Welfare Reform Committee

Women and Social Security

Published 6th July 2015
SP Paper 773
3rd Report, 2015 (Session 4)
Contents

Introduction 1
Executive Summary 1
Women in low paid work 7
Benefit uprating 7
Universal Credit 9
  Universal Credit and single, monthly household payments 9
  Universal Credit and the second earners disregard 10
  Universal Credit and in work conditionality 11
  Universal Credit and self-employment 11
Working Tax Credits 12
Employability and job seeking support 14
Sanctions 15
  What happens after sanctions? 17
Impact on women as carers 18
  The difficulties of balancing work and caring responsibilities 18
    Child care 19
    Zero Hours Contracts 20
Carers Benefits 21
Impact on lone parents 22
  Safeguards for lone parents 23
Impact on disabled women 24
Impact on women experiencing domestic abuse 26
  Domestic Violence Easement 26
  The Benefit Cap 27
EEA Nationals 28
Impact on refugee women 28
Impact on women’s mental health 30
Impact on children 31
Impact on Human Rights 34
Multiple impacts – I don’t just fit in one box 35
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Knock on impact on the community and local services</td>
<td>36</td>
</tr>
<tr>
<td>Training and awareness of DWP staff</td>
<td>37</td>
</tr>
<tr>
<td>Gender based budgeting</td>
<td>38</td>
</tr>
<tr>
<td>Future welfare in Scotland</td>
<td>39</td>
</tr>
<tr>
<td>Equality Impact Assessments</td>
<td>40</td>
</tr>
<tr>
<td>Conclusions and recommendations</td>
<td>42</td>
</tr>
<tr>
<td>Annexe A</td>
<td>53</td>
</tr>
<tr>
<td>Annexe B</td>
<td>55</td>
</tr>
</tbody>
</table>
Welfare Reform Committee

To monitor the implementation of the UK Welfare Reform Act 2012 and other social security legislation as it affects provision in Scotland and to consider relevant Scottish legislation and other consequential arrangements.

www.scottish.parliament.uk/welfarereform

WelfareReformCommittee@scottish.parliament.uk

0131 348 5182
Committee Membership

**Convener**
Michael McMahon  
Scottish Labour

**Deputy Convener**
Clare Adamson  
Scottish National Party

**John Lamont**  
Scottish Conservative and Unionist Party

**Joan McAlpine**  
Scottish National Party

**Margaret McDougall**  
Scottish Labour

**Christina McKelvie**  
Scottish National Party

**Kevin Stewart**  
Scottish National Party

---

**Note:** The membership of the Committee changed during the period covered by this report, as follows:

John Lamont joined the Committee on 25 June 2015, replacing Annabel Goldie (Scottish Conservative and Unionist Party, West Scotland)
Introduction

1. This report sets out the findings and recommendations made by the Welfare Reform Committee on its inquiry into the impact of welfare reform on women.

2. In order to inform its scrutiny the Committee took oral evidence on 19 May and 2 June 2015. The Committee also issued a call for written evidence which ran from 12 March to 1 May 2015. A total of 35 written submissions were received. Details of the written submissions and those who attended to give oral evidence are available in the annexe.

3. The Committee reports to the Parliament as follows—

Executive Summary

4. The Committee has heard evidence which suggests that there is an existing inequality for women which has been aggravated by the recent reforms to the social security system. This includes issues around childcare, occupational segregation in ‘pink collar’ jobs, the gender pay gap, women’s role as primary carers in society and their increased reliance on the benefit system compared to men.

5. Research by the House of Commons library states that since 2010 £26 billion worth of cuts have been made to benefits, tax credits, pay and pensions. 85% of this £26 billion has been taken from women’s incomes\(^1\). The Committee notes the UK Government response to the research which states that there are more women in work than ever before.\(^2\)

6. A recent report\(^3\) produced by Engender, the Scottish Refugee Council, Scottish Women’s Aid, Close the Gap and the Scottish Council for Voluntary Organisations highlights this pre-existing inequality for women. For example:-

- Women are twice as dependent on social security as men, with 20% of women’s income coming from the benefits and tax credit system, compared with 10% of men’s.\(^4\)

- Women have fewer financial assets and less access to occupational pensions than men and there are considerably more women than men in the lowest income decile in the UK.\(^5\)

- 92% of lone parents are women, and women make up 95% of lone parents dependent on Income Support.\(^6\)

- At least 59% of unpaid carers in Scotland are women and 74% of Carer’s Allowance claimants are women\(^7\). Women are also twice as likely to give up paid work in order to care.\(^8\)
• The gender pay gap in Scotland, which is 12% for full-time work and 32% for part-time work\(^9\), signifies persistent and widespread differences in women's experience of the labour market.

7. These findings have been supported by the Committee's own cumulative impact research conducted by Sheffield Hallam University which showed that lone parents and disabled people have been the worst hit by the reforms to the social security system.\(^10\)

8. The Committee believes that the cumulative impact of the reforms has had a damaging and disproportionate impact on women.\(^i\) The evidence in particular has highlighted impacts for certain groups such as disabled women, lone parents, carers, refugee women and those experiencing domestic abuse.

9. The Committee welcomes the devolution of further social security powers to Scotland. It considers that this represents an opportunity to rectify some of the systematic inequalities that women face. However, it recognises that, as with any new change, there will be challenges.

10. At the start of this inquiry the Committee agreed that its title should be ‘Women and Welfare’\(^i\). However, over the course of our scrutiny it has come to the understanding that the term welfare has a particularly negative connotation and that more constructive language should be used. It therefore agreed to change the title of the inquiry to ‘Women and Social Security’.

11. Based on the written and oral evidence received, the Committee has made a number of conclusions and recommendations. A summary of the key recommendations is provided here. Further recommendations are contained within the text and a full list is available at the end of the document.

12. The Committee finds that women have been disproportionately impacted by the reforms to the social security system. This not only negatively impacts on them but also on the people that they care for. The Committee recommends that both the Scottish and the UK Government should demonstrate the gender impact of their policy decisions and take steps to mitigate these.

---

\(^i\) Annabel Goldie MSP dissents from this sentence.
Universal Credit

13. The Committee welcomes the proposals in the new Scotland Bill to allow Scotland discretion over the administrative elements of Universal Credit. The Committee would support a move away from monthly payments and single household payments and would also support the ability to make payments directly to the landlord. This will be an essential tool in preserving women’s financial autonomy, ability to budget and to provide for their children.  

14. The stated intention of Universal Credit (UC) is to make it easier for everyone to gain and sustain employment. UC uses earnings disregards to calculate the amount exempt from the total used to calculate benefit entitlements. The Committee believes that the current level of disregard for second earners, who are mostly women, is a disincentive to women working. The Committee calls on the UK Government to rethink the allowances for second earners to make work more financially worthwhile.

15. The Committee has heard evidence that the current system of tax credits provide essential support for women who work. However, it has also heard that it is cumbersome, may discourage women going for promotion, doesn’t fit with irregular working hours and has an increased focus on hunting out “undisclosed partners”. The Committee urges the UK Government to take the opportunity to refresh this system to take into account the needs of modern working mothers in the move to Universal Credit.

Sanctions

16. The Committee has previously reported on the impact of sanctions. It continues to urge the Department for Work and Pensions (DWP) to review how its policies are being applied at a local level to ensure that sanctions are only ever applied as a last resort. Many people are unaware why they have been sanctioned or that a sanction has even been put in place. The sought after behavioural change can only be achieved if people understand why the sanction is occurring.

17. The Committee joins with the UK Parliament’s Work and Pensions Committee to call on the UK Government to conduct a comprehensive, independent review on sanctions to identify whether they are actually encouraging people into work. It also recommends that the UK Government publish a tracking study to follow the true cost of being sanctioned and how this impacts on local authority services, the third sector and the NHS.

---

iii Annabel Goldie MSP dissents from this recommendation.
Employment and job seeking support

18. The Committee recommends that any social security programmes over which the Scottish Government has control should be designed to overcome the barriers which prevent or restrict women’s labour market participation.

19. The Committee suggests that to be at its most effective, job seeking support should be integrated across health, housing and social care. It should also be tailored to meet the needs of particular groups for example, refugee women, disabled women, women experiencing domestic abuse, unpaid carers and former carers.

Impact on women as carers

20. The Committee urges the Scottish Government to consider ways in which it can incentivise employers to provide truly flexible working arrangements for women with caring responsibilities which are beneficial for both the employer and the employee and reduce the dependence on short term and zero hours contracts.

21. The Committee recognises the work the Scottish Government has done so far on increasing childcare provision. It recommends that the Scottish Government make it a priority to continue this work to improve the availability, quality and flexibility of childcare to allow women to return to work. In particular it should consider how its early years strategy can better integrate childcare provision with adult services and the social security system.

Impact on lone parents

22. The Committee recommends that there should be a rigorous application of the appropriate guidance and legislation covering the safeguards lone parents are entitled to in order to avoid single mothers being threatened with or receiving sanctions inappropriately.

Impact on women experiencing domestic violence

23. The Committee recommends that the DWP starts promoting its domestic violence easement flexibilities to remove the job seeking pressures from women exiting abusive relationships. It also recommends that the burden of disclosure should not rest solely with the claimant.
24. The Committee recommends that the benefit cap should be suspended for women who are fleeing domestic violence and are forced to live in expensive temporary accommodation. Funding should also be available for women to be able to access refuge accommodation regardless of their entitlement to housing benefit.iii

Impact on refugee women

25. The Committee recommends that the UK Government considers the restrictions and the lack of financial autonomy currently experienced by refugee women. In particular the UK Government should do more to speed up the process for refugee women to be able to receive a national insurance number and make benefit claims in their own right.

Impact on women with mental health issues

26. The Committee is shocked to learn that women are required to provide more evidence than men in equivalent Employment Support Allowance assessments to establish their likely risk of self-harming. It strongly urges the UK Government to rewrite the rules in relation to this discriminatory part of the ESA assessments.

Impact on Children

27. The Committee acknowledges that there should be a stronger link between the social security system and the Scottish Government’s approach to child poverty and to ‘Getting it Right for Every Child’. It encourages the Scottish Government to consider these links when it is planning the delivery of devolved benefits.

28. The Committee notes that the UK Government abolished the Health in Pregnancy Grant in 2011. It recognises that allowing a mother access to good nutrition during pregnancy would improve the health of both mother and child and reduce demands on the NHS. It recommends that the UK Government should consider starting financial support for low income mothers when they become pregnant rather than when the child is born.iv

iii Annabel Goldie MSP dissents from this recommendation.
iv Annabel Goldie MSP dissents from this recommendation.
Multiple impacts

29. The Committee has been struck by the complexity of women’s lives in relation to the benefit system. Many don’t fit neatly into one administrative box and will be hit by reforms to carers, disability and children’s benefits. The Committee calls on the UK Government to urgently conduct a cumulative impact assessment of all the welfare reforms to identify the true impact on families and households.

DWP staff training and awareness

30. Throughout this report the Committee has highlighted examples of job centre staff being unaware or not communicating the additional supports that are available to women. The Committee would refer the UK Government to all of the recommendations contained in the various sections of this report that relate to staff training, awareness and attitude.

Gender based budgeting and impact assessments

31. The Committee agrees to consider a gender based analysis for its scrutiny of the draft budget 2016 – 17.

32. The Committee calls on the Scottish Government to embed gender and human rights analysis throughout the process of further devolution, including through the work of the Joint Ministerial Working Group on Welfare or its successor body.

