹

Fixed period instead of variable sanctions would, the 2010 Government argued, “provide greater clarity for claimants on the consequences of not meeting requirements.”² The Government also stated that three year sanctions would apply “only in the most extreme cases where claimants have serially and deliberately breached their most important requirements, and they have not changed behaviour after receiving previous sanctions.”³

Previously, a sanction started from the beginning of the benefit week after the Decision Maker (DM) decided to impose the sanction. However, “to ensure that claimants see the consequences of their actions or inactions sooner”, the new rules enable DMs to impose sanctions at a time closer to the offence.⁴ The new sanction period now begins:

- on the first day of the benefit week in which the offence occurred, if the claimant has not been paid JSA for that week; or
- on the first day of the benefit week following the date the claimant was last paid JSA

As with the previous regime, there is a right of appeal against a decision to impose a sanction (but not against the length of the sanction, which is fixed).

Avoiding sanctions – “good cause” and “good reason”

Under the previous JSA regime, claimants would not have a sanction imposed if they could demonstrate that they had “**good cause**” for acting as they did. What could constitute “good cause” was set out in regulations.⁵

Under the new regime, a sanction may not be imposed if a claimant has “**good reason**”. The JSA legislation was amended to provide that “good reason” was to be set out in guidance, rather than in the regulations themselves.

The guidance is [Chapter 34 - JSA Sanctions](#) of the DWP’s *Decision Makers’ Guide*, which notes that:

The following guidance is to provide a framework for DMs [Decision Makers] to use when considering whether or not good

¹ Also available at GOV.UK – see [An overview of the new sanctions rules that came into force for Jobseeker’s Allowance \(JSA\) claimants in October 2012](#), September 2013

² See the [DWP Explanatory Memorandum to The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012](#)

³ Ibid. para 7.5

⁴ DWP, [Jobseeker’s Allowance: overview of sanctions rules](#), September 2013

⁵ See *Jobseeker’s Allowance Regulations 1996* (SI 1996/207), regulations 72 and 73; and the *Employment and Support Allowance Regulations 2008* (SI 2008/794), regulation 61 and *Employment and Support Allowance (Work-Related Activity) Regulations 2011*, regulation 8.

reason is demonstrated and is not an exhaustive list of individual circumstances. In every case the DM should take into account all the individual facts and circumstances and consider the case on its own merits.⁶

While the current guidance states that DWP decision makers should follow the existing guidance on “good cause” when considering whether the person had “good reason”, the protections themselves are not set out in the legislation itself. The good reason guidance states:

Good reason is not defined in legislation. DMs should take into account all relevant information about the claimant’s circumstances and their reasons for their actions or omissions.

The concepts of ‘good cause’ and ‘just cause’ were considered in case law. It includes facts which would probably have caused a reasonable person to act as the claimant did. This principle is equally applicable to good reason.⁷

The DWP argues that not setting out particular circumstances or situations in legislation allows the Decision Maker “to take into account all reasons considered relevant when determining good reason”.⁸ However, some organisations argue that the absence of a definitive statement in legislation of what constitutes good reason makes it more difficult for individual claimants to challenge sanctions decisions.

Challenging sanction decisions

Sanction decisions can be challenged in the same way as other benefit decisions – ie in the first instance by requesting a **Mandatory Reconsideration** of the decision. If following a reconsideration the DWP upholds a sanction decision, the claimant may then appeal to an independent **First Tier Tribunal**.

⁶ Department for Work and Pensions, [Decision Makers’ Guide: Chapter 34 - JSA Sanctions](#), para 34206

⁷ Department for Work and Pensions, [Decision Makers’ Guide: Chapter 34 - JSA Sanctions](#), paras 34203 and 34204

⁸ [DWP Explanatory Memorandum to The Jobseeker’s Allowance \(Sanctions\) \(Amendment\) Regulations 2012](#), para 7.18

3. ESA sanctions regime

Employment and Support Allowance (ESA) is a benefit which is intended to cover the day to day living costs of people who have a “limited capability for work” because of a health condition or disability. Claimants with more severe functional limitations should be placed in the ESA “Support Group” (SG). ESA claimants in the SG are not required to undertake any activities to continue to receive benefit. ESA claimants not judged to have a “limited capability for work-related activity” are placed in the “Work-Related Activity Group” (WRAG). ESA claimants in the WRAG may be expected to take part in “Work-Focused Interviews” (WFIs) and undertake work-related activity.

