

Regressive and precarious: analysing the UK social security system in the light of the findings of the UN Special Rapporteur on poverty and human rights

Abstract

In November 2018 Professor Philip Alston, the United Nations (UN) Special Rapporteur on extreme poverty and human rights undertook a two-week visit to the UK to investigate the Governments' efforts to eradicate poverty. The report that followed this visit delivered a damning verdict on the UK welfare benefits system. In this paper, Alston's findings are analysed with reference to McConnell's (2010) policy evaluation framework, which suggests that policy should be assessed based on three different dimensions: *process, programs and politics*.

The *process* realm refers to the options that a government considers in response to a societal issue. In this area, the paper discusses the assertions of the UN Rapporteur that poverty is a political choice and that the economic and social well-being of welfare benefits claimants is negatively impacted by the values-base attached to the current social security system.

The *program* realm refers to the practical implementation and realisation of policy. Here the paper analyses Alston's findings on the regressive impact of social security on key vulnerable groups, and the multiple design and implementation problems that are evident as the UK government moves towards a digital welfare state.

In the *political* domain, the political repercussions of policy are analysed. Drawing on Alston's findings, this paper argues that social security policy is in a precarious position with a growing recognition by the public and media of the economic and human costs of welfare reform.

Keywords: welfare reform, social security, Universal Credit, poverty, human rights, policy evaluation

Introduction

In November 2018 Professor Philip Alston, UN Special Rapporteur on extreme poverty and human rights, undertook a two week visit to the UK to investigate the Governments' efforts to eradicate poverty. The UK is of interest to the Special Rapporteur as a nation that is economically strong, the world's fifth largest economy, but which has implemented a sustained programme of austerity with significant implications for social protection and human rights.

The findings of the UN inquiry should be of concern to those with an interest in public policy in general, and social security in particular. The inquiry reported on a wide range of human rights and poverty-related issues and underscores the importance of social security as a 'public service' and 'vital anchor' in preventing poverty. Alston's preliminary findings and full report following the UK visit provide an insightful commentary on the current state of the welfare benefits system. This paper, therefore, takes the findings from these two sources as

a critical starting point in analysing a range of key themes in contemporary social security policy (Alston, 2018, Alston, 2019). Alston's findings are analysed with reference to McConnell's (2010) policy evaluation framework. McConnell (2010) recognises that the evaluation of policy is complex, with protagonists and opponents often interpreting the same set of outcomes very differently. To this end he suggests that policy should be assessed based on three different dimensions: *process*, *programs* and *politics*.

The *process* realm refers to the options that a government considers in response to a societal issue and the decisions that follow consultation with stakeholders. Process is 'concerned with understanding the means by which societies could and should make collective choices in the public interest' (McConnell, 2010, p, 349). The *program* realm is the practical realisation and implementation of policy; it refers to the resources available to government, such as law and personnel, and the extent to which intended outcomes have been achieved. Programs 'give concrete form to the generalized intentions of statements of policy' (McConnell, 2010, p, 350). The *political* realm considers the extent to which policy has enhanced government reputation, drawn support from the electorate and effectively tackled a defined issue. In this domain, there is a recognition of the impact of policy decisions on the political debate and dialogue.

The format for the paper is as follows: the next section considers the *process* realm of social security policy. It discusses the assertions of the UN Rapporteur that poverty is a political choice and that the economic and social well-being of welfare benefits claimants is negatively impacted by the values-base attached to the current social security system. It analyses the evidence presented by Alston, which links social security policy to increasing levels of poverty and cites two examples (Universal Credit conditionality and the two-child limit for Child Tax Credit and Universal Credit) of the ways in which ideological judgments have led to regressive policy. The second section of the paper considers the *program* dimension of current social security policy. It analyses Alston's findings on the discriminatory impact of welfare reform, the multiple design and implementation flaws that are evident as the UK moves towards a digital welfare state, and proposes a range of changes to the present social security system. The third section considers the *political* domain; the political repercussions of policy are analysed. Drawing on Alston's findings, this paper argues that social security policy is in a precarious position with a growing recognition by the public and media of the economic and human costs of welfare reform.

