



On the rise

Single parent sanctions in numbers

April 2017
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About this report

This report is the first from a project looking at the impact of jobseeker's allowance sanctions on single parent families, and focuses on the quantitative data available on single parent sanctions.

We would like to thank Trust for London for supporting the project and commenting on drafts of this report. Many thanks also to Professor David Webster for his advice on our analysis. Any inaccuracies or omissions are the author's own.

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About Gingerbread

Gingerbread is the national charity for single parent families.

Since 1918, we've been providing single parent families with expert advice, practical support and tailored services, as well as campaigning to make sure single parents' voices are heard.

We won't stop working until we achieve our vision – a society in which single parent families are treated equally and fairly.

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Executive summary

The benefit sanctions system has come under increased scrutiny in recent years – particularly since the introduction of a new system of rules for the key unemployment benefit, jobseeker’s allowance (JSA), in October 2012. The government maintains sanctions are used as a last resort for a very small minority of benefit claimants and that improvements have been made to processes to ensure the system is fair. Nevertheless, there has been a steady stream of questions about the policy raised by the public, campaigners, academics, an independent review, the National Audit Office (NAO) and parliament.

Criticisms of benefit sanctions range from procedural complaints to questioning the need for any sanctions system. One particular concern is that sanctions continue to penalise claimants for genuine mistakes or for failings in administration by the Department for Work and Pensions (DWP), rather than claimants intentionally contravening rules or avoiding job-seeking duties. This is especially pertinent for single parents. From Gingerbread’s advice and research experience, late arrival for an appointment a childcare emergency or DWP advisers’ lack of understanding of how single parents’ caring responsibilities can limit job-seeking too often results in sanctions.

The prospect of sanctions is worrying given the implications of losing financial support when caring for children – even more so when they are deemed unfair. Moreover, there is a concern that pushing families with limited means into further deprivation will impede, rather than enhance, job-seeking – for example, by putting housing at risk through rent arrears.

These concerns go to the heart of the purpose of the sanctions system. Given their significance, Gingerbread has begun examining how sanctions affect single parents in more detail, looking at whether sanctions really are a very minor part of the benefit system, the extent of unfair single parent sanctions and the broader impact of sanction decision-making.

This report presents the first stage of this assessment, looking at the quantitative data held on JSA sanctions. This process has been frustrated by the lack of fundamental data – particularly annual estimates of JSA recipients, which are needed to undertake a robust analysis of the risk of being sanctioned faced by claimants. This is an issue that points to broader disquiet about the ability to scrutinise sanctions policy, as highlighted most recently by the NAO and Public Accounts Committee. For accountable and transparent government policy, proper access to data is needed. While the DWP may not intentionally withhold or suppress data, it is nonetheless concerning and discouraging that basic data to assess the sanctions system is still not published – particularly in light of a period of heightened tensions over the policy.

Data limitations aside, this analysis presents sober reading. The data shows how the intensification of conditionality rules over the past decade has been accompanied by stricter sanctioning for single parents. Once referred, single parents are now more likely to end up with a sanction than in the past. Single parents continue to be sanctioned unfairly. While high level sanctions have become less frequent in recent months, single parents are now more likely to face multiple low level sanctions. Most worryingly, single parents continue to be particularly at risk of being sanctioned unfairly.

These findings suggest further investigation of how sanctions are used and implemented is needed to avoid unnecessary risks to families. With significant changes to conditionality on the horizon for those on low incomes, both in and out of work, there is an urgent need for the government to take action. More single parents will be expected to look for work under universal credit from April 2017.

Instead of full job-seeking requirements starting once their youngest child turns five, they will begin once their youngest child turns three. Further down the line, the DWP is set to implement ‘in-work conditionality’ in universal credit, where claimants will be expected to increase hours or wages to earn the equivalent of 35 hours at the minimum wage. When the data suggests unfair and inappropriate use of sanctions still persists, it begs the question as to whether now is the time to extend their reach.

Key findings

- **The sanction regime is a significant part of the benefit system and cannot be dismissed as a minor element of welfare**

In the last decade, over 209,000 single parents claiming JSA were referred for a sanction; with some referred more than once, there were nearly 436,000 referrals in total – this is around one in seven single parent JSA claimants a year brought into the sanctions process, peaking at one in five single parents in recent years

- **Sanctions have affected a large number of single parent families**

In the last decade, around 160,000 single parents have had a sanction imposed on them – ie their referral has not been dismissed – meaning around 250,000 children of single parents have been affected by sanctions

- **An overall monthly sanction rate, the DWP’s preferred measure, of 6 per cent underestimates the risk of sanctioning for single parents – in the last five years, the estimated annual sanction rate was double this figure**

In recent years, after reforms moved many more single parents onto JSA from income support and the instigation of a stricter sanctions regime in October 2012, the estimated annual single parent sanction rate peaked at around one in seven (14-15 per cent)

- **Single parents who are referred for a sanction are more likely to end up with a sanction imposed than a decade ago**

Single parents are more likely to be referred for a sanction than they were ten years ago; once referred, they are also more likely to end up with a sanction – in April 2005, 40 per cent of single parent referrals reached a sanction, compared to 65 per cent in June 2016

- **Single parents are still particularly at risk of being unfairly sanctioned**

Since the new rules were introduced in October 2012, 62 per cent of formal challenges to single parent sanctions have been successful, compared with 53 per cent of challenges to other sanctions, indicating single parents are more likely to have been unfairly sanctioned than other claimants

- **Sanctions have had a significant financial cost for single parents**

Under the new regime alone, sanctions have stopped around £40 million in JSA payments to single parents – or around £31 million once hardship payments are taken into account

- **Many more single parents are at risk from the extension of conditionality**

If the rate of sanctioning remains the same, a further 16,500 single parents with pre-school children will be sanctioned due to the April 2017 changes to job-seeking conditions; even more will be affected once in-work conditions are also introduced.

Introduction

Gingerbread has long been concerned about how single parent families are affected by both sanctions and the wider system of 'conditionality' (the system of rules to be followed in order to access financial support from the state), particularly regarding:

- Whether rules are implemented fairly – recognising the limits that balancing childcare and work can place on job-seeking for single parents, and distinguishing between wilful non-compliance and poor administration of rules
- The impact of sanctions and conditionality on families with children who are already struggling to make ends meet
- The relative effectiveness of conditions and sanctions compared with other forms of employment support in achieving employment outcomes (Newis, 2014).

At the same time as a policy shift towards tougher sanctions rules for people claiming benefits with job-seeking requirements in 2012, the use of sanctions has faced increasing scrutiny and criticism in recent years (Oakley, 2014; Work and Pensions committee, 2015; Johnsen, 2016; NAO, 2016). This public debate has drawn attention to everything from claimants' awareness of rules to the overall purpose and effectiveness of the system.

This briefing is the first from a project examining the current state of sanctions for single parents on jobseeker's allowance, in the context of this widening critique of the current system. It sets out new analysis, outlining the extent to which existing data covering the past decade supports Gingerbread's concerns regarding current sanctions policy, and how policy changes have affected single parent sanctions to date. In particular, it looks at:

- Whether the government claim that sanctions are a very minor part of the benefit system is true, by examining:
 - Single parent sanction referrals, to measure the full reach of sanctions decision-making
 - Single parent sanctions, where referrals have not been dismissed and a sanction is imposed, suspending JSA payments
- Whether there is still evidence to suggest that single parents are being unfairly sanctioned, by examining the rate at which sanction decisions are overturned
- The impact of sanctions according to available national statistics.

With further reforms of conditionality rules on the horizon, the data provides a timely evidence base on the changing – and increasing – risk of sanctions faced by single parents when conditionality is intensified.

Sanctions: a brief history – and why they still loom large

Benefit sanctions underpin the system of conditionality for state support for those who are out of work. Sanctions – the reduction or suspension of payments – enforce this system; if conditions are not followed, sanctions are applied.

Conditionality has long-existed to some degree for unemployment benefits, but the focus on welfare recipient behaviour has intensified since the late 1980s (Watts et al., 2014). Indeed, the rationale for conditionality – that claimants need the ‘stick’ of conditions and sanctions as well as the ‘carrot’ of financial and employment support to seek work – has largely been accepted by policymakers across the political spectrum, with conditionality rules tightening under successive governments since 1997 (Newis, 2014).

For single parents, this shift was most notable under New Labour. A package of reforms was introduced to increase the single parent employment rate, with increased support provided alongside:

- Compulsory work-focused interviews for single parents on income support, who were previously exempt from work preparation (from 2001)
- ‘Lone Parent Obligations’ (LPO) reforms, which removed entitlement to income support by ending eligibility when a single parent’s youngest child turned five rather than 12 (introduced in phases) and therefore moved many single parents onto JSA and the ‘full’ job-seeking conditions.

There has also been a shift in the type of sanctions used over the past decade, with penalties more focused on non-compliance with job-seeking rules, rather than other conditions such as being ‘involuntarily unemployed’ (ie not out of choice). This has resulted in more ‘fixed length’ sanctions, rather than variable length or other sanctions. This change was cemented under the JSA sanctions regime introduced in October 2012 by the coalition government. While conditions stayed the same, penalties changed: variable length sanctions were scrapped and the maximum fixed length penalty increased from 26 weeks to a maximum of three years.