ESA claimants in the WRAG may be required to work-related activity undertaken by advisers in the DWP or as part of the Work Programme. “Work-related activity” is activity that makes it more likely that the person will get a job or remain in work. The exact activity is at the discretion of the adviser. Any requirement to undertake work-related activity must be “reasonable,” taking into account the person’s circumstances. A requirement as to the time at or by which a person undertakes work-related activity can be lifted if a DWP Decision Maker considers it would be unreasonable to require the person to undertake the activity at or that time. A person cannot be required to apply for a job, undertake work (as an employee or otherwise) or undergo medical treatment. All work-related activity must be recorded in an “action plan,” which must be in writing and specify the activity you are required to undertake. Claimants can request that their action plan is reconsidered.

ESA claimants who fail to attend and participate in Work-focused Interviews, or to undertake work-related activity when required to do so, may face a benefit sanction. For ESA claimants, this entails a reduction in the amount of benefit payable.

Changes to the ESA sanctions regime

From 3 December 2012 a revised sanctions regime for Employment and Support Allowance (ESA) claimants who are in the Work-Related Activity Group was introduced.

Under the **pre-December 2012** regime, ESA claimants in the WRAG who failed to meet requirements were subject to an open-ended sanction which was lifted when they “re-complied” with the relevant requirement. The sanction amount was 50% of the work-related activity component, rising to 100% of the component after four weeks. The work-related activity component is currently £29.05 a week.

From December 2012 the rules changed so that:

- Claimants in the WRAG who fail to comply with the conditions for receiving benefit now receive an open-ended sanction, followed by a fixed period sanction when they re-comply

- The fixed period sanction following re-compliance is one week for a first “sanctionable failure,” two weeks for a second failure within 52 weeks, and four weeks for a third or subsequent failure within a 52 week period
- The sanctionable amount increased to 100% of the prescribed amount for a single claimant (currently, £73.10 a week)
- Reduced rate “hardship payments” were introduced for ESA claimants subject to a sanction who would be in hardship unless a payment was made.

As with JSA sanctions, claimants have the right of appeal against the imposition of a sanction, if they can demonstrate “good cause” for their failure. Good cause is not defined prescriptively; the regulations merely state that “all the circumstances of the case including in particular the person’s physical or mental health or condition’ must be taken into account.”

An article in the February 2013 edition of the *Welfare Rights Bulletin*, [“ESA and sanctions – more hard times ahead”](#), gives further information on the changes. The article highlighted some concerns about the new regime:

This new system of sanctions appears to be unduly punitive towards claimants who are sick and disabled, and a major worry is that many claimants who are vulnerable will, as now, find themselves on the receiving end of inappropriate sanctions, due to poor decision making by the DWP. The work capability assessment is an extremely tough test of incapacity for work, and those who satisfy it, having undergone what is for many the ordeal of a medical assessment, should be receiving help and support if they wish to move into employment, not the threat of punitive sanctions.

Of particular concern must be the many thousands of ESA claimants who are severely disabled but stuck in the work-related activity group, as they are waiting up to a year for their appeal to try to get in the support group to be heard. They may find themselves sanctioned for failing to comply with requirements that they are simply too ill comply with, but are subject to, due to lamentable DWP decision making based on inadequate Atos medical reports.

Safeguards

In advance of the new ESA “conditionality framework” taking effect, the DWP published [Employment and Support Allowance \(Sanctions\) \(Amendment\) Regulations 2012 Equality analysis](#), in November 2012. This outlined the various “safeguards to minimise adverse effects for protected groups” as follows:

Information - A mailshot detailing the changes has been produced for existing ESA claimant. For new ESA claimants the ESA40 information booklet will be updated to include information on the new sanctions regime and for those claimants who are placed in the work-related activity group, staff will explain the new sanctions regime at their New Joiners Work-Focused Interview and issue a fact sheet;

Claimants will be able to access information via a helpline which will be made available for a limited period following go-live to explain the new sanctions regime to claimants;

Personalised requirements - work-related activity requirements will continue to be tailored to the claimant's needs and circumstances and will be reasonable for the individual claimant. The new joiner's work-focused interview is also diagnostic so the adviser will find out more about the claimant's circumstances in order to determine which (if any) work-related activity requirements are appropriate. Should a claimant feel that the requirements placed on them are unreasonable, they can request that the adviser reconsiders the activity. A DWP decision maker must then consider the case, looking at evidence from both sides, and provide a written decision for the claimant;

Jobcentre Plus advisers have a range of tools to help them assess and identify claimants' needs such as the Customer Assessment Tool to record information eg on a claimants' capability for a specific job. The learning programme for Jobcentre Plus Advisers is also regularly updated to reflect changes in policy and ensure advisers have up to date skills to deal with claimant interactions and support them in making relevant and appropriate decisions about individual claimants. The key messages throughout the learning focus on providing a personalised, flexible service to the claimant, treating them as individuals and building strong relationships with them.

