

Response to the Women's Budget Group Commission on a Gender-Equal Economy: Call for evidence - Social Security

1. Introduction

The commission's call on social security is a welcome opportunity to reflect on the role of social security in meeting social and economic goals. Social security is important to a gender-equal economy because it can be an investment in socially inclusive growth and well-being, as well as help the country to withstand crises. Indeed, the International Social Security Association regard social security is an increasingly necessary tool for socio-economic development¹, through supporting growth and human capital. As Commission members will be only too aware, social security design can have implications for gender equality, so it should mitigate gender-based power asymmetries and ensure women have social rights². This requires governments to understand and deploy knowledge of equality considerations in the design and delivery of social security.

This response is my personal view and not representative of any organisation. It mainly concerns working age benefits; pensions are crucial to women but are not within my area of expertise.

In this response I cover the importance of social security for women; principles to guide social security reform; outline an approach to reform and some specific areas to consider; then make some suggestions about the process of change.

Before considering these, there are some preliminary points about social security.

a. **Social security interrelates with other policy areas** and so cannot be seen in isolation.

Of particular relevance are children and family policy, childcare, health, care and support, labour market and housing. Some of these have placed cost pressures on social security (such as housing and childcare). Hence social security reform relates to the wider social infrastructure, so could link to a set of broader objectives for those policy areas and services as well as separate aims and specific reforms for social security itself.

b. **Financing and spending are related.**

Recent drivers of social security spending have been regarded as: the economic cycle, with social security spending rising during downturns; demographics, including an ageing population and policy decisions³. When talking about social security we often also think about how changes are to be paid for as well as what it is being spent on. So how social security is funded is also an issue, but as important are inter-relationships with other areas such as housing – so for example the financing and spending of bricks and mortar as well as support with housing costs should also be looked at together, rather than costing up a particular housing benefit rule in isolation.

c. **The aims and objectives of social security vary.**

They are frequently changed, revised, and contested across the political spectrum⁴. It's possible to distinguish between objectives for social security systems (the whole set of measures) and schemes (specific benefits); between aims (the purpose of an entire system) and objectives (attached to specific benefits); and the purposes of the overall system establish a paradigm

within which policy development takes place, in turn providing the rationale and objectives for benefits⁵. So, it is important to be clear about aims and objectives of reform and how top-priority 'gender-equal' provisions can be baked into the system for the longer-term.

d. Social security reform requires a long-term vision and strategy to get there.

Clearly not everything can change at once, but in my view there is a risk of accepting limits to the ambition for change; for instance people may believe that it is 'natural' for wide-ranging reform to be too difficult or too costly (in a similar way to thinking it is 'natural' for women to provide care⁶). Action includes addressing underlying structures rather than just mitigating the deprivation caused by inequalities⁷. Minor tweaks risk being seen as an end point in themselves rather than steps along the way, so short term measures need to fit with longer term goals.

2. Social security is vital for women and gender equality

As has been well-evidenced by the WBG and its members over many years, women are disproportionately affected by social security, through having greater needs to claim than men, due to factors such as unpaid caring responsibilities and low-paid, part-time and/or precarious work⁸, in a context where social security rules privilege longer-term, full-time employment patterns⁹. Because women are more likely to rely on social security than men, and to receive payments for others (typically children), some social security changes have a significant gender impact. The UN Rapporteur on Extreme Poverty and Human Rights recommended that the UK government review and remedy the systematic disadvantages inflicted by current policies on women, children, disabled people, older people and ethnic minorities¹⁰.

The table below highlights the proportions of women claiming certain benefits and tax credits¹¹:

Benefit / tax credit	recipients who are women
Working Tax Credit (WTC) childcare element	95% of nominated main carers
Child Tax Credit (CTC)	87% of nominated main carers
Child Benefit	87% of recipients
Carer's Allowance	73% of recipients
Attendance Allowance	64% of recipients

In the past decade, the erosion of contributory benefits has accelerated, and means-testing expanded. Whilst providing an income for those in need (such as lone parents), means tests disadvantage women in couples¹², as entitlement is calculated by adding together the income and savings of both partners¹³. Such 'household' assessment assumes each partner has equal access and control over finances¹⁴, but this obscures individual experiences (unfairly shared resources¹⁵ which can lead to individual poverty¹⁶). Women in low-income households often bear the responsibility of managing on limited resources¹⁷). Thus means-testing can often perpetuate gender inequality¹⁸.

Women have also been more affected by austerity measures¹⁹ which have reduced benefits and services²⁰, including vital women's services (providing employment and skills, benefits and legal advice, support for domestic abuse survivors)²¹.

Social security is crucial to survivors of violence against women and girls

The WBG also knows that women are also more at risk of experiencing violence and abuse (VAWG)²², with one in five British adults experiencing financial abuse, most being women²³. Gender inequality is internationally recognised as both a cause and consequence of VAWG²⁴. Hence a gender-equal social security system has a role to play in creating an environment within which VAWG is regarded as unacceptable.

Currently some social security rules recognise VAWG, which is positive, but what is more concerning is that these often involve identifying VAWG as an *exception* to generic rules which would otherwise disadvantage survivors (as well as women generally). Whilst exemptions and discretion for VAWG survivors mitigate benefit rules such as the two-child cap, work-related conditionality, single Universal Credit (UC) payment and 'no recourse to public funds', these often require survivors to disclose and prove abuse, making such exceptions difficult to use²⁵. Exemptions don't make a generic rule (like the two-child limit) more acceptable. Whilst some flexibility is needed to ensure that the social security system works for survivors, a more gender-

equal social security system may not require the same level of exemptions and discretion as the current, gender-neutral stance.

