



**Advice NI**  
**Consultation Submission to the**  
**Special Rapporteur on extreme**  
**poverty**  
**and human rights**

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# Submission to the Special Rapporteur on extreme poverty and human rights

## Thematic report to the UN General Assembly on “Welfare and Control: The paternalism of support”

### Our role

Advice NI is a membership organisation that provides leadership, representation, support and services for the Independent Advice Network and people in Northern Ireland. We support 65 member organisations across Northern Ireland, 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 and Business Debt.

Our latest annual report highlights that over 270,000 enquiries were dealt with by the network in the last yearly reporting period, with 79% of the work of the network relating to social security enquiries (amounting to more than 200,000 enquiries).<sup>1</sup>

Our submission will focus on the surveillance and oversight mechanisms that affect those relying on social protections programs in Northern Ireland, as that is our area of expertise.

Our [Manifesto document](#) outlines a number of proposals that speak to the Special Rapporteur’s thematic focus for 2025, including:

- A review of the sanctions system currently operational under the main working-age welfare benefit
- Increased commitment by the responsible authority for social security to safeguarding, preferably by adopting a Safeguarding Policy and putting in place Safeguarding Champions within all social security functional areas
- Respect and dignity as core principles in all aspects of social security delivery and communication

More information on our policy work is available on our [website](#).

### Local context

As a devolved region within the United Kingdom legislative powers in Northern Ireland are either reserved, excepted, or transferred. Reserved and excepted powers, which include taxation and national insurance, remain primarily in the hands of the UK government and parliament at Westminster, represented by the Secretary

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<sup>1</sup> Advice NI, [Annual Report 2024](#), 29 January 2025

of State for Northern Ireland, while transferred powers are determined by the Northern Ireland Assembly and Executive.<sup>2</sup>

Social security, pensions and child support, as well as related matters such as health and social services, housing, and equal opportunities, are transferred matters, and therefore come under the direction of the Assembly. However, in the case of social security the principle of “parity” applies, as defined in Section 87 of the Northern Ireland Act 1998, which maintains a close equivalence between entitlement to welfare benefits in Northern Ireland and the rest of the UK.<sup>3</sup> In short, this means that the principle welfare benefits in Northern Ireland are indistinguishable from those in England, Scotland and Wales.

Responsibility for the administration of the majority of the social security system effective in Northern Ireland rests with the [Department for Communities](#) (DfC). However, it works closely with the Department for Work and Pensions (DWP) in Great Britain to guarantee the principle of parity applies, and the DWP provide the majority of the IT systems on which welfare benefits are administered.

Since 2008, and to a greater extent since 2012, the UK government, through the DWP, has been putting in place an extensive programme of welfare reform. This welfare reform process has been carried forward in Northern Ireland by DfC in the wake of DWP. The central plank of this reform agenda is the replacement of a number of working-age welfare benefits by a single benefit, Universal Credit (UC). In Advice NI’s view, the introduction of UC is the outcome of an austerity agenda pushed from Westminster aimed at reducing the social security budget through the introduction of more punitive entitlement rules.<sup>4</sup>

In particular, the UC system includes an overhaul of conditionality rules, which is especially pertinent to the Special Rapporteur’s thematic report for 2025.

## **Duty to accept "suitable" work**

As UC is a hybrid benefit that draws together a number of schemes designed to support people in a range of circumstances, it has needed to introduce categories of “work-related requirements”. Not all benefit recipients under the UC system will be subject to the same requirements. Rather, only those subject to the “work search” and “work availability” requirements are subject to a duty to accept “suitable” work.

Those subject to the work search requirement are required to look for work up to an “expected” number of hours per week. For most people subject to this requirement, that will be 35 hours per week, unless they have some basis for restricting those hours, such as caring responsibilities or a physical or mental impairment.<sup>5</sup>

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<sup>2</sup> House of Commons Library, [Devolution in Northern Ireland](#), 23 October 2024

<sup>3</sup> NI Assembly, [Parity and Social Security in Northern Ireland](#), 24 May 2011

<sup>4</sup> Advice NI, [Universal Credit: An Austerity Benefit](#), 18 April 2024

<sup>5</sup> Department for Communities, [Advice for Decision Making Guide: Chapter J3](#), paragraphs J3053-J3062

More importantly, those subject to the work availability requirement must be ‘willing and able immediately to take up paid work’, and the decision on whether the person has done so is a matter determined by the decision maker based on an evaluation of the circumstances of the person.<sup>6</sup>

Restrictions can be placed on both the work search and work availability requirements based on the following criteria:<sup>7</sup>

- Location (maximum travel of 90 minutes from home)
- Previous paid work (for a limited period, where there are reasonable prospects of getting that work)
- Physical and mental impairments

In addition, the following groups are exempt from the work search or work availability requirements:<sup>8</sup>

