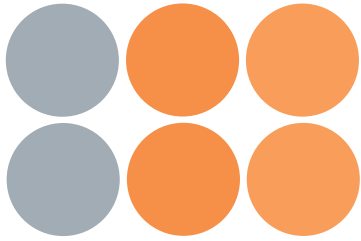


# A WIDENING GAP: WOMEN AND WELFARE REFORM



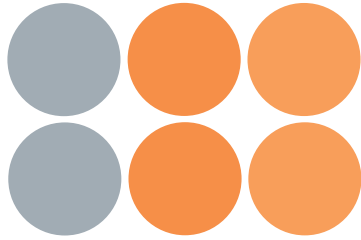


This is a joint report from Engender, Scottish Refugee Council, Scottish Women's Aid, Close the Gap, and Scottish Council for Voluntary Organisations. It refreshes a previous joint report on women and social security.



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## INTRODUCTION

Engender, Close the Gap, Scottish Women's Aid, Scottish Refugee Council and Scottish Council for Voluntary Organisations work across a broad range of issues towards women's equality.

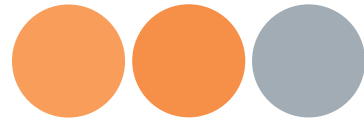
We work on women's political equality, women's economic equality, on enabling women to speak to government, on violence against women, and with refugee and asylum-seeking women. Over the last two years, in all of the varied contexts in which we work, there has been steadily increasing alarm at the impact of the UK government's welfare reform programme on women in Scotland.

Women did not enjoy equality with men in Scotland before welfare reform. Even a complete roll back of the changes that the UK government has made (and proposes to make), would not ensure that women had equal access to resources, decision-making, and physical autonomy and safety.

It is very clear to us as women's organisations that welfare reform's grotesquely disproportionate impact on women demands a gendered response. We are concerned that the Scottish Government's approach to welfare reform mitigation does not take account of the complexities of women's lives, and is not concretely linked to devolved strategies over interrelated areas such as women's employment, social care, childcare and violence against women.

We also have concerns about the rapid devolution of some elements of the benefits system. We regret that design and delivery of social security is set to be carved up in piecemeal fashion, in order to serve political interests and not the people whom it serves. This notwithstanding, there is, however, an opportunity to put equality, social justice and democratic participation at the heart of new powers over welfare for Scotland.

This joint paper summarises the way that women will be particularly affected by welfare reform measures and makes recommendations to the Scottish Government on how to mitigate this harm. It also highlights experiences of women with whom we work. It is this documenting of daily realities and of growing anger, fear and stress that is the basis of our call to action.



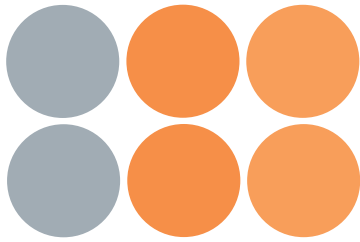
### A note on the text

Welfare reform is complicated and technical. Not all readers of this paper will need to know all of the technical detail, so much of this can be found in the glossary. You will find further information on **bold-faced** terms in the glossary at the back of this paper.

Further analysis on specific elements of welfare reform can be found at the Scottish Government paper *The Gender Impact of Welfare Reform*.<sup>1</sup>

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<sup>1</sup> The Scottish Government (2013) *The gender impact of welfare reform*



## 1. WHY ARE WOMEN BEING AFFECTED?

Since 2010, £26 billion worth of cuts have been made to benefits, tax credits, pay and pensions. 85% of this has been taken from women's incomes. The explanation for this disproportionate impact on women lies in women's pre-existing inequality.<sup>2</sup>

- Women are twice as dependent on social security as men, with 20% of women's income coming from the benefits and tax credit system, compared with 10% of men's.<sup>3</sup>
- Women have fewer financial assets and less access to occupational pensions than men and there are considerably more women than men in the lowest income decile in the UK.<sup>4</sup>
- 92% of lone parents are women, and women make up 95% of lone parents dependent on Income Support.<sup>5</sup>
- Women are at least 59% of unpaid carers in Scotland, 74% of Carer's Allowance claimants are women<sup>6</sup> and women are twice as likely to give up paid work in order to care.<sup>7</sup>
- The gender pay gap in Scotland, which is 12% for full-time work and 32% for part-time work,<sup>8</sup> signifies persistent and widespread differences in women's experience of the labour market.
- Of the £26 billion in changes to taxes and benefits by the UK Government since June 2010, £22 billion will be borne by women and £4 billion by men.<sup>9</sup>

This puts women at greater risk of deeper and sustained poverty. In addition to meeting the most basic of needs, impoverishment is about ability to participate in society, relative to others and to cultural norms. The measures outlined below will create further barriers to women's full participation in society, including within their communities and in political spaces.

Where women's disposable income is reduced, spending on children decreases and links between women's and child poverty are widely recognised.<sup>10</sup> Child poverty shapes life chances, development and wellbeing, and subjects children to extreme stigmatisation.

It is against this backdrop of inequality that we must consider the impact of welfare reform, and the likely impacts of those elements of reform that are yet to be introduced.

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<sup>2</sup> The Fawcett Society (2015) *Where's the Benefit? An Independent Inquiry into Women and Jobseeker's Allowance*

<sup>3</sup> The Fawcett Society (2006) *Who benefits? A gender analysis of the UK benefits and tax credit system*

<sup>4</sup> Women's Budget Group (2013) *The Impact on Women of Budget 2013: A budget for inequality and recession*

<sup>5</sup> Engender (2012) *Multiple Jeopardy: The impacts of the UK Government's proposed welfare reform on women in Scotland*

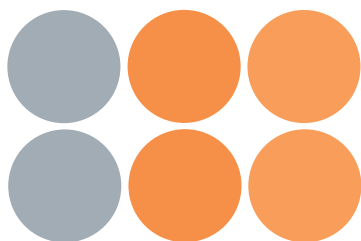
<sup>6</sup> Carers UK (2014) *Caring and Family Finances Inquiry*

<sup>7</sup> The National Carers Organisations (2013) *Submission to the Expert Group on Welfare*

<sup>8</sup> Close the Gap (2015) *Gender Pay Gap Statistics*

<sup>9</sup> The Fawcett Society (2015) *Where's the Benefit? An Independent Inquiry into Women and Jobseeker's Allowance*

<sup>10</sup> Women's Budget Group (2005) *Making the links: Women's and Children's Poverty*



## 2. WOMEN AND PAID WORK

Women are among the furthest from the labour market. This applies particularly to those women who are economically inactive or unemployed and includes women who are returning to work after providing support to sick or disabled relatives or after taking extended leave to care for children.

Despite the stated aim of employability programmes to help those further from the labour market, women are being let down by the system, as programmes fail to militate against the barriers which prevent or restrict women's labour market participation. The strategy to reduce spending on welfare by focussing on cutting entitlement, as opposed to reducing need, will ensure that women continue to fall through the gaps.

### 2.1 Universal credit

The rationale behind **Universal Credit** (UC) is to increase incentives to enter the labour market and to reduce in-work poverty. Its aim is to "make work pay", even if that work consists of a very small number of hours each month. This is not intrinsically a bad thing, and women's organisations have long called for increased flexibility in social security that would enable women to balance paid work and care.

However, the design of Universal Credit is poor, in that it fails to take account of gendered patterns of care and employment. The design of the **earnings disregard** means that it fails in its core objective, and will not "make work pay" for many lone mothers and second earners. Recent research by the Fawcett Society confirms that for low paid women, work alone is not providing an adequate route out of financial hardship.<sup>11</sup>

In its current form, Universal Credit is likely to reduce women's access to income, even if the level of income for the family is sustained. The **household payment** will be paid to one individual, on a monthly basis, and this is projected to reduce women's economic autonomy as well as placing significant pressure on household budgets. The draft clauses published by the UK Government may provide an opportunity to mitigate this risk, as they will enable the Scottish Government to split payments between members of a couple, and decide when the housing cost element should be paid directly to landlords for those in rented accommodation.