This latest shift in 2012 seemed to be driven by two arguments. First, more severe sanctions were needed in order to discourage benefit claimants from not complying with benefit rules. Second, less variety in (albeit, for some, longer) sanction lengths was needed in order for greater clarity over the consequences of failing to follow benefit rules. Taken together, the government stated, the new regime would create a “tougher but fairer” system (DWP, 2012).

“Choosing a life on benefits when you’re able to work is not an option. These rules send out a clear message to jobseekers... People cannot expect to keep their benefits if they do not hold up their end of the bargain.”

DWP, 2012

How many single parent sanctions are there?

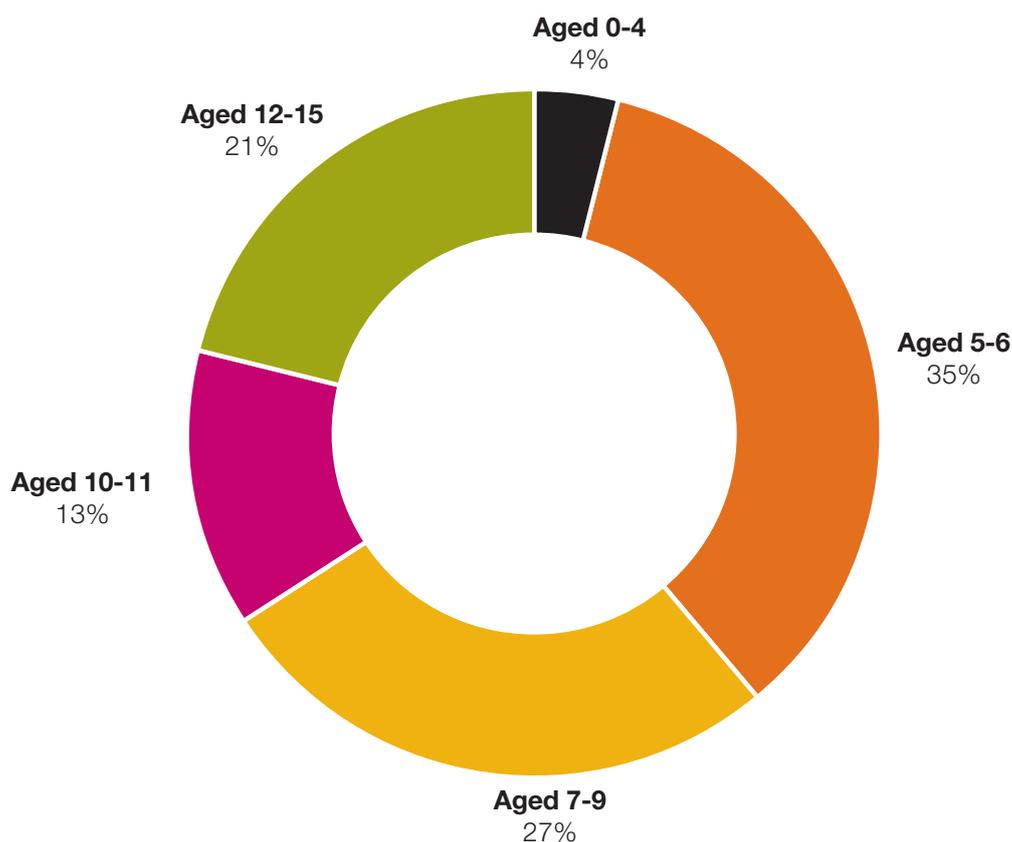
Counting single parent sanctions is tricky – not helped by the complexity of, and gaps in, DWP data. Our estimates show that, over the past decade:

- Around 160,000 single parents had a sanction imposed – ie JSA payment was stopped
- With some receiving multiple sanctions, JSA for single parents was stopped around 245,000 times
- The annual JSA sanction rate for single parents has markedly climbed, peaking at around one in seven single parents on JSA being sanctioned in recent years.

Single parents receiving JSA

There has been a big shift over time in the number of single parents receiving JSA, in line with LPO reforms (see introduction), which moved many single parents from income support to JSA. Over the first 12 months of public data (from April 2005), there was a monthly average of around 7,200 single parents claiming JSA. Over the past 12 months, there have been nearly 70,000 single parents claiming JSA each month on average. Today, with LPO reforms fully rolled out, three-quarters of single parent JSA recipients have a primary school-aged child (Figure 1). Just 4 per cent of single parents receiving JSA are under 25 years old (DWP, 2017).

Figure 1 Single parents receiving JSA, by age of youngest child (December 2016)



Single parents brought into sanction system: sanction referrals

The impact of the sanction regime begins before payments are stopped. As soon as claimants are referred for a sanction, they are brought into the sanctions process. The process has an impact from the point of referral, with claimants needing to deal with the accompanying warning letters, administration and decision-making as their case progresses.

The full scale of JSA sanctions can therefore be measured by the total number of referrals; when we look at these figures, the extent of the system becomes clear. Over the past decade¹, there have been over 209,000 single parents referred for a sanction. However, some single parents receive more than one referral – in total, there have been nearly 436,000 single parent sanction referrals over the same period.

In fact, the data indicates it has become more common to face multiple referrals under the new system introduced in October 2012, with the average number of sanction referrals per single parent increasing between the old and new regimes (DWP, Stat-Xplore). It is difficult to assess the reasons for this shift from the statistics alone, but it does suggest the application of conditionality and sanctioning rules has intensified.

Getting a sense of the scale of sanction referrals relative to the overall number of single parents claiming JSA – in other words, the risk of being referred for a sanction – is difficult. As others have noted, a monthly (rather than annual) rate of referrals underestimates the risk faced by those on JSA for longer than a month (The Guardian, 2015a). This is particularly important given the rise in multiple referrals – the higher risk of being referred for a sanction would not be captured by a monthly rate if further referrals occur in a later month.

However, the total number of JSA claimants is only published on a monthly basis; a calculation of the annual referral rate therefore needs to look at a combination of data sources. While the DWP estimated annual numbers of all JSA claimants for a Freedom of Information request (DWP, 2014), a similar request in late 2016 for single parent claimants has still not yielded any data. The alternative source used here (the Longitudinal Labour Force Survey) involves small base numbers and should therefore be treated with caution, but is the best conservative estimate in the absence of DWP annual claimant data.

Our estimates show that, over the past decade, around one in seven single parents receiving JSA has been brought into the sanctions system annually – peaking at one in five in 2012/13, the year the new regime was introduced (Figure 2). The time trend data also shows a steady rise in the referral rate during the introduction of LPO reforms. These referral rates give us a more complete understanding of the full extent of the JSA sanctions system than monthly data or solely focused on when a sanction is finally applied. It is evident from this data that the overall sanctions system is not, as the DWP portrays, simply a “last resort” measure of the benefit system affecting “a tiny minority” of claimants (The Guardian, 2015b). Rather, the sanctions system is one that affects a sizeable number and proportion of single parent JSA recipients – and has continued to do so up to 2015/16, the latest year for when data is available.

¹ Unless specified otherwise, this refers to all data to date – April 2005 to September 2016.

Box 1: Explaining sanctions data – referrals, outcomes and levels

Referrals: 255,000 for single parents since the new system began

All referrals in the system can be broken down by the stage they've reached



Outcomes

At any stage, all referrals can be broken down by outcome

Adverse: A decision to impose a sanction (or to ensure a sanction stays in place)

Non-adverse: A sanction is not applied (or a sanction is overturned)

Cancelled: Specific reasons for not applying a sanction, eg the incident occurred just after a claim ended

Reserved: A sanction is correct but cannot be applied, eg the JSA claim has stopped

Sanctions

No sanction

Non-adverse, cancelled and reserved referrals at the 'original decision' stage mean a sanction is not imposed

Sanction imposed (before being challenged)

Sanctions are imposed once the 'original decision' reaches an adverse outcome – any referrals which have reached an adverse original decision or one of the formal challenge stages (decision review, mandatory reconsideration or appeal) are the total number of sanctions imposed (before any overturns once challenged).

Sanction lengthⁱ

Low level: Four weeks' JSA (£72.20 per week) for first sanction, 13 weeks for second or further sanctions

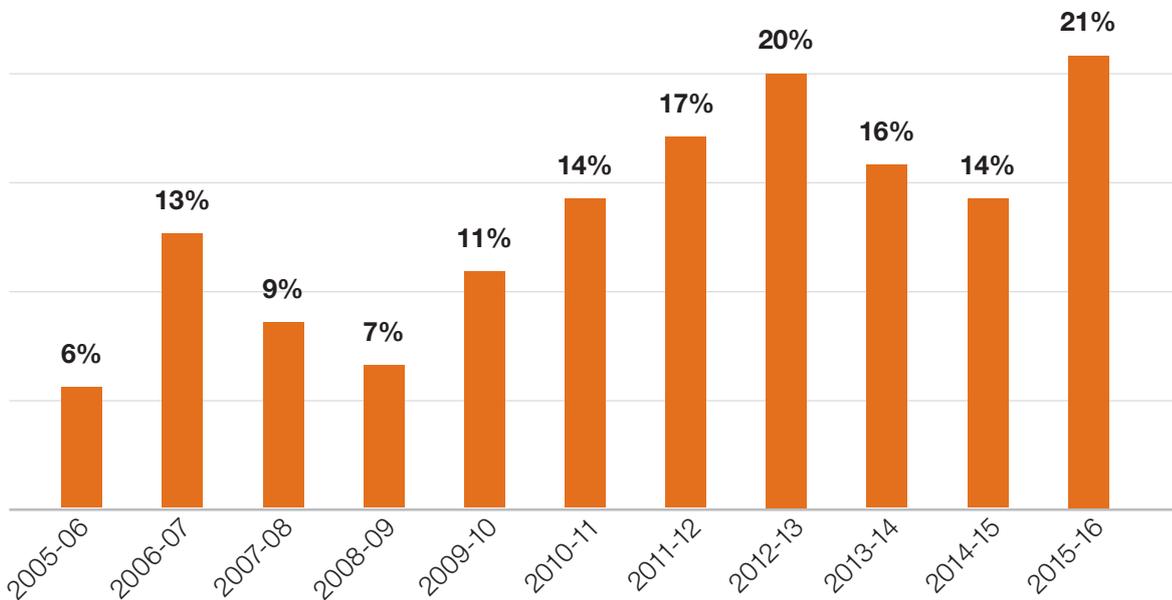
Intermediate level: Deemed no longer eligible followed by up to four weeks' loss for first sanction and up to 13 weeks for second or further sanctions

High level: 13 weeks' loss for first sanction, 26 weeks (six months) for second and 156 weeks (three years) for third or further sanctions

ⁱ The three levels of sanctions are part of the new rules introduced in October 2012.

