

**MEETING BETWEEN EDUCATION OTHERWISE &
DEPARTMENT OF WORK AND PENSIONS
TO DISCUSS WELFARE REFORM AND HOME EDUCATING LONE PARENTS**

Tuesday 29th April 2008 11.30-1.30

Alison Durbin

Head of the Parents Employment Division
Work, Welfare and Equality Group
Department of Work and Pensions

Fiona Nicholson

Chair Education Otherwise Government Policy Group
Member Education Otherwise Disability Group
Local Contact for Education Otherwise in Sheffield
Education Otherwise Trustee
Home educating single parent

Annette Taberner

Member Education Otherwise Government Policy Group
Chair Sheffield Home Educators Network
Home educating parent

SUMMARY OF WHAT THE GOVERNMENT INTENDS

On April 3rd 2008 (<http://tinyurl.com/4uvbe6>) Minister Stephen Timms made a statement in parliament

Lone Parents

The Minister for Employment and Welfare Reform (Mr. Stephen Timms):

The Government is committed to continuing its work to eradicate child poverty and help all individuals reach their full potential by moving from unemployment and welfare dependency to paid work.

We announced in the command paper “Ready for Work: Full Employment in our Generation” our intention to require lone parents with older children who can work to look for work. This means that lone parents will no longer be entitled to income support solely on the grounds of being a lone parent. Instead, those who are able to look for paid work will make a claim for jobseeker’s allowance and be required to seek suitable employment actively.

We announced our expectation that this change would be introduced from October 2008 for lone parents with a youngest child aged 12 or over, and then from October 2009 and October 2010 when the youngest child turns 10 and 7 respectively.

I now intend that the arrangements for new and repeat lone parent customers with a youngest child of 12 or over will take effect a month later, in November 2008, to allow time to consider some additional flexibilities to jobseeker’s allowance. The Government have been working closely with a range of groups who represent the interests of lone parents and has had early advice from the Social Security Advisory Committee. Additional flexibilities to jobseeker’s allowance have been suggested to meet the

specific needs of lone parents.

The Government intend to take forward a number of these suggestions in connection with proposals for regulations that I will provide to the Social Security Advisory Committee. I believe that the proposals will strike the right balance to ensure that jobseeker's allowance remains focused on helping people look for paid work while accommodating the varied and individual circumstances that lone parents will face. As has been discussed with lone parent stakeholder groups, we intend that existing lone parent recipients of income support with a youngest child aged 12 or over will be progressively moved from income support from early 2009."

SCOPE OF PROPOSALS

The proposals will apply throughout the United Kingdom. The Department of Work and Pensions specifies England, Scotland Wales and in relation to Northern Ireland (<http://www.dwp.gov.uk/welfarereform/c7.asp>) the Department of Work and Pensions website says that "the provision of social security in Northern Ireland is governed by the long-established and widely accepted policy of parity with Great Britain. The Government believes that this should remain the basis of future provision in Northern Ireland and will have regard to this in implementing any proposals set out in this Green Paper. "

WHAT WE GUESS WILL HAPPEN NEXT

Following the meeting with Alison Durbin, Education Otherwise is in a good position to predict that new draft regulations will be presented to (<http://www.ssac.org.uk/>) the Social Security Advisory Committee on May 7th 2008. A revised Impact Assessment will probably be issued with the regulations, setting out in more detail the cost of the proposed changes. There will then be a short consultation with stakeholders on behalf of SSAC which is likely to begin some time soon after May 7th and close by the end of June at the latest, giving sufficient time for SSAC to write a report and make recommendations to Ministers. The Department of Work and Pensions will then publish (<http://www.opsi.gov.uk/official-publications/command-papers/index.htm>) a Command Paper and there will have to be a short debate in parliament before the summer recess which begins on July 22nd.

DWP: CONDITIONALITY NOT APPROPRIATE FOR HOME EDUCATORS. WHAT HAPPENED TO CHANGE THIS ?