- A two-pronged approach may be needed: first, to reform social security overall as more gender-equal; and secondly, to develop social security as part of a wider support infrastructure for VAWG survivors (rather than making it more difficult for survivors, as often happens now); requiring immediate access to social security and properly-funded VAWG/welfare rights services²⁶.

Would devolved social security be any more equal?

Social security can a way of pooling risks, redistributing between those with higher incomes to those with lower (vertical redistribution), across the life cycle, and between different groups (such as towards those with children: horizontal re-distribution)²⁷. The post-Second World War British welfare state was 'national', replacing local and voluntary sector provision, including the hated nineteenth century local Poor Law.

Social security is thus mainly reserved to Westminster, with policy and delivery undertaken by the Department for Work and Pensions (DWP) and some reserved benefits and tax credits administered by HM Revenue and Customs (HMRC). However, there are different arrangements in Northern Ireland and Scotland.

- **Northern Ireland**

In Northern Ireland social security is devolved (though policy follows a long-standing principle of parity with Westminster since the 1920s, more recently enshrined in the Northern Ireland Act 1998, which does not prescribe parity but underlines the rationale for its continued practice²⁸). Funds are transferred from Westminster to Northern Ireland for this to happen, so the potential cost of providing and administering benefits differently has been a strong deterrent to divergence²⁹. The Welfare Reform Act 2012 placed strains on this parity principle, as not implementing reforms such as the bedroom tax and benefit cap would therefore impose a cost upon the Northern Ireland Executive; there was political disagreement over the direction of some reforms, leading to Northern Ireland-specific mitigations³⁰.

- **Scotland**

Since 2016 Scotland has been granted some social security powers. Ultimately 11 benefits will be devolved (e.g. disability and carer benefits, baby and early years' payments, and UC payment flexibilities). The Scottish Government also has a power to top up reserved benefits³¹ which it is using to introduce a 'Scottish Child Payment' for families receiving one of the main means-tested benefits³². Devolution of social security to Scotland, prompted by promises made at the time of the independence referendum and later explored by the Smith Commission³³, was probably also accelerated by the Westminster Government's welfare reforms, especially those contained in the Welfare Reform Act 2012, which pitted Westminster against Scotland's more progressive social policy reputation³⁴.

Devolved governments in Scotland, Wales and Northern Ireland have sought to mitigate Westminster's welfare reforms, sometimes in different ways, though devolved governments may be concerned about how much they are spending on mitigating Westminster policy, rather than other policies³⁵.

- **'Localisation'**

Welfare reforms also included greater 'localisation' of some benefits that were previously DWP-administered, notably the former discretionary social fund, so this was devolved to the governments in Scotland, Wales and Northern Ireland, and to local authorities in England³⁶.

Except for localisation, the Welsh Government has no social security responsibilities though Ministers are exploring a more strategic use of the Government's existing powers and wider devolution to include the same UC payment flexibilities as in Scotland³⁷.

This also raises questions about whether further devolution would be a pragmatic response to the difficulty of influencing changes at central, Westminster level, or if there are other reasons for doing so. For example,

- There may be logic in devolving those aspects of social security which interact with other policy areas that are already devolved (e.g. housing, care and support), as the devolved governments may be able to consider strategic alignment between (say) housing supply, homelessness, local authority discretionary housing payments etc. However this then raises questions as to whether some entitlements are, or should be, 'national', where people are concerned about variations and a 'postcode lottery'.
- Devolution also enables policy divergence from Westminster, and opportunities to do things differently. For example, Scotland's approach to a rights-based social security system through developing principles which are laid out in legislation (see Annex 1) and form the basis for a Charter for users of its new Social Security Agency³⁸, has been widely welcomed.

Although equality policy is reserved, the devolved governments also have responsibilities for equality and VAWG strategies. Northern Ireland has its own equality laws under the Good Friday Agreement; but protection for women is lower than in GB, so Northern Irish women are more reliant on EU equality law than the rest of the UK. In contrast, Scotland and Wales have used their equality powers more expansively. The GB-wide Equality Act socio-economic duty has been commenced in Scotland and Wales (not England). Also in Scotland and Wales the specific public sector duties require assessment and review of policies for impacts on protected groups (though there are concerns about weak administration of Equality Impact Assessments (EIAs) and poor engagement/involvement of protected groups)³⁹. On VAWG, the Welsh Government introduced a 'Ask and Act'⁴⁰ public sector duty to publish strategies to end abuse and provides for Welsh Ministers to issue guidance and appoint a Ministerial adviser. Scottish legislation, reflecting it has its own legal system, has introduced a criminal offence which includes psychological abuse and coercive and controlling behaviour and a 'statutory domestic abuse aggravator' to ensure courts take domestic abuse into account when sentencing offenders. Scotland's Strategy for preventing and eradicating VAWG, *Equally Safe* also has priorities to achieve greater gender equality.

Thus, Scotland and Wales appear to have a more favourable gender-equality framework than England/GB or Northern Ireland; though of course this may change, and policy may not always be translated into practice. Devolution could in theory present opportunities to develop policy and practice on gender equality and VAWG which can interact with social security to support wider gender equality objectives. This can include mainstreaming gender in policy development⁴¹ (see also section 4 below).

