



**Notice of public meeting of
Decision Session - Cabinet Member for Finance & Performance**

To: Councillor Williams

Date: Thursday, 29 May 2014

Time: 10.00 am

Venue: The Craven Room - Ground Floor, West Offices (G048)

AGENDA

Notice to Members - Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 2 June 2014.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Tuesday 27 May 2014.**

1. Declarations of Interest

Members are asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

which they may have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 2)
To approve and sign the minutes of the meeting held on 6 March 2014.

- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 28 May 2014**. Members of the public can speak on agenda items or matters within the remit of the Cabinet Member.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming or Recording Meetings

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings

- 4. Amendment to the Qualifying Criteria of the York Financial Assistance Scheme (YFAS)** (Pages 3 - 32)
This report proposes a change to the qualifying York Financial Assistance Scheme (YFAS) criteria to include a limited number of customers where financial hardship has been caused by a benefit sanction imposed by the Department for Work and Pensions (DWP).
- 5. Urgent Business**
Any other business which the Cabinet Member considers urgent under the Local Government Act 1972.

Democracy Officer:
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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Decision Session - Cabinet Member for Finance, Performance & Customer Services
Date	6 March 2014
Present	Councillor Williams

1. **Declarations of Interest**

The Cabinet Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which he may have in respect of the business on the agenda. None were declared.

2. **Minutes**

Resolved: That the minutes of the meeting of 20 December 2011 be approved and signed as a correct record.

3. **Public Participation**

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

4. **Review of Applications for Community Right to Bid under the Localism Act 2011**

The Cabinet Member considered a report on Applications for Community Right to Bid under the Localism Act 2011.

It was noted that the Assets of Community Value (England) Regulations 2012 were now in force and required the local authority to maintain a list of "Assets of Community Value". The report set out the requirements of these regulations and proposals for establishing and maintaining this list and the process for dealing with any applications.

The Cabinet Member also considered the first applications for listing of assets. The applications were in respect of:

- The Golden Ball Community Pub
- Fordlands Road – Former Elderly Persons Home

The Cabinet Member noted the recommendations of the Capital Asset Board, including reference to the fact that the legislation specifically excluded residential properties and hence Fordlands Road did not meet the criteria for inclusion in the list.

- Resolved:
- (i) That the proposals for the implementation of a process for the Community Right to Bid legislation, as outlined in the report, be approved.
 - (ii) That the Golden Ball, Bishophill be added onto the List of Community Assets.
 - (iii) That the Fordlands Road Elderly Persons Home not be added onto the List of Community Assets.

- Reasons:
- (i) To ensure the Council has a process in place for dealing with any applications and the establishment and maintenance of a list of Assets of Community Value.
 - (ii) To ensure the Council meets its legislative requirements under the Localism Act 2011 and promotes community access to community facilities.

Councillor Williams, Cabinet Member for Finance, Performance & Customer Services

[The meeting started at 4.00 pm and finished at 4.05 pm].



Cabinet Member Decision Making Session – 29 May 2014 Finance and Performance

Report of Cabinet Member for Finance & Performance

Amendment to the qualifying criteria of the York Financial Assistance Scheme (YFAS).

Summary

1. This report outlines the reasons for proposing a change to the qualifying YFAS criteria to include a limited number of customers where financial hardship has been caused by a benefit sanction imposed by the DWP (Department for Work & Pensions).
2. The Cabinet Member is asked to agree the proposals to allow awards to be made for 'Emergency' assistance where a customer is formally challenging a DWP sanction decision.

Background

3. The York Financial Assistance Scheme (YFAS) provides help to residents in financial difficulty. Those who are affected by DWP benefit sanctions are currently excluded from the scheme except in very limited circumstances.
4. Under the 'Emergency Assistance' criteria (to help with a disaster or crisis) YFAS can cover a limited amount of daily living costs for those in crisis:

*“The maximum amount for living expenses – for you and your partner is **30%** of IS, JSA (IB), ESA (IR) Pension Credit (or Universal Credit equivalent) personal amount appropriate in your circumstances”.*

5. For 13/14 this amounted to £3.07 per day and £3.10 for 14/15 for single people aged 25 and over.

6. YFAS applicants with a sanction are currently offered a food bank voucher as an alternative. In Quarter 3 of 2013/14, 24 food bank vouchers were issued in these circumstances.
7. Partners in 'Advice York' (part of York Citizens Advice Bureau) have highlighted the extreme difficulty clients are facing because of the tougher DWP sanction regime imposed from autumn 2013. There has been much recent national publicity about the way that sanctions are being applied. Advice York looked in detail at a number of such cases and found that sanctions are being unfairly enforced, resulting in hardship. A recent report that they submitted to the DWP is contained at Annex A and is available on Advice York's website.
8. Their report found that a number of cases had a sanction applied unfairly because:
 - the conditions set for the client in meeting their commitments for benefits did not match their ability;
 - the client had difficulties accessing the on-line job searching facility Universal Job Match;
 - the Job Centre had not been accepting all the jobs a client had applied for;
 - decisions had not taken into consideration reasonable circumstances that led to clients missing an appointment.