The Government says that "inactive benefits" such as Income Support, which make no demands of the claimant, should be a safety net for those who are, by the Government's criteria, "unable to work". All other benefit claimants will have to comply with various requirements as a condition of receiving benefit and if conditions are not met then the benefit will not be paid. (This is what is meant by "conditionality")

Home educators and home education support organisations responded to the DWP consultation and our input was reflected in (<http://www.dwp.gov.uk/welfarereform/readyforwork/readyforwork.pdf>) the December 2007 consultation report which said that it was strongly felt [i.e. by consultation respondents] that increased conditionality was not appropriate for

- parents with disabled children or whose children had additional needs;
- carers of both disabled children and adults;
- mothers fleeing domestic violence; and
- parents who choose to home educate."

HOME EDUCATION IS A PERSONAL CHOICE AND THE GOVERNMENT DOES NOT OFFER FINANCIAL SUPPORT FOR HOME EDUCATION

Apparently Ministers considered the DWP consultation response but we don't know if the Government picked up on the points about home educating lone parents. However, we do know that Ministers did not believe there was any justification for exempting home educators from the new JSA regime. Home educators have since been in touch with their constituency MPs who have raised the issue with the new Minister Stephen Timms. The Minister invariably replies that home education is a personal choice and that the Government does not fund or offer financial support to home education or to home educators.

HOW MUCH BENEFIT MONEY COULD BE CUT IF HOME EDUCATING LONE PARENTS WERE UNABLE TO TAKE UP A JOB BECAUSE OF HOME EDUCATION RESPONSIBILITIES ?

At the meeting, EO queried how much benefit money could be taken away if the home educating lone parent refused to take up a job offer because of home education responsibilities.

In the worst case scenario, if home educating lone parents do not comply with the agreed terms of their job seeking agreement with the JobCentre (including for example taking up paid work for 16 hours a week if a job was demonstrated to be available) then under the current JSA regime a lone parent aged 25 or over could face a benefit cut of up to £60.50 a week, which represents the personal element of the Jobseeker's Allowance. As far as we are able to understand, the Child Tax Credit element of the benefit will not be cut. This is what your JobCentre means if they tell you that your benefit will be stopped. It is your personal benefit which will be cut and not the benefit which you receive for your child or children.

The figures for JSA rates 2008/2009 can be found here - <http://tinyurl.com/3ma5w8>.

Claimants under the age of 24 are entitled to 47.95 a week.

Claimants aged 25+ are entitled to £60.50 a week.

You can find more information here -

http://www.cpag.org.uk/scotland/taxcredits/tax_credits_claiming_for_children_5.htm - about the system of combined Child Tax Credits + JSA works in comparison with Income Support + Child Benefit.

We have yet to clarify how this will affect other means tested benefits such as Housing Benefit and Council Tax Benefit.

VOLUNTEERING OPPORTUNITIES/FURTHER AND HIGHER EDUCATION

JobCentres may look favourably on volunteering as long as the claimant for JSA is still actively seeking work. However, under the present JSA regime, the claimant cannot say that the volunteer post takes precedence over accepting a job or over looking for paid employment. The same is also true with "doing a course" or studying for an Open University Degree. The central tenet of the Jobseeker's Allowance is that it is a benefit paid to people who are actively seeking work and who are available for work.

At present, the claimant can't legitimately restrict his/her availability for work by talking about "improving employment prospects". In short, if a 16 hour a week job comes up, the claimant will be expected to take it. Improving skills for the marketplace or the workforce seems to be envisaged at happening at a much lower level of functional literacy and numeracy. It is possible that claimants who are in active volunteer posts may be given slightly longer to wind up their volunteering affairs before they are required to take up a job offer. Instead of being required to start work within days, the volunteer might have as long as a week to wind up the voluntary post.

THE 16 HOUR REQUIREMENT

Lone Parent JSA claimants will not be required to take up job of more than 16 hours. The claimant may be able to demonstrate that a 16 hour job is simply not available and in this case the JSA would not be cut as the claimant is still "seeking work" but has not yet found it.

CHILDCARE

The key determinant may well be childcare. Individual claimants will have to prove to the JobCentre that they have made "reasonable efforts" to find childcare. Local childcare availability will be taken into account. At present it is envisaged that everything will be decided on a case by case basis when it comes to a decision as to whether or not the £60.50 JSA personal allowance is to be cut.

