

BRIEFING PAPER

Scottish Parliament Welfare Reform Committee 'Women and Social Security'

Report published 6th July 2015

The report produced by the Welfare Reform Committee of the Scottish Parliament sets out the findings and recommendations made during the course of the Committee's inquiry into the impact of welfare reform on women.

In order to inform its scrutiny the Committee took oral evidence on 19th May and 2nd June 2015. The Committee also issued a call for written evidence which ran from 12th March to 1st May 2015. A total of 35 written submissions were received.

The full report of findings can be found here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/91066.aspx>

This briefing paper outlines some of the key findings and recommendations of the Committee. The SWC provided both written and oral evidence on the issue of women and social security. The SWC response to the initial call for evidence can be found here:

<http://www.scottishwomensconvention.org/userfiles/files/SWC%20Response%20to%20Women%20and%20Welfare%20Call%20for%20Evidence.pdf>

www.scottishwomensconvention.org

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Women in Low Paid Work

In written evidence, the Fawcett Society noted that the average woman will earn less over her lifespan than the average man. The overall gender pay gap sits at 19.1%

- **The Fawcett Society** is the UK's leading charity promoting gender equality and women's rights at work, at home and in public life. Fawcett want to see a society in which individuals can fulfil their potential regardless of their sex.

Women are also far more likely to have part-time jobs than men, which are typically low skilled and have fewer prospects for career progression.

According to Close the Gap, 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.

- **Close the Gap** works in a variety of ways with organisations of all types and sizes, to encourage and enable action to address the gender pay gap.

The impact of austerity means that women are at an increased risk of sustained poverty. Where women's income is reduced, spending on children decreases. There are clear links between women's and children's poverty.

Recommendation

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.

Recommendation

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 Upating

The basis for upating benefits in 2011-12 and 2012-13 was switched from Retail Prices Index (RPI) to Consumer Prices Index (CPI) inflation, a generally lower measure.

- **Retail Prices Index** is a measure of inflation published monthly by the Office for National Statistics. It measures the change in the cost of a representative sample of retail goods and services.
- **Consumer Prices Index** is the official measure of inflation of consumer prices in the UK.

The Institute for Fiscal Studies (IFS) has described this change as a 'poverty-increasing tax'.

- **The Institute for Fiscal Studies (IFS)** is an economic research institute based in London which specialises in UK taxation and public policy. It is politically independent.

According to the IFS, this means that working age benefits rise less quickly than both earnings and prices over time. This will have a negative impact on women.

From April 2013, uprating of working-age benefits is limited to 1%, which is below projected rates of inflation. This increase of 1% relates to basic amounts for adults and children, but does not apply to specific disability and carer benefits. It is set down in legislation for both 2014-15 and 2015-16.

In real terms, this means that benefits are not increasing at the same rate as they used to. Meanwhile the cost of living - i.e. the cost of food, energy, transport etc - has not been matched by an increase in wages.

The Child Poverty Action Group (CPAG) noted in its submission that the uprating of Statutory Maternity Pay (SMP) has also been capped at 1%, meaning mothers will be worse off by approximately £330.

- **Child Poverty Action Group** want a society where all children can enjoy their childhoods and have fair chances in life to reach their full potential. They campaign and lobby to make this a reality, and maximise family incomes through welfare rights work, publications and training.

Recommendation

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 the future.

Universal Credit

One of the key aims of Universal Credit (UC) is 'making work pay'. It is clear, however, that UC does not take into account the barriers faced by women when accessing employment. There is also no regard made to unpaid caring roles, the majority of which are undertaken by women.

Universal Credit and single, monthly household payments

UC will be paid monthly in arrears. Previously, individual payments were made on a weekly basis to claimants, with housing and council tax benefits paid directly to the landlord. These will now be paid directly to the claimant. The benefit will go to the household overall, meaning that in many cases the man will receive the money.

Evidence suggested that the name under which the payment is made could create a "*sense of entitlement*" on how that money is spent. That, in turn, could lead to an increased need for women to have to negotiate within their households.

Recommendation

The Committee welcomes the proposals in the new Scotland Bill to allow Scotland discretion over administrative elements of UC. 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.



Universal Credit and the Second Earners Disregard

According to the UK Government, transitioning to work from a UC claim will be easier. They argue that this is because of changes to both the earnings disregard and the taper.

