

## **Submission to the Parliamentary Joint Committee on Human Rights**

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Thank you for the opportunity to make a submission to the inquiry into the Social Security (Parenting payment participation requirements – class of persons) Instrument 2021. Our submission will address issues 5 and 6:

- whether, and based on what evidence, it has been demonstrated that less rights restrictive or incentivized participation (such as voluntary or incentivized participation) would not be as effective to achieve the stated objectives of the scheme; and
- the extent to which linking welfare payments to the performance of certain activities by the welfare recipient is consistent with international human rights law, particularly the rights to social security, an adequate standard of living, equality and non-discrimination, a private life, and the rights of the child.

In doing so, our submission will differentiate between the impacts of compulsory participation and the impacts of linking benefit sanctions to compulsory participation; that is causing an individual's parenting payment to be reduced, suspended or cancelled if they fail to meet mutual obligation requirements.

### **Compulsory participation**

Programs designed to increase economic and social participation often begin as voluntary programs, as is the case with ParentsNext and the UK New Deal for Lone Parents. In a longitudinal study of lone mothers and their children in the UK, which ran from 2004-2016, Millar (2019:88) noted “the optimism and opportunities in this policy environment were apparent in our first round of interviews” when the program was voluntary. Participants in Millar's study highly valued the practical advice and support they received from their Lone Parent Advisor, as well as the way in which advisors helped build their confidence and self-reliance (Millar 2019:88). In later interviews, which

explored the pathways lone mothers took to find and sustain employment, it was clear that lone mothers were looking for a job that fitted with their childcare arrangements and family life, as this allowed them to manage both work and family responsibilities and helped them feel in control of their life (Millar 2019:91).

Feeling that you have little or no control over your life has been shown to trigger negative emotions and depression (Campbell et al. 2016:8). In a review of Welfare to Work programs for lone parents in the USA, Canada, the UK, Australia and NZ, Campbell et al. (2016) noted that Welfare to Work programs had a negative impact on participants' health when the programs reduced the ability of participants to exercise control, particularly in relation to caring for their children. However, for some participants, feeling more in control of their life was facilitated when the program helped them acquire desired skills or qualifications, increased their confidence in their employability, when they were able to access employment that was compatible with their caring responsibilities, and when they were able to find a job that paid enough to improve their standard of living (Campbell et al. 2016). These findings are consistent with findings from studies looking at the wider labour market context. For example, in exploring the evidence as to 'what works' in terms of reducing worklessness, Green & Hasluck (2009:33-34) identified seven key findings, four of which are relevant to ParentsNext. That is:

- a holistic approach which takes into account non-work as well as labour market barriers and considers the broader household context;
- a flexible approach which recognises that 'one size does not fit all';
- the importance of the personal advisor which recognises the benefits of intensive one-on-one support;
- the importance of motivation and aspirations where service providers work with clients to raise their self-esteem and the possibilities of what each client can achieve.

Using employment for persons with disability as an instrumental case, Nevile (2013) considered the question of whether compulsory participation affects the

ability of service users to exercise their rights. It concluded that the type of assistance provided to service users has a more significant impact on their ability to exercise their rights than simply being obliged to participate. Compulsory participation can lead to 'hard to engage' individuals accessing services (UnitingSA 2019; Pawson et al. 2009:134). However, if compulsory programs are to achieve desired policy goals, then service providers must have sufficient knowledge, skills and resources to provide the type of supports needed by all who are obliged to participate; both reluctant and enthusiastic participants. For example, when mothers with a history of domestic violence and trauma were obliged to participate in ParentsNext, many service providers were not well equipped to provide them with the trauma-informed service that they needed to order to benefit from the program (The Benevolent Society 2019; Anglicare Victoria 2019).

ParentsNext is a program which aims to help young parents who face significant barriers to employment plan and prepare for employment before their youngest child starts school. 95 per cent of participants in the program are mothers. Lone mothers receiving income support are more likely to have experienced physical and sexual violence and have much higher rates of mental illness. Indigenous mothers experience disproportionately high rates of PTSD symptoms. Some ParentsNext service providers report that 80 per cent of their clients are affected by domestic violence (NESA 2019).

Recovering from domestic violence and trauma involves regaining a sense of safety, rebuilding self-esteem and self-efficacy and the capacity to trust other people (Wilson et al. 2015). Trauma-informed services aim to give their clients choices and to collaborate with clients; to do things with their clients, rather than to them (Scullion & Curchin 2021).

The following section outlines the reasons why providing trauma-informed services is not possible if participants are subject to the Targeted Compliance Framework (TCF) under the *Social Security Act* 1999.

### **Linking benefit sanctions to compulsory participation**

The TCF gives service providers the power to reduce a participant's payment by 50 to 100 per cent for a period of time if the participant fails to comply with their mutual obligation requirements. Adding this coercive element to a program specifically aimed at a vulnerable group of (overwhelmingly) young women, many of whom have experienced feelings of helplessness and disempowerment in their personal lives, significantly reduces the likelihood of the program achieving its stated goals.