Proposed change

9. Where a sanction has been given to a client and evidence exists that the DWP decision is being formally challenged (by a reconsideration or appeal), it is recommended that YFAS supports the client until their reconsideration/appeal is complete (or the sanction has run its course) so that residents do not face additional hardship.
10. Procedures would be in place to ensure that decisions were based on accurate information so as not to 'overpay' customers and not to 'reward' those who were sanctioned appropriately. It is important that the council does not put itself in a position of undermining, or be seen to be undermining national DWP policy and 'picking up' any financial burden resulting from that policy. We would place a cap on the amount payable so that it was never more than the financial loss caused by the sanction. We would regard one sanction incident as a single YFAS claim even though there might

be multiple individual payments made (for example we would not pay upfront for the whole period of the sanction but may pay fortnightly).

11. Experience from other councils (Source: 'The Knowledge Hub') is that from the seven which responded to the question 'Could you comment on whether you provide support to people because their benefit has been sanctioned?':
 - three said 'Yes'– (one on condition that applicants engaged with their Neighbourhood Employment programme);
 - two said 'No' ; and
 - two said that the issuing of food vouchers was standard but could make a cash award depending on the individual circumstances.

Potential Financial Impact

12. An analysis of the 24 cases mentioned above found that individual sanction periods ranged from 7 days to 157 days (5 months). If the YFAS scheme was to have paid each of them the full £3.07 daily rate for the full period of the sanction it would have cost £2,818 or a maximum of £8,454 for the year, which is containable within the current budget. Spend for 2013/14 shows that 76% of the DWP grant of £315k was spent, allowing some flexibility for an extension of the scheme. In practice, however, expenditure would not have reached that maximum figure as the recommendation is to consider only those that have challenged the decision based on evidence, thereby targeting support. Spend would be monitored and the scheme reviewed as necessary.

Consultation

13. There is no statutory requirement to consult on this change to the scheme, however Advice York has produced a report at Annex B which recommends the changes contained in this report.

Options

14. The Scheme can be left untouched leaving provision and criteria as it stands.

15. That the proposal is adopted thereby channelling emergency financial support to those most affected by this aspect of Welfare Reform.

Analysis

16. There is no further analysis other than the existing information in the report.

Council Plan

17. This report and its recommendations will help to deliver two priorities in the Council Plan to 'Protect vulnerable people' and to 'Build strong communities'. Financial assistance will be targeted at those most in need and will assist in allowing residents to continue to live in our communities.
18. The scheme will continue to be considered and monitored as part of the council's Financial Inclusion Policy work with regular reports to the Financial Inclusion Steering Group and the Cabinet Member for Finance & Performance.

Implications

19.

a) **Financial**

There will be a modest and containable increase in YFAS expenditure. Close monitoring will ensure that it is contained within the existing budget.

b) **Human Resources (HR)**

None

c) **Equalities**

The attached Community Impact Assessment at Annex C indicates that the scheme will have a positive effect by protecting some of the council's most vulnerable customers. The case studies in Annexes A and B provide some examples including one of a client with learning difficulties.

d) **Legal**

None

e) **Crime and Disorder**

None

f) **Information Technology (IT)**

None

g) **Property**

None

h) **Other**

None

Risk Management

20. There is a risk of customer demand outstripping available resources. To mitigate this expenditure will be reviewed on a regular and frequent basis to ensure that money is paid from the most appropriate source and used efficiently.
21. Procedures will be put in place to ensure that customers do not take unfair advantage of this change.

Recommendation

22. The Cabinet Member is asked to approve the change to the qualifying criteria under the Scheme to consider 'Emergency' awards for some customers whose DWP benefit has been subject to a sanction.
23. **Reason:** *To ensure there is no gap in provision of urgent financial resources available to our most vulnerable residents at times of crisis. To mitigate the impacts of wide ranging welfare benefits changes. To meet the priorities set down in the Council Plan and Financial Inclusion Strategy.*

Contact Details

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Chief Officer Responsible for the report:

Ian Floyd
Director of Customer & Business
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**Report
Approved**

Date 11/05/14

Specialist Implications Officer(s)

Financial: Ian Floyd
Director of Customer & Business Support Services

Wards Affected: *List wards or tick box to indicate all*

All

Background Papers:

Previous publicly available cabinet reports relating to the YFAS Scheme.

