

Fawcett Society

Women and Welfare

Evidence for the Scottish Parliament's Welfare and Reform
Committee

Fawcett
closing the inequality gap
wo **since** **men**
1866

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1. Introduction

Fawcett took a keen interest in the effect of the Coalition Government's reforms of the benefit system upon women. Women across the UK are more dependent than men upon the benefit system, relying on it for on average 20% of their income as opposed to men for whom on average 10% of their income is benefits¹. Women also compose two thirds of the low paid².

To investigate the impact the welfare reforms have upon women on benefits, Fawcett has conducted research upon both women's recent experience in the labour market and their experience with the benefit system specifically. Whilst the worrying trends in the economy concerning women are often structural in nature, the challenges women face in the benefit system are the result of policy decisions made concerning the benefits system, and especially manifest in gendered ways.

In response to the Scottish Government's Welfare Reform Committee's call for evidence on the effect of recent welfare reforms on women, Fawcett has produced this briefing to advise the Committee.

2. Experience of Women

As mentioned, women are more reliant on the benefit system than men are and any reforms, positive or negative, will therefore affect women more. This increased reliance is not necessarily indicative of women's inequality – for example, women live longer and will therefore draw state pensions for longer – but this dependence exists in a context of substantial women's economic inequality. The average woman will still earn less over her lifespan than the average man as the overall gender pay gap still sits at 19.1%, contributing to large pension and savings gaps; women are far more likely to have part-time jobs than men, which are typically low skills and have few prospects for career progression; and occupational segregation means women in the labour force are concentrated in low-pay “pink-collar” jobs such as health and social care^{3,4}.

Given women's economic inequality, it is imperative that the benefits system does not further marginalize women because of their gender. Unfortunately, the research conducted by Fawcett indicates this is the case. In several key areas, such as sexual and domestic violence, caring for children, pregnant women, older women, and women with difficulties with English, the Jobseekers Allowance system and Work Programmes are letting women down because of problems caused by the system's inability to cope with differences women face as a result of their gender.

Fawcett's inquiry into the benefits system received written submissions from Eaves, Rape Crisis England and Wales, Coventry Rape and Sexual Abuse Centre, as well as various oral testimonies from advocates.

3. Violence Against Women

Because violence against women often results in the women targeted suffering from low self-esteem, depression, and other mental and physical health issues, women who are victims of this kind of violence often have difficulties in applying for jobs. Due to the framework of benefits

conditionality inherent to JSA and which has been tightened by the recent reforms, survivors of domestic and sexual violence, who are predominantly women, are therefore more likely to lose access to the benefits they are entitled to because of normal responses to circumstances outside of their control.

This occurs in a framework where the job-seeking process was often too crude to meet the sensitive requirements for this group of women, and work coaches were not considering the risk of violence when arranging agreements. For example, Rape Crisis cites examples of victims of sexual violence who were offered job interviews at nightclubs, or even more worryingly, near to their perpetrator's home or place of work⁵.

The very real risk of violence which can result from such situations puts these women in an impossible situation – they can either put themselves and their mental and physical health in further danger, or receive benefit sanctions and potentially be driven into poverty.

A domestic violence easement (DVE) exists for women who are threatened or experiencing domestic violence for an initial period of four weeks, and which can be extended to a total 13 weeks, exempting them from fulfilling their job-seeking requirements exiting their abusive relationship.

However, the easement can only be accessed under specific conditions including: If it is requested by the claimant; If the violence was perpetrated within the last 26 weeks; If the victim is not living at the same address as the abuser; and if the claimant has not benefitted from the easement already in the last 12 months.

Putting the burden of disclosure solely upon the individual claimant, combined with the mysterious reluctance of Jobcentres to publicise the DVE, means that uptake is low - the DWP's own analysis of the easement in 2013 found that in the first year after it was introduced there were only 338 cases of the four-week easement and 115 of the full 13-week easement being granted nationally⁵. Even the DWP concedes this number is surprisingly low.

4. Pregnant Women

Most women who are pregnant are also subject to the same conditionality as other benefit recipients, even though pregnant women can switch to income Support or Maternity Allowance 11 weeks before their due date which does not require evidence of job-seeking.

Maternity Action's evidence informed the inquiry that most of the calls concerning JSA they receive come from pregnant women who are claiming JSA but are then expected to job-search and attend interviews or else face sanctions, a difficult requirement for some pregnant women. That conditionality still applies in these circumstances may not be appropriate, and may also not be communicated appropriately. For example, One Parent Families Scotland presented such a case study:

Emma is 20 years old and two months pregnant. She has been out of work and so is claiming JSA. Emma has been suffering from severe morning sickness and as a result is incapacitated first thing in the morning. When she called her JSA Adviser to say she wouldn't make her work focused interview and to ask for it to be rearranged she was told he was in a meeting but that the message would be passed on. The Adviser called a week later to ask why she hadn't turned up, she then received a letter the next day to say she had been sanctioned, losing her JSA for 4 weeks⁵.

