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# Essential to All Other Human Rights: Human Rights Analysis of the UK's Social Safety Net

A report for Amnesty International UK

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# Abbreviations

ADP	Adult Disability Payment
APPG	All-Party Parliamentary Group
CERD	UN Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
CPAG	Child Poverty Action Group
CPI	Consumer Price Index
CRPD	UN Committee on the Rights of Persons with Disabilities
CRC	UN Committee on the Rights of the Child
DHP	Discretionary Housing Payments
DLA	Disability Living Allowance
DWP	Department for Work and Pensions
ECHR	European Convention on Human Rights
ECSR	European Committee of Social Rights
ESA	Employment and Support Allowance
ESC	European Social Charter
ESCR	Economic, Social and Cultural Rights
GDP	Gross Domestic Product
HMRC	His Majesty's Revenue and Customs
HRW	Human Rights Watch
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFS	Institute for Fiscal Studies
JRF	Joseph Rowntree Foundation
LHA	Local Housing Allowance
NHS	National Health Service
NRPF	No Recourse to Public Funds
OBR	Office for Budget Responsibility
PIP	Personal Independence Payment
SAR	Shared Account Rate
SSCS	Social Security and Child Support
SSP	Statutory Sick Pay
UK	United Kingdom
UN	United Nations
WCA	Work Capability Assessment
WFP	Winter Fuel Payment

# Executive Summary

## Introduction

An adequate and accessible social safety net is essential to preserve a life with dignity and material conditions of freedom irrespective of income, wealth and any personal characteristics and circumstances.

The UK has voluntarily signed up to a number of international commitments that make clear that social security is a human right, and indeed a condition for the fulfilment of other human rights.

However, this literature review of evidence from research groups, academics, NGOs and national and international human rights actors shows that the UK's non-contributory social security system – benefits designed to assist those with specific needs, regardless of their position in the labour market – does not provide the necessary material support to ensure an adequate standard of living to those who need it.

## The right to social security in international human rights law

The right to social security is proclaimed in Articles 22 and 25 of the 1948 Universal Declaration of Human Rights.<sup>1</sup> It is also recognised in Article 9 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), signed and ratified by 172 States, including the United Kingdom in 1976.<sup>2</sup>

As established by the UN Committee on Economic, Social and Cultural Rights (CESCR), which monitors States' compliance with ICESCR, the right to social security involves the right to access and maintain benefits, in cash or in kind, without discrimination, to secure protection from lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, death of a family member, and insufficient family support, particularly for children and adult dependents.<sup>3</sup>

States are required to take effective measures, making use of the maximum of available resources, to advance progressively towards the full realisation of the right to social security, without discrimination of any kind (Article 2 ICESCR).

## The three principles of the right to social security

As recognised in international human rights law, **Availability** means that the social security scheme/s need/s to be established under domestic law, administered and supervised publicly, sustainable to ensure the realisation of the right for present and future generations, and available and in place to ensure that the benefits are provided for the relevant risks and contingencies.<sup>4</sup>

**Adequacy** means that benefits must be suitable, both in amount and in duration, to realise essential socio-economic rights, such as the right to protection and assistance to the family and

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<sup>1</sup> UN General Assembly Resolution 217 A, Universal Declaration of Human Rights (10 December 1948).

<sup>2</sup> UN Treaty Series Vol. 993, p. 3. Status of ratification:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en)

<sup>3</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 2 and 12-21.

<sup>4</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 11.

the right to an adequate standard of living, including food, clothing, housing and the continuous improvement of living conditions, recognised in Articles 10 and 11 ICESCR.<sup>5</sup>

**Accessibility** means that everyone should be covered by the social security system, paying particular attention to disadvantaged and marginalised individuals and groups. Qualifying conditions for benefits must be reasonable, proportionate and transparent, and suspensions or sanctions can only be acceptable in extraordinary situations, based on reasonable grounds, subject to due process, and provided for in law. Among other things, active participation and access to information are also requirements of the principle of accessibility, and beneficiaries should have physical access to social security services as well.<sup>6</sup>

### **Availability of the UK's non-contributory social security system**

Maximising benefit uptake is essential for households in financial difficulties. However, gaps in official data hinder a clear understanding of why many people are missing out on the support they are entitled to.

The absence of up-to-date data hampers efforts to analyse its reach and identify potential areas for improvement. Further official data is needed to explore the broader factors preventing people from accessing the benefits they qualify for.

Despite the lack of official data UK-wide, the think-tank Policy in Practice estimates that in 2024, £22.7 billion in income-related benefits and social tariffs went unclaimed, a £4 billion increase from the previous year.<sup>7</sup>

Stigma, and the fear that comes with it, can significantly deter individuals from claiming benefits. Negative perceptions associated with benefit claiming can harm the mental health of eligible individuals, worsening their emotional and material conditions, and discouraging them from engaging with the system.<sup>8</sup>

Eligibility cut-offs for financial support can significantly impact low-income individuals who are in dire need of assistance.

Individuals with No Recourse to Public Funds (NRPF), who are subject to immigration control, including people seeking asylum, are not at the edge of the cliff. They are simply denied access to benefits. A 2023 study from London School of Economics highlighted that 362,000 households face this restriction in the whole of the UK, with 22,000 potentially eligible for Universal Credit, increasing their risk of deprivation during difficult transitions.<sup>9</sup>

### **Adequacy**

Following the policy shifts brought on by the austerity measures of the 2010s, the UK's social security system has become significantly less adequate in supporting vulnerable individuals.

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<sup>5</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 22.

<sup>6</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 23-27.

<sup>7</sup> Deven Ghelani, Rachael Walker, "Missing out 2024: £23 billion of support is unclaimed each year" (Policy in Practice 2024), 5-7.

<sup>8</sup> Amanda Light and Ruth Patrick, "A decade on: Walking the sharp edge of the UK's social security system" (LSE CASE October 2024).

<sup>9</sup> Ellie Benton et al., "Social Cost Benefit Analysis of the no recourse to public funds (NRPF) policy in London" (LSE 2021).

Restrictive policies, such as the benefit cap and two-child limit, have curtailed access to essential benefits, disproportionately impacting low-income families and those with disabilities. Although recent inflation adjustments have provided some relief, many benefits still fail to keep up with rising living costs, particularly during the cost-of-living crisis.

The Essentials Guarantee, a campaign spearheaded by the Joseph Rowntree Foundation and Trussell Trust, and supported by Amnesty International UK, proposes a vital reform to Universal Credit: establishing a minimum support level to ensure beneficiaries can consistently meet their basic needs. The Essentials Guarantee would be set through an independent process that calculates the true cost of essentials, such as food, utilities, travel, clothing, broadband/phones, childcare and household goods – items that are indispensable for a basic standard of living. In 2023, the estimated weekly cost of these essentials was £120 for a single adult and £200 for a couple. However, nearly 90% of low-income Universal Credit households lack enough support to cover essentials, and 75% of these families are in arrears on at least one household bill, leaving them vulnerable to debt and poverty.<sup>10</sup>

The disability benefits system in the United Kingdom has faced extensive criticism due to its inability to provide adequate financial support to individuals with disabilities. The UK and Scottish Governments' current provisions through PIP and ADP, respectively, do not sufficiently cover the real costs that disabled individuals face. Research from Scope in 2023, a prominent disability equality charity, highlights that even those receiving both Universal Credit and PIP often find themselves compelled to use their extra-cost benefits to afford basic day-to-day essentials. This reflects a structural failure in the UK benefits system, notably a lack of coordination between income replacement benefits and those intended to cover additional costs.

The Carer's Allowance represents a fundamental component of the United Kingdom's social support infrastructure for unpaid carers, yet it remains one of the lowest and most restrictive forms of income replacement benefits. Currently set at £81.90 per week for those providing a minimum of 35 hours of care, this allowance effectively translates to just over £2 per hour, an amount that falls significantly below minimum wage standards, reflecting the systemic undervaluation of carers' labour. In Scotland, the Carer Support Payment became available across from November 2024, replacing the Carer's Allowance.<sup>11</sup>

The two-child limit, introduced by the UK Government in 2017, restricts additional financial support through Universal Credit and Child Tax Credit for any third or subsequent child born after April 2017. This policy has exacerbated poverty among larger families by failing to address their unique financial challenges, thereby leading to detrimental outcomes for children. The policy's underlying assumption is that families on benefits should demonstrate financial responsibility. However, it neglects systemic factors contributing to poverty, including low wages, limited access to affordable childcare, and the rising cost of living. Among others, the UN Committee on the Rights of the Child and the Special Rapporteur on Extreme Poverty and Human Rights have explicitly called for the abolishment of the two-child limit.<sup>12</sup> In December 2024, the Scottish Government announced a commitment to mitigate the two-child limit in Scotland.<sup>13</sup>

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<sup>10</sup> Lucy Bannister, Peter Matejic, Iain Porter, Daisy Sands, Katie Schmucker, Andrew Wenham, Rachel Bull, Leuan Ferrer, Anna Hughes, "An Essentials Guarantee: Technical Report" (Joseph Rowntree Foundation and Trussell Trust 2024).

<sup>11</sup> Scottish Government, "Carer Support Payment now Scotland-wide" (Scottish Government November 2024).

<sup>12</sup> CRC, Concluding Observations on the Combined Fifth and Sixth Periodic Reports of the United Kingdom UN Doc. CRC/C/GBR/CO/6-7 (2023), para 40(a); UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 96(d).

<sup>13</sup> Scottish Government, "Scrapping the two-child limit" (Scottish Government November 2024).

The Housing Benefit is set and delivered UK-wide by the UK Government, providing support across both private and social rental sectors, while the Local Housing Allowance is set and delivered by local authorities and determines the maximum support available specifically to private renters receiving either Housing Benefit or Universal Credit. The LHA is the mechanism that dictates the amount of Housing Benefit a private tenant can receive, thereby linking the two systems. Reductions and freezes in LHA rates have significantly compromised its efficacy, with serious repercussions for housing stability among claimants. LHA was introduced in 2008 to align housing support with the local rental market by setting rates at the 50<sup>th</sup> percentile of area rents, thereby covering the median rental cost. However, in 2011, LHA rates were reduced to the 30<sup>th</sup> percentile, substantially diminishing the support available to claimants. This change, compounded by a freeze on LHA rates between 2020 and April 2024, and again for 2025 beyond, has resulted in a widening gap between rising rental costs and the fixed level of housing support, pushing many claimants into deeper financial distress.<sup>14</sup>

## Accessibility

Examining accessibility within social security policy reveals the complex interplay between policy mechanisms, structural barriers, and socio-economic exclusion. Beyond the benefit cap, welfare policies such as benefit sanctions, debt deductions, and challenging assessment processes often compound financial strain rather than alleviate it, particularly for marginalised groups. Sanctions and deductions reduce essential support, pushing claimants closer to destitution, while inconsistent and rigid assessment procedures introduce further obstacles for those needing benefits. Additionally, the shift toward digital-by-default systems excludes individuals without reliable internet access or digital literacy, underscoring a digital divide that effectively bars meaningful access to social security. Language barriers, limited communication support, and restricted participatory avenues exacerbate these issues, particularly for those from minority ethnic backgrounds or with disabilities. Together, these systemic inadequacies highlight a profound need for reform that prioritises accessibility, equity, and the protection of human rights, reframing social security not merely as a safety net but as a foundational pillar of human dignity and social inclusion.