Universal Credit for the self-employed (UCSE) will also create issues for low-income women. Since 2008, women's self-employment has risen dramatically, accounting for 63% of newly registered businesses. Over 2014, this figure rose steeply to 88%. Most recent labour market data shows that increasing part-time self-employment was "solely driven by women", whilst men's self-employment fell.<sup>12</sup> Many of these women will be penalised by a new minimum income floor policy based on assumed earnings, which

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<sup>11</sup> Fawcett Society (2014) *The Changing Labour Market 2: Women, low pay and gender equality in the emerging recovery*

<sup>12</sup> TUC <http://touchstoneblog.org.uk/2015/02/what-has-been-happening-to-self-employment-lately/> (accessed 31/03/2015)



will replace the more flexible tax credits system. If these estimated targets (based on at least the minimum wage for 7 days a week, 52 weeks a year) are not met, UC will not bridge the gap. The Department of Work and Pensions (DWP) reports that, “this will encourage you to grow your business and make sure it can support you,” but also that only one in 45 businesses confidently felt that earnings could be sustained above the ‘floor’.<sup>13</sup>

In addition to its fundamental design flaws, the process of applying for, and managing, Universal Credit has been widely criticised. The only way of making an application is by **digital access**, which is particularly challenging for many groups of women. Successive delays in the roll-out of UC only serve to highlight numerous inconsistencies and complexities within the system.

## 2.2 Employability and job seeking

In advance of the roll-out of Universal Credit, a more punitive regime of **sanctions and conditionality** has been introduced through DWP and Jobcentres. This places intense pressure on benefit recipients to participate in employability activity that is supposed to move participants closer to the labour market.

Sarah is a young women who lives in Glasgow’s East End. She is 20 years old and is 12 weeks pregnant so is still claiming JSA and being required to sign on and look for employment.

Unfortunately Sarah was unable to make her signing on appointment at the local job centre because of severe morning sickness. This type of morning sickness can make the person very ill and on this occasion this was the case so she phoned Job Centre Plus and asked to speak with her adviser only to be told that she was in a meeting. She was informed that the message would be passed on and that the adviser would call her back.

Some days later Sarah called the Job Centre and asked to speak with the adviser but this time she informed her that she would be sanctioned for her failure to attend the appointment. Sarah called the One Parent Family Scotland Lone Parent Advice–Line in great distress. She had no family support and was fearful of how she would be able to buy food until her next signing on day. She hadn’t been told about the Scottish Welfare Fund. The OPFS Welfare Rights Officer intervened by calling the Job Centre to get the decision reversed but Sarah still had the stress of the experience and the impact on her health and wellbeing as well as having to cope with a delay in her benefit payment.

**Case studied provided by One Parent Family Scotland**

<sup>13</sup> Prowess <http://www.prowess.org.uk/universal-credit-self-employed> (accessed 31/03/2015)





The quality and effectiveness of these programmes has been widely criticised, but this paper draws attention to two specific issues for women. New Income Support rules require single mothers to take part in **work-focussed interviews** when their youngest child is one year old and women with children as young as three or four can be required to undertake **mandatory work activity** or face sanctions.<sup>14</sup> Current childcare provision is insufficient to meet the needs of all women who are categorised as ‘economically inactive’, which guarantees that women will not all be able to meet the requirements of the programme and will therefore be subject to sanction.

Single parents are particularly impacted by increased conditionality and sanctions. In order to combine paid work with their caring responsibilities they often have to work part-time in low skilled, low value, low paid jobs. Single parents are more likely to be under-employed both in relation to hours worked and working below their skill or qualification level, and thus face a negative impact on earnings and progression. There are safeguards, currently set down in regulation, that aim to ensure work availability requirements placed on parent jobseekers reflect their caring responsibilities; however evidence suggests these are not always being applied correctly. More worryingly, under Universal Credit, the parent flexibilities will be significantly reduced, and detailed in guidance as opposed to regulation, further eroding the limited safety net in place.<sup>15</sup>

Of further concern is that the programme completely ignores the occupational segregation that characterises the Scottish labour market when pairing job seekers with mandatory work activity (workfare). We know that generic skills and employability programmes are likely to replicate gendered patterns of skills acquisition and employment. The methods that can be used to mitigate this have not been applied with regard to Jobseeker’s Allowance. This all but ensures that the support structures around JSA, and Work First approaches that do not take account of women’s circumstances,<sup>16</sup> will entrench occupational segregation, and therefore perpetuate the gender pay gap in Scotland.

Occupational segregation is one of the main causes of the gender pay gap. Patterns of occupational segregation in the Scottish labour market are a cause and consequence of gendered assumptions and stereotypes about women and men’s capabilities in relation to paid and unpaid work, often resulting in the concentration of women in undervalued, low-paid jobs. This substantially diminishes women’s earnings over their lifetime, and also reduces the pool of skilled workers available in local area labour markets.

As a potential point of entry into the labour market, employability programmes need to identify how they will mitigate the causes of occupational segregation.<sup>17</sup> Under further devolution, the power over employment support offers potential to design programmes

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<sup>14</sup> The Income Support (Work-related Activity) and Miscellaneous Amendments Regulations 2014

<sup>15</sup> The Fawcett Society (2015) *Where’s the Benefit? An Independent Inquiry into Women and Jobseeker’s Allowance*

<sup>16</sup> SCVO (2014) *Submission to the Oakley Review*

<sup>17</sup> Close the Gap (2012) *Briefing on women and work*



that take account of the particular barriers faced by women in the labour market. Failure to do so will ensure that the implementation of Universal Credit and new JSA rules will further entrench women into low-paid, low-valued work, and often less secure work.

LR received Incapacity Benefit for 10 years and suffers from extreme stress and anxiety. Approximately two years ago she failed a medical with ATOS. Although she won her first appeal the process was repeated within a few weeks and the second appeal was lost. She found herself with no available income and lived on around £38 a week for approximately six months.

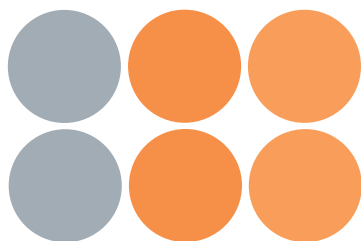
The Jobcentre informed LR that she would be sanctioned if she did not actively seek work by applying for jobs online. This was extremely distressing as LR had no phone, internet access or computer skills. She has been told that it will take 30 months to finish her work programme and that she must find at least 30 hours employment. She currently earns £5 per week more being employed than receiving benefits, however as she now incurs travel costs she is in fact worse off. The threats of the sanctions were making her very ill and she feels totally let down by the system.

**Case study provided by North West Women's Centre**

Targeted support for women is likely to have a positive impact on women's economic activity. For example, Women onto Work is an employability programme that provides specific tailored support to tackle the barriers women face when out of work or at risk of long term unemployment.<sup>18</sup> The Refugee Women's Strategy Group secured funding to pilot an employability project 'One Step Closer', tailored to the needs of refugee and asylum-seeking women. This is an excellent example of much needed participant-led support for particular groups of women.<sup>19</sup> Job Club is a service that was established within the North West Women's Centre in response to the impacts of welfare reform on local women in Glasgow. There are currently 44 women registered with Job Club and 60% are between 35 and 60 years old. The centre has used core funding to provide the service.

<sup>18</sup> <http://www.womenontowork.org/>

<sup>19</sup> Scottish Refugee Council (2014) *One Step Closer: Confidence building and employability skills for refugee and asylum seeking women*



## 3. WOMEN AND UNPAID WORK

For many women, providing care in the household and more widely constrains their participation in paid employment and reduces their income potential, leaving them more vulnerable to poverty, particularly in old age. For an integrated approach like Universal Credit to work, it would have needed to account for women's caring responsibilities. The opposite has happened. A great many women juggle multiple responsibilities, including more than one 'mini job' or job-seeking commitments with care for family members, including for grandchildren. This is highly stressful and results in 'time poverty' that significantly compromises wellbeing. We know that women tend to be 'poverty managers' within the household and often put health needs of other family members before their own.<sup>20</sup>

### 3.1 Childcare

Throughout the development of Universal Credit, successive green and white papers from the Department for Work and Pensions (DWP) deliberately omitted to discuss childcare, and indicated that this would be a topic for later consideration. Access to childcare has a profound impact on women's labour market participation,<sup>21</sup> and this lack of policy cohesion has meant that women will be impoverished and marginalised.

