



Advice NI Information Briefing

UN Committee Economic, Social and Cultural Rights UK's compliance with ICESCR

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UN Committee Economic, Social and Cultural Rights UK's compliance with ICESCR

This paper contains information to help inform the UN Committee Economic, Social and Cultural Rights Committee's questions or recommendations as they monitor the UK's compliance with the International Covenant on Economic, Social and Cultural Rights. Please note that we made a submission in June 2022 to the Work & Pensions Committee Call for Evidence on the Cost of Living. We have provided a copy of this submission in the appendix.

Equality

Bill of Rights:

- NI lacks a dedicated Equality Act and relies on Section 75 of the NI Act and the Good Friday Agreement (GFA) which fall short of the protections that should be in place; and which in the case of the GFA has not been fully implemented even after 24 years. This deficit needs to be addressed and a Bill of Rights, which is called for in the GFA, has the potential to do just that. However, a Bill of Rights has yet to be developed, never mind implemented, even though many across civic society in NI have called for one.

Gender Disparity:

- Section 75 requires public authorities to have due regard for the need to promote equality of opportunity between men and women generally. But according to the Women's Resource and Development Agency, women are more likely than men to be forced out of the labour market by unpaid, domestic work or caring responsibilities; 69% of carers in NI are women. Gender inequality is prevalent in all aspects of society in NI, including the public and private sectors.
- On average more than a fifth of complaints of discrimination received by the Equality Commission are about sex discrimination; of these 5% are to do with pregnancy or maternity.
- Having one or more children reduces women's likelihood of being in a permanent full time job by almost one third, with only 45% of women with dependent children working in a permanent full time job. By the age of 42, mothers who are in full-time work earn 11% less than full-time women without children.
- The wage gap between men and women is significant and discriminates against women who are paid less for doing the same work.

Immigration and Race Discrimination:

- The latest census figures show that 6% of the NI population belongs to an ethnic minority group, the highest number yet.
- Immigration figures have steadily increased since 2014, despite Brexit, with 5% of people having English as another language.
- According to the PSNI, racist incidents and crimes have risen since 2019. The number of racist incidents recorded in 2021/22 was the second highest among all categories

of hate incidents, and the number of racist crimes recorded in 2021/22 sit at their highest since hate crime records began.

- Section 75 places a statutory obligation on public bodies to carry out their functions with due regard to the need to promote equality of opportunity with respect to race.
- Given the lack of any dedicated legislation enshrining racial equality, Section 75 and TEO's Racial Equality Strategy are the closest NI comes to tackling systemic racial inequality.
- Clearly, this is not good enough and more needs to be done to ensure ethnic minorities and immigrants have equal treatment in NI society and are able to exercise their human rights.

Advice NI recommends:

- Implementing a Bill of Rights.
- Reducing the wage gap between men and women by introducing a Real Living Wage (see Fair and Just Conditions of Work below).
- Delivering on the NI Gender Equality Strategy in its entirety and providing adequate resources for delivery.
- Delivering on the NI Racial Equality Strategy in its entirety and providing adequate resources for delivery.
- Reviewing the New Immigration Plan.
- Providing adequately resourced, co-ordinated and accessible immigration advice provision, including interpretation, at all levels of specialism to meet the emerging immigration advice needs in NI.

Fair and just conditions of work

In the last 30 years, conditions for workers have degraded and wages have remained stagnant or even decreased in both real and relative terms. This is an outworking of deliberate public policies which should be rolled back.

Real Living Wage:

- In November 2021, the NI Executive and Civil Service became a Real Living Wage accredited employer and committed to paying civil servants at least a real living wage. This sets a precedence for other employers across all sectors to follow suit. Unlike the National Minimum Wage and the National Living Wage, the Real Living Wage is independently calculated according to the cost of living so it increases according to inflation and better reflects workers' needs. This has never been more relevant as we see inflation hitting the highest levels seen in decades.
- With today's rising costs, the National Living Wage still leaves the lowest paid workers almost £800 per year away from a real living wage that meets the cost of living. With the Real Living Wage, workers are less likely to need in-work benefits which are essentially government top-ups for wages that employers should be paying.