The UK's approach to social security is based on conditionality. This means that entitlements are made contingent upon complying with certain conditions, particularly the expectation of seeking employment. Claimants risk being sanctioned and losing their benefits if they are considered not to be meeting the conditions. Conditionality is a reminder that sanctions are not only problematic when they are implemented, but when there is a potential, perceived as a threat or a risk, that they could be implemented. By making claimants fearful of the consequences of missing appointments or deadlines, conditionality risks eroding the already feeble but indispensable trust between claimants, street-level bureaucrats and the overall system of social security.<sup>15</sup>

In May 2024, the DWP reported that 6.17% of Universal Credit claimants in sanctionable conditionality regimes were undergoing a sanction, down 0.4% from February. Of these, 93.7% were due to failure to attend mandatory interviews. Additionally, 29% of Universal Credit claimants were in regimes where sanctions could apply.<sup>16</sup> Data released by the DWP in September 2024 has also shown that sanctions have been disproportionately applied to ethnic

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<sup>14</sup> Citizens Advice, "The Impact of Freezing Local Housing Allowance" (Citizens Advice 2023), 3-4; Rachele Earwaker, "Stop the freeze: permanently re-link housing benefits to private rents" (JRF 2024).

<sup>15</sup> Ruth Patrick, "Living at the sharp end of socio-economic inequality: everyday experiences of poverty and social security receipt", *Oxford Open Economics*, 3(S\_1) (2024); Henry Parkes, *The Sanctions Surge: Shining a Light on the Universal Credit Sanctions Regime* (IPPR 2023); Welfare Conditionality Project, *Final findings report, 2013-2018* (University of York 2018).

<sup>16</sup> Department for Work & Pensions, "Benefit Sanctions Statistics to May 2024" (UK Government 2024).

minorities, with Black claimants 58% more likely to be sanctioned than white claimants, and mixed ethnic groups 72% more likely to face penalties. The data also shows that Black and minority ethnic benefit claimants are disproportionately likely to be sanctioned with Universal Credit penalties, often running into hundreds of pounds.<sup>17</sup>

Further complicating accessibility, Public Law Project identified a lack of transparency in the DWP's automated decision-making systems. There is scant information on how data analytics and machine learning models are being deployed to process Universal Credit claims, and no meaningful safeguards seem to be in place to prevent discriminatory outcomes. Despite the DWP's assertion that the results of a fairness analysis indicated no immediate concerns of discrimination, the findings have not been published, hindering meaningful public scrutiny.<sup>18</sup> This lack of transparency and oversight raises concerns about due process and fairness, especially for those with protected characteristics under the Equality Act 2010, including those with cognitive disabilities or sensory impairments.

Among other **Recommendation**, UK authorities should:

- Recognise in law, regulations and strategic policies that **social security is a human right** and a condition for the fulfilment of other human rights.
- Establish in law a minimum support level, an **Essentials Guarantee**, to ensure beneficiaries can consistently meet their basic needs.
- Proactively ensure that **individuals in need are aware of the benefits they are entitled to**.
- Abolish the **two-child limit** benefit cap.
- Increase the **Carer's Allowance** to bring it in line or at least significantly closer to the minimum wage standards.
- Re-evaluate the **No Recourse to Public Funds** policy to ensure it does not put migrant households at an increased risk of poverty.
- Uprate the **Local Housing Allowance** to reflect actual rental costs, revising national LHA limits, and expanding support for those struggling to meet their housing needs.
- Ensure that **assessment and appeals procedures** are adapted to meet the needs of individuals with **disabilities**, including providing accessible information and ensuring assessors have appropriate expertise in disability-related issues.
- Introduce accessible alternatives to **digital** by default for individuals who struggle with digital applications, such as more in-person support or simplified non-digital claims processes. The UK Government must ensure that the use of technologies does not negatively affect human rights, and regulate their use with transparency.
- Commit to **working with and involving those with lived experiences of poverty** and social security in policymaking and decisions that directly affect them.

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<sup>17</sup> Department for Work & Pensions, "Universal Credit Statistics: 29 April 2013 to 12 September 2024" (UK Government 2024).

<sup>18</sup> Public Law Project, "DWP's annual report leaves many questions about AI and automation" (Public Law Project 2024).





# 1. Introduction

An adequate and accessible social safety net is essential to preserve a life with dignity and material conditions of freedom irrespective of income, wealth and any personal characteristics.

The UK has voluntarily signed up to a number of international commitments that make clear that social security is a human right, and indeed a condition for the fulfilment of other human rights.

However, this literature review of evidence from research groups, academics, NGOs and national and international human rights actors sheds light on the fact that the UK's non-contributory social security system – benefits designed to assist those with specific needs, regardless of their position in the labour market – does not provide the necessary material support to ensure an adequate standard of living to those who need it.

Due to changes in the population, and primarily driven by the growth in the older age group, the amount of public money spent on social security has increased steadily over the years, despite the austerity measures introduced in the 2010s.

The UK spends approximately 5% of its GDP in general non-contributory benefits to provide a safety net for 16% of households.<sup>19</sup>

Despite the non-negligible financial effort, research by independent think-tanks, academics, NGOs and national and international actors demonstrates that the UK's non-contributory social security does not meet the standards of availability, adequacy and accessibility of social security recognised in international human rights law. This has detrimental effects on other human rights, particularly the right to the highest attainable level of health, the right to an adequate standard of living, including housing, the right to education, and the right to take part in cultural and social life.

Firstly, this report introduces the right to social security as recognised in international law. The next section presents briefly the UK's social security system, its background, size and the distribution of responsibilities between the UK Government and the devolved administrations. Thirdly, the report provides a holistic perspective of the existing published evidence by national and international actors based on the international human rights principles of availability, adequacy and accessibility. Finally, the report presents a series of recommendations to build a stronger social security system for a fairer society.

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<sup>19</sup> Department for Work & Pensions “Benefit Combinations: Official Statistics to February 2024” (UK Government 2024); Department for Communities, “Examination Common Benefit Combinations for Northern Ireland” (Northern Ireland Statistics and Research Agency 2024), 22; Department for Work & Pensions, “Guidance and methodology: Benefit expenditure and caseload tables” (UK Government 2024). Not all State Pensions are contributory: The Category D State-Pension is a non-contributory benefit for people over 80 years of age.

## 2. The Right to Social Security in International Human Rights Law

The right to social security is proclaimed in Articles 22 and 25 of the 1948 Universal Declaration of Human Rights.<sup>20</sup> It is also recognised in Article 9 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), signed and ratified by 172 States, including the United Kingdom in 1976.<sup>21</sup>

The right to social security is also contained in other human rights and labour treaties the UK has ratified or accessed to, such as the 1989 Convention on the Rights of the Child, the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1974 Convention on the Elimination of All Forms of Discrimination Against Women, the 2006 Convention on the Rights of Persons with Disabilities, and the 1952 International Labour Organization Convention No. 102 on Social Security Minimum Standards.<sup>22</sup>

As established by the UN Committee on Economic, Social and Cultural Rights (CESCR) in General Comment No. 19, on the right to social security, this right involves the access and maintenance of benefits, in cash or in kind, without discrimination, to secure protection from lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, death of a family member, and insufficient family support, particularly for children and adult dependents.<sup>23</sup> The CESCR monitors States' compliance with ICESCR. General comments are issued by the CESCR and other UN human rights treaty bodies, and they are authoritative interpretations of the content and limits of the rights proclaimed in international human rights law. The CESCR also includes protection from unaffordable access to healthcare,<sup>24</sup> but in the case of the UK healthcare is designed as a universal entitlement free at the point of access through the National Health Service (NHS).

The measures that the CESCR addresses explicitly to provide social security benefits are both contributory or insurance-based schemes, and non-contributory schemes, universal or targeted.<sup>25</sup>

The 1961 European Social Charter (ESC), also signed and ratified by the UK, contains the right to social security (Article 12), alongside the right to social and medical assistance (Article 13) and the right to benefit from social welfare services (Article 14).<sup>26</sup> In relation to social security, the UK has not yet accepted paragraphs 2, 3 and 4 of Article 12 ESC, which respectively refer to International Labour Organization standards, recognise the principle of progressive realisation, and call for bilateral and multilateral agreements for non-national workers. Under Article 12(1) ESC, the European Committee of Social Rights focuses on healthcare and family benefits, and income-replacement benefits, in particular, unemployment, old-age and sickness.<sup>27</sup>

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<sup>20</sup> UN General Assembly Resolution 217 A, Universal Declaration of Human Rights (10 December 1948).

<sup>21</sup> UN Treaty Series Vol. 993, p. 3. Status of ratification:

[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en)

<sup>22</sup> Status of ratification of UN human rights treaties: <https://indicators.ohchr.org/>; status of ratification of ILO treaties:

<https://normlex.ilo.org/dyn/normlex/en/?p=NORMLEXPUB:11001:0::NO:::U>

<sup>23</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 2 and 12-21.

<sup>24</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12 (2008), para 11.

<sup>25</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 4.

<sup>26</sup> European Social Charter (18 October 1961), ETS No. 35. Status of ratification: <https://www.coe.int/en/web/european-social-charter/signatures-ratifications>

<sup>27</sup> ECSR, Conclusions XXII-2 (2021) United Kingdom (March 2022), p. 27.

As observed by the CESCR, social security has a redistributive character and plays an important role in poverty reduction, the promotion of social inclusion and the prevention of social exclusion.<sup>28</sup>

The right to social security is closely interrelated and interdependent with other human rights, particularly with economic, social and cultural rights (ESCR), such as the right to protection and assistance to the family (Article 10 ICESCR), the right to an adequate standard of living – including food, clothing, water and sanitation, housing and the continuous improvement of living conditions – (Article 11 ICESCR), and health (Article 12 ICESCR).

The right to social security is also connected to the right to property. As interpreted by the European Court of Human Rights, legally established entitlements to certain social security benefits can be a form of “legitimate expectation” protected as a possession under Article 1 of Protocol 1 of the European Convention on Human Rights, which is binding for the UK.<sup>29</sup> Both contributory and non-contributory social security would in principle be covered by Article 1 of Protocol 1 ECHR. However, the provision does not include the right to a certain type or amount of benefit,<sup>30</sup> or obligations for the State in terms of the availability, adequacy and accessibility of the social security system.

Like in relation to all other ESCR, States are required to take effective measures, making use of the maximum of available resources, to advance progressively towards the full realisation of the right to social security, without discrimination of any kind (Article 2 ICESCR).

There is a strong presumption that austerity-driven retrogressive measures taken in relation to social security would not be allowed under ICESCR. Deliberately retrogressive measures can only be acceptable if they are: temporary in nature and effect; legitimate, with the ultimate aim of protecting the totality of human rights; reasonable, meaning most suitable and capable of achieving the legitimate aim; necessary, making sure that there is no less harmful alternative; proportionate, so the costs do not outweigh the benefits; non-discriminatory, seeking to mitigate inequalities and paying particular attention to marginalised and disadvantaged individuals; protective of the minimum core content of the right to social security; based on transparency and genuine participation of affected groups; and subject to meaningful review, accountability and impact assessment.<sup>31</sup> The burden of proof rests with the State.<sup>32</sup> Among other things, the minimum core content of the right to social security includes the existence of a scheme that provides a minimum essential level of benefits, without discrimination, which enable everyone to acquire access to housing, water and sanitation, foodstuffs, and – when applicable – at least essential healthcare and basic education.<sup>33</sup> The CESCR has established that the right to social security needs to be interpreted in light of the ILO Recommendation No. 202 on Social Protection Floors, which outlines a comprehensive framework for basic social security guarantees, subject to progressive realisation, to cover essential healthcare, income

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<sup>28</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 3.

<sup>29</sup> For all, European Court of Human Rights, *Kopecký v. Slovakia* [GC], App. No. 44912/98 (28 September 2004), para 35; Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 9 (20 March 1952). Status of ratification: <https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treaty-num=009>

<sup>30</sup> European Court of Human Rights, *Stec and Others v. UK* [GC], App. Nos. 65731/01 and 65900/01 (12 April 2006), para 53.