Communication and appropriate location - we will contact claimants before a work-focused interview to remind them that it is due and consider in the context of each work-focused interview whether the interview should be waived or deferred. If appropriate we will offer a more convenient location or a home visit;

Good cause - the imposition of a sanction remains subject to the claimant providing good cause for non compliance. When decision makers are deciding whether to impose a sanction they must consider all evidence and information the claimant presents for that failure, so if for example a claimant provides information about their health which is relevant to the failure then this must be considered. If good cause is shown then a sanction will not be applied;

Revisiting guidance - We are revisiting the guidance for Decision Makers on deciding good cause in order to emphasise the need to actively consider all of the claimant's circumstances. As part of this we intend to remove the provisions in legislation which set out factors which should be considered as good cause. Whilst these factors are not exhaustive, as Decision Makers can currently consider any information put forward by the claimant regarding good cause. Setting out the factors in legislation can be too prescriptive and risks a tick list approach being adopted. We therefore believe removing the factors will help to ensure that all evidence put forward by the claimant is actively considered. As now where a claimant demonstrates good cause for the failure a sanction will not be applied;

Safeguard Visits - As already mentioned Jobcentre Plus or the Work Programme provider will attempt to contact ESA claimants with a mental health condition, learning disability or condition affecting communication or cognition, or their carer or healthcare professional, before a sanction is considered. The aim is to ensure

that they fully understand their responsibilities and to record good cause reasons;

Hardship payments - We are also introducing access to hardship payments for ESA claimants who are sanctioned. The objective behind the introduction of hardship payments is to support claimants in greatest need without undermining the deterrent effect of sanctions. Matters which should be taken into account when deciding whether a claimant would suffer hardship if a payment is not made include the risk that the claimant's household will not have access to essential items such as food, clothing or heating. Claimants who meet the criteria for a hardship award will receive 60% of the prescribed amount for a single claimant. Although claimants will continue to receive the WRAC (currently £28.15) and any premiums they are entitled to during the period of the sanction we will not automatically deduct these components from the hardship award but will consider them when deciding if a claimant is in hardship. We believe that this approach will help to ensure that claimants with particular needs which need to be funded, for example special dietary needs, continue to receive the appropriate level of financial support.

Right of appeal - Claimants will also continue to be able to request further information about the decision to sanction, request reconsideration and appeal the decision.⁹

⁹ Ibid. para 33

4. Sanctions under Universal Credit

Universal Credit is replacing means-tested out-of-work benefits – including income-based JSA and income-related ESA – and tax credits. When UC is introduced, the contributory versions of JSA and ESA will continue to exist, and a single conditionality and sanctions regime will apply across all three benefits. The table below gives a summary.

Universal Credit sanctions (and sanctions under Contribution-based JSA and contributory ESA, when UC is introduced)

Level of sanction	Length of sanction		
	First failure	Second failure within a year	Third failure within a year
High level sanctions (UC and JSA only) <ul style="list-style-type: none"> Failing to undertake Mandatory Work Activity Failing to apply for or to accept paid work Ceasing paid work or losing pay for specified reasons 	91 days	182 days	1,095 days
Medium level sanctions (UC and JSA only) <ul style="list-style-type: none"> Failing to be available for paid work or to take all reasonable action to get paid work 	28 days	91 days	91 days
Low level sanctions (UC, JSA and ESA) <ul style="list-style-type: none"> Failing to meet a work-focused interview requirement 	Until claimant complies, plus 7 days	Until claimant complies, plus 14 days	Until claimant complies, plus 28 days

<ul style="list-style-type: none"> • Failing to comply with a requirement connected to a work-related requirement • Failing to meet a work preparation requirement • Failing to take a particular action to get paid work (UC and JSA only) 			
<p>Lowest level sanctions (UC and ESA only)</p> <ul style="list-style-type: none"> • Failing to meet a work-focused interview requirement 	<p>Until claimant complies</p>	<p>Until claimant complies</p>	<p>Until claimant complies</p>