1. Policy Process

Values and the social security system

'For almost one in every two children to be poor in twenty-first century Britain would not just be a disgrace, but a social calamity and an economic disaster rolled into one.' (Professor Philip Alston)

Policy process focuses on how governments respond to societal challenges (McConnell, 2010). The UN Rapporteur makes explicit links between economic policy pursued in the last decade and the increasing levels of poverty and social isolation evident in the UK. Drawing on over 300 written submissions and visits to ten locations in the UK, Alston argues that poverty is a political choice resulting from a sustained programme of austerity and swingeing cuts to public services. This leaves decimated public and voluntary sector services struggling to respond to significant increases in levels of financial hardship, homelessness, and health inequalities. Ostensibly the government recognise the links between social security and poverty alleviation. In 2010 one of the principle stated aims of the government's welfare reform programme was to reduce poverty with a focus on root causes rather than symptoms (Department for Work and Pensions, 2010). Emphasis was placed on individual responsibility and work as a route out of poverty. However, Alston presents a robust case that that this aim has been enervated through a process of 'radical social re-engineering' where a shift in the values-base of the social security system takes precedent over poverty reduction. He argues that current social security policy has become a key contributor to increasing poverty levels, social exclusion and the fracturing of the post-war Beveridge social contract.

Alston's analysis of the regressive nature of current benefits policy is framed with reference to the overall levels of poverty in the UK. Alston endorses a new multidimensional approach to poverty measurement developed by the non-partisan group the Social Metrics Commission (SMC). The SMC builds upon the 'below average income' focus of traditional poverty measures, by considering childcare and disability costs, housing adequacy and liquid assets. Their analysis concludes that 14.2 million people (8.4 million working-age adults, 4.5 million children and 1.4 million pension age adults), or one in five of the UK population live in poverty (Social Metrics Commission, 2018). The SMC's new measure of poverty is impressive not only for the scope and rigour of its analysis but also for the broad-base of support it has garnered from politicians and poverty experts. The legitimacy of this new measure has led the government to announce that it will publish experimental statistics from 2020 based on the SMC's methodology, alongside the annual Households Below Average Income (HBAI) data.

What then are the key drivers which leave a fifth of the UK living in poverty? Alston is clear that there are a range of contributing factors such as the condition of the labour market and lack of affordable housing, but that that social security policy is a key determinant. In his view post-2010 benefit changes have 'undermined the capacity of beneficiaries to escape from the grip of poverty'. Alston argues that the misguided values-base which underpins the

welfare reform programme results in the proliferation rather than the alleviation of poverty. For many benefit claimants material deprivation is the collateral damage associated with a social security system based on entirely false assumptions about 'strivers' and 'scroungers' (Garthwaite, 2011). The pernicious terminology often attached to benefit claimants is a powerful vehicle which drives forward the redrawing of the relationship between citizens. In placing morality at the heart of benefit policy Alston argues that the reformed system places unreasonable requirements on those with least capacity to comply. The Work and Pensions Select Committee (2018) has echoed Alston's concerns, asserting that the current benefit system often penalises the people that it should be protecting by expecting vulnerable people to behave in ways which are wholly incompatible with their circumstances.

The result of a social security system that inaccurately labels is poorly designed benefit rules, which do little to protect or compensate claimants. Two key examples of this phenomenon are the increased conditionality within Universal Credit and the two-child limit for benefits. In combining six means-tested benefits into one single monthly payment Universal Credit is intended to create a simplified system and to incentivise employment. Intensifying the links between claimant behaviour and benefit entitlement is not a new policy, its antecedents can be traced to the 1989 Social Security Act, and the underlying principles were advanced under the previous Labour Administration. However, under Universal Credit increased responsibilities have been imposed on the disabled, lone parents and low paid workers. This pervasive conditionality has been found to place undue stress on claimants and to be a 'redundant motivator' in finding work. Relationships between claimants and the Department for Work and Pensions (DWP) have been described as 'coercive', and a one-size fits all model is adopted which fails to account for local economic factors or the circumstances of parents and carers (Welfare Conditionality, 2018).

