



# BRIEFING PAPER: SOCIAL SECURITY BENEFITS, WELFARE CONDITIONALITY AND ARMED FORCES SERVICE LEAVERS

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This briefing paper forms the background to a new project funded by the Forces in Mind Trust (FiMT) focusing on the experiences of Service leavers and their families in receipt of mainstream conditional social security benefits. The use of conditional welfare arrangements is now firmly embedded within social security benefit receipt and welfare rights today come with specified responsibilities. No specific government welfare-to-work programme exists for Armed Forces Service leavers; however, as part of the Armed Forces Covenant specific exemptions and easements are made in relation to Service leavers and their families who are seeking to claim social security benefits. Despite this, little is currently known of how Service leavers experience moving through the mainstream benefit system.

## Key points

- For the vast majority of Service leavers the transition to civilian life is relatively unproblematic. However, there is a growing body of research that recognises the issues that can occur in the transition from military life, including particular problems relating to mental health and/or physical impairment following active

Service, homelessness, drug and alcohol use, and interactions with the criminal justice system.

- Early Service leavers (ESLs) in particular are identified as a group who often struggle to navigate a successful transition from military to civilian life.
- While existing transition employment support initiatives enable positive outcomes for many Service leavers, very little is known of people's experiences of mainstream unemployment support.
- Specific exemptions and easements are made – as part of the Department for Work and Pensions (DWP) commitment to the Armed Forces Covenant – in relation to Service leavers and their families who are seeking to claim a range of benefits, including unemployment benefits such as Employment and Support Allowance (ESA), Jobseeker's Allowance (JSA) and Universal Credit (UC).
- However, a review of the literature suggests that no research to date has explored the experiences of Service leavers and their families within the UK's mainstream conditional social security benefits system and how this system impacts on their transition to civilian life.

This briefing paper offers an introduction to the notion of citizenship before outlining the emergence of an increasingly conditional UK welfare state and a consideration of the changes and impacts that this may bring about. It provides an overview of the current ‘state of play’ in relation to Armed Forces Service leavers and their families and the social security benefits system, and concludes by outlining how our project addresses a pertinent knowledge gap.

## **Background: Social security rights and responsibilities - a question of citizenship**

The idea of citizenship is concerned with setting out and establishing the ground rules that should exist between individual citizens and the communities in which they live. The principles and practice of citizenship have long been contentious, especially with regards to the ideal mix of rights and responsibilities for both citizens and the state. Following World War II, T H Marshall (1950) famously emphasised the fundamental importance of a set of state guaranteed, social citizenship rights (rights to social security benefits, healthcare, housing, etc), embedded within the newly established institutions of the post-war welfare state, alongside pre-existing civil (legal) and political rights when outlining his theory of UK citizenship. Whilst Marshall’s vision was clearly one in which the ‘equality of status’ that citizenship implied gave all citizens access to certain social security rights in times of need, he also expected that, in return for such rights, citizens had to accept a number of responsibilities; most notably, the duty to work hard and the compulsory duty to undertake National Service in the Armed Forces as required at that time.

An inferred reciprocity, between individual citizens’ social contractual responsibilities and their collective social security rights, has always been an underlying principle of the post-war welfare state (see for example The Beveridge Report, 1942). However, in recent decades, UK welfare reforms have rebalanced the relationship between social rights and responsibilities and a more conditional welfare state has emerged

(Dwyer, 2016). ‘Conditionality embodies the principle that aspects of state support, usually financial or practical, are dependent on citizens meeting certain conditions which are invariably behavioural’ (DWP, 2008: 1). Today, eligibility to social security entitlements is increasingly dependent upon benefit recipients accepting specified responsibilities to engage with mandatory training/support, undertake enhanced job search activities and/or attend work focused interviews. Those who fail to comply with such requirements can face benefit sanctions: loss of up to 100% of their benefit for between four weeks and three years, depending on the level and repetition of the infringements (DWP, 2012).

Successive UK governments have extended welfare conditionality so that benefit sanctions can now be applied to non-compliant recipients of Jobseeker’s Allowance (JSA), Employment and Support Allowance (ESA) and Universal Credit (UC). This includes the majority of disabled people, lone parents and, where applicable, the partners of claimants. Significantly, for the first time, UC rules also extend conditionality to include those who are in low paid or part-time employment. As such, those with wages that fall below a specified ‘conditionality threshold’ can be instructed to seek better paid work or additional hours of employment up to a 35-hour-per-week combined work/work search threshold, again under the threat of sanction (Dwyer and Wright, 2014).