Evidence for this comes from a number of international studies which explore the impact of welfare conditionality on health and employment outcomes. For example, Avram et al. (2018) presents causal evidence that work search requirements lead some single parents to move into work, but lead others, particularly those with weak attachment to the labour market, to withdraw from the labour market altogether. As part of a major study of the effectiveness and ethicality of behavioural conditionality within the UK welfare state (*Welfare Conditionality: Sanctions Support and Behaviour Change*), Dwyer et al. (2019) examined the impact of benefit sanctions on people with mental health impairments. The study found that the use of benefit sanctions led to "feelings of worthlessness, suicidal thoughts, episodic trauma, and the need for increased medication" (Dwyer et al. 2018:318). While front-line staff in the UK system have the power to take into account individual circumstances, this power was not often used, even when it would have been appropriate to do so. Consequently, for the majority of the respondents, "the threat of sanctions in order to retain eligibility for benefit further undermined respondents' mental health and pushed people further away from the possibility of future work" (Dwyer et al. 2018:321).

Similar findings emerged from data drawn from a wider sample of job seekers, not just those with mental health conditions. Wright et al. (2019:285-6) describe how sanctions worsened existing physical and mental health conditions, brought claimants close to life-changing crises like eviction and homelessness, deepened poverty and caused hunger. The sudden loss of income meant basic human

needs could not be met, which claimants described as “really degrading” and “frightening”. The majority of respondents in the *Welfare Conditionality: Sanctions Support and Behaviour Change* study described their relationship with front-line staff in terms of suspicion, fear and disrespect – the opposite of what is needed for trauma-informed services.

As noted in the Parliamentary Joint Committee’s preliminary analysis (*Report 2 of 2021:58-66*), under the TCF “every mutual obligation failure, including failure to attend, or be punctual for, an appointment will result in income support payments being suspended...and cause the individual to be subject to reconnection requirements”. Therefore, it is not surprising, that in submissions to the Senate Standing Committee on Community Affairs Inquiry into ParentsNext, many participants reported feeling reluctant to engage in an open and honest discussion about their goals and aspirations because of the power imbalance between themselves and the service provider who had the power to suspend their payments. Consequently, many participants were left feeling that they little choice but to sign a Participation Plan that did not reflect their goals or their preferred pathway to achieving those goals (Curchin 2019).

Paternalism (the state knows best) is deeply embedded in the design of welfare programs across the OECD, from residualist welfare states such as Australia and the UK to the more universal social democratic countries such as Norway (Curchin 2017; Sadeghi & Terum 2019) and provides little, or no, opportunity for vulnerable groups to exercise meaningful agency and choice (Burchardt et al. 2015:47). Choice is important for people who face barriers to participation in the labour market because in choosing individuals are able to exercise some level of control over their lives. Being treated with dignity and respect is also highly valued, and being treated with dignity and respect by service providers can increase feelings of self-respect and self-efficacy (Nevile 2008:6-7).

The importance of providing services that increase feelings of self-respect and self-efficacy can be seen when expectancy-value theory is applied to the labour market context. In the labour market context, expectancy-value theory predicts

that unemployed job seekers who have confidence (expect) that they will perform well in a job interview will put more effort into job search activities compared to those with lower expectations. A meta-review of studies which test the expectancy-value theory in relation to labour markets confirms this hypothesis (Vansteenkiste et al. 2005:270-271). Furthermore, job seekers who have confidence in their ability to search for jobs are more likely to be successful in gaining employment than job seekers with lower levels of self-efficacy (Duffy et al. 2013:55).

While expectancy-value theory highlights the importance of motivation in achieving desired behaviours, and hence outcomes, self-determination theory argues that different types of motivation will lead to different outcomes. When applied to unemployed individuals, self-determination theory predicts that individuals who are intrinsically motivated will put more effort into job search activities and persist for longer than individuals who undertake job search activities because they feel obliged to do so (Vansteenkiste et al. 2004:346).

What is particularly important for countries such as Australia with compliance centred regimes is that when extrinsic motivation comes to be accepted by an individual as personally important, it has the same effect as intrinsic motivation (Vansteenkiste et al. 2005:272). In other words, increased employment outcomes are possible in compliance centred regimes which rely on controlled motivation if front-line staff are able to help clients turn controlled motivation into intrinsic motivation. Requiring front-line staff to operate under the Targeted Compliance Framework greatly reduces the opportunities they have to turn controlled motivation into intrinsic motivation. However, when front-line staff are able to turn controlled motivation into intrinsic motivation, it becomes possible to create the sense of “optimism and opportunities” which characterised the initial years of the UK’s New Deal for Lone Parents and ParentsNext.

### **Concluding remarks**

The research cited in this submission provides clear evidence that if there is an expectation of attendance and participants feel safe, are treated with dignity and

respect, and are given time to build a relationship of trust with front-line staff, then participation does not need to be enforced with punitive sanctions.

Evidence is equally clear that requiring service providers to operate within the Commonwealth Government's targeted compliance framework would significantly decrease the likelihood of the program achieving its stated objectives and increase the likelihood that participants' rights to social security and an adequate standard of living are limited in ways that are neither reasonable, proportionate nor necessary.

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