As regards other aspects of UC sanctions, the position is similar to the current JSA and ESA regimes – as noted above, the changes to JSA and ESA sanctions in late 2012 were intended to bring the rules for these benefits in line with those for UC. So, for example:

- A claimant may be able to avoid a sanction if they can show that they had “good reason” for their actions
- Sanctioned claimants may qualify for hardship payments (though see below for information on how these arrangements will differ from current hardship payments)
- Sanction decisions may be challenged in the same way, ie by requesting a Mandatory Reconsideration, then appealing to a Tribunal

When a sanction is imposed, only the standard basic amounts for adults are affected, not amounts payable for other reasons (eg children, housing costs). Usually, the amount of the sanction is the same as the amount of the standard allowance used to calculate the UC award for a single person, or half the standard allowance if it is a couple claim. A lower rate of sanction (40% of these amounts) will however apply if the person:

- Has been given a lowest level sanction;
- Is aged 16 or 17; or
- Is responsible for a child under one, is pregnant and due to give birth within 11 weeks, or has had a baby in the last 15 weeks (people in these situations have no work-related requirements).

5. Hardship payments

Hardship payments are reduced rate payments made to claimants of certain benefits who have been subject to a benefit sanctions. Hardship payments are not made automatically; claimants have to be aware that payments are available, how to apply for them, and what the eligibility criteria are. Different rules apply to JSA, to ESA, and to Universal Credit – see below. The Government has also announced its intention to review certain aspects of hardship provision in its response to the Work and Pensions Committee's 2014-15 inquiry into benefit sanctions – details are given below.

JSA hardship payments

JSA claimants who have received a benefit sanction may be able to get reduced rate "hardship payments." To qualify, a claimant needs to show that they would be left in hardship were no such payments made. A member of Jobcentre Plus staff should look at a number of factors, including whether the individual has access to any other financial resources within their household and whether there is a substantial risk that their household would be left without essential items (eg food, heating). Access is immediate for certain claimants in a "**vulnerable group.**" For those in need who do not fall into a vulnerable group, hardship payments cannot normally begin until two weeks into a sanction.

A person is in a "vulnerable group" if, among other things-

- they, or they partner, are pregnant;
- they are responsible for a child under 16 or a qualifying young person;
- they are caring for a severely disabled person and would be unable to care for that person without a payment;
- their award of JSA includes a disability premium and the person would experience hardship if no payment were made;
- they are a 16-17 year old;
- they are a care leaver under 21 and satisfy certain other conditions; or
- they or their partner have a chronic health condition

JSA hardship payments are 60% of the claimant's JSA personal allowance, or 80% if the claimant, or a member of their household, is pregnant or "seriously ill."

ESA hardship payments

ESA claimants may apply for hardship payments from day one of a sanction. Matters which should be taken into account when deciding whether a claimant would suffer hardship if a payment is not made include the risk that the claimant's household will not have access to essential items such as food, clothing or heating. Claimants who meet the criteria for a hardship award will receive 60% of the prescribed amount for a single claimant. Claimants subject to a sanction continue to receive the ESA Work Related Activity Component and any other premiums they are entitled to during the sanction period – continuing

receipt of these elements will be considered when deciding whether the claimant is in hardship.

Universal Credit hardship payments

Reduced rate hardship payments are available for some people who are subject to sanctions if they would otherwise experience hardship, as is currently the case. However, while under the current system claimants subject to a benefit sanction can qualify automatically for hardship payments if they are in a “vulnerable group”, under UC there is no automatic entitlement to hardship payments and claimants must justify their need for them on an ongoing basis. Payments will only be made to those who cannot meet their most basic and essential needs (eg accommodation, heating, food or hygiene). Furthermore, hardship payments will be recovered from the claimant at a later date, by deductions from their ongoing UC award (although recovery may be suspended if the claimant finds work at or above their earnings threshold, and the outstanding amount written off if the work lasts more than six months).

Future changes to hardship payments

In its response to the Work and Pensions Committee’s report on *Benefit sanctions policy beyond the Oakley review*, published on 22 October, the Department for Work and Pensions announced that it intended to review certain aspects of the hardship payments system. The announcements include:

- accepting in principle the need to make hardship payments available from day one of a sanction, by considering the extension of “vulnerability” to a broader group of individuals;
- removing the necessity of a separate application process for a hardship payments for vulnerable claimants and those with dependent children; and
- extending the definition of groups considered “at risk” for hardship purposes to include those with mental health conditions and those that are homeless.