- **Earnings disregard** is the income which is exempt from the total amount used to calculate benefit entitlements. The primary/first earner in the household is the one whom the disregard applies to. Second earners may not have access to any earnings disregard.
- The **taper** is the rate at which benefits are withdrawn when a person moves into work.

However, as women tend to earn less than men, they are therefore classed as second earners. The earnings disregard for second earners may discourage women from entering the labour market. Low wages, high childcare costs and reduced UC payments will all be significant barriers to women who want to access work.

Recommendation

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

Those in receipt of UC who work less than 35 hours per week will be encouraged to take on extra hours, a second job or find an alternative job. If they cannot do this, they risk being sanctioned.

Women undertake part-time work for a number of reasons, including availability of jobs and balancing work with caring responsibilities. Part-time employment can also be more suited to disabled women, as well as those with mental health issues or additional support needs. Many women work in one or more part-time job because there are simply no full-time positions to suit their requirements.

Recommendation

The Committee recommends that the DWP reconsider the policy of in-work conditionality.

The Committee believes that in-work conditionality will 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.

Universal Credit and Self-Employment

In 2014, self-employed women accounted for 88% of newly registered businesses. While many choose this type of employment in an attempt to balance work and family life, there are concerns that self-employed women are some of the lowest income earners. Many could be penalised by a new minimum income floor policy.

- **Minimum income floor policy** is based on assumed earnings - a person will likely be expected to earn the equivalent of working 35 hours per week at the National Minimum Wage (NMW) for their age group.

Recommendation

The Committee recognises that many turn to self-employment in an attempt to overcome difficulties with balancing work, health issues and family life. 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.

Working Tax Credits

According to CPAG, changes to eligibility criteria and levels of entitlement to working tax credits have had a major impact on women. Some of the most significant changes include:

- Removal of the baby element from child tax credit, which was worth £545 in the first year.
- Removal of working tax credit for most couples with children who are working at least 16 hours per week. Couples now need to work at least 24 hours a week between them, which results in a loss of up to £3870 per year.
- Childcare costs covered by working tax credit have been cut from 80% to 70% causing working parents to lose up to £1560 per year.

During oral evidence, the SWC noted that the level of thresholds may trap women into 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 impact is even worse in rural areas due to the lack of transport and available childcare.

CPAG also noted that HM Revenue and Customs (HMRC) has started to focus on 'undisclosed partners', i.e. whereby an individual is claiming tax credits as a single person but HMRC believe they should be claiming jointly with a partner.

If HMRC makes a decision to remove tax credits from a woman in this situation, then lone parents can often be left for months without money which is intended for their children or to help them to remain in employment.

Recommendation

The Committee has heard that the current system of tax credits is cumbersome, may discourage women from 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 UC.

The Committee also 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

Employability programmes do not take into account issues of occupational segregation when pairing jobseekers with mandatory work activity. The 'one size fits all' approach does not work.

-  Women who have been victims of sexual violence have been offered job interviews at nightclubs or near to the perpetrator's home or place of work. They can either put themselves, their physical and mental health in danger, or be sanctioned and face financial hardship. *(Rape Crisis Scotland)*
-  Women in their 50s and 60s have been told to apply for labouring jobs on construction sites, when they have no experience of this field. They also felt they were physically unable to perform the tasks that would be required of them. *(Fawcett Society)*
-  Women should not automatically be expected to move into training or the workplace once their children reach the age of five. Job-seeking policy needs to reflect the fact that families in greatest need will require more intensive and longer term support interventions. *(Barnardo's Scotland)*

Recommendation

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 suggest 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, such as refugee women, disabled women, those experiencing domestic abuse, and carers.

Sanctions

While sanctions and conditionality have always been part of the benefits system, this regime is described as “*punishing*”. Evidence received to the Committee highlights that what is happening to people with regards to sanctions does not match up with the DWP policy that they are “*only used as a last resort.*”

Recommendation

The Committee continues to urge the DWP to review how its policies are being applied at a local level and 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 been put in place.

The SWC described to the Committee 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. Alternative childcare is very difficult to arrange at such short notice and as a result women have to either take their children to the Jobcentre or fail to attend the rescheduled appointment and be sanctioned.

“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.”

Recommendation

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 Jobcentre 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 and carers.

What Happens After Sanctions?

