



Less conditionality, more dignity? An emerging Scottish approach to welfare-to-work

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Welfare Conditionality conference

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Conditional welfare systems as a threat to dignity

- Prohibition of inhuman/degrading treatment
- Opportunity to access essential needs
- Autonomy
- Protection of group identity/culture

Simpson, EHRLR (2015)



Less conditionality, more dignity?

Dignity in the context of social security

“Everyone... has the right to social security and is entitled to realization... of the economic, social and cultural rights indispensable for his dignity”

Art 22 UDHR

“The right to social security is of central importance in guaranteeing human dignity”

General comment on art 9 ICESCR

“Respect for the dignity of individuals is to be at the heart of the Scottish social security system”

Social Security (Scotland) Bill cl 1(e)



Social Security Scotland
Tèarainteachd Shòisealta Alba



Less conditionality, more dignity?

Dignity and employment support

Mandatory jobseeking and welfare-to-work programmes a (justified?) curb on claimant autonomy

Sanctions for non-participation may put ability to access essential needs at risk

Cannot be considered forced labour contrary to art 4 ECHR

But claimants perceive threat to dignity, especially when schemes regarded as unhelpful



Less conditionality, more dignity?

Dignity and employment support

“I was... applying for jobs that I knew I wasn't going to get but just to keep them happy. As long as they could see I was looking for work, they were happy with that.”

“Big brother is watching you! You're getting spied on.”

“They're doing nothing to help me at all apart from sending me on stupid courses which are absolutely a waste of time but it ticks their box.”

Wright & Stewart, 2018



Welfare Conditionality

SANCTIONS, SUPPORT AND BEHAVIOUR CHANGE

Less conditionality, more dignity?

Evolving Scottish rhetoric

2015 research finds support for welfare-to-work principles but concern at sanctions regime:

- “Penalising people in order to reduce the budget”
- Poverty used as a “means to bully people into low paid work”
- Constituents sanctioned for “spurious” reasons despite efforts to comply
- Necessary to force people who “operate largely outside the system” to engage with employment support

Scottish politicians

Less conditionality, more dignity?

Evolving Scottish rhetoric

References to dignity absent from findings:

- “One of the best things we could have done with independence was end the undermining of the welfare system”
- “Most of the argument around welfare has been we want more powers. Nobody's said what they're going to use the powers for”

Scottish politicians

- “Three principles of fair, personal and simple” to underpin devolved approach
- “Fairness” and “tackling inequality” prioritised

Scottish civil servant

Less conditionality, more dignity?

Evolving Scottish rhetoric

“a local authority must take reasonable steps to ensure—
(a)that applicants for assistance... are treated with respect, and
(b)that their dignity is preserved

Welfare Funds (Scotland) Act 2015 s5

“Respect for the dignity of individuals is to be at the heart of the Scottish social security system”

Social Security (Scotland) Act 2018 s1(d)

Less conditionality, more dignity?

Protecting dignity: limitations in the devolution settlement

“Social security claimants should have enough income to reach an acceptable standard of living and have a say in shaping the... system. They should not face excessively strict conditions for the receipt of this support or stigmatisation for their use of the system.”

Simpson, McKeever & Gray (2017)

Equality and Human Rights Commission

Research report

Social security
systems based on
dignity and respect

Less conditionality, more dignity?

Protecting dignity: limitations in the devolution settlement

What's this Bill about?

The Social Security Bill transfers powers over some benefits to the Scottish Parliament.

Types of assistance

- Carer's
- Cold-spell heating
- Winter heating
- Disability
- Early years
- Employment injury
- Funeral expense
- Short-term

"The social security system need to be fair to people who are applying for benefits. It needs to assess people properly, according to their needs. It needs to look on them as people."

Janice, Carer

"This Bill will have a huge effect on the daily lives of millions of people across Scotland. It will impact on some of the most vulnerable in our society and so it is vital that our Committee make sure any Bill works and delivers for ordinary Scots."

Sandra White, MSP, Convener
(2016-17)



£2.9bn of welfare spending has been devolved

That's 15% of total welfare spending in Scotland



1.4 million people will be affected

Rates and conditions for receipt of main income replacement benefits reserved to Westminster

But employment support devolved

Less conditionality, more dignity?

What is to be done?

Values:

- Dignity and respect
- Fairness and equality
- Continuous improvement

Principles

- Whole person approach
- Drive towards real jobs
- Local adaptation
- Reward job outcomes and progress towards work

A new future, 2016; No one left behind, 2018



Less conditionality, more dignity?

Challenges

Devolved powers exclude “providing financial assistance where the requirement for it arises from reduction, non-payability or suspension of a reserved benefit as a result of an individual's conduct”

- Devolved administration of out-of-work benefits?
- Short-term assistance while appealing a sanction?
- More devolution?





Thank you

Further reading:

C McCrudden, 'Human dignity and judicial interpretation of human rights' (2008) 19(4) European Journal of International Law 655

Scottish Government, *A new future for employability in Scotland* (2016)

Scottish Government, *No one left behind* (2018)

M Simpson, G McKeever and AM Gray, *Social security systems based on dignity and respect* (Glasgow: Equality and Human Rights Commission, 2017)

M Simpson, "'Designed to reduce people... to complete destitution": human dignity in the active welfare state' (2015) 1 European Human Rights Law Review 66

S Wright & ABR Stewart, 'Final findings: jobseekers' (Welfare Conditionality, 2018)

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