

BRIEFING

THE DWP'S JSA/ESA SANCTIONS STATISTICS RELEASE, 14 May 2014

This is the third in a series of briefings on the DWP's statistics on Jobseeker's Allowance (JSA) and Employment and Support Allowance (ESA) sanctions. Earlier briefings were produced in November 2013 and February 2014.¹

This briefing deals with the statistics released by the DWP on **14 May 2014**, which include figures for a further three months, namely October to December 2013, and give revised figures for every earlier month back to April 2000. They can be accessed at <https://stat-xplore.dwp.gov.uk/default.aspx>. All statistics relate to Great Britain.

Factors influencing the figures

These figures reflect the impact of a sharp fall in the number of JSA claimants during 2013, from 1.548m in February to 1.143m in December, and also of a fall in the number of ESA claimants in the Work Related Activity Group, from 0.561m in September to 0.559m in November and an estimated (by extrapolation) 0.558m in December. The fall in JSA claimants is primarily due to improvement in the labour market, while the fall in the WRAG is probably due to the reduction in Work Capability Assessments following collapse of the DWP's contract with Atos.

These figures also start to reflect the impact of the new 'Claimant Commitment' (requiring claimants to spend the equivalent of 35 hours a week looking for work), which has been introduced in a rolling programme across Great Britain, running from 14 October 2013 to April 2014. By 20 December 2013, the Claimant Commitment had been implemented in just over half (366) of all Jobcentres, though in none will it have applied throughout the period.

The monthly figures are affected by seasonal factors. There are always relatively few decisions in December, due to the small number of working days, while there are rather more than average in October and November.²

Major revisions to the JSA sanctions data and their impact

In this release, DWP has presented a completely revised set of JSA sanctions data for the whole period April 2000 to December 2014. The ESA sanctions data have not been revised, apart from the usual minor revisions.

The DWP said on 28 February 2014 'A data issue within the JSA sanction decision data, specifically to do with outcomes from Appeals, has been identified'.³ On 3 April, a DWP minister told the House of Commons 'There was a miscoding' of data relating to appeals.⁴ However, although the appeals data are the most affected, the errors turn out to have been much more wide-ranging. Some 100,000 records had been wrongly duplicated in the statistics. Moreover, these duplications were concentrated in the latest two years. As a result, **the total number of decisions, the number of adverse decisions, and the number of non-**

adverse decisions, had all been significantly overstated in recent months. The effect on data on reconsiderations is much larger, and for appeals it is massive.⁵ The occurrence of particularly large errors in relation to appeals is no doubt related to the fact that data on the outcome of appeals are generated not by DWP but by HM Courts and Tribunals Service or its predecessors, and have to be matched into the DWP databases.

These revisions mean that many of the JSA sanctions statistics previously released by DWP in response to Parliamentary Questions and Freedom of Information requests will also require revision.

The DWP Stat-Xplore series runs from April 2000. For key items, this briefing adds in figures back to January 1997 taken from the paper-based former Adjudication Officers' Decisions series on a comparable basis. Figures can therefore be quoted for the whole of the last Labour government, elected in May 1997, and effectively for the whole of the existence of JSA, which started in October 1996 (I am not quoting the last quarter of 1996 because for this period there were a substantial number of cases (about 17%) still being processed under the former system). The pre-April 2000 data are not affected by any revisions.

KEY POINTS FROM THE NEW STATISTICS

Highest numbers and rates of sanctions to date

The punitive campaign by DWP ministers and officials has continued to intensify, so that in spite of the fall in the numbers of JSA and ESA claimants, the numbers of sanctions have risen to new highs.⁶

- **Total JSA plus ESA sanctions in the year to 31 December 2013 were 898,390. This is the highest for any 12-month period since JSA was introduced in 1996. (Figure 1)**
- **The number of JSA sanctions in the year to 31 December 2013 was 870,793, the highest since JSA was introduced in 1996.** It compares with 496,775 in the year to 30 April 2010, the last month of the previous Labour government. **(Figure 1)**
- In the year to 31 December 2013, JSA claimants were sanctioned at the rate of **5.41% per month**, and in the 3 months to 31 December 2013 at the rate of **6.46% per month**. These are the highest rates recorded since the start of JSA in 1996. **(Figures 2 and 4)**
- Over the whole period of the **Coalition**, JSA sanctions have run at **4.81%** of JSA claimants per month. This is double the level of approximately **2.42% during the Labour government from May 1997 to April 2010.**
- When 'reserved' and 'cancelled' decisions are excluded, there is now seen to have been a large and steady rise in the proportion of JSA sanction referrals resulting in an actual sanction, from around 42% in 2000 to about 65% now **(Figure 3)**. The previous DWP statistics had wrongly suggested a fall-off in this rise during 2013. The system

has clearly become progressively harsher at the stage of the initial decision, and is continuing to do so.

- In the 62 week-period 22 Oct 2012 to 31 Dec 2013, 632,888 individuals received a sanction. Accurate comparison of this figure with earlier periods cannot be made with the data available. The only period for which the DWP statistics permit comparison of numbers of individuals sanctioned is the month. On this basis, **October 2013 saw the largest number of individual JSA claimants sanctioned in a single month since the start of JSA, at 76,282.**
- **There has been a massive escalation in ESA sanctions during 2013. There were 3,837 ESA sanctions in November 2013 and 4,789 in December. These are the highest monthly figures since sanctions were introduced for ESA claimants in the Work Related Activity Group in October 2008. The number of ESA sanctions has been rising rapidly since mid-2013. Even in January to June 2013 the average was much lower, at 1,423 per month.** The full year figure of 27,595 sanctions in 2013 is not the highest for any 12-month period; the highest was in the year to August 2010, at 33,967, straddling the Labour and Coalition governments. *(Please note that there was an error relating to this point in my previous briefing of February 2014).*
- **Although the rate of sanctions for ESA WRAG claimants is much lower than for JSA claimants, it is rising fast. From a low of 0.06% per month in June 2011 it has risen to 0.69% in November 2013 and an estimated 0.86% in December 2013 (Figure 4).**⁷

Despite the above evidence, DWP ministers and senior officials are still trying to deny that they are pushing up sanctions. Lord Freud, DWP Parliamentary Under-Secretary, told the House of Lords on 25 March 2013 (col.941) ‘There is not the clear trend in the growth of sanctions which some people have been claiming’. In the Scottish Parliament Welfare Reform Committee on 29 April 2014 (col.1454), the DWP’s Work Services Director, Neil Couling, was asked by the Deputy Convener: ‘You say that you do not want more people being sanctioned as an outcome, but the number of people who are being sanctioned now is higher than it was previously, is it not?’ He replied: ‘The number is higher. As to whether that is a trend, we must wait for the next set of data so that we can understand that’.⁸

More JSA claimants given three-year sanctions

- Up to 21 October 2012 the maximum length of a JSA sanction was 6 months. Now claimants can be deprived of benefits for up to 3 years for repeat ‘high level’ ‘failures’.⁹ Ministers claimed that hardly anyone would be subject to the new 3-year sanctions. However, the number of JSA claimants who had received a 3-year sanction rose to 1,229 by 31 December 2013. Over half of these (628) are aged 18-24, almost a fifth (219) have a disability, and 37 are lone parents whose youngest child may be as young as five.

JSA Reconsiderations and Appeals: The revised statistics show much lower claimant success rates at both internal DWP reconsideration and Tribunal appeal. However, success rates for the few who appeal to a Tribunal have risen and successful Tribunal appeals are at an all-time high. For a claimant prepared to go all the way in the appeal process, the probability of overturning a sanction is now 51%.

In this briefing, there have been some minor changes in the way that figures relating to reconsiderations and appeals are calculated. The methodological issues are discussed in the **Appendix**.

- Since 2000, the DWP statistics have been consistently overstating the number of successful appeals to the independent Tribunals, and since shortly after the Coalition government took office this overstatement has been dramatic (**Figure 5**). However, there has nevertheless been a very large increase in the number of successful appeals (see the red line on the chart). The revised figures show that successful Tribunal appeals have risen from 900 per year prior to the Coalition to 5,500 in 2013.
- Since 2000, the DWP statistics have also been consistently overstating claimants' success rate at Tribunals, latterly by a huge amount (**Figure 6**). The revised figures show that **the appeal success rate has risen to 17.9% in 2013**. This is the highest rate seen since these statistics began in 2000. For most of the period 2000 to 2012, the success rate was only around 10%.
- Since the new Regulations of October 2013, the DWP statistics were significantly understating the proportion of sanctioned claimants who appealed to Tribunals. This averaged 3.1% in 2013 (**Figure 7**). During the Coalition the rate has run at an average of 2.84%, compared to 1.54% under the Labour government from 2000 to 2010. The proportion of claimants appealing to Tribunal is low because most find the process too difficult.¹⁰
- A higher proportion of sanctioned claimants (though still a minority) ask for 'internal reconsideration' (or 'decision review') by the DWP. This proportion has risen under the Coalition to the unprecedented level of 30.6% in 2013 (**Figure 7**). The highest previous figure for any 12-month period was 23.7%, in the year to October 2004. The DWP statistics have been underestimating this proportion, but only to a small extent.
- These 'reconsiderations' are as much under the control of the Secretary of State as are the initial decisions. Since the Social Security Act 1998 decision makers have been mere agents of the Secretary of State and have had no independent responsibility to apply the law reasonably. The DWP statistics have been overstating claimants' success rate at reconsideration, particularly in the previously published figures for 2013. **The reconsideration success rate over the whole period since April 2000 has been 43.6%**. **Figure 6** shows that there was a rise in the success rate from early 2009, reaching over 50% in early 2011, but that since then decision makers have steadily reduced the proportion of successful reconsiderations, down to 40.4% for the whole year 2013, below the long-term level.
- **For a claimant prepared to challenge a sanction at both reconsideration and (if necessary) appeal stage, the probability of success during 2013 was 51.1%**. However, most people receiving a sanction do not ask for reconsideration and most of those receiving an adverse decision at reconsideration do not appeal.
- Taking successful reconsiderations and appeals together, **there were 131,383 JSA cases in 2013 in which claimants were deprived of benefits only to have them**

reinstated at reconsideration or appeal. Under the Labour government the average was 25,900 per year. **The Coalition has quadrupled this particular figure.**

ESA Reconsiderations and Appeals

- ESA claimants have higher success rates than JSA claimants at reconsideration and appeal. In 2013 their reconsideration success rate was 56.1% and their appeal success rate was 26.1%.
- A higher proportion of ESA claimants than JSA claimants ask for reconsideration. This proportion has been rising rapidly, from below 10% up to March 2011, to over 40% during 2013. The proportion appealing to Tribunals is lower, only about 1%.
- In 2013 there were 8,428 reconsiderations or appeals where the claimant was successful in overturning an ESA sanction.

Total impact of JSA and ESA sanctions whether or not overturned at Reconsideration or Appeal: there were 1,038,201 cases in 2013 where claimants lost benefits

- **When the 131,383 JSA cases and 8,428 ESA cases in 2013 in which claimants were deprived of benefits only to have them reinstated at reconsideration or appeal are added to the 898,390 sanctions which were not overturned, there was a total of 1,038,201 cases in 2013 where claimants lost benefits due to sanctions.**
- Multiple case histories show that losing benefits often has catastrophic effects for claimants, even where they are subsequently reinstated. Claimants also frequently have difficulty or delay in actually getting the money back from DWP.

Not ‘actively seeking work’ was the most common reason for JSA sanctions in 2013, followed by failure to participate in training/employment schemes; missing an interview continues to fall in importance

On a full-year basis ‘Not actively seeking work’ has taken over as the most common reason for a sanction, displacing failure to participate in a training or employment programme (which now almost always means the Work Programme).¹¹ For the quarter to December 2013, both had similar rates of just under 2.5% of claimants per month. The prominence of ‘not actively seeking work’ no doubt reflects the Coalition government’s current emphasis on its ‘claimant commitment’. Missing an advisory interview is now a distant third, having fallen greatly since October 2012. **Figure 8** compares the number of sanctions in 2013 for each reason with the numbers in 1997, 2003 and 2009 (these are respectively the first full year of JSA, the low point of sanctions under the Labour government, and the last full year of the Labour government).