Changes to **Child Benefit**, the **childcare element of working tax credit**, and **income support** will push women with very young children into stressful and unrealistic job-seeking activities, remove the sole source of independent income from women with high-earning partners, and reduce access to childcare for low-income families. Particularly at-risk are the 92% of single parents who are women. Under further devolution, powers over the Regulated Social Fund may allow **Sure Start Maternity Grants** to be maintained, and thus mitigate the impact of changes to this benefit.

Increasing mental health impacts and the strain on mental health services are fast becoming a major implication of the welfare reform agenda. Lone mothers in particular have reported escalating stress levels in anticipation and lack of certainty about how the combined policy changes will affect their families.<sup>22</sup> In particular, the threat of sanctions and earlier transition to JSA (when the youngest child is five years old, rather than seven) is placing great strain on the women who head 95% of one parent families in receipt of income support.

### 3.2 Carers

Unpaid carers, almost 60% of whom are women, save Scotland an estimated £10.3bn, or over a third of the national budget. However, **Carer's Allowance** is set at the lowest rate for any income replacement benefit, and amounts to only 25% of the minimum

<sup>20</sup> WiSE and Save the Children (2012) *Child Poverty and Mothers' Employment Patterns – Exploring Trends*

<sup>21</sup> Women in Scotland's Economy Research Centre (2013) *The economic case for investing in high-quality childcare and early years education*

<sup>22</sup> Poverty Alliance (2013) *Surviving poverty: the impact of lone parenthood*



wage. This reflects the value that the government places on carers, their contribution and therefore on women's work. Across the UK, £1bn will be cut from carers' incomes between 2011 and 2018.<sup>23</sup>

Women make up the majority of carers in Scotland across all age groups, and this is particularly acute amongst working-age women between 25 and 64 years old.<sup>24</sup> Furthermore, as women are less likely to self-identify as carers, Census figures may not reveal the extent of women's caring roles. Women make up both the majority of carers in employment and those who provide care for more than 35 hours per week. Long caring hours and low-paid, part-time work (male carers are more likely to be in full-time employment) explain why women are twice as likely to claim **Carer's Allowance** as men.

A culture of expectation around women's caring perpetuates this. Women who gave evidence to the Carers UK *Inquiry into Caring and Family Finances*, and Engender's *Preparing to Care* project faced widespread assumptions about their responsibility to provide long-term care, to the detriment of career and pay progression. Women are twice as likely to give up paid work in order to care. A low earning disregard within Carers Allowance can act as a financial disincentive to take up paid work where this is possible.<sup>25</sup>

The 'triple jeopardy' of austerity that sees women suffer as service-users and public sector workers, as well as within the benefits system, has specific implications in terms of care. Tightened eligibility criteria and cuts to social care have slashed support services that carers rely on, women's jobs within the care sector have been lost and others have been affected by public pay freezes. The likelihood of additional childcare responsibilities for many women compounds this even further.

Many welfare reforms have had a damaging impact on unpaid carers. Women are impacted by spending on disability issues as carers for disabled and ill children and relatives, as under-paid care professionals whose incomes will be affected by changes to personal independence payments, and as lone mothers. The changeover from Disability Living Allowance (DLA) to **Personal Independence Payment** (PIP) is premised on significantly reduced income for thousands of disabled people and therefore thousands of carers face loss of linked entitlements.

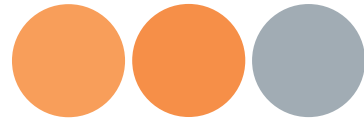
It is not clear whether regulations exempt all carers from the **sanctions and conditionality** regime. Carers juggling micro-jobs with pressures such as multiple appointments with healthcare and support services must not also be burdened with work requirements. Carers UK show that carers with over 20 hours of caring responsibilities do not have sufficient flexibility to be subjected to work requirement

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<sup>23</sup> Carers UK (2014) *Caring and Family Finances Inquiry: Carers struggling with alarming levels of hardship*

<sup>24</sup> Scottish Government (2015) *Scotland's Carers*

<sup>25</sup> Carers UK (2014) *State of Caring 2014*



programmes.<sup>26</sup> There are significant concerns that a change of status for carers following the implementation of PIP will see many unpaid carers falling into the sanctions regime.<sup>27</sup> Thousands of carers are subject to the benefit cap, with a predicted loss of £105 per week on average.<sup>28</sup> Finally, cuts and changes to support with housing costs, and the **bedroom tax** in particular have had a major impact on carers.

As a carer for her husband, Carole describes her concerns about being able to continue working and what giving up work would mean.

“My worse fear is having to give up my job as my husband’s needs change. The last few years have been a whirlwind of hospital appointments, dealing with ill health and navigating public services which just seem to make our lives more difficult.

I already work part-time. I am in a job which does not reflect my experience. I won’t have any real pension to speak of. But I enjoy working. It’s important that as a carer, I am able to have something which is about me. Not Carole, the carer. Losing work would be like losing part of who I am.

My greatest fear is that I become dependent on benefits. I don’t want to live on the absolute pittance that is Carer’s Allowance – I don’t want to be stigmatised by the press and politicians who say they value what carers do – and then whip the rug out from under us.”

**Case study provided by SCVO**

Ms X is a lone mother and unpaid carer for her son

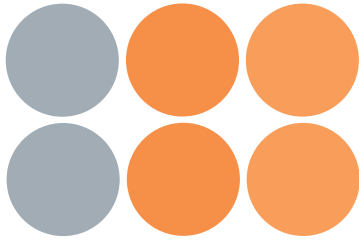
“I am so worried about the new Personal Independence Payment. The money we get now pays for so much of what enables me to care for my son full-time. I would love to go to work but cannot due to his needs. If we do not keep getting the money we get now, as a single mother looking after a soon to be 20 year old, with no support, I just have no idea what I will do.”

**Case study provided by Carers Scotland**

<sup>26</sup> Carers UK (2014) *Caring and Family Finances Inquiry: Carers struggling with alarming levels of hardship*

<sup>27</sup> The expected reduction of claimants and knock-on effect on carers will mean a shift into ‘work related’ activity groups.

<sup>28</sup> DWP (2012) *Benefit Cap (Housing Benefit) Regulation 2012: Impact assessment for the benefit cap*



## 4. DOMESTIC ABUSE

Women experiencing domestic abuse face considerable barriers when trying to leave an abusive partner. Access to financial support and housing are crucial. The current reforms to the benefits system are impacting adversely on women's ability to maintain financial independence, be safely rehoused and rebuild their lives.

**Universal Credit**, which replaces benefit payments paid separately to each member of a couple with a single payment to one claimant in the household, will increase the opportunity to create financial dependency, prevent women from leaving and place women and their children experiencing domestic abuse at increased risk. Research by Refuge found that 89% of the women they surveyed experienced financial abuse as part of their experience of domestic abuse.<sup>29</sup>

The devolution of some powers over welfare, particularly in relation to Universal Credit, would allow the Scottish Parliament to ensure women are not placed at increased risk of domestic abuse because of their financial dependency. The Scottish Government will have the powers to vary the current arrangements under UC to make a single household payment which would allow the payment of benefits to be made to both adult members of a household. This would challenge the traditional patriarchal values inherent in the UC model of payment to the 'head of the household' that undermine women's independence and equality.