This raises a broader question about whether the WBG views the future of social security as lying within broadly the same devolved settlement as now or believes that greater devolution of benefits

would serve women's interests better. This is a complex issue, especially in the context of asymmetric devolution settlements, political demands for another independence referendum in Scotland and increasing 'indy-curiosity' in Wales⁴².

At the very least it may be that principles for a gender-equal social security system should underpin any reforms, irrespective of which government is undertaking them. What these principles might look like is discussed in the next section.

3. Principles for a gender-equal social security system

Reforming social security to make it more gender-equal (or even gender-friendly) implies a long-term strategy for reform, requiring long-term aims as well as short and medium term goals, using coalitions of support and mobilising grassroots action.

One starting point for inquiries into social security reform is to consider the principles that should guide specific options for reform. Examples can be found in Annex 1, including principles developed for WBG for a project exploring social security and VAWG, highlighting different approaches. Importantly, many of these express a commitment to developing an approach based on human rights and equality.

Many commentators refer to a principle of simplicity; but social security must also be a tool for meeting needs within a complex society, when circumstances may often change. So, whilst one aim might be for a simpler system that those using and administering it can understand, there is a risk that simplicity could lead to rough justice or levelling down. Perhaps the aim is for a simple 'front door' that claimants can easily get through, even though the rooms behind the door may entail significant complexity and fluidity between them in order to meet changing needs.

A drawback with principles is that different meanings can be attached to the same terminology, and there may also be different visions for putting them into practice. This implies an ongoing process of using such principles to monitor progress, and using participation and engagement in developing and maintaining these. Importantly, for a gender-equal social security system, gender needs to be 'mainstreamed' into both principles and practice.

The 'different or equal' dilemma

A key concern for feminists has been how to recognise women's caring roles (often unpaid) without reinforcing gender norms and gender inequality. In relation to social security, there is potential tension between aims of supporting caring activities whilst also aiming for equality with men. In her writing about citizenship, Ruth Lister⁴³ characterises women's citizenship choices as either:

- universalistic claims, based on the principle of women's equality with men ('gender-neutral', or sameness) or
- particularistic claims, based on difference from men ('gender-differentiated').

An example of the first approach might be equality in the labour market and of the second would be support and payment for unpaid caring, undertaken (still) predominantly by women.

Aiming to reconcile these approaches, Nancy Fraser⁴⁴ uses five main principles aiming to achieve gender equity (she developed a dual earner-carer, or 'universal caregiver' model, but other reforms could be appraised against these five principles. They are:

1. **anti-poverty principle** – meeting needs in order to prevent poverty;
2. **anti-exploitation principle** – avoiding exploitation by partners or employers (e.g. through independent incomes);
3. **equality principle** -comprising three aspects: income equality (e.g. through ending unequal pay), leisure time equality, equality of respect;
4. **anti-marginalisation principle** - promoting women's full participation; and

5. **anti-androcentrism principle** – re-valuing traits/activities that are often under-valued because women do them; treating circumstances like birth and caring as typical, and not as exceptions.

The anti-exploitation principle is particularly important in highlighting women's lack of resources and in some cases financial dependency on a partner, and ultimately also VAWG.

These principles offer a more nuanced approach to assessing gender equality within social security and have been used to consider the potential for Basic Income Schemes to promote gender equality⁴⁵.

I suggest that the WBG flesh out these principles to develop objectives at the different levels of system-wide and particular benefit reform (as outlined in sections 5 and 6) and as a yardstick to appraise specific options. By using these principles, it may be possible to explore the trade-offs and range of options that can help to make social security more gender equal.

4. Processes of change

Attention also needs to be given to the processes of change on the way to achieving a more gender-equal social security system, especially in the context of a period of austerity and ostensibly 'gender-neutral' reform, and potential hostility to further changes (particularly those intended to benefit women).

Who: policy decision-makers

As well as benefit cuts and changes, austerity is likely to have placed a strain on policy-making capacity and capability in government since 2010. DWP staff numbers were reduced by one third during 2010 - 2016⁴⁶, at a time of large-scale reform.

To help develop a gender-equal social security system, more and different expertise may need to be brought into the policy-making process, and the process itself made more transparent and accountable.

Design and implementation of policy for working age benefits can often fail to take into account the varied lives and complex needs of claimants⁴⁷, so social security reform should be co-designed with experts (by which I mean those with specialist subject knowledge as well as those with lived experience) from outside of government. This can include greater 'stakeholder engagement'⁴⁸ through advisory bodies and opportunities for participation by people with lived experience of benefits (such as done by the Scottish Government⁴⁹).

What: benefit rates, funding and advice

In addition to specific policy changes, procedures and mechanisms could be put in place to support processes of change.

- **Benefit rates and uprating**

Develop a mechanism for deciding on benefit rates and their uprating, to involve those with lived experience of benefits, civil society organisations, academics and government decision-makers to debate a guaranteed minimum amount that someone would be entitled to and how this could be re-valued each year (such as the Minimum Income Standard⁵⁰).

- **A new 'social security fund'**

If contributory (and other individual) benefits are to be expanded (see sections 5 and 6 below), the National Insurance Fund could also be reformed into a 'social security fund'. How such a fund could be financed, run and scrutinised needs much more discussion but at minimum could include an end to 'national insurance holidays' by employers. The social security fund could also be run by a body that includes representation from government, employer organisations, and employee interests including those with lived experience of social security and other subject experts.