Future welfare in Scotland

33. The Committee notes the drop in tribunal cases being brought forward regarding women who experience sex discrimination during maternity leave. The Committee recognises the importance of having access to justice and would encourage the Scottish Government to investigate the further merits of removing fees for employment tribunals.
Women in low paid work

34. In written evidence, the Fawcett Society explained that the average woman will earn less over her lifespan than the average man as the overall gender pay gap sits at 19.1%. This contributes to a large pension and savings gap. Women are far more likely to have part-time jobs than men, which are typically low skilled and have few prospects for career progression. This is compounded by occupational segregation which means women in the labour force are concentrated in low-pay “pink-collar” jobs such as health and social care.

35. According to the organisation Close the Gap, women’s over-representation among the lowest paid in the labour market means that many women are reliant on benefits to top-up their low pay. It stated that women are twice as dependent on social security as men, with 20% of women's incomes coming from the benefits and tax credit system compared with less than 10% of men's.

36. The impact of austerity means that women are at an increased risk of sustained poverty, and where women’s disposable income is reduced, spending on children decreases. The links between women's and children’s poverty are widely recognised.

37. The Committee recommends that any social security programmes over which the Scottish Government has control should be designed to overcome the barriers which prevent or restrict women's labour market participation.

38. The Committee also encourages the Scottish and UK Governments to put in place measures to better address occupational segregation and the gender pay gap in their social security provisions.

Benefit uprating

39. The basis for uprating benefits in 2011-12 and 2012-13 was switched from Retail Prices Index (RPI) to Consumer Prices Index (CPI) inflation, a generally lower measure. The Institute for Fiscal Studies (IFS) described this as the ‘most important’ of recent ‘poverty-increasing’ tax and benefit changes. The IFS acknowledges that—

   Moving away from the flawed RPI was sensible. But there have been various ad hoc and temporary deviations from standard indexation. For instance, most working age benefits have been subject to something close to a ‘reverse double lock’. That is the government has justified below inflation increases on the grounds that earnings have been rising less quickly than prices. To continue on that route would mean that working age
benefits rise less quickly than both earnings and prices over time – which does not seem a sustainable long term policy.\(^\text{13}\)

40. Given that women are more likely to be in receipt of benefits, this will have a disproportionately negative effect on them. From April 2013, uprating of working-age benefits is limited to 1%, which is below projected inflation. This 1% increase covers basic amounts for adults and children, but does not apply to specific disability and carer benefits. It is locked in by legislation for 2014-15 and 2015-16.

41. In evidence to the Committee on 21 April 2015 on the issue of social security and children’s services, Richard Gass from Glasgow City Council said—

> Another aspect of the reforms that sneaks up on people is the fact that benefits are not increasing at the same rate as they used to. People may not notice overnight that their money is not going as far, but over the months they may not be able to replace school clothes, redecorate bedrooms and so on, and after a time there will be things for which they require assistance. “Stealth” is perhaps the wrong word to use, but the reforms are creeping up on people in that way.

42. Mark Ballard told the Committee that—

> The issue is not the rising cost of food; it is that the rising cost of food and of other basic living costs (…) such as energy and transport has not been matched by an increase in wages. As I mentioned, the fact that benefits will not be uprated from 2013 to 2015 means that benefits will also be falling in real terms. There is a cost of living issue because of declining real wages and coming out of the recession and because of declining benefits.\(^\text{14}\)

43. Child Poverty Action Group (CPAG) outlined in its submission that uprating of statutory maternity pay has also been capped at 1%, meaning that a mother will be approximately £330 worse off.

44. The Committee recommends that the UK Government report to the UK Parliament on the impact of benefit uprating on levels of adult and child poverty across the UK. The results of this report should be taken into account by the UK Government when making a decision about whether to continue the policy in future.
Universal Credit

45. The current UK Government policy of ‘making work pay’, which is embodied in Universal Credit, aims to increase incentives to enter the labour market and to reduce in-work poverty. However, according to organisations such as Close the Gap the design of Universal Credit does not take account of the gender barriers to employment nor gendered patterns of caring.

46. In oral evidence from Morag Gillespie of Glasgow Caledonian University the Committee heard that the principles of Universal Credit may have merit but the implementation may cause issues. She said—

> In essence, universal credit, when we consider its principles, is not a completely bad thing. When we think about how it works and the desire to have a system of means-tested benefits, some principles underpinning universal credit are not necessarily bad. Like anything, however, the devil is in the detail and things such as the taper rates, the specific rules that apply, the treatment of benefits and what is or is not disregarded make the programme just now problematic and fraught with bear traps for women.  

Universal Credit and single, monthly household payments

47. The default for Universal Credit (UC) is for payments to be made monthly, in arrears. Previously tenants could choose for Housing Benefit to be paid directly to the landlord. However, under UC the housing element will go to the individual unless they can make a case to arrange an alternative payment arrangement. Payments will also be made to a single person within the household, although there may be exceptions. Most likely this person will be the man as the main earner.

48. For many witnesses the issue boils down to whether money coming into the household would be held in the ‘wallet’ or the ‘purse’. It was suggested by Professor Diane Elson of the Women’s Budget Group that the name under which the payment is made may create a sense of entitlement on how that money is spent. This would lead to an increased need for women to bargain and negotiate within the household, decreasing women’s financial autonomy and independence. She said—

> There is a lot of concern about the concentration into one payment.  

49. In relation to monthly payments, it was recognised that this is not the lived reality for many benefit claimants whose lives are not so ordered. It will also give rise to issues around budgeting and being ‘cash rich’ at the start of the month which would leave some families more vulnerable. Morag Gillespie of Glasgow Caledonian University said—
On the one hand, we are looking for people to live on quite a hand-to-mouth basis—lots of people still get paid and live from week to week or fortnight to fortnight—while, on the other, we almost want to pretend that they are white-collar workers with monthly salaries. Lots of people’s lives are not quite that tidy, and we need to accommodate the differences.\textsuperscript{17}

50. The Committee welcomes the proposals in the new Scotland Bill to allow Scotland discretion over administrative elements of Universal Credit. The Committee would support a move away from monthly payments and single household payments and would also support the ability to make payments directly to the landlord. This will be an essential tool in preserving women’s financial autonomy, ability to budget and to provide for their children.\textsuperscript{v}

Universal Credit and the second earners disregard

51. The UK Government has said that the transition into work will be easier for claimants under UC. This is because of changes to both the earnings disregard (the income which is exempt from the total amount used to calculate benefit entitlements) and the taper (the rate at which benefits are withdrawn when you move into work).

52. However, Close the Gap argued in its written submission that the gender pay gap means that women tend to be lower paid than men, and are therefore far more likely to be second earners. This earnings disregard for second earners may discourage them from entering the labour market at all. In the view of Close the Gap, for many women it will not pay to work more than 30 hours a week because of the combination of expensive childcare costs, reduced Universal Credit payments and income tax. Professor Diane Elson of the Women’s Budget Group also raised this point. She said—

\textbf{‘For all the rhetoric about universal credit encouraging people into paid employment, the disregard for second earners and the design of the tapers will affect second earners in couple households, many of whom will be women. Given the low pay that many women are likely to get, it will not be worth their while financially to take on a job, what with the loss that they will incur.’}\textsuperscript{18}

\textsuperscript{v} Annabel Goldie MSP dissents from this recommendation.
53. The stated intention of Universal Credit (UC) is to make it easier for everyone to gain and sustain employment. UC uses earnings disregards to calculate the amount exempt from the total used to calculate benefit entitlements. The Committee believes that the current level of disregard for second earners, who are mostly women, is a disincentive to women working. The Committee calls on the UK Government to re-examine the allowances for second earners to make work more financially worthwhile.

**Universal Credit and in work conditionality**

54. One of the new developments associated with Universal Credit is ‘in work conditionality’ where by people who are working less than 35 hours per week will be encouraged to take on extra hours, a second job or find an alternative job. Those who are not able to do this will run the risk of being sanctioned.

55. Currently, many women undertake part-time work to balance their need to earn with their caring responsibilities. Women with disabilities, mental health problems or additional support needs also undertake part-time work because it is more suited to their lives and capabilities. There are also many women who would like to work more but are unable to secure extra hours and are ‘under employed’.

56. Bill Scott from Inclusion Scotland said—

> It will punish people who do not take additional steps to move from part-time work to full-time work. We need to redesign the system.\(^{19}\)

57. The Committee recommends that the DWP reconsider the policy of in work conditionality. The Committee believes that in work conditionality will inevitably punish women who are unable to find or unable to take on the additional work required due to caring responsibilities, additional support needs or underemployment.\(^{vi}\)

**Universal Credit and self-employment**

58. According to Close the Gap, women’s self-employment has risen dramatically since 2008. In 2014, self-employed women accounted for 88% of newly registered businesses. Many women turn to self-employment in an attempt to overcome the systematic difficulties inherent in trying to balance work and family life. However, there is a concern that self-employed women are some of the lowest income earners.

59. There was a worry expressed by Howard Reed of Landman Economics that many of these women will be penalised by a new minimum income floor policy. This

\(^{vi}\) Annabel Goldie MSP dissents from this recommendation
policy is based on assumed earnings. An individual will likely be expected to earn the equivalent of working 35 hours per week at the National Minimum Wage for their age group. Mr Reed said—

> For self-employed people, the situation could be even worse because of the minimum income floor provision in universal credit whereby people will be assessed as though their income is equal to 35 hours a week at the minimum wage even if they are earning way less than that.²⁰

60. Close the Gap stated in their written evidence that if these estimated targets for assumed earnings are not met Universal Credit will not bridge the gap. It highlighted that in interviews for a report commissioned by the DWP²¹; most self-employed business owners supported by tax credits felt that they would be negatively affected by the minimum income floor. It noted that only one business out of forty-five was confident that their earnings would never fluctuate below the ‘floor’ level.

61. The Committee recognises that many people turn to self-employment in an attempt to overcome the systematic difficulties inherent in trying to balance work, health issues and family life. It believes that applying an arbitrary minimum income floor policy for self-employed women may discourage their attempts to work. It therefore recommends that this policy be reviewed to allow for greater flexibility in the system. "

<table>
<thead>
<tr>
<th>Working Tax Credits</th>
</tr>
</thead>
<tbody>
<tr>
<td>62. CPAG stated in its written submission that changes to eligibility criteria and levels of entitlement of tax credits have had a major impact on many women. Some of the most substantial changes it cited have included:</td>
</tr>
<tr>
<td>- Removal of the baby element from child tax credit which was worth £545 in the first year.</td>
</tr>
<tr>
<td>- Removal of working tax credit for most couples with children who are working at least 16 hours a week. Couples now need to work at least 24 hours a week between them. This results in a loss of up to £3,870 a year.</td>
</tr>
<tr>
<td>- Childcare costs covered by working tax credit have been cut from 80% to 70% causing working parents to lose up to £1,560 a year.</td>
</tr>
</tbody>
</table>

63. Entitlement to tax credits cease when families earn over particular income thresholds. Suzanne Conlin of the Scottish Women’s Convention stated that the level of these thresholds may trap women in poverty. In many cases any increase in wages is not enough to balance out the amount lost in essential tax credits. This can actively discourage women from seeking promotion in the workplace. This

---

²⁰ Annabel Goldie MSP dissents from this recommendation
impact is even worse in rural areas due to the lack of transport and available childcare.

64. The Scottish Women’s Convention’s written submission quoted a working mother. She said—

> My employer wanted to increase my wages due to a role change, however if they had done so I would have lost out on the tax credits I rely on to pay my childcare, which would in turn have meant I was unable to keep working. Thankfully they were extremely understanding about my situation, but I know that isn’t the case for everyone.²²

65. CPAG highlighted a problem to the Committee with regards to the change in the overpayments policy. Previously people in receipt of tax credits would have seen their award reduced within set limits the following tax year if an overpayment was made. Some are now seeing their awards stopped altogether or reduced dramatically in the current tax year. This financial jolt can potentially put a family into crisis.