### 4.1 Housing

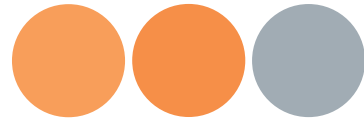
The changes to the way that housing is supported also have a serious impact on women escaping an abusive partner. Domestic abuse is a major cause of homelessness for women and is the fourth most common reason given for a homeless application in Scotland. The Scottish Government has taken action to mitigate the impact of the **bedroom tax** by providing additional funding to local authorities for **Discretionary Housing Payments**. However the implementation of DHP varies across local authorities and the bedroom tax continues to cause anxiety and uncertainty for women trying to move to safety.

The Department of Work and Pensions' guidance on DHPs identifies that an objective of the fund is to "support domestic violence victims who are trying to move to a place of safety."<sup>30</sup> The guidance also outlines that length of payment of DHP is entirely up to the local authority and that extra funding has been allocated to enable local authorities to make long term awards.

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<sup>29</sup> Refuge (2008) *What's yours is mine: The different forms of economic abuse and its impact on women and children experiencing domestic abuse*

<sup>30</sup> DWP (2014) *Discretionary Housing Payments Guidance Manual*



Ms E had been in a Women's Aid refuge for 26 months waiting to be rehoused. As a single woman she needed a one bedroom flat and only two bedroom properties were available. Eventually she had to accept the offer of a two bedroom property and was informed by the housing officer that she would be liable for the bedroom tax.

She applied for and received DHP but has to re-apply every 3 months and has been told that she may or may not continue to receive it. As a result Ms E continues to feel insecure and anxious and this does not provide any real kind of basis for her to be able to rebuild her life.

**Case study provided by Glasgow East Women's Aid**

While in refuge Ms G was informed by the Homeless Case Officer that they accepted the letter from her GP stating that the older boy required his own bedroom as he has severe ADHD and she would be given a 3 bedroom property. When Ms G was subsequently rehoused in a 3 bedroom housing association property she was informed that would have to pay the bedroom tax for the extra room and advised that she could apply for a discretionary housing benefit payment, but it was not guaranteed she would receive it.

**Case study provided by Glasgow Women's Aid**

## 4.2 EU migrants

Changes to the benefit entitlement of EU migrants are having a devastating effect on women when separating from an abusive partner. These changes restrict access to benefits such as **Jobseekers Allowance** and **Housing Benefit**. EEA migrants have to have a "right to reside" to be able to claim means tested benefits. Women whose only right to reside is as a Jobseeker can only claim JSA for restricted periods unless they can demonstrate a genuine prospect of work and since 2014 women whose only right to reside is as a jobseeker cannot claim housing benefit. Women in this situation are not able to access financial support in order to leave an abusive partner. The rules are complex and lead to confusion about entitlement, incorrect advice and delays in claims that put women who are experiencing domestic abuse at greater risk.



Ms X is a Polish national who has been supported by our Women's Support service. She has experienced years of both physical and sexual abuse, her ex-partner was recently charged with rape but this charge was dropped due to her reluctance to give evidence in court. He is now on remand in prison and facing possible deportation. Ms X received JSA as she has worked whilst being resident in the United Kingdom. She could therefore evidence having 'retained worker status' However she was not entitled to housing benefit and to date has accrued over £2000 of rent arrears in her council tenancy. Her entitlement to JSA expires next week so she will no longer be in receipt of any income. Staff have serious concerns about what will happen to her as she is very vulnerable and is still not fit to work due to her fragile mental health. At some stage it is also inevitable that she will face eviction proceedings and it is unclear if the local council will accommodate her as she is not entitled to housing benefit.

**Case study provided by Perth Women's Aid**

### 4.3 Jobseeker's Allowance Domestic Violence easement

The impact of domestic abuse on women's ability to fulfil job seeking conditions was recognised with the introduction of the Jobseeker's Allowance Domestic Violence Easement (JSA DV easement). This exempts some victims of domestic abuse from job seeking conditions for up to 13 weeks to allow a short amount of time to arrange alternative accommodation, arrange new schools, start legal proceedings etc.

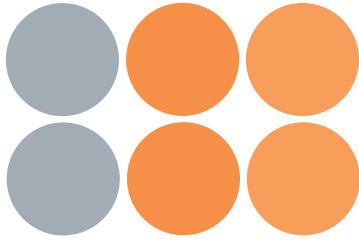
However in reality women are not routinely informed about the easement by Jobcentre staff and information about the scheme is not made available in Jobcentres despite recommendations made in the DWP's own research.<sup>31</sup> Scottish Women's Aid, in a survey of Women's Aid workers carried out in June 2014 found that Jobcentre staff had very little knowledge of the JSA DV easement. Women's Aid workers reported that women were informed about the easement by Jobcentre staff in only 15% of the cases they dealt with. This raises serious concerns that victims of domestic abuse are being required to carry out job-seeking activities or risk being sanctioned - when they should have been able to access the DV easement.

"I spoke to a Jobcentre staff member on the client's behalf, she was not aware of DV easement, there was no room available to discuss this, we had the conversation in front of other people with the perpetrator waiting for his appointment in the very same room."

**Women's Aid support worker**

<sup>31</sup> DWP (2013) *Domestic violence: Implementation of JSA DV easement and DVV concession – small scale qualitative research*





## 5. MULTIPLE DISCRIMINATION

Those most impacted by welfare reform live with various forms of social inequality and discrimination. Research and data for certain groups protected under the Equality Act 2010 is extremely limited at the Scottish level. For example, we know little about the possible impacts on lesbian, bisexual or transgender women, and given the extent of cuts to women's and to disabled people's incomes, work to monitor the impacts on disabled women and carers in Scotland should be a priority.

Similarly, we can only predict that there will be major impacts within some of Scotland's black and minority ethnic communities. Although there is large variation across communities, on average people from black and minority ethnic communities experience higher rates of poverty, have lower incomes, have larger families and higher numbers of dependent children. Both minority ethnic women and men are less likely to be in employment than the white population. Together, this points to the vulnerability of BME communities, and women in particular, to welfare benefits changes.

Impacts on older women should also be investigated. Two thirds of pensioners living in poverty across the UK are women, and single pensioners, the majority of whom are women, are the most affected by public spending cuts.<sup>32</sup> The increase in pension age for women has pushed older women into **mandatory work activity** for which they do not have the skills or physical capacity.<sup>33</sup> It also means that women remain on lower income replacement benefits, like Carers' Allowance, for longer. Along with the **'triple lock'** on uprating of the state pension and women's greater reliance on the basic pension and pension credit, this means that the gender profile of pensioner poverty is likely to increase. The wider effect of health and wellbeing of these groups must be cause for concern.

Other groups of women, including rural women, refugee and migrant women, lone parents and unpaid carers will experience welfare reform in ways that are shaped by these multiple and intersecting identities. It is critical that these dynamics and characteristics are threaded throughout the Scottish Government's policy response. We focus in more detail on implications for disabled women and refugee women in this chapter and in our recommendations.

### 5.1 Disabled women

Disabled women are amongst the very hardest hit by welfare reform. In addition to the direct loss of support in the shift to personal independence payments, many other benefit cuts will also have a disproportionate impact on disabled women, because they are much less likely to be in full-time employment than non-disabled people. The

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<sup>32</sup> Coalition for Racial Equality and Rights (2008) *State of the Nation: Race and Racism in Scotland*

<sup>33</sup> APPG on Race and Community (2012) *Ethnic minority female unemployment: Black, Pakistani and Bangladeshi heritage women*



employment rate for non-disabled men is approaching 90%. For disabled women it is 40%.<sup>34</sup> Disabled men experience a pay gap of 11% compared with non-disabled men, but for disabled women, who are less likely to be in full-time employment, this is doubled at 22%.<sup>35</sup>

Analysis suggests that claimants are simply being moved from **Employment and Support Allowance** (ESA), which replaced Incapacity Benefit, to the lower Jobseekers' Allowance.<sup>36</sup> Once on JSA they are subject to the strict conditionality regime and sanctions and 20% of all JSA sanctions are falling on disabled people.<sup>37</sup> Access to employment is hugely limited for disabled women, due to discrimination, stigma and public attitudes.