- **Advice infrastructure**

Develop an infrastructure of high-quality advice and advocacy to ensure that women and men know about and can access or contest a claim (as a mark of their importance, advice services were also included as one of the Northern welfare reform mitigations).

How: building equality considerations into the policy process

Processes should be guided by the UK government's international treaty obligations. This includes international obligations such as the UN conventions on the rights of the child and on the rights of disabled people⁵¹ (Wales was the first UK country to make the UN Convention on the Rights of the Child part of its domestic law⁵²). The *Istanbul Convention* also requires countries to take steps to prevent VAWG, protect survivors and prosecute offenders⁵³.

Importantly, existing law that focuses on improving decision-making processes (either about what the benefit rules should be, or when applying them to a particular individual) should be implemented. This includes domestic human rights and equality law.

The 2010 Equality Act *Public Sector Equality Duty* requires public authorities to consider eliminating unlawful discrimination, advancing equality of opportunity, and fostering good relations between those with a protected characteristic and those without. The general duty refers to giving 'due regard' to equality in decision-making on policies; specific duties which support the general duty vary across Scotland, Wales and England (and reserved) policy and practice. In Scotland and Wales there are specific duties to undertake equality assessments of new or revised policies or practices⁵⁴.

Equality impact assessments (EIAs) should also be undertaken as an integral part of the policy-making process⁵⁵ when policies are design, implemented and revised. 'Due regard' requires public authorities to have adequate evidence for their decision-making; stakeholders can help decision-makers develop this evidence and avoid basing policies on assumptions. Comprehensive EIAs (including cumulative assessments⁵⁶ of reforms) can improve policy outcomes and meet gender equality goals. Sadly, EIAs are not routinely undertaken⁵⁷.

- UC is one example of this. DWP undertook EIAs in the early days of UC, but their adequacy⁵⁸ has been questioned and they don't seem to have been followed up or updated to reflect policy changes⁵⁹. In its December 2012 UC *Impact Assessment*⁶⁰, the DWP described its UC policy as 'gender-neutral', as when women and men are in the same circumstances, they are treated equally under UC. In practice women and men are rarely in similar circumstances, and a neutral rule can be discriminatory if it has disproportionate impacts, potentially perpetuating gender disadvantages and non-compliance with equality obligations⁶¹. Concerning migration of claimants from so-called 'legacy benefits' onto UC, the DWP claims that '*no benefit recipient with a protected characteristic will be affected because there are no adverse or disproportionate negative impact on equality*'⁶².

According to Jonny Runge⁶³, an author of cumulative impact assessments for the Equality and Human Rights Commission (EHRC), even when produced, DWP EIAs are:

1. simplistic, containing limited detailed evidence;
2. surprisingly political, building arguments on controversial (non-evidenced) assumptions (such as about second earners); and
3. use 'strange comparators', comparing an affected group with claimants of a benefit overall, rather than the general population, concluding that policies are gender-neutral, because existing policy already disadvantages women.

EIAs and equality considerations should be part of training and policy capability for public sector decision-makers and is crucial for any social security reforms aiming at gender equality.

5. An approach to a more gender-equal social security system

Overall, one building block for making social security more gender-equal would be to reduce the scope of means-testing and increase individual benefits.

Means-tested benefits should be kept to a minimum because these carry stigma and lower take-up. As discussed above, means-testing is pervasive, destructive and divisive, and should be reduced to a residual, top-up role within a society security system. Instead, the aim should be to move towards a social security system which is based on meeting needs of citizens across the life cycle. This is best done through 'categorical' benefits (current examples are Carer's Allowance (CA) and Personal Independence Payment (PIP)) and 'contributory' benefits (currently contribution-based Jobseekers Allowance (JSA) and Employment and Support Allowance (ESA)). Although eroded by recent government cuts and changes, benefits could be reformed to:

- **Enhance and promote benefits based on individual entitlement**, such as contributory benefits and Child Benefit. A more expansive conceptualization of 'contribution' for benefit entitlement could reflect contingencies such as caring, so that contributory benefits become 'participation' benefits payable for a wider range of circumstances.
- **Change the current balance between cash and services**, through supporting more direct provision. For example support for childcare should be taken out of the benefits system as a payment to parents and instead the resources used to develop an infrastructure of childcare support, so that payments go to providers for services that are then free at the point of use to parents and their children.
- **Promote wider objectives** for housing and prevent homelessness through reforming housing payments.
- **Support women to increase their incomes through getting and staying in paid work**, building on paid leave and employment-related benefits such as Maternity Allowance and provisions for maternity/paternity and parental leave⁶⁴.
- Emphasise **disability payments to reflect additional costs of disability**, based on the social model of disability rather than limited capability for work, with holistic rather than medical assessment.
- **Individual benefits could potentially include a Universal Basic Income (UBI) or partial basic income schemes**⁶⁵, including perhaps a citizen's pension⁶⁶. There has been considerable interest in UBI in recent years, with some pilot schemes taking place in other countries and also in Scotland⁶⁷. The attractions are that it would be payable to every adult without a means-test and irrespective of work status and conditionality. For women, the debate has also reflected the 'difference vs sameness' issue; so whilst yes, UBI as an individual benefit could facilitate women's autonomy and equality, would it recognise or simply reinforce women's unpaid caring work⁶⁸? Using Fraser's principles to assess specific options for a UBI could help to unpick this. It may be that there is considerable potential to meet anti-poverty and anti-exploitation principles; but that, as with other social security reform, may also need changes in other spheres such as childcare in order to make a real difference.