66. CPAG also stated that in an attempt to reduce error and fraud, HMRC has started focusing increasingly on ‘undisclosed partners’. It aims to identify people who are claiming tax credits as a single person but who HMRC believe should be claiming jointly with a partner. CPAG argued that the decision to remove tax credits can often leave lone parents for months without money which is intended for their children or to help them stay in work. According to CPAG, cases taken to the Upper Tribunal have led several judges to criticise HMRC’s approach and the lack of evidence to justify such a decision.

67. The Committee has heard evidence that the current system of tax credits provides essential support for women who work. However, it has also heard that it is cumbersome, may discourage women going for promotion, doesn’t fit with irregular working hours and has an increased focus on hunting out “undisclosed partners”. The Committee urges the UK Government to take the opportunity to refresh this system to take into account the needs of modern working mothers in the move to Universal Credit.

68. The Committee acknowledges that fraud is a serious concern. However, it believes that the response from HMRC should be proportional to the level of risk and that it should not remove essential funds from mothers until convincing evidence is available.
Employability and job seeking support

69. In the view of organisations such as Close the Gap and Engender employability programmes do not consider occupational segregation, one of the major causes of the gender pay gap, when pairing jobseekers with mandatory work activity. It argued that one size fits all skills and employability programmes are likely to reproduce the same results. Leading to women clustered into low-paid, undervalued jobs. Close the Gap said—

Support structures around Jobseeker’s Allowance and Work First do not consider the gendered barriers to labour market participation, and will therefore entrench occupational segregation and widen the gender pay gap. 23

70. The Fawcett Society believes that the current the job-seeking support system is too crude to be able to deal with the complexities in women’s lives. For example, it cited an example used by Rape Crisis of victims of sexual violence who were offered job interviews at nightclubs or near to the perpetrator’s home or place of work. This places 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. Scottish Women’s Aid made a plea for employability support programmes that offer specialised support.

71. Many women feel that the system does not take their skills or personal circumstances into account. The Fawcett Society cited an example in written evidence of women in their 50s and 60s being told to apply for labouring jobs on construction sites, when they had no experience in this field and felt they were physically unable to perform the tasks that would be required of them.

72. Bill Scott from Inclusion Scotland highlighted that since the Work Programme started disabled people involved in the scheme were four times more likely to be sanctioned than to receive a positive outcome, such as obtaining a job. He also suggested that the system cherry-picked those that were easiest to work with and only valued full-time work which is not always appropriate for those with disabilities.

73. Barnardo’s argued that women should not automatically be expected to move into training or the workplace as soon as their children reach the age of five. It felt that job-seeking policy needs to reflect the fact that families in greatest need will require more intensive and longer term supportive interventions. Giving the example of work which Barnardo’s had undertaken with a particular mother with a small child and substance abuse problems Mark Ballard said—

There is the danger that the blind imposition of the rules on the transition to JSA could undermine all the work and investment that have been put into securing better opportunities for her. 24
74. One Parent Families Scotland (OPFS) believed that the current regime is not equipped for the needs of single parents and ought to be replaced by an alternative, voluntary model. It argued that Scotland has a proven track record of delivering successful voluntary welfare-to-work schemes delivered by voluntary sector / local authority partnerships such as ‘Working for Families’, Big Lottery funded ‘Making it Work’ programmes and the SCVO ‘Community Jobs Programme’.

75. Inclusion Scotland said—

> At the moment, the UK welfare system is geared to one outcome – placement in the labour market. By making the links between welfare, health, social care, housing and well-being more generally, a devolved welfare system should aim for broader outcomes which recognised the social value of a range of roles within the civic, cultural and social life of Scottish society, including voluntary and care work.

76. The Committee welcomes the proposal to devolve power over the work programme to Scotland. It urges the Scottish Government when planning for its new delivery to learn the lessons from previous successful schemes and recognise the value that voluntary and care work has to offer society and the economy.

77. The Committee suggests that to be at its most effective job-seeking support should be integrated across health, housing and social care. It should also be tailored to meet the needs of particular groups, for example, refugee women, disabled women, women experiencing domestic abuse, unpaid carers and former carers.

Sanctions

78. The sanctions and conditionality regime, which sets out what an individual has to do to receive their benefit, has always been a part of the benefit system. The Committee has always agreed that some kind of conditionality is important. However, it has found in this inquiry, as in previous inquiries, that the sanctions regime is punishing. The DWP has assured the Committee in the past that sanctions are only used as a last resort. However, evidence received from witnesses suggests that the reality on the ground does not match up with DWP policy.

79. For example, the Scottish Refugee Council reported that of their clients who are sanctioned, approximately 90% receive that sanction within the first six months of being in the system. This suggests that there are issues with the client’s...
knowledge of how the system works and lack of English language skills which are not being taken into account by the job centre.

80. The Committee has previously reported on the impact of sanctions. It continues to urge the DWP to review how its policies are being applied at a local level to ensure that sanctions are only ever applied as a last resort. Many people are unaware why they have been sanctioned or that a sanction has even been put in place. The sought after behavioural change can only be achieved if people understand why the sanction is occurring.

81. Belinda Phipps of the Fawcett Society highlighted the lack of support that vulnerable women in the benefit system receive. She said—

> The people who are articulate and more able to handle it fully acknowledge that they were able to get their sanctions overturned because they are reasonably well educated and they say, “Lord knows how anybody who is depressed or disabled or who cannot speak English does it.” Those are the people who cannot speak up for themselves.\(^\text{27}\)

82. The Committee has heard on many occasions of claimants who have experienced benefit delays, mistakes and maladministration. For example, the Scottish Women’s Convention described in written evidence examples of women who have organised childcare for appointments at the Jobcentre who are then told that they have been given the wrong date and will have to return. It notes that alternative childcare is very difficult to organise at short notice. As a result the women have to either take their children with them to the job centre or fail to attend the rescheduled appointment and be sanctioned. The lack of affordable or reliable public transport in many areas further exacerbates the problem. The Scottish Women’s Convention said—

> Women have commented on the hypocrisy when mistakes are made by the DWP and the length of time taken to rectify them. This contradicts with the potential sanctions claimants face if they make errors or do not provide the relevant information.\(^\text{28}\)

83. The Committee feels that it is unreasonable to hold claimants to an unachievable standard of behaviour through the sanctions regime. It also acknowledges the evidence put forward highlighting the DWP’s own difficulty with delays, maladministration and errors.

84. Dr Helen Graham from Napier University highlighted the fact that one of the wider impacts of the sanctions regime that goes unmeasured is the fear of being sanctioned. One Parent Families Scotland (OPFS) also outlined the serious
impact that the threat of sanctions is having on the children of single parents. In its
written evidence it quotes one of their clients. She said—

> Every time I sign on at the Jobcentre I lie awake the whole night before
worrying about whether or not I'll get sanctioned and how I'll cope. I never
know whether I've done enough to avoid being sanctioned. I'm always
phoning them to check.

85. Barnardo’s said in written evidence that the logic of sanctions, that the negative
impact will motivate people who could easily find work to move off benefits, does
not apply to many of the women they work with. It argued for a closer relationship
between the Job Centre, children’s services and adult services to ensure that the
wellbeing of vulnerable children and adults is the priority. It said—

> The reason why they have not found work is because of the significant
adversities, or caring responsibilities they have, and the lack of jobs
available that they can combine with these caring responsibilities and
training and support to deal with the adversities they face.  

86. The Committee recommends that discretion is used by Job Centre staff
when dealing with vulnerable adults, especially those who have children.
Every effort should be made to provide support to allow them to achieve
their work goals rather than be sanctioned punitively. Support should also be
given to women with poor English skills, pregnant women, disabled women,
older women or carers.

What happens after sanctions?

87. Howard Reed from Landman Economics informed the Committee that his
organisation had conducted research on the relationship between employment
rates and sanctions. He found that there was essentially no relationship between
the two. He said—

> Areas where sanctions were applied with more gusto, shall we say,
seemed to experience no benefit in terms of lower unemployment.
Employment rates were, if anything, slightly lower in those areas, and
inactivity rates were slightly higher. Those were the main findings.

88. He continued to say—

> It seems that, if anything, the wider application of sanctions is driving
people out of the system entirely.

89. Howard Reed also explained to the Committee that statistics on what happens to
people after they are sanctioned are almost non-existent. He said—
There seem to be no statistics on the implications of sanctions for people’s spending, their use of food banks and so on. The coalition Government did not seem to be interested in producing that kind of data. That is a huge problem.32

90. When asked whether there is a need for an immediate review of the whole sanctions and conditionality system Mr Reed agreed as in his view the UK Government will have to confront a wider range of operational issues relating to the more complex cases as the roll out of UC continues.

91. Professor Diane Elson, Chair of the Women’s Budget Group, suggested that it would be useful to set up a system of tracking people who have been sanctioned. The aim would be to find out not only what happens to them but how the cost of that sanction could also affect relatives, children and other public services. Hanna McCulloch also raised this point and said—

I think that it would sharpen the minds of service planners and people who make budgeting decisions to see exactly how little they save by not investing in preventative measures.33

92. The Committee joins with the UK Parliament’s Work and Pensions Committee to call on the UK Government to conduct a comprehensive, independent review on sanctions to identify whether they are actually encouraging people into work.

93. The Committee recommends that the UK Government publish a tracking study to follow the true cost of being sanctioned and how this impacts on local authority services, the third sector and the NHS.

94. The Committee would also welcome a revision of the sanctions appeals process so that appeals are able to be processed within a matter of days. More effort should also be made on the part of the DWP to clearly communicate the sanctions and appeals process to claimants.

Impact on women as carers

The difficulties of balancing work and caring responsibilities

95. Many women face difficulties in trying to balance their work and home life. Morag Gillespie of Caledonian University said—

The notion that someone is either a carer or in full-time work or education does not reflect the reality of people’s lives, even if it is administratively convenient.34
96. She also said—

women can often be left with very little choice about where they work, because they have to do what will accommodate their lives, which are often more complicated because of their care responsibilities.  

97. According to Helen Graham of Napier University, the most successful welfare states across Europe do more to support women as both carers and workers in terms of gender equality, poverty alleviation and quality of life. She said—

The problem with the UK welfare system is that it does not do either of those things very effectively. It places quite a strong expectation on people—even those with quite intense caring responsibilities—to work but it does not do enough to facilitate that participation through childcare and active labour market policies. 

98. Ann Henderson from the STUC highlighted the drop-off in the number of women returning to work after they have had a baby. She argued that there is an issue about what workplace conditions have been negotiated for women who are returning to work, and noted that there are concerns about poverty affecting women as a consequence of not returning to work.

Sometimes, women do not return to work not really because that is the best choice but because the system has not provided the supports to phase a return or mentor them when they go back. 

99. Carers Scotland reported that women are four times more likely than men to have given up work because of their multiple caring responsibilities. It noted that 84% of ‘sandwich carers’ – carers who have childcare responsibilities alongside care for an older or disabled relative – are female. The peak age for carers falling between the ages of 40 and 54. Being forced to give up work at this age can also mean women experiencing difficulties returning to the workplace once their caring role is fulfilled and this can lead to longer term financial hardship into retirement. 

100. The Committee recognises that there can be an expectation for women to return to work whilst they face challenges trying to balance their work and caring responsibilities. It believes that it is counterproductive to try and encourage women back to work without putting in place the support required to enable them to do so. For example, flexible working and suitable childcare.

Child care

101. One of the key factors which makes balancing work and care responsibilities challenging is the lack of affordable, flexible childcare. The difficulties created by a lack of appropriate childcare are well known.
102. According to Close the Gap childcare can be prohibitively expensive and is one of the most immediate barriers to women returning to work. This is a particular barrier for lone parents. Childcare provision is also patchy, particularly for women with disabled children and for women living in rural areas.