The Committee heard that there is very little relationship between employment rates and sanctions. In many cases, the wider application of sanctions is driving people out of the system entirely. There is also no system in place to track those who have been sanctioned.

Recommendation

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.

Impact on Women as Carers

The Difficulties of Balancing Work and Caring Responsibilities

Many women face difficulties balancing their work and home life. Caring responsibilities can mean women are left with little choice about the work that they do. The system at the moment does not afford adequate support to those who care.

The Scottish Trades Union Congress (STUC) highlighted the drop-off in the number of women who return to work after they have had a baby. There is an issue about the workplace conditions which have been negotiated for women who are returning to work.

- **The STUC** represents over 620,000 trade unionists, the members of 39 affiliated trade unions and 20 Trades Union Councils. The STUC speaks for trade union members in and out of work, in the community and in the workplace, in all occupational sectors and across Scotland.

Carers Scotland noted that women are four times more likely than men to have given up work because of their multiple caring responsibilities. 84% of 'sandwich carers' are women, with the peak age for carers falling between the ages of 40 and 54.

- **Carers Scotland** is part of Carers UK and gives expert advice, information and support. They also connect carers so no-one has to care alone, campaign for change and innovate to find new ways to reach and support carers.
- **Sandwich care** refers to those who have childcare responsibilities and who are also caring for an older or disabled relative.

Recommendation

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.

Childcare

One of the key factors which makes it difficult to balance work and care responsibilities is the lack of affordable, flexible childcare. It is often prohibitively expensive and provision is patchy, particularly for those who live in rural areas, or who have disabled children.

Recommendation

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.

Zero Hours Contracts

55% of those on zero hours contracts are women. The SWC stated in written evidence 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.

Recommendation

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 both for the employer and the employee and which reduce the dependence on exploitative short term and zero hours contracts.

Carers Benefits

Unpaid carers save the Scottish economy £10.3 billion every year. Financial support for carers through the benefit system is set at the lowest rate for any income replacement benefit. 74% of Carers Allowance claimants are women. As it stands, the system does not recognise the value of unpaid carers.

Many carers are deeply worried about the prospect of losing Carers Allowance (CA) and how that would force them to claim Jobseekers Allowance. This brings the risk of conditionality and sanctions and then further loss of support. Carers would be unable to seek work given their on-going need to provide care.

Recommendation

The Committee thinks that the contribution 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 CA to match JSA.

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 who are unable to access it because their carers have been forced to claim JSA.

Impact on Lone Parents

92% of lone parents are women. According to One Parent Families Scotland (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 2013 that number is projected to rise to 238,000.

- **OPFS** aim to encourage and enable parents across Scotland to make the most of the opportunities available to them so they can flourish as happy, healthy and achieving families. One Parent Families Scotland provides help to all single parent families; mums, dads, young parents and kinship carers.

Lone parents are moved from Income Support (IS) to JSA when their youngest child is five years old. This means they must seek work or face sanctions. The system as it stands does not support lone parents to do this, and instead creates pressures on them to take on jobs which do not suit their skills, caring responsibilities, or which are difficult for them to physically access.

Recommendation

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

Safeguards for Lone Parents

There are twelve sets of safeguards which are intended to help ease the burden of lone parents who are seeking work while in receipt of benefits. 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.

These flexibilities are, however, not always applied by Jobcentre staff. According to the Fawcett Society, only 25% of lone parents who participated in a survey conducted by the Single Parent Action Network had agreements with the Jobcentre which stated they could restrict their job search to vacancies within school hours. 43% had agreements that explicitly stated they must be prepared to look for full-time jobs.

Recommendation

The Committee recommends that there is 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 UC.

Impact on Disabled Women

Many of the benefit cuts will have a disproportionate impact on disabled women because they 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.

Inclusion Scotland noted that over 55% of those in receipt of the Higher Rate Mobility component of Disability Living Allowance (DLA) are women in Scotland. As the DWP are predicting that around half of those in receipt of Higher Rate Mobility will lose it when they are reassessed for Personal Independence Payment (PIP), over time this is likely to result in more women losing out than men.