Annexes

- A 'Advice York' Response to JSA Sanctions Review (Jan 14)
- B 'Advice York' Sanctions & YFAS Report (March 14)
- C Community Impact Assessment
- D Summary of Abbreviations

Independent review of Jobseeker's Allowance Sanctions - Matthew Oakley Call for Evidence - Response from Advice York



What is Advice York?

Advice York is the partnership of advice agencies in York who offer free, independent, impartial and confidential legal advice in areas of social welfare law, including welfare benefits, debt, housing and employment. We aim to bring together and coordinate the advice sector to best meet the needs of local residents.

The partners contributing to this response are: York and District Citizens Advice Bureau, City of York Financial Assistance Scheme, York Food Bank, Castlegate and York Housing Association.

Introduction

Sanctions are being increasingly seen as a top priority issue for advice agencies and their clients in York and have been identified as the priority issue for the Advice York partnership to focus on.

York and District CAB have dealt with 25 issues relating to Job Seekers Allowance (JSA) sanctions in the third quarter of 2013/14. These accounts for 1 in 4 issues related to JSA and are up 127% on the previous year. Of the food bank vouchers they handed out, 22% were as a result of a JSA sanction.

Similarly, York Financial Assistance Fund gave out a total of 24 Foodbank vouchers to residents of York who had been sanctioned in quarter three of 2013/14, accounting for 6% of awards given¹. Clearly this is a worrying trend that needs addressing.

Advice York welcomes the review that is being carried out by Matthew Oakley into Job Seekers Allowance sanctions. However, we feel that the review is extremely limited due to its remit being confined to sanctions related to the Jobseekers (Back to Work Schemes) Act 2013. Our evidence shows that the problems faced by those not on back to work schemes are also faced by those on the schemes as many claimant on back to work schemes will continue to have job search requirements. The wider issues relating to JSA sanctions need addressing and would benefit both groups of those sanctioned.

Therefore, this response will look at the wider issue of JSA sanctions as well as specific examples of those on back to work schemes. It looks at the experience of claimants who have been sanctioned. It will then come to a few brief conclusions and recommendations.

¹ It is worth noting here that York Financial Assistance Scheme are reluctant to give awards to those who have been sanctioned as they feel claimants should be receiving a short term benefit advance or hardship payments instead. Therefore, these 24 awards show cases where clients are in extreme hardship.

Experience of clients

When looking at the experience and reasoning behind clients receiving a sanction, it became clear that there were issues in three particular areas: conditionality not matching client's abilities, problems with access to Universal Job Match and Job Centre Plus not accepting all the jobs that clients had applied for.

Problems with conditionality not matching client's abilities

Accounting for half of cases, the greatest problem presented by clients was with conditionality not matching client's abilities. This problem was reported by both those on back to work programmes and those not. This problem was particularly acute for those clients who were also suffering from health issues, but not eligible for Employment Support Allowance.

A vulnerable client, who has learning disabilities, was unable to remember appointments to sign on or understand the requirements of the job seekers agreement due to poor reading and writing skills. Although he had support, the Jobcentre were inflexible in their approach with him and sanctioned him on a constant basis.

He wasn't eligible for hardship payments, which resulted in him being served notice on his home. Further adding to his vulnerability and causing him extreme stress. He now requires further support and interventions from other agencies. In the longer term, he is now at risk of homelessness, making finding a job even more difficult.

Often, the sanction led to worsening the client's health that would make it more difficult for the client to engage with and look for work. A suggestion to combat this issue would be better training for Job Centre staff on how to help clients with a health condition. It is likely that the client's health problem may change at different times and so the ability for Job Centre advisers to adapt to the client's needs at the time would also be necessary. For example, for those with a health condition, taking into consideration the reason why a back to work scheme was missed rather than automatically applying a sanction.

The client is single and lives alone in 2 bed council property from which she is trying to downsize. She suffers from depression and asthma. She is unemployed and is currently in receipt of JSA. She was recently sanctioned for four months from September until December 2013. The reason for this was due to missing her work programme. The client said that she is feeling very down at the moment and this is why she has struggled with what the Jobcentre expect from her. The client explained that the reason she has missed her work programmes is because of how down she is and is finding it difficult to go out of the house.

The client is now receiving hardship payments, but she has debts that she is now unable to pay. She is generally struggling to live on her income £86 per fortnight. Both these issues are exacerbating her depression, making her less able to look for work and fully engage.

This problem of a lack of flexibility and understanding was also an issue for clients without health conditions who had experienced an unfortunate situation which they had no control over. Guidance² allows for good and reasonable cause for not meeting your conditionality. The guidance for these are:

“Good reason is not defined in legislation. DMs should take into account all relevant information about the claimant’s circumstances and their reasons for their actions or omissions.”