From 06 April 2017, the government introduced a two-child limit for Universal Credit and Child Tax Credit meaning that awards of these benefits would no longer include additional amounts for a third or subsequent child born after this date. Again, we see justification for a policy linked to values and the concept of 'fairness', as the government argue that families claiming benefits should face the same financial decisions as those in work. The compassionate conservatism position contends that poverty results from personal failings (Crossley, 2017) but the two-child limit will affect claimants affected by circumstances such as separation or bereavement. Significant gaps will be created in the welfare safety net as social security ceases to be linked to the needs of children and is instead based on the size of a family that the state is willing to support (Machin, 2017a). It is estimated that the full impact of the two-child policy will be felt by the mid-2030s with 700,000 families losing an average of £3,000 per year (Institute for Fiscal Studies, 2019). O'Brien (2018) makes a compelling argument that the two-child limit is 'the most significant violation of human rights that has yet been written into the fabric of the UK social security' and that the policy discounts the best interest of a child duty as set out in the UN Convention on the Rights of the Child (UN CRC). Professor Jonathan Bradshaw goes further describing it as the worst ever social security policy (Bradshaw, 2017).

The two-child limit is a striking example of failings in the policy phase with a journey from misplaced ideology to material poverty. It starts with a policy justified as being fair to the taxpayer and necessary to rebalance the public finances. A lack of scrutiny, and indeed support, from some sections of the media leads to two equally insidious consequences: 'institutional indifference' and 'othering'. Lister (2018) describes institutional indifference as the calculated and wilful way in which government ignores compelling evidence about the damaging impact of policy and, therefore, takes little or no action to ameliorate its impact. With the 'othering' of benefit claimants we witness a 'defensive form of citizenship' where people experiencing benefit related poverty seek to shift the stigma and damage associated with their circumstances to those who are perceived as less deserving (Patrick, 2016). This hierarchy of deservedness moves attention away from those responsible for developing regressive policy.

The process strand of policy requires the government to carefully consider the implications of their decisions. There can be no doubt that Alston's view is that recent social security policy has placed fiscal considerations ahead of the protection of the most vulnerable citizens in society.

2. Policy Program

The discriminatory impact of welfare reform

'Changes to taxes and benefits since 2010 have been highly regressive, and have taken the highest toll on those least able to bear it' (Professor Philip Alston)

Policy program focuses on the concrete realisation of policy: the complex legislation, processes and use of personnel which brings policy into the real world. In this sphere, the UN rapporteur asserts that recent changes to social security regulations have been regressive with some groups disproportionately impacted and losses most keenly felt by the lowest income households. The groups identified as being the hardest hit include women, children, people with disabilities, asylum seekers and people living in rural areas. Alston cites research by the Equality and Human Rights Commission (EHRC) which explored the impact of welfare reform and tax changes in the period May 2010 to January 2018. This found that those with the lowest incomes are most significantly affected by the current programme of welfare reform. Taking household net income, with the poorest 10% households in decile 1 and the richest 10% in decile 10, it was found that the second decile lose most on average from the reforms: approximately £2,150 per year. The eighth and ninth deciles experience financial gains in this period, while the top decile sees losses of just £20 per year (Equality and Human Rights Commission, 2018a).

Alston highlighted the gendered nature of the social security system. In part this reflects the significant disparity in the experiences of men and women that persist in contemporary society: 70% of unpaid care is provided by women, 66% of workers earning less than the living wage are women and 90% of lone parents are women. On average women rely more heavily on income from social security (approximately 20% of total income compared to 10% for men) and are, therefore, more vulnerable to benefit cuts for families and carers. In the period May 2010 to January 2018 across all income spectrums women lost £400 per

year as a result of benefit changes, compared to £30 per year for men. These losses were particularly significant for women aged between 25 and 44 and for Black and Asian women (Equality and Human Rights Commission, 2018b, Women's Budget Group et al, 2017).

Alston made explicit links between social security policy and increasing levels of poverty amongst children. The two-child limit, the cash freeze on working-age benefits, and the overall cap on benefit levels are identified as contributing factors. SMC statistics were cited that indicate one in three children live in poverty, and the EHRC forecast that an additional 1.5 million children will drop into this category by 2021/22. These estimates are consistent with the predictions of a wide range of other organisations. Using Office for Budget Responsibility (OBR) forecasts the Institute for Fiscal Studies predict that planned tax and benefit reforms will result in a 4% increase in absolute child poverty by 2021/22; approximately 75% of this increase is directly attributable to benefit changes (Institute for Fiscal Studies, 2017). Joseph Rowntree Foundation report that 4.1 million children live in poverty and alongside levels of earnings and housing costs, benefit changes are a significant influence (Joseph Rowntree Foundation, 2018).