Through emphasising individual payments and employment-related benefits, such reforms could have potential to meet Fraser's anti-poverty, anti-exploitation and equality principles.

6. Specific areas for reform

Specific changes are likely to be required within the overall approach outlined above. These include

In the long- and medium-term:

- a. Work towards abolishing UC
- b. Remove child elements from UC and put an equivalent sum towards increasing Child Benefit. A further option could involve stripping out elements for caring and disability so that UC becomes an individual, in- and out-of-work benefit
- c. Reform disability benefits for consistency with the social model of disability

In the short-term

- d. Reduce the scope, severity and extent of work-related conditionality and sanctions (UC and JSA)
- e. End austerity measures that disadvantage women.

In the long- / medium-term:

a) Work towards abolishing Universal Credit

There have been many calls⁶⁹ for reforms to UC such as payment arrangements, waiting periods, benefit amounts and caps, work incentives, work-related conditionality and sanctions. Whilst changing some or all of these could improve UC, it would still fail to meet the objectives of a rights-based and more gender-equal system and moving towards meeting Fraser's principles.

UC and couples

The single, monthly UC payment makes it harder for claimants to budget and risks giving the green light to people exerting financial control and coercion over their partner⁷⁰, giving abusers opportunity to exert more financial control over their partner than under previous benefits/tax credits. Whilst perpetrators are clearly to blame for abuse, the government can ensure that benefit arrangements do not facilitate abuse nor condone inequality in relationships that may not (yet) be abusive. A default single UC payment, with split payments only for exceptional circumstances, is not an appropriate response to domestic abuse; having to disclose and prove abuse, and meet other conditions, can put the survivor at risk⁷¹. The DWP's focus on this as *simply* an issue of domestic abuse misses wider gender implications; potentially altering power dynamics within couples, it can affect women's economic independence⁷². Policy options to deliver separate payments to each partner in a couple are being investigated in Scotland⁷³. Whilst welcome, separate payments alone are unlikely to deliver an independent income for a woman (which, as noted above, is more likely under systems that are not means-tested).

UC also involves further dependence. If one partner will not sign the claimant commitment, the couple's claim fails⁷⁴. UC also makes a couple divide themselves into a 'main earner' and 'main carer', potentially constraining their choices, contradicting other government policies emphasising shared parenting⁷⁵.

Integration of in- and out-of-work benefits

UC amalgamates several means-tested benefits / tax credits, and payments to people whether in or out of work. UC has become the sole vehicle for delivering support for needs that were previously met by separate means-tested benefits/tax credit, thus reducing the flexibility and

advantages of previously distinctly-labelled benefits. The stated objectives of UC reform (such as making work pay, simplification) could have been achieved without this integration; so benefits could have been amalgamated without altering entitlement or work incentives; or work incentives could have been strengthened within the former system⁷⁶. UC is also far from simple, carrying over complexity from the previous system; artificial thresholds created to cater for passported benefits; new complexity introduced through extending work-related conditionality including for those in work⁷⁷; and the whole month approach to assessment including the intersection with real-time earnings⁷⁸. UC can have a particularly negative impact on women⁷⁹, disabled people⁸⁰ and ethnic minority claimants⁸¹.

Hence in my view, wrapping up benefits into one payment is *not* a good idea in principle (as reform objectives can be achieved in other ways). The National Audit Office⁸² has indicated that many of the claimed advantages of UC cannot be demonstrated but that reverting to legacy benefits would be too expensive. Whilst calling for politicians to re-imagine and re-design means-tested benefits, the Fabian Society also referred to a choice of whether to 'scrap' or 'reform' UC⁸³. Policy experts contributing to their project also argued against totally scrapping the principle of a single integrated benefit. It would be unfortunate if this was taken to mean that UC should be retained; it is flawed in many ways and vastly disadvantages women. With evidence about its limitations and the hardship created, and with many thousands yet to migrate across to UC, there is a strong case to stop it. But this does not necessarily mean a return to previous benefits, but rather, to reconfigure the social security system differently.

Tampering with the taper?

UC has been 'sold' as 'making work pay', through improved work allowances (earnings disregards) and a single taper rate. Currently the taper is set at 63p in the £ (the rate at which benefit is withdrawn). Many of the calls to reform UC have included more generous work allowances and a softer taper⁸⁴, which would make more people eligible and keep some on benefit for longer.

A different approach, which aims to reduce the scope of means-testing, would be to *raise* the taper. A steeper taper reduces the gains from working an extra hour whilst someone is on benefit (though once they have left means-tested benefits, their gains are only reduced by national insurance contributions and income tax⁸⁵). Raising the taper rate to 75% was discussed in 2015 as part of austerity measures⁸⁶, though in context of wider benefit cuts was inevitably met with some concern.

Hence the raising the taper would be controversial as it conflicts with calls from organisations to do the opposite. Thus, to consider this option would require it to be part of a package, and would also need further exploration and discussion would be needed with a view to:

- In parallel with an increased taper, considering how to expand individual-based benefits to boost the earnings and non-means-tested income that people would receive;
- Econometric modelling to assess potential impacts on individual and family incomes;
- Equality impact assessments considering a range of social and economic factors.

