Policy in Practice

# Call for evidence into the implications for DWP of changes in the world of work

Report to the Work and Pensions Select Committee

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Policy in Practice welcomes the opportunity to provide evidence on changes to the world of work to the Work and Pensions Committee.

Through our work with frontline organisations, and through our analysis and research, we understand some of the challenges that low-income households face when moving into work.

The increase in non-traditional working patterns provides an opportunity for those with hidden barriers to work to engage with the labour market. However, flexible working patterns can also come with greater insecurity and do not easily fit with benefit systems designed around full time regular work. This lack of fit between work and benefits means households risk having to choose to engage with only one of these. This evidence provides examples of some of the issues arising between changing work patterns and the benefit system, and suggests solutions.

We would be happy to provide further evidence on the areas mentioned if this would assist the Committee.

**About Policy in Practice**

Policy in Practice believes the welfare system can work better.

We're a socially-minded software company that works with councils, government, housing and community organisations to target and improve welfare support for people. Combining cutting-edge technology, insightful data and expert analysis, we're the leader in helping organisations to understand what's working, what can be improved, and how.

Our award winning Benefit and Budgeting calculator helps around 10,000 people each day find out what support they may be eligible for. Our data analytics services help organisations find relationships in datasets and visualise the drivers of poverty. We use our policy expertise to drive change via evidence, publications and media.

## What are the main challenges that DWP faces as a result of the "Fourth Industrial Revolution"?

Working patterns are no longer standardised. Many people do not have a single stable employer, or are working for themselves, or have flexible working hours. For low-income households reliant on benefits, this individualised nature of work has to fit with benefit regulations based on the assumption that people work for 35 hours a week, are in formal employment, and are paid monthly.

In many respects, the Universal Credit system is better prepared to deal with these challenges than the legacy benefit system it replaces. Universal Credit unites benefit support for those in work and those out-of-work and so does not require applications to different agencies if economic circumstances change. As a policy, it has the potential to smooth transition into and out of work and cope with flexible work arrangements. However, the mechanics of Universal Credit mean that in practice it does not work as seamlessly as it should for many working people. Some of the issues are illustrated below.

**Universal Credit does not work well for households who are not paid monthly**. These households are not a minority; analysis of bank account transactions shows that 72% of people moving out of work and claiming Universal Credit for the first time are not paid monthly.[1] For these households, the amount of earned income they receive in a monthly Universal Credit Assessment Period will vary, meaning the amount of Universal Credit they will be paid each month will fluctuate. This can cause confusion for claimants, and limit their ability to budget. For households who are paid four-weekly, their Universal Credit award is likely to reduce to zero for one month of the year. The onus then falls on the household to re-apply for Universal Credit the following month. These variations in payments are made worse if the household is also in receipt of other income that is not paid monthly, such as New Style JSA, New Style ESA and Carers Allowance. This fluctuation in support can be complex for households to understand and can result in difficulty with ongoing budgeting. Our work with frontline organisations indicates that some households will opt to not claim Universal Credit to avoid this complexity.

Many frontline organisations use our Benefit and Budgeting Calculator which allows them to illustrate the impact to their customers. The chart below shows the Universal Credit payments

[1] https://www.resolutionfoundation.org/comment/time-to-make-universal-credit-fit-for-purpose-in-21st-century-britain/

for a couple where one member is working and is paid four-weekly and the other is out of work and in receipt of New Style JSA. This illustrates the variation in the Universal Credit award from month to month.

| Assessment Period | | | |
|---|---|---|---|
| From | To | Date of UC payment | UC Payment |
| 16/05/2020 | 15/06/2020 | 22 June 2020 | £ 216.84 |
| 16/06/2020 | 15/07/2020 | 22 July 2020 | £ 216.84 |
| 16/07/2020 | 15/08/2020 | 22 August 2020 | £ 68.14 ⚠ |
| 16/08/2020 | 15/09/2020 | 22 September 2020 | £ 216.84 |
| 16/09/2020 | 15/10/2020 | 22 October 2020 | £ 216.84 |
| 16/10/2020 | 15/11/2020 | 22 November 2020 | £ 0.00 ⚠ |
| 16/11/2020 | 15/12/2020 | 22 December 2020 | £ 216.84 |
| 16/12/2020 | 15/01/2021 | 22 January 2021 | £ 68.14 ⚠ |
| 16/01/2021 | 15/02/2021 | 22 February 2021 | £ 216.84 |
| 16/02/2021 | 15/03/2021 | 22 March 2021 | £ 216.84 |
| 16/03/2021 | 15/04/2021 | 22 April 2021 | £ 216.84 |
| 16/04/2021 | 15/05/2021 | 22 May 2021 | £ 216.84 |