<sup>31</sup> Independent Expert on Foreign Debt and Human Rights, Guiding Principles on Human Rights Impact Assessments of Economic Reforms, UN Doc. A/HRC/40/57 (2018), Principle 10; CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 42; European Committee of Social Rights, *Sindacato autonomo Pensionati v. Italy*, Complaint No. 187/2019 (Decision on the Merits, 17 October 2023), para 114-125.

<sup>32</sup> CESCR, Statement: An Evaluation of the Obligation to Take Steps to the “Maximum Available Resources”, UN Doc. E/C.12/2007/1 (2007), para 9.

<sup>33</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 59.

security for children, and income support for older persons and persons with disabilities, fostering social inclusion and poverty reduction.<sup>34</sup>

The CESCR reminds States that “social security should be treated as a social good, and not primarily as a mere instrument of economic or financial policy”.<sup>35</sup> For the CESCR, availability, adequacy and accessibility are key elements of the right to social security.

The availability of social security means that the scheme or schemes will be sustainable, in order to ensure that the right can be realised for present and future generations, established under domestic law, administered by public authorities, and available and in place to ensure that the benefits are provided for the relevant risks and contingencies.<sup>36</sup>

Adequacy means that benefits must be suitable, both in amount and in duration, in order to realise the right to protection and assistance to the family, the right to an adequate standard of living and, when applicable, the right to health.<sup>37</sup>

Encapsulating the human rights principle of universality and that every individual matters,<sup>38</sup> the principle of accessibility means that “all persons” should be covered by the social security system, paying particular attention to disadvantaged and marginalised individuals and groups.<sup>39</sup> “Qualifying conditions for benefits must be reasonable, proportionate and transparent. The withdrawal, reduction or suspension of benefits should be circumscribed, based on grounds that are reasonable, subject to due process, and provided for in national law”.<sup>40</sup> Affordability is an expression of economic accessibility. While non-contributory schemes will be needed for those who cannot generate sufficient income, contributory schemes can also exist, where contributions must be stipulated in advance; contributions must be affordable in the sense that they must not compromise the enjoyment of other socio-economic rights.<sup>41</sup> Active participation and information are also requirements of accessibility: “Beneficiaries of social security schemes must be able to participate in the administration of the social security system”.<sup>42</sup> Finally, benefits must be physically accessible as well: “Benefits should be provided in a timely manner and beneficiaries should have physical access to the social security services in order to access benefits and information, and make contributions where relevant”.<sup>43</sup>

In relation to technology and welfare provision, as observed by the UN Special Rapporteur on Extreme Poverty and Human Rights, “predictive analytics, algorithms and other forms of artificial intelligence are highly likely to reproduce and exacerbate biases reflected in existing data and policies. In-built forms of discrimination can fatally undermine the right to social protection for key groups and individuals. There therefore needs to be a concerted effort to identify and counteract such biases in designing the digital welfare state. This in turn requires transparency and broad-based inputs into policymaking processes. The public, and especially

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<sup>34</sup> International Labour Organization, Recommendation No. 202 on Social Protection Floors (14 June 2012); CESCR, Statement: Social Protection Floors: An Essential Element of the Right to Social Security and of the Sustainable Development Goals, UN Doc. E/C.12/2015/1 (2015).

<sup>35</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 10.

<sup>36</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 11.

<sup>37</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 22.

<sup>38</sup> CESCR, Statement: Social Protection Floors: An Essential Element of the Right to Social Security and of the Sustainable Development Goals, UN Doc. E/C.12/2015/1 (2015), para 8.

<sup>39</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 23.

<sup>40</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 24.

<sup>41</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 25.

<sup>42</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 26.

<sup>43</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 27.

those directly affected by the welfare system, need to be able to understand and evaluate the policies that are buried deep within the algorithms”.<sup>44</sup>

The UK is a State Party to ICESCR. As opposed to the civil and political rights recognised in the European Convention on Human Rights and the Human Rights Act 1998, there is no holistic domestic legal framework to give effect to ESCR as human rights. The ICESCR, the European Social Charter and other group-specific treaties with provisions relevant for ESCR – on children’s rights, on racial discrimination, on discrimination against women, or on rights of persons with disabilities – have not been incorporated into the UK’s legal system, and it is a longstanding constitutional position that UK courts generally do not enforce unincorporated treaties.<sup>45</sup> At the same time, there is a strong presumption in favour of interpreting and applying domestic law in a way that does not place the UK in breach of its international obligations.<sup>46</sup> In its latest Concluding Observations, from 2016, the CESCR recalled previous recommendations and urged the UK “to fully incorporate the Covenant rights into its domestic legal order and ensure that victims of violations of economic, social and cultural rights have full access to effective legal remedies”.<sup>47</sup> Eight years later, in August 2024, the UK Government maintained the position they have taken for a very long time, namely, that there is no need to incorporate ICESCR into the domestic legal framework, adding that they are “confident that [the UK] is fully compliant with its UN treaty obligations including ensuring that there are effective remedies for any breaches”.<sup>48</sup> However, as will be shown in this report, the UK is not in compliance with international human rights law and there are no effective remedies in place for violations of the right to social security. The UK, including its devolved administrations, have much work to do to make the socio-economic rights contained in international law meaningful at the local and national level.

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<sup>44</sup> Special Rapporteur on Extreme Poverty and Human Rights, Report on Digital Welfare, UN Doc. A/74/493 (2019), para 82.

<sup>45</sup> *R (on the application of SC, CB and 8 children) (Appellants) v Secretary of State for Work and Pensions and others (Respondents)* [2021] UKSC 26 (Judgment of 9 July 2021), para 74-96.

<sup>46</sup> *R. v. Lyons* [2002] UKHL 44 (14 November 2002), para 12 (Lord Bingham).

<sup>47</sup> UN Committee on Economic, Social and Cultural Rights, Concluding Observations: UK E/C.12/GBR/CO/6 (2016), para 6.

<sup>48</sup> UK Government, Response to the CESCR’s List of Issues Report, UN Doc. E/C.12/GBR/RQ/7 (August 2024), p. 7.

### 3. Social Security Law and Policy Framework in the UK

The UK's social security system is a large complex programme that combines contributory or social insurance benefits, means-tested or income-related benefits, and non-income-related or categorical benefits for certain categories of claimants – like households with children, persons with disabilities and carers.

Social security is largely a reserved matter in Great Britain (England, Wales and Scotland), where the UK Parliament retains exclusive power to legislate, but the Scotland Act 2016 devolved the Scottish authorities greater responsibilities in relation to social security (more on this, below). Northern Ireland has its own social security system, which generally maintains parity with Great Britain. There are nonetheless some differences that will be covered in the next chapter. For the purposes of analysis, then, it is necessary to distinguish between England and Wales, Scotland, and Northern Ireland, as three different frameworks with areas of convergence and divergence.

The declared core objectives of the social security system, as proclaimed by the previous UK Government's Department for Work and Pensions (DWP) Outcome Delivery Plan 2023-25 were: "1. Maximise employment, reduce economic inactivity, and support the progression of those in work 2. Deliver financial support to people who are entitled to it 3. Enable disabled people and people with health conditions to start, stay, and succeed in work, and get financial support 4. Support financial resilience in later life".<sup>49</sup> In November 2024, the UK Government published the Get Britain Working White Paper with a series of proposals oriented to tackling economic inactivity and reforming employment support.<sup>50</sup>

Despite some differences, insofar as social security is largely a reserved matter, the fundamental characteristics of social security are similar across the devolved regions of the UK. In practice, the relative powers through devolution can lead to specific or incremental adjustments within a broad framework that remains reserved policy.

Section 87 of the Northern Ireland Act 1998 mandates that Northern Ireland's social security system maintains parity with that of Great Britain (England, Wales and Scotland), ensuring adherence to Great Britain's social security system principles.<sup>51</sup> However, Northern Ireland has the potential to create a more tailored system to address its specific needs, provided it aligns with the broader UK framework (see subsection 3.3, below).

In the case of Scotland, the social security principles applicable for devolved benefits and powers are listed in Section 1 of the Social Security (Scotland) Act 2018. Social security is meant to be: an "investment in the people of Scotland", "a human right and essential to the realisation of other human rights", "a public service", with the "respect for the dignity of individuals" at heart, a system to "contribute to reducing poverty", participatory and based on "evidence", aiming to continuously improve putting "the needs of those who require assistance first" to "advance equality and non-discrimination", and "the Scottish social security system is to be efficient and deliver value for money".<sup>52</sup>

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<sup>49</sup> Department for Work & Pensions, "Main Estimate 2024-25: Select Committee Memorandum" (UK Government July 2024), 2.

<sup>50</sup> Department for Work & Pensions, HM Treasury and Department for Education, "Get Britain Working White Paper" (November 2024).

<sup>51</sup> Northern Ireland Act 1998, Section 87.

<sup>52</sup> Social Security (Scotland) Act 2018, Section 1.



### 3.1. The Evolution of the UK's Social Security System

The UK's social security system has evolved through landmark legislative reforms over the past century, adapting to changing socio-economic conditions. Key legislation includes the National Insurance Act 1948, which established contributory benefits in response to the Beveridge Report, moving away from means-tested Poor Laws of the 19<sup>th</sup> century. The 1948 Act required employed individuals to make National Insurance contributions, creating a fund for benefits during unemployment, sickness and retirement.

The Social Security Contributions and Benefits Act 1992 further consolidated the system, formalising the structure for benefits still in use today, including the State Pension, accident insurance, statutory sick pay and maternity pay. It also introduced non-contributory benefits like Income Support and Disability Living Allowance, ensuring support for those without sufficient contributions.

The Welfare Reform Act 2012 represented a significant overhaul of the social security system, introducing Universal Credit as its centrepiece. As declared by the UK Government at the time, the 2012 Act aimed to simplify a complex web of overlapping benefits and create a system that better incentivised employment, reduced administrative inefficiencies, and tackled poverty more effectively. Universal Credit was called to replace six separate means-tested benefits with a single monthly payment: Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Income Support, Child Tax Credit, Working Tax Credit, and Housing Benefit (so-called legacy benefits). Universal Credit has not yet been fully rolled out due to the complex migration process and the need to ensure adequate support for all affected claimants. The complete transition to Universal Credit is set to occur by March 2026, which will require approximately 1 million legacy benefit claimants to apply after receiving a migration notice.<sup>53</sup> Universal Credit introduced a tapering mechanism, meaning that as a claimant's income increases, their payments gradually decrease rather than stopping abruptly, and it is meant to foster an environment conducive to work without the fear of losing vital financial support.<sup>54</sup>

### 3.2. The Role of the DWP and HMRC, and Types of Benefits

Excluding claimants of State Pension, 10.3 million people in Great Britain (England, Scotland and Wales) received benefits from the DWP in 2023-24, with 9.6 million being of working age, and 700,000 under 16 and in receipt of Disability Living Allowance as children.<sup>55</sup> In May 2023, there were 12.7 million people claiming State Pension.<sup>56</sup> Notably, 48% of working-age claimants received Universal Credit alone, while 19% received it alongside other benefits.<sup>57</sup> There are 1.08 million working age individuals in Northern Ireland, 504,800 of whom (46.8%) receive at least one benefit other than the State Pension, and of these, 100,200 (19.9%) are in poverty.<sup>58</sup>

Complementing the DWP, His Majesty's Revenue and Customs (HMRC) administers tax-related benefits, such as Child and Working Tax Credits, Child Benefits, Guardian's

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<sup>53</sup> Statement by the Minister of State for Social Security and Disability, "Completing the Implementation of Universal Credit", House of Commons, 12 November 2024; House of Commons Committee of Public Accounts, *Progress in implementing Universal Credit* (29<sup>th</sup> report of session 2023-24, April 2024).

<sup>54</sup> Department for Work & Pensions, "2010 to 2015 government policy: welfare reform" (UK Government 2015).

<sup>55</sup> Department for Work & Pensions "Benefit Combinations: Official Statistics to February 2024" (UK Government 2024).