*“DMs should establish facts which would probably have caused a reasonable person to act as the claimant did by establishing three key points, 1. what would it be reasonable to expect someone to do in the particular circumstances, i.e. was the action or failure to act preventable? 2. what did the claimant do or fail to do that was different to what was the expected action **and** 3. what was the claimants reasons for their action or failure to act?”*

It is clear from the following two case studies that this guidance is not being followed and the Decision Makers are being unreasonable in their use of sanctions. We would therefore recommend further training and clarification on the use of ‘good’ and ‘reasonable’ for decision makers

Client presented as requiring help with debts. It was revealed that this was due to his JSA being sanctioned and this affecting his income. He had missed an appointment with the Job Centre as he did not receive the appointment letter. It was when he went to sign on as normal that he found out he had missed his appointment. He has previously used up his three foodbank vouchers due to a previous sanction and is therefore now unable to get any more. His gas and electricity quarterly bills are due soon and he is worried about his ability to pay them and the likelihood of ending up in debt.

The client has been unemployed for about two years and has recently been sanctioned for missing an appointment at the Job Centre. He was not receiving post at his home because his visiting girlfriend’s dog was attacking the post man. The Post Office declined to make deliveries to his house and kept his mail for his at the post office. They sent him a letter to say so, but as they weren’t delivering his post they kept it at the post office as well, so he did not realise he was not receiving post normally. It was only when he had had no post for a long time that he went to ask, and that was when he discovered that there was a Job Centre appointment letter that he had never received. Here, it seems that the client had done what would have been reasonably expected. He did challenge the sanction and explain the situation but the sanction was upheld.

Because he has had no income, the client now has no electricity, gas or food. He has been having breakfast at a local community church centre. We were able to give him a food bank voucher, but his sanction has another month left and he is getting

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250845/m-37-12.pdf

As in the case above, where the decision maker has not been reasonable, the long term consequences of a sanction can be severe. To take pressure off their financial situation during a sanction period, clients often result to borrowing money. When payments are reinstated, or the client gets a job, the repayments of this borrowing can cause the client to continue being in hardship, reducing their income and money available for things such as transport to interviews or jobs, postage costs and 'non-priority' bills such as the Internet that are key for job searching.

A further problem with conditionality relates to the spread of job applications. A claimant's conditionality often sets how many jobs a client must apply for each week. Yet they may be signing on fortnightly. Often, they feel it is reasonable to spread out the applications over the two weeks depending on the jobs available at different times. As the number of jobs available fluctuates weekly, this seems a reasonable suggestion that could be easily implemented by Job Centre with new guidance that this could be written into clients conditionality agreements.

In addition to this, it appears that sanctions are often used too easily a threat for claimants when something has gone wrong, particularly if they have previously had a sanction. Further clarification on the use of sanctions would therefore be useful for clients, advice workers and Job Centre staff.

Client is currently unemployed and claiming JSA. He has been sanctioned for four weeks because he spread 30 job applications over a two week period making 22 the first week and 8 the second rather than applying for 15 each week.

The client was also part of the Mandatory Work Activity Scheme and for this attended two unsuccessful interviews for voluntary work and a third on the 22 October for which he was told he could start the placement on the 5 November. The client then received a letter from Job Centre Plus dated the 22/10/2013 to say that he had not been accepted for this placement. Subsequently, the client was threatened with a further sanction on the ground that he failed to attend for the voluntary work interview on the 22/10/13 despite having been originally offered the position and then told by Job Centre he did not get it.

The client has accumulated rent debt as a result of the previous sanctions and will be unable to avoid more debt if further sanctions are imposed. The client is left confused and discouraged by the conflicting outcome of his attendance for voluntary placement, despite his willingness to take part.

Problems with access to Universal Job Match

Clients are generally expected to use the online job searching facility Universal Job Match. However, clients can often struggle with access to this due to issues of not understanding how to use it or not having reasonable access to a computer with internet access regularly. It is possible for conditionality agreements to mandate the use of Universal Job Match, even if the client does not have access to the Internet at home³. This then allows the Jobcentre to check that a client is spending a suitable amount of time job searching. Time limited access to the internet, such as in libraries, or busy computers, as in Job Centres, can mean that the client is unable to spend an adequate amount of time on Universal Job Match to meet their conditionality agreement.

A young father, who was a joint JSA claimant and on a back to work scheme, was sanctioned for not having done enough job search activity. This was a result of his limited access to the internet for Universal Job Match that meant he had not spent enough time searching for jobs. There was also an issue around the client not knowing that he needed to put companies' names and dates on Universal Job Match. He had applied for hardship payments, but to do this found he had to be very assertive despite caring for his young daughter and without them would have left family with no money.