Artificial intelligence and digital claiming

UC in particular extends the use of online claiming and benefits processing. There are concerns that people may be unable to access UC because of digital exclusion⁸⁷. Also, the technology

imposes constraints on claimant and decision-maker behaviour, including in relation to couples, enabling most of someone online UC account to be accessed by the other partner⁸⁸.

There are fears that technology may have been developed with biases, such as against women and BAME people⁸⁹. Whilst technology can speed up and support decisions its development within social security needs regulation, oversight and policy control⁹⁰ to ensure that a rights-based gender-equal system can be delivered in practice.

b) Remove child elements from UC and put an equivalent sum towards increasing Child Benefit. A further option could involve stripping out elements for caring and disability so that UC becomes an individual, in- and out-of-work benefit.

One possibility as an intermediate step to reduce the significance of means-testing and the role of UC, I suggest stripping out the elements for children and childcare from UC, and/or separating out elements for disability and caring as well as children. This bears some resemblance to the original Centre for Social Justice idea of two universal credits - a universal 'work' credit and a universal 'life' credit⁹¹ – but, importantly, retaining the non-means-tested benefits as separate from these two credits. In effect the UC standard allowance would be paid both in and out of work alongside separate benefit/s for additional living expenses (payable to the person who qualifies for the child or other elements).

Child Benefit (and other child-related benefits) are important in tackling in-work poverty; an individual's wages cannot reflect the variety of family needs, thus low hourly pay and in-work poverty are not the same⁹² so should not be conflated. Employment flexibility, the living wage and benefits for children are needed to combat in-work poverty.

Child Benefit and the CTC were designed on the basis of evidence that benefits labelled as for children, paid to the main carer (often women) are more likely to be spent on children⁹³. However with UC, the twin advantages of the specific label and nominated payment to the main carer has been lost. CTC was also the result of reforms which separated out child and adult payments in the early 2000s. The suggestion above to remove elements for children and childcare from UC echoes this approach.

There would also then be choices to be made about which partner should be nominated to receive the (separate) child element equivalent. With reference to the 'difference or equality' debate (in section 3 above) it is interesting to note that DWP is now encouraging claimants to nominate the main carer's bank account for the whole of UC to be paid into⁹⁴ (though largely in response to criticisms of the UC single payment). If child elements (and childcare) were stripped out of UC, should this be payable to the main carer, as previously under CTC and WTC childcare element? On the one hand it would protect women's incomes as carers, whilst women are still predominantly caring. On the other, it could go against the aim of greater shared caring / parenting in the long run. So for example, should the CTC/UC child element (or their equivalents) be shared between parents / those providing care? If so would it be in equal proportions or in proportion to time spent caring? Or maintenance paid (as in Child Benefit)? There is no easy answer but believe this would be important to address.

c) Reform disability benefits for consistency with the social model of disability

Disabled people are more likely to be in poverty and out of work or in insecure employment compared to non-disabled people⁹⁵. Potential drivers of future social security spending have

been identified as increasing prevalence of disability in the working age population, especially mental health issues⁹⁶.

Disabled people have been more affected than non-disabled people by social security changes, especially those with the greatest needs; with average extra disability-related costs of £583 each month disabled people can ill afford to lose the estimated £4,300 each year losses faced by households with a disabled child or adult⁹⁷. Disabled people are also most likely to lose out under UC because the additions for disability are much lower than under the previous system, such as the abolition of the Limited Capability for Work Element, Enhanced Disability Premium and Severe Disability Premium which have been excluded. The bedroom tax has also affected disabled people who may need an additional room for reasons relating to their condition, or may need an overnight carer⁹⁸. Disabled people have also been affected by cuts to local authority support, particularly social care.

Disabled women are also more likely to experience VAWG than non-disabled women and face additional barriers to accessing support services⁹⁹. Partners, carers and other family members can exploit a disabled women's impairments to increase the abuser's power and control. Disabled women can be at particular risk of economic abuse, for example abusers taking the disabled woman's benefits and allowances¹⁰⁰. This can lead to isolation and limit the scope to leave the abuser.

Disability benefits are an important source of income for women. Disabled women have been disproportionately affected by cuts and changes since 2010; although not frozen, multiple changes to eligibility conditions and uprating have reduced the amounts and scope of disability benefits¹⁰¹.

Statistics for May 2019 show that:

- 49.9% of recipients of Employment and Support Allowance (ESA) are women; but women are more likely than men (57%) to receive national insurance credits only, rather than payment (and thus not meeting contributory or means-tested conditions);
- 54% of PIP recipients are women; women are more likely than men to receive standard award of the daily living component (57%), more likely to receive no daily living component (52%) and slightly less likely to receive the higher, enhanced award (49%);
- 46% of DLA recipients are women; women are more likely than men to receive the lower (53%) than middle or higher rates of the care component¹⁰².

The ESA assessment process - the work capability assessment (WCA) has been of concern for several years, with reports of suicides of people who have failed the WCA (and so refused ESA)¹⁰³. At the same time half of appeals against disability benefit decisions are won by claimants¹⁰⁴.

There are also concerns that gendered assumptions are being made about women's caring responsibilities during assessments of daily living, which may be used to disallow disabled women from benefits like PIP¹⁰⁵. This is also important because eligibility for Carers Allowance (CA) is also dependent on the disabled person receiving key benefits such as the DLA middle or higher rate care component or PIP daily living component at either rate.

This highlights a further issue of benefits being linked to the circumstances of another person, particularly affecting CA (predominantly received by women). CA depends on the disabled person receiving the right level of benefit; also, a disabled person is ineligible for the Severe

Disability Premium in means-tested benefits if someone else is getting CA for them. Whether these should be more free-standing is a further matter for debate.

