



## Coventry Sanctions Campaign

Coventry Law Centre, Coventry CAB and the University of Warwick are undertaking research into the impact of sanctions particularly looking at how vulnerable people are being affected. This work has included Freedom of Information requests to DWP to establish whether adequate protection is in place for vulnerable people. We have also undertaken surveys of people who have been sanctioned and more detailed research into the impacts of sanctions locally is currently underway. Coventry Law Centre are running a sanctions hotline to support people who have been sanctioned.

This phone service is available on:

**02476 253160**

**Monday to Friday 11 am to 2 pm.**



## How many people are being sanctioned?

The most recent figures available indicate there were 7554 Job Seeker's Allowance sanctions decisions made in Coventry during the period 22.10.2012 to 31.12.13. 6656 decisions were made at Cofa Court and 898 decisions were made at Tile Hill. This means that every month 540 Job Seekers Allowance sanctions decisions are made.

ESA sanctions decisions are not available separately for the Coventry area. However there were 278 ESA sanctions decisions made in the Mercia area during the period 3.12.2012 to 31.12.2013.

## Sanctions - National Developments

The DWP has commissioned an independent review of sanctions and its recommendations were published on 22<sup>nd</sup> July.

All 17 recommendations have been accepted by the Government and we can expect to see some improvements in the next few months

The main recommendations are:

- All correspondence with claimants, including its style and content, should be reviewed
- Claimants must be given personalised information about why they have been referred for a sanction
- Clear information must be given about the appeals process and access to hardship payments
- A guide to benefit sanctions must be easily accessible in paper form and online
- Claimants who need particular help in understanding letters must be identified and spoken to

- People should get information through their "preferred channel".
- Procedures should be reviewed to ensure people have a clear understanding of their responsibilities

Our view is that the recommendations do not go far enough but they are a useful starting point and will help some people avoid sanctions.



## JSA Hardship Payments

Many people who are sanctioned can get at least some money from DWP as a hardship payment. Unfortunately DWP often don't tell people they can claim Hardship Payments. The rules for hardship payments are as follows.

Hardship Payments are made to JSA claimants who are considered to be in a vulnerable group or to be experiencing hardship. The vulnerable groups are:

the claimant or partner is pregnant;

the claimant has responsibility for a child or young person for whom Child Benefit is paid who would experience hardship if benefit was not paid;

the JSA includes a disability premium and the disabled person would experience hardship;

the claimant or partner has a chronic medical condition which restricts them. The condition needs to have lasted for 26 weeks or be one that will last for at least 26 weeks and the person with the condition can be expected to deteriorate in the next 2 weeks if payment is not made. In practice it appears that DWP accept there is a chronic medical condition on the basis of the person having an item on prescription;

the claimant is a carer for someone getting or entitled to Attendance Allowance or middle or highest rate of Disability Living Allowance care component or Daily Living component of Personal Independence Payment. The claimant has to show he/she cannot continue caring if no hardship payment is made;

The claimant or partner is 16/17 years old ;

The claimant or partner was under 21 at the start of the period and has been looked after by the Local Authority in the last 3 years.

If you are subject to a sanction, check whether you fit into one of these groups and if you do tell the Department for Work & Pensions about this. If you do not fit into one of these groups and are in hardship you can still make a claim. You need to emphasize how you will be at risk if you do not get any help. If the hardship payment is refused you have the right of appeal and should seek advice. You can also try another claim later in your sanction as the longer you go without money the more likely you will be accepted as being vulnerable

The amount of the Hardship payment is the usual rate of JSA reduced by 40% of the appropriate rate for a single person. Where the claimant or partner is seriously ill the reduction should only be 20%.

The rules allowing hardship payments for ESA claimants who have been sanctioned are similar but generally easier to satisfy.

In order to get a hardship payment you need to complete a hardship application form and this is available from the front desk at Cofa Court or alternatively you can ring the Jobcentre and ask for a Hardship Payment form to be issued.

Your application will need to be accompanied by documents like a tenancy agreement, a list of medication and bank statement

If you are incorrectly refused a hardship payment you can dispute this decision and should contact the Law Centre sanctions hotline for assistance Tel 02476 253160 11 am to 2.00 Monday to Friday.

## Real Life Sanctions Case Studies from Coventry Law Centre

Adam was sanctioned for 3 months at the beginning of 2014 because he failed to participate in the mandatory work scheme without a good reason. He appealed and was represented by Coventry Law Centre at his appeal. Adam's argument was that he had worked over and above what was expected often turning up early.

The DWP argument was that he had changed his hours while working in a charity shop without permission. It was also alleged that he turned up late one day. It was further alleged that he used bad language. The tribunal accepted there was little evidence for the allegations made by the DWP. The organisation running the scheme was no longer in operation by the date of the appeal and DWP did not provide compelling evidence to back up their case.

He has since had his JSA reimbursed.



Betsy has had two sanctions for missing appointments at the Job Centre. On both occasions she was attending mandatory work activity on the same day. She was made homeless as a result of the sanction but had obtained a place at a hostel. She received no appointment letter for either of the alleged appointments.

Coventry Law Centre assisted with mandatory reconsiderations against both decisions and argued that the sanctions had arisen due to maladministration rather than being Betsy's fault. Initially Betsy was surviving by claiming hardship payments, discretionary housing payments and using foodbanks. When she asked for help from her family this caused too much pressure and led to family breakdown. She has now been rehoused by a hostel in Coventry.

A month after writing the mandatory reconsideration letter Betsy had her sanctions decision reversed.

## Get in Touch

This is the first of a regular series of sanctions newsletters. We would like to hear back from you about which aspects of sanctions you would like us to cover. If you have any sanctions questions you would like answered please send them through to

janet.gurney@covlaw.org.uk or Coventry Law Centre address: Oakwood House, St Patricks Road, Coventry CV1 2HL or the sanctions hotline tel number **024 7625 3160**