Ms G is a 44 year old woman who was claiming income support for a number of years while she looked after her children who had complex learning disabilities. Due to family circumstances the children were placed in care and Ms G had her benefits changed to ESA and disability living allowance. Ms G was diagnosed by her doctor with arthritis which affects her mobility and mental health issues which cause panic attacks and anxiety. At a recent work capability review Ms G was assessed as being fit for work and was told she would have to make a claim for JSA, she did not understand the process to appeal this decision and her payments were stopped.

At the job centre, she told the claims advisor that she is not always well enough to work they refused her claim for JSA and offered her no help. The stress of having no money, and difficulty trying to claim any benefits caused Ms G to have a severe panic and anxiety attack and she ended up being admitted to hospital. The difficulties Ms G encountered with the benefits system have caused a deterioration in her health.

**Case study provided by North West Women's Centre**

Recent tightening of eligibility criteria for ESA also discriminates against women with mental health issues. The Directors of Public Health in Scotland have criticised the new screening system for ESA claimants on the basis that it places additional requirements on women to prove their exceptional level of need, and may put women at risk of self-harm and suicide.<sup>38</sup> Mental health is highly gendered, with depression twice as prevalent amongst women, and low-income women in particular.<sup>39</sup>

<sup>34</sup> The Poverty Site <http://www.poverty.org.uk/45/index.shtml> (accessed 1/4/15)

<sup>35</sup> Inclusion Scotland (2013) *Women in work MSP briefing*

<sup>36</sup> Inclusion Scotland Scotland (2011) *Welfare reform briefing*

<sup>37</sup> Webster, David (2014) *Briefing: The JSA/ESA sanctions statistics release*

<sup>38</sup> Changes to ESA will discriminate against women – statement from Scottish Directors of Public Health, March 2015

<sup>39</sup> Scottish Parliament Information Centre (2014) *Mental Health in Scotland*



## 5.2 Refugee women

As one of the most marginalised groups in our society, refugee women and their children are at severe risk from all of the changes outlined above. This stems from linguistic and cultural barriers to the job market, stigma and discrimination, existing physical and mental health issues due to experiences as asylum seekers and lack of support networks, including childcare.<sup>40</sup>

Refugee women with newly granted status are particularly at risk of destitution due to processing times for the transition between asylum support which is administered by the Home Office (withdrawn after 28 days of being recognised as a refugee) and mainstream benefits systems. These delays are caused by problems obtaining a National Insurance Number, delays in receiving Job Seekers Allowance or Income Support, and lengthy waiting times for Child Benefit and Child Tax Credit claims.<sup>41</sup> The Scottish Welfare Fund is currently used to plug these gaps but the support available is limited, leaving women and their children reliant on social work support and food banks to top up their income. This will worsen under **Universal Credit** as the delays in receiving benefits are likely to be lengthened. Women will have to wait for Child Benefit to come into payment before any other benefits are paid. **Digital access** is another major problem for some refugee women.

Women who are on Refugee Family Reunion visas also experience delays in accessing benefits as the process of obtaining a National Insurance Number and claiming benefits cannot begin until the family has arrived in the UK. Women also have to resort to Crisis Grants from the Scottish Welfare Fund, which are transferred into the bank account of their refugee sponsor - usually their male partner.<sup>42</sup> When receiving Job Seekers Allowance, Child Tax Credit and Child Benefit, although the applications are processed as a joint claim the funds are transferred through the sponsor's bank account. The Refugee Family Reunion visa thus creates a worrying dependency on refugee sponsors and benefit payments further compound this. Women on Refugee Family Reunion visas are reliant on their sponsor for access to social security or other public funds, placing them in an extremely vulnerable position, particularly if they experience relationship breakdown or domestic abuse.

The new **English requirement**, linking English language learning to benefit sanctions, came into force in January 2015. It is likely to have a significant impact on refugee women.

Gendered barriers, including childcare and educational patterns in some BME communities mean that women access ESOL less than men and will limit women's

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<sup>40</sup> Refugee Women's Strategy Group (2011) *The struggle to contribute*

<sup>41</sup> Scottish Refugee Council (2014) *Holistic Integration Service Year 1 Evaluation Report*

<sup>42</sup> JSA processing takes on average 45 days. 24 of 40 families on the Scottish Refugee Council's Third Country National project have been awarded Crisis Grants due to immediate financial challenges on arrival. 75% of people depending on a sponsor for social security payments are female spouses.

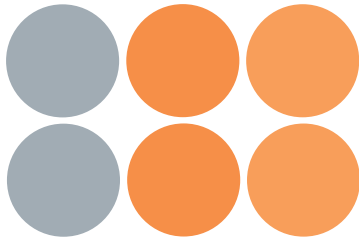


ability to meet this rule. It is already being observed that the implementation of this new requirement lacks flexibility and does not complement existing education provisions in Scotland. For example, women who are accessing mainstream ESOL provision or other college courses are being forced to pull out of these in order to attend mandatory DWP-contracted English language provision. It is not clear what the expectations of DWP work coaches will be once women have completed the mandatory language classes. The full impact of these new provisions remains to be seen.

The refugee integration strategy: *New Scots: integrating refugees in Scotland's communities*,<sup>43</sup> published in December 2013 by the Scottish Government, COSLA Strategic Migration Partnership and Scottish Refugee Council, addresses some of these issues and sets out recommendations to the UK Government including extending the 28-day period of withdrawing asylum support. It is important that work to tackle the gendered impact of welfare reform joins up these cross-cutting policy areas and feeds into the implementation work of the strategy.

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<sup>43</sup> Scottish Government, COSLA Strategic Migration Partnership, Scottish Refugee Council (2013), *New Scots: integrating refugees in Scotland's communities*



## 6. DEVOLUTION OF SOCIAL SECURITY

The devolution of some powers over welfare to the Scottish Parliament presents both concerns and opportunities for women's equality. There are fundamental problems with the extreme speed at which the process has been undertaken, and the complex division of responsibility for social security that has emerged.

As we have set out, the current policy direction, political culture and underlying objectives of the UK social security system are sexist and damaging to women and their children. Despite this, any new powers and delivery systems offer opportunities to learn from and address this – even though they are limited by procedural issues and piecemeal devolution.

There will be opportunities to establish human rights, different forms of equality and inclusion as principles that shape new legislation, policies and operations. Those principles must drive negotiations over the draft Scotland Bill, the practical arrangements that stem from it and its implementation by the Scottish Government.

### 6.1 Smith Commission and 'An Enduring Settlement'

Throughout the Smith Commission process, our organisations have called for gender and other equality issues to be mainstreamed in discussions. We have consistently called for equality impact assessments to inform the work of the Commission and both governments in taking forward its recommendations. This would have meant proactive consideration of gender in shaping the devolution package proposed by the Smith Commission and the subsequent UK Government command paper, *An Enduring Settlement*.

Instead, both documents are almost entirely gender-blind and the policy intentions articulated in the command paper are problematic from a gender perspective, partly because the experiences and voices of those who use the benefits system have been excluded from the process. Along with many others, we have expressed serious concerns about the undue speed of negotiations, which is precluding the possibility of democratic participation and the chance to create a better system that meets the needs women in Scotland. Given the complexity of welfare provision in particular, this cannot be achieved within a timetable that disallows meaningful consultation with those most affected.

The complicated division of responsibility that has emerged is problematic in a number of ways. Effectively addressing issues of systemic inequality necessitates a holistic approach, and piecemeal devolution undermines this. Great care will be needed to ensure that additional pressures are not heaped on those most affected by welfare



reform as the draft legislation is further developed. Scope for progressive change is also limited by the lack of coherence between reserved and devolved powers, particularly with regard to **Universal Credit** and the **sanctions and conditionality** regime, **Housing Benefit** and **Child Benefit**.