*Chart from Policy in Practice's Benefit and Budgeting Calculator, showing fluctuating Universal Credit Payments over 12 months*

It is worth noting that the issue of fluctuation in Universal Credit payments was highlighted in June 2020 when the DWP lost its appeal on the treatment of regular earned income.[2] This case brought to light the issues that arise even if a claimant is paid monthly and highlights how this rule disincentivises work: the evidence highlighted that for some claimants it may be easier to manage finances when unemployed. In other words, a low steady income may be preferable to a higher but fluctuating income. Ironically, it is partly this issue in the legacy benefit system that Universal Credit was intended to tackle.

We look forward to the DWP response to the recent judgement on how earnings should be treated as applying in the assessment period in which they are earned rather than in which they

[2] https://www.bailii.org/ew/cases/EWCA/Civ/2020/778.html

are paid, and recommend that any changes apply to people who are paid four-weekly, fortnightly and weekly as well as those who are paid monthly and affected by non-banking days.

It is possible to resolve this issue within Universal Credit. Our briefing note from 2017 describes how the DWP could take account of regular earnings in the Assessment Period in which they are earned rather than when they reach the claimant's bank account.

**Ongoing monthly reconciliation to smooth payments**

This briefing note to DWP outlines a number of proposals to tackle the five week wait and fluctuating earnings.

We developed three options further in discussions with the department. The favoured approach was to pay a proportion of the estimated UC award (e.g. 40%) after two weeks. The remainder of the award would be calculated and paid after five weeks. This process would continue, with ongoing monthly reconciliation where people were overpaid.

Monthly reconciliation could solve a number of other issues:

- Childcare payments could be paid up front, and clawed back only if they were overpaid.
- It would smooth payments generally, reducing issues from receiving multiple payments in a given assessment period.
- It would give people greater certainty over when they would receive some future payment. The two weekly amount could be fixed (and potentially paid to a separate account)
- It could be offered alongside (rather than instead of) a UC advance. The advance could then be used for other purposes, for example to help people consolidate their debts with an interest free loan.

Reconciliation would be carried out monthly. The estimated cost would be a **one-off** £1.3bn, that would arise from shifting the cashflow risk from low income families back to the Treasury (as under the current system).

Other options to reduce the five week wait we developed further included

1. Allowing existing benefits to run-on for two weeks - this has already been agreed for Housing Benefits and DWP benefits, we argue it should also be in place for Child tax Credits.

2. The assessment period for earnings could start two weeks earlier. The department had objections when it was last presented to them.

3. Turning the UC advance into a targeted loan for people in financial difficulty, as

illustrated in this case study.

It would also be helpful for DWP to separate out Universal Credit payment from Universal Credit assessments.

**People who work zero-hour contracts do not see support when they need it.** Since Universal Credit is paid monthly in arrears, the Universal Credit award based on a month's income is received the following month. This can result in a claimant receiving both low earnings and low Universal Credit (calculated on the previous higher earning month) in the same month. This can make budgeting on a low income difficult.

**Monthly work allowances do not respond to fluctuating earnings.** Work Allowances are the amounts that households with children or with limited capability for work can earn before their Universal Credit is reduced. Households with regular earnings will see an application of the Work Allowance in each Assessment Period. For those with fluctuating earnings, the full Work Allowance is only applied in the months where earnings are greater than this allowance. This means that if two households, one with regular and one with irregular earnings, earn the same amount over a two month period, the household with irregular earnings can receive less Universal Credit support. To solve this problem, DWP could introduce a form of ongoing reconciliation. Annual earnings could be assessed with the accumulated Work Allowances over twelve months, with additional support being paid to households who did not have a Work Allowance applied in each month.