- Have “limited capability for work”
- Have regular caring responsibilities for a severely disabled person or a young child
- Pensioners
- Pregnant from 11 weeks before birth of child
- Certain foster parents and adopters
- Certain students
- Recent victims of domestic violence
- Parties or witnesses at a court or tribunal
- Prisoners
- Temporarily absent from Northern Ireland for medical treatment or that of their partner or child
- Where partner or child has died within the last 6 months
- Receiving alcohol or drug recovery treatment
- Performing certain approved public duties
- Temporarily unfit for work

Current DfC statistics for Northern Ireland show that 51% of the caseload (100,160 claimants) are in the 'no work requirements' conditionality regime, while only 19% (48,240 claimants) were in the searching for work regime. Indeed, the relative proportion of claimants in the 'no work requirements' conditionality regime has been steadily increasing in recent years, which raises questions about the relevance of the work-related requirements to the administration of the benefit.<sup>9</sup>

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<sup>6</sup> Ibid, paragraphs J3112-J3116

<sup>7</sup> Ibid, paragraphs J3160-J3167

<sup>8</sup> Department for Communities, [Advice for Decision Making Guide: Chapter J2](#), paragraphs J2051, J2108 and J2111 and [Advice for Decision Making Guide: Chapter J3](#), J3180-J3215

<sup>9</sup> Northern Ireland Statistics & Research Agency, [Universal Credit Publication](#), 27 November 2024

## Conditionalities associated with cash transfers

Consequences for failing to adhere to work-related requirements are known as “sanctions” and involve a reduction in the amount of benefit payable for a specified period. Specific decision-making procedures must be applied in order to impose a sanction, and public law principles of fairness must be taken into account.<sup>10</sup>

A sanction is a financial reduction that is applied on a Universal Credit claimant who:

- doesn't comply with their work-related requirements and does not provide a good reason
- leaves work voluntarily
- loses pay without good reason
- ceases work or loses pay due to misconduct

Before applying a sanction, the claimant is given the chance to explain why they have not complied with the set requirements which can lead to a sanction. The claimant must understand that subsequent failures to meet requirements will increase the sanction length. Information about sanctions is available on the journal and agreed by the claimant when they accept their “[Claimant Commitment](#)”, which defines their responsibilities as a recipient of UC.

When a UC claimant is sanctioned, they will receive UC at a reduced rate. Their payment may be reduced to zero depending on entitlement.<sup>11</sup> According to DWP guidance, a basic level of safeguarding is meant to be applied:

Before referring for or applying a sanction staff must consider if the claimant is a care leaver, has complex needs, is vulnerable, has a health condition or if there have been previous sanctions recorded in the last 12 months.<sup>12</sup>

However, on the 12th February 2025 the UK government published the following for the awareness of claimants in England, Scotland and Wales:

Your payments will be reduced by 100% of the Universal Credit standard allowance rate for each day the sanction is in place. However, if you are aged 16 or 17, or if your only responsibility is to attend appointments with us to discuss work, your payments will be reduced by 40% of the standard allowance rate for each day the sanction is in place.

If your payments are already reduced due to earnings or other income and there is not enough of your Universal Credit to take the full sanction amount, your payments will be reduced to nil and the sanction is regarded as fully applied.<sup>13</sup>

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<sup>10</sup> Department for Communities, [Advice for Decision Making Guide: Chapter K1](#)

<sup>11</sup> nidirect, [Benefit sanctions](#)

<sup>12</sup> Department for Work and Pensions, [Universal Credit Guidance: Sanctions](#), deposited in House of Commons on 16 October 2024

<sup>13</sup> Department for Work and Pensions, [Universal Credit sanctions](#), 12 February 2025

Advice NI feels this measure is unnecessarily punitive and takes money away from those that need it most. This consequence is unfair and disproportionate to the 'offence', such as not complying with work-related requirements. The title of the Special Rapporteur's report refers to 'The paternalism of Support' and Advice NI feels that the current UC sanction regime takes paternalism to the extreme, treating legitimate benefit claimants like recalcitrant children.

Sanctions don't simply have a negative effect on the claimants solely, this removal of money can also have a devastating effect on the claimant's family. As stated at the start of this submission, benefit claimants can be in an extremely vulnerable position and should be encouraged and supported with their efforts to find work, and not fiscally punished at a most precarious time for them and their families.

Indeed, the system recognises the risk of destitution caused by sanctions in the provision it makes for hardship payments. However, reinstatement of payments on grounds of hardship is subject to strict decision-making criteria, including evidence of subsequent compliance with work-related requirements, and at the discretion of the Department. Moreover, hardship payments are recoverable from the person who receives them once the sanction is lifted.<sup>14</sup>

## Safeguarding in the benefit system

In addition to the areas highlighted by the Special Rapporteur in his call for evidence, we would wish to focus on the crucial issue of safeguarding within the social security system in the UK (and indeed Northern Ireland, where, as we have explained, social security is a devolved matter).