The UN Rapporteur emphasised the overrepresentation of disabled people in the poverty statistics with almost 50% of those people experiencing poverty coming from families in which someone has a disability. Disabled people are particularly susceptible to reductions in social security benefits as they are less likely to be in employment. Alston's findings are consistent with the widely held claimant and adviser opinion that the standard of decision-making in relation to disability benefits is inconsistent and often characterised by poor communication with the DWP, and problems with face-to face assessments conducted by contracted out companies such as Capita. The introduction of Personal Independence Payment (PIP) to replace the long-standing Disability Living Allowance in 2013 has created further challenges for many disabled claimants (Machin, 2017b). The initial stages of the roll-out of PIP were beset by decision-making delays and following a high-profile defeat in the High Court (2017), which found PIP to be 'blatantly discriminatory' against people with mental health problems, the government has been forced to reassess over 1.5 million claims at an estimated cost of £3.5 billion. This follows the judgment of the UN Committee on the Rights of Disabled People in 2016 that there is reliable evidence to suggest that UK government policy has an 'adverse and disproportionate effect on persons with disabilities' (United Nations, 2016).

Alston highlighted the destitution inherent within the asylum system and the resulting impoverishment experienced by asylum seekers. The notion that work pays is illusory for this group who are precluded from entering employment and rely on asylum support, separate to mainstream welfare benefits, of just £37.75 per week. For people living in rural areas of the UK the experience of welfare reform described above can be compounded by cuts to public services, poor transportation links, and variable broadband access.

Design and implementation flaws and the digital welfare state

'Despite official protest to the contrary, 'digital by default' is really much closer to 'digital only' (Professor Philip Alston)

Issues in the program phase of the government's welfare reform programme have been widely reported in the media. Design and implementation problems have beset significant elements of the welfare reform programme. These are best illustrated, but not limited to, the case of Universal Credit. Alston notably observed that the charitable and third sector preparation for the continuing rollout of Universal Credit resembled the response to a natural disaster. The fundamental design principles and administration of Universal Credit were found to cause detriment to the health and well-being of claimants, intensifying rather than alleviating poverty related problems. Alston encountered institutional indifference in his conversations with Government ministers who took a defensive stance arguing that changes to a broken system were necessary. There are compelling arguments that in replacing a complex structure of six mean-tested benefits, Universal Credit will produce a more streamlined and accessible system. However, the problems inherent in the design and delivery of Universal Credit mean we have moved from an imperfect system to a failing one.

Alston raises significant concerns about the in-built five-week delay for the initial payment of Universal Credit (in practice claimants often have to wait considerably longer for first payments). The government state that this feature of Universal Credit, alongside the move to a monthly payment cycle, is designed to align the benefit system more closely to the world of work. In assessing the Universal Credit five-week delay Alston goes further than merely suggesting that the rationale is incongruous and believes that there is a more pernicious motive of enforcing hardship on benefit claimants. A short-term benefit advance is available for claimants pending the first payment of Universal Credit, but this is recovered in full over the first twelve months of the claim.

Alston raises major concerns about the principles that underpin the implementation of Universal Credit, chiefly the 'test and learn' and 'digital by default' approaches. The 'test and learn' approach allows for experimentation at scale with the inevitable risks that this poses to a system which is arguably the most significant domestic reform this decade. Timmins (2018) provides a valuable account of the lack of preparedness by the DWP to rollout this fundamental reform at a time when it was losing 25% of its own budget and 39,000 staff. The implementation of Universal Credit, the move from Disability living Allowance to Personal Independence Payment and fundamental changes to the assessment of incapacity for work are three examples of the twelve major projects that the DWP was attempting to simultaneously manage. These challenges were intensified by 'new government syndrome' with an eagerness to bring forward policy before adequately considering its detail and impact. Timmins identifies two stances - 'optimism bias' and a fixation with a 'no bad news culture' - as factors which inhibit the ability to make considered evidence-based decisions.

There are myriad problems connected to a digital by default social security system, with Alston identifying the risk that 'the British welfare state is gradually disappearing behind a webpage and an algorithm'. He argues that this approach presents significant risks for social security claimants: jeopardising human rights, undermining the presumption of innocence and obstructing the challenging of decisions. Furthermore, he asserts that automated systems lack transparency and are often hidden behind a cloak of data protection and intellectual property. A 'generalised matching service' has been introduced to identify

claimant fraud and proponents of automation point to protections that are provided by ethical frameworks. However, Alston stresses that ethics are quite different to the rule of law.