**Example**

**Household A** earns £1,000 per month. A work allowance of £512 is applied each month and the remaining £488 is taken into account to assess UC in each month. Each month UC is reduced by 63% of the remaining income. i.e. £307. Over the two months full UC is reduced in total by £614.

**Household B** earns £2,000 in one month and nothing in the following month. In the first month, the work allowance of £512 is applied. UC is reduced by 63% of the remaining income. As there is no reduction in the second month, over the two months full UC is reduced in total by £937.

**Monthly Assessment Periods do not adequately support self-employed households**. Self-employed households generally do not have regular earned income and so are affected by the mismatch between support and earnings and the application of Work Allowances (see above).

In addition, self-employed households are also affected by application of a notional income (the Minimum Income Floor or MIF). This means that support through benefits does not account for actual household income and can leave households relying on low self-employed earnings together with low UC support. Households in regular employment receive UC based on actual earnings and, in many instances, this leads to substantially increased UC support compared to households in self-employment.

Our analysis found that self-employed people on Universal Credit are worse off by £50.86/week on average compared to people on legacy benefits[3]. Although households who are not expected to work or look for work are not affected by the MIF, it negatively impacts some households with hidden barriers to work. Our analysis found that more than 90% of self-employed households are affected by the MIF.[4] For households with hidden barriers, their work choice is often not between self-employment and regular employment, but between self-employment and being out of work. The DWP should welcome the flexibility that the “Fourth Industrial Revolution” has brought, for example by allowing people to be self-employed and work from home, and reconsider whether the Minimum Income Floor works in this new era of work.

**Fluctuating incomes can invoke complex surplus earnings regulations.** If a household receives a high amount of earned income in one month, some of it is taken into account in the following month’s Assessment Period. The calculation of surplus earnings and the rules governing them are complex for both advisors and claimants. The rules only come into effect if earnings fluctuate by a threshold amount. Currently this is £2,500, but is set to reduce to £300 at some point in the future. We recommend that the higher threshold amount is retained to limit the impact of these rules.

## Is there a need to consider new, long-term approaches to addressing change in the labour market: for example, introducing a Universal Basic Income (UBI)?

## Is UBI an appropriate short-term response to shocks in the labour market? What can the Government learn from the international evidence on UBI?

Covid-19 has exposed the extent of financial vulnerability in the UK and UBI is increasingly being considered as a means to support low-income households through similar economic shocks. The advantages cited for UBI are:

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[3] http://policyinpractice.co.uk/wp-content/uploads/Autumn-Budget-report_0811.pdf
[4] http://policyinpractice.co.uk/wp-content/uploads/Autumn-Budget-report_0811.pdf

- Simplicity of administration.
- Overcoming the wait for benefits (the 5-week wait). Analysis carried out by Policy in Practice in 2019 found that 14% of households who migrate to Universal Credit have insufficient savings to support themselves through this period.
- Provision of support to households currently locked out of the benefits system. This could help to alleviate the growth of working households who remain in financial hardship despite not meeting the criteria for means-tested benefits.
- Allowing households greater freedom to make their own decisions. The level of conditionality within the current benefit system (60% of Universal Credit claimants were subject to conditionality relating to their working hours as of November 2019[5]) leads to some households choosing not to engage with the benefits system even though their income is low. There is also growing evidence that work conditionality and the punitive measures to enforce these pressures claimants into low-paid and insecure work.[6] Under Universal Basic Income, claimants could take training courses, apprenticeships, or volunteer as they see fit to build skills for long-term employment in their chosen field.

The key drawback of UBI is that it would need to be generous enough to cover the additions for those with greater need. These additions, such as amounts for children, illness, or rent, are inherent parts of Universal Credit. To include these within a UBI makes it expensive, particularly given the high cost of housing, and the regional variations within the UK. There have been suggestions that these additional elements could be kept outside UBI. This amalgam of systems would result in a means-tested system alongside UBI and so defeat the key aim of simplicity.

Policy in Practice believes it would be more cost-effective to adapt Universal Credit to reflect some of the advantages of UBI.

For example, ending the £16,000 cut-off for savings within Universal Credit would mean that it was accessible to all households regardless of their savings, with those on higher incomes seeing their benefits tapered away as with UBI. Universal Credit could also be made easier to claim (through some of the recommendations cited here) to encourage higher levels of take-up.