Claimants will not be required to take up job if there is "no suitable childcare". EO and DWP had discussion about what childcare might be "suitable" or "appropriate". EO told DWP that for some children any form of childcare would be unacceptable even if it were available locally. For example, children on the autistic spectrum will refuse unfamiliar people and unfamiliar settings. Parents just know this is a non-starter. It is also unacceptable/impossible to leave ASD children alone in the house.

EXTENDED SCHOOLS: NOT AN OPTION FOR HOME EDUCATED CHILDREN

EO said that extended schools facilities were not open to home educated children. There was an initial misunderstanding because DWP thought that school facilities would not be restricted to pupils of a particular school. EO said yes that was true, but for instance in Sheffield where we had made extensive enquiries about home educators' access to extended schools, we gathered that they were organised on district partnership basis with reciprocal arrangements between schools, so the primary focus was on pupils and on the parents of pupils who wanted to upgrade their skills for the workforce. Home educators can supply further information about this.

EO also explained that it wasn't wraparound childcare for us because the home educating lone parent would have to take the child to the school, go to work, come back to collect child and so on, all between the hours of 4 and 6 Monday to Friday in school terms. This would be more like 5 hours a week rather than 16 hours availability for work.

JSA REGULATIONS NEED EXTENSIVE MODIFICATION

The JSA regulations now need an extensive overhaul because they were never designed for lone parents. Welfare reform consultation respondents and SSAC and DWP Work and Pensions committee have all pointed this out. So have One Parent Families, Child Poverty Action Group, Education Otherwise among others.

For example there is a big question mark over slashing claimants' benefits if they don't take job instantly, terminating benefits if claimants don't sign on once a fortnight and so on. There is also a big controversy about how much this will all cost.

There is a huge question mark over the minimum age for the youngest child as to when the lone parent will be migrated from Income Support to Jobseeker's Allowance. Many consultation respondents and government advisors are strongly against reducing the minimum age below 12.

These are some of the reasons why the Social Security Advisory committee will probably consult on the draft regulations beginning some time shortly after May 7th 2008 and closing by the end of June 2008 at the latest.

If the draft regulations do go to consultation, then the minimum age requirements will be one of the key areas for debate and comment. Stakeholders who may have been able to accept a minimum age of 12 will protest strongly at the age being reduced to 10 or as low as 7. Obviously for home educators it would make a significant difference as to whether we would even countenance the possibility of leaving children at home on their own. What might just be possible for some 12 year olds would be totally unacceptable for children 5 years younger.

NEW DEAL FOR LONE PARENTS WILL BE MANDATORY

At present NDLP is voluntary. Under the new proposals it will be voluntary for 6 months and then mandatory. There are extra inducements and sweeteners during the voluntary period which will not apply if the lone parent has NDLP imposed on him/her later in the JSA claim.

You can find more about NDLP on the Education Otherwise campaign website - <http://www.freedomforchildrentogrow.org/dwpintro.htm>.

NEW IMPACT ASSESSMENT IF THERE IS NEW CONSULTATION ON DRAFT REGS FROM SSAC

New Deal for Lone Parents and tailored privatised support will all be very expensive. Therefore there will need to be a new Impact Assessment to accompany the draft regulations. The IA should be scrutinised very closely by consultation respondents.

WHAT EO SAID ABOUT THE LAST CONSULTATION AND IMPACT ASSESSMENT

The link to EO's consultation response in October 2007 may be found here - <http://www.freedomforchildrentogrow.org/DWPconsultationresponseInWorkBetterOff.pdf>.

This is what we said about the Impact Assessment:

CRITIQUE OF IMPACT ASSESSMENT ACCOMPANYING 2007 DWP CONSULTATION

Education Otherwise would first like to answer the question posed in the IA: "What further analysis do you think we need to do when undertaking a fuller equality impact assessment? How can we ensure that we have involved stakeholders in these assessments? "

Education Otherwise is a UK-based membership organisation which provides support and information for families whose children are being educated outside school. We have around 5,000 member families. Education Otherwise maintains a resource website, sends out a bi-monthly newsletter to members; holds regular open meetings; offers support at grassroots level in 100+ local authority areas; runs regional workshops throughout the country and also moderates a growing number of internet support lists which are both general interest and also offer support to home educators facing particular challenges such as single parents and families with disabled and Special Educational Needs children.