Figure 2 Estimated annual rate of single parents being referred for a sanction

Single parents receiving a JSA sanction referral as a percentage of the estimated number of single parent JSA claimants



Source: DWP Stat-Xplore; annual single parent claimant data estimated using the Labour Force Survey Five-Quarter Longitudinal dataset, April-June.

Why are single parents referred for sanctions?

Under the current sanctions system, the most common reasons for a single parent to be referred for a sanction are for failing to participate in the Work Programme 'without good reason', not actively seeking employment, and failing to attend or participate in an adviser interview 'without good reason'. These three reasons alone cover around nine out of ten (88 per cent) of single parent sanctions under the new regime.

Due to the way the current regime is structured, the level of sanction also affects the reason for a sanction. Intermediate sanctions, for example, are intended for failing to be available for work – hence almost all (95 per cent) of single parent sanctions relate to the 'not actively seeking employment' category.

Sanctioned single parents: how often is money stopped?

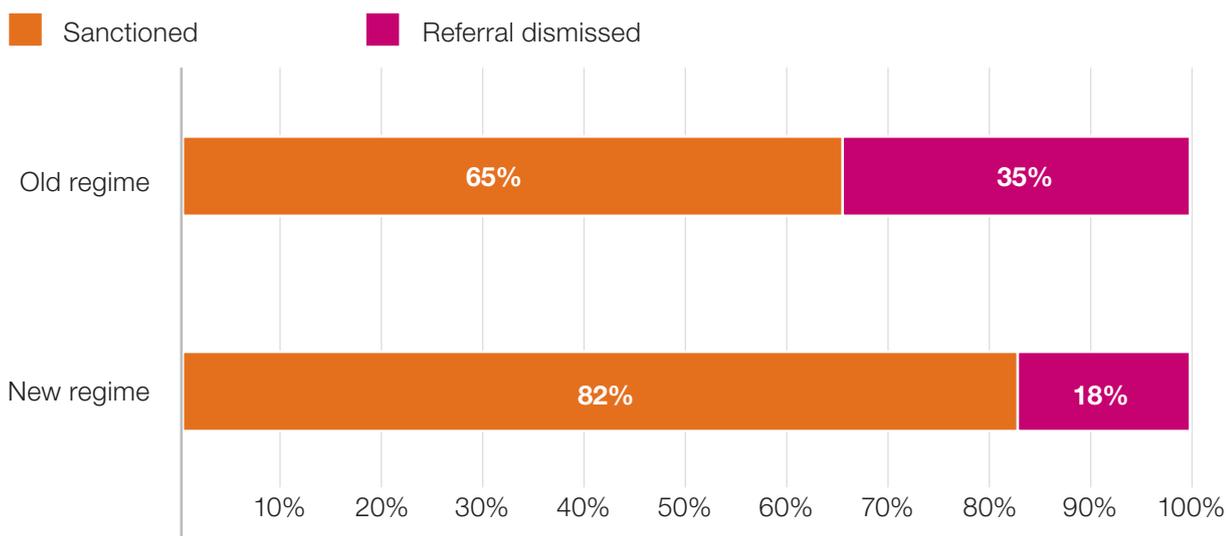
The number of actual JSA sanctions will be less than the total number of referrals, as some referrals are overruled before payments are stopped (at the ‘original decision’ stage – see Box 1). The exact calculation of sanctions has, however, been a thorny issue for some time – in terms of defining both a sanction itself and the rate of sanctions. Our approach aims to address the UK Statistics Authority call for a more complete measure of sanctions – for more detail, see our methodology.

Since April 2005, some 160,000 single parents have been sanctioned around 245,000 times.² When comparing these figures with the above data on referrals, it suggests that single parents facing a referral have a relatively high risk of ending up with a sanction – particularly under the new regime (Figure 3).

What does this mean in terms of the rate of sanctions for single parents claiming JSA – how likely is it for the average single parent receiving JSA to be sanctioned? The DWP maintains that sanctions are a “necessary part of the benefits system”, used as a last resort (DWP, 2015a). DWP Ministers have argued that the monthly sanction rate is low, at 6 per cent of all JSA claimants, and therefore illustrates the infrequent use of sanctions as a compliance measure. Indeed, the monthly sanction rate for single parents is in fact lower – hovering at over 2 per cent as a broad average each month since data started in April 2005, peaking at 5.1 per cent in October 2013 (DWP Stat-Xplore).

Figure 3 Risk of being sanctioned once referred

% of single parents with a referral who end up with a sanction



Source: DWP Stat-Xplore. Data covers all referrals to date (April 2005 to September 2016).

² The individuals sanctioned are presented to the nearest 10,000 due to the less precise nature of calculations based on individual data (individuals can be counted more than once, once data is broken down to calculate whether a sanction has been imposed). The total number of sanctions is presented to the nearest 1,000.

“Sanctions are only used as a last resort in a small percentage of cases, with over 94 per cent of JSA claimants...not being sanctioned”

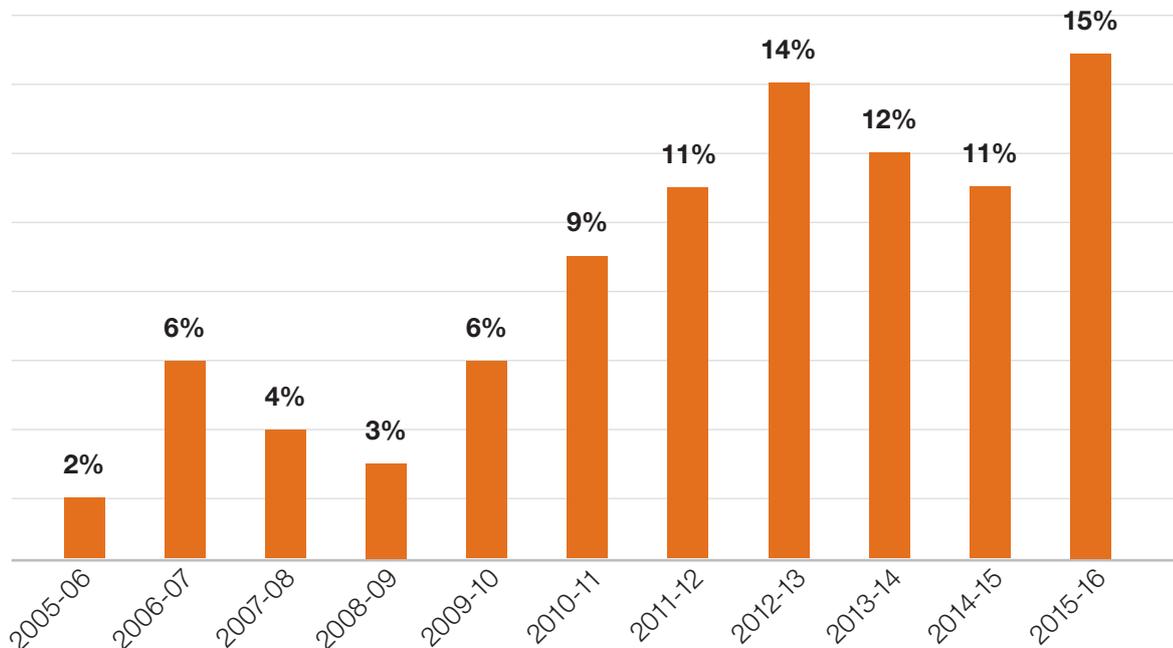
DWP, 2015 α

However, as noted above, monthly data underestimates the true risk of sanctions for the majority who remain on JSA for longer than a month. In fact, some 85 per cent of all JSA claimants remain on the benefit for over a month, making this underestimate significant. In addition, the DWP calculation includes only adverse outcomes, omitting cancelled or reserved decisions and sanctions before they have been overturned. This approach undercounts the DWP's intended use of sanctions (see the methodology section for further discussion).

When we look instead at annual data, our estimates show that the risk of being sanctioned for a single parent JSA claimant has gone up markedly since 2010/11 (Figure 4; see p18 for more on time trends). In recent years, this reached a peak of around one in seven single parents (14-15 per cent) claiming JSA being sanctioned. And, as some parents are sanctioned more than once, the full impact of sanctions is even greater. It is clear, then, that single parents claiming JSA face a far greater risk of sanctions than the monthly 2-5 per cent rate implies.