<sup>56</sup> Department of Work & Pensions, "DWP benefits statistics: February 2024" (UK Government 2024).

<sup>57</sup> Department for Work & Pensions "Benefit Combinations: Official Statistics to February 2024" (UK Government 2024).

<sup>58</sup> Department for Communities, "Examination Common Benefit Combinations for Northern Ireland" (Northern Ireland Statistics and Research Agency 2024), 22.



Allowance, National Insurance contributions, and the administration of employer-provided, statutory payments such as Statutory Sick Pay (SSP).<sup>59</sup>

The UK social security system includes a range of benefits categorised into contributory, non-contributory, and means-tested benefits, each designed to address different needs and circumstances. (In relation to Scotland, see subsection 3.3 below.)

**Contributory benefits** are available to individuals who have made National Insurance contributions during their working lives. This category includes the State Pension, which provides financial support to retirees based on their work history, and contribution-based Employment and Support Allowance (ESA) aimed at those unable to work due to illness or disability. Notably, this is often referred to as “new style” ESA, as the previous version still exists as a legacy benefit, with both forms commonly referred to simply as “ESA”. These benefits are rooted in the principle that individuals should receive support commensurate with their contributions to the system, promoting a sense of social insurance. A notable feature of the State Pension is the “triple lock” mechanism, which ensures that pensions increase each year by the highest of either the rate of inflation, average wage growth, or 2.5%.

**Non-contributory benefits** are designed to assist those with specific needs, regardless of their work history. The Personal Independence Payment (PIP) supports individuals with long-term disabilities, helping them cover extra costs associated with their condition. The Category D State-Pension is a non-contributory benefit for people over 80 years of age.

**Means-tested benefits** are targeted at individuals and families whose income falls below a specified threshold, with the majority of these benefits coming under Universal Credit. Considering that they have earnings limits, the Carer’s Allowance (to support people with caring responsibilities for someone else who receives a qualifying disability benefit) and the Child Benefit are to be considered means-tested.

Local authorities provide discretionary support that plays a crucial role in assisting low-income households. This includes funding for Housing Benefits, which help cover rental costs, and Council Tax Support, designed to reduce the tax burden on those facing financial difficulties. Furthermore, initiatives like the Household Support Fund (in England and Wales), the Discretionary Support Grant (in Northern Ireland), and the Household Support Fund (in Scotland) offer targeted assistance for essential needs, such as food and utilities, to help families navigate periods of financial strain.

For the fiscal year 2024-2025, the UK Government is projected to spend £315.8 billion on social security (approximately £10.2 billion of which correspond to Northern Ireland), which accounts for approximately 24.9% of total public spending and about 11% of the UK’s GDP. This significant expenditure highlights the system’s role as a central pillar of government responsibility. The majority of this spending is directed toward pensioner benefits and working-age welfare. Specifically, £167.6 billion is earmarked for pensioners, primarily through the State Pension, which alone will account for £138.1 billion of the budget. This reflects the growing demand for retirement support in an aging population. For working-age individuals and children, £138 billion will be allocated to benefits such as Universal Credit, Employment and Support Allowance, Jobseekers’ Allowance, and other welfare programmes aimed at providing income support and encouraging labour market re-entry. The UK

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<sup>59</sup> Department for Work & Pensions, “DWP benefits statistics: August 2024” (UK Government 2024).

Government plans to spend £89 billion on benefits to support people with disabilities, and £35.3 billion on housing benefits.<sup>60</sup>

In Scotland, spending on reserved or UK-wide social security benefits is projected to reach £19.5 billion in 2023-24.<sup>61</sup> The Scottish Government allocated £5.3 billion for social security spending in 2023-24, with projections indicating this will increase to £8.0 billion by 2028-29, providing support to approximately two million people.<sup>62</sup>

### 3.3. Social Security in Scotland and Northern Ireland

Devolution has impacted social security administration in relation to Scotland and Northern Ireland.

In Scotland, the Scotland Act 2016 transferred significant social security powers to the Scottish Government, establishing Social Security Scotland in 2018 to manage devolved benefits. Under the Social Security (Scotland) Act 2018, benefits are not explicitly categorised in the same way as for the other nations and regions of the UK. However, they can be classified into contributory, income-related (or means-tested), and non-income-related (or categorical) benefits. Income-related benefits include the Best Start Grant, Best Start Foods, and the Scottish Child Payment, all aimed at assisting low-income families with the costs of raising children. The Carer Support Payment became available across Scotland from November 2024, replacing the Carer's Allowance in Scotland.<sup>63</sup> Since the Carer's Allowance can be considered means-tested, so must be the Carer's Allowance Supplement. The Child Winter Heating Payment and the Winter Heating Payment also fall under this category. Other income-related support includes the Job Start Payment, which aids young individuals starting a job after being on certain benefits, and the Funeral Support Payment. Non-income-related benefits, such as the Adult Disability Payment (ADP), introduced as a replacement for PIP when disability benefits were devolved to Scotland in 2022–23, are tailored to individuals' circumstances. The ADP offers benefits equivalent to PIP but involves a simplified assessment process that requires less initial information from applicants and uses medical assessments only when necessary. Other non-income-related support includes the Child Disability Payment and the Young Carer Grant.<sup>64</sup>

In the case of Wales, whilst social security is a reserved matter, and social security entitlements are administered by DWP, the Welsh Government runs its own programme of grants and allowances, for example, with the council tax reduction scheme, free school meals, a discretionary assistance fund, and a basic income pilot.<sup>65</sup>

In Northern Ireland, all social security powers are devolved formally to Northern Ireland and managed under the Department of Communities, aside from Child Benefit, Guardian's Allowance, Working Tax Credit, and Child Tax Credit, which are reserved. Social security also operates under a principle of parity with Great Britain, ensuring consistent benefit levels across the UK. A so-called mitigation package of measures has been in place since 2016 aiming to reduce the impact of welfare reforms on most vulnerable individuals, and certain payment

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<sup>60</sup> Department for Work & Pensions, "Guidance and methodology: Benefit expenditure and caseload tables" (UK Government 2024).

<sup>61</sup> Building a New Scotland, "Social Security in an independent Scotland" (Scottish Government 2023), 14.

<sup>62</sup> Office of the Chief Social Policy Advisor, "Examining Outcomes Associated with Social Security Scotland Spending: An Evidence Synthesis" (Scottish Government 2024).

<sup>63</sup> Scottish Government, "Carer Support Payment now Scotland-wide" (Scottish Government November 2024).

<sup>64</sup> Social Security Scotland Act 2018, chapter 2; Benefits currently provided by Social Security Scotland: <https://www.socialsecurity.gov.scot/benefits>

<sup>65</sup> Welsh Affairs Committee, "The Benefits System in Wales" (House of Commons 2022).

flexibilities apply in relation to Universal Credit – in relation to the frequency of payment, or split payments for couples, for example.

## 4. Human Rights Analysis of the UK's Non-Contributory Social Security System

Over the years, international human rights bodies have raised concerns about the state of the non-contributory social security system in the UK. Evidence from practitioners, NGOs and public authorities themselves shows that too many people are falling through the cracks of what should be a social safety net. Not all those who need it are receiving the support they should be entitled to, the level of benefits is far from ensuring an adequate standard of living, and too many bureaucratic and administrative hurdles prevent people who suffer structural discrimination, marginalisation and prejudice from accessing social security on an equal footing.

This chapter provides an in-depth analysis of the key issues affecting the UK's social security system, focusing on the non-contributory aspects of the system. The analysis is structured around the three critical pillars of the right to social security, as developed by the UN Committee on Economic, Social and Cultural Rights: Availability, Adequacy, and Accessibility.

Each section addresses the social security systems in England & Wales, Scotland, and Northern Ireland, where relevant, to highlight regional variations and the impact of devolved governance on welfare provision. The analysis also echoes concerns raised by international bodies at the United Nations and the Council of Europe, incorporating their recommendations to frame the discussion within the context of human rights obligations.

In this chapter, the focus is on the non-contributory aspects of the UK's social security system, where benefits are not based on prior contributions but instead aim to provide support to those in need regardless of their work history. Non-contributory schemes play a critical role in ensuring an adequate standard of living for people with limited or no savings and in an insecure job situation.

### **The three human rights principles of the right to social security:**

#### ***Availability***

The principle of availability means that the social security scheme/s need/s to be established under domestic law, administered and supervised publicly, sustainable to ensure the realisation of the right for present and future generations, and available and in place to ensure that the benefits are provided for the relevant risks and contingencies.<sup>66</sup>

Section 4.1 explores the extent to which social security benefits are available to those in need, addressing information gaps and administrative barriers, stigma faced by benefit claimants, and eligibility cliff-edge for means-tested benefits.

#### ***Adequacy***

Adequacy means that benefits must be suitable, both in amount and in duration, to realise essential socio-economic rights, such as the right to protection and assistance to the family and

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<sup>66</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 11.

the right to an adequate standard of living, including food, clothing, housing and the continuous improvement of living conditions, recognised in Articles 10 and 11 ICESCR.<sup>67</sup>

Section 4.2 examines whether the benefit levels meet the essential needs of recipients, including how austerity measures and inflation have impacted these levels. The section focuses on Disability benefits, the Carer's Allowance, the Two-Child Limit, Winter Fuel payments, and Housing Benefits and the Local Housing Allowance.

### *Accessibility*

The principle of accessibility means that everyone should be covered by the social security system, paying particular attention to disadvantaged and marginalised individuals and groups. Qualifying conditions for benefits must be reasonable, proportionate and transparent, and suspensions or sanctions can only be acceptable in extraordinary situations, based on reasonable grounds, subject to due process, and provided for in law. Among other things, active participation and access to information are requirements of the principle of accessibility, and beneficiaries should have physical access to the social security services.<sup>68</sup>

Section 4.3 focuses on the barriers individuals face when trying to access benefits, including issues related to discrimination in relation to benefit assessments and appeals, the benefit cap, sanctions and deductions, delays affecting Universal Credit claimants, the digital divide, and communication barriers for non-native speakers and people with disabilities.

## **4.1. Availability**

Ensuring that households in financial hardship access available benefits is vital for alleviating their hardship. However, this section shows that significant gaps in official data hinder the general understanding of the extent of unclaimed support, with estimates suggesting that around £22.7 billion in benefits remains untapped.<sup>69</sup> This section covers three barriers that impede benefit claimants from obtaining benefits: The lack of available and accessible information, societal stigma surrounding recipients, and eligibility cut-offs under Universal Credit. Addressing these challenges is crucial to enable marginalised communities, including the elderly, low-income workers, and asylum seekers, to access essential assistance and secure the support they need.

### **4.1.1. Availability and Up-Take of Benefits**

Maximising benefit uptake is essential for households in financial hardship, yet gaps in official data hinder a clear understanding of why many people are missing out on the support they are entitled to.

The DWP reported in October 2024 that over one million people across the UK are failing to receive £3.1 billion in unfulfilled benefits.<sup>70</sup> These unclaimed benefits arise when claimants' circumstances change after they first claim to receive additional support, but for whatever reason DWP is not informed about the change. Much of this unclaimed support involves Personal Independence Payment (PIP), Disability Living Allowance, and Universal Credit.

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<sup>67</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 22.

<sup>68</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 23-27.

<sup>69</sup> Deven Ghelani, Rachael Walker, "Missing out 2024: £23 billion of support is unclaimed each year" (Policy in Practice 2024), 5-7.

<sup>70</sup> Department for Work & Pensions, "Unfulfilled eligibility in the benefit system Financial Year Ending (FYE) 2024" (UK Government 2024).

This figure, a 34.7% increase from £2.3 billion the previous year, underscores the urgent need for disaggregated data to better understand the barriers to benefit uptake, including why people are not claiming the additional help available to them.