103. According to Barnardo’s it is very difficult to schedule work commitments around school hours if there is no flexible ‘wrap around care’ in the form of breakfast clubs or after school clubs. Marion Davis of OPFS also said—

> It is never just about the cost of childcare; it is about flexible childcare that is available at weekends and outside the standard hours.\(^{38}\)

104. Ann Henderson from the STUC advocated changes to the childcare system to include a focus on children under three. She argued that there currently is a gap in the system as all maternity pay and other supports stop at the age of one and that this is not meeting the rights of the child. She said—

> The child would have the right to a place in care, to early education and to nurturing. Such a system would deal with the rights of the child and protect the investment in the child but would also correspond to the reality of the rest of the systems.\(^{39}\)

105. The Committee recognises the work the Scottish Government has done so far on increasing childcare provision. It recommends that the Scottish Government make it a priority to continue this work to improve the availability, quality and flexibility of childcare on offer in Scotland to allow women to return to work. In particular it should consider how its early years strategy can ensure childcare provision is better integrated with adult social care services and the social security system.

106. The Committee would encourage the Scottish Government and civil society to challenge the gender stereotypes around parenting, employment and childcare. Greater emphasis should be given to both genders taking on childcare responsibility.

**Zero Hours Contracts**

107. 55% of zero-hours contracts are held by women\(^{40}\). According to Morag Gillespie of Glasgow Caledonian University insecure employment has become an increasing problem and that for zero hours contracts to work there needs to be flexibility on behalf of both the employer and the employee. She said—

> Nobody—neither man nor woman—wants to be sitting at home waiting to find out whether they are going to get any work that will allow them to pay the rent or the electricity bill (...) A zero-hours contract is really the ultimate route for exploitation if an employer chooses to deal with it in that way.\(^{41}\)
108. The Scottish Women’s Convention stated that the prevalence of part-time work, as well as the increased use of exploitative zero-hours contracts, makes it extremely difficult for women to apply for tax credits. Professor Diane Elson, Chair of the Women’s Budget Group, said—

Zero-hours contracts assume that people have no other responsibilities. Maybe that works for some people, such as young people with no caring responsibilities, but for anybody with caring responsibilities zero-hours contracts are a disaster.42

109. Morag Gillespie commented that zero hours contracts are indicative of the wider problem of short hours contracts and insecure work in general.

110. Professor Diane Elson noted that the benefits of offering more truly flexible working can be gained by the employer as well as the employee. When the Committee asked about the positives that can come from flexible working she outlined the benefits of improved productivity, staff retention and enthusiasm.

111. The Committee urges the Scottish Government to consider ways in which it can incentivise employers to provide truly flexible working arrangements for women with caring responsibilities which are beneficial for both the employer and the employee and reduce the dependence on exploitative short term and zero hours contracts.

Carers Benefits

112. According to Carers Scotland unpaid carers save the Scottish economy £10.3 billion every year.43 However, financial support for carers through the benefit system is set at the lowest rate for any income replacement benefit. Carers Scotland stated that 74% of Carers Allowance claimants are women. Close the Gap argued that this reflects the undervaluation of caring, ‘women’s work’, and the contribution of care work to the economy. Across the UK, £1 billion will be taken from carers’ incomes between 2011 and 2018.44

113. Helen Graham from Napier University argued that much of the differential impact of welfare reform has come through the unequal distribution of care between men and women. She said—

In a system that has become polarised between the strivers and the shirkers, there is a danger that those who perform unpaid care work start to be lumped in with the shirker category and are considered not to be striving in the same way as people in work. That is quite dangerous. The system needs to recognise not just the intrinsic value of care, but its instrumental value and the saving to Government that comes from people.45
114. Carers Scotland argued that many carers face significant challenges when they take on a caring role. They often see a sharp rise in household expenditure including higher energy bills, phone bills and transport costs, equipment and housing adaptations. This is often accompanied by a drop in income as the earnings disregard is so low that it can act as a disincentive to work.

115. Carers Scotland reported that carers have significant concerns over the change from Disability Living Allowance to Personal Independence Payment (DLA to PIP). They are worried about the loss of financial support for the person they care for and the consequences for their ability to afford living costs and buy or maintain essential care services or aids and adaptations. In addition, those in receipt of Carers Allowance face the possibility of loss of disability benefits causing simultaneous loss of Carers Allowance.

116. In written evidence, Carers Scotland suggested that many carers are deeply worried that losing Carers Allowance would force them to claim Jobseekers Allowance. This brings the risks of conditionality and sanctions and further loss of support as they would be unable to seek work given their on-going need to provide care. Some carers will also be affected by the benefit cap as Universal Credit is introduced.

117. The Committee thinks that the contribution that women as carers make to society and the economy should be recognised. As a step towards this goal it welcomes the Scottish Governments plan to increase the amount of Carers Allowance to match Job Seekers Allowance.

118. The Committee would welcome clarification from the DWP on whether it has considered the impact on the number of people who still require care but are unable to access it because their carers have been forced to claim Job Seekers Allowance.

Impact on lone parents

119. 92% of single parents are women. Due to the additional financial challenges single parent families’ face, they are more at risk of being in poverty. According to OPFS, 43% of children in single parent families are poor, compared to just 22% of children in couple households. OPFS estimates that there are over 169,707 single parents in Scotland and that by 2033 that number is projected to rise to 238,000.

120. OPFS highlighted the work of the Joseph Rowntree Foundation’s on Minimum Income Standards (MIS) which it annually uprates. The MIS set out the minimum amount needed to enable people to meet their needs with dignity. Research shows a single mother can now afford only 57% of the MIS, compared with 68% in 2008.
121. OPFS explained to the Committee that although sanctions have long been part of the social security system the age at which mothers are required to claim Job Seekers Allowance (JSA) (and are therefore subject to the sanctions regime) has been reducing. Single mothers are now moved across from Income Support to JSA when their child is five years old.

122. Respondents to the call for evidence suggested that the system creates pressures on lone parents to apply for, or take up, work that they do not want or that does not fit with their caring responsibilities.

123. Close the Gap noted in written evidence that recipients of JSA can be referred to Jobcentre Plus staff to complete unpaid placements of four weeks of up to thirty hours a week. Those who do not comply face sanctions. It said —

> Current provision of childcare is entirely insufficient to meet the needs of all women who are categorised as 'economically inactive'. This means that not all women will be able to meet the requirements of the programme, and will therefore be subject to sanction.\(^{46}\)

124. CPAG added that since April 2014 lone parents claiming income support or ESA can be required to attend work focused interviews if their child is aged one or over, or take part in work-related activity if their child is aged three or over.

125. The Committee recommends that the DWP should give consideration to making Job Centres more welcoming through appropriate training and providing staff with specialist knowledge and understanding of issues facing particular groups, such as, lone parents.

### Safeguards for lone parents

126. There are set of twelve safeguards put in place by the DWP to help lessen some of the impact of job seeking on lone parents who access the benefit system. According to the Fawcett Society, 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.

127. Unfortunately, these flexibilities are not always applied by Job Centre staff. The Fawcett Society highlighted in written evidence a survey conducted by the Single Parent Action Network. It found that only 25% of those surveyed had agreements with the Job Centre which stated that they could restrict their job search to vacancies within school hours, and that 43% had agreements that explicitly stated that they must be prepared to look for full-time jobs.

128. OPFS said —
Whilst in theory these flexibilities ought to provide some protection against being unfairly sanctioned, in practice they are often completely ignored as described by some of our service users.47

129. However, organisations such as Close the Gap and the Fawcett Society noted with concern that under Universal Credit, parents’ flexibilities will be significantly reduced, and detailed in guidance as opposed to regulation, further eroding the limited safety net in place. The Fawcett Society said—

> 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.48

130. The Committee recommends that there should be a rigorous application of the appropriate guidance and legislation covering the safeguards lone parents are entitled to in order to avoid single mothers being threatened with or receiving sanctions inappropriately.

131. The Committee would also encourage the DWP to reconsider the planned erosion of these flexibilities as part of the move to Universal Credit. ix

Impact on disabled women

132. According to Close the Gap, disabled women are particularly affected by the social security reforms. Many of the benefit cuts will have a disproportionate impact on them because disabled women are far less likely to be in full-time employment than non-disabled people. The employment rate for disabled men is almost 90% compared with only 40% for disabled women. The pay gap between disabled men and non-disabled men is 11%, while the pay gap when compared with non-disabled women is 22%.

133. Inclusion Scotland stated in its written submission that disabled women are particularly disadvantaged by some of the benefit cuts. In Scotland, over 55% of those in receipt of the Higher Rate Mobility component are women. Inclusion Scotland argued that as the DWP are predicting that around half of those in receipt of Higher Rate Mobility will lose it when they are reassessed for PIP. Over time this is likely to result in more women losing out than men.

134. This will have a more severe impact in Scotland which has many rural areas. Higher Rate Mobility entitles the claimant to the Motability scheme. If they lose the higher rate on the transfer to PIP many disabled women will lose their only way to access work, childcare or other supports. Inclusion Scotland described the great

ix Annabel Goldie MSP dissents from this recommendation.
deal of stress disabled women felt “due to the almost constant threat to their on-going entitlement.”

135. In a ‘Your Say’ evidence session on 05 May, Moira Sinclair, a benefit recipient told the Committee the following—

I have calculated what it would cost the state if I did not receive PIP and had to give up work. If I keep getting DLA or PIP, working and, therefore, paying my tax and national insurance, there will be a net gain to the state and taxpayer of around £5,000 per annum, because I pay around £7,800 in tax and national insurance and DLA is just under £3,000 for the year.

If I lose DLA or PIP and have to give up work, there will be a net loss of around £11,500 per annum, which would be significant if I were to work for another 20-odd years.

136. Inclusion Scotland argued that as the roll out of PIP progresses the number of women who are entitled to the benefit and its associated budget reduces. It calls for the roll out of PIP to be halted in order to preserve the level of entitlement and budget allocation before Scotland takes control of the benefit.

137. Close the Gap argued in written evidence that disabled women face a number of barriers to participation in the labour market, including discrimination, assumptions about their capabilities and stigma. It cited analysis which suggests that claimants are being moved from Employment and Support Allowance to the lower rate Jobseeker’s Allowance. Once on Jobseeker’s Allowance, recipients are subject to strict conditionality and sanctions, with 20% of all Jobseeker’s Allowance sanctions being imposed on disabled people.

138. The Committee urges the Scottish Government to consider the importance of the Motability aspect of DLA / PIP once it has powers over this area of social security. Motability is a lifeline for many disabled women that enables them to access work and childcare, reduces social isolation and allows them to contribute to society. This is particularly important in Scotland’s rural areas.

139. The roll-out of PIP and the reduction of people qualifying for the new benefit having failed to qualify from DLA has a knock on impact on the budget to be transferred to Scotland. The Committee calls on the UK Government to halt the roll-out of PIP in order to preserve the budget and entitlement for as many disabled people as possible before it transfers to Scotland.

x Annabel Goldie MSP dissents from this recommendation
Impact on women experiencing domestic abuse

140. Women are more likely to suffer domestic abuse. NHS Greater Glasgow and Clyde reported in written evidence that in Scotland, during 2012 and 2013, just over 6,000 people reported domestic abuse, with 80% of these a female victim. It also noted that single mothers are also much more likely to report domestic violence and overall have poorer health.

141. Scottish Women’s Aid said in written evidence that—

\[\text{The cumulative impact of reforms to the welfare system have acted to further reduce women’s financial autonomy, resulting in increasing poverty and insecurity for women and their children and creating increased risk of women and their children remaining with or returning to the abuser.}\]

142. According to Scottish Women’s Aid, women experiencing domestic abuse face considerable financial barriers when trying to leave an abusive partner. Women may experience financial abuse such as being denied access to independent income, prevented from working or burdened with debt.