Figure 4 Rate of single parents being sanctioned, 2005/06-2015/16

Single parents receiving a JSA sanction, as a percentage of the estimated number of single parent JSA claimants



Source: DWP Stat-Xplore; annual single parent claimant data estimated using the Labour Force Survey Five-Quarter Longitudinal dataset, April-June.

Are single parents unfairly sanctioned?

Single parents’ sanctions are more likely to be overturned than others’ – under the current regime, three-fifths (62 per cent) of formal challenges to single parent sanctions are successful, compared with around half (53 per cent) of challenges to other sanctions. A breakdown of the way decisions are dismissed suggests there is a risk that jobcentre advisers may be over-referring single parents for sanctions compared with other claimants.

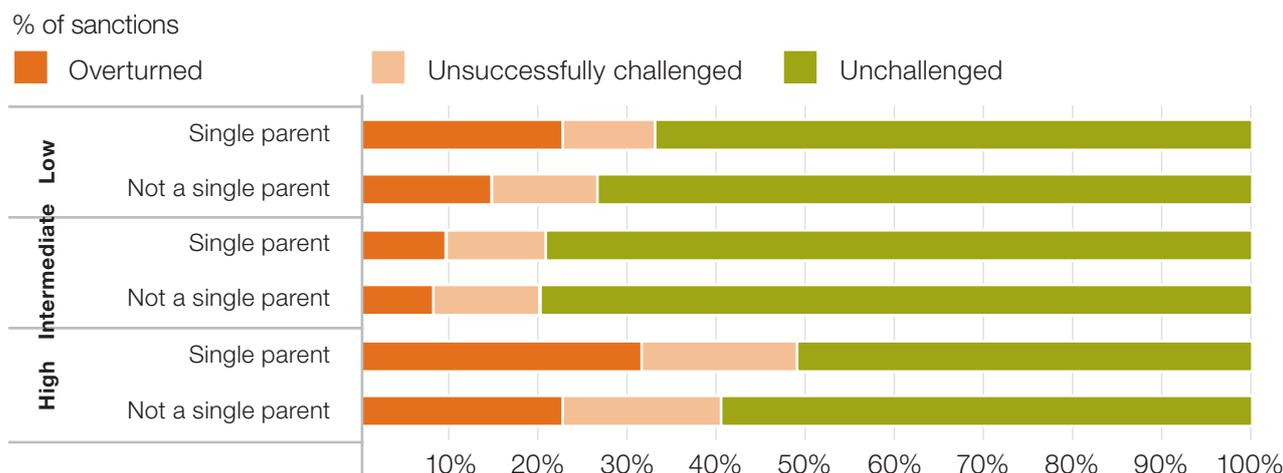
While overall sanction rates tend to be slightly lower for single parents than other JSA claimants, the data suggests that single parent sanctions are more likely to be overturned once challenged. Under the new regime, 19 per cent of single parent sanctions have been overturned to date, compared with 14 per cent of other JSA sanctions.³

Does this mean single parents disproportionately receive unfair sanctions? Digging beneath the overall overturn rate suggests that this difference is in part because single parents are more likely to formally challenge their sanction (through decision reviews, mandatory reconsiderations or appeals) – 32 per cent of single parent sanctions were challenged, compared with 26 per cent of other JSA sanctions.

Importantly, though, when we look at the overturn rate of formal challenges (rather than of all sanctions, to take into account the higher rate of single parent challenges), we still see that single parents have a higher overturn rate. Of the 32 per cent of single parent sanctions challenged, 62 per cent are successful; this compares with a 53 per cent successful challenge rate for other JSA claimants. This suggests that single parents are indeed particularly at risk of unfair sanctions – once challenged, single parents’ sanctions are more likely to be overturned.

As shown in Figure 5, the difference in the proportion of sanctions overturned is particularly prominent for low and high level sanctions (though relatively small numbers of the latter means caution is needed when interpreting these figures). The differences for low level sanctions are particularly concerning given they make up over half of all single parent sanctions under the new regime. This also seems to bear out single parent calls to Gingerbread helplines where single parents are penalised for minor infractions which were either through a genuine mistake or administrative errors – but not intentional non-compliance (see case study on p18).

Figure 5 Differences in rate of overturned sanctions in the current regime, by sanction level (October 2012 – September 2016)



Source: DWP Stat-Xplore. Data covers all referrals to date (April 2005 to September 2016).

³ The data here focuses on the new regime to ensure consistency, as the appeal process changed with the introduction of the ‘mandatory reconsideration’ phase.

When trying to unpick how single parent sanction decision-making is different, differences in the ways in which sanctions are overturned seem to emerge. The data shows single parent referrals are more likely to be ruled ‘non-adverse’ (ie dismissed or overturned when formally challenged because a sanction was not appropriate) than other JSA claimants’ referrals. Conversely, referrals for other claimants are more likely to be ‘cancelled’ (due to specific errors in administration rather than a sanction not being appropriate, such as if the ‘fault’ occurs when JSA is no longer being claimed or necessary further information cannot be obtained). However, it is not clear why this would be so, particularly as a higher proportion of single parent referrals are from the external providers such as the Work Programme, which have been prone to errors (NAO, 2016), than for other claimants. It leaves open the possibility that advisers tend to over-refer single parents for sanctions relative to other claimants.

Box 2: London's single parent sanctions

London alone makes up a fifth of single parent sanctions. This reflects the high proportion of single parent claimants in the capital – at September 2016, single parents in London made up a fifth (18 per cent) of all single parents receiving JSA.

Over the past decade, there were around 48,000 sanctions for single parents living in London – around 26,000 have been under the current regime. Relative to the total number of single parent sanctions in the UK, a disproportionate number of sanctions fell on the capital's single parents in the first half of the decade, before falling back to typical levels (Figure 6). The increase seems unrelated to LPO reforms, predating reforms.

Figure 6 Change in single parent sanctions in London, by number and share of all single parent sanctions



Under the current regime, the level of sanctions broadly follows the national pattern (see p16). Around two-thirds (62 per cent) of single parent sanctions in London were imposed at the low level, while 30 per cent of single parent sanctions in the capital were intermediate. Just 4 per cent of London single parent sanctions have been high level sanctions.

The overturn rate for single parent sanctions in London is about equal to the national rate under the current regime – 20 per cent of the capital's single parent sanctions since October 2012 have been overturned when formally challenged.

What does the data tell us about the impact of sanctions?

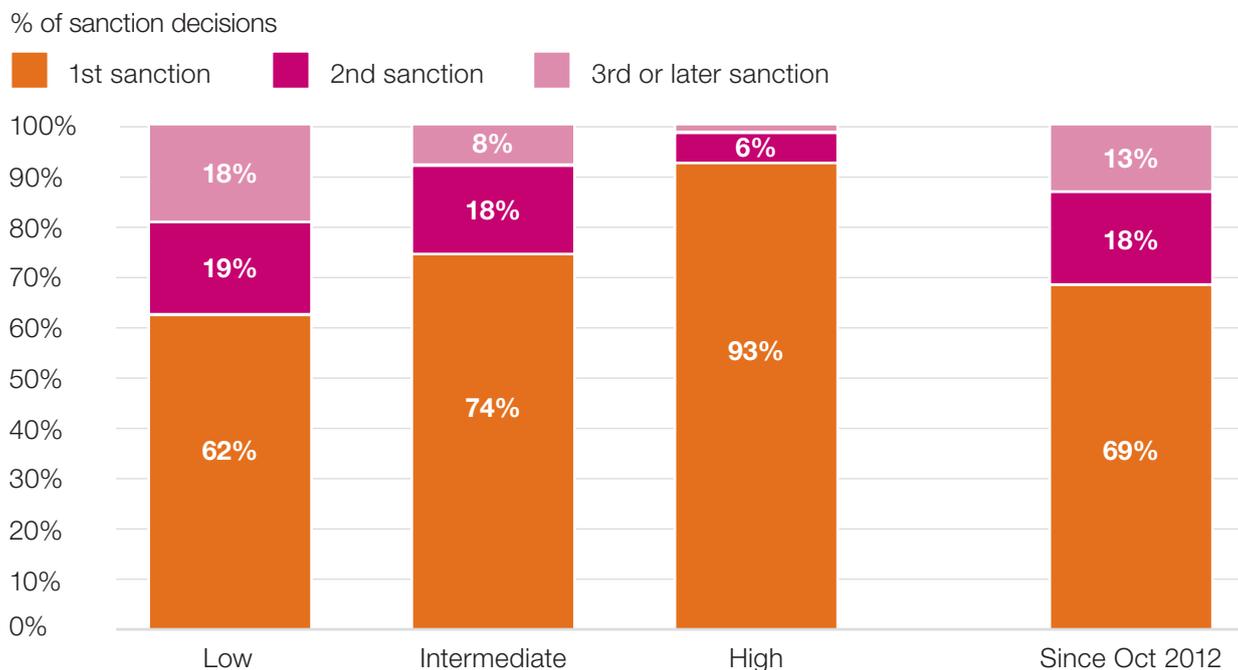
The majority of sanctions are low level under the current regime. The most severe ‘high level’ sanction accounts for one in every 20 single parent sanctions; these are almost always for three months (worth around £940) rather than the six month or three year losses. Multiple sanctions tend to be for low level ‘offences’. Sanctions have stopped around £40 million in JSA payments to single parents under the current system, before taking hardship payments and overturned decisions into account.