- **Inclusion Scotland (IS)** is a consortium of organisations of disabled people and disabled individuals. Through a process of structured development, IS aim to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect the everyday lives of disabled people in Scotland.
- **Higher Rate Mobility** is paid to those who have a severe walking difficulty.
- **PIP** is the benefit which will replace Disability Living Allowance (DLA). Application is subject to assessment. Powers over PIP will be devolved to the Scottish Parliament under the Scotland Bill.

The loss of Higher Rate Mobility will have a significant impact in rural Scotland. As part of this benefit, claimants qualify for 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.

- **The Motability Scheme** enables disabled people to lease a new car, scooter or powered wheelchair, using their Government funded mobility allowance.

Recommendation

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 in 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.

Impact on Women Experiencing Domestic Abuse

Scottish Women's Aid noted that welfare reforms have reduced women's financial autonomy. This has resulted in increasing poverty and insecurity for women and their children, as well as having created a risk of women and their children remaining with or returning to the abuser. Women experiencing domestic abuse face considerable financial barriers when they try to leave an abusive relationship.

- **Scottish Women's Aid** is the lead organisation in Scotland working towards the prevention of domestic abuse. They play a vital role in campaigning and lobbying for effective responses to domestic abuse.

Recommendation

Specialist advisers are available in every Jobcentre to be able to deal with women who have had experience of domestic abuse.

Domestic Violence Easement

A Domestic Violence Easement (DVE) exists for women who are threatened with, or who are experiencing, domestic violence for an initial period of four weeks, with a possible extension to a total of 13 weeks. This exempts them from fulfilling job-seeking requirements while exiting the abusive relationship. A DVE can, however, only be accessed under specific conditions. It is only offered if requested specifically by the claimant. Many women are unaware that this type of support is available, and are often not told about it by Jobcentre staff.

Recommendation

The DWP should start promoting its DVE flexibilities to remove the job seeking pressures from women exiting abusive relationships. It also recommends that the burden of disclosure should not lie solely with the claimant.

The Benefit Cap

- **The Benefit Cap** is the limit on the total amount of certain benefits, including child benefit, JSA and Employment and Support Allowance (ESA) that households can receive.

CPAG reported that an increasing number of women with children had their housing benefit reduced as a result of the gap. Most cases relate to families placed in expensive temporary accommodation after fleeing domestic violence.

Recommendation

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

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 that they are seeking and have a genuine prospect of finding work.

These reforms appear to be having a disproportionate impact on women. This is in part due to women being less likely to find a job quickly due to caring responsibilities. 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. There are also concerns for women trying to leave abusive relationships where their right to reside is based on their partner's status.

Recommendation

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

Refugees face significant risk of destitution, the main driver of which is the administrative delay upon being granted leave to remain. In general, it is the male of the household who receives a national insurance number. Women may not receive theirs for several weeks and in certain circumstances they would not receive theirs at all without significant advocacy work by support services.

Recommendation

A system which better supports refugee women and their families should be introduced, rather than one which leaves refugees facing a financial cliff.

The UK Government should consider the restrictions and the lack of financial autonomy that the current system places on 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.

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 stress of claiming benefits, living on benefits and changes to the system can negatively impact on a claimant's mental health. NHS Greater Glasgow and Clyde (NHSGCC) argued that loss of income and stigma through sanctioning or changes in benefits are very large risk factors in mental health problems and suicide.

- **NHSGCC** is the largest health board in the UK, providing healthcare to over 1.2 million people and employing around 38,000 staff.

Women are being forced to relive traumatic experiences in order to justify their benefit claims, often while they are experiencing post-traumatic stress disorder.

Recommendation

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.

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 them. It calls for further training and discretion in Jobcentres to avoid clients being made to agree to commitments that they will never be able to adhere to.

Benefit claimants should have more discretion over who is selected to be their Jobcentre adviser.

According to Scottish Women's Aid, ESA assessments do not take into account the mental or physical impact of domestic abuse. The recent tightening of the eligibility criteria for ESA discriminates against women with mental health issues. Women need to provide proof that they are at a higher risk of self-harm or suicide than men in the same assessment.

Recommendation

The UK Government is strongly urged to rewrite the rules in relation to this discriminatory part of the ESA assessments.

Impact on Children

Child Benefit (CB) is paid to the main carer (most often the mother) of a child and it can be an important financial resource for women who may have limited alternative income. 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 if CB had been uprated by RPI inflation.