143. Jo Ozga from Scottish Women’s Aid stated in oral evidence that two thirds of women lose their jobs due to domestic abuse. She highlighted that a lack of confidence and self-esteem make securing and maintaining a job challenging.

144. In written evidence, Inclusion Scotland stated that disabled women disproportionately experience gender based violence; are more susceptible to violence across their life course and are more likely to suffer more severe injuries as a result of this violence. Inclusion Scotland stated that experiences of domestic abuse for disabled women differ to those of non-disabled women because of the double discrimination they face as women and as disabled people.

145. The Committee recommends that specialist advisers are available in every Job Centre to be able to deal with women who have had experience of domestic abuse.

Domestic Violence Easement

146. A domestic violence easement (DVE) exists for women who are threatened with, or experiencing, domestic violence for an initial period of four weeks (with a possible extension to a total 13 weeks). This exempts them from fulfilling their job-seeking requirements while exiting their abusive relationship.
147. However, the easement can only be accessed under specific conditions. It is only offered if directly requested by the claimant. The Committee heard in oral evidence that many women have no idea that this support is available. The Fawcett Society argued that take up of the support is low as the burden of disclosure rests solely with the client and that the DWP does not publicise this service.

148. Scottish Women’s Aid echoed this point and noted in written evidence that women are not routinely informed about the availability of the easement despite recommendations in the DWP’s own research that this information should be provided. In a survey conducted by the charity, it found that women were informed about the easement by Job Centre staff in only 15% of their cases. Scottish Women’s Aid argued that a lack of information on the easement can result in women being sanctioned as they are unable to fulfil job-seeking activities.

149. Belinda Phipps of the Fawcett Society called on the guidance on easements in relation to Jobseekers Allowance to be put into regulations. However, she noted that the easement itself is currently insufficient and overly complicated.

150. The Committee recommends that the DWP starts promoting its Domestic Violence Easement flexibilities to remove the job seeking pressures from women exiting abusive relationships. It also recommends that the burden of disclosure should not rest solely with the claimant.

The Benefit Cap

151. The benefit cap is a limit on the total amount of certain benefits, including child benefit, JSA and Employment and Support Allowance (ESA) that households can receive. CPAG reported an increasing number of cases of women with children whose housing benefit has been reduced as a result of the cap. Most cases relate to families placed in expensive temporary accommodation after fleeing domestic violence. CPAG cited the following example in their written evidence—

> A lone parent with 4 children has a £332.34 shortfall in rent due to the benefit cap. When she left her husband she was advised by the local authority to look for a private let due to the shortage of social rented properties. Discretionary housing payments (DHP) were only awarded for 3 months and she was informed it would be unlikely that she would be given a further award unless she could prove she was taking steps to find work by attending work focused interviews. The local authority also informed her that they thought her living expenses were excessive because they included counselling sessions for one child and larger than average electricity bills.
152. The Committee recommends that the benefit cap should be suspended for women who are fleeing domestic violence and are forced to live in expensive temporary accommodation. Funding should also be available for women to be able to access refuge accommodation regardless of their entitlement to housing benefit.

EEA Nationals

153. Changes to the residence test mean that European Economic Area (EEA) Jobseekers lose their ‘right to reside’ and claim means tested benefits in the UK after 91 days, unless they can provide compelling evidence they are seeking and have a genuine prospect of finding work. This means that EEA nationals could lose entitlement to benefits such as JSA or housing benefit.

154. These reforms appear to be having a disproportionate impact on women. In part this is because women are less likely to be able to find a job quickly due to caring responsibilities. According to Engender women whose right to reside is based on being a job seeker are not able to access financial support in order to leave an abusive partner. It argues that the rules are complex and lead to confusion about entitlement, incorrect advice and delays in claims that put women who are experiencing domestic abuse at greater risk.

155. In addition, there is a particular concern for women trying to leave abusive relationships where their right to reside is based on their partner’s status. There is a concern that in many cases, women who came to the UK as part of a couple will not be entitled to housing benefit when they try to claim in their own right.

156. The Committee recommends that the UK Government consider what further security and protection it can offer to women who wish to leave abusive partners whose right to reside is based on that partner’s status.

157. The Committee suggests that the UK Government extend the domestic violence support available to include EEA national job seekers to ensure those who have been subject to domestic abuse are able to apply for help.

Impact on refugee women

158. Nina Murray of the Scottish Refugee Council (SRC) highlighted the existing barriers that many refugees face when they come to the UK. This includes health issues as well as trauma and persecution experienced in their countries of origin. This can be compounded by language barriers and a lack of knowledge of the benefits system.

---

xi Annabel Goldie MSP dissents from this recommendation.
159. The SRC stated in written evidence that refugees face significant risk of destitution. The main driver of this destitution in relation to welfare is the administrative delay upon being granted leave to remain. In particular, following the 28-day ‘move-on’ period following a grant of international protection after which all Home Office is withdrawn. The submission said—

Securing a National Insurance Number (NINO) and bank account, applying for and receiving benefits payments, and finding a new home within a 28-day timeframe is extremely challenging, even without consideration of the language barriers, physical and mental health needs, childcare responsibilities, lack of knowledge of the system, and lack of means or support networks that many refugees must contend with.  

160. The SRC notes that in general it is the male in the household who receives a national insurance number and women may not receive theirs for several weeks. On some occasions women never receive their national insurance number without significant advocacy work on their behalf. This can leave some women destitute with no rights to claim benefits in their own name and potentially no bank account or financial independence.

161. On average the SRC reports that it takes 42 – 50 days for their clients to receive any benefit. Benefits claimed by women in general are the longest to process. SRC figures show that women wait on average 50 days for Child Benefit and 69 days for Child Tax Credits to be put in place. The Committee heard that the only way to plug this gap is through discretionary funds like the Scottish Welfare Fund or Discretionary Housing Payments.

162. SRC also highlighted the experience of women on family reunion visas. These women are reliant on their partner as sponsor for access to social security or other public funds, placing them in an extremely vulnerable position, particularly if they experience a relationship breakdown or domestic abuse.

163. The Committee recommends that a system which better supports refugee women and their families is introduced rather than one that leaves refugees facing a financial cliff edge after the 28 day ‘move on’ period.

164. The Committee recommends that the UK Government consider the restrictions and the lack of financial autonomy that the current system places on refugee women. In particular, the Government should do more to speed up the process for refugee women to be able to receive a national insurance number and make benefit claims in their own right.

165. The Committee recommends that any Scottish Employment Support Programme should include a more tailored English language support programme which is designed with the needs of the claimants in mind in light of Scotland’s English for Speakers of Other Languages strategy.
Impact on women’s mental health

166. Many respondents to the call for evidence reported that the process of claiming benefits, living on benefits, and changes to benefits was stressful for claimants. This stress can negatively impact on their mental health. Sources of stress included: finding the process itself confusing; the waiting time involved; and unpleasant experiences of medical assessments or tribunals.

167. NHS Greater Glasgow and Clyde cited evidence that women in their area have a significantly poorer mental health profile compared to men. They argue that loss of income and stigma through sanctioning or changes in benefits are very large risk factors in precipitating mental health problems and suicide. Their data suggests that changes to the social security system will have a disproportionate impact on women experiencing depression.

168. Bill Scott from Inclusion Scotland commented on his organisation’s recent report on the impact of social security reforms on disabled people. He stated that some women are being forced to relive traumatic experiences to justify their benefits claims, at times when experiencing post-traumatic stress disorder. He noted that this would not have happened under the old paper based system that existed for the Disability Living Allowance. He suggested that women previously would be able to disclose the particular traumatic experience and provide medical evidence of its impact. Now, the focus is on physical effects rather than mental health effects. He said—

> The evidence shows that, if mental health is taken into account, it is taken into account in a very negative way. Of the disabled people who are sanctioned, 60% have either mental health issues or learning difficulties or both.\(^{54}\)

169. As part of the sanctions and conditionality regime a claimant has to sign a commitment outlining exactly what they will do in order to receive their benefit. Mr Scott raised the concern that many women may have an incomplete understanding of the conditions that apply to them and may agree to conditions within the claimant commitment that are completely unrealistic for them.

170. The Committee would like to see a social security system in which people with mental health problems are treated fairly, with respect and have access to the appropriate support.
171. The Committee is concerned that people with mental health problems and others with little understanding of the system may end up agreeing to a claimant commitment which is unsuitable and places unreasonable expectations on the claimant. It calls for further training and discretion in job centres to avoid clients being made to agree to commitments that they will never be able to adhere to.

172. When asked whether women should be able to choose their adviser in the job centre Bill Scott replied—

> Mental health issues might make dealing with a male jobcentre worker quite difficult because very personal details will have to be disclosed. Those are difficult to disclose even to a woman, but maybe that is slightly less fraught. I agree with that approach.  

173. The Committee recommends that benefit claimants should have more discretion over who is selected to be their job centre adviser.

174. Jo Ozga from Scottish Women’s Aid informed the Committee that ESA assessments do not take account of the mental or physical impact of domestic abuse. Scottish Women’s Aid noted in its written submission that the recent tightening of the eligibility criteria for ESA discriminates against women with mental health issues. The new screening system places additional requirements on women to prove their exceptional level of need. Women now need to provide proof that they are at a higher risk of self-harm or suicide than men in the same assessment. This was also commented on by Bill Scott of Inclusion Scotland.

175. The Committee is shocked to hear that women are made to prove that they are more at risk of self-harm than men in equivalent ESA assessments. It strongly urges the UK Government to rewrite the rules in relation to this discriminatory part of the ESA assessments.

**Impact on children**

176. Hanna McCulloch from CPAG said—

> we know that 100,000 more children will be living in poverty in Scotland by 2020 than was the case in 2012, largely as a result of welfare reform—and that is before we take into account the new freezes on benefits that have been announced, such as the freeze on child benefit.
177. Child benefit is paid to the main carer (generally the mother) of a child and it can be an important financial resource for women who may have limited alternative income. Child benefit rates were frozen for three years between 2011-12 and 2013-14. They were then uprated by 1% in 2014-15. It is estimated by the Scottish Government that between 2011-12 and 2015-16 a family with two children will receive £1,100 less than they would have done had child benefit been uprated by RPI inflation.57

178. Hanna McCulloch argued that the proposed freeze on child benefit for the next two years will have an extremely detrimental impact. She explained to the Committee that child benefit is vital and that it is a key area to invest in so that assistance is given to low income families. She said—

“... At the moment, there are many suspensions, sanctions and delays, but child benefit tends to remain a constant, so it is a guarantee of some income for households with children while difficulties are leading to other benefits being suspended.” 58

179. OPFS cautioned that the stress and ill health caused by the fear and threat of sanctions sometimes forces mothers into making decisions that they would not choose to make in the best interests of their children.

180. Belinda Phipps from the Fawcett Society said—

“... it is important to recognise that the effects of benefit sanctions go well beyond the period of the sanctions and significantly impact on everyone who lives within the household. Children are particularly negatively affected as it can result in an increase in the pressure on parents which impacts on their ability to meet their children’s social, emotional, physical and educational needs.” 59

181. Barnardo’s stated in its written submission that where sanctions are applied to a claimant with children special provision needs to be made. It argued that it is not enough to say that benefit sanctions do not impact on children because Child Benefit is not withheld as part of the sanction. The reality of the situation in the experience of Barnardo’s is that this is not the case.

182. The Committee recognises that if a sanction is applied to a parent then it will impact on the income of the household as a whole, even if that household is in receipt of child benefit. The Committee recommends that special provision be made for claimants with children so that the children are not negatively affected by sanctions.

183. Mark Ballard of Barnardo’s encouraged the Committee to make a more explicit link between social security and child poverty and in particular the strong connections to the Child Poverty Strategy and the Getting it Right for Every Child
(GIRFEC) approach. He also encouraged the Committee to raise this issue with the Health and Sport Committee and the Education and Culture Committee. He said—

“When we think about child poverty, we should recognise much more explicitly that social security for women and child poverty go hand in hand, because it is not the children but their parents who are poor.”