The above refers to adjustment to amounts of benefits that have already been claimed. However, one of the key problematic issues is the lack of take-up data, particularly for Universal Credit, meaning the proportion of eligible individuals who simply do claim a specific benefit they may be entitled to. The UK Government publishes data regarding Pension Credit (a means-tested complement for pensioners of low incomes) and Housing Benefits for pensioners. According to official data, 65% of those entitled to Pension Credit claimed the benefit in 2023, and 83% of pensioners entitled to Housing Benefit claimed it, both representing an increase in relation to 2022.<sup>71</sup> However, despite increasing take-up being one of the expected benefits of introducing Universal Credit, as of November 2024, no take-up data for Universal Credit has been made available. This information is essential for evaluating the effectiveness of benefit programs and identifying gaps in support. The UK Government maintains that this is due to technical reasons:

“To develop a methodology that takes account of both UC and legacy benefits and credits there are several complex conceptual and methodology issues we are having to work through, for example in defining and calculating the estimate of Entitled Non-Recipients and their entitled amounts, as well as developing our understanding of new datasets for this analysis... This measure to assess UC and income related legacy benefit take-up for the working-age population is currently under development.”<sup>72</sup>

In its 2016 Concluding Observations, the CESCR called for the UK Government to provide disaggregated data on the impact of reforms to social security on women, children, persons with disabilities, low-income families and families with two or more children.<sup>73</sup> The absence of up-to-date data about Universal Credit hampers efforts to analyse its reach and identify potential areas for improvement. Further official data is needed to explore the broader factors preventing people from accessing the benefits they qualify for.

The Scottish Government’s Seldom Heard Voices research identified three primary barriers to claiming devolved benefits in Scotland: social barriers, including stigma and lack of trust in institutions; costs or complexity of access; and lack of information or misunderstanding about eligibility. Social barriers include mistrust in institutions and vulnerability, while financial and procedural challenges deter claimants. Benefits like Child Benefit and the State Pension have high take-up rates due to their simplicity and clarity, while those with low take-up rates, like Pension Credit, have more complex criteria and less awareness.<sup>74</sup> Neither the UK Government nor the Northern Irish Executive appear to have undertaken a similar assessment to understand barriers to claiming benefits across the UK.

Despite the lack of official data UK-wide, the think-tank Policy in Practice estimates that in 2024, £22.7 billion in income-related benefits and social tariffs went unclaimed, a £4 billion increase from the previous year.<sup>75</sup> In 2023, an estimated £7.5 billion in Universal Credit

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<sup>71</sup> Department for Work & Pensions, “Income-related benefits: estimates of take-up: financial year ending 2023” (UK Government 2024).

<sup>72</sup> Department for Work & Pensions, “Income-related benefits: estimates of take-up: release strategy” (UK Government 2024).

<sup>73</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), 41(d).

<sup>74</sup> Equality and Welfare, “Research into seldom-heard groups within the Scottish social security system” (Scottish Government 2024), 15-24.

<sup>75</sup> Deven Ghelani, Rachael Walker, “Missing out 2024: £23 billion of support is unclaimed each year” (Policy in Practice 2024), 5-7.

remained unclaimed by 1.2 million eligible households, with concerning take-up rates of 70-90% for national means-tested benefits. Locally administered benefits show even lower uptake, with Council Tax Support being the most underclaimed, meaning that 2.7 million people would be missing out on £2.8 billion in potential assistance.<sup>76</sup>

A key factor exacerbating the problem of the insufficient availability of existing benefits is the shift to digital-by-default. This system was intended to make accessing benefits more efficient but has instead become an administrative barrier as many individuals struggle to navigate it. As observed by the former UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, after his official mission to the UK, without proper guidance or signposting, those who are less digitally literate, including the elderly, are finding it difficult to claim the support they need.<sup>77</sup> This is not just a failure of individual knowledge but reflects a systemic gap in how the UK Government disseminates information and ensures the accessibility of social security programs. This issue will be explored further in subsection 4.3.5.

Besides digital-by-default, the reasons for widespread underclaiming of benefits are multifaceted, including the impact of stigma, and eligibility cliff-edges for means-tested benefits, covered below.

#### *4.1.2. Stigmatisation of Benefit Claimants*

Stigma, and the fear that comes with it, can significantly deter individuals from claiming benefits. Negative perceptions associated with benefit claiming can harm the mental health of eligible individuals, worsening their emotional and material conditions, and discouraging them from engaging with the system.<sup>78</sup>

In recent years, the UK Government adopted a contentious and punitive stance toward benefit recipients, portraying them as idle or undeserving, which may have contributed to shape public opinion.<sup>79</sup> Some rhetoric propagated a narrative of benefit-claimants as idle, scroungers and unwilling to work.<sup>80</sup> Stigma negatively impacts the mental health and self-esteem of people experiencing poverty, it can result in shame and secrecy, and it can create barriers to people accessing the support they are entitled to, deepening experiences of poverty.<sup>81</sup>

It is worth noting the efforts from civil society to refocus and reframe welfare and benefits away from charity and assistance, and towards a positive and supportive framework rooted in dignity and equality. Collaborative research by Warwick University, Heard, and The Children's Society highlights widespread unfamiliarity with the term 'social security system' among young people, but strong support for its principles once explained. These organisations advocate for educating young people to view social security as a holistic support system

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<sup>76</sup> Alex Clegg, Deven Ghelani, Zoe Charlesworth, Tylor-Maria Johnson, "Missing out: £19 billion of support goes unclaimed each year" (Policy in Practice 2023), 2.

<sup>77</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights, UN Doc. A/HRC/41/39/Add.1 (2019), para 59-66.

<sup>78</sup> Amanda Light and Ruth Patrick, "A decade on: Walking the sharp edge of the UK's social security system" (LSE CASE October 2024).

<sup>79</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights, UN Doc. A/HRC/41/39/Add.1 (2019), para 55-58.

<sup>80</sup> Ruth Patrick, "Living at the sharp end of socio-economic inequality: everyday experiences of poverty and social security receipt", *Oxford Open Economics*, 3(S\_1) (2024).

<sup>81</sup> Scottish Parliamentary Cross Party Group on Poverty, *An inquiry into poverty-related stigma in Scotland* (Cross Party Group Poverty 2023).



enabling individuals to thrive, combating stigma, fostering empathy, and promoting equitable policies.<sup>82</sup>

Many recipients of social benefits make a critically important, yet unpaid, contributions to society, as parents or carers, and volunteering. Furthermore, as of December 2023, 38% of Universal Credit recipients were employed.<sup>83</sup> Since between 5 and 6 million people receive Universal Credit, two immediate observations stem from the data: firstly, that reliance on benefits does not equate to a lack of effort; and secondly, that, despite having a job, or multiple jobs, approximately 2 million workers and employees do not earn enough to secure an adequate standard of living for themselves and their families.

The Department for Work and Pensions reports that only 3.7% of total benefit expenditure (£9.7 billion) was overpaid due to fraud and error in 2023/24, underscoring the disconnect between reality and public perception in certain segments of the population and media portrayals.<sup>84</sup>

The CESCR emphasises that social security benefits should be accessible without discrimination of any kind.<sup>85</sup> However, individuals seeking assistance must confront not only a convoluted bureaucratic process but also prejudice and structural discrimination. The rhetoric surrounding benefit claimants may have overshadowed larger systemic issues, such as tax avoidance and financial fraud, diverting attention from the structural economic challenges that contribute to poverty. The stigmatisation reflects “povertyism”. As defined by the UN Special Rapporteur on Extreme Poverty and Human Rights, Olivier de Schutter, povertyism highlights the discrimination faced by individuals based on their socio-economic status, perpetuating harmful stereotypes that present claimants as lazy or undeserving.<sup>86</sup> In this respect, it is encouraging that the UK Government has pledged to commence the socio-economic duty (section 1 of the Equality Act) in England, following the lead of Scotland in 2017 and Wales in 2021.<sup>87</sup> However, while important, the duty only requires public authorities to have due regard to the desirability of using their powers to reduce inequalities of outcome. By itself, it is unlikely to put an end to the prejudices and stigmatisation people in poverty face regularly.

#### *4.1.3. Eligibility Cliff-Edge for Means-Tested Benefit Claimants*

The Joseph Rowntree Foundation’s 2023 analysis of the Office for National Statistics Wealth and Assets Survey from 2022 highlights that 23% of low-income households with minimal savings (around 1.6 million people) are not claiming Universal Credit, despite having net wealth below average. Access to these benefits is influenced by factors such as employment status, self-employment, student status, and visa restrictions. Among non-claimants, 46% (700,000) are employees, yet childless workers face strict eligibility limits. For example, a single person earning £12,000 or a childless couple earning £18,000 would not qualify for

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<sup>82</sup> Heard, The Children’s Society and the University of Warwick, “How do young people think about social security? A project by Heard, The Children’s Society and The University of Warwick” (The Children’s Society 2023).

<sup>83</sup> Department for Work & Pensions, “Universal Credit Statistics, 29 April 2013 to 11 January 2024” (UK Government 2024).

<sup>84</sup> Department for Work & Pensions, “Fraud and Error in the Benefit System: Financial Year 2023 to 2024 Estimates” (UK Government 2024).

<sup>85</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 2, 4, 29-31, 40, 62; CESCR, General Comment No. 20: Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20 (2009), para 9.

<sup>86</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, Banning discrimination on grounds of socioeconomic disadvantage: an essential tool in the fight against poverty, UN Doc. A/77/157 (2022); Koldo Casla and Lyle Barker, “Protection and Assistance to the Family: Interpreting and Applying Article 10 ICESCR from Learnt and Lived Experiences”, *Journal of Human Rights Practice*, Vol. 16(2) (2024), at 497-498.

<sup>87</sup> UK Government, Response to the CESCR’s List of Issues Report, UN Doc. E/C.12/GBR/RQ/7 (August 2024), p. 7.



Universal Credit without housing assistance. Furthermore, 14% in this group are self-employed (200,000), potentially disqualified by JRF's estimate of a minimum income floor, which is set at the number of hours one is expected to work, therefore assuming fixed earnings regardless of actual income. Students, comprising 7% of non-claimants (100,000), generally cannot claim benefits except in limited circumstances.<sup>88</sup> Eligibility cut-offs for financial support can significantly impact low-income individuals who are in dire need of assistance. In its General Comment No. 19, the Committee on Economic, Social and Cultural Rights emphasises that qualifying conditions for benefits must be reasonable, proportionate, and transparent.<sup>89</sup> The evidence suggests that these requirements are not met in the UK.

Individuals with **No Recourse to Public Funds (NRPF)**, who are subject to immigration control, including people seeking asylum, are denied access to benefits. A 2023 study from London School of Economics highlighted that 362,000 households face this restriction in the whole of the UK, with 22,000 potentially eligible for Universal Credit, increasing their risk of deprivation during difficult transitions.<sup>90</sup> In its 2024 Concluding Observations on the UK, the Committee on the Elimination of All Forms of Racial Discrimination (CERD), urged a re-evaluation of the NRPF policy to ensure it does not put migrant households at an increased risk of poverty.<sup>91</sup> In its 2016 Concluding Observations on the UK, the CESCR stated that the UK Government should implement all necessary actions to guarantee that all migrant workers, including those in domestic roles, receive the same benefits as other employees concerning wages, protection from unjust termination, rest and leisure periods, limitations on working hours, social security, and maternity leave protections.<sup>92</sup>

#### *4.1.4. Unclaimed Benefits Reflect the Material Unavailability of the Social Security System*

The CESCR's General Comment No. 19 outlines the obligation to fulfil, which includes responsibilities to facilitate, promote, and provide social security. The obligations regarding the right to social security emphasise that the UK must adopt measures to fully realise this right through the implementation of comprehensive social security schemes. This includes facilitating access by legally recognising the right, developing national strategies, and ensuring that systems are available, adequate and accessible. States are also required to promote public awareness about social security, particularly among disadvantaged communities, with efforts to create low-cost alternatives that can eventually integrate them into regular social security systems.<sup>93</sup>

Public authorities must proactively ensure that individuals in need are aware of the benefits they are entitled to. Many of those eligible for non-contributory benefits face systemic barriers, including structural discrimination, marginalisation, and mistrust of authorities, which exacerbate their lack of knowledge about the system. As the UK transitions from legacy benefits to Universal Credit, documenting why people are falling through the cracks and missing out on necessary support is vital.