Nonetheless there remain real opportunities for the welfare system for to be improved for women, to involve those directly affected in shaping how new powers are used, and to ensure that the gender discrimination at the heart of the UK system is not replicated in Scotland. Benefits relating to care, disability, children and employability could be delivered within a framework that takes stock of women's experiences of the labour market, caring roles, domestic abuse and discrimination, and is also strategically linked to relevant policy areas such as women's employment, social and child care and anti-poverty strategies.

## 6.2 Joint Ministerial Working Group on Welfare

From a gender perspective, there are also a number of critical issues that must be addressed in ongoing negotiations. These relate to ways in which the Smith Commission Agreement is not reflected in the command paper and draft clauses. We are calling for these to be addressed within the Joint Ministerial Working Group on Welfare, or successor body following the 2015 general election. We are also calling for an open process of engagement with women impacted by welfare reform and equalities organisations as legislation is developed.

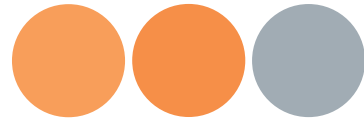
The power over employment support offers potential to mitigate the gendered patterns of skills acquisition that lead to occupational segregation and see women clustered in low-paid, insecure jobs. At present, employment programmes ignore these factors when pairing jobseekers with mandatory work activity, serving to further entrench them and to perpetuate the gender pay gap. Furthermore, the Smith Commission Agreement did not stipulate a limited form of support for those facing long-term unemployment that must assist the claimant at least for a year.

The power to vary the housing cost elements and administration of **Universal Credit** (UC) offers potential to better support women experiencing domestic abuse. Access to financial support and safe housing are crucial for these women and their safety is undermined by the monthly household payment under UC.<sup>44</sup> Devolution of these administrative issues may not require primary legislation and should therefore be separated from the forthcoming Scotland Bill. This would mean that access to resources and physical safety for women in danger could be expedited in Scotland.

The power over benefits for disabled people and carers holds potential to more holistically support disabled women and female carers. However, this potential is

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<sup>44</sup> Scottish Women's Aid (2014) *Briefing paper on welfare reform and refuge accommodation*

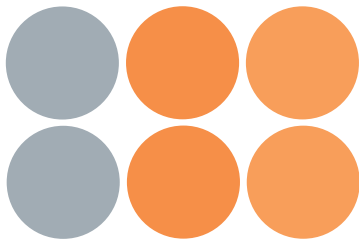


undermined by the roll-out of UC and **Personal Independence Payment** (PIP) in Scotland. The introduction of PIP entails a projected 20% reduction in spending, which will mean linked loss of entitlements for carers. Roll-out of UC and PIP should be halted until related powers have been devolved. Any plans to further restrict access to these benefits after the general election further limit our scope to make the changes necessary to ensure greater equality for these key groups.

Finally, the powers to create new benefits in areas of devolved responsibilities and to introduce discretionary payments hold great potential to mitigate the discrimination faced by women within the social security system. Disabled, black and minority ethnic, refugee and older women, lone mothers and carers are all at risk of multiple discrimination and are particularly vulnerable to harm. Meanwhile, links between women's poverty and child poverty are widely recognised.<sup>45</sup> The ability to increase women's disposable income in a targeted way would be manifestly beneficial to those most disadvantaged by economic 'shocks' and the austerity agenda. The restrictions placed on these powers within the draft clauses, however, fundamentally undermine their potential to prevent women from reaching the point of extreme need and eligibility for short-term support that is now proposed.

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<sup>45</sup> Women's Budget Group (2005) *Making the links: women's and children's poverty*



## 7. SCOTTISH GOVERNMENT ACTION

The changes and impacts outlined in this report seriously undermine prospects for a gender equal Scotland. The existing gender inequality and segregation that define our society and economy are set to become further entrenched as a result of austerity and the welfare reform agenda. This includes the gender pay gap, occupational segregation, women's lesser political representation and participation in public life, and gendered violence against women and girls. Hard-won incremental gains in these areas over the last decades have been compromised. The Scottish Government's numerous commitments and programmes across these areas are therefore also compromised by welfare reform.

The Scottish Government's ongoing commitment to mitigate the worst impacts of welfare reform is very welcome. Many women and children have accessed the various safeguards and crisis measures that have been put in place. However, much more can be done to move to proactively support women, based on their experiences of the benefits system and to explicitly link this work on welfare to devolved areas of government that tackle gender inequality.

More widely, the potential of additional powers (however limited) presents a very important opportunity to consider how we are doing with existing devolved services in relation to gender equality.

### 7.1 Mitigation measures

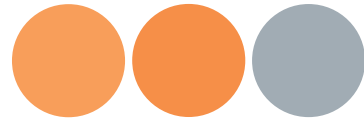
In August 2013, the Scottish Government published a gender analysis of welfare reform entitled *The Gender Impact of Welfare Reform*.<sup>46</sup> This contains useful quantitative analysis and helpful commentary. However, this analysis has not been consistently applied to the Scottish Government's mitigation programme, and therefore these initiatives do not clearly address the broad range of gendered inequalities that welfare reform is entrenching and deepening.

For instance, **gender budget analysis** and robust equality impact assessment processes were not applied to the interim Scottish Welfare Fund (SWF) or development of the Welfare Funds (Scotland) Act. This would have meant analysis of how the legislation and spending decisions will affect women and men differently, as well as the impact on gender equality, followed by action to redress any discrimination. Although the updated SWF guidance reflects important learning since implementation of the fund, apart from a single reference to women's aid refuges, it remains gender-blind. SWF teams at local authority level must receive specific guidance and training on the gender inequality and the gender impact of welfare reform. Scottish Government's inclusion of gender case studies within a recent training package is a welcome step in that direction.

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<sup>46</sup> Scottish Government (2013) *The Gender Impact of Welfare Reform*





Ms A moved into refuge the day after giving birth to her third child. She was unable to take any of her furniture or her own or her children's personal belongings with her when she fled her abusive partner. She lived in refuge for 12 months while awaiting an offer of housing. When offered her tenancy Ms A was supported to apply to the SWF for a community care grant. The flat she moved into was unfurnished with no floorcoverings. She applied for carpets, white goods, beds and bedding for herself and her children as well as basic cooking utensils and crockery. Local authority SWF staff informed Ms A that she was only eligible for a single bed as she was a single woman. It was only when Women's Aid intervened and were able to make the case that Ms A's youngest child often needed to be with his mother during the night that the SWF staff 'allowed' her to have a double bed.

**Case study provided by Glasgow East WA**

Continued funding to tackle the **bedroom tax** in Scotland is critical for many people in Scotland, and we welcome ongoing work within Welfare Division to better promote the scheme and to improve access to the delivery mechanism of **Discretionary Housing Payments**. To achieve this for women, this should be supplemented with a gendered approach that both targets uptake by women carers, survivors of gendered violence, lone mothers and others groups of women, and provides training for discretionary decision-makers.

Targeted funding for advice and support services has not included a gender component, despite high levels of need across projects such as the North West Women's Centre *Job Club*, or the partnership between Glasgow East Women's Aid and Glasgow Easterhouse Money Advice Project. Finally, the safeguarding of **passported benefits** sought to include gender equality of outcomes.

## 7.2 Budget process

This ungendered approach is partly explained by ministerial strategy and policy-setting. The Draft Budget 2015-16 sets out and contextualises the Scottish Government's commitments to mitigate the worst impacts of welfare reform. Overall spending on mitigation has been maintained, which is particularly welcome in the current financial context. However, despite an increased profile for welfare reform issues more broadly, gender remains unaddressed.

Welfare reform is appropriately integrated as a key issue across portfolios, including equalities, and women's employment. However, the impact on women is not



correspondingly referenced in the substantive discussion on welfare reform and no funding is mandated for this purpose. Ultimate allocation of funding in previous years of the programme shows that this blanket approach is not delivering for women at the sharp end of welfare reform.

‘Tackling inequality’ is identified as an overarching aim of the 2015-16 Scottish Budget. Within this, ongoing commitments to mitigate the impacts of welfare reform are made central and linked to broader anti-poverty strategies. However, the link with gender inequality and discrimination against other protected groups, as key vectors of poverty, is not made at this top-line level. It simply is not enough to frame inequality only in terms of income at the strategic level. Tackling income inequality fundamentally requires understanding of different forms of inequality, how they interact, and the systemic factors that cause and sustain them.