- ‘Not actively seeking work’ rarely means what it says but usually means that the claimant has not applied for as many jobs as the adviser instructs, or has not documented their applications sufficiently. The Coalition inherited a rate of 0.5% of claimants per month and has now increased this to close to 2.5% per month (**Figure**

9). These sanctions have risen from 62,000 in the last 12 months of the Labour government to 325,000 in 2013.

- There was a big dip in the number of sanctions for failure to participate in training or employment programmes during 2011. It is now clear that this was due to administrative issues arising from the transfer of responsibility for initiating sanctions to private Work Programme contractors. These sanctions have resumed their upward rise, to around 2.5% of claimants per month, compared to the level of about 0.5% inherited from the Labour government. There were 102,000 of these sanctions in the last 12 months of the Labour government and this has risen to 279,000 in the latest 12 months (**Figure 10**). The Work Programme now accounts for 93% of these sanctions.
- The Coalition has continued to increase sanctions for failure to carry out a Jobseeker's Direction, from 3,300 in the last 12 months of the Labour government to 30,000 in 2013. These sanctions now equate to 0.25% of claimants per month. (**Figure 11**)
- As noted in the previous briefing, the number of sanctions for refusing (or 'neglect to avail' of) a job opportunity has fallen off sharply since the increased penalties of October 2012, suggesting a loss of interest by the Coalition in trying to offer claimants actual jobs (**Figure 12**). The last quarter of 2013 saw only a very slight increase in these sanctions.
- The Coalition's 'workfare' schemes, Mandatory Work Activity and Work Experience, are producing around 1,000 sanctions per month (**Figure 13**). What is particularly interesting about these schemes is the very high number of 'cancelled' and 'reserved' decisions, particularly the latter. 'Cancelled' decisions are discussed further below. 'Reserved' decisions are where the claimant stops claiming after the referral for sanction; for these schemes, their numbers have approached those of actual sanctions. In other words, what appears to be happening is that these schemes have been driving a lot of people off benefit. Jonathan Portes, in a post on the NIESR website, commented on MWA: '(it) has no impact on employment; it leads to a small and transitory reduction in benefit receipt; and worst of all, it may even lead to those on the programme moving from Jobseekers' Allowance to Employment and Support Allowance'.¹² There has been a reduction in the number of reserved and cancelled decisions in relation to these schemes during 2013.
- As noted in the previous briefing, the Coalition has continued to put less emphasis on sanctions for not attending or being late for advisory interviews. As a percentage of claimants, they have fallen back to the level of around 1% of claimants per month seen before John Hutton drove them up from 2006 onwards. There were 150,500 of these sanctions in 2013, the lowest number since June 2007. However, they are now for 4 weeks, compared to 1 or 2 weeks from April 2010 to October 2012. Before April 2010, the penalty was 'disentitlement', meaning that the claimant's existing claim was discontinued but they could start another after a small number of waiting days. (**Figure 14**)
- It should be no surprise at all that sanctions for voluntarily leaving a previous job, or being dismissed from it for misconduct, have started to rise again after collapsing at the start of the current recession (**Figure 15**). All the statistical evidence back to the 1920s shows that people are more likely to leave a job when it is easier to get another. Although the Coalition, without attempting any justification, has categorised this as a 'high level' failure, there is no cogent case to regard it as a reason for sanction at all.
- Non-availability for employment has also been historically important but this type of disqualification has run at only around 1,000 per month since 2000 and this remains the case. However, the new regime now imposes a loss of benefit of 4 weeks when

previously a claimant able to prove that they had become available could reclaim almost immediately.

Reasons for ESA sanctions

- **The big surge in ESA sanctions during 2013 was due to penalties for failure to participate in work related activity (Figure 16).** By December 2013 this reason accounted for 87% of ESA sanctions, the other 13% being for failure to attend a work related interview. This is in contrast to the experience under the Labour government, when the only reason for sanction was failure to attend an interview, and there were no sanctions in relation to work related activity. From these figures it looks as though the big spike in ESA sanctions from their start in 2008 up to summer 2011 may well have been due to an initial lack of awareness among claimants that attendance at these interviews had become compulsory. By contrast, the current spike under the Coalition is clearly due to aggressive pursuit of ‘activation’.

The Work Programme: Revised figures, but still far more JSA sanctions than job outcomes

- The previous briefing stated that up to September 2013, contractors had been responsible for twice as many sanctions on the JSA claimants referred to them as they had produced job outcomes for those claimants: 394,759 sanctions and 198,750 job outcomes. The DWP has now revised the number of sanctions downwards to 370,606, so that as of September 2013 there had actually been 86% more sanctions than job outcomes, not twice as many.¹³
- At December 2013, the revised cumulative total of Work Programme sanctions was 445,948, an increase of 75,342 over the revised September 2013 figure, while the cumulative total of job outcomes was 239,080, an increase of 40,320 over September. Sanctions remained 86% ahead of job outcomes. **(Figure 17)**

There is defective administration of sanctions referrals by external contractors on a massive scale

The percentage of contractor sanction referrals which are cancelled is three to four times greater than for internal DWP referrals. In 2013, there were some 450,000 cancelled contractor referrals compared to some 100,000 cancelled internal DWP referrals, although contractors and DWP both made around the same total number of referrals.

Sanction referrals are cancelled either (a) because at the time of the referral the claimant is no longer claiming or is ineligible for JSA, or (b) because the referral paperwork does not provide an adequate basis for a sanction to proceed.¹⁴ The previous briefing highlighted the high rate of cancelled referrals by Work Programme contractors, and pointed out that because this could not be explained by claimants leaving benefit between being referred to the programme and the time of their first appointment with the contractor, it must be substantially due to defective paperwork by contractors.

This analysis has now been extended to the other types of sanction which involve external contractors: JSA Mandatory Work Activity/Work Experience, and ESA (where it was shown above that 87% of sanctions now relate to Work Related Activity). **Figure 18** shows that since late 2011, all three types of sanction have seen a similar trajectory for cancelled referrals, rising to 50% during 2012 and then falling to between 30% and 40% by December 2013, but always far above the internal DWP level of around 10%, which has risen only slightly during the life of the Coalition. In 2013, there were some 450,000 cancelled contractor referrals compared to only some 100,000 cancelled internal DWP referrals, even though both made similar numbers of referrals (contractors 1,080,000, DWP 1,025,000).¹⁵

It was noted in the earlier briefing that the DWP highlighted the problem of defective paperwork by Work Programme contractors in a Work Programme *Live Running Memo No.138* dated 6 December 2013, addressed to Work Programme providers, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269251/work-programme-memo-138.pdf This stated, in paras 1 and 2, 'Issues have continued to arise regarding incorrect or incomplete WP08 DMA referral forms. This in turn has led to a significant number of these referrals being cancelled.....'. DWP has provided Work Programme contractors with a 'child's guide' to how to fill in the forms, at <https://www.gov.uk/government/publications/work-programme-wp08-provider-tools>.

It appears that DWP has made some progress in tackling this problem since the spring of 2013, but it remains massive. This is another example of the waste involved in the sanctions programme.

5 June 2014

Dr David Webster
Honorary Senior Research Fellow
Urban Studies
University of Glasgow

Email david.webster@glasgow.ac.uk

Webpage: <http://www.gla.ac.uk/schools/socialpolitical/staff/davidwebster/>

APPENDIX: Methodological issues in the treatment of reconsiderations ('decision reviews') and appeals

This appendix deals with methodological problems relating to the DWP's statistics on *sanctions decisions*. The data on *sanctioned individuals* involve different issues, not dealt with here.

In this briefing, four main statistics are shown for reconsiderations and appeals: the proportions of sanctions decisions which are the subject of appeals or requests for reconsideration, and the success rates of sanctioned claimants at reconsideration or appeal. Only the last of these – the success rate of sanctioned claimants at appeal – can be calculated exactly from the published statistics. The monthly figures for the other three are approximations, and should be treated with caution.

The basic concept of the DWP's statistics on sanction decisions is that each sanction case appears only once in the database, and is given its latest status and attributed to the date of the latest decision on the case. So, for instance, if a decision is made in January 2014 to sanction someone, this decision is reconsidered ('reviewed') in March 2014 with an outcome unfavourable to the claimant and is heard on appeal by a Tribunal in September 2014 with a decision favourable to the claimant, then:

- it appears in the statistics for the first time in January 2014 as an adverse decision
- in March 2014 it changes its status to a reconsidered adverse decision and moves month to be with all the other cases where the latest decision has been made in March 2014
- in Sept 2014 it changes its status again to an appealed non-adverse decision, and moves month again to be with all the other cases where the latest decision has been made in September 2014.

Proportion of decisions appealed and success rates at Appeal

Only an approximate figure can be obtained for *the proportion of adverse sanctions which are appealed to a Tribunal* in any individual month. This is because of the time lags between initial decision, reconsideration and appeal. The time between original decision and reconsidered decision is generally short enough that by the time the statistics are published (at least 5 months and up to 8 months after the original decision), almost all of the cases that are going to be reconsidered will have been. But the lag between reconsideration and Tribunal decision can be much longer and appealed cases will still be changing their status after the statistics are published.

In calculating the proportion of sanctions which are appealed, the number of appeal decisions in a given month has to be measured against the total of reconsidered and appealed decisions made in that month, plus original adverse decisions made in the month; but the different cases may have widely different months of original decision, and therefore the denominator may be too high or too low. Figures for individual months should therefore be treated with caution. The focus should be on longer term trends.

However, *success rates for appeals* are straightforwardly available because the number of successful appeals in a given month is measured against the total number of appeal decisions in that month.

Proportion of decisions reconsidered and success rates at reconsideration

Calculations for reconsiderations are more complicated than those for appeals.

Only an approximate figure can be obtained for *the proportion of sanction decisions reconsidered* in any given month. The *numerator* has to add together the number of reconsidered decisions shown against that month, together with the number of appeals decided in that month which were previously given an adverse decision at reconsideration. This creates two problems, namely that the appealed decisions probably had their reconsideration decisions in a previous month (this is the same time-lag problem as for appeals discussed above); and that while all appealed cases with an original decision

prior to October 2012 will have been reconsidered ('mandatory reconsideration'), those originating prior to October 2012 may not have been. The method followed here is to assume that all appealed decisions were previously reconsidered, even before October 2012; this has the advantage that the statistics will be comparable pre- and post-October 2012. The *denominator* is the total of reconsidered and appealed decisions shown against the month, plus adverse original decisions for the month. Once again this has the problem that the cases will have originated in different months.

In calculating *success rates for reconsiderations*, the *numerator* is straightforward. It is the number of reconsiderations with a non-adverse decision shown against the month in question. The *denominator* has to take into account the fact that all cases that go to Tribunal appeal, if they were previously reconsidered, will have had an adverse decision at reconsideration. Here it is assumed that all appealed cases were previously reconsidered, and therefore the number of appeals decided in the given month is added to the total of reconsiderations for the given month to make the denominator.

Success rates for the whole reconsideration and appeal process

Calculating success rates as outlined above means that the success rate for claimants who, if necessary, go through the whole reconsideration and appeal process can be calculated as follows. Taking the figures for 2013, the reconsideration success rate is 40.4% and the appeal success rate is 17.9%, so the success rate for those who go through the whole process if necessary is 40.4% plus (17.9% x (100% - 40.4%)), i.e. approximately 51%.