<sup>88</sup> Katie Schmucker and Joseph Elliott, "On a low income, but not claiming means-tested benefits" (Joseph Rowntree Foundation 2023), 4-5.

<sup>89</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 24.

<sup>90</sup> Ellie Benton et al., "Social Cost Benefit Analysis of the no recourse to public funds (NRPF) policy in London" (LSE 2021).

<sup>91</sup> CERD, Concluding observations on the UK, UN Doc. CERD/C/GBR/CO/24-26 (2024), para 48.

<sup>92</sup> CESCR, Concluding Observations: UK, UN Doc. E/C.12/GBR/CO/6 (2016), para 35(a).

<sup>93</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 47-51.

## 4.2. Adequacy

Following the policy shifts brought on by the austerity measures of the 2010s, the UK's social security system has become significantly less adequate in supporting vulnerable individuals. Restrictive policies, such as the benefit cap and two-child limit, have curtailed access to essential benefits, disproportionately impacting low-income families and those with disabilities. Although recent inflation adjustments have provided some relief, many benefits still fail to keep up with rising living costs, particularly during the cost-of-living crisis.

### 4.2.1. *Insufficient Benefit Levels*

#### **The Impact of Austerity Policies from the 2010s and the Cost-of-Living Crisis**

Since the austerity measures of the 2010s, the UK's social security system has been significantly weakened, undermining its ability to support those in need. Restrictive policies, such as the benefit cap introduced in 2013 and the two-child limit from 2017, have severely curtailed access to essential benefits, regardless of individual family circumstances. According to the Resolution Foundation, nearly half a million families were affected by these policies in 2024, with six in ten households impacted by the two-child limit containing at least one working adult.<sup>94</sup> Various international human rights bodies have denounced that austerity measures and policies are contrary to the realisation of ESCR, specifically the right to social security.<sup>95</sup>

The effects of austerity measures from the 2010s were also compounded by the cost-of-living crisis that began 2021. Research from the Resolution Foundation in May 2024 reveals that inflation has had a mixed impact on UK benefits, with adjustments providing some relief but also presenting important limitations. Benefits like Universal Credit saw a 6.7% increase in April 2024, equivalent to an additional £300 per year for a single person and £900 for a couple with two children. This adjustment, tied to the previous year's inflation rate, offered partial protection. However, the one-time Cost of Living Payment came to an end in 2024, leaving overall support £685 lower in real terms for single recipients in 2024-25 than the previous year. Lower-income households, who spend a larger share of income on essentials like food and energy – both of which rose faster than overall inflation – felt the inflationary impact most acutely. Despite adjustments, the lag in uprating and the reduction in temporary support means that many recipients experienced a net decline in real income, underscoring the challenges of maintaining benefit values amid sharp inflation increases.<sup>96</sup> The Autumn Budget 2024 announced an increase of benefits by 1.7%, in line with the interannual inflation in September 2024, while the State Pension and the Pension Credit would rise by 4.1%.<sup>97</sup>

The Consumer Prices Index (CPI) rose by 2.6% in the 12 months to November 2024, up from 1.7% in September.<sup>98</sup> However, the effects of the 2021-2022 surge in inflation, which peaked at 11.1% in October 2022, continue to reverberate. Rising costs for basic necessities such as food and energy have disproportionately impacted low-income households, resulting in a surge

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<sup>94</sup> Lalitha Try, "Catastrophic caps: An analysis of the impact of the two-child limit and the benefit cap" (Resolution Foundation 2024), 1.

<sup>95</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), para 18, 19, 40, 41, 42; OHCHR 'Report on Austerity Measures and Economic and Social Rights' (2013) UN Doc E/2013/82; Thorbjørn Jagland, 'Report by the Secretary General for the Ministerial Session in Helsinki, 129th Session of the Committee of Ministers: Ready for future challenges- reinforcing the Council of Europe' (Council of Europe 2019), 19.

<sup>96</sup> Nye Cominetti, Ian Mulheirn, Cara Pacitti, Simon Pittaway & James Smith, "Paying the Price: How the inflation surge has reshaped the British economy" (Resolution Foundation 2024), 16-18.

<sup>97</sup> Department for Work & Pensions, "Budget marks first step in plan to drive up opportunity and drive down poverty" (UK Government 2024).

<sup>98</sup> Office of National Statistics, "Consumer price inflation, UK: November 2024" (ONS 2024).

in demand for food banks and an increase in debt-related inquiries.<sup>99</sup> Many households are still grappling with real wage declines, and public finances remain strained, with national debt levels continuing to climb.<sup>100</sup> Despite some stabilisation in inflation, essential goods remain 20% more expensive in 2024 than in 2022,<sup>101</sup> further diminishing the purchasing power of low-income families.

**People seeking asylum** receive £49.18 per person per week in cash support, which is reduced to £8.86 if the accommodation provides meals.<sup>102</sup> Asylum seekers generally are not allowed to work in the UK. Research by Asylum Matters shows that many people seeking asylum cannot afford essential items, such as food, transport, clothing and toiletries, and regularly rely on foodbanks, all of which has a profound effect on their mental health and wellbeing.<sup>103</sup> The UK spends a sizeable amount of international development aid in supporting UK-based refugees, rising from £410 million in 2016 to £4,297 million in 2023, which amounts to 28% of the total aid budget that year.<sup>104</sup>

The CESCR has stressed that states must utilise their maximum available resources to ensure access to social benefits for individuals facing diverse challenges.<sup>105</sup> Adequate social security is vital for poverty alleviation and the protection of human rights, including the right to an adequate standard of living.<sup>106</sup> In this context, the CESCR has acknowledged the negative effects of inflation and rising living costs, urging governments to safeguard social benefits from inflationary erosion.<sup>107</sup> When individuals cannot afford essential expenses – such as food, housing, and healthcare – it reflects a failure to meet core obligations under Article 2(1) ICESCR.<sup>108</sup>

To effectively address the challenges presented by the cost-of-living crisis, the UK Government should implement sound fiscal strategies, including targeted cash transfers and progressive taxation. The European Committee of Social Rights, which monitors compliance with the European Social Charter, supports this perspective, asserting that “the economic crisis should not lead to a reduction in the protection of the rights recognised by the Charter”.<sup>109</sup> The ECSR interprets the principle of progressive realisation as a dynamic obligation under the ESC, requiring states to take necessary actions, establish timelines, prioritise marginalised groups, and demonstrate measurable progress in achieving social security rights.<sup>110</sup>

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<sup>99</sup> Trussell Trust, “End of Year Stats” (Trussell Trust 2024); Flourish, “Spotlight on our debt data” (Flourish 2024); Office of National Statistics, “Provisional CPIH and CPI-consistent inflation rate estimates for UK household groups: January to September 2023” (ONS 2023).

<sup>100</sup> Nye Cominetti, Ian Mulheirn, “Cara Pacitti, Simon Pittaway & James Smith, Paying the Price: How the inflation surge has reshaped the British economy” (Resolution Foundation 2024); Daniel Harari, Brigid Francis-Devine, Paul Bolton, Matthew Keep, “Rising cost of living in the UK” (House of Commons Library 2024), 9.

<sup>101</sup> Office for National Statistics, “Exploring how the average price of individual items has changed in the last year” (ONS 2024).

<sup>102</sup> UK Government, “Asylum Support” (UK Government website).

<sup>103</sup> Asylum Matters, “Surviving in poverty: A report documenting life on asylum support” (Asylum Matters 2023).

<sup>104</sup> Foreign, Commonwealth & Development Office, “Statistics on International Development: provisional UK aid spend 2023” (UK Government April 2024).

<sup>105</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 4.

<sup>106</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 1, 3.

<sup>107</sup> CESCR, Concluding observations on the fourth periodic report of Argentina, UN Doc E/C.12/ARG/CO/4 (2018), para 44.

<sup>108</sup> ECSR, *Mental Disability Advocacy Centre (MDAC) v Bulgaria* Collective Complaint No 41/2007, Merits (3 June 2008), para 39; CESCR, General Comment No. 3: The Nature of States Parties’ Obligations UN Doc E/1991/23 (1990), para 9-10; CESCR, General Comment No. 19: The right to social security UN Doc E/C.12/GC/19 (2008), para 60.

<sup>109</sup> ECSR, General introduction to Conclusions XIX-2 (2009), para 15. Collective Complaints Nos 65/2011, 66/2011, 76–80/2011 and 111/2014 against Greece.

<sup>110</sup> ECSR, *Mental Disability Advocacy Centre (MDAC) v Bulgaria* Collective Complaint No 41/2007, Merits (3 June 2008), para 39; ECSR, *Roma Rights Centre v Bulgaria* Collective Complaint No 31/2005, Merits (18 October 2006), para 37; ECSR, *Autism-Europe v France* Collective Complaint No 13/2000, Merits (4 November 2003), para 53.

## Current Social Security Spending, Its Impact and the Essentials Guarantee

Despite the need for adequate benefit levels, the UK Government has failed to take necessary actions to bolster social security and ensure people can afford the basic essentials. While UK social security spending increased by £87.2 billion since 2019 to a total expenditure of £315.8 billion in 2022/23, driven by a rise in claimant numbers and operational costs, this has not adequately addressed the fundamental needs of struggling families.<sup>111</sup>

The All-Party Parliamentary Group (APPG) on Poverty has called for guaranteed annual uprating of benefits, ideally with a mid-year adjustment if the Consumer Price Index (CPI) inflation exceeds a specified threshold. They also suggested benchmarking uprating against the Office for National Statistics' low-income index instead of relying solely on CPI and recommended a "double lock" to ensure benefits keep pace with both inflation and earnings growth.<sup>112</sup>

Similarly, the Work and Pensions Committee has raised concerns about the uprating process. The Secretary of State for Work and Pensions reviews the level of benefits each year, and the draft uprating order must increase the level of certain benefits by at least the rise in the level of prices.<sup>113</sup> Uprating decisions are finalised by the DWP by late November of each year to allow sufficient time for IT systems to implement changes before the new rates take effect in April. However, parliamentary approval of the Uprating Order occurs later, typically in February or March, leaving limited opportunity for effective scrutiny. Any rejection of the Uprating Order at this stage could prevent timely benefit increases. The parliamentary committee has recommended that the UK Government provide more opportunities for scrutiny, such as giving relevant committees a detailed justification of uprating decisions ahead of parliamentary debate.<sup>114</sup>

In March 2024, the DWP estimated that in 2022/23, approximately one in six people (17%) in the UK lived in relative low income before housing costs, increasing to over one in five (22%) once housing costs were considered. Around 14% of the population was in absolute low income before housing costs, with this figure rising to 18% when housing costs were included. The number of individuals experiencing absolute low income grew by 600,000 after housing costs in that year. Food insecurity also surged, affecting 7.2 million people, including 17% of children, while 1.9 million children were reported to be in relative low income and material deprivation, representing 13% of all children in the UK.<sup>115</sup>

The Essentials Guarantee, a campaign spearheaded by the Joseph Rowntree Foundation and Trussell Trust, and supported by Amnesty International UK, proposes a vital reform to Universal Credit: establishing a minimum support level to ensure beneficiaries can consistently meet their basic needs. In effect, it would ensure a subsistence minimum by formalising a legal protection against destitution.<sup>116</sup> The Essentials Guarantee would be set through an independent process that calculates the true cost of essentials, such as food, utilities, travel, clothing, broadband/phones, childcare and household goods – items that are indispensable for a basic standard of living. In 2023, the estimated weekly cost of these essentials was £120 for a single adult and £200 for a couple. However, nearly 90% of low-income Universal Credit households lack enough support to cover essentials, and 75% of these families are in arrears on at least one

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<sup>111</sup> Department for Work & Pensions, "Benefit Expenditure and Caseload Tables" (UK Government 2024).