This calls into question the suitability of the conditionality agreements claimants are required to agree to, or otherwise be ineligible for JSA, and whether clients truly understand what they are agreeing too. If a client does not have access to the internet at home, it is unreasonable to expect them to use Universal Job Match fully, to do so is to set them up to fail. We would therefore recommend that the use of Universal Job Match is not part of a claimant's conditionality if they do not have access to the internet at home.

Often, the inability to use Universal Job Match means that a client is unable to prove the job searching activity they have done.

A single parent had been on Income Support but, she then needed to come off this and comply with the job seekers agreement in terms of applying for regular jobs. She was unable to provide evidence of this as she had no internet access or PC provision at home. This meant she didn't meet the requirements and was sanctioned. The sanction was initially for two weeks. She is single parent with 2 children and this sanction left her with no money, but was able to apply for a hardship payment. As a result of her sanction and a lack of communication between DWP and the City of York Council, her housing benefit claim was suspended and threat of legal action in relation to her home. This resulted in severe stress that could have been alleviated with more fluid communication and support.

³ <https://www.gov.uk/government/news/jobseekers-required-to-use-universal-jobmatch>

Clients are finding this issue particularly frustrating as they are keen to meet their requirements but are unable to do so.

A young woman aged 19 who was living in bedsit and claiming JSA was sanctioned. The reason for the sanction was that there was not enough evidence on Universal Job Match Website for job searching. The young person and grandparent explained there had been problems with the website and use of grandmother's computer, but this was not taken in to account. The young person explained that often when applying for jobs through the website the link you press takes you away to another website and was unsure whether this meant it was not being recorded by the system properly. The young person also confirmed she is going out at least three times a week with a CV into town and handing them out to shops.

The young person is estranged from parents so there is no support there, although the Grandparents are offering financial support where they can and emotional support but are finding this difficult. Her younger sibling is in foster care. The young person is very resilient and trying her best but as a result of the sanction is at threat of homelessness as she does not have enough money to pay the top up on rent, causing increased stress and isolation. The sanction means that she now has to rely on her retired Grandparents for financial support, affecting this support network. She doesn't understand and is dismayed that when she has been doing everything that has been asked and the systems failed, she still gets sanctioned.

The best way of solving this issue would be to allow for other forms of recording jobs applied for whilst the claimant is trained to use the Internet. To go alongside this, funding is needed to help those who don't have access at home. Although there are free computers in the library, this is only for one hour a week. There is high demand on the computers within the Job Centre, as well as the associated costs of travelling to the Job Centre each day or problems with childcare.

Not accepting all jobs applied for

For those unable to use Universal Job Match or who apply for other jobs not on Universal Job Match, clients often find that many of the jobs they have applied for are not accepted. This is extremely demoralising for people who have engaged with their conditionality.

Client is aged 52 with no dependants. He worked in the music distribution business but there is now little work and he has been unemployed for some time, and applying for any job he could do. He was signed on for JSA, but felt that the Job Centre set out to humiliate him. He took part in the Work Programme, and understood that it was necessary to apply for 10 jobs a week, but was incensed that after applying for jobs the Job Centre said that not all the jobs that he had applied for were on their database, and sanctioned him. As a result he has to borrow money from friends as he is reluctant to borrow officially as his friend is more forgiving if his repayments are late. He has now received his limit of three Foodbank vouchers

Even in cases where the Job Centre adviser has helped the client apply for the job, as it is not on their database, it has not been accepted. In some cases the large numbers of jobs applied for that have not been accepted seem particularly unfair.

The client has been receiving JSA for three years and lives with his pregnant wife and his three children. The client was sanctioned as a result of not actively seeking work. He states that he attends Job Centre Plus at least once, mostly twice, a week and deals with an adviser who helps him apply for jobs. His Jobseekers agreement states that he has to apply for 10 jobs a week which he states he has done with the advisers help. He has language difficulties and also attends English classes twice a week. The client feels that the lady that he deals with at the Job Centre doesn't like him and there-for is trying to make things difficult for him. He has been told that he will only be receiving the hardship payment of £83.85 for the duration of the sanction. Client has no debts at the moment but feels that he cannot cope on this amount.

The data base clearly needs to be better added to and in cases where the job is not on the database the responsibility should be on the Job Centre to check that the job exists rather than assuming that the client is lying.

Client is single, unemployed and lives alone in 2 bed council property. She is currently in receipt of JSA, Housing Benefit (HB) and Council Tax Support (CTS). Client currently has rent arrears, council tax arrears and other debt. It is worth noting that the client is also being hit by the bedroom tax.