Community Wealth Building:

- The Department for Communities (DfC) has made a commitment to deliver on an anti-poverty model called Community Wealth Building (CWB) which is defined as a new people-centred approach to local economic development that redirects wealth back into the local economy and places control and benefits into the hands of local people. CWB focuses on 5 pillars of: fair employment and just labour markets; progressive procurement of goods and services; plural ownership of the economy; socially just use of land and property; making financial power work for local places.

Advice NI recommends:

- Adopting CWB as a viable model for addressing poverty, tackling income and wealth inequalities and addressing workplace injustice by:
 - Rolling out of the Real Living Wage across NI.
 - Implementing a 4-day working week.
 - Ensuring flexibility in working hours for employees that is favourable to the employee and not the employer. We support banning zero-hour contracts which are portrayed as beneficial to the employees but which too often leave employees with no guarantee of regular hours or income.
 - Investing in and developing co-operative and community businesses as a means of creating better jobs and more worker-owners.

Social security

Despite statements to the contrary, the government's goal since 2010 has been to reduce spending on social security and introduce punitive measures that have been termed as 'conscious cruelty'. In 2019/20, 22% of working age adults were in poverty and 31% of children were in poverty, up from 29% since the introduction of welfare 'reform' in 2009/10.

Specific problematic 'reforms':

- The 2-child policy is a direct attack on children and their families.
- The benefit freeze and benefit cap erode incomes and increase hardship.
- Universal Credit (UC) claimants under the age of 25 get a lower rate of benefit payment than claimant 25 and over. This makes no sense as goods and services cost the same for people under 25 as they do for people over 25; and the 'cost of living crisis' does not distinguish between these age groups.
- The emphasis in the social security system now is on getting people into work even if that work doesn't pay enough or demands working unsociable hours, with Universal Credit being tapered off as earnings increase.
- A Universal Basic Income (UBI) is an income that is unconditionally granted to all citizens, without means testing or work requirements, from the moment they are born. A UBI would remove the UC taper rate on earnings because everybody would be entitled to UBI regardless of earnings and they would be taxed on their earnings, not on their UBI.

Sanctions:

- Sanctions cause significant distress, may compound poor mental or physical health and result in financial hardship for the claimant and their family members. Sanctions also impact on wider society, with foodbanks and other sources of support experiencing an increased demand for assistance. Given the ongoing cost of living and energy crises, which show no sign of abatement, there is every reason to consider carefully any action that could drive people and children deeper into poverty.

Medical assessments:

- Medical assessments are a routine but critical part of the social security system and they are all carried out by private contractors. Incorrect and uninformed decisions are frequently made by assessors which cost claimants money and benefit entitlement, and cause them further stress and hardship. In June 2021, the DfC Minister promised to bring assessments in-house, however that did not happen and is unlikely to happen in the future. The introduction of in-house assessments could mean greater accountability from DfC, reduced red tape and a reduction in appeals.

Safeguarding:

- Safeguarding is a mechanism that is used to provide claimants with additional protection and care within the social security system. It is particularly that adequate safeguarding measures are in place for vulnerable claimants with mental and physical health problems, with disabilities, etc.

Advice NI recommends:

- Reversing the recent trend of 'freezing' the uprating of working age in work and out of work benefit levels and instead uprate benefits in line with inflation – rising energy and food costs are plunging people into poverty and the worst has not happened yet.
- Ending the perverse disparity in UC rates for people aged under and over 25.
- Removing the benefit cap which only targets the most vulnerable in society.
- Removing the 2-child policy.
- Piloting a Universal Basic Income (UBI).
- Reviewing the sanctions regime currently operational under Universal Credit, and given the ongoing cost of living and energy, place a pause on conditionality (the key source of sanctions) similar to what was done during the Covid crisis.
- Ending private sector social security medical assessments and bring all assessments in-house, using appropriately qualified health professionals.
- Increased commitment by DfC to safeguarding by adopting a Safeguarding Policy and putting in place Safeguarding Champions within all social security functional areas.