<sup>112</sup> All-Party Parliamentary Group on Poverty, 'Social Security Report' (APPG on Poverty 2023), 16.

<sup>113</sup> Section 150(1) and (2) of the Social Security Administration Act 1992 (as amended).

<sup>114</sup> Work and Pensions Committee, "Benefit Levels in the UK" (UK Parliament 2024), 38-39.

<sup>115</sup> Department for Work & Pensions, "Households Below Average Income: An Analysis of the UK Income Distribution, FYE 1995 to FYE 2023" (UK Government 2024).

<sup>116</sup> Mark Simpson, Gráinne McKeever and Clara Fitzpatrick, Legal Protection Against Destitution in the UK: the Case for a Right to a Subsistence Minimum, *Modern Law Review* 86(2) (2023).

household bill, leaving them vulnerable to debt and poverty. By setting this Essentials Guarantee as a minimum level of support that cannot be reduced through debt repayments or other deductions, the campaign estimates that the policy could benefit approximately 8.8 million families – including 3.9 million families with children – by increasing their support by an average of £48 per week. The impact could be transformative, lifting an estimated 1.8 million people – including 600,000 children and around 1 million people who live in a household where someone is disabled – out of poverty.<sup>117</sup>

By defining “essentials” as basic nutritional food, necessary utilities, and essential hygiene products, the Essentials Guarantee provides a practical foundation for Universal Credit recipients to meet life’s fundamental needs. The APPG on Poverty and the Work and Pensions Committee have called for the establishment of an independent panel to determine benefit levels, akin to the Low Pay Commission. They also recommend that the Universal Credit standard allowance – and legacy benefits, until the migration is complete – should at least cover essentials, such as food, utility bills, and basic household goods.<sup>118</sup> A similar calculation for covering basic essentials should be extended to disability benefits to adequately support those with additional needs.

The UN CESCR underscores the significance of “adequacy” in social security benefits: “Benefits, whether in cash or in kind, must be adequate in amount and duration to enable individuals to realise their rights to family protection and assistance, an adequate standard of living, and access to healthcare.”<sup>119</sup> This highlights the necessity for mechanisms that ensure benefits are adequate, with regular monitoring to ensure that recipients can afford the essential goods and services needed to realise their rights under the Covenant. In its 2016 Concluding Observations on the UK, the CESCR recommended restoring the link between State benefit rates and the cost of living. It emphasized that all social benefits should provide a level sufficient to ensure an adequate standard of living, including access to healthcare, adequate housing, and food.<sup>120</sup>

The European Committee of Social Rights emphasises that “ensuring social security systems are sufficient to safeguard the population is crucial”. It highlights the need for a strong social security framework that actively supports the right to social security, particularly regarding the benefits offered in different categories.<sup>121</sup> The ECSR further contends that income-replacement benefits should not fall below the poverty threshold – defined as 50% of the median equivalised income, according to Eurostat. If an income-replacement benefit is between 40% and 50% of this median income, additional support may be warranted; however, benefits falling below 40% are deemed inadequate, regardless of any supplementary provisions.<sup>122</sup> The call for an Essentials Guarantee aligns with the ILO Social Protection Floors Recommendation No. 202 (2012). This Recommendation stipulates that social protection floors should provide access to essential healthcare and basic income security for all individuals in need throughout their lives.<sup>123</sup> The adequacy of benefits is addressed in the ILO Convention 102 (Social Security (Minimum Standards) Convention, 1952), of which parts II to V, VII and X have been ratified by the UK. These provisions encompass medical care, sickness benefits, unemployment

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<sup>117</sup> Lucy Bannister, Peter Matejic, Iain Porter, Daisy Sands, Katie Schmucker, Andrew Wenham, Rachel Bull, Leuan Ferrer, Anna Hughes, “An Essentials Guarantee: Technical Report” (Joseph Rowntree Foundation and Trussell Trust 2024).

<sup>118</sup> All-Party Parliamentary Group on Poverty, ‘Social Security Report’ (APPG on Poverty 2023) 6-8; Work and Pensions Committee, “Benefit Levels in the UK” (UK Parliament 2024), 34-35.

<sup>119</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 22.

<sup>120</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), para 40, 41.

<sup>121</sup> Council of Europe, “Case-law on the European Social Charter, Supplement No.3” (Council of Europe 1993), p. 113.

<sup>122</sup> ESCR, Conclusions XXI- 2 (2017), United Kingdom; ESCR, Conclusions 2013, Hungary.

<sup>123</sup> International Labour Organization, Recommendation No. 202 on Social Protection Floors (14 June 2012).

benefits, old age benefits, family benefits, and survivor benefits.<sup>124</sup> The ILO Committee of Experts has consistently criticised the UK for failing to fulfil its obligations under this and other ILO Conventions.<sup>125</sup>

At a minimum, the UK Government must adjust benefits not only to keep pace with inflation but also to levels that ensure essential goods and services remain accessible to those facing severe reductions in purchasing power. While inflation metrics provide a general rate, the actual inflation burden on low-income households is disproportionately higher. For these households, essential costs in relation to food, energy and housing, for example, often rise faster and exceed broader inflation rates, intensifying financial strain and eroding real income further. Inflation places an additional burden on people of lower incomes because they have a narrow room of manoeuvre with their limited income, most or all of which needs to be spent on unavoidable and essential costs. By prioritising the needs of individuals and families over strict budget limitations, the UK Government can uphold its duty to ensure an adequate standard of living for all, thereby reducing the financial weight on low-income families and safeguarding their basic rights to security and dignity.

#### 4.2.2. *Insufficient Disability Benefit Levels*

##### 4.2.3.

The disability benefits system in the United Kingdom has faced extensive criticism due to its inability to provide adequate financial support to individuals with disabilities. The primary benefits, PIP (Personal Independence Payment) in England, Wales and Northern Ireland, and ADP (Adult Disability Payment) in Scotland, are designed to assist with the additional costs associated with disabilities. For both PIP and ADP, the “daily living” component offers between £72.65 and £108.55 per week as of November 2024, depending on whether the claimant receives the standard or enhanced rate. The “mobility” component ranges from £28.70 to £75.75 per week as of November 2024. However, these benefits are widely regarded as insufficient, as they fail to meet the actual financial demands faced by individuals with a disability. The central issue lies in the inadequacy of these payments, which do not cover disability-related costs, often forcing recipients to allocate funds intended for these extra costs towards basic living expenses. This reallocation exacerbates financial strain and undermines the ability of claimants to live independently and with dignity.

According to the DWP, there were 3.2 million claimants entitled to PIP in England and Wales as of October 2023, a 3% increase since July 2023. Additionally, there were 250,000 PIP claimants in Scotland. In the quarter ending in October 2023, there were 220,000 new PIP claim registrations and clearances, along with 110,000 planned award reviews.<sup>126</sup>

According to data from Social Security Scotland in April 2023, from March 2022 to April 2023, there were 95,555 part 1 applications (living component) registered for ADP, and 54,445 part 2 applications (mobility component). As of April 2023, 55,535 individuals were receiving ADP; 44% were new applicants, while 56% had their awards transferred from the Department for Work and Pensions. Between March and April 2023, the total value of payments issued

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<sup>124</sup> International Labour Organization, Convention 102 (Social Security (Minimum Standards) Convention), (June 1952), pts II-V, VII, X.

<sup>125</sup> Keith David Ewing, Lord Hendy KC, Andrew Moretta, “Human Rights at Work: The United Kingdom, the ILO and the European Social Charter: Submission on behalf of The Institute of Employment Rights” (Joint Committee of Human Rights 2021), 8.

<sup>126</sup> Department for Work & Pensions, “Personal Independence Payment: Official Statistics to October 2023” (UK Government, 2023).

was £109.7 million.<sup>127</sup> The Scottish Government is currently undergoing a review of the functioning of the ADP.<sup>128</sup>

Research from Scope, a prominent disability equality charity, shows that the UK and Scottish Governments' current provisions through PIP and ADP do not sufficiently cover the real costs that disabled individuals face. According to Scope's evidence, even those receiving both Universal Credit and PIP often find themselves compelled to use their extra-cost benefits to afford basic day-to-day essentials. This reflects a structural failure in the UK benefits system, notably a lack of coordination between income replacement benefits and those intended to cover additional costs. The research indicates that households with at least one disabled adult or child face average additional costs of over £975 per month. Even with PIP, many still experience a shortfall, leaving them vulnerable to debt, food insecurity, and significant mental health challenges. Scope further emphasised this gap, indicating that these extra costs could reach as high as £1,122 per month when adjusted for inflation in 2022-23.<sup>129</sup>

The APPG on Poverty's 2023 report highlighted that overall benefit levels are insufficient, pushing recipients, including individuals with disabilities, into poverty. The report emphasised that benefit levels do not meet minimum income standards, preventing disabled individuals from living with dignity and leading to negative physical and mental health impacts for many.<sup>130</sup> Research conducted by the Disability Benefits Consortium and Save the Children found that the UK Government has not made serious attempts to link the level of disability benefits to actual needs.<sup>131</sup> The lack of an official study on benefit adequacy since the 1960s has meant that many disabled individuals are left struggling to afford basic necessities. In 2018, Disability Rights UK further highlighted that Government spending on disability benefits has shrunk by nearly £5 billion since 2010, compounding the inadequacy of current provisions.<sup>132</sup>

In 2017, the UN Committee on the Rights of Persons with Disabilities (CRPD) completed an inquiry procedure about the UK, where it concluded that "there is reliable evidence that the threshold of grave or systematic violations of the rights of persons with disabilities has been crossed in the State party".<sup>133</sup> In its 2024 follow-up report the CRPD noted that "no significant progress has been made in the State party concerning the situation of persons with disabilities addressed in the inquiry proceedings... there are also signs of regression in the standards and principles of the Convention".<sup>134</sup>

In its 2016 Concluding Observations, the CESCR expressed concern regarding the inadequacy of social security levels in the UK, emphasising that the right to social security must be accessible without discrimination, ensuring protection against poverty as enshrined in Article 9 ICESCR. The CESCR noted that inadequate disability benefits undermine individuals' right to social security, human dignity, and other interrelated rights, such as the enjoyment of the highest attainable standard of physical and mental health. As such, the UN Committee urged

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<sup>127</sup> Social Security Scotland, "Adult Disability Payment: High Level Statistics to 30 April 2023" (Scottish Government 2023).

<sup>128</sup> Cabinet Secretary for Social Justice, *Adult Disability Payment: Independent Review - interim report* (Scottish Government 2024).

<sup>129</sup> Scope, "The Disability Price Tag Report: Technical report" (Scope 2023), 15-22.

<sup>130</sup> Work and Pensions Committee, "Benefit Levels in the UK" (UK Parliament 2024), 20-21.

<sup>131</sup> All-Party Parliamentary Group on Poverty, "Social Security Report" (APPG on Poverty 2023), 4-5.

<sup>132</sup> Disability Rights UK, "Disability benefit spending reduced by £5 billion over the last decade" (Disability Rights UK 2018).

<sup>133</sup> CRPD, Inquiry concerning the UK, UN Doc. CRPD/C/15/4 (2017), para 113.