However, fluctuations in both the availability of jobs and different people’s capacities to undertake paid work have been acknowledged, with concerns raised about the implementation of the UK’s sanction regime, particularly for vulnerable claimants (Oakley, 2014). Indeed, evidence from a number of studies suggests that benefit sanctions routinely have severely detrimental financial, material, emotional and health impacts on those subject to them (Hale, 2014; Dwyer and Bright, 2016; Patrick, 2017), with questions about the effectiveness of welfare conditionality more generally in terms of its ability to move people off welfare and into work. For example, although Griggs and Evans (2010) found that sanctions were likely to increase unemployment benefit exit and

subsequent entry into paid work in the short term, they expressed serious doubts about the positive impacts in the long term. The Commons Public Accounts Committee (PAC) also highlighted that whilst sanctions could encourage some benefit recipients to search for work, in others it was likely to increase rent arrears and homelessness and reduce their capacity to find employment (PAC, 2017). Furthermore, conditional welfare systems are supposed to incorporate two strands: the restriction of access to welfare for those who have not met the conditions that have been set (through the use of sanctions, as highlighted above), but also the provision of welfare support (for example, through assistance to find paid work, identification of training opportunities, etc). At present, questions remain about the balance between these two strands, with concerns about the quality and effectiveness of some of the available support (such as the Work Programme) (Dwyer and Bright, 2016).

However, different views on welfare conditionality need to be recognised. Those who advocate the use of welfare conditionality within social security systems continue to argue that the threat, or use, of sanctions is necessary in order to tackle welfare benefit dependency. Such advocates believe that enforcing mandatory engagement with job search and specified training/support activities through the use of benefit sanctions will variously encourage, cajole or compel benefit recipients to accept their individual responsibilities to prepare for, and find, paid employment. Critics of conditionality routinely focus on the impacts of sanctions but may fail to recognise that ‘coercive welfare’ (that is, support offered under threat of sanction) may potentially have a positive impact on some people’s lives (Phoenix, 2008). Distinctions can also be made between the negative application of welfare conditionality (the application of sanctions) and its positive use to reward the proactive endeavours of citizens who secure access to welfare rights through positive contribution and service to the wider community (Flint, 2009); a particularly pertinent issue when considering those who have served in the Armed Forces.

As Dandeker et al (2006: 161) highlight, ‘an important feature of civil-military relations is the way in which states recognize the sacrifices that the men and women of the Armed Forces give to their country and provide care and support for them and their families once they leave the military’. Indeed, recognition that due to their prior contribution, Armed Forces Service leavers may have a claim to a particular set of social rights above and beyond those of civilians, informs The Armed Forces Covenant (2011). At present, however, questions remain about both the impact and appropriateness of applying welfare conditionality to the social security benefits of Service leavers making the transition to civilian lives.

## The Armed Forces Covenant and welfare provisions for Service leavers

In 2011, the UK Government published The Armed Forces Covenant (MoD, 2011, hereafter referred to as the Covenant), a ‘statement of the moral obligation which exists between the nation, the Government and the Armed Forces in return for the sacrifices they make’ (Murphy, 2016). The Covenant asserts that no member of ‘The Armed Forces Community’ (defined as current and former Service personnel and reservists, and their families, including families of deceased Service men and women) should face disadvantage when accessing public or commercial services, with ‘special consideration’ deemed appropriate in some cases. Accompanying guidance reflects the importance of Service leavers’ families, identifying them as deserving of both ‘recognition and gratitude’ and ‘positive measures to prevent disadvantage’. The core principles of the Covenant are enshrined in law in the Armed Forces Act 2011; nonetheless, it does not create legally enforceable rights, with the most support reserved for those who are injured or bereaved (Murphy, 2016). Broadly, the Covenant states that former Service personnel should have the same access to social housing and benefits, as well as priority treatment in the NHS, if their condition relates to Service. It further specifies that training, education and job

search support should be available for Service leavers.