The problems presented by the digital by default approach are practical in nature as well as ethical and legal. Universal Credit claims must be made by means of electronic communication and claimants are required to manage their claim on an ongoing basis through an online journal. The claimants identified in the previous section as being negatively impacted by welfare reform are amongst those with the lowest digital skills and poorest access to the internet; a third of Universal Credit claims fail in the initial stage and never reach payment. Citizens Advice (2018) report that there are ten stages to claiming Universal Credit, many of which are time sensitive, resulting in a quarter of claimants taking over a week to complete a claim. Failed or late claims for Universal Credit were found to be connected to difficulties providing evidence through the online portal. Research has found the Universal Credit claims process to be 'complicated, difficult and demeaning' as claimants seek to navigate their way through a dysfunctional system. Significant challenges were reported with being able to contact Job Centre staff in a timely manner which often led to delays in the payment of benefit (Cheetham et al, 2018).

Changing the social security system: a progressive way forward

Having set out some of the most significant challenges facing social security policy this paper now considers key changes that would be required to achieve a more progressive system and positive outcomes in the program policy phase. In the concluding section of the UN Rapporteur's report he called for a range of regressive social security policies to be reversed. These include ending the current freeze on the annual uprating of benefits, abolishing the overall cap placed on benefits, and removing restrictions on Housing benefit for tenants in the social rented sector (the 'bedroom tax'). The abolition of these three policies would have a hugely positive impact on some of the most vulnerable benefit claimants, and reverse the consequences described below. Under the benefit freeze the level of most working-age benefits has been capped at the same level since 2015 rather than rising with inflation. This policy will continue until April 2020 and has increased poverty levels more than any other single social security policy. Joseph Rowntree Foundation (2019) state that by 2020 27 million people will have been affected by the freeze, placing an additional 400,000 people into poverty. The benefit cap restricts the total amount of welfare payments that a family can receive to £20,000 per year for those outside Greater London and £26,000 per year for those living in Greater London. A Work and Pensions Committee inquiry (2019) found that the cap had failed to meet two principle aims of moving people into work and making financial savings. Introduced in 2013, the bedroom tax intended to cut the welfare bill and re-order the distribution of properties in the social rented sector by restricting housing benefit for working-age claimants deemed to be living in properties with too many bedrooms for their needs. Official evaluation of the policy found that only 8% of those affected by the policy had downsized to smaller properties, while 76% were forced to cut back on the amount spent on food and 46% on energy costs (Department for Work and Pensions, 2015).

This paper has identified the regressive impact of welfare reform on disabled claimants and for many the system is impaired by inconsistent and arbitrary decision-making and flawed assessments. This makes it increasingly hard for advisers to accurately assess the level of disability benefit payment that a claimant may be entitled to, and results in significant amounts of people, particularly those with mental health problems, choosing to entirely disengage from the system. In relation to both Employment and Support Allowance and Personal Independence Payment significant improvements need to be made to both the written and verbal communication between the DWP and claimant. This should include accessible guidance on completing claim forms, and the role of the medical assessment. The removal of the involvement of private companies in delivering medical assessments would be welcome, and decision makers should place a much greater emphasis on medical evidence provided by a health professional known to the claimant.

Many of the technical changes put forward to improve the current benefit system centre on Universal Credit. Alston's report urges the elimination of the 5-week wait for the first payment of Universal Credit and the abolition of the two-child limit. Additionally, he calls for a review of the monthly assessment and payment procedures that are currently an integral feature of Universal Credit. A recent High Court decision highlighted the anomalies of an inflexible system where the amount of Universal Credit received by working claimants is based on wages in a fixed monthly period known as the 'assessed income period'. For claimants who have an irregular payment pattern, perhaps paid on fluctuating days in a month or early because of a bank holiday, the automated Universal Credit system treats them as having two wages in one assessed period leading to a vastly reduced amount of Universal Credit. Child Poverty Action Group (2018) are calling for calculation of earnings to be averaged, for claimants to have choice over the changing of the dates of assessed periods and for the housing costs element of Universal Credit to be based on actual rent. All of these would be welcome amendments.