In theory, devolution of disability benefits to Scotland presents an opportunity to make the system more person-centred and delivered with regard to rights and dignity. The Scottish Government is now in the process of developing its own Disability Assistance benefits, payable to children, working age adults and older people, as a replacement for DLA and PIP for Scottish residents¹⁰⁶. In contrast to the Westminster approach, the Scottish Government aims to improve the process of claiming disability benefits, including advocacy and pre-claims advice; case managers and specialist advisers to work with claimants to decide what supporting evidence might be needed; and fewer face to face assessments for working age disabled people¹⁰⁷. However it is unclear how far it can diverge from Westminster eligibility criteria when the aim is for a 'safe and secure' transition to new benefits system.

Longer-term reform

In the longer term, reform of benefits for disabled people should be co-designed with disabled people experienced in the current system, and based on the social model of disability.

The social model of disability refers to disability as being:

caused by barriers that arise because society (including buses!) is not designed to accommodate people who have impairments. It is these barriers that disable people who have impairments. They stop us from being included in society and participating on an equal basis. If these barriers are removed, a person may still have an impairment but would not experience disability¹⁰⁸.

The social model focuses on disabling barriers (e.g. physical or attitudinal) rather than the individual's impairment. Thus reform of disability benefits also needs to consider the intersection with other policies which reduce the costs of disability and overcome barriers to disabled people's participation in society.

The suggestions below are based on my understanding of the social model, but of course would need full deliberation and debate with disabled people and their organisations. Changes could include focussing benefit support on additional disability-related costs (rather than additions based on assumptions of limited capability for work). This could entail distinctions between:

- Extra costs benefits (i.e. currently Disability Living Allowance / Personal Independence Payment), but reformed into an additional costs benefit; and
- Income maintenance payments (ie currently Employment and Support Allowance or UC with the limited capability for work and work-related activity element).

Conditions for receiving income maintenance payments should be subject to 'reasonable adjustments' (as in equality law) for disabled people, to reflect the faced by the individual claimant. Conditionality and sanctions would therefore have a much more limited role, if any (see below).

At the same time, extra money could be focussed on additional costs payments, which could be:

- paid at a higher rate than now;
- assessed more holistically than the current WCA or PIP assessments;

- paid irrespective of work status (and therefore no work-related conditionality should apply);
- paid irrespective of income and savings.

Alongside this, reforms to employment, transport, housing, a legal right to live independently, etc would be needed to reduce barriers and costs.

Rather than the current points-based system, there could be a more holistic assessment, the details of which should be subject to extensive co-design with disabled people and their organisations. More weight should be given to a range of evidence (not simply assessors' reports of face to face assessments)¹⁰⁹. Any assessments should be undertaken by the state rather than the private sector (as planned in Scotland¹¹⁰).

In the short term:

d) reduce the scope, severity and extent of work-related conditionality and sanctions (UC and JSA)

Conditionality and sanctions presume that the problem is individual behaviour rather than the labour market, and recent government reforms have extended the groups that this applies to, exposing them to increasingly tough sanctions. There is little evidence that sanctions are effective in encouraging people into work; instead they create hardship and particularly affect groups of people with multiple disadvantages such as disabled people, single parents and care leavers¹¹¹. As the WBG has pointed out, UC has extended the reach of conditionality to partners and parents of young children for the first time, yet there seems to be little awareness amongst Jobcentre staff of the complexities of gender roles and relationships, or of the potential impact of the combination in UC of joint claims, conditionality for both partners, a joint earnings threshold target and a single monthly payment for most couples¹¹².

Controversially, UC conditionality extends to requiring those who are currently in paid work, but earn below a threshold of National Living Wage rate of 35 hours, to make an effort to increase their earnings; though evidence for the effectiveness of this approach is limited¹¹³.

Under UC, sanctions for non-compliance have become more severe¹¹⁴ and more frequently applied than under previous benefits¹¹⁵. A sanction can involve suspension of the UC personal allowance or 50% of the personal allowance in the case of joint-claim couples.

A different approach to conditionality and sanctions

A gender-equal social security system should also consider the extent to which work-related conditionality is necessary for men and women. The following principles are suggested:

- Where the supply of jobs is limited (such as during times of economic downturn) making people look harder for work is unlikely to be effective; instead, mandatory activity has to be redefined or work provided by (or on behalf of) the state;
- Mandatory activity is not effective without high quality support being provided by work coaches;
- People should not be required to participate in a programme as a condition of receiving benefit unless it is proved to be effective in moving people towards work and into jobs;

- Sanctions should not be imposed unless these to have been proved to be effective in changing behaviour;
- Steady progress in dismantling barriers to entering, progressing or staying in employment faced by disabled people and others with employment disadvantage has to be demonstrated so that people have a realistic not just a *theoretical* chance of work;
- Conditionality and benefits reform should be consistent with wider government objectives, such as increasing employment rates, tackling inequalities and poverty¹¹⁶.

e. End austerity measures that disadvantage women

- **Abolish the Child Benefit high income charge.**

Child Benefit has a strong role in supporting all families with children. Previously near-universal, and close to being a ‘basic income’ for all children, it has been weakened by the benefits freeze and the high income charge, levied by HMRC (though Child Benefit itself remains untaxable)¹¹⁷. The high-income charge is payable where the claimant or their partner’s income is over £50,000; if both partners have net income over £50,000, the partner with the higher income is liable for the charge (regardless of which partner gets Child Benefit). This undermines the horizontal re-distribution of payments for children, introduces complexity into Child Benefit and raises issues of privacy between partners in relation to taxation, and risks the ultimate abolition of Child Benefit (perhaps being absorbed into the UC child elements) as fewer families are predicted to receive it¹¹⁸. Given the limitations of means-tested benefits noted above, this would be a disaster for parents and for women in particular. As an immediate measure, the high-income charge should be abolished.