CPAG argued that the proposed freeze on CB for the next two years will have an extremely detrimental impact. At the moment, while there are many delays and sanctions, CB tends to remain a constant. It is a guaranteed income for households with children.

Barnardo's Scotland stated that where sanctions are applied to a claimant with children special provision needs to be made. They argued it is not enough to say that benefit sanctions do not impact on children because CB is not withheld as part of the sanction. In reality, that is not the case.

Recommendation

The Committee recognises that if a sanction is applied to a parent, it will impact on the income of the whole household, even if that household is in receipt of CB. The Committee recommends that special provision is made for claimants with children so they 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. 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 would 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.

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

The UK's actions in relation to public spending cuts and their impact on women are being internationally scrutinised from a human rights perspective. The United Nations (UN) Convention on the Elimination of Discrimination against Women (CEDAW) Committee found concerns about welfare in its concluding observations.

- **CEDAW** is an international treaty which explicitly acknowledges that extensive discrimination against women continues to exist. It emphasizes that such discrimination violates the principles of equality of rights and respect for human dignity.

The monitor for the International Covenant on Economic, Social and Cultural Rights (ICESCR) has severely criticised the UK Government for its failure to meet the fundamental right to food as set out in Article 3 of the ICESCR. It identifies the previous UK Coalition Government's welfare reforms, including the use of sanctions, as a cause of increased hunger within the UK.

- **ICESCR** commits its parties to work toward the granting of economic, social, and cultural rights (ESCR). These include labour rights and the right to health, the right to education, and the right to an adequate standard of living.

Recommendation

The Committee notes that the UK's record on economic, social and cultural rights will be examined by the UN at a hearing in 2016. The Committee will consider making a submission which can be presented to the UN 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 - I Don't Just Fit Into One Box

In many cases it is apparent that women do not fit into one administrative box, but have a variety of issues in their lives which are relevant to the benefits system.

Recommendation

The Committee has been struck by the complexity of women's lives in relation to the benefits system. Many do not 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 in the Community and Local Services

When people are in crisis they will turn to their support networks in order to bridge a financial gap. Charities and services are also feeling the pressure as a result of the reforms of the social security system. Local authorities are in a similar position.

Recommendation

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 reforms.

Training and Awareness of DWP Staff

During oral evidence, the SWC noted the importance of ensuring that support is at the heart of the system. Assistance is vital because many women do not know much of the details and as such are at the mercy of their adviser.

Jobcentre staff are trying to deliver a service without adequate resources and within a punitive system. Further training for them could be beneficial.

Recommendation

Throughout its report the Committee has highlighted examples of Jobcentre staff being unaware or not communicating the additional supports which are available to women. The Committee would refer the UK Government to all of the recommendations contained in the various sections of its 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.

Gender Based Budgeting

The Scottish Women's Budget Group (SWBG) 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 does not sit alongside the realities of what is actually happening within the benefits system.

- **SWBG** campaigns for gender budget analysis in the Scottish and local authority budgets. SWBG brings women together from across Scotland who have an interest in women's equality and who want to achieve gender equality.

Recommendation

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

Powers over welfare which are being devolved to the Scottish Parliament have the potential to improve the situation for women in the benefits system. Areas such as variation of housing costs and administration of UC, powers over benefits for disabled people and carers and powers over employability programmes are just some of the ways in which women's lives can positively improve.

The Committee heard evidence which highlighted the importance of working with those who will use the benefits system in Scotland so that it takes their needs into account. Future powers should also be used to remove employment tribunal fees.

Recommendation

The Committee calls on the Scottish Government to use the opportunity offered through further devolution to examine the services required to better support those in need. As part of this process the Scottish Government should create an action plan outlining how it intends to mitigate the impact of welfare reform on women. The plan should take note of employability services, social care and childcare.

The Committee urges the Scottish Government to genuinely consult with those in receipt of benefits to work together to create a devolved system.

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

The Committee notes the drop in tribunal cases being brought forward by women who experience sex discrimination, particularly 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.



Glossary of Benefits

Outlined below are some of the key welfare benefits which women may be claiming, or which those they care for may be claiming.

Attendance Allowance (AA)

Claimants can receive £55.10 or £82.30 a week to help with personal care because they are physically or mentally disabled and are aged 65 or over. This benefit is paid at two different rates. How much is paid depends on the level of care needed because of the claimant's disability.