The prevailing attitude towards Universal Credit in the social welfare sector has perhaps changed from one of acceptance that the system would benefit from simplification, to doubt and concern as key features of the system are exposed as being defective. From the outset it was clear that many disabled claimants would be disadvantaged, chiefly as a result of the loss of disability premiums that were a key feature of previous legacy benefits but are not part of Universal Credit. From April 2017, the abolition of an additional element of Universal Credit intended to support those who are unfit for work (limited capability for work element) has further reduced its value for this key group. If the government are serious about the social security system supporting disabled people, these premiums should be reinstated.

Work allowances are the amount of a claimant's earnings that are disregarded in the Universal Credit calculation and should act as a genuine motivator to move into work. However, the government has significantly reduced the level of these disregards for claimants who are disabled or who have children and abolished them entirely for childless and non-disabled recipients. Only one work allowance is permitted per household, even where both members of a couple are working, a rule which again acts against second

earners the majority of whom are women. A system which seeks to incentivise and support claimants into work must have a more effective approach to the treatment of low-paid workers earnings. Any earnings over the work allowance rates are tapered, or reduced, at a rate of 63%, meaning claimants lose 63 pence for every pound of earnings. There is a broad consensus that this rate is too high to truly incentivise work. The Centre for Social Justice penned report 'Dynamic Benefits: Towards welfare that works' (2009), seen as the blueprint for Universal Credit, suggested that 55% would be an appropriate taper rate and should be adopted by the government.

There are increasing calls for the severity of benefit sanctions to be reduced, a cessation of sanctions for vulnerable people and a more personalised and discretionary approach to be taken. Many welfare rights groups go further and call for the complete abolition of the sanctions regime in its current form. There are compelling arguments that sanctions are incompatible with the rule of law and lack proportionality; they are implemented without a legal hearing are often harsher than fines issued by the courts (Adler, 2016).

The evident deficiencies in the social security system emphasise the need for claimants to be able to pursue timely appeals against defective decisions. Indeed, this is identified as a fundamental element of the rule of law: decisions need to be issued which are understandable to the claimant and systems should then be in place which do not inhibit the right of appeal. Too often decisions issued to a claimant lack detail and transparency (for example about how income has been calculated, about housing costs, about health-related issues). The DWP should urgently review the decision notices issued to claimants to ensure that they meet the minimum requirements set out in social security legislation to explain the detail of a decision and the ways in which it which it can be challenged (Child Poverty Action Group, 2019). Since 2013, the first stage in the appeal process is known as a mandatory reconsideration. This requires claimants to ask the DWP to reconsider their decision within a one-month dispute period. An appeal to an independent social security appeal tribunal cannot be pursued unless the mandatory reconsideration process is complete. Many welfare rights advisers and social welfare lawyers would welcome the abolition of the mandatory reconsideration phase of the appeal process, concurring with the view of the 2016 UN Inquiry on the Rights of Disabled People that it is a significant impediment to accessing an independently constituted tribunal.

3. Policy Politics

As the impact of welfare reform becomes more apparent there appears to be a growing public and media appreciation that benefit reform comes at a cost. As Spicker (2017, p, 110) puts it: 'every change in the rules either costs money or leaves someone worse off. The only way to reform benefits without pain is to spend more.' No current social security policy has collapsed in outright failure, such as that witnessed with the poll-tax, although two former prime ministers, John Major and Gordon Brown, have warned that Universal Credit has the potential to play out in an equally catastrophic way. The government have, however, been forced to admit the links between welfare policies and increases in homelessness, food bank usage, and so called 'survival sex work'. Government admissions of this nature are significant and politically damaging.

In the political sphere, the UN Rapporteur's inquiry has its detractors who seek to challenge his findings. The ideology which should underpin the benefits system is a matter of legitimate debate, but fundamentally Alston provides us with an accurate account of the realities of social security policy. The inquiry's conclusions have drawn substantial support from charities, academia, leading think-tanks, the advice sector and experts by experiences. Given the broad base of cross-party support for the SMC measure of poverty, it is hard to argue with Alston's suggestion that this should be adopted as the official measure. Similarly, there may be a lack of consensus on the precise impact of welfare reform but there is no credible evidence to refute Alston's assertion that recent benefit changes have had a regressive impact on women, ethnic minority groups, the disabled and those living in rural areas.