- **End arbitrary capping**

Abolish benefit caps (eg the Benefit Cap and two-child limit¹¹⁹), which disproportionately affect women, and make good the loss from the benefits freeze.

- **Grants**

Replace local welfare assistance (in England) with grants. Localisation of the former DWP social fund has reduced provision; one in seven councils in England no longer has a welfare assistance scheme; those that do have cut spending¹²⁰. Instead of discretionary payments for exceptional needs, payments could be based on life events which can generate one-off expenses. For example, grants (not re-payable loans) could be awarded at key stages during a child’s life; for essential items such as beds and cookers when needed; and to enable families to access housing in an emergency (such as when fleeing domestic abuse)¹²¹. In the short term, make UC advances non-repayable.

*Marilyn Howard: written in a personal capacity
January 2020*

Annex 1: examples of social security principles

Below are some examples of social security principles adopted when looking at social security reform.

In relation to women and VAWG, principles for social security reform were put forward at a workshop developing the *Benefits or Barriers* report for WBG:¹²²

<i>Social security should be</i>	<i>This means</i>
Rights-based	<p>Compliance with equality and human rights requirements (inc. international treaties)</p> <p>Basing policy options on equality of outcome</p> <p>Supporting women's financial autonomy</p> <p>Supporting all adults to have access to an independent income</p> <p>Meeting standards of support across all countries of the UK</p> <p>Ensuring that claimants are treated with dignity</p>
Needs-based	<p>Meeting individual need</p> <p>Ensuring a decent standard of living for all</p> <p>Being adequate to meet needs and resourced to do so</p> <p>Preventing avoidable harms¹²³</p> <p>Promoting empowerment and inclusion</p> <p>Narrowing the scope for economic abuse</p> <p>Enabling survivors to leave an abuser and rebuild their lives free from abuse</p>
Accessible	<p>Being simple and easy to access and operate</p> <p>Ensuring easy-to-understand information in different formats and languages</p> <p>Allowing for reasonable adjustments and flexibility to meet individuals' needs</p> <p>Enabling individuals to access advice/advocacy across all aspects of their claims</p>
Designed through a process that delivers high-quality decisions	<p>Conducting and revising regular equality and human rights impact assessments</p> <p>Involving civil society organisations and users in design and implementation</p> <p>Using/developing evidence from lived experiences as well as quantitative data</p>

The Scottish Government's principles, are enshrined in legislation and a charter, and are intended to inform practical delivery as well as policy design.

Scottish Social Security¹²⁴
<ul style="list-style-type: none"> • social security is an investment in the people of Scotland
<ul style="list-style-type: none"> • social security is itself a human right and essential to the realisation of other human rights
<ul style="list-style-type: none"> • respect for the dignity of individuals is to be at the heart of the Scottish social security system
<ul style="list-style-type: none"> • the Scottish Ministers have a role in ensuring that individuals are given what they are eligible to be given under the Scottish social security system
<ul style="list-style-type: none"> • the Scottish social security system is to be designed with the people of Scotland on the basis of evidence

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| <ul style="list-style-type: none"> opportunities are to be sought to continuously improve the Scottish social security system in ways which put the needs of those who require assistance first |
| <ul style="list-style-type: none"> the Scottish social security system is to be efficient and deliver value for money |

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| <p>The Commission on Social Security led by Experts by Experience¹²⁵</p> |
| <ul style="list-style-type: none"> Make sure everyone has enough money to live - and support extra costs, e.g. - to do with disability and children |
| <ul style="list-style-type: none"> Treat everyone with dignity, respect and trust, and the belief that people should be able to choose for themselves |
| <ul style="list-style-type: none"> Be a public service with rights and entitlements |
| <ul style="list-style-type: none"> Be clear, simple, user friendly and accessible to all, involving people who have actual experience of the issues, including from all impairment groups, in creating and running the system as a whole |
| <ul style="list-style-type: none"> Include access to free advice and support. Make sure people can access support to speak up, be heard or make a complaint |

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| <p>A FABIAN SOCIETY 'PEOPLE'S CHARTER' FOR SOCIAL SECURITY¹²⁶</p> |
| <ul style="list-style-type: none"> Security: social security should stop poverty and provide enough money and support for people to meet their reasonable needs all the time |
| <ul style="list-style-type: none"> Respect: social security should treat people as individuals, with trust, respect, dignity and care. People using the system must have a voice in shaping its future and holding it to account |
| <ul style="list-style-type: none"> Simplicity: social security should be simple for people to use. There must be clear information in a variety of formats, people should be actively alerted to their entitlements and when there are changes in people's lives the system should be simple and responsive |
| <ul style="list-style-type: none"> Consistency: social security should be fair and consistent, with rules and decisions that ensure that entitlements go to those who need them |
| <ul style="list-style-type: none"> Support: social security should provide high-quality, personalised support for people to work, gain new skills or play a role in the community |

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