184. As an example, Mark Ballard raised the issue of wellbeing in relation to the GIRFEC approach and duties under the Children and Young People (Scotland) Act 2014. He questioned how those duties will be interpreted when the primary factor undermining wellbeing of the child is growing up in chronic or acute poverty.

185. The Committee acknowledges that there should be a stronger link between the social security system and the Scottish Government’s approach to child poverty and to ‘Getting it Right for Every Child. It encourages the Scottish Government to consider these links when it is planning the delivery of devolved benefits.

186. When the Convener asked about the impact of the lack of maternity grants Belinda Phipps, CEO of the Fawcett Society responded that what would work better is to start Child Benefit, at a reduced rate, while the mother is pregnant. This would allow a mother a small guaranteed income in order to feed themselves properly and assist their baby’s development. Not having the appropriate nutrition while pregnant is one of the causes of premature birth which is traumatic for mother and baby and expensive for the NHS to deal with.

187. The Committee notes that the UK Government abolished the Health in Pregnancy Grant in 2011. It recognises that allowing a mother access to good nutrition during pregnancy would improve the health of both mother and child and reduce demands on the NHS. It recommends that the UK Government should consider starting financial support for low income mothers when they become pregnant rather than when the child is born.\(^{xii}\)

188. A member of the public who contributed to the call for evidence said the UK Government has announced changes to child support that is collected from a non-resident parent and given to a resident parent. The changes will mean that if parents have to use the Child Support Agency to administer the support - the non-resident will have to pay more, and the resident parent will be given less. This could be perceived as the introduction of a fee on the service and it is said to encourage parents to come to private agreements. Fife Gingerbread said a

\(^{xii}\) Annabel Goldie MSP dissents from this recommendation.
campaign is needed to raise awareness about the changes in child maintenance and the move over to ‘family agreements’.

189. The Committee will write to the UK Government to obtain further information on the changes made to child support to ascertain whether payments to the resident parent are being reduced as a result of the involvement of the Child Support Agency.

Impact on Human Rights

190. The Human Rights Consortium Scotland stated in its written evidence that—

“Designing and delivering welfare which has an equally positive impact on men and women, and ensuring access to justice when people have a problem are key elements of a human rights compliant system.

191. Angela O’Hagan from the Scottish Women’s Budget Group, informed the Committee that from a human rights perspective there is already international attention being given to what is happening in the UK. In its concluding observations, the United Nations Committee on the Elimination of Discrimination against Women highlighted its concerns about the UK’s actions in relation to public spending cuts and their impact on women.

192. In relation to issues around social security, the International Covenant on Economic, Social and Cultural Rights (ICESCR) is also extremely relevant. Article 9 states that everyone has the right to social security, including social insurance. Article 11 also states that everyone has a right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.

193. The ICESCR monitor has severely criticised the UK Government for its failure to meet the fundamental right to food as set out in article 3. Amongst the causes of increased hunger in the UK, it identifies the previous UK Government coalition’s welfare reforms, including sanctions. Marion Davis from OPFS also noted a recent case passing through the Supreme Court against the benefit cap which found that although the measure was upheld as lawful, three of the judges criticised it for not being in line with the UN Convention on the Rights of the Child.

194. The Human Rights Consortium highlighted to the Committee that the UK record on the ICESCR will again be examined by the United Nations at a hearing in 2016 and that civil society in Scotland will be proposing a ‘list of issues’ this year which the UN may wish to raise directly with the UK Government.

195. The Human Rights Consortium also raised the issue of section 6 of the Scottish Commissioner for Human Rights Act which specifically prohibits the Scottish
Human Rights Commission taking up or advising on cases which creates a gap in its ability to help people and communities. It argued that as cases involving human rights and austerity can be costly and difficult to progress, it would be helpful if the SHRC could take up individual cases and test unfair rules which are considered to restrict economic and social rights.

196. Bill Scot highlighted the issues surrounding the pace at which human rights cases are passing through the courts. He said—

> Justice delayed is justice denied. Although the human rights are there, the court system needs to speed itself up in relation to human lives. It is not an effective remedy if people cannot get justice for three years—or six or seven years, or even a lot longer, in some equal pay cases.  

197. The Committee notes that the UK’s record on economic, social and cultural rights will be examined by the United Nations at a hearing in 2016. The Committee will consider making a submission which can be presented to the United Nations as part of civic Scotland’s reactions to the impact of the benefit system on women.

198. The Committee would encourage the courts to speed up the processing of cases involving the reforms to the social security system and the impact on economic, social and cultural rights.

Multiple impacts – I don’t just fit in one box

199. Throughout its scrutiny the Committee was struck by the complexity of people’s lives and how many women would not fit neatly into one box. Christina McKelvie MSP said—

> There is a tendency of the welfare system to put people into silos by saying, for instance, “You are a lone parent”, “You are fleeing domestic violence” or “You are a carer.”

200. In many cases it is apparent that women do not fit neatly into one administrative box but they have a variety of issues at play in their lives which are relevant to the benefits system. Belinda Phipps, CEO of the Fawcett Society said—

> If a person is female, the system does not work for them, but if they have anything else at all—if they cannot speak English very well, are disabled, have mental health problems or are a lone parent—there are issues.
201. It was argued by Barnardo’s that the cumulative impact of benefit reform were, tipping more families into crisis and aggravating pre-existing difficulties such as mental health problems, substance misuse and relationship breakdown.

202. When the Committee suggested that a cumulative impact assessment would be important in determining the true impact of the reforms it was met with agreement by witnesses. Marion Davis of OPFS said that many organisations have already called for that kind of assessment but that Westminster has not responded.

203. The Committee has been struck by the complexity of women’s lives in relation to the benefit system. Many don’t fit neatly into one administrative box and will be hit by reforms to carers, disability and children’s benefits. The Committee calls on the UK Government to urgently conduct a cumulative impact assessment of all the welfare reforms to identify the true impact on families and households.

Knock on impact on the community and local services

204. In oral evidence, witnesses suggested to the Committee that the impact of the reforms to the social security system and sanctions in particular are felt more widely than just the individual involved. Mark Ballard said—

> It is still unclear how the savings in welfare would be delivered without having massive unintended consequences and follow-on costs and without causing misery and poverty for the people who rely on those benefits.  

205. When people are in crisis they will turn to their support networks in order to bridge a financial gap. Morag Gillespie of Glasgow Caledonian University said—

> there are wider implications, as the deepening of poverty from sanctions will be spread through communities. It will not just affect the individual people who are sanctioned.

206. Charities and services are also feeling the pressure as a result of the reforms of the social security system. Almost every organisation which appeared in front of the Committee was able to give an example of ways in which their services were being put under increasing pressure. Many are being forced to deal with the consequences of welfare reform such as supporting people who have a lack of food or addressing a welfare rights issue before they are able to deal with the actual support issue they are there to address.

207. Local authorities are also feeling the pressure. For example Barnardo’s highlighted the impact of the benefit changes in a child’s performance at school.
and exclusion levels. The impact of the changes can have a serious long-term negative impact on children. Mark Ballard highlighted that services such as education are not anti-poverty services but they are still coping with the consequences of welfare reform. He said—

we see local authorities that want to do that preventative spend work but cannot, because the crisis management that they are having to do is too expensive to allow them to invest in that.67

208. The Committee recognises the ripple effect that the welfare reforms are having across local communities, the third sector and local authorities. It believes that many of the savings achieved by the welfare reforms will be lost through increased costs dealing with the consequences of the reforms.xiii

Training and awareness of DWP staff

209. As noted above the Committee has heard that many women have issues with the support that they receive when visiting the Job Centre and that many of the staff were not aware of the supports that should be provided. Suzanne Conlin from the Scottish Women’s Convention said—

It is about ensuring that there is support at the heart of the system, because most women do not know much of the detail and they are at the mercy of their adviser. It is about ensuring that there is a good support system.68

210. Ann Henderson from the STUC made the point that Job Centre staff are trying to deliver a service without adequate resources and within a punitive system. She noted that extra staff members and additional support for Job Centres would be beneficial.

211. However, Nina Murray from the SRC cautioned that additional training and awareness can only go so far when dealing with a punitive system.

212. Throughout this report the Committee has highlighted examples of Job Centre staff being unaware or not communicating the additional supports that are available to women. The Committee would refer the UK Government to all of the recommendations contained in the various sections of this report that relate to staff training, awareness and attitude.

xiii Annabel Goldie MSP dissents from this recommendation.
213. The Committee also recommends that the Scottish Government continues to invest in advice and advocacy services to ensure that benefit claimants are aware of their rights and how to access them.

Gender based budgeting

214. The Scottish Women’s Budget Group advocated conducting a cross portfolio analysis of the budget, spending plans and economic strategy. It claimed that the aim of achieving a transformative shift in gender relations is disconnected with the realities of what is happening within the benefit system.

215. Engender stated in written evidence that the Scottish Government is unique within the UK for its use of equality budgeting mechanisms (EBS). However, it noted that its impact is limited because its analysis and findings do not influence spending plans. Organisations such as Engender and the Scottish Women’s Budget Group are calling for the EBS to inform the development of the Draft Budget, rather than serving as a stand-alone document. They also called for the Welfare Reform Committee to conduct a gender budget analysis when scrutinising the Draft Budget 2016-17.

216. Jill Wood from Engender said—

"The point is broader and relates to the need for compensation for what has been lost, given that so much has been taken from women’s income. The broader point is that there is a need for a gendered budget analysis that looks at where money has been taken away and how to remedy the situation."

217. The Committee agrees to consider a gender based analysis for its scrutiny of the draft budget 2016 – 17.

218. The Committee recommends that the Scottish Government consider the ways in which it can better integrate the equality budget statement with spending plans and its economic strategy.

219. The Committee suggests that the Scottish Government identifies funding for community-based women’s organisations to provide gender sensitive services relating to the impact of welfare reform.
Future welfare in Scotland

220. Suggestions were put forward for practical ways in which the Scottish Government would be able to make changes to improve the situation for women in the benefits system. For example:

- The power to vary the housing cost elements and administration of Universal Credit offers the potential to better support women’s financial autonomy.
- The power over benefits for disabled people and carers holds the potential to more holistically support those involved.
- The powers to create new benefits in areas of devolved responsibilities and over discretionary payments could better mitigate the current discrimination faced by women within the social security system.
- Powers over employability programmes could allow schemes that are properly tailored to the needs of women.

221. Some witnesses had concerns about the speed at which the devolution of further powers has taken place and the likely complex division of benefits and responsibilities between Scotland and the UK Government. Others questioned the draft clauses and whether they would be able to give Scotland the flexibility it would need to tackle the issues. However, there was hope that any new powers and delivery systems would offer opportunities to learn from and address gender discrimination.

222. Bill Scott from Inclusion Scotland urged the Scottish Government to genuinely work together with people who will use the future benefit system in Scotland so that it takes into account all needs, and particularly childcare needs. He said—

“The people who know best how the system affects their lives are the women, including disabled women, who are in the system. They can make recommendations.”

223. Jill Wood from Engender encouraged the Scottish Government to take stock of issues such as women’s caring responsibilities and the pay gap, and link them to policy areas in Scotland such as employability, social care and childcare.

224. Angela O Hagan of the Scottish Women’s Budget Group advocated the introduction of more humane welfare systems and argued that Scotland should develop an approach that focuses on social security, social investment and protection. She highlighted the ‘Plan F’ document that has been produced by the Scottish and UK Women’s Budget Group which puts forward ideas on feminist

*At the time of the call for evidence the draft bill had not been published.*
economic strategy. She also called for better allocation of public resources and better scrutiny of how public authorities make their decisions.