During her tenure as Work and Pensions secretary Amber Rudd asserted that 'the benefits system should be the ally of disabled people' and it should be recognised that for some the reformed system has worked. However, Universal Credit clearly disadvantages many disabled claimants when compared to previous legacy benefits and the assessment and adjudication of disability benefits has drawn significant criticism from leading disability charities and the Work and Pensions Select Committee. Alston's view on the chaotic roll-out of Universal Credit is both mainstream and widely accepted. 'Hard-working families are being punished for working and forced into debt due to shambolic roll-out of Universal Credit' is not a line from his report but from the Sun newspaper's 'Make Universal Credit Work' campaign. Universal Credit is expected to be fully rolled-out by September 2024, some six years behind schedule (House of Commons Library, 2020). Even supporters of the principles and long-term aims of this flagship benefit concede it has been beset with implementation issues. By 2024, we will see the acceleration of the digitalisation of the welfare state. While some may not share Alston's concern about the implications for the rights and privacy of citizens this is a move that needs to be closely assessed and monitored.

The political climate in Scotland has allowed the passing of the Social Security Act (Scotland) 2018 which provides an alternative blueprint for a more progressive social security system. This legislation is important not only because it allows the Scottish government to significantly amend the structure of current welfare benefits, but because it places a rights-based approach to social security on the statute book. O'Connell (2018) analyses the ways in which this legislation sits alongside international human rights law and identifies some limitations (for example, 85% of Scottish social security expenditure remains under the control of Westminster). However, it is significant that the first section of this Act of Parliament sets out the values that should underpin the social security system. These newly established principles include: a declaration that social security is a human right, a public service and an investment, a commitment that social security should contribute to poverty reduction, be designed with the participation of citizens and based on evidence. Compare this to Alston's view of the current principles that underpin the social safety net: 'British compassion has been replaced by a punitive, mean-spirited and often callous approach apparently designed to impose a rigid order on the lives of those least capable of coping...'. What then does a human-rights approach to social security look like in practice? In Scotland the positioning of social security as a public service results in private companies being

excluded from the assessment of disability. Scottish ministers will be held accountable to meeting the values laid out in the Act through a Social Security Charter, developed in partnership with benefit claimants themselves, and presented annually to the Scottish parliament. A discussion about values and the welfare state should not be considered as merely abstract or philosophical. Whilst it is undeniably the case that values are dictated by political motivations, they then set the bar for the technical and administrative delivery of benefits. A rights-based approach to social security would turn the current system on its head, making evidence of regressive policy much harder for public officials to ignore, and giving voice to hitherto ostracised benefit claimants.

Conclusion

The process phase of welfare reform was long in the making, with many of the principles established through the work of the Centre for Social Justice. The ambition to move the 'underclass' out of poverty by creating a benefit system that facilitated the transition to work was laudable. However, the legitimacy of this reform programme has been severely undermined by optimism bias and institutional indifference. The notion that poverty and welfare dependency could be alleviated has been undermined by faulty assumptions about the lives of benefit claimants and the elevation of austerity to the top of the policy agenda.

This paper has outlined the multiple implementation problems associated with welfare reform during the program phase of policy. Ill-conceived process inevitably leads to challenges at the implementation stage and all of the key elements of the government's welfare reform programme have been subject to multiple legal challenges in the upper courts. The government have endured defeat in the Supreme Court in relation to the bedroom tax and PIP, and the High Court in relation to Universal Credit and the two-child rule. The government have sought to modify or nudge claimant behaviour but have largely failed with this ambition.

There is growing criticism in the political sphere, where intransigence and administrative inadequacy have created a social security system, which fails to adequately protect many vulnerable groups. The streamlined version of social security that the welfare reform programme has left us with often fails to meet the basic standards of a functioning system: adequate compensation through disability and contribution-based benefits, protection through means-tested benefits and support for low-paid workers. Until social security regulations are introduced that appropriately align with these functions, the system will remain regressive. Ironically, the drive for simplicity is one of the greatest failings of the current system. A one-size fits all approach to complex lives simply leaves many claimants financially and socially excluded.

The findings of the UN Rapporteur have held up a mirror to the failings of social security policy in all the three dimensions described above and provide an invaluable commentary on the regressive and precarious state of the UK social security system. The current COVID-19 pandemic has placed unprecedented burdens on the social security system and places these failings in a new light. It remains to be seen if a more progressive benefits system will emerge from this crisis.

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