Adequate standard of living

Minimum Income Standard:

- The Joseph Rowntree Foundation (JRF) reports on the Minimum Income Standard (MIS) which is updated annually to reflect changes in costs and living standards. MIS is based on what groups of members of the public identify as the items and services households need to reach a minimum acceptable standard of living, covering essential requirements and allowing participation in society.
- JRF estimates that a single person needs to earn £20,400 a year to reach a minimum acceptable standard of living in 2021. The National Living Wage for someone working full-time pays around £17,400 and Universal Credit pays on average £9,000 a year, both of which fall short of what is deemed acceptable. A Real Living Wage is necessary.

Tackling Poverty

- Contrary to the claims made by the government that their policies have meant fewer people are in poverty during 20/21, this is untrue. In the last decade, food banks have proliferated and become a normal part of society. Poverty levels sit at 22% of working age adults and 31% of children; 68% of working families are in poverty, the highest since records began. And with the increases in energy and food prices, even working families who were above the poverty line are facing poverty.
- NI lacks an Anti-Poverty Act that would enshrine in law the commitment to 'end poverty in all its forms everywhere'.
- If we are serious about tackling poverty in a meaningful way, we need a systemic approach such as the Community Wealth Building model (see Fair and just conditions of work) this is also practical and achievable.

Anti-Poverty Strategy:

- NI lacks an Anti-Poverty Strategy, despite promises for over 20 years to create one. Finally, in 2020, a Co-Design Group and a Cross-departmental Working Group were set up to develop a Strategy based on a set of recommendations presented by an Expert Advisory Panel. Development and drafting of the Anti-Poverty Strategy is ongoing.

Fuel poverty:

- Fuel poverty currently sits at 22% but it has worsened over the last two years. Energy bills are at their highest levels in at least half a century and are set to triple by early next year. It is predicted that the rising energy bills will push two thirds of households into fuel poverty by January 2023. Responses to fuel poverty have traditionally been twofold: 1) limited assistance in the winter months in the form of single fuel payments for qualifying low income households; 2) limited assistance all year-round in the form of schemes to help lower income households reduce energy consumption and increase energy efficiency. Neither approach is consistent or universal enough to adequately address fuel poverty.
- An alternative, more systemic approach is needed and one example is the Sustainable Energy Community, a community in which everyone works together to

develop a sustainable energy system for the benefit of the community. This is achieved by: aiming, as far as possible, to be energy efficient; using renewable energy where feasible; and adopting smart energy solutions.

Advice NI recommends:

- Rolling out of the Real Living Wage across NI.
- Prioritising and passing an Anti-Poverty Act.
- Ensuring the development of an Anti-Poverty Strategy and ensuring its delivery is adequately resourced.
- Enshrining access to independent advice within the Anti-Poverty Strategy, recognising that independent advice is essential for addressing poverty.
- Adopting Community Wealth Building as a viable model for addressing poverty (see Fair and just conditions of work).
- Addressing fuel poverty by developing a network of Sustainable Energy Communities.

Family life

Childcare and childcare costs:

- Support from the government for the cost of childcare is a feature carried over to Universal Credit from the Tax Credits system. The purpose is ostensibly to remove one of the primary barriers to parents taking up employment, supporting the government's widely-quoted intention to 'make work pay'. According to Oxfam, 42% of women are locked out of paid work by unpaid caring responsibilities. Lowering the burden of childcare costs has long been recognised as crucial to encouraging parents into employment. Recent policy developments have seen an increase in schemes for parents to help with childcare costs, with the introduction of Tax-Free Childcare in addition to the roll-out of Universal Credit and improvements to the Adviser Discretion Fund to provide assistance with childcare costs when starting a new job. However, more help is needed.

School uniforms:

- Non-negotiable accessing education in NI for most children, involves the demand for pupils to attend in the correct school uniform. School governors decide the school's uniform policy. The school principal is responsible for making sure pupils follow the uniform-wearing rules. Some primary and post-primary school pupils are eligible for grants to help buy their school uniform. Guidance published by the DfE sets out that no school uniform should be so expensive as to leave pupils or their families feeling unable to apply to, or attend, a school of their choice, due to the cost of the uniform.

Advice NI recommends:

- Developing an effective, costed Childcare Strategy which accommodates all working patterns; and ensuring that delivery of the Strategy is resourced.
- Increasing financial help for childcare costs.