In relation to social security benefits specifically, the Covenant states that ‘members of the Armed Forces Community should have the same access to benefits as any UK citizen, except where tailored alternative schemes are in place’ (MoD, 2013). The Department for Work and Pensions (DWP) has made a series of adjustments to Jobcentre Plus (JCP) services to support current and former Service personnel and their families. This includes locating an Armed Forces Champion in every JCP district, whose role is to facilitate ‘joint working’ between JCP and the Armed Forces community in their district; inform JCP staff about specific Armed Forces initiatives; provide an understanding of the issues faced by the Armed Forces community which can present barriers to employment, and identify ways to overcome these; and promote the skills, knowledge and experience of the Armed Forces community (DWP/MoD, 2016). Armed Forces Champions are not customer-facing; rather, they provide advice and guidance to JCP advisors on issues of relevance when working with the Armed Forces community.

Additionally, a number of specific ‘employment and benefits initiatives’ form part of the DWP commitment to the Covenant, including certain exemptions and easements. For example, those receiving Armed Forces Compensation Guaranteed Income payments or War Pension Scheme Payments are exempt from the benefit cap (a limit on the total amount of benefits that people aged 16-64 can claim, which was introduced in 2013) and those looking to claim JSA who have served overseas are exempt from the three month residency requirement of the Habitual Residency Test (extended to cover spouses/partners and children in 2015). Also, specific easement rules on voluntary unemployment conditionality apply, which allow Service leavers’ spouses/partners to claim JSA if voluntary unemployment has arisen as a result of them moving to follow their serving partner (DWP/MoD, 2016). Furthermore, Armed Forces Service leavers and their families appear in the DWP Vulnerability Guidance on a designated

list of ‘life events or personal circumstances’ that may ‘indicate that an individual requires additional support’ (DWP, not dated). However, the provision of additional support requires a claimant to disclose their circumstances to JCP. For those injured in Service resulting in severe disablement, evidence from the Service Medical Board is used to determine their eligibility for Employment and Support Allowance (ESA), instead of requiring people to undergo a Work Capability Assessment (WCA) (MoD, 2013), as required for other claimants (Dwyer, McNeill and Scullion, 2014; Dwyer et al, 2016). The recent *Work, Health and Disability Green Paper* suggests that such evidence could be used more widely in the assessment of all veterans’ claims (DWP/DoH, 2016).

While there are no specific welfare-to-work programmes for Armed Forces Service leavers who enter the mainstream benefits system (Murphy, 2016), those who have served in the Armed Forces at any point (and for however long) within the past three years are also entitled to early access to the Work Programme (WP), a payment-by-results programme launched in 2011, which is delivered by a range of private, public and voluntary sector organisations (to be replaced later this year by the new Work and Health Programme). However, evidence from the DWP suggests that ‘only a very small proportion of Work Programme providers offered specialised support for veterans’ (Murphy, 2016) (and as highlighted above, questions have been raised about the quality of the Work Programme more broadly).

In the six years since the publication of the initial Covenant, more detailed commitments around welfare have been developed by a range of government departments. The MoD issues annual reports assessing the progress made against the original pledges in the Covenant. The latest available (2016) states that the DWP has worked with the Royal British Legion, Atos and Capita (who undertake Personal Independence Payment (PIP) assessments) and other stakeholders ‘to enhance the service provided to injured Service veterans, particularly those with Post Traumatic Stress Disorder (PTSD)’, and that tailored advice was in

production for those veterans claiming (or wanting to claim) PIP or ESA (MoD, 2016: 66).

## Lives in transition: from Service to civvy street

Each year approximately 17,000 men and women leave the British Armed Forces and enter civilian life (Søndergaard et al, 2016). The Career Transition Partnership (CTP) is the resettlement support service which assists the transition of those leaving the Armed Forces into the civilian labour market, with support including advice and guidance, vocational training, and a range of employer brokerage activities. This partnering agreement between the MoD and Right Management represents the ‘official provider’ of Armed Forces resettlement. The duration and extent of support offered to Service leavers is dependent upon length of Service. The Core Resettlement Programme (CRP), which also provides support around housing and financial issues, is available to those with six or more years of Service and the Employment Support Programme (ESP) is provided for those who complete four to six years’ Service. Those with less than four years’ Service and personnel who are compulsorily discharged access CTP Future Horizons, whilst the Assist programme focuses specifically on supporting wounded, injured and sick personnel. Those who are more than two years beyond their discharge date and who no longer qualify for MoD resettlement support can access employment support from a number of charities (see, for example, the Compass Employment Programme provided by RFEA, the Forces employment charity (CTP/ RFEA, 2017)).