Even if it is assumed conditionality is appropriate in Emma's case as a pregnant woman, the fact that Emma was not informed defeats the entire point of benefit sanctions. Sanctions are supposed to be a deterrent, and if Emma was not even aware that she would be sanctioned for not attending her meeting how could it be expected that the prospect of sanctions would change her behaviour? This failure to communicate the mechanisms behind sanctions to women is a common theme across the groups Fawcett investigated and is one of the major problems with the benefits system.

5. Older Women

Older women face a combination of problems which makes it hard for them to find employment and handle the JSA Claimant system. Stigma in the labour market makes it hard even for well qualified older women with relevant experience to win roles at interview, whilst the care responsibilities older women often have make it difficult for them to accept roles and can lead to sanctioning.

Like the other categories, older women reported feeling as if little attention was being paid to their individual circumstances. For example, at a focus group in the Midlands, women in their 50s and 60s informed us that they had been told to apply for labouring jobs on construction sites, when they had no experience in the field and felt they were physically unable to perform the tasks that would be required of them⁵. Members of the so-called 'sandwich generation' – those caught between caring for both grandchildren and elderly parents – told the inquiry how difficult it had become to manage their caring responsibilities alongside the mandated activities listed in their agreements.

While part-time hours can allow this group of women to continue to provide unpaid care for their family members, insecure zero-hours contracts (which are often the only part-time job opportunities available) tend to not work well at all, as women with dual caring responsibilities are generally unable to take up work at short notice because of their care work, and are left with no paid work as a result. As a consequence, older women also face the impossible choice between taking up unsuitable work and being sanctioned.

6. Lone Parents

Fawcett is particularly concerned as to the impact of *increased* conditionality and sanctions upon lone parents, 92% of whom are women⁶. Lone parents have a greater tendency than the general population to take up work that under-utilises their skills, qualifications and experience and thus has a negative impact on earnings, progression and the welfare of their children.

There are a set of twelve safeguards, currently set down in regulations, which aim to accommodate the fact that lone parents are the sole carers of their children. These include being able to limit the hours they are required to work, shorter expected commutes, more notice for interviews and job starts, and being able to leave jobs without being sanctioned in the event of insufficient childcare being available.

Unfortunately, these flexibilities are not always available. The Single Parent Action Network surveyed 40 lone parents and found that only 25% had agreements that stated they could restrict their job search to vacancies within school hours, and worryingly 43% had agreements that explicitly stated that they must be prepared to look for full-time jobs⁵.

Further, many of these rights to flexibilities lone parents currently possess are absent from Universal Credit, and Fawcett is worried that the absence of these rights would disproportionately hinder the welfare of lone parents and their children. These flexibilities are important for helping lone parents return to work if they wish to, and removing them could be counter-productive to reaching government policy goals of reducing unemployment amongst lone parents.

7. Devolved Powers to Scotland

Mechanisms which we would therefore consider particularly important in alleviating women's inequality in the benefit system include:

- More specialised training of staff in Jobcentres. Women receiving benefits who, for example, are also victims of domestic violence face special circumstances, and if no member of staff at their Jobcentre is trained in understanding the additional needs they face, they will face undue difficulty in returning to work. This applies to other circumstances women face on benefits, including women with difficulties with English, older women, pregnant women, and lone parents.
- Better reflection in Claimant Commitments of the individual demands and constraints each claimant requires.
- Increased provision of flexibilities within benefit regulations in order to reduce the number of 'impossible choices' women have to make between sanctions and work which is unsuitable due to circumstances arising from their gender. The removal of the lone parents' regulations from Universal Credit to be replaced by "guidance" is particularly worrying in this regard.
- In particular, amendments to the Domestic Violence Easement in consultation with expert organisations so as to better help women who experience gendered violence.
- Restructuring of the appeals process for sanctions such that it is completed in a matter of days and with the clear understanding of the claimant and communication.

A serious attempt by the Scottish Government to reduce the gendered impact of welfare would as a result require:

- The power to determine the appropriate level of training of Jobcentre staff.
- The power to include new flexibilities within benefit regulations.
- The power to amend and introduce specific, specialised Easements for women in dire circumstances.
- Control over the appeals process.
- The power to redefine the scope, applicability and severity of sanctions.

Given so many of the negative effects of the welfare system upon women are the result of poorly implemented or designed policies within conditionality, Fawcett at present sees no reason that conditionality and sanctions necessarily have a disproportionate impact upon women. A benefits system which incorporates more understanding of an individual's situation and help for them could, with the deterrent sanctioning, in theory help many vulnerable women into work where they want to be. What is clear is that the current sanctions regime is systematically failing to do this because it has a minimal understanding of the way in which gender affects women searching for work and on benefits.

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