Furthermore, there have been many suggestions for addressing the five-week wait for payment (from advances to bi-monthly reconciliation payments), and the current regime of conditionality

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5 https://www.gov.uk/government/publications/benefit-sanctions-statistics-to-october-2019-experimental/benefit-sanctions-statistics-to-october-2019-experimental

6 https://www.gov.uk/government/publications/benefit-sanctions-statistics-to-october-2019-experimental/benefit-sanctions-statistics-to-october-2019-experimental

and sanctions is not inherent to Universal Credit. These could be adjusted to allow more personal freedom around flexibility in work or training.

## Are DWP Work Coaches well equipped to advise people who are looking for work on new and emerging sectors and jobs? How could DWP improve the training and advice it offers to jobseekers?

Policy in Practice supports low-income households and understands the impact of the claim process and the role of DWP work coaches as these households move into work. We are not employment sector specialists so will not directly address the relevance to emerging job sectors. However, there are some aspects of the interaction of work coaches and low-income households that inform this issue and these are addressed below.

**The conditionality regime used by DWP Work Coaches does not reflect many types of work.** Universal Credit's conditionality system is based on the traditional 35 hour working week. The conditionality regime has failed to adapt to the new individualised arena of work where many jobs, for example in creative industries, do not require 35 hours of work every week. In this respect, Universal Credit is less suited to deal with the new world of work than the legacy benefits system it replaces.

**The role of Work Coaches in applying conditionality and sanctions conflicts with other aims of Universal Credit.** Universal Credit has been designed to empower the claimant and prepare them for the 'world of work'. This is illustrated by the removal of implicit consent and the introduction of claimant management of an online journal. Alongside this, a conditionality regime based around traditional working hours means that claimants do not have the space to explore work that suits their skills, addresses individual barriers to work, or meets career goals. We have heard from frontline organisations that in-work conditionality (the requirement for some working households to increase the number of hours they work) has left many households on Universal Credit feeling unempowered and households receiving tax credits worried about moving onto Universal Credit. Unlike under tax credits, where households working part-time are allowed to do the type and amount of work that suits them, under Universal Credit, they have to regularly meet with a Work Coach and prove that they are looking to increase their working hours. For some households, this aspect of Universal Credit discourages them from engaging with the benefits system altogether. We recommend that the role of Work Coaches becomes more holistic and conditionality is relaxed. This would allow greater flexibility and choice for claimants and would allow the DWP to make the most of the changing job market.

**Work Coaches need to be able to provide appropriate advice to those with barriers to work due to illness or disability**. Under legacy benefits, claimants with illness or disability had access to specialist work coaches with whom they could discuss the specific challenges they face, and set appropriate work goals. Under Universal Credit, all claimants speak to a generalist Work Coach. Jobcentres employ Disability Employment Advisers who give behind the scenes advice to Work Coaches. Policy in Practice carried out research for the Motor Neurone Disease Association and found a widespread lack of understanding of the needs of those suffering from Motor Neurone Disease[7]. We recommend that client-facing employment advisors with specialist knowledge of disability and illness are introduced in Universal Credit, to allow ill and disabled jobseekers find suitable and fulfilling work .

**Work Coaches require tools to illustrate the impact of moving into work.** DWP could improve the advice it offers to jobseekers by equipping Work Coaches with a benefits calculator (such as our online Benefit and Budgeting calculator). This would allow Work Coaches to explain to jobseekers the impact that moving into work or increasing their hours will have on their household income.

**The effectiveness of Work Coaches may be hampered by their dual responsibility for sanctions and employment support.** Work Coaches fulfil a tricky dual role acting as both the “carrot” and the “stick”. They impose sanctions and also support the claimant into employment. For some claimants, the Work Coach won’t be able to adequately fulfill this second role as the relationship will lack the trust required to discuss personal barriers to work. To overcome this inherent tension of roles, the DWP could extend the “who knows me best?” approach to Universal Credit being trialled through the managed migration pilot and work collaboratively with Local Authorities, Housing Associations and employment support organisations when helping people into work.