Carers Allowance (CA)

Claimants receive £62.10 a week to help look after someone with substantial caring needs. Claimants do not have to be related to, or live with, the person they care for.

In order to receive CA, claimants must:

- Be 16 or over;
- Spend at least 35 hours a week caring for someone;
- Have been in England, Scotland or Wales for at least 2 of the last 3 years;
- Normally live in England, Scotland or Wales, or you live abroad as a member of the armed forces;
- Be in full time education or studying for 21 hours a week or more; and
- Earn no more than £110 a week (after taxes, care costs while at work and 50% of what is paid into the claimant's pension).

The person being cared for must already get one of these benefits:

- Personal Independence Payment (PIP) daily living component;
- Disability Living Allowance (DLA) - the middle or highest care rate;
- Attendance Allowance; Constant Attendance Allowance at or above the normal maximum rate with an Industrial Injuries Disablement Benefit, or basic (full day) rate with a War Disablement Pension; or
- Armed Forces Independence Payment (AFIP)

Child Benefit (CB)

People qualify for Child Benefit if they're responsible for a child under 16 (or under 20 if they stay in approved education or training) and they live in the UK. A person is responsible for a child if they live with them or are paying at least the same amount as CB (or the equivalent in kind) towards looking after them. Contributions can include money, clothes, birthday and Christmas presents, food and pocket money.

There are two CB rates. Payments for the eldest/only child are £20.70 (per week) and £13.70 for additional children (per week). CB can either be paid weekly or four weekly.

Council Tax Reduction (CTR)

Council Tax Reduction (CTR) was introduced from 1 April 2013 to replace Council Tax Benefit (CTB), which has been abolished by the UK Government as part of its welfare reform programme. Claimants are eligible if they are on a low income or claim benefits. Their Council Tax bill could be reduced by up to 100%.

Claimants can apply if they own their home, rent, are unemployed or working. The amount received depends on where claimants live, as each council runs its own scheme; their circumstances (e.g. income, number of children, benefits, residency status); their household income - this includes savings, pensions and partner's income; if children live in the home; and if other adults live in the home.

Child Tax Credits (CTC)

Child Tax Credit may be available for each child a claimant is responsible for if they are under 16, or under 20 and in approved education or training. Those applying do not need to be working to claim Child Tax Credit. Money is payable for each child that qualifies. Eligibility depends on the child's age, and the claimant's responsibility for the child.

Disability Living Allowance (DLA)

New claims for Disability Living Allowance (DLA) can only be made for a child under 16. Personal Independence Payment (PIP) is gradually replacing DLA for people aged 16 to 64, even for those with an indefinite or lifetime DLA award. Claimants can continue to get DLA if they were born on or before 8 April 1948 and are eligible. Those born after that must find out whether they are still eligible for PIP.

Employment and Support Allowance (ESA)

Employment and Support Allowance (ESA) offers financial support if you're unable to work due to illness or disability, as well as personalised help for those want to work, and who are able to.

Applications for ESA can be made by those who are employed, self-employed or unemployed. Claimants might be transferred to ESA if they have been claiming other benefits like Income Support or Incapacity Benefit.

Claimants must have a Work Capability Assessment while their ESA claim is being assessed. This is to see to what extent their illness or disability affects their ability to work. Claimants are then placed in one of 2 groups if entitled to ESA. Either the work-related activity group, where they have regular interviews with an adviser, or the support group, where they do not have interviews.

How much ESA a claimant receives depends on their circumstances (e.g. Income), the type of ESA they qualify for, and where they are in the assessment process.

Housing Benefit (HB)

HB helps those on a low income to pay their rent. It can pay for part or all of a claimant's rent. How much they receive depends on income and circumstances.

Claimants can apply for HB whether they are unemployed or working. They may get HB if they pay rent; are on a low income or claiming benefits and have savings below a certain level - usually £16,000. Claimants can apply if they are employed or unemployed, but if they live with a partner, only one can get Housing Benefit. If a claimant is single and under 35, they are only eligible for HB for bed-sit accommodation or a single room in shared accommodation.

Incapacity Benefit (IB)

Incapacity Benefit is being replaced with ESA. Those currently in receipt of IB will be reassessed to decide if they are capable of work or eligible for ESA. Claimants will not be reassessed if they are close to State Pension age.