The client is not computer-literate, and therefore cannot use the computerised job search facility at the Job Centre, Universal Job Match. Dispute signing on for approximately two years the client has never been offered help with any training until very recently when she was offered a place on a course. But when she got there, she discovered that it had been cancelled.

Meanwhile her conditionality agreement with the Job Centre requires her to apply for jobs that offer 30 hours a week or more, and she must apply for 10 per week. She keeps a written record of the jobs she applies for and it shows that she applied for 41 jobs in the last 4 weeks. However, the Job Centre adviser only counted 5 of them and said she will be sanctioned. The client has not received her money and was told that she had been sanctioned for a month.

The client now has no income for the month. The client had already been struggling with her bills and has not been using her gas as it is on a meter which she cannot afford to top up. The client has put in for reconsideration, but as these aren't time limited she may not get reconsideration until after the sanction has run out. As she is affected by the bedroom tax, she has to top up her rent payment. With no income she will be unable to do this and, already in arrears, puts her at risk of losing her home. As the client now has no money, she will also be unable to send off any further job applications.

Conclusion and Recommendations

There are clearly a number of issues with sanctions that affect those claimants on back to work schemes and those who are not.

The evidence shows that rather than encouraging clients into employment, the way sanctions are currently applied, discourages and gets in the way of people applying for jobs and can result in hardship once employment is found. Rather than incentivising employment, sanctions are debilitating it.

The issues seen in York fall into three main areas: conditionality not matching client's abilities, problems with access to Universal Job Match and Job Centre Plus not accepting all the jobs that clients had applied for.

Advice York would recommend:

- better training for Job Centre staff on how to help clients with a health condition.
- ability for Job Centre advisers to adapt to the client's needs at the time as it is likely that a client's health problem may be variable. For example, for those with a health condition, taking into consideration the reason why a back to work scheme was missed rather than automatically applying a sanction.
- allowing the number of jobs needed to be applied for cumulatively to be spread over either two or four week to allow for jobs availability at different times.
- further training and clarification on the use of 'good' and 'reasonable' for decision makers
- further clarification on the use of sanctions
- the use of Universal Job Match is not part of a claimant's conditionality if they do not have access to the internet at home.
- allowing for other forms of recording jobs applied for, other than Universal Job Match, whilst the claimant is trained to use the Internet.
- funding to help those who don't have internet access at home.
- that Job Centres data base of jobs is better kept up to date added to
- that in cases where a job is not on the Job Centres database, the responsibility should be on the Job Centre to check that the job exists rather than assuming that the client is lying.
- a further review into sanctions that looks at the wider issues, not just those related to the Jobseekers (Back to Work Schemes) Act 2013.
- research into whether sanctions are effective in encouraging and enabling people to look for and get into employment.

Benefit Sanctions and York Financial Assistance Scheme



The York Financial Assistance Scheme (YFAS) provides help to residents in financial difficulty. It replaced Community Care Grants (CCG) and Crisis Loans that were provided by the Department for Work and Pensions (DWP) until 31 March 2013. However, those who are affected by benefit sanctions are currently excluded from the scheme except in very limited circumstances.

Partners in Advice York have highlighted the extreme difficulty clients are facing because of this policy. There has been a lot of recent national publicity about the way the Government's new national sanctions regime is being implemented. In our response to the recent review, Advice York has found that sanctions are being unfairly given out, resulting in extreme hardship. (See report for more details: www.adviceyork.org.uk/our_reports.html)

The York Financial Assistance Scheme (YFAS) criteria covers a limited amount of daily living costs for those in crisis:

“The maximum amount for living expenses – for you and your partner is 30% of IS, JSA (IB), ESA (IR) Pension Credit (or Universal Credit equivalent) personal amount appropriate in your circumstances”

Dominic Billington, CYC explained that the majority of sanctioned customers who had applied for a YFAS grant had applied for a grant to cover daily living costs. But, at present the scheme's criteria means that those who have received a benefit sanction are excluded from the scheme unless they are a victim of a disaster:

“Certain people whose benefit claim is disqualified, disallowed or sanctioned can only get an award because of a disaster.”

In cases where a customer applies for a YFAS grant but has been sanctioned, the scheme is unable to provide assistance. Applicants are currently offered a food bank voucher instead. In Quarter 3 of 2013/14, YFAS gave out 24 of these vouchers for those who had been sanctioned.

This brief report will look at some of the problems of excluding sanctioned customers from YFAS and make recommendations for a small change to the scheme.

The problems:

Sanctions unfairly given out:

The Government is yet to release any information about the number of successful reconsiderations or appeals of sanctions. However, advice agencies have widely reported that huge numbers of benefit sanctions are being given out unfairly. A recent Advice York report found that:

“York and District CAB have dealt with 25 issues relating to Job Seekers Allowance (JSA) sanctions in the third quarter of 2013/14. These accounts for 1 in 4 issues related to JSA and are up 127% on the previous year. Of the food bank vouchers they handed out, 22% were as a result of a JSA sanction.”