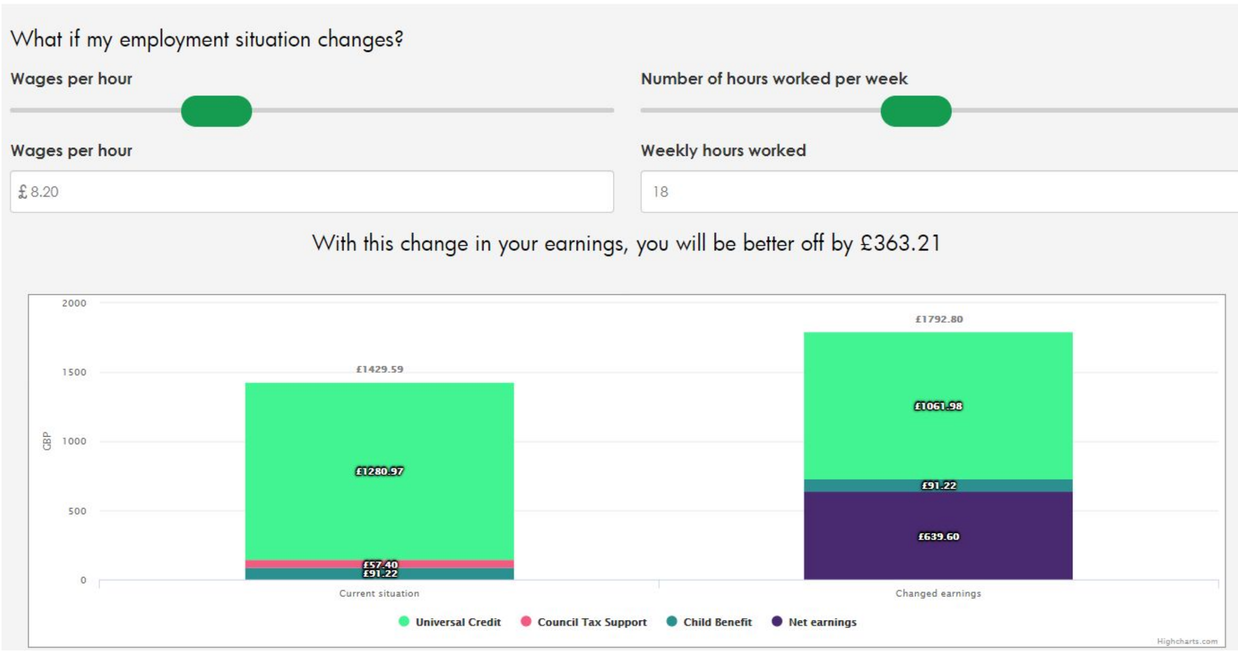
## What support, advice and training should DWP offer to people who are looking to progress in work, or take up more hours?

Policy in Practice works with frontline organisations who provide low-income households with information that enables people to make better informed employment choices. Those reliant on benefits need to understand the impact of employment on overall household finances in order to make these choices. However, the interaction between benefit awards and earnings can be complicated. By clearly communicating the outcomes of increased working hours or a new job, DWP can help claimants to make the decisions which are best for them.

Advice organisations support claimants by using tools such as benefit calculators. An example is given below from Policy in Practice’s Benefit and Budgeting Calculator. Providing claimants

[7] http://policyinpractice.co.uk/the-implications-of-universal-credit-on-people-living-with-motor-neurone-disease/