- Providing appropriate funding for the education sector to reverse the current trend for greater parent contributions.
- Addressing the issue of expensive school uniforms and ensuring the DfE guidance on affordable uniforms is followed.

Education

Third level education:

- Third level education requires that most students take out student loans. Doing so leaves them burdened with high levels of debt from early in their adult lives. Students often have to work in part-time jobs, whether or not they have taken out loans, which puts more pressure on them while studying. Student loans are a welfare giveaway to banks and lenders. They are a lose situation for the student who is saddled with debt. And they are a lose situation for the government and the tax payer who guarantee the debt if the student defaults. The only winner is the lender.

Advice NI recommends:

- Making third level education free at the point of delivery.
- Introducing a Graduate Tax that would essentially pay for the elimination of student loans.

Participation in cultural life

Immigrants and ethnic minorities:

- People in these groups can often be excluded from cultural life due to differences in language and culture.
- Explicit measures are needed if these people are to be afforded opportunities that allow them to participate in everyday activities.

Digital inclusion:

- We live in a digital age where basic routine functions, activities and information are available electronically and require all of us to make use of the Internet and digital devices. Increasingly, the assumption is that all of us are capable of accessing whatever we need online and that we all have the skills necessary to do so.
- For example, UC is a digital benefit that people are required to apply for online and once in receipt of UC, claimants are required to manage their claim through an online journal. Benefit payments are made digitally. High street banks are closing more and more branches and expect larger number of customers to carry out their banking transactions using online and mobile applications. More and more services, including public services, have online options that are becoming the predominant mode of access to those services.

- The reality for many people, especially the most vulnerable and socially excluded in society, is that they do not have digital access. This can be for several reasons. They may not be able to afford the cost of broadband or an electronic device. The area they live in may have no broadband access. They may have poor digital skills. They may have difficulties in being able to reach public Internet access points such as libraries.
- Lack of digital skills in the modern age equivalent of being unable to read or write. Lack of access to online services excludes people from services that are taken for granted.

Advice NI recommends:

- Providing more resources and support within local communities to assist with the integration of refugees, asylum seekers and people from abroad to build better understanding and cohesion.
- Giving a voice and platform to those with lived experience of the immigration system to influence change.
- Publishing revised digital inclusion strategies, setting out how the NI Executive will build on what has already been achieved.
- Provide further support, resources and incentives for public, charity and community organisations delivering digital inclusion interventions.
- Exploring market innovations that reduce the cost of digital access and enhance protection for those on low incomes; to be carried out by government, technology providers and civil society organisations.
- Continuing to make available digital access to the public through libraries, health and welfare services and community organisations should continue to be made available.

Appendix A – Advice NI Response to Work and Pensions Committee Call for Evidence on Cost of Living June 2022

Background

Advice NI

Advice NI is a membership organisation and service provider that exists to provide leadership, representation, support and services for the Independent Advice Network and people in Northern Ireland. We support 67 members across NI, who providing advice on benefits, debt, housing, employment and consumer related issues. Advice NI also delivers a range of advice services to the public via a Freephone helpline which includes Debt & Money, Benefits, Tax Credits & HMRC products/services, EU Settlement Scheme, Covid-19 advice and Business Debt.[\[1\]](#)

Advice Sector

The independent advice sector plays a fundamental role in tackling poverty in NI: the service underpins all other work including community, health, education and economic / social

wellbeing. Providing advice and information at the right time for people who need it, in a range of formats and through a range of channels, with benefit entitlement checks, income maximisation, debt advice, tribunal representation, housing and immigration advice (with access to interpretation services as required), allows people to then go on and fully engage and participate in society.

But the experience of poverty is about more than this. It's not just a disadvantaged and insecure economic condition but also a shameful social relation, corrosive of human dignity and human rights. A key role of independent advice services is empowerment: advisers do not tell people what to do; they explain their options and the possible outcomes of different courses of action. People are encouraged to make their own decisions and act on their own behalf. Advice providers enable people to manage their own problems by focusing on their needs as individuals.