The proposals set out in the DWP consultation In Work, Better Off have attracted a huge amount of attention and concern amongst our members and the Education Otherwise response will reflect members' feedback throughout.

Home educators were not consulted when this draft IA was drawn up; nor were families who are home educating disabled children and children with Special Educational Needs. Home educating parents are already doing a vitally important full-time job and this must be taken into consideration by the Department.

In general terms, the benefits in the IA are over-estimated and the costs are underestimated. The DWP places undue reliance on upbeat statistics from other New Deals which were significantly different, such as the New Deal for Young People on JSA where benefits were summarily cut if claimants did not comply and New Deal for Lone Parents which was voluntary and did NOT come with conditionality clauses and benefit sanctions. We are not comparing like with like. In particular, we would expect that the claimants taking up the offer on NDLP were ready and able to take up paid employment, since otherwise they could freely choose not to engage with the scheme; this would clearly NOT be a good predictor of outcomes if the scheme were universal and mandatory.

As One Parent Families' 2007 response to the Freud Report points out, there is no evidence either from the UK or further afield such as the US, that conditionality and compulsion works in supporting lone parents into sustainable employment.

1. A universal requirement to search for work is inappropriate, "expensive, unfair and ineffectual"
2. A key factor in the increase in lone parent employment has been the introduction of tax credits. This leads to more sustained employment than for example the voluntary New Deal for Lone Parents where nearly a third of participants who gained employment via the scheme were back on benefits within a year.
3. The OPF response quotes research from other countries where a similar welfare to work programme was attempted.

<http://www.oneparentfamilies.org.uk/index.cfm?fuseaction=med.viewMedium&mediumID=1048&mediumType=1&ch=0&uo=0&lsp=0>

With reference to the cost/benefit analysis pp 6-7 :

- The IA figures do NOT include the cost of implementing the scheme
- DWP notes that the figures are "very initial"
- The Department of Work and Pensions states in the Impact Assessment that it is aware that it needs more information from stakeholders about the cost of the various proposals
- Home educating parents are already doing a vitally important full-time job

- Home educators receive no funding but if home educating parents were forced into paid work outside the home, each home educated child who was thereby compelled to enter the school system would cost the Government around £5,000 for the school place alone, before taking into account the provisions of extended schools and any childcare subsidies
- The IA figures do NOT include any costings for Government spending on childcare, which rather skews the cost/benefit analysis
- Lack of costings for childcare in the IA cost/benefit analysis is particularly relevant when childcare costs would be HIGH eg for anti-social hours or for child with SEN/disability or when childcare might be provided on a one to one basis in the child's home as proposed by Minister Caroline Flint in the webchat on October 15th.
- The cost of childcare for disabled children and those with Special Educational Needs who are currently being educated and cared for at the parents' expense at home, is likely to be prohibitive, since there will need to be a very high adult to child ratio. And in some cases there will need to be physical adaptations to buildings such as childminders' homes and After-School clubs.
- In very many areas our members tell us that even if money were no object, this type additional needs childcare is simply not available, particularly for children on the autistic spectrum or for those with ADHD.
- An increasing number of autistic children are now home educated due to provision in the maintained sector not being fit for the purpose. Children with ASD are highly stressed by unfamiliar surroundings and group childcare and this would clearly have an enormous impact on the parents' availability for work.
- A quarter of lone parents who remain on Income Support after their child is 12 have a child with disabilities, which could severely restrict the lone parent's availability for paid work.
- For some reason, the IA figures also appear NOT to include any guesstimate for the childcare element of Working Tax Credit.
- The DWP guesses that it would cost £50 million over 3 years to assist lone parents into work.
- The DWP guesses that since a high proportion of new JSA claimants would find work, the Government might save between £50 million and £300 million because benefits would no longer need to be paid and also new earners would be paying Income Tax and National Insurance.
- DWP does however concede that tax credits will have to be paid. This is clearly a vast under-estimate of both the immediate and sustained earning capacities of lone parent JSA claimants.
- It also underestimates the financial burden of personally tailored back to work support systems, compared with the automated unconditional payment of Income Support

One size does not fit all and a family's individual circumstances need to be taken into account.