225. The Scottish Women’s Budget Group also made a plea for future powers to be used to remove employment tribunal fees. It explained to the Committee that there has been a 91% fall in sex discrimination cases, primarily in pregnancy and maternity-related discrimination. It noted the cumulative impact of women losing their jobs when they are on maternity leave, having no access to justice and being forced into a benefits system that is not designed for them.

226. Hanna McCulloch advocated poverty proofing children’s services which are used by low income families. This could involve, for example, maximising through advocacy work the incomes of families who have been sanctioned, challenging sanction decisions and minimising the outgoings of low-income families at times of crisis.

227. The Committee calls on the Scottish Government to use the opportunity offered by the devolution of new powers to examine the services required to better support those in need. As part of this process the Scottish Government should create an action plan for how it is going to mitigate the impact of welfare reform on women. The plan should take stock of employability services, social care and child care provision.

228. The Committee urges the Scottish Government to genuinely work with the people receiving benefits to work together to create any devolved systems which impact on them.

229. The Committee calls on the UK Government to ensure that the Scotland Bill provides for maximum flexibility on employment support and the creation of new benefits, in line with the substance and spirit of the Smith Commission recommendations. xv

230. The Committee notes the drop in tribunal cases being brought forward regarding women who experience sex discrimination during maternity leave. The Committee recognises the importance of having access to justice and would encourage the Scottish Government to investigate the further merits of removing fees for employment tribunals. xvi

Equality Impact Assessments

231. To inform the best use of the new powers Angela O Hagan of the Scottish Women’s Budget Group said—

---

xv Annabel Goldie MSP dissents from this recommendation but for the avoidance of doubt she does support the Smith Commission.

xvi Annabel Goldie MSP dissents from this recommendation.
In the scrutiny of public spending and public authorities, we must consider the extent to which there is a robust gender analysis. Time and investment need to be put into improving gender analysis and awareness across public authorities, because decisions are repeatedly made in a way that completely ignores the conditions and circumstances to which colleagues round the table have alluded.\(^7\) 

232. Throughout the Smith Commission process, Engender, Close the Gap, along with other organisations working on gender equality in Scotland; have called for gender equality to be mainstreamed in discussions, and for robust gender impact assessment to inform the development of any proposals on the further devolution of powers. It is critical that a gender analysis is embedded throughout the process of further devolution.

233. The Scottish Women’s Budget Group also called for the Scottish Government to integrate effective equality analysis in the promotion, administration and analysis of the Scottish Welfare Fund. The Group also called on the Scottish Government to direct local authorities to ensure equality impact assessments of Discretionary Housing Benefits are undertaken and appropriate and sufficient training is provided in DHP procedure and equality impact analysis for officials.

234. Belinda Phipps, CEO of the Fawcett Society said—

> Until we can get to the stage where our young boys and girls are brought up without the gender differentiation that pushes women into low-paid, lowly valued work and until we change the situation where carers are almost exclusively women while boys stay away from doing any of the domestic support work, we have to design our system through a gendered lens.\(^7\)

235. The Committee calls on the Scottish Government to embed gender and human rights analysis throughout the process of further devolution, including through the work of the Joint Ministerial Working Group on Welfare or its successor body.
Conclusions and recommendations

A full summary of all conclusions and recommendations

The Committee finds that women have been disproportionately impacted by the reforms to the social security system. This not only negatively impacts on them but also on the people that they care for. The Committee recommends that both the Scottish and the UK Government should demonstrate the gender impact of their policy decisions and take steps to mitigate these.

Women in low paid work

The Committee recommends that any social security programmes over which the Scottish Government has control should be designed to overcome the barriers which prevent or restrict women’s labour market participation.

The Committee also encourages the Scottish and UK Governments to put in place measures to better address occupational segregation and the gender pay gap in their social security provisions.

Benefit uprating

The Committee recommends that the UK Government report to the UK Parliament on the impact of benefit uprating on levels of adult and child poverty across the UK. The results of this report should be taken into account by the UK Government when making a decision about whether to continue the policy in future.

Universal Credit

The Committee welcomes the proposals in the new Scotland Bill to allow Scotland discretion over administrative elements of Universal Credit. The Committee would support a move away from monthly payments and single household payments and would also support the ability to make payments directly to the landlord. This will be an essential tool in preserving women’s financial autonomy, ability to budget and to provide for their children.

---

xvii Annabel Goldie MSP dissents from this recommendation.
The stated intention of Universal Credit (UC) is to make it easier for everyone to gain and sustain employment. UC uses earnings disregards to calculate the amount exempt from the total used to calculate benefit entitlements. The Committee believes that the current level of disregard for second earners, who are mostly women, is a disincentive to women working. The Committee calls on the UK Government to re-examine the allowances for second earners to make work more financially worthwhile.

The Committee recommends that the DWP reconsider the policy of in work conditionality. The Committee believes that in work conditionality will inevitably punish women who are unable to find or unable to take on the additional work required due to caring responsibilities, additional support needs or underemployment. xviii

The Committee recognises that many people turn to self-employment in an attempt to overcome the systematic difficulties inherent in trying to balance work, health issues and family life. It believes that applying an arbitrary minimum income floor policy for self-employed women may discourage their attempts to work. It therefore recommends that this policy be reviewed to allow for greater flexibility in the system. xix

Working Tax Credits

The Committee has heard evidence that the current system of tax credits provides essential support for women who work. However, it has also heard that it is cumbersome, may discourage women going for promotion, doesn't fit with irregular working hours and has an increased focus on hunting out “undisclosed partners”. The Committee urges the UK Government to take the opportunity to refresh this system to take into account the needs of modern working mothers in the move to Universal Credit.

The Committee acknowledges that fraud is a serious concern. However, it believes that the response from HMRC should be proportional to the level of risk and that it should not remove essential funds from mothers until convincing evidence is available.

xvii Annabel Goldie MSP dissents from this recommendation
xx Annabel Goldie MSP dissents from this recommendation
Employability and job seeking support

The Committee welcomes the proposal to devolve power over the work programme to Scotland. It urges the Scottish Government when planning for its new delivery to learn the lessons from previous successful schemes and recognise the value that voluntary and care work has to offer society and the economy.

The Committee suggests that to be at its most effective job-seeking support should be integrated across health, housing and social care. It should also be tailored to meet the needs of particular groups, for example, refugee women, disabled women, women experiencing domestic abuse, unpaid carers and former carers.

Sanctions

The Committee has previously reported on the impact of sanctions. It continues to urge the DWP to review how its policies are being applied at a local level to ensure that sanctions are only ever applied as a last resort. Many people are unaware why they have been sanctioned or that a sanction has even been put in place. The sought after behavioural change can only be achieved if people understand why the sanction is occurring.

The Committee feels that it is unreasonable to hold claimants to an unachievable standard of behaviour through the sanctions regime. It also acknowledges the evidence put forward highlighting the DWP’s own difficulty with delays, maladministration and errors.

The Committee recommends that discretion is used by Job Centre staff when dealing with vulnerable adults, especially those who have children. Every effort should be made to provide support to allow them to achieve their work goals rather than be sanctioned punitively. Support should also be given to women with poor English skills, pregnant women, disabled women, older women or carers.

The Committee joins with the UK Parliament’s Work and Pensions Committee to call on the UK Government to conduct a comprehensive, independent review on sanctions to identify whether they are actually encouraging people into work.

The Committee recommends that the UK Government publish a tracking study to follow the true cost of being sanctioned and how this impacts on local authority services, the third sector and the NHS.
The Committee would also welcome a revision of the sanctions appeals process so that appeals are able to be processed within a matter of days. More effort should also be made on the part of the DWP to clearly communicate the sanctions and appeals process to claimants.

Impact on women as carers

The Committee recognises that there can be an expectation for women to return to work whilst they face challenges trying to balance their work and caring responsibilities. It believes that it is counterproductive to try and encourage women back to work without putting in place the support required to enable them to do so. For example, flexible working and suitable childcare.

The Committee recognises the work the Scottish Government has done so far on increasing childcare provision. It recommends that the Scottish Government make it a priority to continue this work to improve the availability, quality and flexibility of childcare on offer in Scotland to allow women to return to work. In particular it should consider how its early years strategy can ensure childcare provision is better integrated with adult social care services and the social security system.

The Committee would encourage the Scottish Government and civil society to challenge the gender stereotypes around parenting, employment and childcare. Greater emphasis should be given to both genders taking on childcare responsibility.

The Committee urges the Scottish Government to consider ways in which it can incentivise employers to provide truly flexible working arrangements for women with caring responsibilities which are beneficial for both the employer and the employee and reduce the dependence on exploitative short term and zero hours contracts.

The Committee thinks that the contribution that women as carers make to society and the economy should be recognised. As a step towards this goal it welcomes the Scottish Government’s plan to increase the amount of Carers Allowance to match Job Seekers Allowance.

The Committee would welcome clarification from the DWP on whether it has considered the impact on the number of people who still require care but are unable to access it because their carers have been forced to claim Job Seekers Allowance.
Impact on lone parents

The Committee recommends that the DWP should give consideration to making Jobcentres more welcoming through appropriate training and providing staff with specialist knowledge and understanding of issues facing particular groups, such as, lone parents.

The Committee recommends that there should be a rigorous application of the appropriate guidance and legislation covering the safeguards lone parents are entitled to in order to avoid single mothers being threatened with or receiving sanctions inappropriately.

The Committee would also encourage the DWP to reconsider the planned erosion of these flexibilities as part of the move to Universal Credit. xx

Impact on disabled women

The Committee urges the Scottish Government to consider the importance of the Motability aspect of DLA / PIP once it has powers over this area of social security. Motability is a lifeline for many disabled women that enables them to access work and childcare, reduces social isolation and allows them to contribute to society. This is particularly important in Scotland’s rural areas.

The roll-out of PIP and the reduction of people qualifying for the new benefit having failed to qualify from DLA has a knock on impact on the budget to be transferred to Scotland. The Committee calls on the UK Government to halt the roll-out of PIP in order to preserve the budget and entitlement for as many disabled people as possible before it transfers to Scotland. xxi

Impact on women experiencing domestic abuse

The Committee recommends that specialist advisers are available in every Job Centre to be able to deal with women who have had experience of domestic abuse.

The Committee recommends that the DWP starts promoting its Domestic Violence Easement flexibilities to remove the job seeking pressures from women exiting abusive relationships. It also recommends that the burden of disclosure should not rest solely with the claimant.

xx Annabel Goldie MSP dissents from this recommendation.
xxi Annabel Goldie MSP dissents from this recommendation
The Committee recommends that the benefit cap should be suspended for women who are fleeing domestic violence and are forced to live in expensive temporary accommodation. Funding should also be available for women to be able to access refuge accommodation regardless of their entitlement to housing benefit.\textsuperscript{xxii}

The Committee recommends that the UK Government consider what further security and protection it can offer to women who wish to leave abusive partners whose right to reside is based on that partner’s status.

The Committee suggests that the UK Government extend the domestic violence support available to include EEA national job seekers to ensure those who have been subject to domestic abuse are able to apply for help.

**Impact on refugee women**

The Committee recommends that a system which better supports refugee women and their families is introduced rather than one that leaves refugees facing a financial cliff edge after the 28 day ‘move on’ period.

The Committee recommends that the UK Government consider the restrictions and the lack of financial autonomy that the current system places on refugee women. In particular, the Government should do more to speed up the process for refugee women to be able to receive a national insurance number and make benefit claims in their own right.

The Committee recommends that any Scottish Employment Support Programme should include a more tailored English language support programme which is designed with the needs of the claimants in mind in light of Scotland’s English for Speakers of Other Languages strategy.

**Impact on women’s mental health**

The Committee would like to see a social security system in which people with mental health problems are treated fairly, with respect and have access to the appropriate support.