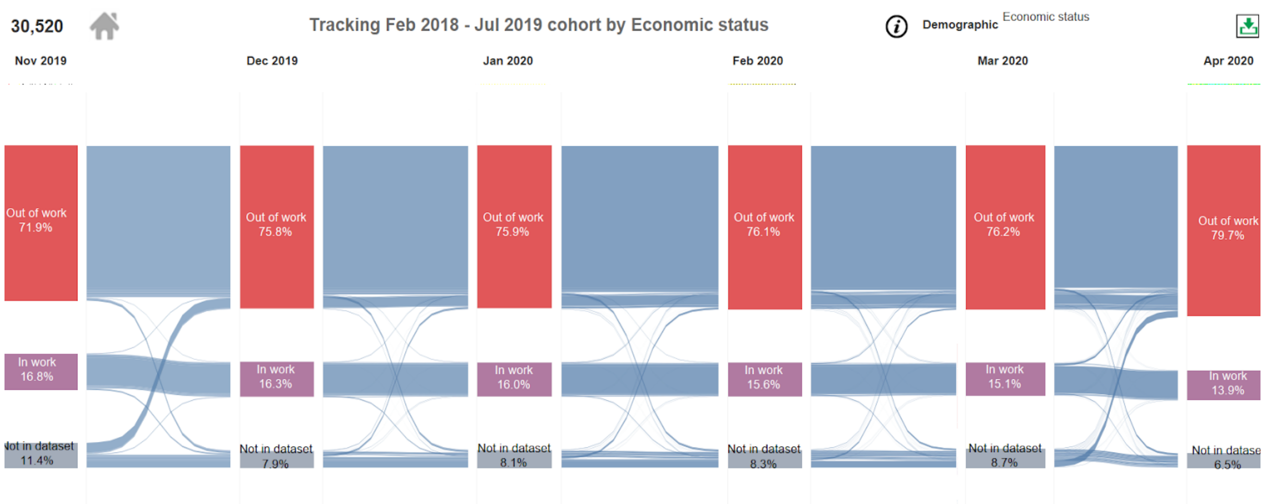
with knowledge can help them to make informed and practical decisions to improve their finances.




*Graph from Policy in Practice's Benefit and Budgeting Calculator showing the impact that starting work has on a household's income*

**DWP should track the longer-term outcome of employment intervention programmes.** In order to design an improved system of employment support, it is important for DWP to measure the effectiveness of ongoing programmes. This is possible through the use of administrative benefits data which is held by local authorities and the DWP. Some local authorities have realised the power of this data in tracking interventions to understand what works. Policy in Practice works with these authorities to identify those without barriers to work, target support and track outcomes.

An example of this approach is shown in the graphic below. This illustrates the level of churn in employment rates in a London-based local authority. Whilst the proportion of households in employment increased by 3% from 16.8% to 13.9% between November and 2019 and April 2020, month-by-month fluctuations reflect the precarious nature of employment. By shifting the focus from aggregate changes to household-level experiences, local authorities can better measure the long-term outcomes of interventions and reassess support services.




*Graphic from Policy in Practice's LIFT dashboard showing the economic status of a cohort over time*

## What is DWP's role in ensuring that young people have the skills they need to get into and progress in work?

Work Coaches play a vital role in guiding claimants through the benefits system and supporting their efforts to find and maintain work. However, the sanction and conditionality regime risks prioritising moving people immediately into work rather than matching skills to work, or increasing skills required for work. This can lead to those reliant on benefits frequently moving in and out of low-paid, insecure, and temporary employment.

**Conditionality and Sanctions risk pushing people into unskilled work.** Sanctions can cause significant financial hardship and this overarching threat undermines the trust required for work coaches to support claimants to move to appropriate and skilled employment. For some claimants the threat of sanctions may lead to disengagement with support. The National Audit Office found in 2016 that while sanctions slightly increased employment rates, the impact on earnings and longevity of work were negative. Among those sanctioned, there was also an increased trend of claimants ending their claims prematurely while remaining economically inactive.[8] Easing the use of sanctions may enable young people to undertake training or voluntary work to increase skills leading to longer-lasting employment.

**Universal Credit does not support claimants in education.** Universal Credit is not available for full-time students in advanced education, unless they are the primary carer for a child, are

[8] https://www.nao.org.uk/report/benefit-sanctions/

disabled and have limited capability for work, or live with a partner who is eligible for Universal Credit. As a result, individuals who do not have significant savings nor financial support from their parents face a significant barrier to further study and a number of vocations which require higher education.