For further details see [Benefit Sanctions: Beyond the Oakley Review: Government Response to the Committee’s Fifth Report of Session 2014–15](#).¹⁰

¹⁰ HC 557 2015-16, 22 October 2015

6. Further information

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Sanctions and hardship payments are covered in:

- [Chapters 34 and 35 respectively of the DWP's Decision Maker's Guide](#)
- [Child Poverty Action Group's Welfare benefits and tax credits handbook](#)
- [Disability Rights UK Disability Rights Handbook](#)

A number of other organisations have also produced factsheets on how to challenge sanctions including:

- [CPAG](#)
- [Leicester City Council Welfare Rights Service](#)
- [Advice Link Network \(PDF\)](#)
- [Turn2us](#)
- [Gingerbread](#)

Oakley Review

Matthew Oakley, [Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013](#), 22 July 2014

Department for Work and Pensions, [Government's response to the Independent review of the operation of Jobseeker's Allowance sanctions validated by the Jobseekers Act 2013](#), Cm 8904, July 2014

DWP, [Independent review of Jobseeker's Allowance sanctions: Government response: Update on improvements to communications](#), 18 December 2014

Work and Pensions Committee

Work and Pensions Committee, [Benefit sanctions policy beyond the Oakley review](#), HC 814 2014-15, 24 March 2015.

[Benefit Sanctions: Beyond the Oakley Review: Government Response to the Committee's Fifth Report of Session 2014-15](#), HC 557 2015-16, 22 October 2015

See also:

- ["Committee welcomes Government shift in sanctions policy,"](#) Work and Pensions Committee press release, 22 October 2015
- [Letter from Iain Duncan Smith to Frank Field on Government response to sanctions report](#), 22 October 2015
- [Letter from the Chair of the Work and Pensions Committee to the Rt Hon Iain Duncan Smith MP regarding DWP's response to the sanctions report](#), 29 October 2015
- [Letter from The Rt Hon Iain Duncan Smith to Frank Field regarding the report Benefit sanctions policy beyond the Oakley Review](#), 18 November 2015

Other reports and commentaries

Julia Griggs and Martin Evans, [Conditional benefit systems: A review of evidence](#), Joseph Rowntree Foundation, December 2010.

Scottish Government, [The potential impacts of benefit sanctions on individuals and households: Welfare Analysis](#), December 2013

Scottish Parliament Welfare Reform Committee, [Interim Report on the New Benefit Sanctions Regime: Tough Love or Tough Luck?](#), June 2014

Beth Watts et al, On 11 September 2014 the Joseph Rowntree Foundation published a "research round-up", [Welfare sanctions and conditionality in the UK](#), Joseph Rowntree Foundation, September 2014. This paper, which is part of a five-year ESRC-funded research project on welfare conditionality, sanctions, support and behaviour change, examines the available evidence on the efficacy and ethicality of conditional forms of welfare; considers 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.

Citizens Advice Scotland, [Sanctioned: what benefit?](#) July 2014

Gingerbread, [Single parents and benefit sanctions](#), November 2014

Scottish Government, [Jobseekers Allowance \(JSA\) Sanctions in Scotland](#), November 2014

Scottish Government, [JSA sanctions in Scotland - July 2015 update](#), July 2015

Scottish Government, [ESA Sanctions in Scotland – July 2015 update](#), July 2015

Fawcett Society, [Where's the Benefit? An Independent Inquiry into Women and Jobseeker's Allowance](#), February 2015

Christina Beatty, Mike Foden, Lindsey McCarthy, and Kesia Reeve, [Benefit sanctions and homelessness: a scoping report](#), Crisis, March 2015

Baptist Union of Great Britain, Church Action on Poverty, The Church in Wales, Church of Scotland, Methodist Church, United Reformed Church, [Time to rethink benefit sanctions](#), March 2015

Work and Pensions Committee, [Benefit sanctions policy beyond the Oakley review](#), HC 814 2014-15, 24 March 2015. See also the [Government's response](#) issued in October 2015.