\textsuperscript{xxi} Annabel Goldie MSP dissents from this recommendation.
The Committee is concerned that people with mental health problems and others with little understanding of the system may end up agreeing to a claimant commitment which is unsuitable and places unreasonable expectations on the claimant. It calls for further training and discretion in job centres to avoid clients being made to agree to commitments that they will never be able to adhere to.

The Committee recommends that benefit claimants should have more discretion over who is selected to be their Job Centre adviser.

The Committee is shocked to hear that women are made to prove that they are more at risk of self-harm than men in equivalent ESA assessments. It strongly urges the UK Government to rewrite the rules in relation to this discriminatory part of the ESA assessments.

Impact on children

The Committee recognises that if a sanction is applied to a parent then it will impact on the income of the household as a whole, even if that household is in receipt of child benefit. The Committee recommends that special provision be made for claimants with children so that the children are not negatively affected by sanctions.

The Committee acknowledges that there should be a stronger link between the social security system and the Scottish Government’s approach to child poverty and to ‘Getting it Right for Every Child’. It encourages the Scottish Government to consider these links when it is planning the delivery of devolved benefits.

The Committee notes that the UK Government abolished the Health in Pregnancy Grant in 2011. It recognises that allowing a mother access to good nutrition during pregnancy would improve the health of both mother and child and reduce demands on the NHS. It recommends that the UK Government should consider starting financial support for low income mothers when they become pregnant rather than when the child is born.\textsuperscript{xxiii}

The Committee will write to the UK Government to obtain further information on the changes made to child support to ascertain whether payments to the resident parent are being reduced as a result of the involvement of the Child Support Agency.

\textsuperscript{xxiii} Annabel Goldie MSP dissents from this recommendation.
Impact on Human Rights

The Committee notes that the UK’s record on economic, social and cultural rights will be examined by the United Nations at a hearing in 2016. The Committee will consider making a submission which can be presented to the United Nations as part of civic Scotland’s reactions to the impact of the benefit system on women.

The Committee would encourage the courts to speed up the processing of cases involving the reforms to the social security system and the impact on economic, social and cultural rights.

Multiple impacts

The Committee has been struck by the complexity of women’s lives in relation to the benefit system. Many don’t fit neatly into one administrative box and will be hit by reforms to carers, disability and children’s benefits. The Committee calls on the UK Government to urgently conduct a cumulative impact assessment of all the welfare reforms to identify the true impact on families and households.

Knock on impact on the community and local services

The Committee recognises the ripple effect that the welfare reforms are having across local communities, the third sector and local authorities. It believes that many of the savings achieved by the welfare reforms will be lost through increased costs dealing with the consequences of the reforms.

Training and awareness of DWP staff

Throughout this report the Committee has highlighted examples of Job Centre staff being unaware or not communicating the additional supports that are available to women. The Committee would refer the UK Government to all of the recommendations contained in the various sections of this report that relate to staff training, awareness and attitude.

The Committee also recommends that the Scottish Government continues to invest in advice and advocacy services to ensure that benefit claimants are aware of their rights and how to access them.

---

xxiv Annabel Goldie MSP dissents from this recommendation.
Gender based budgeting and impact assessments

The Committee agrees to consider a gender based analysis for its scrutiny of the draft budget 2016 – 17.

The Committee recommends that the Scottish Government consider the ways in which it can better integrate the equality budget statement with spending plans and its economic strategy.

The Committee suggests that the Scottish Government identifies funding for community-based women’s organisations to provide gender sensitive services relating to the impact of welfare reform.

Future welfare in Scotland

The Committee calls on the Scottish Government to use the opportunity offered by the devolution of new powers to examine the services required to better support those in need. As part of this process the Scottish Government should create an action plan for how it is going to mitigate the impact of welfare reform on women. The plan should take stock of employability services, social care and child care provision.

The Committee urges the Scottish Government to genuinely work with the people receiving benefits to work together to create any devolved systems which impact on them.

The Committee calls on the UK Government to ensure that the Scotland Bill provides for maximum flexibility on employment support and the creation of new benefits, in line with the substance and spirit of the Smith Commission recommendations. xxv

The Committee notes the drop in tribunal cases being brought forward regarding women who experience sex discrimination during maternity leave. The Committee recognises the importance of having access to justice and would encourage the Scottish Government to investigate the further merits of removing fees for employment tribunals. xxvi

The Committee calls on the Scottish Government to embed gender and human rights analysis throughout the process of further devolution, including through the work of the Joint Ministerial Working Group on Welfare or its successor body.

---

**xxv** Annabel Goldie MSP dissents from this recommendation but for the avoidance of doubt she does support the Smith Commission.

**xxvi** Annabel Goldie MSP dissents from this recommendation.
6 Engender (2012) Multiple Jeopardy: The impacts of the UK Government’s proposed welfare reform on women in Scotland
7 Carers UK (2014) Caring and Family Finances Inquiry
8 The National Carers Organisations (2013) Submission to the Expert Group on Welfare
11 Evidence noted from Close the Gap and Professor Diane Elson, Chair of the Women’s Budget Group
14 Welfare Reform Committee, Official Report, 21 April 2015, Col 6
15 Welfare Reform Committee, Official Report, 19 May 2015, Col 34
16 Welfare Reform Committee, Official Report, 19 May 2015, Col 32
17 Welfare Reform Committee, Official Report, 19 May 2015, Col 36
18 Welfare Reform Committee, Official Report, 19 May 2015, Col 33
19 Welfare Reform Committee, Official Report, 19 May 2015, Col 7
20 Welfare Reform Committee, Official Report, 19 May 2015, Col 29
21 DWP (2013) Research about how the move to Universal Credit will affect self-employed tax claimants
22 Scottish Women’s Convention, written evidence, Welfare Reform Committee
23 Close the Gap, written evidence, Welfare Reform Committee
24 Welfare Reform Committee, Official Report, 19 May 2015, Col 46
25 Inclusion Scotland, written evidence, Welfare Reform Committee
27 Welfare Reform Committee, Official Report, 19 May 2015, Col 14
28 Scottish Women’s Convention, written evidence, Welfare Reform Committee
29 Barnardos, written evidence, Welfare Reform Committee
30 Welfare Reform Committee, Official Report, 19 May 2015, Col 44
31 Welfare Reform Committee, Official Report, 19 May 2015, Col 44
33 Welfare Reform Committee, Official Report, 02 June 2015, Col 44
34 Welfare Reform Committee, Official Report, 19 May 2015, Col 37
35 Welfare Reform Committee, Official Report, 19 May 2015, Col 30
36 Welfare Reform Committee, Official Report, 19 May 2015, Col 27
37 Welfare Reform Committee, Official Report, 02 June 2015, Col 15
38 Welfare Reform Committee, Official Report, 02 June 2015, Col 48
39 Welfare Reform Committee, Official Report, 02 June 2015, Col 20
40 Welfare Reform Committee, Official Report, 19 May 2015, Col 28
41 Welfare Reform Committee, Official Report, 19 May 2015, Col 28
42 Welfare Reform Committee, Official Report, 19 May 2015, Col 30
43 Carers Scotland, written evidence, Welfare Reform Committee
44 Close the Gap, written submission, Welfare Reform Committee
45 Welfare Reform Committee, Official Report, 19 May 2015, Col 47
46 Close the Gap, written submission, Welfare Reform Committee
47 OPFS, written submission, Welfare Reform Committee
48 OPFS, written submission, Welfare Reform Committee
49 Inclusion Scotland, written evidence, Welfare Reform Committee
50 Welfare Reform Committee, Official Report, 05 May 2015, Col 09
51 Scottish Women’s Aid, written evidence, Welfare Reform Committee
52 Scottish Refugee Council, written evidence, Welfare Reform Committee
53 Scottish Refugee Council, written evidence, Welfare Reform Committee
59 Barnardos, written evidence, Welfare Reform Committee
61 Just Fair Consortium (2014) *Just Fair, Going Hungry? The Human Right to Food in the UK*
63 Welfare Reform Committee, Official Report, 19 May 2015, Col 37
65 Welfare Reform Committee, *Official Report*, 02 June 2015, Col 34
70 Welfare Reform Committee, *Official Report*, 02 June 2015, Col 8
72 Welfare Reform Committee, *Official Report*, 02 June 2015, Col 4
Annexe A

Extract from the minutes of the Welfare Reform Committee and oral evidence

5th Meeting, 2015 (Session 4) Tuesday 10 March 2015
**Decision on taking business in private:** The Committee agreed to take item 4 in private.
**Work programme (in private):** The Committee agreed its work programme.

6th Meeting, 2015 (Session 4) Tuesday 24 March 2015
**Work programme:** The Committee agreed that in relation to the inquiry into Women and Welfare, session of oral evidence on the impact of welfare reform on children’s services, session of oral evidence on "bedroom tax" mitigation and the inquiry into the welfare powers to be devolved following the recommendations of the Smith Commission—
  a. Consideration of any oral evidence received will be completed in private after the end of the public session;
  b. Decisions on witness expenses should be delegated to the Convener;
  c. All draft reports will be considered in private;
  d. To authorise the Convener to seek approvals for Committee events where necessary.

9th Meeting, 2015 (Session 4) Tuesday 19 May 2015
**Women and welfare:** The Committee took evidence from—
  Professor Diane Elson, Chair, UK Women’s Budget Group;
  Dr Helen Graham, Research Fellow, Employment Research Institute, Edinburgh Napier University;
  Morag Gillespie, Senior Research Fellow, Glasgow Caledonian University;
  Howard Reed, Director, Landman Economics.

10th Meeting, 2015 (Session 4) Tuesday 2 June 2015
**Women and Welfare:** The Committee took evidence from—
  Anna Ritchie Allan, Project Manager, Close the Gap;
  Jill Wood, Policy Manager, Engender;
  Bill Scott, Director of Policy, Inclusion Scotland;
  Belinda Phipps, CEO, The Fawcett Society;
  Nina Murray, Women’s Policy Development Officer, Scottish Refugee Council;
  Angela O'Hagan, Convener, Scottish Women's Budget Group;
  Suzanne Conlin, Board of Directors, Scottish Women's Convention;
Ann Henderson, Assistant Secretary, STUC; Jo Ozga, Policy Worker, Scottish Women’s Aid; Mark Ballard, Head of Policy, Barnardo’s Scotland; Hanna McCulloch, Policy and Parliamentary Officer, Child Poverty Action Group (CPAG) in Scotland; Marion Davis, Head of Policy & Research, One Parent Families Scotland.

**Women and Welfare (in private):** The Committee reviewed the evidence heard earlier in the meeting.

---

**12th Meeting, 2015 (Session 4) Tuesday 16 June 2015**

**Women and Welfare (in private):** The Committee considered a draft report.
Annexe B

Written evidence received

- Anonymous written submission 1
- Anonymous written submission 2
- Anonymous written submission 3
- Anonymous written submission 4
- Anonymous written submission 5
- Anonymous written submission 6
- Barnardo's Scotland
- Carers Scotland
- Child Poverty Action Group
- Citizens Advice Scotland
- Close the Gap
- Employment Research Institute Edinburgh Napier University
- Engender
- Fawcett Society
- Fife Gingerbread
- Human Rights Consortium Scotland
- Inclusion Scotland
- Morag Gillespie
- NHS Greater Glasgow and Clyde
- NHS Health Scotland
- One Parent Families Scotland
- Poverty Alliance
- Professor Ronald McQuaid
- Perthshire Women's Aid
- Ross-shire Women's Aid
- SCVO
- Scottish Refugee Council
- Scottish Women's Aid
- Scottish Women's Budget Group
- Scottish Women's Convention
- Stirling and District Women's Aid
- Who Cares? Scotland
- Women for Independence
- Zero Tolerance