For the vast majority of Service leavers the transition to civilian life is relatively unproblematic, with many drawing on the available resettlement services to support their transition. However, ‘those who do encounter difficulties often experience multiple and complex problems’ (Warren, Garthwaite and Bambra, 2015: 38). There is a growing body of research that recognises the issues that can occur in the

transition process, highlighting concerns relating to mental health and/or physical impairment following active Service (Browne et al, 2007; Buckman et al, 2012; Carolan, 2016; Hynes and Thomas, 2016), homelessness (Gunner and Knott, 1997; Johnsen, Jones and Rugg, 2008), drug and alcohol use (Centre for Social Justice, 2014) and interactions with the criminal justice system (Fossey et al, 2017). Research has also raised concerns around the financial hardship faced by some Service leavers, which is further exacerbated by difficulties in accessing employment and benefits (Herritty, Hudson and Letts, 2011). While these issues often apply to the general UK population, it is suggested that they can be amplified by the distinctive characteristics of active Service and Service family life (such as the impact of injuries and trauma, issues relating to continuity of employment, and pressures on relationships).

However, it is recognised that the ‘Armed Forces community’ includes a diversity of individuals with some Service leavers more likely to need to access social security benefits than others.

*The UK Household Survey of the Ex-Service Community* identifies a number of sub-groups of Service leavers who are potentially vulnerable to unemployment. These include those aged 45-64 without IT skills; 16-34 year olds, particularly if recently discharged; and female veterans. The most striking statistic relates to the 16-24 age group, where 65% of the ex-Service community are identified as economically inactive (Ashworth, Hudson and Malam, 2014). Early Service leavers (ESLs) (those with less than four years’ Service) are also identified as experiencing the greatest difficulties in transition and are more likely to experience unemployment (Ashcroft, 2014; Ashworth, Hudson and Malam, 2014) with recent figures suggesting a 16% unemployment rate amongst this group (MoD, 2017). This is partly due to receiving a more basic transition support service, but can also be compounded by pre-existing issues (Ashcroft, 2014). For example, it is acknowledged that a proportion of Service personnel come from ‘vulnerable backgrounds’,

and while life in the Armed Forces suspends these vulnerabilities, they can often resurface once people are discharged (The Royal British Legion, 2010) and responsibility for the welfare of individuals transfers from the Armed Forces to mainstream welfare services (cf. Bowpitt et al, 2012).

## Conclusions

As previous discussions illustrate, a willingness to acknowledge that specific issues and circumstances may occur in respect of the social security rights and employment support needs of Service leavers and their families appears to exist on the part of the UK government. However, much existing research, while important, focuses either on employment support, provided by specialist services available prior to and in the immediate period following discharge, or on the vulnerabilities of Service leavers facing specific challenges. At present, little is known about Service leavers' interactions with the mainstream social security benefits system. The future stages of our research project will enable us to investigate further, and establish empirical evidence about, some of the key issues highlighted above. More specifically, we will be undertaking research to explore and understand:

- Service leavers' diverse pathways into, and out of, the mainstream social security system and the extent to which welfare conditionality within the benefit system may enhance or inhibit successful transitions to civilian life;
- The varied impacts and effectiveness of conditional social security benefits in meeting the specific needs of Service leavers and their families; and
- The appropriateness of the application of welfare conditionality for Service leavers and their families, in light of the Armed Forces Covenant, and their previous service to the nation.

## About the project

'Sanctions, Support and Service Leavers: Welfare Conditionality and Transitions from Military to Civilian Life' has been funded by the Forces in Mind Trust (FiMT), a £35 million funding scheme run by the FiMT using an endowment awarded by the Big Lottery Fund. It is a major two-year project (2017-2019) being undertaken jointly by researchers at the University of Salford and the University of York. It represents the first substantive qualitative research project focusing specifically on how Service leavers and their families experience the mainstream conditional social security benefits system as part of their transition to civilian life. Central to our work is a desire to establish an original evidence base to inform future policy and practice in relation to Service leavers and their families. This will be achieved through two rounds of qualitative longitudinal interviews with Service leavers and their families, along with consultation with key national, regional and local stakeholders. The research is a parallel stream of work related to the ESRC-funded 'Welfare Conditionality: Sanctions Support and Behaviour Change' project.

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