

An evaluation of the sanction of Housing Benefit

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Introduction

This report presents the findings from an evaluation of the sanction of Housing Benefit (HB) piloted in eight local authority areas in England from 1 November 2007 to 31 October 2009. No sanctions were used during the pilot period. This report provides details of the background to and aims of the sanction and the local contexts of the pilot areas. The report identifies why the sanction was not used and the views of stakeholders about the potential use of a sanction.

Policy and legislation background

The sanction of HB was introduced in the Welfare Reform Act 2007. The sanction was based on the concept of challenge and support to encourage individuals to seek help from initiatives such as Family Intervention Projects (FIPs)¹.

The sanction could be applied in circumstances where individuals or households have been subject to an order of possession on the grounds of anti-social behaviour and subsequently refused to engage with an appropriate package of support. The sanction could be applied in tiered stages to a subsequent claim for HB from a new address within a designated pilot area. There were limits on the extent of a sanction in cases of material hardship and some cases (such as those involving mental health problems) were not eligible for sanction. The Department for Work and Pensions (DWP) issued

technical guidance on the intended operation of the sanction.

Eight local authorities piloted the sanction of HB: Blackburn with Darwen; Blackpool; Dover; Manchester City; New Forest; Newham; South Gloucestershire and Wirral. Each pilot area was provided with a modest grant to meet the additional costs of the sanction scheme.

The research

The research was undertaken by Sheffield Hallam University and the University of York. The aim of the research was to evaluate the implementation, operation and impacts of the sanction of HB during the two-year pilot period in each of the eight pilot local authority areas. The research methods included analysis of relevant documentation and interviews, focus groups and correspondence with stakeholders in the eight pilot areas.

¹ FIPs offer intensive support to households, based upon a key worker and whole family approach. They aim to reduce anti-social behaviour and offending and address a range of risk factors and vulnerabilities. There are now over 700 FIPs, or related projects, in England.

Context and policy infrastructures in the pilot areas

The pilot schemes were established in complex housing and governance contexts, with growing housing affordability problems and diffuse rented housing provision. Levels and forms of anti-social behaviour varied between the pilot areas but addressing anti-social behaviour was a key priority in all of the areas. Some of the pilot local authorities were designated TOGETHER or Respect Action areas.² The use of enforcement mechanisms varied between the pilot areas. Pilot areas had appropriate support services available, although there were some concerns about the capacity of alcohol and drugs services.

Each of the pilot areas followed the guidance issued by the DWP in establishing the sanction scheme. The pilot areas intended to implement and deliver the scheme in accordance with this guidance. It was believed that the schemes could be delivered within pilot areas' existing anti-social behaviour management strategies.

There were a range of views expressed about the likely effectiveness of the sanction, with a consensus that it potentially offered an additional tool to address anti-social behaviour. Stakeholders believed that it was the impact of the threat of sanction on individuals' engagement with support, and the provision of this support, that was the key element. It was expected that less than ten individuals would be subject to a sanction in each pilot area. This was due to the limited numbers of possession cases on the grounds of anti-social behaviour and the propensity of individuals to take up intensive support offered to them.

The operation and delivery of the sanction of HB

The sanction of HB schemes were publicised through a range of mechanisms in most of the pilot areas. In all of the pilot areas during the period of the pilot, increasing emphasis was given to early intervention, prevention and intensive support. This meant that post-eviction enforcement action such as a sanction of HB (albeit as a mechanism for facilitating the take up of support) was increasingly out of step with policy developments and objectives.

No individual was subject to a sanction of HB during the pilot period (1 November 2007 to 31 October 2009) although a number of individuals were warned directly about the possibility of a potential future sanction.

The reasons why the sanction was not used included a difficulty in identifying eligible cases due to the lack of information flow between the courts, the DWP and local sanction pilot scheme coordinators. Although there were potentially eligible cases (possession proceedings on the grounds of anti-social behaviour), in no case was a subsequent new claim for HB from an address within a pilot area identified.

A number of other factors reduced the number of cases meeting the sanction criteria. These included:

- the limited use of anti-social behaviour grounds for possession;
- the ineligibility of cases involving probationary, introductory or demoted tenancies;
- the abandonment of properties by tenants prior to warrants being issued; and
- limited information about the actions of some social registered and private landlords.

² TOGETHER areas were announced in 2004 as part of the TOGETHER national action plan. Ten TOGETHER trailblazer areas were established and were provided with additional funding to tackle neighbourhood problems, begging and environmental crimes. Fifty Respect Areas were announced in 2007 as part of the Respect Action Plan. The areas received additional funding to deliver a range of measures, including FIPs.

The use and impacts of warnings of a potential sanction of HB

There was considerable differentiation between pilot areas with regard to the extent to which warnings about a potential sanction of HB were issued, the form that this warning took and the stage in individual cases where it was deemed appropriate.

It was not possible to disaggregate the independent impact of a warning of a potential future sanction of HB on the behaviour and engagement with support of individuals and households.

Individuals' responses to the threat of a sanction were similar to their reaction to a final warning and the possibility of legal action more generally and it was widely believed that eviction and resultant homelessness would have a greater impact. This is supported by (limited) evidence that individuals subject to a warning about a sanction could not recall this.

Key findings and conclusions

There were three views expressed about the impacts of individuals being warned about a potential future sanction of HB. Some practitioners believed that the warning had no impact as it related to action that was too far in the future and involved too many additional steps. Other practitioners stated that the warning may have had some impact but that it was not possible to disaggregate this from the influence of other factors such as the threat of eviction or the use of an Anti-Social Behaviour Order. Practitioners in one pilot area strongly believed that warnings about a potential future sanction of HB had been instrumental in some households engaging with support packages.

The majority of practitioners expressed disappointment about the operation of the sanction pilot and believed that it had not had any real impact. They cited a number of key flaws including the lack of communication from the courts and the DWP, the difficulty in tracking households

after eviction and the limitations of a post-eviction mechanism. However, local practitioners were divided about whether a pre-eviction HB sanction would be more effective and appropriate.

The majority of local practitioners stated that it was not possible to recommend that the sanction be rolled out nationally as there had not been any assessment of the actual processes and outcomes of applying a sanction.

Research participants suggested that most individuals already engage with support and this engagement was facilitated through the establishment of trust and identifying underlying causes of anti-social behaviour rather than future-orientated legal or financial incentives or penalties.

There is a need for a greater understanding of the complex relationship between support and enforcement and the specific role that coercion and sanction may play in facilitating the take up of support. The increasing emphasis within the pilot areas on early intervention, intensive support and holistic 'whole family' approaches, based on working with individuals and households in their existing tenancies were more likely to lead to positive sustainable behavioural change in the individuals subject to anti-social behaviour interventions.

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You can download the full report free from: <http://research.dwp.gov.uk/asd/asd5/rrs-index.asp>

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