Access to independent advice has been an essential service for communities and a lifeline for so many.^[2] To tackle the Cost of Living Crisis, there must be the right to access independent, free, quality, confidential advice and information. This will provide people with access to a range of welfare support including social security benefits, debt, housing, immigration advice and tribunal representation. This provision should be made widely available across all council areas, with increased provision within areas of high deprivation, and including specialist help for specific social groups and for specific issues as required. Furthermore, the independent advice sector should be sustained by receiving appropriate, adequate and longer term (3 – 5 year) funding settlements using the full cost recovery model, that will allow for a strategic coordinated approach to delivering advice services and ensuring targeted projects on generalist / specialist services and including benefit uptake, welfare reform, debt prevention, immigration advice (including interpretation costs) appeal representation and financial inclusion: deliverable with clear objectives and outcomes.

Cost of Living Background

We have had a decade of austerity coupled with income inadequacy, whether that is income from benefits or from paid employment. We have had over two years of a global pandemic that is still ongoing. We are now dealing with a cost of living crisis where we are seeing rising inflation in the form of rising energy and food prices; as well as rising interest rates that are impacting mortgages and loans and which could potentially cause an explosion of debt. All of this is eroding resilience in households and communities and is sure to bring about job losses, home losses, destitution and ever deeper levels of poverty. We can blame Covid, we can blame the war in Ukraine, we can blame housing booms, we can blame dotcom bubbles, we can go back in time as far as we like and blame anything we like. But the fact is, this is how our economic system works; it moves from one crisis to another, from one recession to another. The cost of living crisis is yet another crisis in our economic system.

The Institute for Government defines the cost of living crisis as the fall in disposable incomes due to rising inflation, largely driven by the substantial increase in energy costs, particularly the wholesale price of gas.^[3] The most noticeable price increases are in the cost of energy, fuel and groceries.^[4] In response, primarily to rising energy costs, the government

introduced a number of financial interventions. The Energy Bills Rebate announced in February was overhauled and rebranded so that rather than a payment of £200 that had to be repaid, households will receive a £400 grant to reduce their electricity costs. Those on most means-tested benefits will receive an additional one-off Cost of Living payment of £650, made in two instalments in July and October. A further payment of £300 will be made to pensioners in recognition of the greater impact rising energy costs have on older people. Anyone in receipt of certain disability benefits will also receive a further one-off payment amounting to £150 in September 2022. Reactions to the announcement were broadly positive, with many recognising that these measures were a substantial improvement on the support that the Chancellor had announced previously.^[5] However, substantial concerns have been raised about the short-term nature of the support and the economic choices made by the Chancellor.^[6]

Consultation Response

How effectively will the new Cost of Living Payments protect different types of households from increases in the cost of living?

That we are still in a crisis, is clear evidence that the current interventions are simply not working. Giving people a one-off lump sum payment does not change their circumstances. It only provides momentary respite from a perpetual state of poverty. You might be able to fill your oil tank today, but what about food on the table tomorrow? Billions have already been spent on such interventions. In NI, the Covid Energy Payment & Emergency Fuel Payment Schemes, Food Boxes Scheme and the Holiday Hunger food grants; the High Street Voucher scheme at the end of 2021; the Fuel Payment at the start of 2022; these are all examples of recent schemes in NI where one-off lump sum payments have made little impact. All the money is gone and yet we are facing a cost of living crisis that is worse than that of the Great Depression of the 1930s.

Continuing to take this approach of paying out lump sums is lazy, stupid and pointless. It is not helping people in the long-term and it is wasting money. Another approach is desperately needed.

What approach should the Government take to the uprating of benefits and state pensions in future years?

Following the Chancellor's announcement on 26 May, are there other ways in which the Government should increase support for people on legacy benefits and state pensions ahead of the next scheduled benefit uprating in Spring 2023?

What changes should DWP make to their deductions policies and practices to protect those on Universal Credit and legacy benefits from reduced incomes?

How can the Government act to increase Pension Credit take up to help pensioners with rising living costs?