Since the new sanctions regime began in October 2012, around two-thirds (63 per cent) of sanctions were low level, leaving the more severe intermediate and high level sanctions making up nearly two-fifths of withheld benefits (Figure 7).

To date, around one in 20 (5 per cent) of single parent sanctions under the new regime were high level, when claimants lose 13 weeks’ JSA for their first sanction and a maximum of three years for their third sanction. The number of single parents with a high level sanction is broadly comparable with the total number of single parent sanctions at this level. This suggests there were few repeat high level sanctions, which would mean losses have largely been limited to 13 weeks (three months), rather than the longer 26-week (6-month) or 156-week (three-year) periods.

The data on repeat referrals cannot be broken down to get a more accurate view of how many of these related to actual sanctions. Nevertheless, referral data does suggest that multiple sanctions are likely to be concentrated on the lower level penalties. As Figure 7 shows, around a fifth (18 per cent) of low level sanction referrals to date were third or subsequent referrals. Conversely, the vast majority (over 90 per cent) of single parent referrals for a high level sanction were the first referral. Assuming actual sanctions mirror referral rates, this suggests a significant number of single parents receive multiple shorter sanctions during the course of their claim in the current regime.

Figure 7 Rate of multiple single parent sanction referrals in the current regime, by level (October 2012 – June 2016)



Source: DWP, 2016. Labels may not sum to 100 due to rounding.

How much money is lost through sanctions?

The extent of income lost is difficult to estimate, as some sanctions will be subsequently overturned after money is initially stopped. The DWP does not publish this data, citing the difficulty in making such calculations. Nevertheless, while there are inevitably caveats with calculations, an approximation is at least a step forward in trying to assess the scale and impact of the policy. As the NAO (2016) pointed out, this is an important part of assessing the value for money of sanctions and conditionality.

To give a sense of scale of the intended losses from sanctions, a conservative estimate reveals that single parents claiming JSA would have lost £40 million since the new sanctions regime was introduced – or around £31 million once hardship payments are taken into account,⁴ before overturned sanctions have been reimbursed. And once the repayment of overturned sanctions are taken into account, the loss falls to around £24 million to date – assuming repayments are made in full.

While we have adjusted estimates down to take into account hardship payments and subsequently overturned sanctions, we are not able to adjust upwards to account for the wider costs incurred by families. This includes foregone benefits as a result of experiencing a sanction – there is evidence which indicates sanctions can increase moves off JSA, but not into work (Loopstra et al., 2015). In addition, sanctions can result in other financial costs to claimants. For example, some turn to loans in order to manage bills during a sanction. Even if sanctions are subsequently overturned, loans and interest payments might exceed repaid sanctions, still leaving claimants worse off.

Similarly, the estimates exclude wider costs to other agencies – particularly government and voluntary services – when sanctioned claimants seek support elsewhere. This can include food banks (Loopstra et al., 2016), advice services (Citizens Advice, 2014), localised welfare support (London Councils, 2014) and councils and landlords bearing the costs of rent arrears (Batty et al., 2015).

Wider impact of sanctions

To date, based on the number of single parents sanctioned, an estimated 250,000 children living in single parent families would have been affected by sanctions.⁵ This includes around 55,000 children in London to date. There were around 14,000 children affected by sanctions in 2015/16 alone.

Of course, this is simply a numerical measure of the impact on families more widely. How this impact manifests is not recorded in quantitative data, nor is the emotional toll for both parents and children of losing money – even if this is later reimbursed. Recent reports have started to document this impact; a follow-up to this report will draw more directly on single parent experiences to properly explore this wider impact for single parent families.

⁴ Assuming 35 per cent of single parents sanctioned receive hardship payments, 10 per cent of whom receive the higher 80 per cent rate; see methodology for details on assumptions.

⁵ To the nearest 10,000; based on Labour Force Survey data (April-June 2015) – see methodology.

A single parent receiving universal credit called Gingerbread's helpline in June 2016. She had been sanctioned for missing a Jobcentre Plus appointment even though she was admitted to hospital and informed them as soon as she was discharged. She was given insufficient hardship payments and had to give up her housing as a result, as she could not cover her rent and bills.

Gingerbread helpline case study

How has sanction decision-making changed for single parents?

Policy changes increasing conditionality and tightening sanction rules have coincided with increases in both sanction referrals and overturned decisions. In more recent years, there have also been unexplained increases in administrative errors in single parent referrals and in overturned single parent sanctions. Since introducing the new sanctions regime, sanctions have shifted towards 'low level' penalties and away from intermediate and high level sanctions.

Extent of single parent referrals

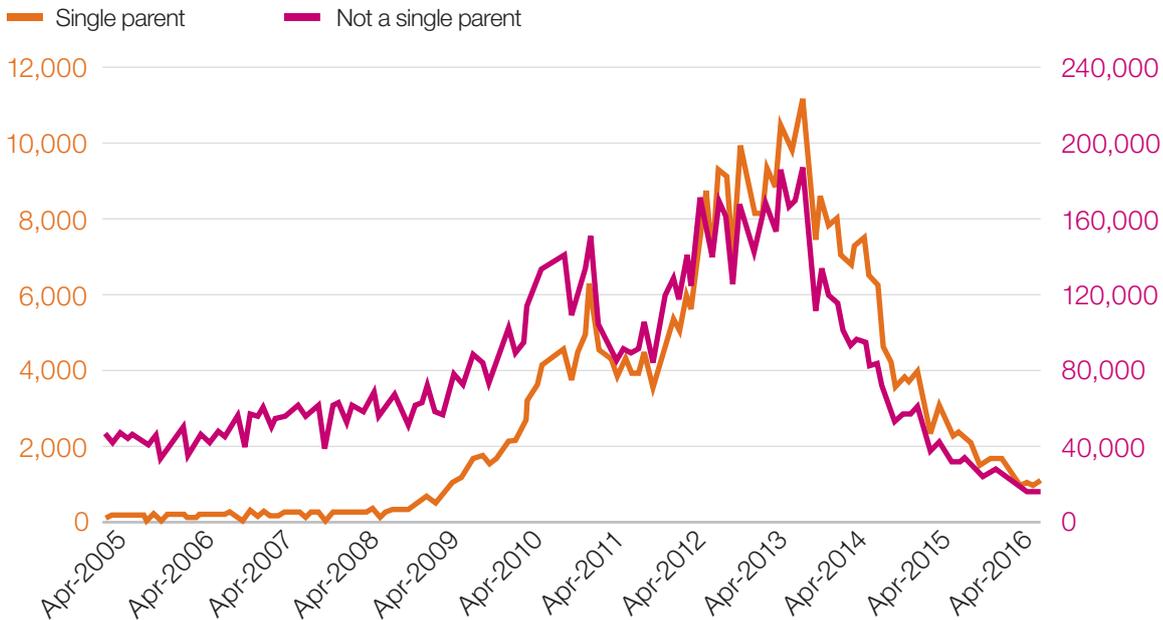
The volume of total referrals relating to sanctions has changed dramatically for single parents over time. For single parents receiving JSA, monthly referrals increased from 229 in April 2005 to 3,047 in April 2015 – over a thirteen-fold increase. Meanwhile, other claimants actually saw a slight fall from 47,117 to 46,859 referrals between the same months.

Indeed, while both single parents and other JSA recipients saw rapid increases in intervening months and years, the monthly volume of JSA sanction referrals remains far higher than ten years ago for single parents, whereas other claimants have recently seen a return to old levels (Figure 8). The step-change in bringing single parents into the JSA sanctions process seems, therefore, to be here to stay.

This dramatic increase in part reflects policy changes – the number of single parents receiving JSA rose significantly due to LPO reforms. However, as Figure 8 shows, the referral rate did not remain proportionate to the number of single parent JSA claimants, with a steady increase in the risk of sanction referrals after 2008/09, when LPO reforms began. This suggests that the single parents with younger children who moved onto JSA as a result of reforms were at greater risk of being referred for a sanction than existing single parent claimants. This indication of tightening sanction implementation is explored further below.