This makes JSA for lone parents much less straightforward to administer.

The Government has set a target of 70% employment rate for lone parents across the board. This means getting a much higher percentage of lone parents into paid work when their children are much younger than 12 as well as driving up the employment rate closer to 80% for lone parents whose children are over 12.

The arguments for this targeting of lone parent families are that "children are lifted out of poverty" and that people who have been out of the job market for some time find it increasingly hard either to enter or to return, so breaks from paid work should be shortened wherever possible.

The following "paid work" percentages are from the Government's Impact Assessment

- 43% of lone parents with children under 7 are in paid work.
- 60% of lone parents with children between 7 and 11 are in paid work.
- 70% of lone parents with children over aged 12 are already in paid work.
- One Parent Families organisation points out that JobCentre statistics focus on short term jobs (claimants on New Deal programmes are only tracked for 13 weeks)
- A large number of NDYP participants who are counted as success stories because they move into employment are back on JSA within a year, familiarly known as the revolving door syndrome.
- Nearly a third of NDLP participants who secured work via the scheme are back on IS within a year”

THE SOCIAL SECURITY ADVISORY COMMITTEE

The SSAC (<http://www.ssac.org.uk/>) SSAC will play a pivotal role here, although ultimately they function in an advisory capacity and the final decision will be taken by Ministers. EO is already talking to Gill Saunders of SSAC. As stated earlier in this report, draft regulations will be presented to the SSAC on May 7th 2008.

WE NEED TO PUT FLESH ON THE BONES OF OUR ARGUMENT

Home educators and home education support organisations need to make the examples more real and human to Ministers. We need anonymised case studies to put flesh on the theoretical bones, giving information about the real options for home educating lone parents, to do with leaving children alone or renouncing personal element of JSA £60.50 a week.

CHARACTERISTICS AND NUMBERS OF HOME ED CHILDREN

Alison asked what are typical ages and characteristics of home educated children. This is necessary background information to determine the extent of the policy issue. EO explained that most children start in system and then are de-registered, although as it happens this was not the case with either home educating parent at the meeting, none of whose children have ever been to school.

HOME EDUCATED CHILDREN MIGHT NOT HAVE A FORMAL DIAGNOSIS

EO explained at some length why home educated children would not have diagnosis of disability or SEN. Alison Durbin said that the Government recognises that disabled/SEN child is issue for lone parents, but we remain gravely concerned that the point about lack of formal diagnosis is still being missed by Ministers and civil servants.

JCP GUIDANCE: EO INPUT TO DRAFTING

The Department for Work and Pensions will issue guidance for JobCentres in advance of the new regulations being implemented. The Guidance will probably be drafted in August 2008. Education Otherwise will be included as stakeholders in the drafting of this guidance, but after July 2008 it is anticipated that the regulations themselves will have already be determined.

SUPPORT FOR CLAIMANTS THROUGH JCP APPEALS PROCEDURE

At the meeting it was stated that Education Otherwise and the home education community will back home educating lone parents who appeal against JobCentre decisions to axe benefits when lone parents are not able to take up a job because of their home education responsibilities.

ALISON DURBIN TO ASSIST WITH COMPLAINTS ABOUT JCP STAFF

Alison Durbin will chase up any JobCentre complaints from our members about Lone Parent Advisors. This will cover attitude, prejudice against home education, misinformation about the date and scope of the proposed regulations and so on. At the meeting we recounted instances of where children had been traumatised by inconsiderate ill-informed JCP Lone Parent Advisors.

Please pass complaints on to Fiona Nicholson of Education Otherwise Government Policy Group (governmentpolicy@education-otherwise.org)