Figure 1

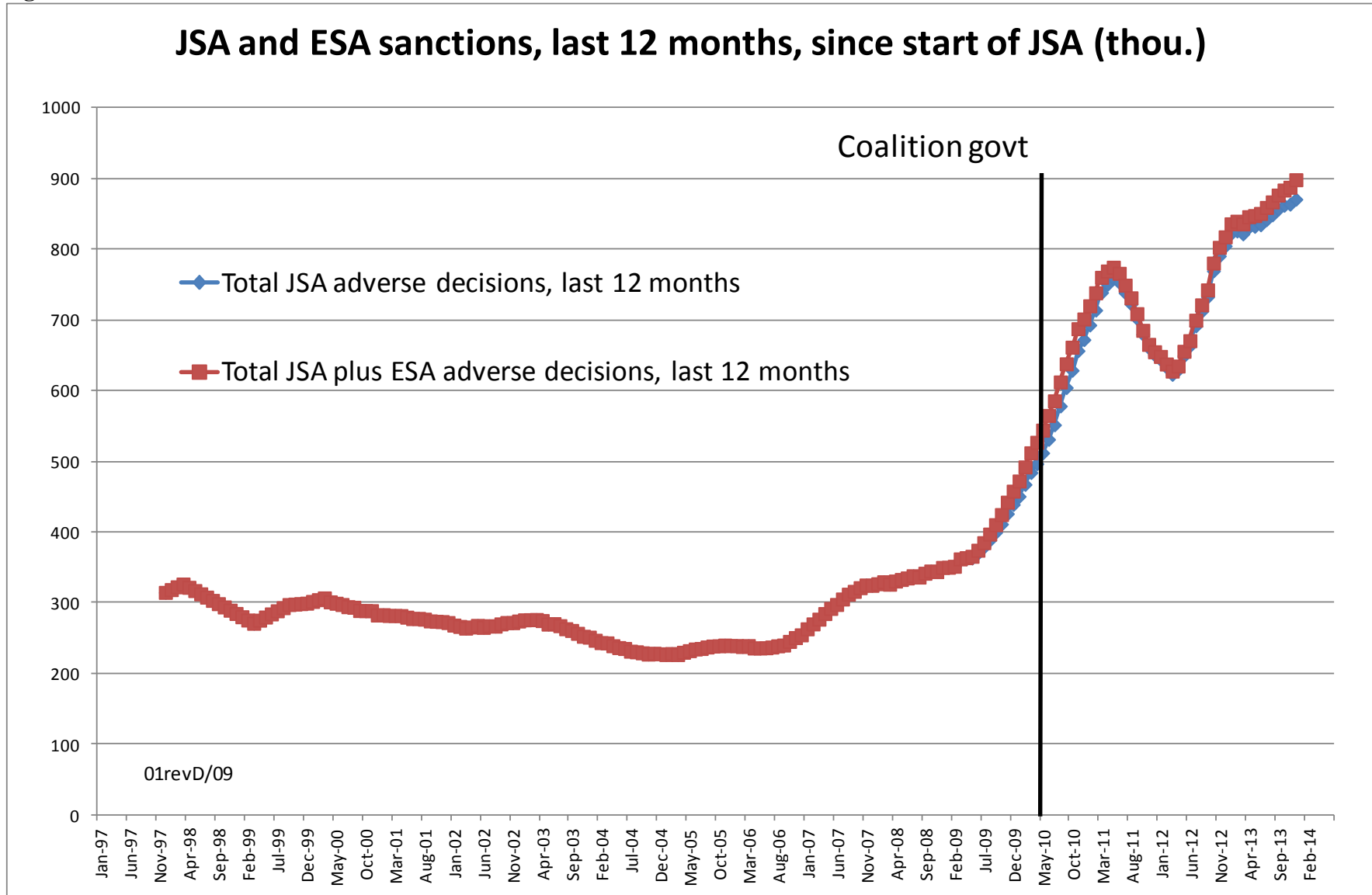


Figure 2

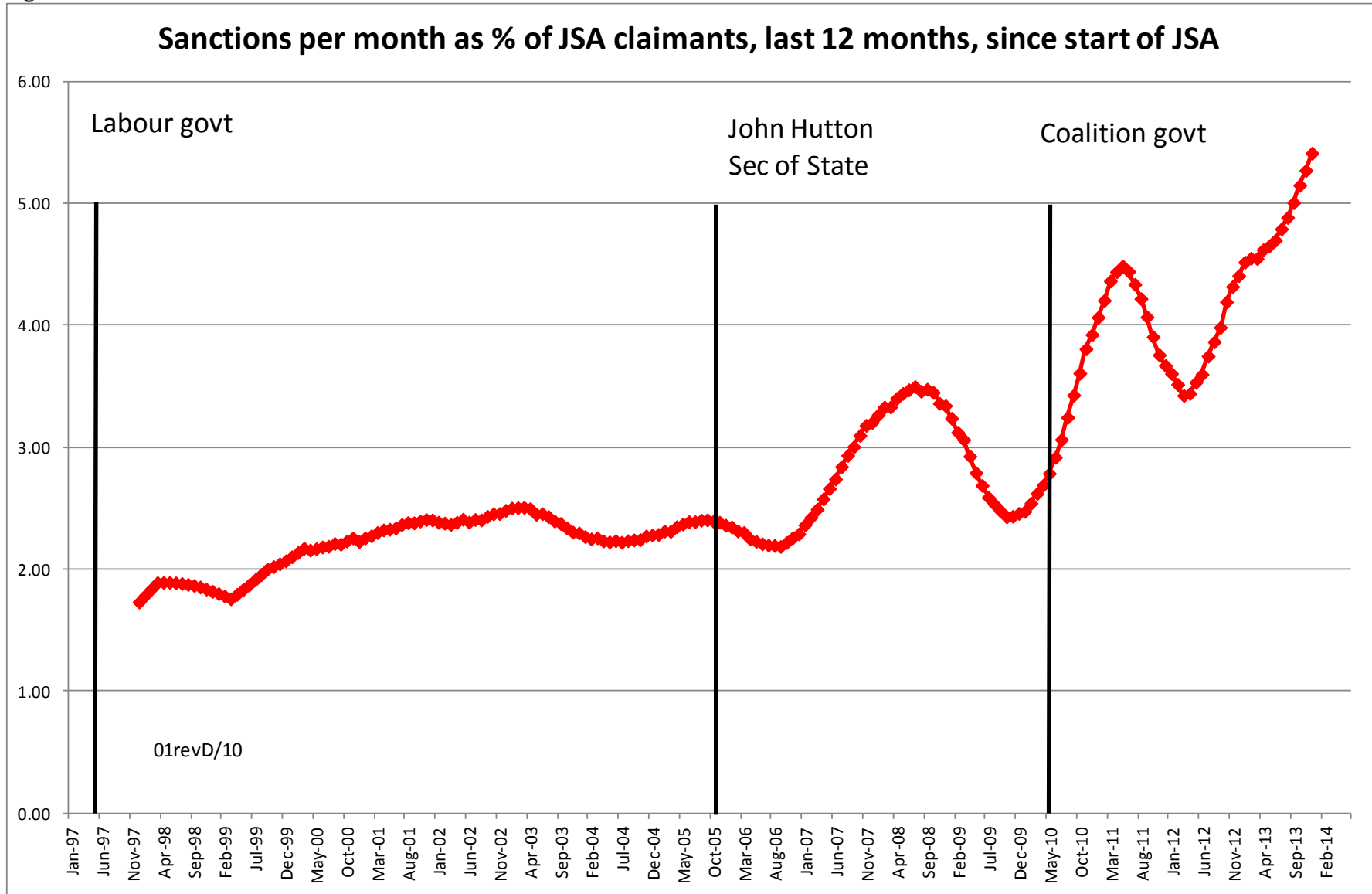


Figure 3

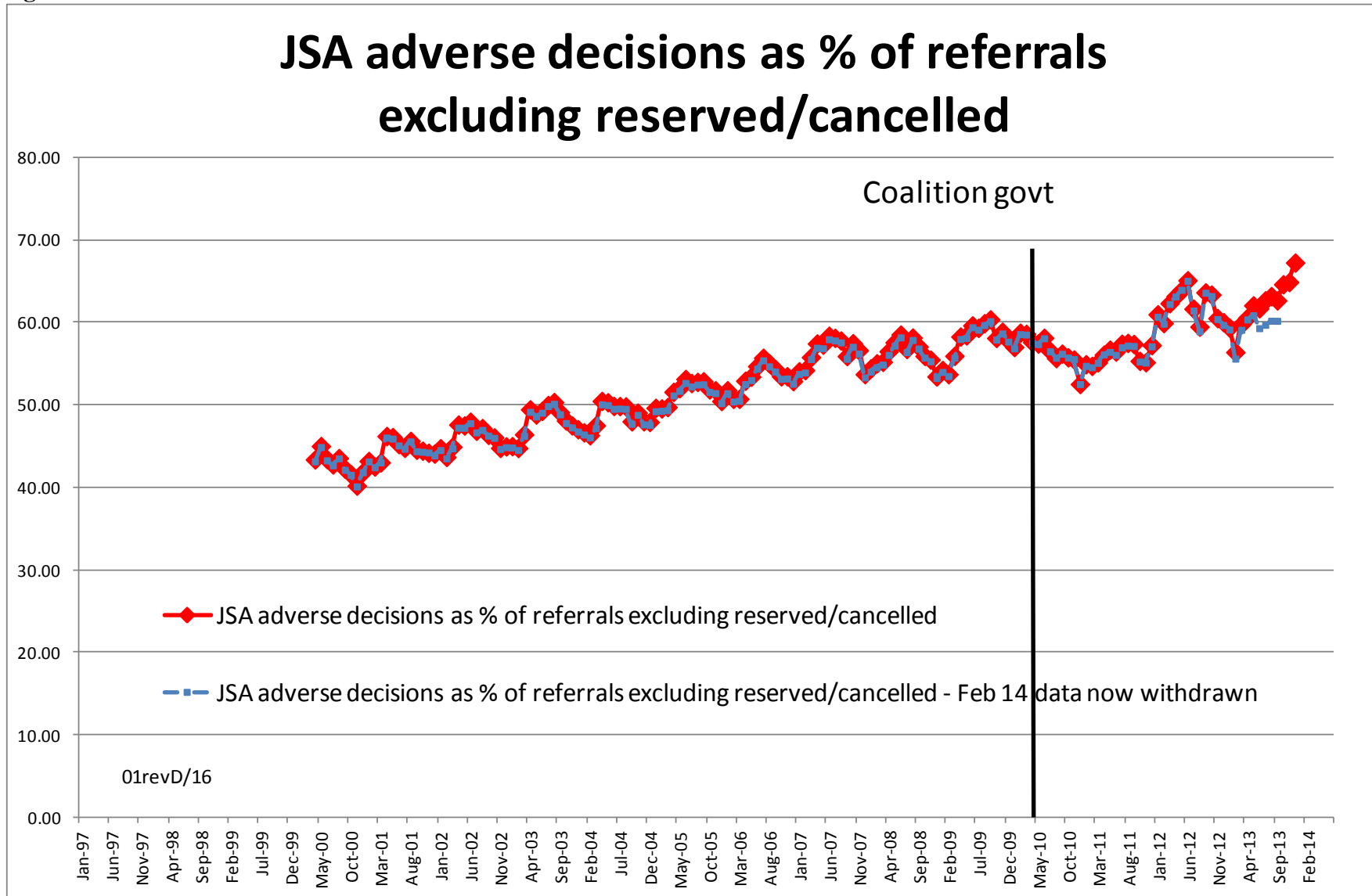


Figure 4

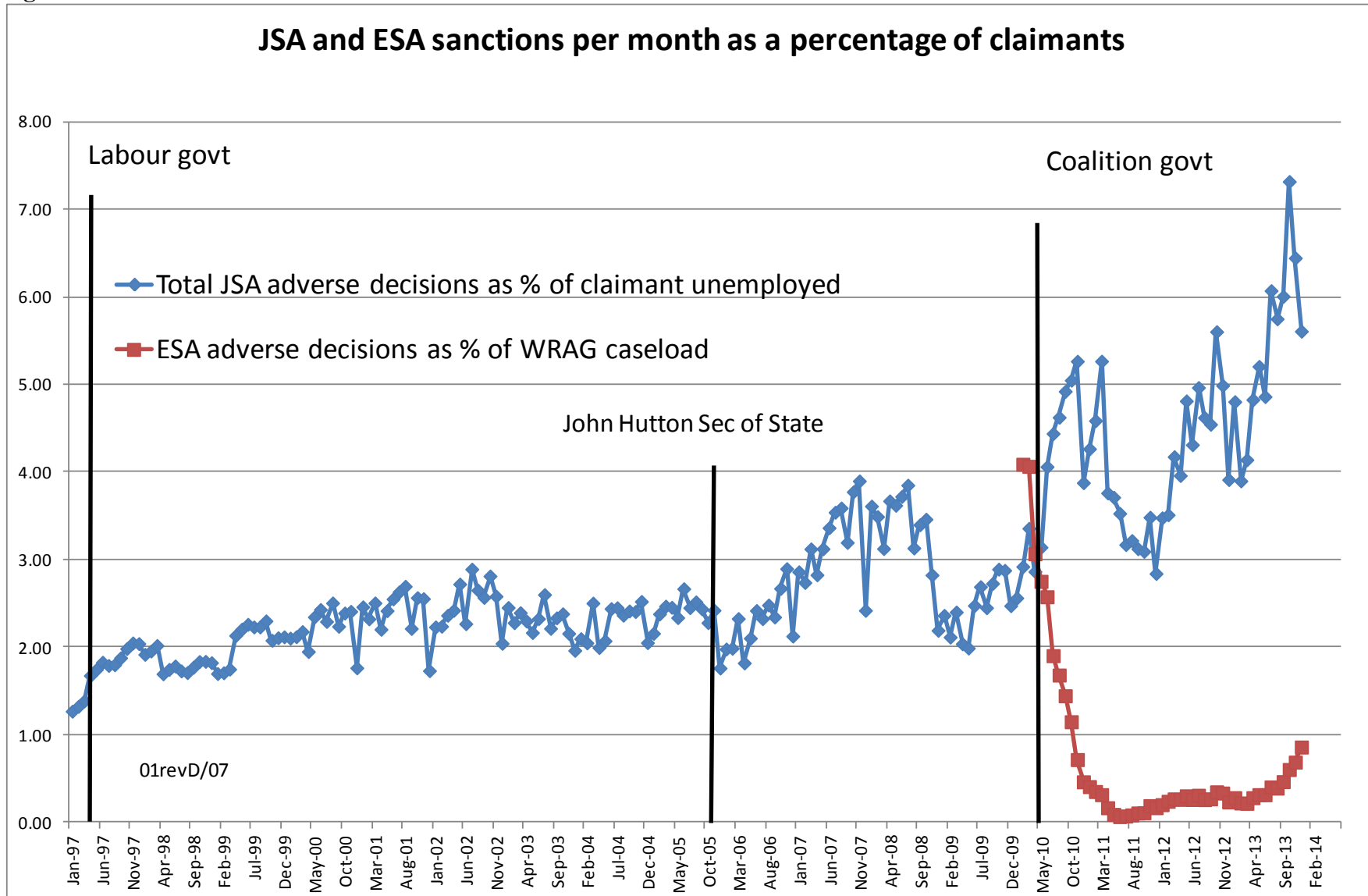


Figure 5

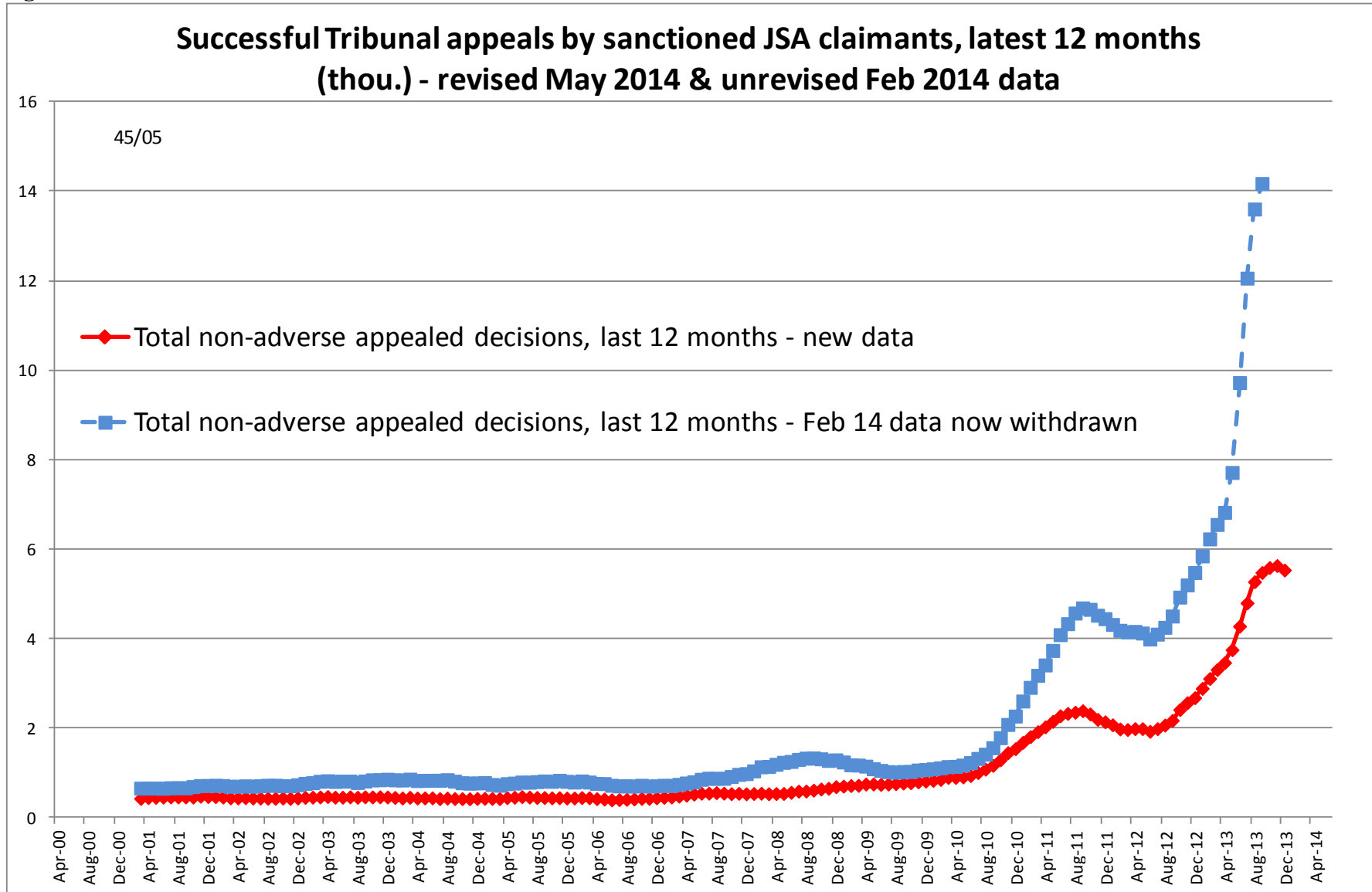


Figure 6

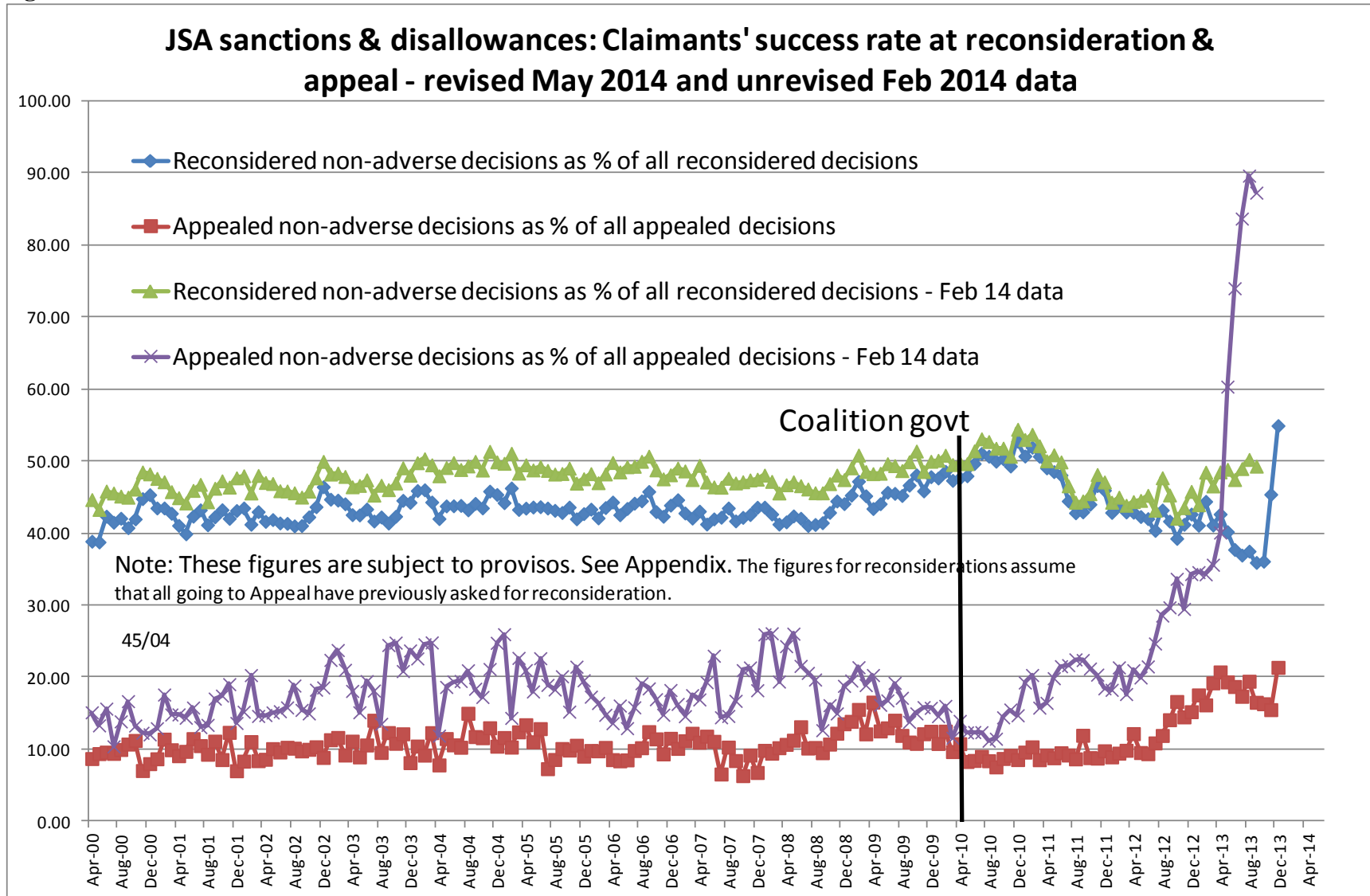


Figure 7

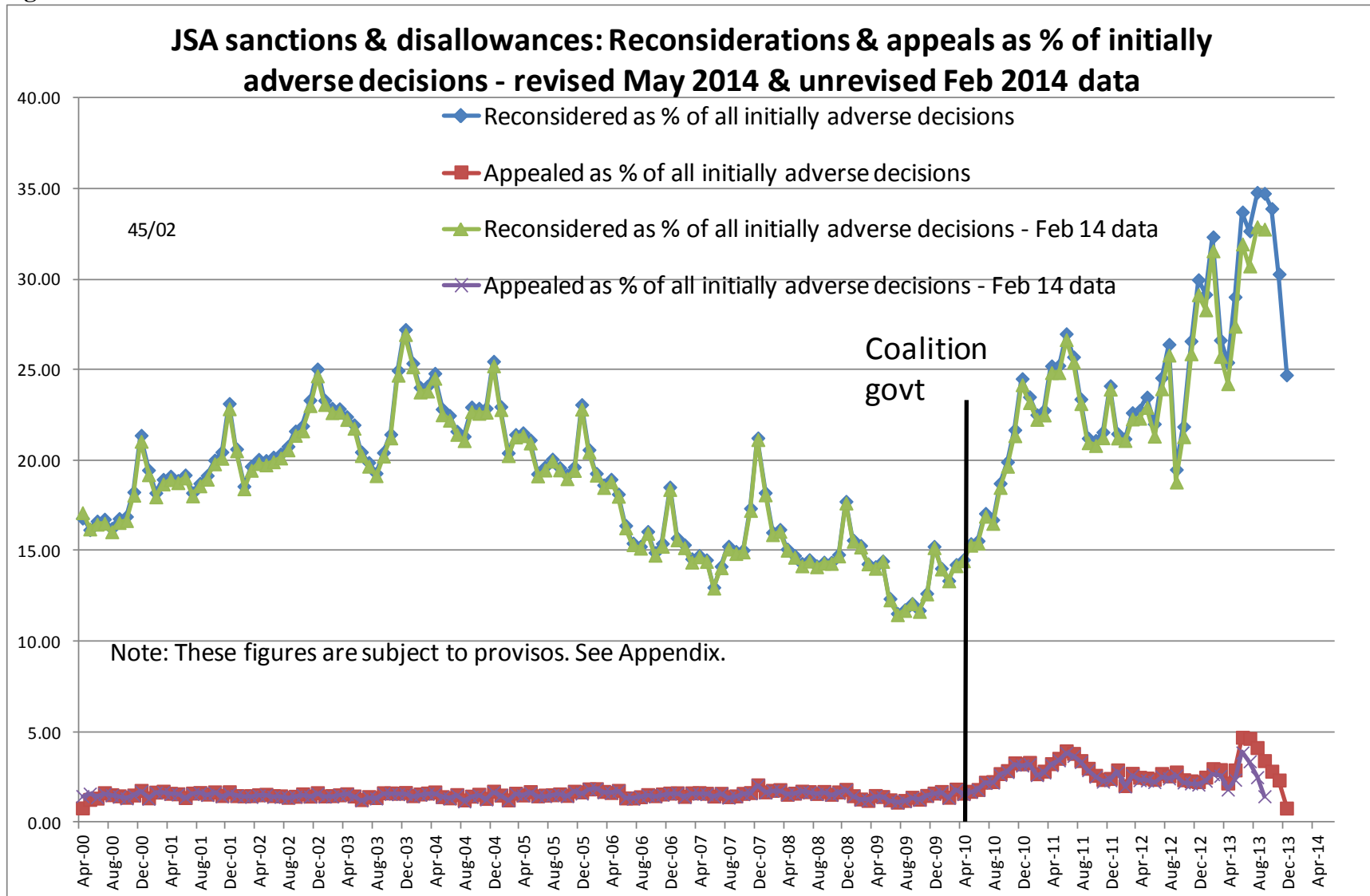


Figure 8

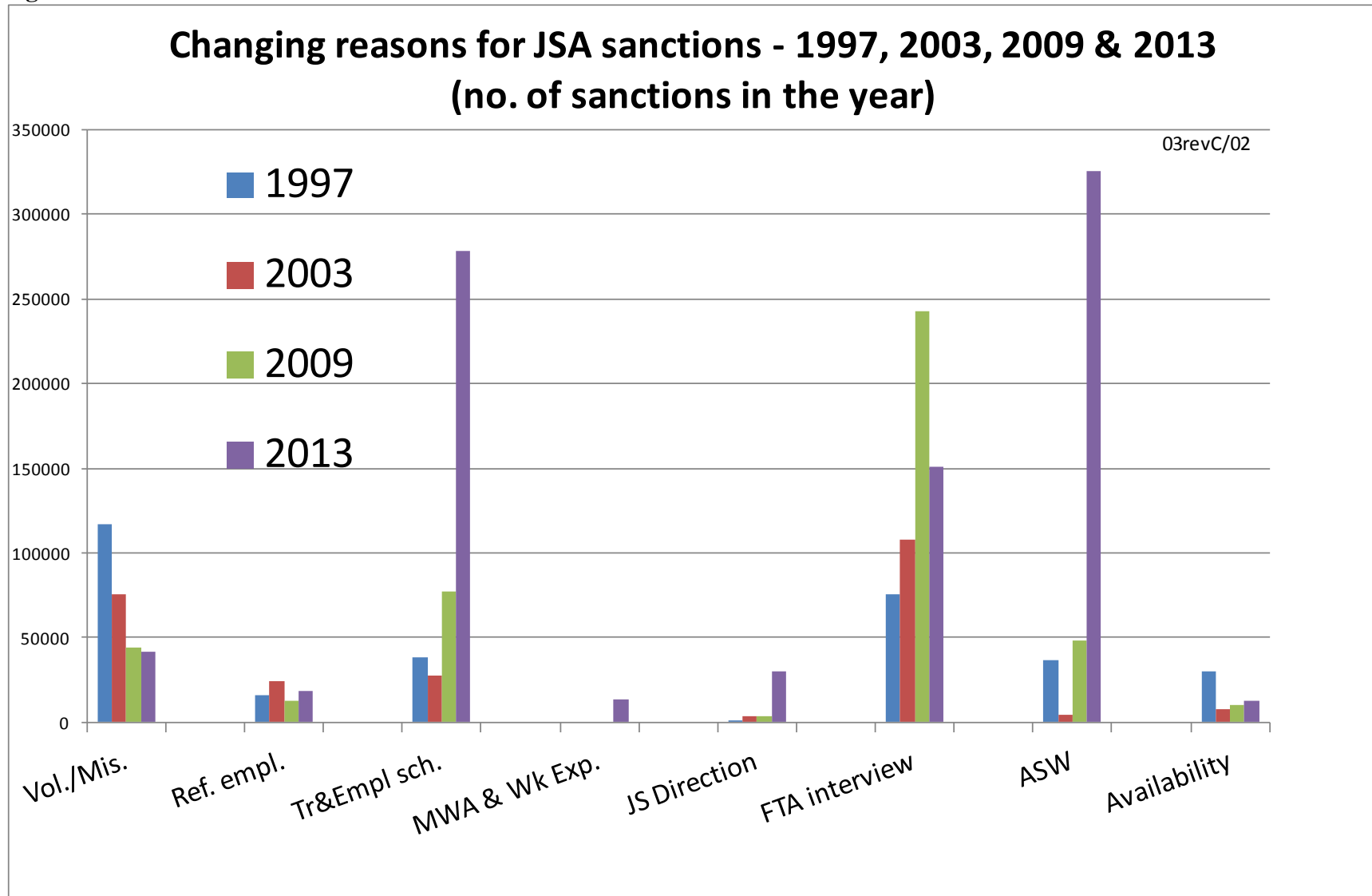


Figure 9

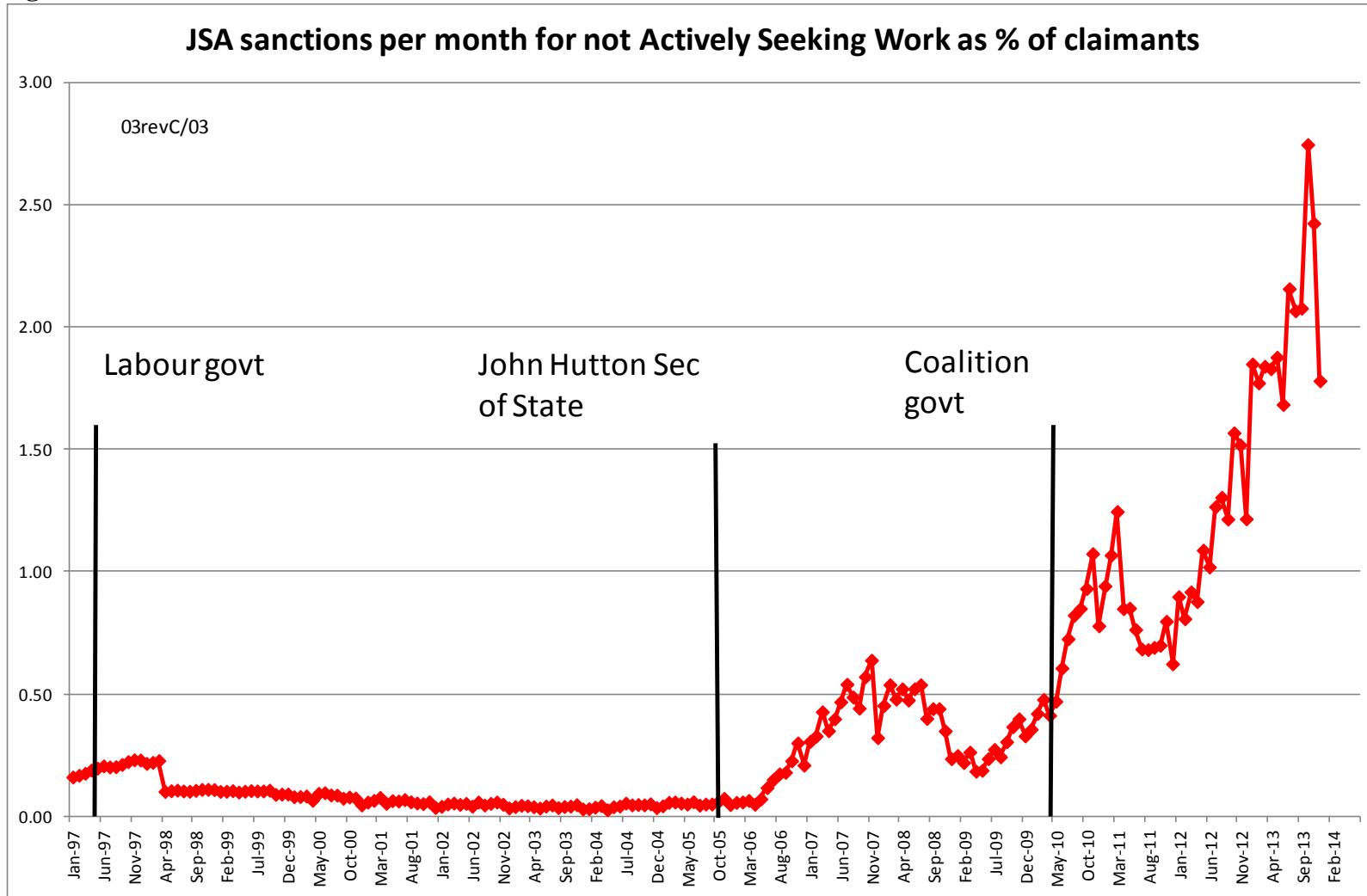


Figure 10

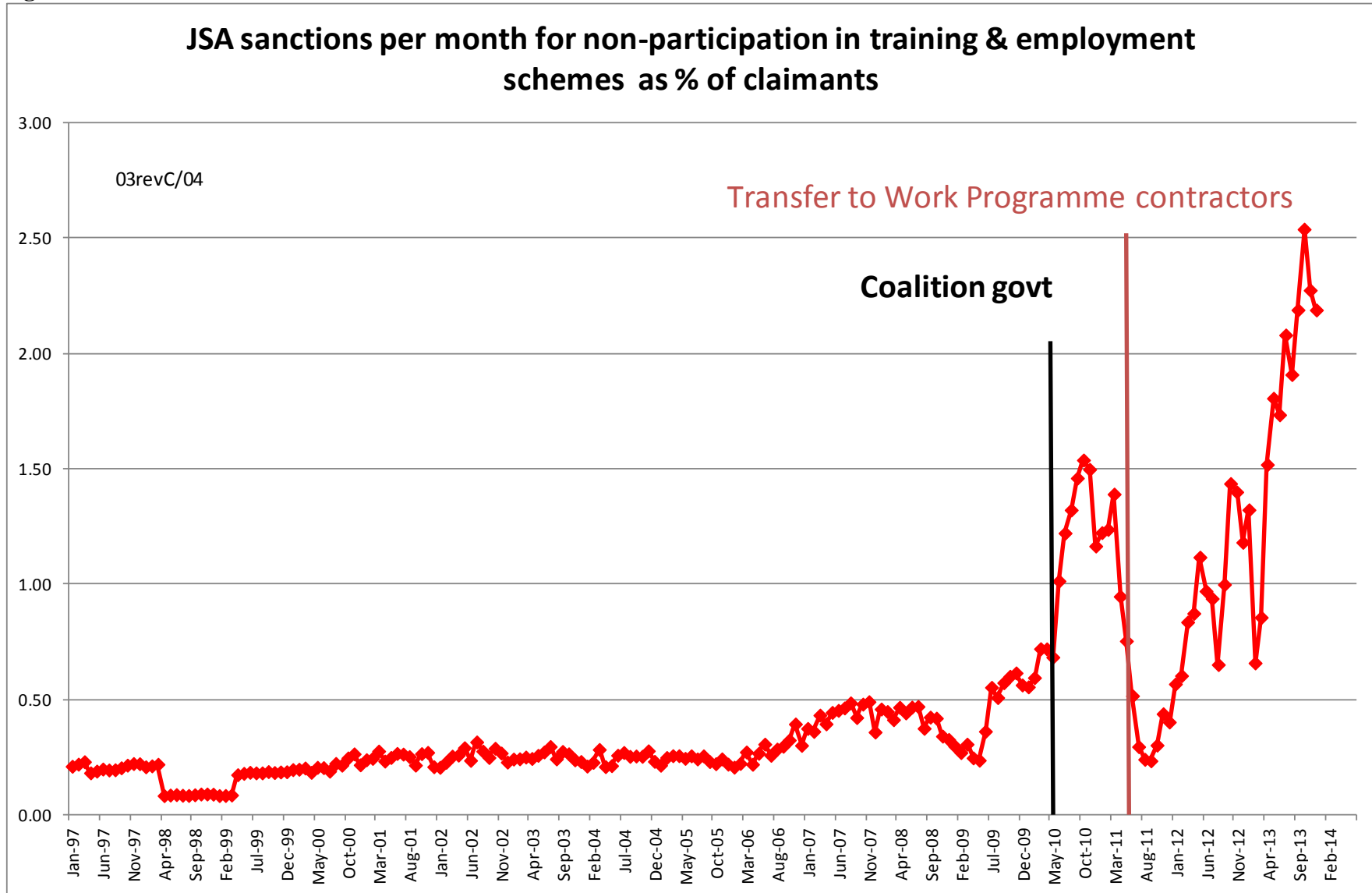


Figure 11

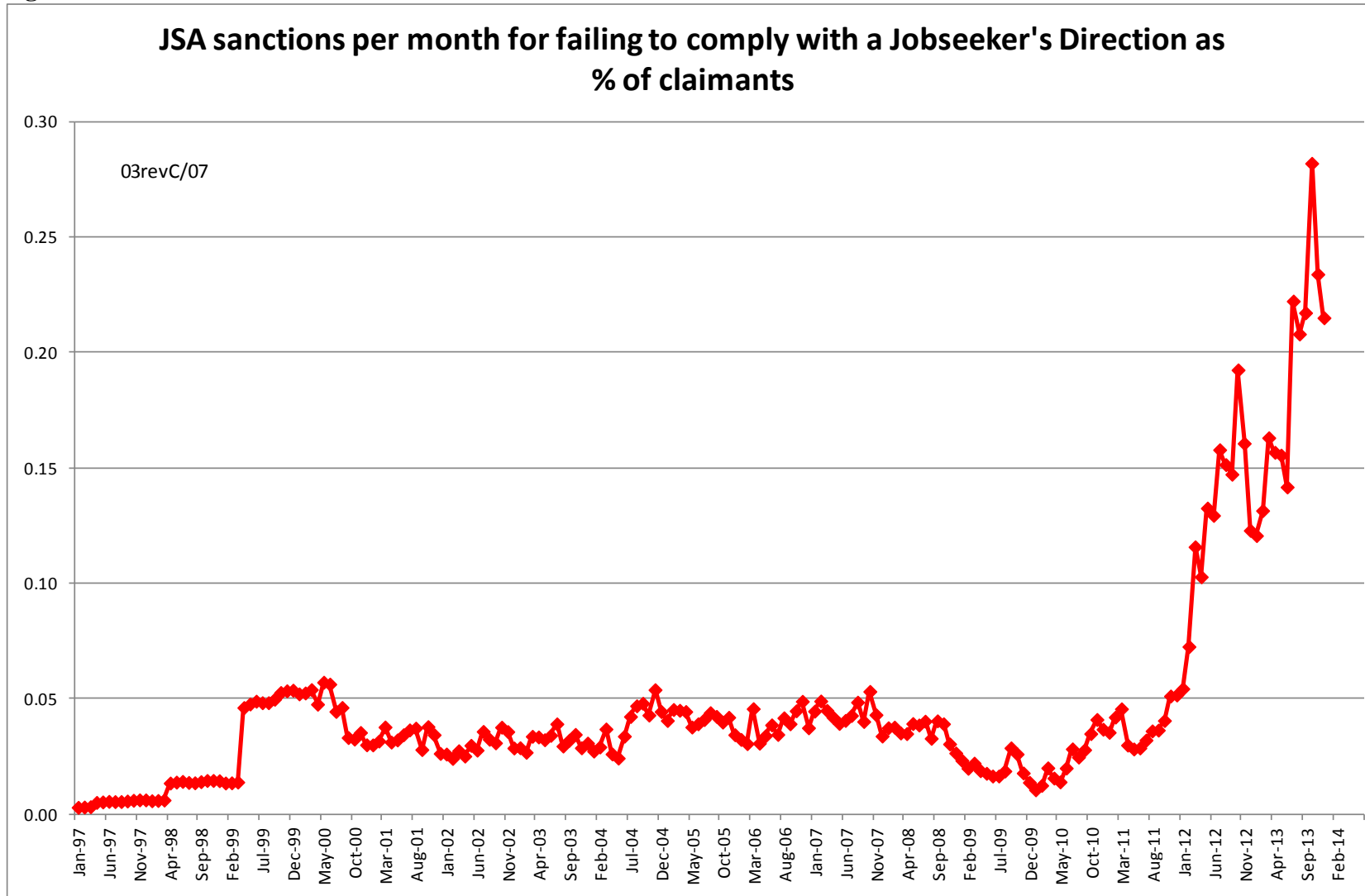


Figure 12

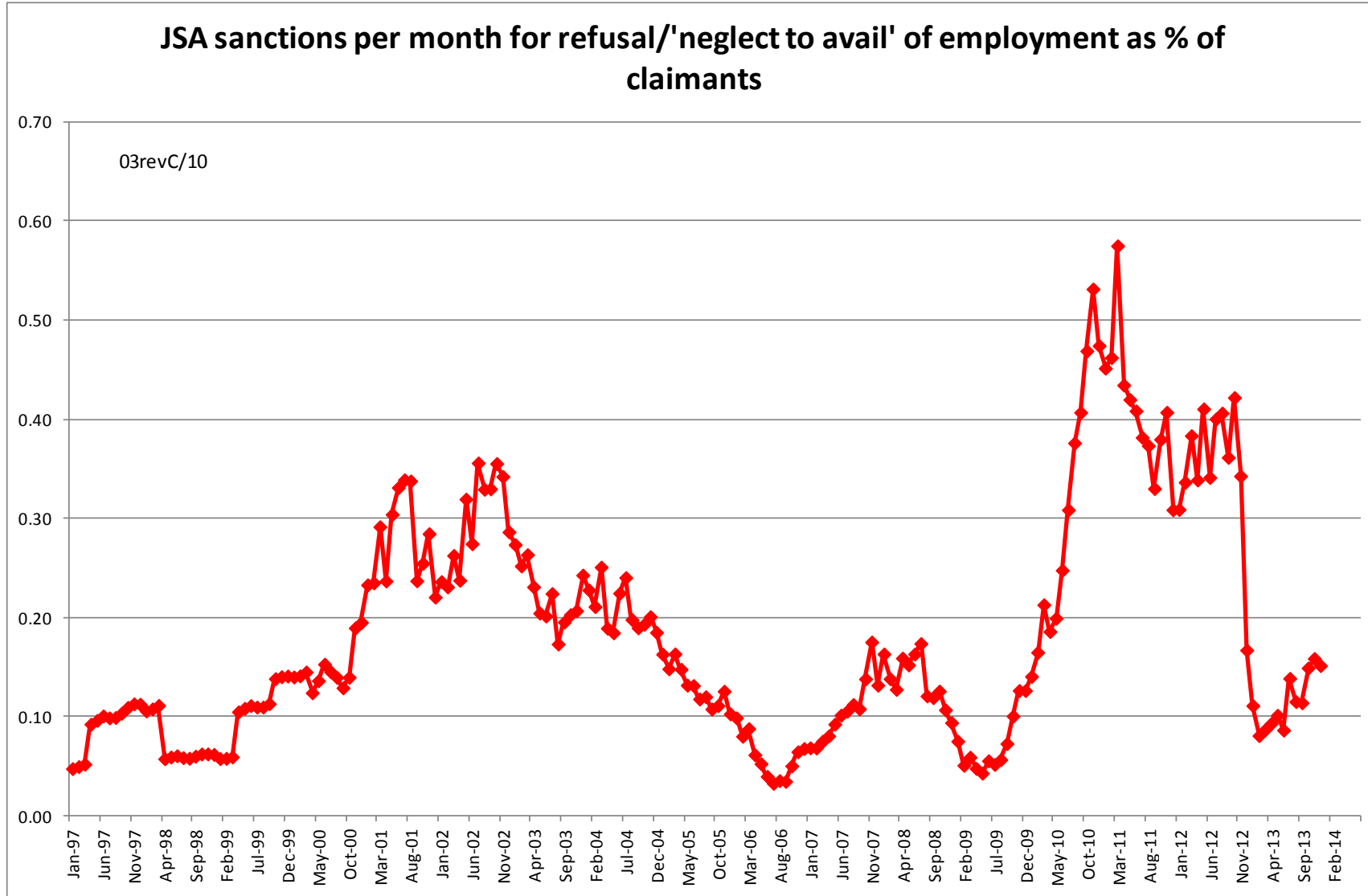


Figure 13

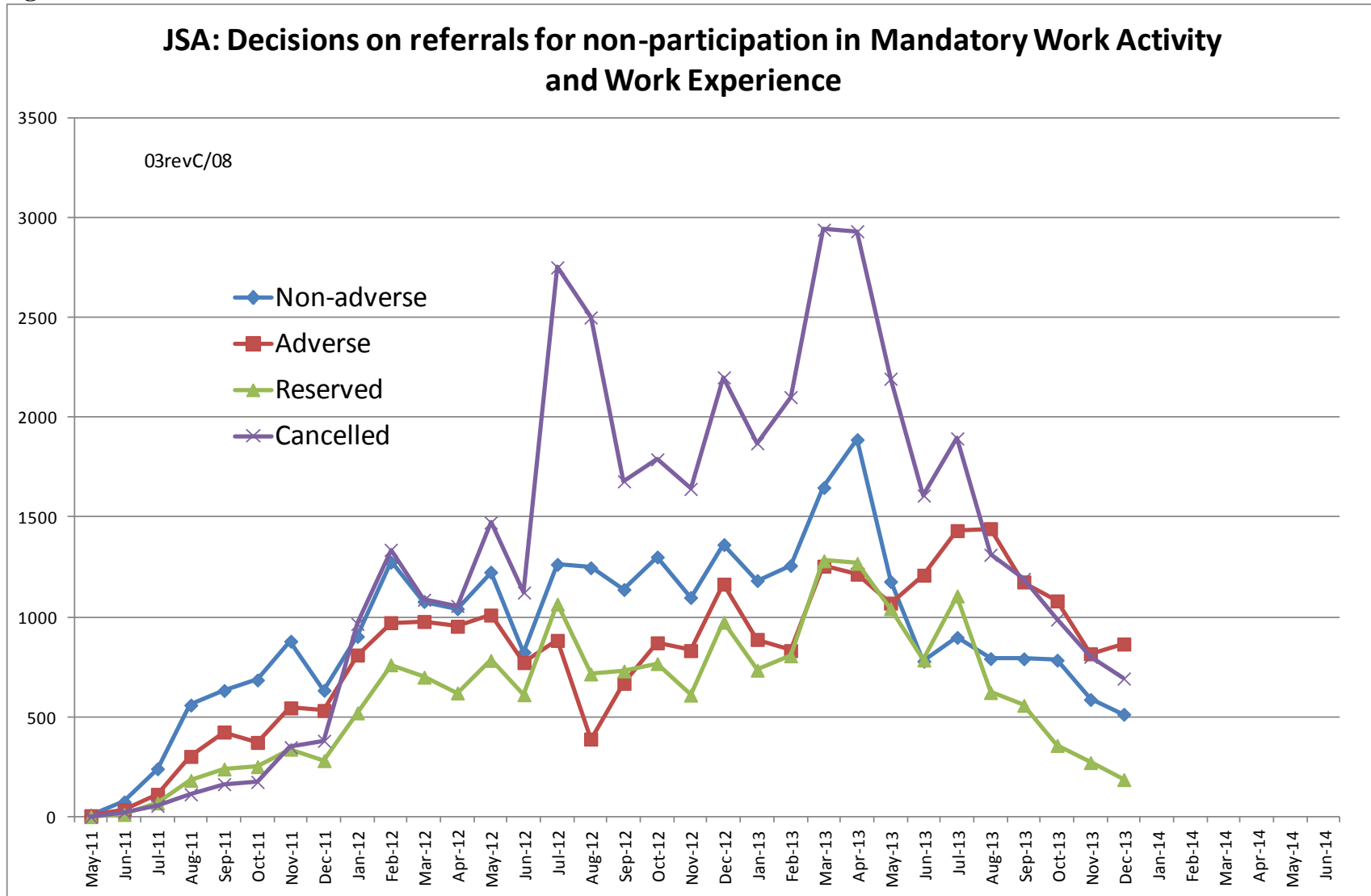


Figure 14

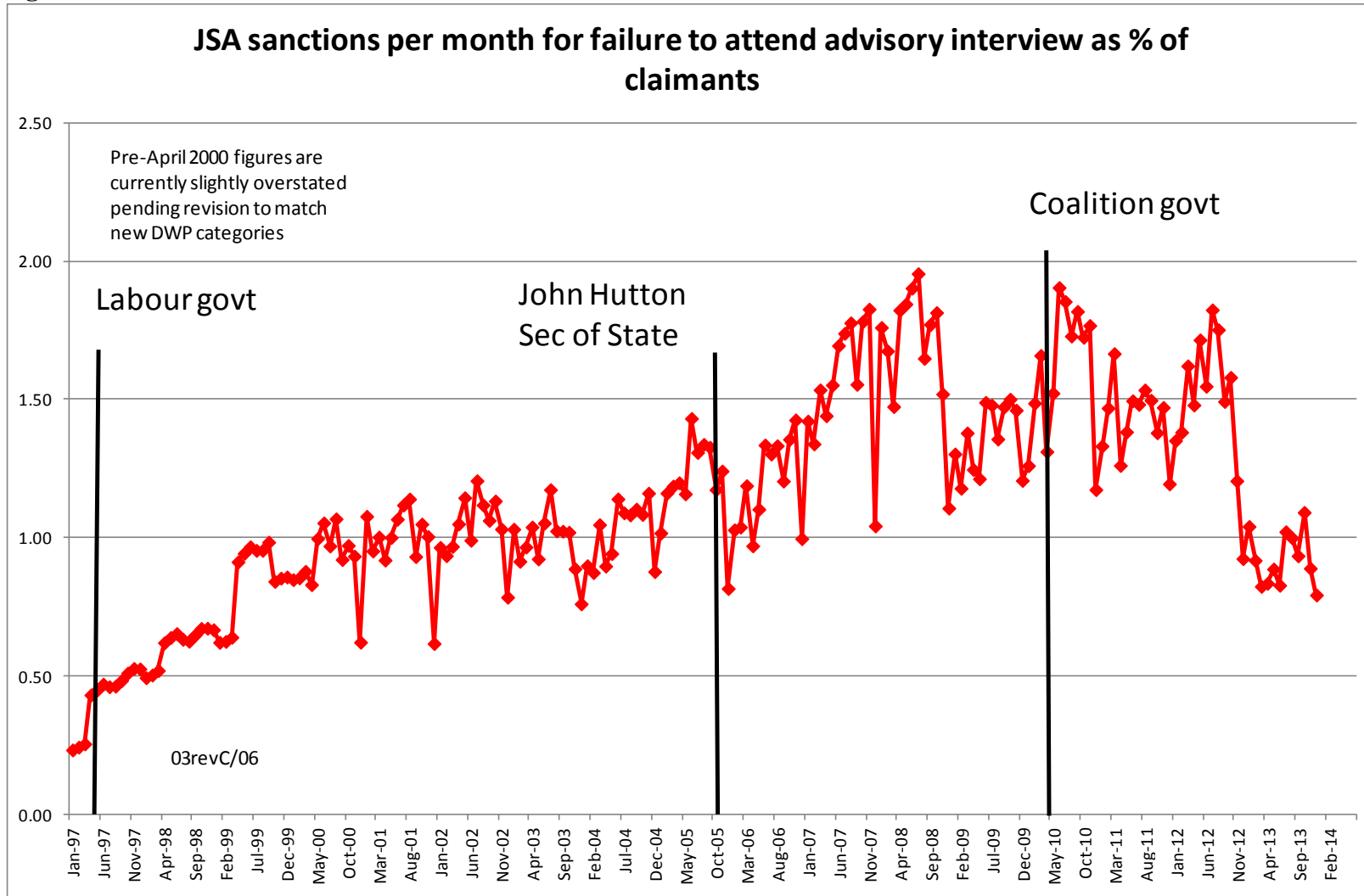


Figure 15

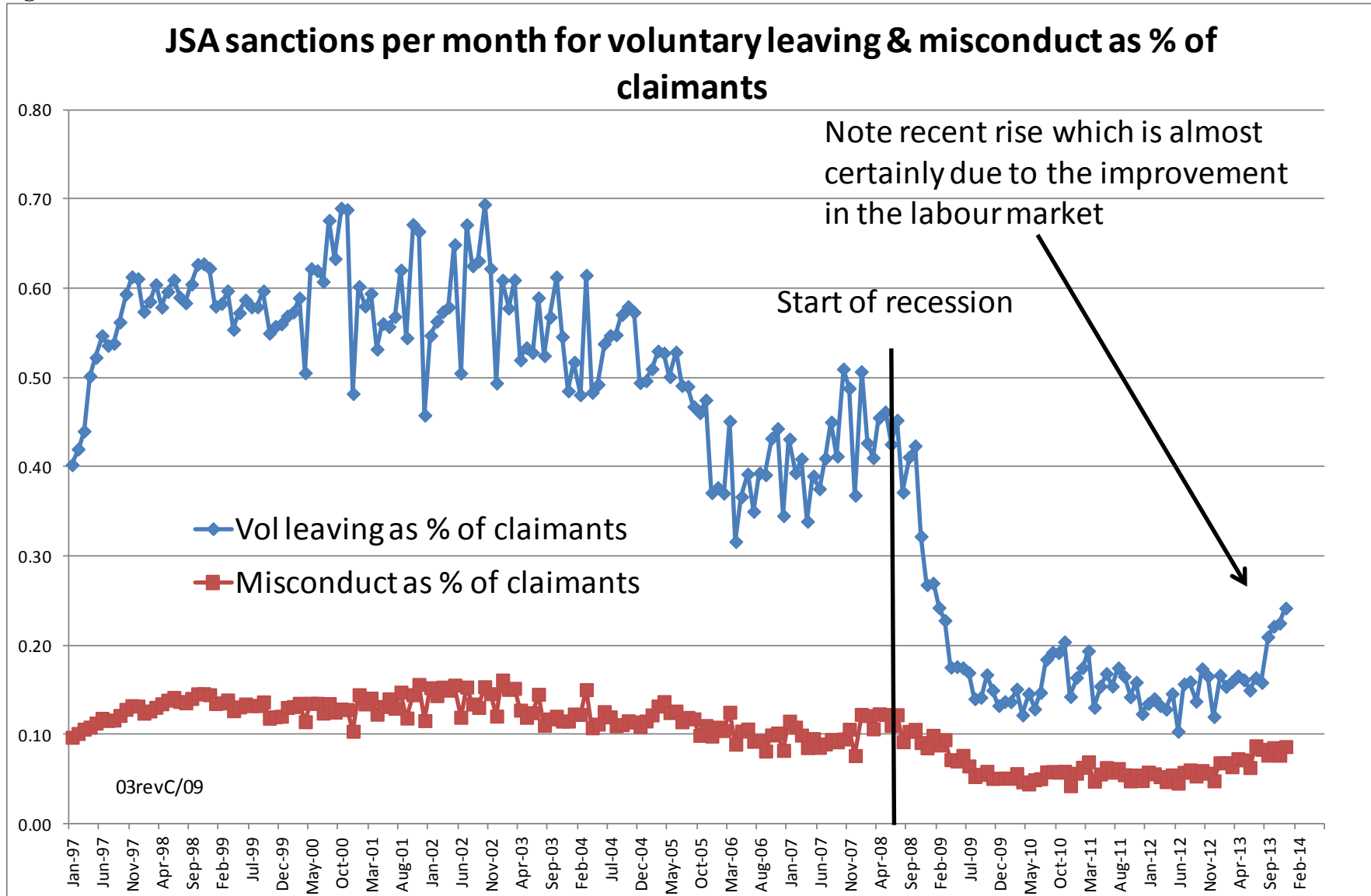


Figure 16

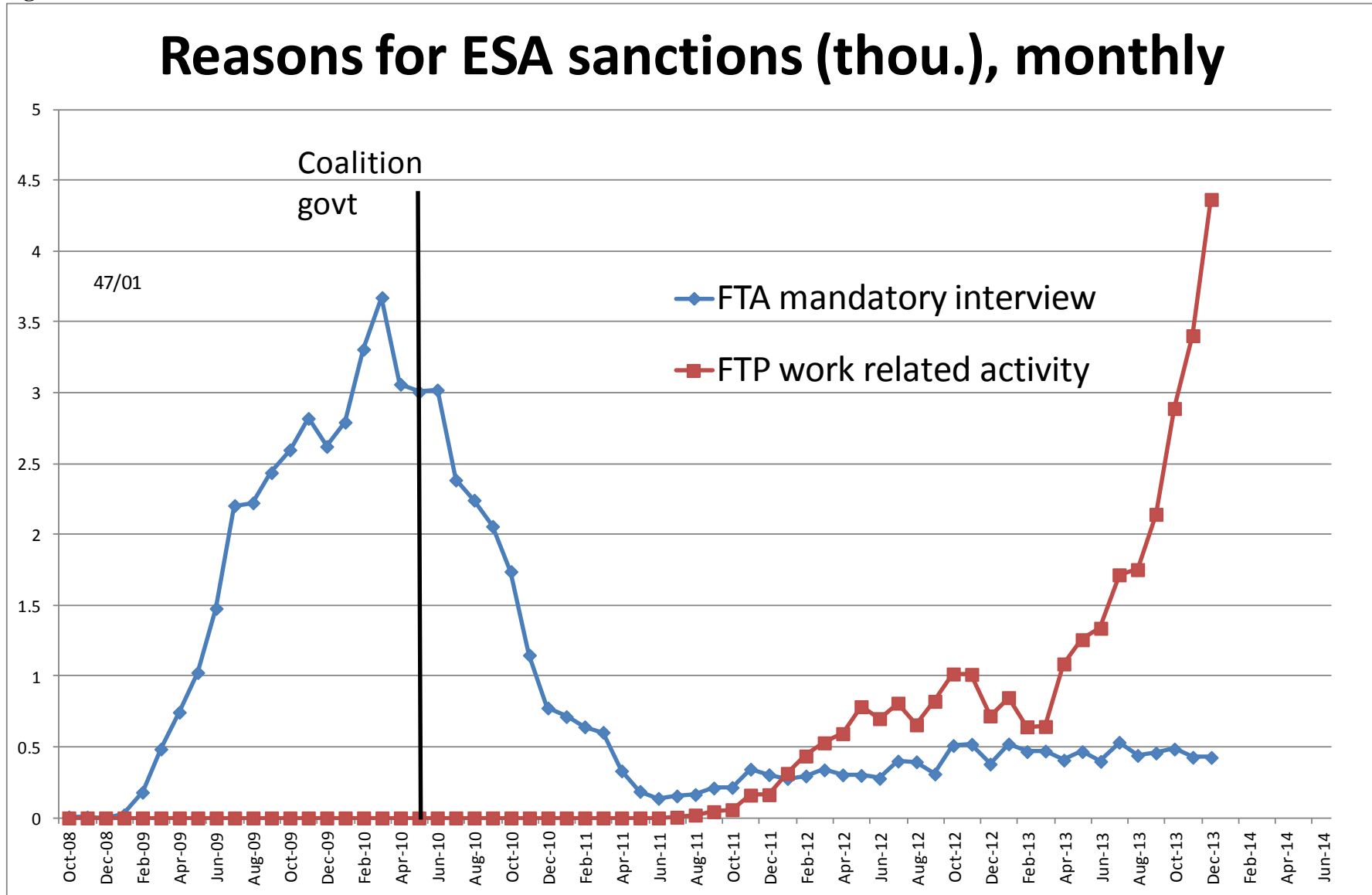


Figure 17

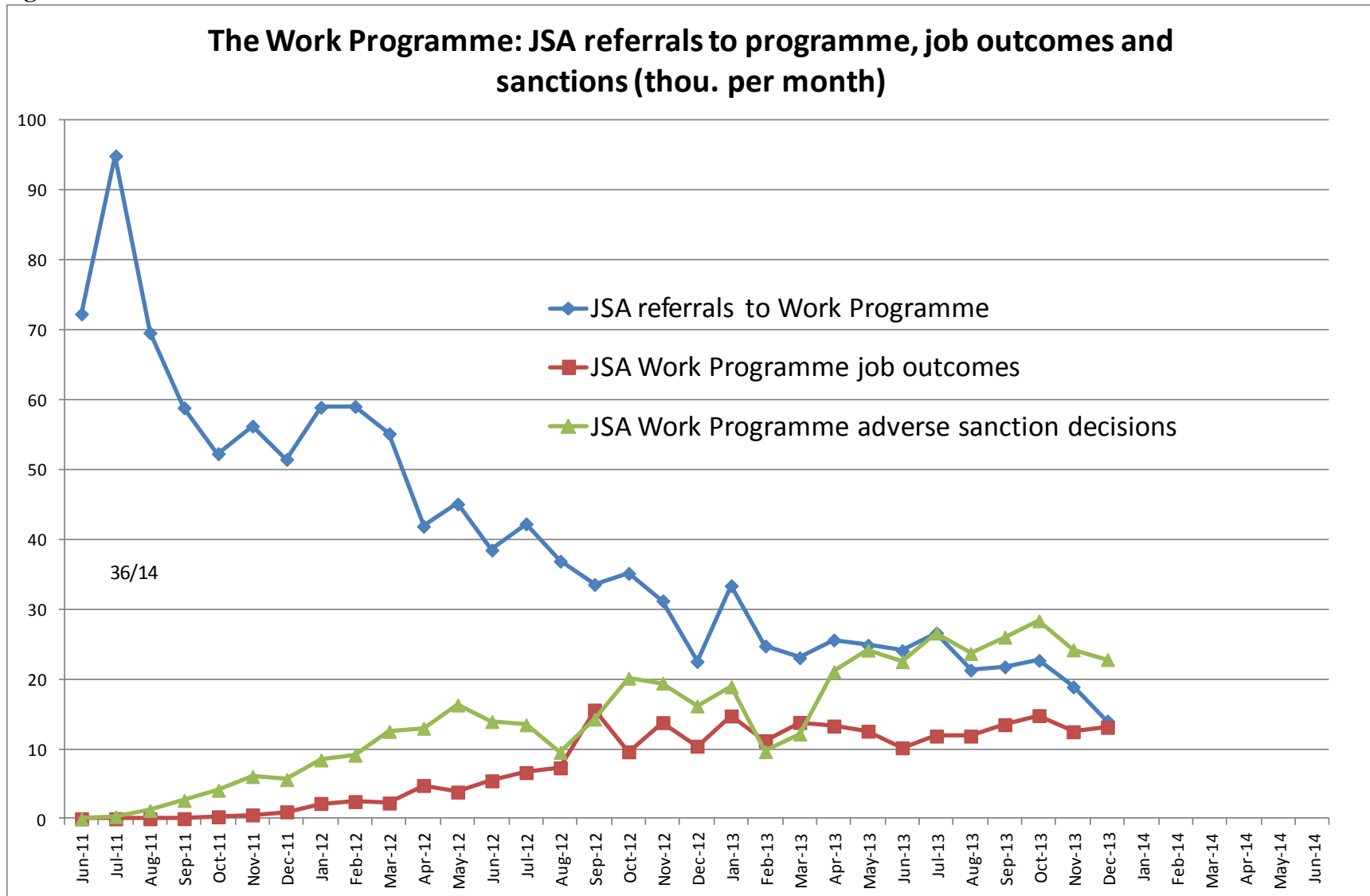
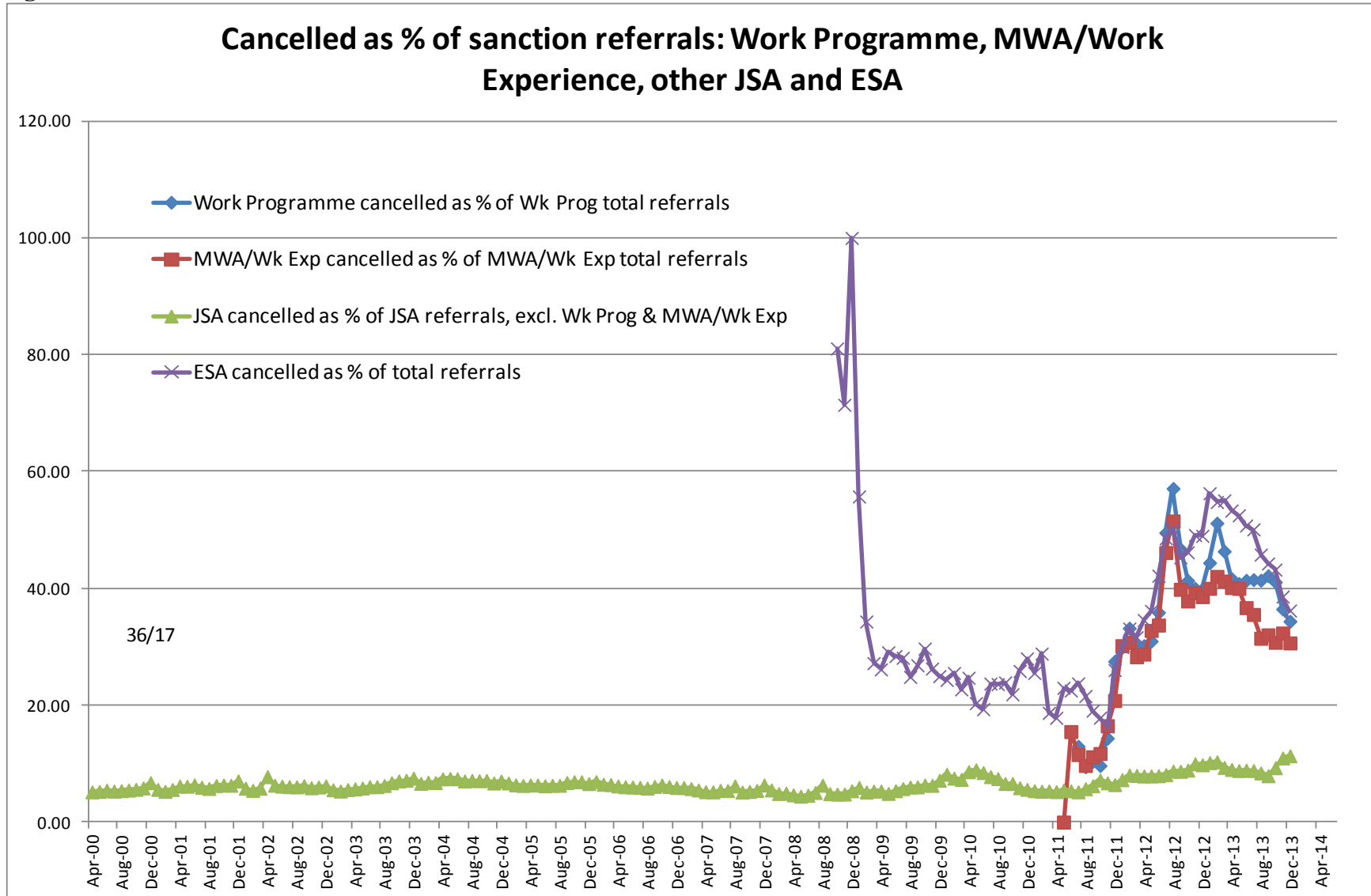