In contrast, the *Equality Statement* attached to the Budget (EBS) identifies welfare reform as a key equalities issue in the ministerial foreword. It also includes welfare reform as a distinct ‘thematic’ chapter for the first time, as well as integrated reference to welfare reform throughout. Within this, it identifies instrumental links with gender and causal reasons that explain women’s vulnerability to public spending cuts.

The Scottish Government is unique within the UK for its use of equality budgeting mechanisms. However, whilst the EBS is a progressive and useful tool, its impact is limited because its analysis and findings do not influence spending plans. Alongside Scottish Women’s Budget Group and others, we continue to call for the EBS to inform the development of the Draft Budget, rather than serving as a standalone document lacking in strategic relevance.

Since 2012, the Scottish Parliament’s Welfare Reform Committee has collected a great deal of useful evidence, commissioned reports and scrutinised the impact of UK Government policies in Scotland, as well as the Scottish Government’s response. We welcome the recent announcement of an Inquiry into Women and Welfare Reform and are hopeful that the increased evidence base that it will yield leads to targeted public spending on services for women in the Draft Budget 2016-17.

### **7.3 Assets-based approach**

The Scottish Government has adopted an ‘assets-based approach’ to welfare policy that aims to build resilience to welfare reform through working with communities. There is much to commend within this, including the principles of empowerment, agency and participation that it intends to convey, as well as its focus on prevention and localised services. However, a note of caution should be issued from gender and social justice perspectives. An assets-based approach fundamentally rests on access to resources,



whether physical, mental or psychological. As we have set out, many women are denied access to different types of assets due to systemic inequality.

Without question, women living in poverty, women living with violence and abuse, women with insecure immigration status, women with physical and mental health issues, women who have been sanctioned, women who head single households, women who provide unpaid care, and women who experience multiple discrimination are *extremely* resilient indeed. However a policy that explicitly rests on this resilience to hardship as a form of creative problem-solving must also incorporate balances relating to equality of access, structural inequality and exclusion.

For example, there are numerous barriers to women's equal participation in public and community spaces. These include childcare, transport, language, and the exclusion of women's voices in public forums. Welfare reforms, such as new JSA and Income Support rules, also further increase the time poverty of those most in need of innovative services. This is a particularly major issue for women with caring responsibilities. Whilst these groups should be consulted, any consultation or call for unpaid, voluntary participation must be sensitive to extreme pressures on time.

Shifting the onus for solutions onto individuals and third sector organisations, and away from central government, is also concerning in a systemic sense. Patterns of gender discrimination cannot be addressed if the approach is concentrated at the overarching level, in terms of (currently gender-blind) legislation, spending decisions and broad policy setting, and at the community level, where local authorities, third sector organisations and frontline services are responsible and accountable for implementation. A middle ground that links these, both vertically, and horizontally across related policy areas, will be crucial to an effective gendered approach.

## 7.4 The social justice agenda

Since taking office in November 2014, the First Minister has made a series of pledges to advance women's equality, to tackle inequality more broadly and to put social justice at the heart of economic and social policymaking. The Programme for Government 2014-15 recommits to action that safeguards against welfare reform, and links the need for a "fair and compassionate welfare system" with wider approaches to tackle poverty and inequality.<sup>47</sup> It frames welfare in terms of social justice, poverty in terms of human rights, and recognises the impact of welfare reform on women.

This welcome shift in focus, which has already seen improvements to the Government Economic Strategy from a gender perspective, offers clear potential for the Scottish Government to improve its track record on gender and welfare. This would entail an explicit focus on gender within the ministerial priority to tackle inequality, for example

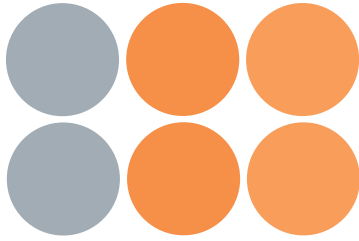
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<sup>47</sup> Scottish Government (2015) *One Scotland: Programme for Government 2014-15*



through the forthcoming work of an independent advisor on poverty and inequality, and review of equality impact assessments. It would also mean gender mainstreaming across mitigation activities, related devolved policy areas (such as housing, employability, and social care) and the devolution of welfare powers.

Without such a mainstreamed approach, women and children will continue to be disproportionately penalised by the UK's welfare reform programme. A targeted policy response that aims to redress this gender discrimination and is aligned with Scottish Government action to tackle the drivers of women's inequality is sorely needed. Ultimately, this will rest on an effective challenge to policy incoherence, the hierarchy of economic over social policymaking that prioritises economic 'growth', and generating enough political will to tackle sexist discrimination.



## RECOMMENDATIONS

Social security is largely reserved to Westminster. However, much more could be done within the existing settlement to safeguard women and children from poverty and social exclusion.

New powers over welfare do provide an opportunity to embed a gendered approach that can help to mitigate the harm caused to women by welfare reforms.

Whilst acknowledging that responsibility for the impacts set out in this paper primarily lie with the UK Government, we are calling for targeted action to redress policies that put women in Scotland at risk.

### Scottish Government should:

1. Develop a clear action plan to mitigate the impacts of welfare reforms on women, which is linked to devolved policy on gender equality, women's employment, social care and childcare.
2. Specifically monitor emerging impacts on rural, disabled, older, migrant, refugee and BME women, lone mothers and unpaid carers.
3. Mainstream gender analysis and human rights in the Welfare Funds (Scotland) Act regulations and guidance and target uptake by women.
4. Ensure the Scottish Welfare Fund respects women's choices and dignity and hold local authorities accountable for delivery of such an approach.
5. Ring-fence funding for community-based women's organisations to provide gender sensitive services relating to welfare reform, as part of a broad shift to strategically link the Equality Budget Statement and the Draft Budget.
6. Invest in employability services for women forced into or out of the labour market as a result of welfare reform, including tailored services for groups such as refugee and disabled women, unpaid carers and former carers.
7. Hold local authorities accountable over the delivery of Discretionary Housing Payments to ensure consistent access to safe accommodation for women.
8. Extend the Domestic Violence Rule to all women subject to immigration controls to ensure EU migrants who have been subject to domestic abuse are able to apply for a Destitution Domestic Violence Concession (DDV).
9. Introduce measures to guarantee that women with insecure immigration status have access to safety, protection and financial support where a relationship in which their immigration status is dependent on their partner breaks down.
10. Provide funding to ensure women are able to access refuge accommodation regardless of their entitlement to housing benefit.



## Further devolution

11. Embed gender and human rights analysis throughout the process of further devolution, including through the work of the Joint Ministerial Working Group on Welfare or successor body.
12. Improve the quality of equality impact assessments and ensure that they are not post hoc, but shape design of any new legislation and programmes.
13. Consult different groups of women who have been impacted by welfare reforms throughout the design of any new legislation and delivery systems.
14. Hold the UK Government accountable to the Smith Commission Agreement and deliver a Scotland Act that provides for maximum flexibility on employment support and the creation of new benefits.
15. Push for the rollout of Universal Credit and Personal Independence Payment to be halted in Scotland, until the current process of devolution is complete.
16. Push for devolution of administrative powers over Universal Credit to be taken out of primary legislation and expedited to the Scottish Parliament.
17. Use the power to create new benefits to reinstate lost entitlements for carers and parents.
18. Implement the Smith Agreement commitment to consider the devolution of asylum support, advice and housing to the Scottish Parliament, and in so doing, end administrative delays that leave refugee women destitute.
19. Innovate with newly devolved work programmes to support the needs of women seeking work and diverge from existing employability models that replicate gender segregation in the labour market.
20. Use new powers over employment support and benefits to mitigate some of the worst impacts of conditionality, sanctions and services delivered by Jobcentre Plus, where possible.
21. Link new powers over benefits for disabled people and carers to carers legislation and strategy, and review how devolved services impact on women's equality before new powers are taken forward.
22. Use the opportunity offered by the devolution of new powers to reimagine the services needed to better support the groups that they serve.