The basis of this submission is our "**Safeguarding Vulnerable Social Security Benefit Claimants**" Social Policy Briefing Paper<sup>15</sup> (December 2020), where we contend:

The stakes are high. In February 2020, the National Audit Office published a report on the information held by DWP on benefit claimants who ended their lives by suicide<sup>16</sup>. Our social security system should provide just that: security. It shouldn't be responsible for exacerbating claimants' health problems, or for driving them to suicide. DfC is fully aware of the existence of claimants with complex needs and vulnerabilities; one example is mental illness. In 2014, the NI Executive itself found that Northern Ireland has a 25% higher overall prevalence of mental illness than England<sup>17</sup>. In April 2020, the N.I. Department of Health appointed a new Mental Health Champion<sup>18</sup> who is now in place<sup>19</sup>. This awareness should more robustly inform DfC's approach. This

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<sup>14</sup> Department for Communities, [Advice for Decision Making Guide: Chapter L1](#)

<sup>15</sup> Advice NI, [Safeguarding Vulnerable Social Security Benefit Claimants](#), 28 May 2021

<sup>16</sup> National Audit Office, [Information held by the Department for Work & Pensions on deaths by suicide of benefit claimants](#), 7 February 2020

<sup>17</sup> Department of Health, [Making Life Better - A Whole System Framework for Public Health 2013-2023](#), June 2014

<sup>18</sup> Department of Health, [Mental Health Champion for Northern Ireland](#), 27 April 2020

<sup>19</sup> nidirect, [Office of the Mental Health Champion](#)

paper explores the challenges facing vulnerable claimants; the current support provision from DfC and DWP; and recommendations to drive a more claimant-led safeguarding process, across all benefits.

We would also draw the attention of the Special Rapporteur to the following information:

- The UK Work and Pensions Committee work in relation to safeguarding vulnerable benefit claimants ... [Safeguarding vulnerable claimants - Committees - UK Parliament](#)
- The letter from the Minister for Social Security and Disability, Sir Stephen Timms to the Work & Pensions Committee in relation to 'Safeguarding vulnerable claimants follow-up' ... [Safeguarding vulnerable claimants follow-up](#)
- The latest Parliamentary Question in relation to Social Security Benefits: Mental Health ... [Written questions and answers - Social Security Benefits: Mental Health - UIN 24384, tabled on 15 January 2025](#)

We also note the comments made by the present Secretary of State for Work and Pensions to the Work & Pensions Committee in November 2024<sup>20</sup>, where she was asked specifically about safeguarding:

**Debbie Abrahams:**

"Secretary of State, you are probably aware of the inquiry that the previous committee undertook around safeguarding vulnerable claimants. This committee has decided to re-open that inquiry, and we're in the process of calling for an update on evidence in that regard. And you'll be aware that this inquiry was a result of a number of deaths of vulnerable claimants. Hundreds that the department identified as needing an investigation, and as the NAO report of 2020 stated, that was probably the tip of the iceberg. So it is an important one for us to be undertaking. And again, prevention of future death notices from coroners to the department. The previous government said it was not necessary to introduce a statutory duty to safeguard claimants, and I wonder if you're the same.

**Liz Kendall MP, Secretary of State:**

No, I'm open to the suggestion. Look, I as the Secretary of State, and I know the Permanent Secretary too. I don't just want people to be safe, which is the bare minimum, I want the best possible standard of care and support for people who rely on us. And I'm glad the committee is continuing its work, and I really look forward to reading your report and your recommendations. I think that being open about problems is the only way to solve them. Again, forgive me for referring to my time within the NHS and Social Care, but, and you'll know this as well, because of your interest in health; that when there are problems in the NHS, around ... mistakes being made, but not being

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<sup>20</sup> [Parliamentlive.tv - Work and Pensions Committee](#)

open about them, learning from mistakes to put into best practice, a Duty of Candour was brought in.

I don't think laws alone change behaviour, it's about cultural leadership from the top, but they can help ... I sometimes think you have to look at both.

So, this isn't a commitment to doing it, but I am open to it, because we want to make sure, not only all our policies, procedures and practices, contracts, staff, training, all of that – has got to be right and I'm very open to looking at all of the possible mechanisms for achieving that.

**Debbie Abrahams:**

So a system-wide approach?

**Liz Kendall:**

Yeah, I think you have to come at it from every level. We're a huge organisation, over 85,000 staff all over the country, contracted provision, in-house; we have got to get everything right and you know...we have nothing to fear from that knowledge, that information and going through everything with a fine tooth-comb."

To summarise, we firmly believe that best practice must be adopted in relation to how Government deals with vulnerable social security benefit claimants, particularly those with mental health problems. We do not understand why Government is so resistant of adopting a safeguarding approach which would put the interests of vulnerable claimants at the heart of social security delivery.





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