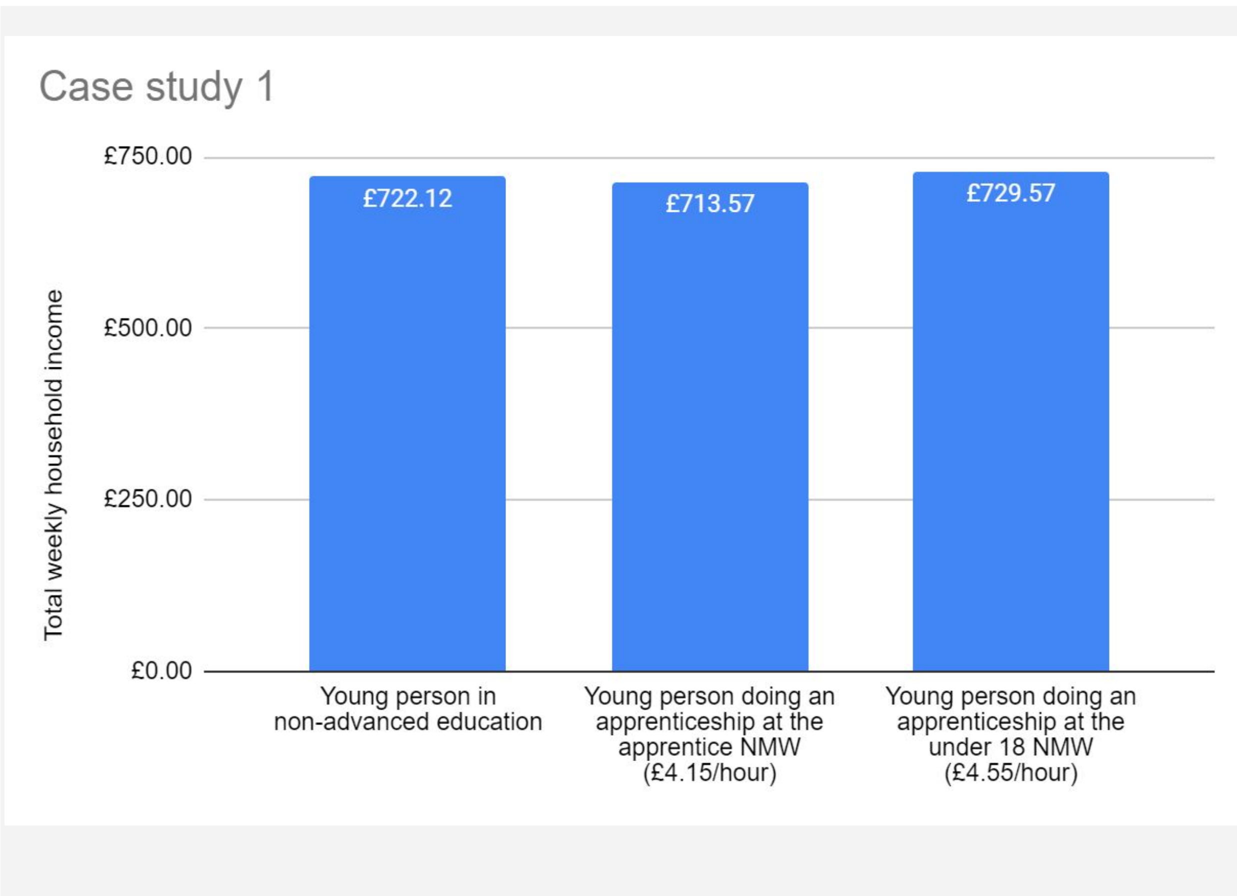
Extending benefit eligibility to those in further education and easing restrictions on suitable work under a claimant commitment could help to empower claimants to make the right decisions for their long-term career prospects. This is especially important in the context of Covid-19, where youth unemployment is expected to rise and remain high for the foreseeable future. Supporting young people into further education and training could help to develop skills for the workplace while the labour market provides few opportunities in the coming years.

## How could DWP work more closely with employers to ensure that claimants have the skills they need to find work in the future labour market?

**DWP should remove financial barriers to taking up apprenticeships.** Households in receipt of means-tested benefits such as Universal Credit are financially penalised when a young person chooses to take up an apprenticeship. This is because young apprentices are not treated as children, so their parent or guardian is not eligible for child benefit, the child element of Universal Credit, or the Universal Credit Work Allowance. If the apprentice is over 21, their parent or guardian will also have a non-dependant deduction applied to their Universal Credit. In many cases, the combination of the loss of benefits and the low minimum wage for apprentices (just £4.15/hour for apprentices under 19 and for all apprentices in their first year) means it is not financially viable for a young person to start an apprenticeship. In comparison, parents or guardians of young people who are in non-advanced education or training are eligible for child benefit, the child element of Universal Credit and the Universal Credit Work Allowance  We recommend that apprentices are paid their age-related national minimum wage. This would reduce the burden on low-income households and make apprenticeships financially feasible for these households.