We need more upstream interventions that tackle the problems closer to the root causes rather than simply addressing symptoms; interventions that leave a longer term legacy. It is the difference between giving somebody a fish and teaching them how to fish. We suggest a range of upstream solutions:

- *Social security:*
 - Design and implement a new campaign for the take-up of Pension Credit, Social Security benefits and other entitlements utilising the skills and expertise of independent advice services.
 - Reverse the recent trend of cutting and ‘freezing’ the uprating of working age in work and out of work benefit levels, and uprate benefits in line with current inflation.
 - End the perverse disparity in UC rates for people aged under and over 25, given the ‘cost of living crisis’ does not distinguish between these age groups.
 - Safeguard people by mitigating threats to benefit income (e.g. disability benefit renewals, deductions, sanctions, expedite appeals).
 - Carry out an impact analysis of Welfare Reform to address those aspects that are causing greater poverty e.g. 5-week wait for UC, high levels of deductions, extreme sanctions.
 - Delay the implementation of Managed Migration to UC. It is madness to carry out this transition in such a short timeframe during a cost of living crisis when it comes with such huge risks to people's incomes.

- *Economic, social, environmental:*
 - Adopt Community Wealth Building as national policy; CWB is a viable model for addressing poverty as well as climate change, and should be implemented across government departments to ensure wealth (whether it is in the form of bank deposits and savings, procurement budgets, public and community assets, etc.) remains in the communities where it is generated rather than leaking out to external and corporate investors.
 - Provide funding for local regions to develop and deliver their own Green New Deal; the Community Wealth Building can help regions deliver on their Green New Deal programmes.
 - Between them, both Community Wealth Building and the Green New Deal will, among other things, help create more jobs that pay at least the real living wage and that are secure, and will help address both fuel and food poverty, while also making the transition to net-zero carbon.
 - Support the mutual banking movement to help regions establish their own regionally-owned mutual banks.
 - Outlaw zero-hours contracts.
 - Adopt the real living wage at the national living wage. The real living wage is better for workers than the minimum wage because it is independently calculated every year based on the real cost of living and on a social consensus of what people need for a decent standard of living and to participate fully in society; it is also up-rated annually.
 - Initiate a Universal Basic Income pilot to gather evidence on its effectiveness.

Government may want to dismiss the upstream solutions suggested here because they are unaffordable. However, lack of money cannot be used as an excuse for not implementing these solutions. First, we all know that money can be created when needed (government has done this in the past to benefit banks and corporations; and money has been ‘found’ for the cost of living payments). Second, there is already plenty of existing wealth that is being extracted from the real economy that could be retained for spending locally if the CWB model was put in place; and if corporate and High Net Worth (HNW) tax evasion and avoidance were addressed – if you need ideas for doing that, the Tax Justice Network can help. Third, putting money into an upstream solution is an investment, not a drain of public resources. It will build a legacy, put more money into people’s pockets in a sustained way rather than just one time, and will help build local economies in a way that will make them more resilient and less dependent on public resources. Upstream solutions are a win-win for government and people.

[1] Advice NI Annual Report <https://www.adviceni.net/policy/publications/annual-report-2021>

[2] The independent advice sector role in tackling poverty <https://www.adviceni.net/policy/publications/anti-poverty-strategy-and-independent-advice>

[3] [Cost of living crisis](#), 25 May 2022

[4] YouGov, [Cost of living crisis: four in ten Britons expect their finances to get worse in next 12 months](#), 4 Feb 2022

[5] NEA, [Chancellor’s cost of living measures “avert the darkest of outcomes”](#), 26 May 2022; JRF, [Relief for low-income families as help targets those in need](#), 26 May 2022; Resolution Foundation, [Chancellor almost doubles cost-of-living support with two-thirds of fresh cash going to the poorest half of households](#), 26 May 2022; Money Saving Expert, [Martin Lewis’s instant reaction to the Chancellor’s cost of living support package](#), 26 May 2022; Money & Mental Health, [What the government’s new cost-of-living announcements mean for people with mental health problems](#), 26 May 2022

[6] Money Saving Expert, [Martin Lewis live stream Q&A with Chancellor Rishi Sunak MP](#), 26 May 2022; Gemma Tetlow (Institute for Government), [The chancellor has changed direction but policy uncertainty comes with costs](#), 26 May 2022; Kevin Higgins, [Important @DianaJohnsonMP PQ at @DWP questions in @HouseofCommons](#), 6 Jun 2022



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