The report highlighted a number of cases showing the affect of sanctions the had been given out unfairly because:

- the clients conditionality was not matching their ability;
- the client had difficulties accessing Universal Job Match;
- the Job Centre had not been accepting all the jobs a client had applied for;
- decisions had not taken into consideration reasonable circumstances that led to clients missing an appointment.

One client, who lives alone in one bed roomed local authority flat, was sanctioned in early February. The reason given was that the client had failed to apply for the regulatory number of jobs over the period of a week. The client had successfully applied for two part-time jobs and is just waiting for her CRB check to come through before she can start the work. The client had not wanted to waste anyone’s time, both hers and employers, by applying for jobs when she was going to be starting two in the near future. Despite this, the client was sanctioned for 4 weeks.

When a clients’ JSA is stopped the Job Centre Plus tell Housing Benefit but not that the reason for this is due to a sanction. The outcome is a suspension of Housing Benefit which then also affects Council Tax Support payments.

The advisor agreed in this case that the client has been unfairly sanctioned, and is helping the client to appeal the decision.

As a result of the sanction the client has accumulated rent arrears and council tax debts; the client now has no income to cover any living costs including food, heating, etc. for the period before her two jobs start or until her reconsideration/ appeal is successful.

These situations clearly leave clients disadvantaged and without an income through no fault of their own. The affects from the sanctions are wide ranging and often leave clients with no food, no money for gas or electric and increased housing and council tax debt. Where a sanction has been given to a client that is unfair, we would recommend that YFAS supports the client until their reconsideration/appeal is complete so that residents do not face the impacts of extreme poverty.

Limited Foodbank parcels:

The Trussel Trust, who work in partnership with local churches and communities to open foodbanks, currently have one food bank in York, at the Tang Hall Community Centre and at Gateway Church in Acomb. They give food parcels to members of the community who have been given a food voucher from partner agencies such as CAB. The food parcel gives the client enough food for three days. One of the Trussel Trusts policies is that a household is only eligible for a maximum of three food parcels in a six month period. This means that over the six month period a household will only be able to get 9 days worth of food. The new sanction regime has a minimum sanction period of 4 weeks, this leaves a client with potentially 19 days without food.

One single client aged 61 who lives in sheltered housing has been sanctioned for 4 weeks. The reason for the sanction was that he had only applied for 3 rather than 5 jobs in one week. He has been unemployed since suffering heart attack 2 years ago and has ongoing health issues. The client had previously been claiming Employment Support Allowance (ESA) but failed the Work Capability Assessment and therefore is now forced to claim Job Seekers Allowance.

In addition to the sanction he was also told incorrectly by DWP that he was not able to get a hardship payment

The client has now had two food bank vouchers and only allowed one more, yet he has the rest of the month to go. His fuel bill is due, which he does not have the money to pay for, and he is generally struggling to live. He is not currently able to apply for any help from YFAS.

A client came to CAB for help with debts as a result of having his JSA sanctioned. He went to sign on as normal and found out he had missed his appointment as he did not receive the appointment letter. The client has already used up his three food bank vouchers and is therefore now unable to get any more. He has no income to meet any of his living costs.

Other living costs:

The harsher sanctions regime introduced in October 2012 means that the minimum length of a benefit sanction is now 4 weeks. Although a food voucher may help a client with some of their food needs during this period of this time, the client faces many other essential living costs during this period of time. Not being able to pay these costs results in clients going in to debt which can have long lasting effects beyond the sanction period. For those that had already been struggling with a low income and debt, the removal of benefits for a period of one month can mean missed debt payments that have been previously agreed, leading to bailiffs being sent to their homes and possible homelessness. The severe situation clients affected by

sanctions face has an impact on clients health, both physical due to lack of food, heating, toiletries, medication, etc and mental health through the stress of trying to manage. As our previous report also highlighted because of these difficulties they find it very difficult to continue jobseeking at this time.

A vulnerable client, who has learning disabilities, was unable to remember appointments to sign on or understand the requirements of the job seekers agreement due to poor reading and writing skills. Although he had support, Jobcentre Plus were inflexible in their approach with him and sanctioned him on a constant basis.

He wasn't eligible for hardship payments, which resulted in him being served notice on his home. Further adding to his vulnerability and causing him extreme stress. He now requires additional support and interventions from other agencies. In the longer term, he is now at risk of homelessness, making finding a job even more difficult.