In the last two years, though, it is clear that there has been a dramatic fall in the number of referrals for both single parents and other claimants. It is difficult to establish the reason for this from the data alone; potential reasons include: a marked change in claimant behaviour; a change in JCP practice in the way

Figure 8 Monthly number of sanction referrals (April 2005-September 2016)



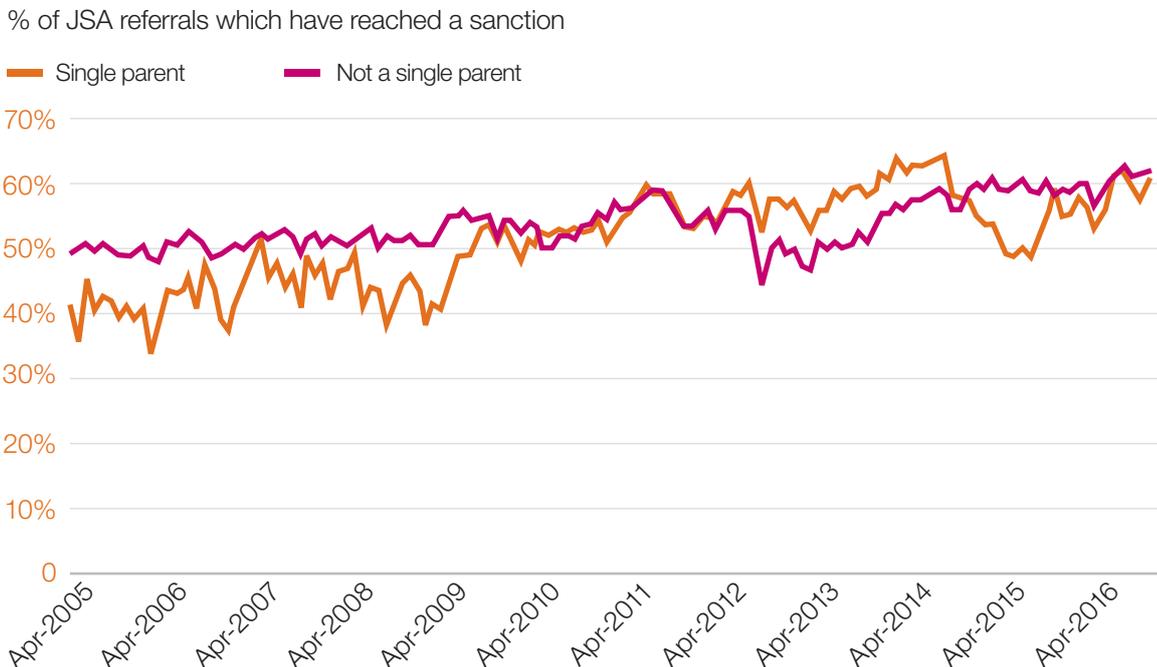
Source: DWP Stat-Xplore.

sanctions are implemented; and the winding up of the Work Programme (which was a significant driver of sanction referrals; see Figure 10).

Tightening sanctions regime

Once referred for a sanction, a single parent receiving JSA is more likely to be sanctioned now than they were ten years ago. As Figure 9 shows, the proportion of single parent referrals which result in a sanction is still markedly higher than the levels before LPO reforms. In April 2005, 40 per cent of single parent referrals reached a sanction; by September 2016, this figure was 62 per cent. Again, this

Figure 9 Monthly rate of referrals which have reached a sanction (April 2005-September 2016)



Source: DWP Stat-Xplore.

suggests that that either single parents receiving JSA have tended to become less compliant with benefit conditions, or the implementation of sanctions has become stricter since the intensification of conditionality rules.

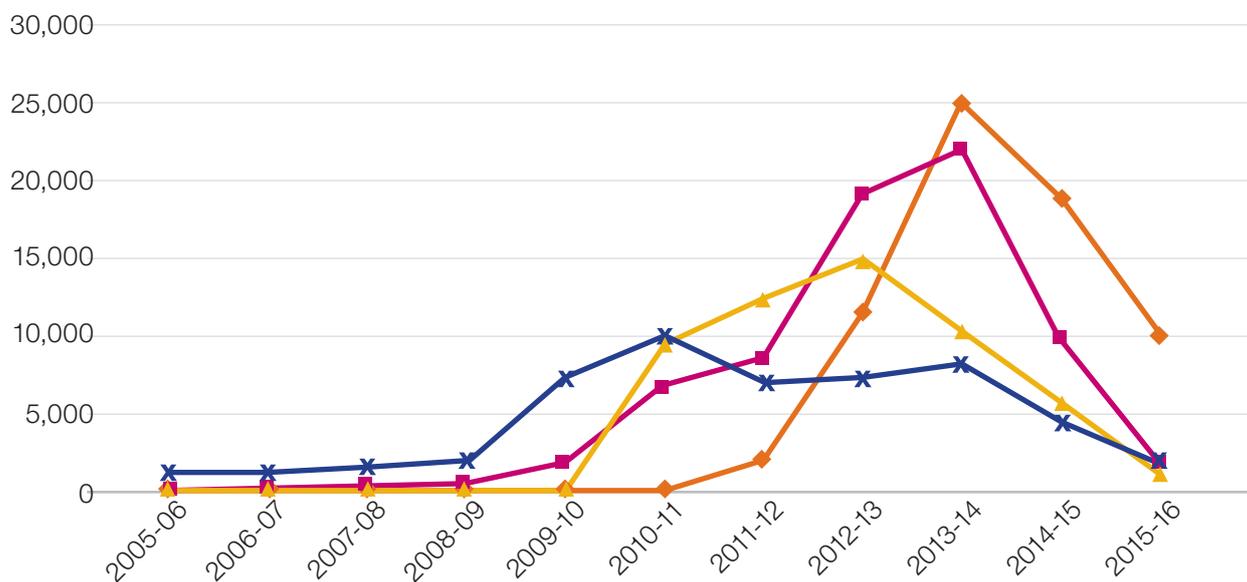
Reasons for sanctions

It is notable that the reasons for sanctions have changed over time, with the shift

Figure 10 Change in most common reasons for single parent sanctions

Annual number of JSA sanction by reason

- ◆ Failure to participate in the Work Programme
- ◆ Not actively seeking employment
- ▲ Failure to participate in an adviser interview
- ✕ Other reason



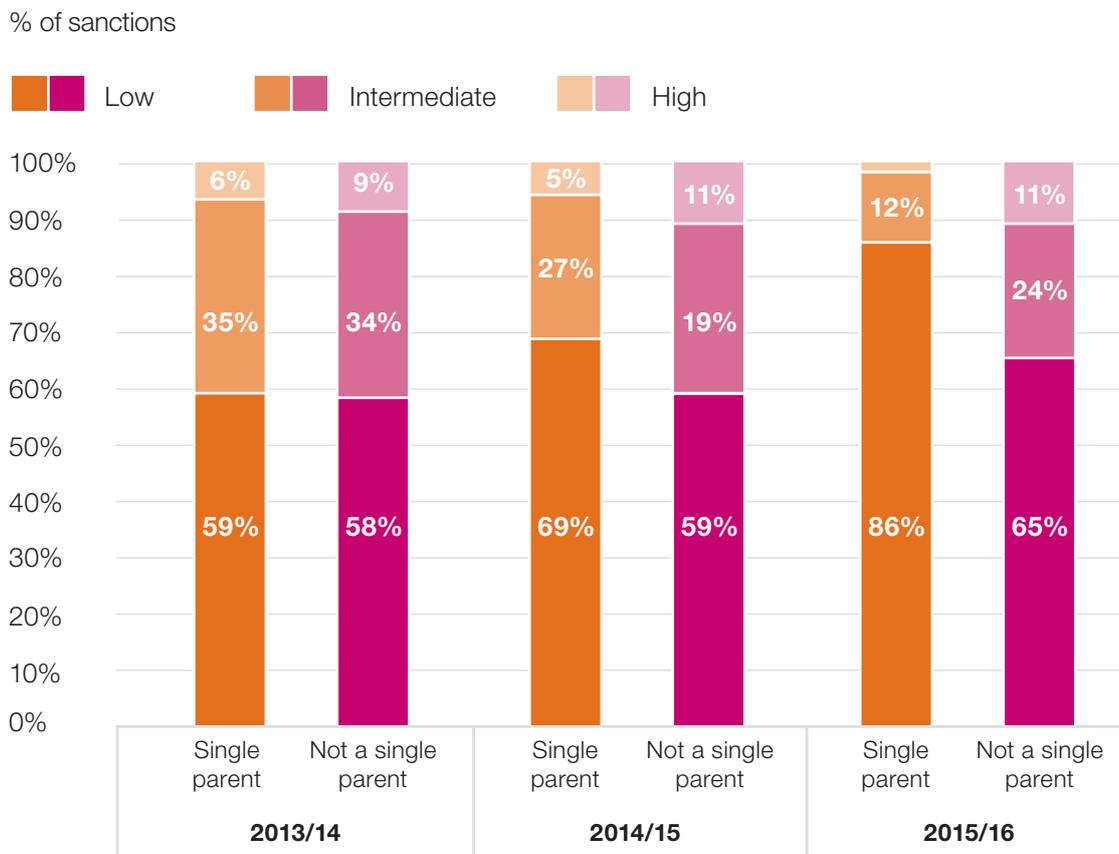
Source: DWP Stat-Xplore.

These changes are also in part reflected in the level of sanctions imposed. The likelihood of low level sanctions for single parents has markedly increased since the new rules were introduced (Figure 11).⁶ Conversely, the use of intermediate single parent sanctions – used when claimants are deemed to not be actively seeking employment or making themselves available for work – has notably fallen away, in line with the trends shown in Figure 11. There are also indications that more severe sanctions for the most significant contraventions of rules have become less common for single parents, with the rate of high level sanctions having from 6 to 2 per cent.

The change in intermediate level sanctions seems to be particularly relevant for single parents – when we look at other claimants, this shift is not nearly as marked. The rate of intermediate level sanctions for other claimants is still double that for single parent sanctions, despite a similar starting point in 2013/14 (Figure 11).

⁶ Previous annual data is not available, as the new regime (which introduced the new ‘levels’) began in October 2012.

Figure 11 Change in sanction levels, by single parent status and year



Source: DWP Stat-Xplore. Labels may not sum to 100 due to rounding.

in welfare-to-work policy and sanctions rules under the coalition government. When looking at the original reasons for sanctions, it is clear that almost all have fallen away over the last two years – they are now largely concentrated around failing to participate in the Work Programme (Figure 10).