Loopstra, Rachel, Aaron Reeves, David Taylor-Robinson, Ben Barr, Martin McKee and David Stuckler, "[Austerity, sanctions, and the rise of food banks in the UK](#)", British Medical Journal, 360, 8 April 2015

Adam Tinson, [The rise of sanctioning in Great Britain](#), New Policy Institute, June 2015

David Webster, [Briefing: the DWP's JSA/ESA Sanctions Statistics Release](#), 12 August 2015

David Webster, [Briefing on the Government's response to the Work and Pensions Committee report: Benefit Sanctions Policy beyond the Oakley Review](#), 4 November 2015

David Webster, [JSA and ESA hardship applications and awards: Apr 2012 to Jun 2015: Early Briefing](#), November 2015

Statistics

Department for Work and Pensions, [Jobseeker's Allowance and Employment and Support Allowance sanctions: decisions made to June 2015](#), 11 November 2015

Department for Work and Pensions, [JSA and ESA hardship applications and awards: Management information data for the period April 2012 to June 2015](#), ad hoc statistical analysis, 18 November 2015

Department for Work and Pensions, [Income Support lone parent regime: data to June 2015](#), 25 November 2015

[Letter from Sir Andrew Dilnot CBE, Chair of the UK Statistics Authority, to Dr David Webster regarding benefit sanction statistics](#), 5 August 2015

Department for Work and Pensions, [Jobseeker's Allowance: overview of revised sanctions regime](#) (also includes ESA sanctions), September 2013

See below:

Jobseeker’s Allowance: overview of revised sanctions regime

Sanction Level	Applicable to:	Description	Previous sanction regime	Revised sanction regime from October 2012:		
				1 st failure	2 nd failure	3 rd failure
Higher Level	JSA claimants	Failure to comply with the most important jobseeking requirements	Variable 1 to 26 weeks except MWA Fixed 13 weeks	13 weeks	26 weeks <i>if within 52¹ weeks but not within two weeks of previous failure</i>	156 weeks <i>if within 52 weeks – but not within two weeks - of previous failure that resulted in 26 or 156 week sanction</i>
Intermediate Level	JSA claimants	Failure to be available for work	Disentitlement but no sanction ²	Disentitlement then up to 4 weeks loss of benefit	Disentitlement then up to 13 weeks loss of benefit <i>if within 52 weeks – but not two weeks -of previous entitlement ceasing</i>	
Lower Level	JSA claimants	Failure to attend/participate in an adviser interview/training scheme	Fixed 1, 2, 4 or 26 weeks	4 weeks	13 weeks <i>if within 52 weeks – but not two weeks - of previous failure which resulted in a 4 or 13 week sanction</i>	
	ESA claimants in the Work Related Activity Group (WRAG)	Failure to attend/participate in a mandatory interviews or failure to undertake Work Related Activity	Open-ended 50% of Work-Related Activity Component (WRAC) for first 4 weeks, then 100% of WRAC	100% of the prescribed ESA amount open-ended until re-engagement followed by a fixed period of		
				1 week	2 weeks <i>if within 52 weeks – but not two weeks - of previous failure</i>	4 weeks <i>if within 52 weeks – but not two weeks - of previous failure which resulted in a 2 or 4 week sanction</i>

¹ The 52 week rolling period begins from the date the sanctionable failure took place and not the date the sanction is applied.

² Individuals able to reclaim JSA after small number of waiting days.

Notes:

- (1) 3 year sanctions will apply only in the most extreme cases where claimants have serially and deliberately breached their most important requirements, and they have not changed their behaviour after receiving previous sanctions;
- (2) Higher level sanction durations will be shorter if:
 - a. the failure relates to pre-claim employment expected to last less than the standard sanction period; or
 - b. the failure occurs before a claim and the individual doesn't claim JSA immediately.
- (3) The loss of benefit period for Intermediate level sanctions will deduct any period for which the claimant was not paid benefit or during which they were not claiming benefit. There are some exceptions to Intermediate level sanctions.
- (4) If an ESA claimant complies within one week of the failure, only the relevant fixed period element of the sanction will apply.
- (5) For all levels, if a claimant commits multiple failures within the same two weekly signing period then the sanction will not escalate to the next level. Therefore, lengthy sanctions won't accumulate over short periods.
- (6) Prior to 22nd October 2012, JSA claimants could have a 26 week sanction lifted for failing to participate in the Employment, Skills and Enterprise (ESE) scheme (i.e. Work Programme, Skills Conditionality etc) after they have served at least 4 weeks of that sanction if they re-comply. This will no longer apply from 22 October. From this date, once a sanction is imposed on a claimant for failing to participate in the ESE scheme, it will continue to run regardless of whether or not the claimant recompiles.

¹ The 52 week rolling period begins from the date the sanctionable failure took place and not the date the sanction is applied.

² Individuals able to reclaim JSA after small number of waiting days.

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