Figure 18



¹ The earlier briefings are available as follows. They should be read in the light of the DWP's statistical revisions discussed here, because some of their conclusions are no longer valid.

February 2014:

<http://paulspicker.files.wordpress.com/2014/02/sanctions-stats-briefing-d-webster-19-feb-2014-1.pdf>,

<http://www.welfareconditionality.ac.uk/share-your-views/>

or

<http://refuted.org.uk/2014/02/22/sanctionsstatistics/>

November 2013:

<http://eprints.gla.ac.uk/90156/>

² For the whole period April 2000 to December 2014, the mean number of decisions per month was 79.4 thou. For the month of December it was only 66.5, for October 87.4 and November 84.4.

³ Email circulated to registered users of Stat-Xplore, 28 February 2014.

⁴ Steve Webb, DWP Minister of State, 3 April 2014, col.1079

⁵ The DWP's account of the revisions is given in Note 8, pp.31-32, of the DWP Quarterly Statistical Summary, 14 May 2014, available at <https://www.gov.uk/government/collections/dwp-statistical-summaries>. It understates the impact of the revisions on recent data on the number of decisions.

⁶ Note that figures for April 2000 to September 2013 have been revised downwards compared to those previously published. The 'new highs' are high in relation to what are now said to be the correct figures for earlier periods, and not necessarily in relation to the figures previously published.

⁷ Published figures for the number of ESA sanctions date from October 2008 whereas those for the size of the Work Related Activity Group date only from February 2010. ESA sanction rates can therefore only be calculated from February 2010.

⁸ A more convoluted denial was contained in the DWP's written submission to the Scottish Parliament Welfare Reform Committee, 23 April 2014, WR/S4/14/7/11 (para.23): 'Since the new regime was introduced in October 2012 there has been little