Quality of referrals and decision-making

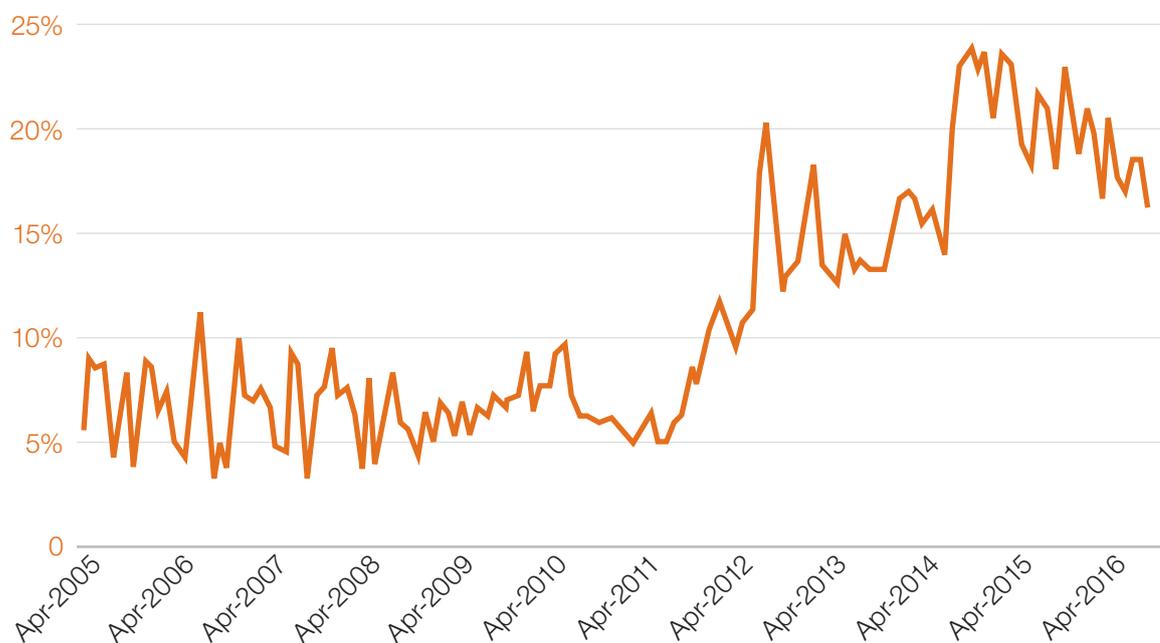
One indicator of quality in the sanctions process is the rate of purely administrative errors, as reflected by cancelled referrals. The vast majority (over 90 per cent) of cancelled referrals occur at the original decision stage, when referrals are initially reviewed. When we look at the cancellation rate at this stage, it is clear that the risk of administrative errors in single parent referrals has markedly increased over the past decade (Figure 12).

This may reflect the rise in error after the introduction of the Work Programme in 2012, when sanctions referrals were hampered by poor links between provider and DWP systems (NAO, 2016). However, after a significant spike in the rate of cancelled single parent decisions in 2014, the error rate for single parent sanction referrals found at the original decision is still relatively high compared to levels earlier in the decade.

While the majority of these errors occur at the original decision stage and are therefore picked up before a sanction is imposed, this still suggests a fall in the accuracy of initial referrals. Moreover, as noted at the outset, referrals themselves can still cause distress for families.

Figure 12 Monthly rate of cancelled single parent original decisions (April 2005-September 2016)

% of JSA original decisions for single parents, which are cancelled



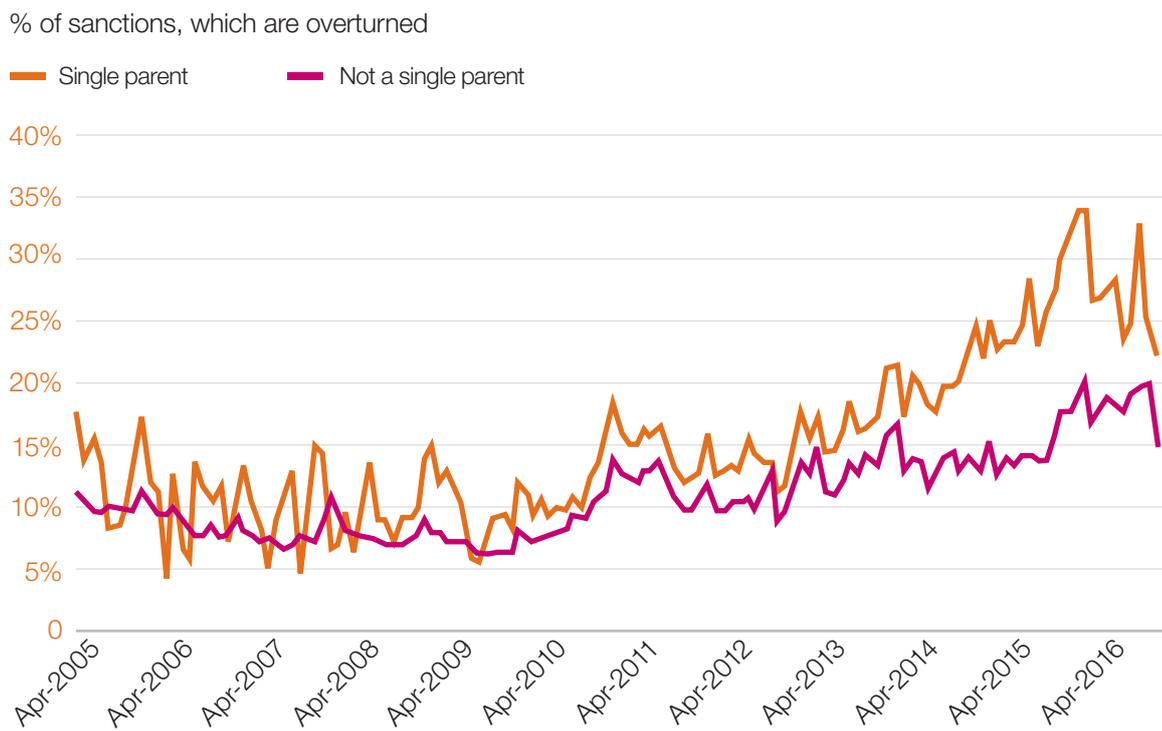
Source: DWP Stat-Xplore.

Looking beyond administrative errors in referrals, the data also suggests there has been difficulty in accommodating single parents with younger children within the conditionality and sanctions system. There are notable peaks in the rate of overturned sanctions around the first three LPO phases (November 2008, October 2009 and October 2010). While the data does also show some increases for claimants who are not single parents (Figure 13), these are not as marked. These spikes may therefore reflect jobcentre advisers adjusting to accommodating the particular support needs and barriers to work experienced by single parents with younger children, when applying conditionality rules. This would also explain the increasing referral rate once LPO reforms began, noted above. The data also supports qualitative evidence that jobcentre advisers have often demonstrated a lack of understanding of the allowances made for single parent JSA claimants in their job-seeking requirements (termed 'lone parent flexibilities'; Newis, 2014). As a result, moving single parents with young children to JSA may have led to exposure to poor decision-making and incorrect sanctions.

More recently, there was also a sustained increase in the rate of overturned sanctions from the second half of 2014, continuing to a peak at the end of 2015 (Figure 13). This shift suggests that single parent sanctions have been increasingly found to be incorrectly applied in recent years. This could reflect an increase in poor referrals which have a knock-on effect on incorrect sanctions – as a result, for example, of advisers and decision-makers adapting to the change in sanction rules in October 2012, or jobcentre manager pressure on staff to make referrals (NAO, 2016). The timing also coincides with the increased scrutiny at the time, with the publication of the Oakley review (July 2014) and the Work and Pensions select committee benefit sanctions

inquiry (March 2015), which may have prompted a shift in decision-making at formal challenges. However, it is difficult to pinpoint what has changed in practice. The DWP actions in response to the Work and Pensions Committee inquiry tended to focus on preventing sanctions in the first place, eg improving communication with claimants, but would not explain a change in the outcome of formal challenges. When giving evidence to the Public Accounts Committee, DWP representatives stated there had been no “unannounced policy change” which pressures to make referrals (Public Accounts Committee, 2016).

Figure 13 Monthly rate of overturned sanctions (April 2005-September 2016)



Where next on sanctions?

Yet more single parents are expected to be subject to sanctioning and conditionality rules as a result of future policy changes. The concerns raised by this analysis – of a higher risk of sanctions, continued unfair sanctions and greater use of low level but multiple sanctions – make a case for further investigation of the implementation of sanction policy for single parents.

Single parents receiving benefits are currently on the brink of yet further intensification and extension of conditionality. First, they are due to be part of the gradual transfer from existing benefits to universal credit. NAO calculations estimate the referral rate for universal credit sanctions is much higher than for JSA sanctions (NAO, 2016). The NAO explains this by a difference in DWP practice, with universal credit claimants referred for a sanction for missed appointments, rather than having their claim closed close as they would under JSA (if there is no contact within five days of the missed appointment).

