

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet
2.	Date:	6th August 2014
3.	Title:	Scrutiny review of the sanctions and conditionality regime
4.	Directorate:	EDS

5. Summary

The scrutiny review of the sanctions and conditionality regime was established in response to evidence suggesting that potentially unfair implementation of sanctions was taking place, and making the most vulnerable families within the Borough more vulnerable. The purpose of the review was to ensure the Department for Work and Pensions conditionality and sanctions regime is implemented fairly, consistently and flexibly, reflecting the needs and circumstances of claimants, with increased transparency and more effective partnership working.

The key findings of the review were grouped under four headings: Communication, Flexibility and Discretion, Vulnerable Claimants and Local Working Protocol. There is one main recommendation of the scrutiny review, directed to the partners on the Welfare Reform Steering Group, which is to establish a local working protocol with the aim of ensuring complete fairness in the process of implementing sanctions in Rotherham.

6. Recommendations

That Cabinet:

- a) **Support the scrutiny recommendation to establish a local working protocol around the DWP sanctions and conditionality regime; and**
- b) **Comment on the detailed considerations and make recommendations to the Overview and Scrutiny Management Board, and partners as appropriate.**

7. Proposals and Details

The outcome of scrutiny review of the sanctions and conditionality regime includes key findings grouped under four headings: Communication, Flexibility and Discretion, Vulnerable Claimants and Local Working Protocol and one single overarching recommendation: that the partners within the welfare reform steering group, via Rotherham Partnership, aim to establish a local working protocol. The overall aim of this is to ensure complete fairness in the process of implementing sanctions in Rotherham. Within this framework, partners are specifically asked to consider six elements.

At their meeting on 20th May 2014, on receipt of the findings of the review, the Overview and Scrutiny Management Board resolved the following:

1. That the report be received and the contents and findings of this scrutiny review be noted.
2. That the report of the scrutiny review of the Department for Work and Pensions' (DWP) sanctions and conditionality regime, as now submitted, be referred to the Cabinet for further consideration.
3. That the Cabinet's response to this scrutiny review be reported to a future meeting of the Overview and Scrutiny Management Board.
4. That the Overview and Scrutiny Management Board shall continue its scrutiny review of the Department for Work and Pensions' sanctions and conditionality regime.

8. Finance

There are no direct financial implications arising from the recommendations, however, the increased application of sanctions along with other welfare reforms are adding to demand on existing advice services resources, and other services supporting people affected.

9. Risks and Uncertainties

As is demonstrated in the analysis of the scrutiny recommendations, it is unlikely that DWP will implement some of the recommendations applicable to them, and that the local Jobcentre Plus will not have the management flexibility required.

The failure of the Work Programme providers to participate in the scrutiny review together the DWP support for their non-participation suggests that they will not participate in the proposed protocol. This is a significant risk to achieving the "fairness" outcome given the number of sanction referrals from these providers.

10. Policy and Performance Agenda Implications

Whilst conditionality and sanctions are not new, their increased use since October 2012 has been a contentious part of the Government's welfare reform agenda. According to national figures published, between October 2012 and December 2013 just over 1 million people have been subject to an adverse sanction. However, 633,000 were allowed to keep their benefit after a referral and 580,273 had a referral cancelled, leading to claims that many sanctions are being unfairly applied.

The policy objective of the scrutiny recommendations seeks to ensure complete fairness in the applications of the regime through a partnership agreement protocol between local partners including the Council and advice agencies and Jobcentre Plus.

11. Background Papers and Consultation

The scrutiny review document and covering report are appended to this report.

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