Independent Living Fund (ILF)

The UK Government made a decision on March 6, 2014, to close the Independent Living Fund (ILF) on June 30, 2015. The Scottish Government have committed to protecting users' current awards in Scotland as long as they remain eligible. The Scottish Government are developing a national system, along with voluntary organisations, to support existing users from July 1, 2015. Scottish Independent Living Fund service users' awards will not change and will continue to be paid by Independent Living Fund Scotland from July 1, 2015.

Income Support (IS)

IS is payable to those on a low income who meet specific criteria. In order to qualify, claimants and their partners should have no income or a low income. They must work less than 16 hours a week and must not have signed on as unemployed. The actual amount payable depends on individual circumstances. Those who qualify and who have no income will get at least £57.90 a week.

To qualify for Income Support, claimants must be all 5 of the following:

- between 16 and Pension Credit qualifying age;
- pregnant, or a carer, or a lone parent with a child under 5 or, in some cases, unable to work because you're sick or disabled;

- Have no income or a low income (your partner's income and savings will be taken into account);
- Working less than 16 hours a week (and your partner works less than 24 hours a week); and
- Living in England, Scotland or Wales. There are different rules for Northern Ireland.

Jobseekers Allowance (JSA)

JSA is available to help those looking for work. How much is payable depends on individual circumstances. When applying for JSA, claimants must go to an interview to complete their claim.

To receive JSA, claimants must:

- be 18 or over but below State Pension age - there are some exceptions for those aged 16 or 17;
- not be in full-time education;
- be in England, Scotland or Wales;
- be available for work;
- be actively seeking work; and
- work on average less than 16 hours per week.

Personal Independence Payment (PIP)

PIP helps with some of the extra costs caused by long-term ill-health or a disability for those aged 16 to 64. Payments are between £21.80 and £139.75 a week and the rate depends on how the claimant's condition affects them, not the condition itself. Claimants will need an assessment to work out the level of help you get. Their rate will be regularly reassessed to make sure they receive the right support.

To qualify for PIP, claimants must:

- be aged 16 to 64;
- have a long-term health condition or disability and difficulties with activities related to 'daily living' and or mobility;
- be in Great Britain when they claim - there are some exceptions, e.g. members and family members of the Armed Forces;
- have been in Great Britain for at least 2 of the last 3 years;
- be habitually resident in the UK, Ireland, Isle of Man or the Channel Islands; and
- not be subject to immigration control (unless they are a sponsored immigrant).

Claimants must have a long-term health condition or disability and have difficulties with activities related to 'daily living' and or mobility. They must have had these difficulties for 3 months and expect them to last for at least 9 months. If a claimant is terminally ill (i.e. not expected to live more than 6 months), they don't need to have had these difficulties for 3 months.

Claims will be assessed by an independent healthcare professional to help DWP work out the level of help which is required. This may be a face-to-face consultation, whereby claimants will receive a letter explaining why and where they must go. The DWP makes the decision about a claim based on the results of the assessment, the application and any supporting evidence the claimant may include.

Working Tax Credits (WTC)

WTC can be claimed if either a claimant is aged from 16 to 24 and has a child or a qualifying disability; or a claimant is 25 or over, with or without children. Anyone applying for WTC must work a certain number of hours a week, get paid for the work they do (or expect to) and have an income below a certain level.

The basic amount of Working Tax Credit is up to £1,960 a year. Claimants can receive more (or less) depending on circumstances and income.

Claimants must work a certain number of hours per week in order to qualify.

Aged 25 to 59	At least 30 hours
Aged 60 or over	At least 16 hours
Disabled	At least 16 hours
Single with 1 or more children	At least 16 hours
Couple with 1 or more children	Usually, at least 24 hours between the couple (with 1 person working at least 16 hours).



Further information about the work of the Welfare Reform Committee, including previous reports, as well as full submission received on the Women and Social Security Inquiry, can be found here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/46339.aspx>

The provision of Social Security is under the scrutiny of the Devolution (Further Powers) Committee, through its analysis of the Scotland Bill. More information can be found here:

<http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/90296.aspx>

All of the information submitted by the SWC to the Committee is informed by consultation with women throughout Scotland. All of the SWC's reports can be found here:

<http://www.scottishwomensconvention.org/activities>

<http://www.scottishwomensconvention.org/publications>

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