Second, the ‘age of youngest child’ threshold for conditionality is set to be lowered. Where single parents are currently required to look for work once their youngest child turned five, from April 2017, single parents claiming universal credit will be expected to seek work once their youngest child turns three. For the first time, parents with pre-school children – when childcare is most expensive – will be expected to seek work and sanctioned if considered to be not complying with job-seeking rules. This change is expected to increase the number of single parents subject to full conditionality rules by around 165,000.⁷ Assuming an annual sanction rate of 15 per cent (the estimated 2015/16 rate under the current JSA regime), would mean around an extra 24,750 single parents with children aged three or four being sanctioned as a result.

Third, the government intends to introduce ‘in-work conditionality’ for universal credit claimants, applying conditions (attached to in-work support) for working claimants to increase their earnings to the equivalent of 35 hours per week at the National Living Wage. This is another new step, with conditionality – and the risk of sanctions – affecting working recipients of state support for the first time.⁸ The current principles suggest that claimants will face pressure to work more hours or find higher paid jobs, and raises concerns that single parents may be penalised as a result of employment barriers over which they have little control (eg the availability of better paid flexible work or affordable childcare). Around one million claimants are expected to face in-work conditionality (Work and Pensions committee, 2016). If single parents subject to in-work conditions make up a similar proportion as they do for current in-work state support (working tax credits), around 440,000 single parents would be exposed to these new (as yet unknown) conditions. If the same financial sanctions are applied, this would mean a further 66,000 single parents sanctioned (assuming the estimated 2015/16 sanction rate).

Given the potential impact of these imminent reforms, this analysis presents sober reading for single parents on low incomes – both in and out of work. The data shows how the intensification of conditionality rules over the past decade has been accompanied by stricter sanctioning for single parents. Once referred, single parents are now more likely to end up with a sanction than in the past. Single parents continue to be sanctioned unfairly, even despite recent rowing back on the use of sanctions overall. While high level sanctions have become less frequent in recent months, single parents are now more likely to face multiple low level sanctions.

Perhaps most importantly, the data suggests that changes to both conditionality (eg via LPO reforms) and sanction rules can create spikes in sanctions – including unfair sanctions. This may, for instance, reflect a difficult adjustment period for decision-makers dealing with claimants with a particular set of needs and barriers to work. It may also reflect the inadequacy of the current system to deal with the needs of parents when considering job-seeking requirements and tests for compliance. Given this history, forthcoming changes to conditionality rules under universal credit pose a particular worry.

There are, of course, limitations to what statistics can show. As has been pointed out by others, including most recently the NAO (2016), there are significant gaps in DWP data. While clearly complex, the department runs

⁷ The new rules affect all main carers of children; the government expects around 220,000 carers in total. There will also be increased conditionality for those with younger children, focused on preparing for work rather than job-seeking.

⁸ Under the current system, these claimants would receive tax credits and would therefore not be subject to conditions or sanctions – universal credit is gradually replacing tax credits and other benefits.

the risk of appearing deliberately opaque – particularly given the significant impact of sanctions policy for those it affects. It is especially worrying that there is no breakdown of basic indicators such as sanction rates for groups like single parents, over whom concerns persist regarding the use and impact of sanctions. In addition, the sharp fluctuations in more recent months – the marked decline in sanction referrals, spikes in overturned sanctions, upturn in low level and multiple sanctions – cannot be explained through statistics alone and bear further examination by policymakers. A transparent analysis of these trends would be a welcome step forward in learning and sharing lessons from the recent period of policy change and scrutiny, before future changes are embedded.

Finally, quantitative data can only tell part of the story – the wider and non-financial costs of sanctions also need to be taken into account. A forthcoming report from this project will explore these aspects of the sanctions system in more detail, alongside gaining insight into some of the questions raised by this data, including:

- What sorts of gaps in decision-making do single parents experience, given their higher rate of overturned sanctions?
- How easy do single parents find it to challenge sanction decisions, given their higher rate of formal challenges?
- What is the impact of low level sanctions, given their increasing prevalence?

For the time being, though, the emerging concerns highlighted by this analysis suggest urgent action from the government is needed for families – particularly those with children – to avoid unnecessary penalties and the state to avoid unnecessary administrative costs. With many more families at risk of sanctions as a result of further policy changes, now is the time for an in-depth investigation of the implementation and effectiveness of benefit sanctions.

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Methodology

Defining sanctions

The DWP counts sanctions (eg when calculating its monthly sanction rate) as the total number of 'adverse' decisions made. However, this only focuses on a single point in time, meaning decisions that happen to be overturned during the period in question are not counted as a sanction (even if money has been lost before the decision is overturned).

The UK Statistics Authority has recommended a more complete measure of sanctions, rather than focusing just on 'adverse' sanction decisions (UK Statistics Authority, 2015). As a result, we have used a broader definition when calculating 'sanctions' to understand the full implications of the policy. This counts, for a given time period, the total number of times money is stopped, whether or not this decision is subsequently reversed.

This definition includes all referrals that do not get immediately overturned at the 'original decision' stage to obtain a full picture of the intended number of sanctions (ie any decision which would have involved stopping money, including reserved and cancelled decisions).

Table 1 Illustration of alternative ways calculations count sanctions

Sanction numbers	Original decision				Decision review				Mandatory reconsideration				Appeal			
Sanction	Money stopped unless non-adverse decision subsequently reached															
Our definition	A	N-A	R	C	A	N-A	R	C	A	N-A	R	C	A	N-A	R	C
DWP definition	A	N-A	R	C	A	N-A	R	C	A	N-A	R	C	A	N-A	R	C

Decision key:

'A' = adverse 'N-A' = non-adverse 'R' = reserved 'C' = cancelled

Calculating annual rates

Single parent JSA claimants across the first four quarters of each five-quarter longitudinal LFS dataset (April to June) were aggregated to create an annual single parent JSA claimant indicator. These figures should be treated with caution due to the small base numbers involved, but are the best estimate available in the absence of annual JSA claimant data provided by the DWP.

Some single parents will have returned to JSA over the ten-year period; in these cases, they will be counted as different claimants in sanctions data.

There are inevitably differences in the point in time at which data is collected, which may affect the accuracy of calculations.

Calculating overturned sanctions

'Overturned' sanctions are calculated as the total of 'non-adverse' and 'cancelled' sanction decisions. Cancelled decisions are included as these outcomes are when a referral has been made in error, meaning the sanction should not stand and

would not have been realised without the formal challenge. In practice, this does not make a significant impact on the data, as most cancelled decisions are taken before a sanction is applied.

Calculating money lost from sanctions

The estimate represents the total money lost as a result of sanctions imposed since the new regime started in October 2012. Consequently, the timing of actual losses is not reflected – for example, money may not yet have been stopped for a sanction imposed in the most recent month. Conversely, money lost since October 2012 due to prior sanctions will not be included.

The figure focuses on sanctions imposed under the new regime, in order to provide as accurate an estimate of money lost as possible. This allows us to take into account the different amount of money lost depending on the level of sanction. As a result, any sanctions where the level was unknown are not included.

Assumptions

Repeat sanctions incur longer length penalties than the first ‘failure’. We assume the number of single parents sanctioned represents the total number of first failures.

As second sanctions incur different losses than third or later sanctions (due to the different lengths of penalty), the calculation estimates the number of second and third/later sanctions for each level to adjust costs accordingly. The distribution of second and third/later sanctions is based on Table 1.7 from the latest sanctions statistics release (DWP, 2017a).

On occasions where a repeat sanction occurs within two weeks of the previous sanction, the standard longer length sanction for a second or later ‘failure’ is not applied. As we do not have data on the likely level of repeat sanctions within two weeks, it is assumed that no repeat sanctions occurred within this period – in other words, all repeat sanctions are imposed at the longer length of time.

Similarly, as we do not have data on the likely level of adjustment needed, it is assumed no sanctioned single parent leaves before their sanction is completed and then return to JSA after six months of employment (which would mean the remainder of their sanction is waived).

Hardship payments

The DWP does not record household type in its hardship payment data, so a proxy is used based on the available data for all JSA claimants. As a result, the calculation assumes single parents apply and are awarded hardship payments at the same rate as overall claimants.

Comparing DWP Stat-Xplore data on sanctions for all claimants with hardship payments awarded in October 2012 to June 2015 (DWP, 2015c), 33 per cent of sanctioned JSA claimants received hardship payments. As payment rates have been increasing in the latest months of data provided, the hardship payment rate has been rounded up to 35 per cent of sanctioned single parents.

Hardship payments are paid at different levels – the standard rate is 60 per cent of the claimant’s JSA payment, but if a claimant is vulnerable (eg pregnant or seriously ill), 80 per cent of the claimant’s JSA payment can be made. The latest available data on the different rates of hardship payments suggested around 7

per cent of hardship payments are made at the higher 80 per cent level (DWP, 2013). Knowing single parents are often more vulnerable than the average single parent claimant (for example, through their historic take-up of crisis support), it is assumed 10 per cent of hardship payments to single parents are made at the 80 per cent level and the remaining 90 per cent receive the 60 per cent payment.

Calculating the number of children affected

This calculation is based on LFS data on the number of children in single parent households claiming JSA. It assumes there is no significant difference in the number of children that all single parent JSA claimants have and the number that single parent JSA claimants who are sanctioned have.

For context, 2015 Freedom of Information data suggested at least 89,000 children were affected by JSA sanctions in the 12 months from June 2012 to May 2013 (assuming a minimum of five children for families with 'five or more'; (DWP, 2015b)). The estimated 250,000 children of sanctioned single parents relates to sanctions from April 2005 to September 2016.

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