Conclusion and Recommendations:

It is clear that at present a number of York residents are being treated unfairly by the Department for Work and Pensions sanctions regime. The inappropriate or incorrect use of sanctions is causing long lasting hardship and pushing people into poverty. Food bank vouchers, although some help, are not the solution to the problem due to their limited nature and the fact that there are other essential living costs that need to be met.

The City of York Council has the opportunity to help their residents affected by these Government changes avoid hardship and poverty from benefit sanctions through amending their financial assistance scheme.

In order to help those in appropriately sanctioned, we recommend that the scheme is amended so that clients who are currently in the process of having their sanction reconsidered, or are appealing the decision are able to apply to YFAS for a grant to help with their living cost.

SECTION 1: CIA SUMMARY
Community Impact Assessment: Summary

1. Name of service, policy, function or criteria being assessed:

York's Financial Assistance Scheme (YFAS)

2. What are the main objectives or aims of the service/policy/function/criteria?

An amendment is proposed to change the qualifying criteria of the York Financial Assistance Scheme (YFAS). This would allow awards to be made to some customers who experience a financial emergency resulting from an unfair application of a sanction against their Job Seekers Allowance (JSA) or Employment & Support Allowance (ESA) claim by the Department for Work & Pensions (DWP) Job Centre.

3. Name and Job Title of person completing assessment:

John Madden Strategic Welfare Benefits & Partnerships Manager

4. Have any impacts been Identified? (Yes/No) YES

Community of Identity affected:
ALL

Summary of impact:

The change to the scheme will allow financial 'Emergency' support to be awarded to qualifying individuals who were previously excluded from the scheme. As it has a potentially positive impact on any citizen whose JSA or ESA claim is subject to a sanction, such individuals can come from any of the Communities of Identity.

5. Date CIA completed: 12th May 2014

6. Signed off by: P. Stuchfield

7. I am satisfied that this service/policy/function has been successfully impact assessed.

Name: Pauline Stuchfield

Position: Assistant Director (Customers & Employees)

Date: 12th May 2014

8. Decision-making body:

Date:

Decision Details:

Send the completed signed off document to equalities@york.gov.uk. It will be published on the intranet, as well as on the council website.

Actions arising from the Assessments will be logged on Verto and progress updates will be required

Community Impact Assessment (CIA)

Community Impact Assessment Title:

A proposed change to the qualifying criteria of the York Financial Assistance Scheme (YFAS). This would allow awards to be made to some customers who experience a financial emergency resulting from an unfair application of a 'sanction' against their Job seekers Allowance claim by the Department for Work & Pensions (DWP) Job Centre.

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people. NB. Lack of financial resources alone is NOT justification!

Community of Identity: Age

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14	Standard of living	P	None
Details of Impact	<i>Can negative impacts be</i>	Reason/Action	Lead Officer
			Completion Date

	<i>justified?</i>			
The change to the scheme will allow additional financial support to be awarded to qualifying people of any age (regardless of age, preserving the position under the existing scheme criteria).	N/A			

Community of Identity: Carers of Older or Disabled People

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people some of whom may have caring responsibilities for older or disabled people.	N/A			

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Community of Identity: Disability

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people some of whom may have a disability.	N/A			

Community of Identity: Gender

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living	P	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of gender, preserving the position under the existing scheme criteria).	N/A			

Community of Identity: Gender Reassignment

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14	Standard of living	P	None

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of gender reassignment, preserving the position under	N/A			

the existing scheme criteria).				
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Community of Identity: Marriage & Civil Partnership

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living Individual, family and social life	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of marriage or civil partnership status, preserving the position under the existing scheme criteria).	N/A			

Community of Identity: Pregnancy / Maternity

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
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1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living Individual, family and social life	P	N
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of pregnancy or maternity considerations, preserving the position under the existing scheme criteria).	N/A			

Community of Identity: Race				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

<p>The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of race, preserving the position under the existing scheme criteria).</p>	<p>N/A</p>			
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Community of Identity: Religion / Spirituality / Belief

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)	
<p>1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14</p>	<p>Standard of living</p>	<p>P</p>	<p>None</p>	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of their beliefs, preserving the position under the existing scheme criteria).</p>	<p>N/A</p>			

Community of Identity: Sexual Orientation

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
1/ 'Advice York' Response to JSA Sanctions Review Jan 14 2/ 'Advice York' Sanctions & YFAS Report March 14		Standard of living	P	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
The change to the scheme will allow additional financial support to be awarded to qualifying people (regardless of their sexual orientation, preserving the position under the existing scheme criteria).	N/A			

Annex D

List of Abbreviations

CAB	Citizen's Advice Bureau
DWP	Department for Works and Pensions
K	Thousand
YFAS	York's Financial Assistance Scheme
IS	Income support
JSA	Job Seeker's Allowance
ESA	Employment & Support Allowance
IB	Income based
IR	Income related

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