change in monthly sanction volumes - fluctuating between 3 and 5.5% of the caseload as they have done since early 2010. Between 2005 - 2010 it fluctuated between 2 and 4%. Latest figures for the three months to September 2013 show that the monthly rate increased to 6% as sanction volumes held constant while the claimant count fell. Month-to-month variability makes it hard to say if this is an increase that will be maintained.' This is available at

http://www.scottish.parliament.uk/S4_Welfare_Reform_Committee/Written_submission_-_Department_for_Work_and_Pensions.pdf

⁹ For an analysis showing the lack of a coherent rationale for the Coalition's classification of 'failures' into high, intermediate and low, see this author's comments on the Policy Exchange report *Smarter Sanctions*, pp.5-7, available at <http://www.welfareconditionality.ac.uk/2014/03/the-great-sanctions-debate/>

¹⁰ Peters, Mark and Joyce, Lucy (2006) *A review of the JSA sanctions regime: Summary findings*, DWP Research Report No. 313, and earlier official research

¹¹ Included here under 'failure to participate in a training or employment scheme' are failing to participate in the Work Programme, refusing, neglecting to avail, failing to attend, leaving or losing a place on a training/employment scheme, failing to comply with Skills Conditionality, failing to attend a Back to Work session, and failing to participate in any other training or employment scheme.

¹² Jonathan Portes, 'DWP analysis shows mandatory work activity is largely ineffective. Government is therefore extending it.', 12 June 2012, at <http://www.niesr.ac.uk/blog/dwp-analysis-shows-mandatory-work-activity-largely-ineffective-government-therefore-extending#.U1-Bc1dQGzk>

¹³ A 'job outcome' is a job placement which lasts for a certain minimum period.

¹⁴ In its table headings, Stat-Xplore puts this in slightly different words: '(Cancellation) can occur in specific circumstances for example, the sanction referral has been made in error, the claimant stops claiming before they actually committed the sanctionable failure, or information requested by the decision maker was not made available within a specific time period.'

¹⁵ In these calculations, ESA sanction referrals have been treated as all being made by contractors, ignoring those which may have been made by DWP itself. There were only 105,520 ESA referrals in 2013, compared to a total of 971,891 referrals from the Work Programme, MWA and Work Experience combined, so any resulting inaccuracy in the figures will be small. The figures have been rounded. It is difficult to improve on this calculation at present, since while it is known that contractors must have a large involvement in ESA sanction referrals, no information is available on the actual proportions which are initiated by DWP and by contractors.