**Example**

A young person is living with their parent who is earning £507/week, receiving £194.07/week Universal Credit and £21.05/week Child Benefit. Their total weekly household income drops by £8.55/week when the young person moves from non-advanced education into an apprenticeship. However, if apprenticeships were paid at the minimum wage, household income would increase slightly by £7.45/week.




Households in receipt of Universal Credit with a disabled young person are especially likely to see a negative financial impact when the young person starts an apprenticeship. This is because, in addition to the reduction in benefit outlined above, the parent also no longer receives the child disability element of Universal Credit. Given that the government has set itself a target of getting one million more disabled people in work between 2017 to 2027, we recommend that DWP reconsiders these benefit rules and makes apprenticeships a viable option for disabled young people from low-income households. If the government is to act on its pledge to ‘guarantee apprenticeships for young people’, it needs to make sure that apprenticeships are a financially viable decision for young people from low-income households.[9]

## As the workplace changes, will it be necessary to change the legal definition of employment to ensure that people continue to have the appropriate legal status and protections? Might any other legal changes be needed?

In order to better reflect diverse work practices, it may be necessary to review the employment definitions used by DWP. Benefits regulations rely on DWP definitions of employment, full-time work, part time work, self-employment and capability for work. These definitions are based on traditional regular working patterns.

In addition, the DWP can update benefit regulations to extend support to people who are not in traditional employment. An example of this is qualification for New Style JSA,  the contribution-based benefit for people who are out of work. In order to qualify, the claimant must have paid Class 1 National Insurance. This means that self-employed people who pay Class 2 National Insurance are excluded. We have heard from many self-employed users of our online benefits calculator who have been affected by Covid-19. Many of these people were surprised and disappointed when they heard that they didn’t qualify for support when they needed it, despite paying tax and national insurance.

A further example is the unequal treatment of income between employer-administered support such as Statutory Sick Pay (SSP) or Statutory Maternity Pay (SMP) and the equivalent for those who do not qualify for employer-based support (who would receive the non-employer equivalents of ESA and Maternity Allowance). Employer-based support is treated as earnings under Universal Credit and so subject to a Work Allowance and Universal Credit is reduced by 63% of the remainder. In contrast, the equivalent benefits for those not receiving employer-administered support do not attract a work allowance and are deducted from UC on a pound for pound basis.

**Example**

A single adult renting in London receiving £151.20/week Maternity Allowance is £41.62/week worse off compared to an identical household receiving £151.20/week Statutory Maternity Pay.

[9] https://www.ft.com/content/38afd505-c816-43cf-9fb8-a839cc7da949

In order to take account of the growing proportion of households with work patterns that differ from the traditional regular employment, this inequality of benefit treatment between those in regular and irregular work should be addressed

## Conclusion

The proportion of the population working within non-traditional work patterns is growing, particularly amongst low-income households where 72% of workers do not receive a traditional monthly wage. While the flexibility of modern working practices has supported those with barriers to employment, there remain barriers within the benefits system which is centred on full-time monthly pay.

Many of the issues we have identified are not inherent to the benefits system. In the light of Covid-19, we have seen that Universal Credit is flexible and that elements such as the Minimum Income Floor can be removed. We have proposed a number of solutions which would extend this flexibility to households in non-traditional work and ensure that they are not penalised under Universal Credit. The suggestions made have focused on four main areas:

1. Assessment periods: we have proposed alternatives, with ongoing monthly reconciliation being the favoured approach, to improve the system for households whose payment cycle does not match their monthly Assessment Period.

2. Recognition of non-earned income: income such as New-Style ESA and Maternity Allowance should be assessed in the same way as employer-administered support, to support those who are not in traditional employment.

3. Ensure that those increasing skills through apprenticeships and education are adequately financially supported. The DWP can support households further by introducing support tools to provide the knowledge people need to make choices and use data to track interventions.

4. Relax conditionality: the role of Work Coaches should become more holistic and conditionality be relaxed to give claimants more flexibility and autonomy when making employment choices.

Policy in Practice is happy to work with the Committee to provide further evidence on any of the areas mentioned.

## About Policy in Practice

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