## GLOSSARY

### **Bedroom Tax**

The 'bedroom tax' is a cut to Housing Benefit for recipients of working age renting in the social housing sector, if they are deemed to be occupying a larger property than necessary. It is also known as the under-occupancy rule, or social sector size criteria. Current Supported Exempt Accommodation regulations do not include all refuge accommodation. Proposed amendments to Housing Benefit and Universal Credit regulations, designed to remove this anomaly, fail to include exemption from the bedroom tax.

### **Carers' Allowance**

Carers' Allowance (CA) is an income-replacement benefit paid to carers over 16 years old who provide over 35 hours of care. CA is set a rate that works out at a maximum of £1.70 per hour. 74% of recipients are women. Carers' Allowance will be devolved to Scotland.

### **Child Benefit**

Child Benefit (CB) is paid to parents of children up to the age of 16, or up to the age of 20 in approved education or training. Until the introduction of current reforms, it was a universal benefit.

Women with high-earning partners are no longer eligible for CB, meaning some will lose their only independent income. The three year freeze and subsequent 1% uprating of CB from 2014 signifies a direct loss of income for women, who are 94% of main carers/claimants. Child benefit remains reserved to the UK.

### **Childcare Element of Working Tax Credit**

'Childcare Tax Credit' is paid to parents working 16+ hours per week who pay for childcare. In couple households both partners must work 16+ hours unless a non-working partner is 'incapacitated' or in receipt of Carers' Allowance.

The 10% cut to childcare costs covered for low-income families will bar some women from accessing the labour market. Under the household payment this will also transfer from women to men in many cases.

### **Digital access**

Claimants must manage Universal Credit online. There are no paper forms, and no provision for processing these.

This will be problematic for many women, including: refugee and migrant women, for whom language and IT literacy are often major barriers; rural women, who rely more on public transport to access public services than men and; older women and low-income women with limited access to the internet.



### Earnings disregard

The 'earnings disregard' is income exempt from total amounts used to calculate benefit entitlements. The single earnings disregard under Universal Credit (UC) may disincentivise second earners from entering the labour market. Second earners are mainly women.

For many lone mothers and second earners on the minimum wage, disposable income 'plateaus' at as little as ten hours a week, as Universal Credit reduces sharply with additional earnings. For many women it will not pay to work 30+ hours a week, due to the combination of childcare costs, reduced UC payments and income tax.<sup>48</sup>

### Employment and Support Allowance

Employment and Support Allowance is paid to people unable to work due to disability or illness. For most new claims ESA replaces Incapacity Benefit and Income Support on the basis of incapacity for work.

Most people must undergo a medical that assesses their capacity for work in order to receive ESA. ESA remains reserved to the UK.

### English requirement

Jobseekers with 'poor English skills' will be required to attend English language training or face losing benefits.

### Gender budgeting analysis

Gender budgeting analysis (GBA) is an approach that systematically takes account of how public spending decisions impact on women and men. Frequently, the resource allocation process leads to unintended and unfair consequences, which a more integrated consideration of gender perspectives could avoid.

### Household benefit cap

The 'benefit cap' is a limit on the total amount of social security payments people of working age are eligible to receive. The cap applies to the combined total of benefits received within the household.

This limit on the total amount of Universal Credit and other benefits will impact on lone mothers and unpaid carers in particular. Around 60% of customers likely to have benefits reduced by the cap will be single females, compared to 3% of single males.<sup>49</sup>

### Household payment

Universal Credit will be calculated on the basis of households rather than individuals, with one person to claim on behalf of the family.

This will signify a direct loss of income for many women. The monthly, lump-sum payment will add significant pressure to women responsible for juggling stretched resources and varied demands.

<sup>48</sup> Joseph Rowntree Foundation (2013) *Does Universal Credit enable households to reach a Minimum Income Standard?*

<sup>49</sup> Scottish Government (2013) *The gender impact of welfare reform*





### **Housing Benefit**

Housing Benefit (HB) is paid to people on low incomes who rent their homes. Only one partner in couple households can receive HB. It will be replaced by Universal Credit.

Women are disproportionately affected by the changes to HB. Women make up 62% of all single claimants in Scotland, of whom 37% have dependent children compared to 3% of single male claimants.<sup>50</sup>

### **Income Support**

Income Support (IS) is paid to carers, pregnant women and lone parents with a child under 5 who are on a low-income and work under 16 hours a week. Some people 'incapacitated' for work due to disability or sickness can also claim IS. It will be replaced by Universal Credit.

The earlier transition of lone mothers from Income Support to Jobseeker's Allowance (JSA) will put extreme pressure on many low-income women, particularly in light of the new commitments required to claim JSA.

### **Jobseeker's Allowance**

Jobseeker's Allowance (JSA) is an unemployment benefit paid to people actively looking for work. Recipients must be of working age, able and available for work, and work less than 16 hours a week on average.

### **Mandatory work activity**

The mandatory work activity scheme was introduced as part of the new conditionality regime in 2011. Recipients of Jobseeker's Allowance can be referred by Jobcentre Plus staff to complete unpaid placements of four weeks of up to 30 hours. Those who do not comply face sanctions.

### **Passported benefits**

Claimants of certain means-tested benefits and tax credits are automatically entitled to certain 'passported benefits', such as free prescriptions and school meals. Many passported benefits will be abolished and merged into Universal Credit.

The Scottish Government is responsible for a range of income-related and disability-related benefits and continues to use the passporting system in assessing entitlement. Personal Independence Payment

### **Personal Independence Payment**

Personal Independence Payment (PIP) is a new benefit paid to people of working age with a long-term condition or disability. It replaces Disability Living Allowance (DLA).

Both mobility and care components of DLA were essential for disabled people. This cut will mean a loss of independence and will have a significant impact on disabled women and on women in affected families. The mandated budget cut under PIP is a costed calculation to leave disabled people and carers without income and support. PIP and DLA will be devolved to the Scottish Parliament.

<sup>50</sup> Scottish Government (2013) *The gender impact of welfare reform*



### **Sanctions and conditionality**

The Welfare Reform Act 2012 introduced a tougher sanctions and conditionality regime for benefits claimants. The 'claimant commitment' that lists claimants' individual responsibilities is a core requirement for receipt of Universal Credit. A range of work-related requirements must be met or else sanctions apply.

Sanctions consist of reduced or stopped benefits, for variable or fixed periods. All of these dimensions are subject to much harsher rules under the new regime, leaving people with little or no income. The regime does not take women's experiences and needs into account.

### **Sure Start Maternity Grants**

The Sure Start Maternity Grant is a one-off payment of £500 to pregnant women on low incomes. It has been restricted to a mother's first child under 'welfare reform', which equates to a cut of £500 for low-income pregnant mothers. Sure Start Maternity Grant will be devolved to the Scottish Parliament

### **Triple-lock system on state pensions**

The 'triple lock' system guarantees pensions rise in line with inflation, earnings or 2.5%, whichever is highest. However, in the short-term all of these options are projected to rise well below Retail Price Index. This amounts to an effective cut to basic pensions.

### **Universal Credit**

Universal Credit is a single payment to replace Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Housing Benefit and working tax credit. Roll-out began in April 2013 and is expected to be completed by 2017. Significant delays have been experienced.

### **Work-focussed interviews**

Work-focussed interviews were introduced as part of the new conditionality regime in 2011. They are a requirement for some recipients of Universal Credit, in line with the claimant commitment drawn up by Jobcentre Plus staff. Sanctions apply.



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Inclusion Scotland

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North West Women's Centre

Refugee Women's Strategy Group

One Parent Family Scotland



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Engender is Scotland's gender equality organisation.

For more than 20 years we have worked across Scotland on feminist policy, advocacy, and activism. We make women's inequality visible, and bring women together to make change happen.