<sup>134</sup> CRPD, Report on follow-up to the inquiry concerning the UK, UN Doc. CRPD/C/GBR/FUIR/1 (2024), para 88.

the UK Government to reassess benefit levels and implement changes to ensure adequate living standards for all, particularly those with disabilities.<sup>135</sup>

The PIP and ADP levels significantly impact the quality of life of individuals with disabilities. The UK Government and the Scottish Government should establish a clear benchmark for the health- and disability-related costs covered by PIP and ADP respectively, and introduce more differentiated levels of support to better reflect the diverse needs and lived experiences of people with disabilities.

#### 4.2.4. *Carer's Allowance and Carer Support Payment*

The Carer's Allowance represents a fundamental component of the United Kingdom's social support infrastructure for unpaid carers, yet it remains one of the lowest and most restrictive forms of income replacement benefits. Currently set at £81.90 per week for those providing a minimum of 35 hours of care, this allowance effectively translates to just over £2 per hour, an amount that falls significantly below minimum wage standards, reflecting the systemic undervaluation of carers' unpaid labour. The UK Government's insufficient financial recognition of carers places many in precarious financial circumstances, limiting their ability to engage in paid employment and thereby potentially trapping many of them in a cycle of poverty.

Official statistics from the DWP show that over half of claimants (54%) live in lower-income households earning £20,799 per year or less before deductions, and 53% have only GCSEs (a general certificate obtained in Year 11 of school) or no formal qualifications. Two in five claimants (40%) report having a long-term health condition. Most claimants provide care for close relatives, with 39% caring for children, 25% for spouses or partners, and 22% for parents. Caring responsibilities are typically long-term and intensive, with 52% of claimants providing 65 or more hours of care per week, and 54% having been carers for between 5 and 20 years. Only 16% of claimants are in paid work, primarily in part-time, low-paying jobs that can be accommodated around their caring duties.<sup>136</sup> Research conducted by Carers UK in 2022 revealed that nearly half of carers surveyed were uncertain about whether they could afford basic necessities, with 46% reporting they were cutting back on essentials such as food and heating, 42% struggling to afford the cost of food, 32% unable to afford their utility bills, and 14% were using foodbanks.<sup>137</sup>

In Scotland, the Carer Support Payment became available from November 2024, replacing the Carer's Allowance.<sup>138</sup> Those receiving this allowance/payment can claim an additional Carer's Allowance Supplement worth nearly £500, paid in two instalments across a 12-month period. A similar scheme was introduced in Wales in 2022 for eligible unpaid carers. However, no such supplementary payments are available to unpaid carers in either England or Northern Ireland.<sup>139</sup>

In the Autumn 2024 Budget, the UK Government committed to increasing the weekly earnings limit for Carer's Allowance to 16 hours at the National Living Wage, worth an additional £45 per week from April 2025. This significant policy change will render over 60,000 carers newly eligible for support, enabling them to balance employment and caregiving responsibilities more

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<sup>135</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland, UN Doc E/C.12/GBR/CO/6 (2016), para 40, 41.

<sup>136</sup> Department for Work & Pensions, "Experience of Claiming and Receiving Carer's Allowance" (UK Government 2024).

<sup>137</sup> Carers UK, "Heading for Crisis: Caught between caring and rising costs" (Carers UK 2022), 6.

<sup>138</sup> Scottish Government, "Carer Support Payment now Scotland-wide" (Scottish Government November 2024).

<sup>139</sup> All-Party Parliamentary Group on Poverty, "Social Security Report" (APPG on Poverty 2023), 11.



effectively, while supporting existing claimants, 70% whom are women, to start work or work more hours.<sup>140</sup> As the largest increase in the earnings limit to date, this adjustment provides much-needed certainty for carers and suggests that future revisions will align with the National Living Wage.

Nevertheless, while this increase marks a substantial improvement, it remains insufficient in fully recognising the value of carers' contributions. A comprehensive review of Carer's Allowance is essential, as it continues to be the lowest benefit of its kind. While the increased earnings limit represents progress, it does not address the core problem that Carer's Allowance itself is far below minimum wage levels. Many carers continue to endure financial hardship due to the inadequacy of the benefit and the lack of access to other essential support services. Although the additional £45 per week will be well received, the overall level of financial support remains inadequate to lift many carers out of poverty and provide a standard of living commensurate with the sacrifices they make.

The European Committee of Social Rights recommended that the UK Government increase Carer's Allowance to alleviate poverty levels and ensure carers have access to adequate support.<sup>141</sup> Although the increased earnings limit is a welcome development, it must be seen as only an initial measure, necessitating further reforms to bring Carer's Allowance in line with minimum wage standards and more comprehensively meet the needs of carers across the UK.

#### *4.2.5. Two-Child Limit*

The two-child limit, introduced by the UK Government in 2017, restricts additional financial support through Universal Credit and Child Tax Credit for any third or subsequent child born after April 2017. This policy has exacerbated poverty among larger families by failing to address their unique financial challenges, thereby leading to detrimental outcomes for children. The policy's underlying assumption is that families on benefits should demonstrate financial responsibility. However, it neglects systemic factors contributing to poverty, including low wages, limited access to affordable childcare, and the rising cost of living.

A 2024 report by Child Poverty Action Group (CPAG) underscores the severe consequences of this policy. Approximately 1.6 million children across 440,000 families are affected, with an estimated annual financial loss of up to £3,455 per child. Despite 59% of affected parents being employed, the majority of these families continue to live in poverty. The two-child limit significantly undermines children's well-being, negatively affecting their education, mental health, and access to basic necessities. Many children face hunger, inadequate clothing, and dependence on foodbanks, which further deepens their disadvantage.<sup>142</sup>

For Women's Budget Group, the two-child limit is ineffective, it does not remove barriers to work, it fails to recognise the impact of domestic abuse, and it upholds gender-based and other inequalities.<sup>143</sup>

In October 2024, New Economics Foundation estimated that removing this policy could lift approximately 280,000 children out of poverty and reduce the severity of poverty for nearly one million more. Furthermore, New Economics Foundation highlights there would be macroeconomic benefits to such an intervention, because abolishing the two-child limit could boost GDP by £1.1 billion in the first year while alleviating pressure on public services,

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<sup>140</sup> HM Treasury, "Autumn Budget 2024" (UK Government 2024), 42.

<sup>141</sup> ESCR, Conclusions XXII- 2 (2021), United Kingdom.

<sup>142</sup> Child Poverty Action Group, "Things Will Only Get Worse: Why the Two-Child Limit Must Go" (GPAG 2023).

<sup>143</sup> Women's Budget Group, "The two-child limit to means tested benefits" (WBG 2023).

including healthcare and education.<sup>144</sup> The Resolution Foundation has estimated that the cost would rise to £3.6 billion by 2024-25 if the two-child limit were fully applied to all families claiming Universal Credit.<sup>145</sup> The new Government missed the opportunity of the Autumn Budget to scrap the two-child limit in October 2024.

The Scottish Government introduced the Scottish Child Payment in 2021. Initially set at £10 per week per eligible child, the payment was subsequently doubled, and further increased to £26.70 per week from April 2024. Unlike Universal Credit and Child Tax Credit, which are restricted by the two-child limit, there is no cap on the number of children who can receive the Scottish Child Payment. Early evidence from CPAG in July 2024 suggests this payment has had a positive impact on reducing child poverty, providing much-needed support to low-income families in Scotland.<sup>146</sup> In December 2024, the Scottish Government announced a commitment to mitigate the two-child limit in Scotland.<sup>147</sup>

The Committee on the Rights of the Child has emphasised that states must ensure that laws and policies support resource mobilisation, budget allocation, and expenditure that fulfil children's rights. The Committee on the Rights of the Child underscores foundational principles such as non-discrimination, the best interests of the child, and the right to life, survival, and development. To realise children's rights, resource allocation must align with these principles.<sup>148</sup> The UN Convention on the Rights of the Child was incorporated into Scots Law in 2024.<sup>149</sup> The CESCR emphasises the importance of family benefits in fulfilling the rights of children and dependents under ICESCR. Such benefits should be provided without discrimination and must adequately address fundamental needs, including food, clothing, housing, water, and sanitation.<sup>150</sup> In addition, the European Committee of Social Rights asserts that family benefits should serve as a meaningful income supplement, appropriately adjusted to keep pace with inflation to maintain their effectiveness.<sup>151</sup> The European Committee has been clear that the two-child limit has resulted in inadequate social protection for families.<sup>152</sup> Similarly, the CESCR called for the cuts introduced by the Welfare Reform and Work Act 2016 to be reversed, and this includes the two-child limit,<sup>153</sup> while the Committee on the Rights of the Child and the Special Rapporteur on Extreme Poverty and Human Rights have explicitly called for the abolishment of the two-child limit.<sup>154</sup>

#### 4.2.6. *Winter Fuel Payments*

Winter Fuel Payments (WFP) have been crucial for older people in the UK to manage heating costs during winter. However, the 2024 decision to introduce means-testing for WFP raised significant concerns.<sup>155</sup> As a result, people not in receipt of pension credit or means-tested

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<sup>144</sup> Sam Tims, "Capping Ambitions" (New Economics Foundation 2023).

<sup>145</sup> Lalitha Try, "Catastrophic caps: An analysis of the impact of the two-child limit and the benefit cap" (Resolution Foundation 2024), 1.

<sup>146</sup> Child Poverty Action Group, "Strengthening Social Security: Research into the Five Family Payments" (CPAG 2024).

<sup>147</sup> Scottish Government, "Scrapping the two-child limit" (Scottish Government November 2024).

<sup>148</sup> CRC, General comment No. 19 (2016) on public budgeting 34 for the realisation of children's rights UN Doc CRC/C/GC/19 (2016), para 19, 21(a), 23.

<sup>149</sup> United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.

<sup>150</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 18.

<sup>151</sup> ECSR, Conclusions 2006, Statement of Interpretation on Article 16; ESCR, Conclusions XVII-1, The Netherlands (Aruba) (2005); ESCR, Conclusions XXII- 2 (2021), United Kingdom.

<sup>152</sup> ESCR, Conclusions XXII-4 (2023), United Kingdom.

<sup>153</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), para 41(a).

<sup>154</sup> CRC, Concluding Observations on the Combined Fifth and Sixth Periodic Reports of the United Kingdom UN Doc. CRC/C/GBR/CO/6-7 (2023), para 40(a); UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 96(d).

<sup>155</sup> The Social Fund Winter Fuel Payment Regulations 2024.

benefits will no longer receive winter fuel payments. Analysis from Age UK in September 2024 indicates that up to 2.5 million pensioners could lose access to this support, leading to widespread hardship.<sup>156</sup>

According to Age UK, approximately 1.6 million older people living in poverty will lose WFP because they do not receive qualifying benefits. Another 900,000 pensioners with incomes just above the poverty line will also lose the payment. Many of these individuals have small occupational pensions but still struggle due to rigid Pension Credit eligibility criteria. Low take-up of Pension Credit is a significant issue, with over one in three eligible pensioners not receiving it. Consequently, over 800,000 older people on very low incomes and about one million just above the eligibility threshold will be adversely affected. Many pensioners, especially those with modest savings, will struggle to afford adequate heating this winter. A third group affected includes pensioners with slightly higher incomes but who are seriously unwell or live in energy-inefficient homes, leading to high energy bills. These individuals face increased difficulty in keeping their homes warm, exacerbating health concerns.<sup>157</sup> Furthermore, the creation of a new bureaucratic hurdle may result in many eligible claimants being unable to complete the application procedure; in November 2024, the Pensions Minister admitted that the application process was “very long”.<sup>158</sup>

The Scottish Government provides an additional devolved single payment of £58.75 on top of WFP (the Winter Heating Payment) for people receiving certain benefits, but this is not enough to cover those who are now missing out due to this new policy.<sup>159</sup> The Scottish Government announced in November 2024 that a new universal but qualified benefit – higher for recipients of pension credit – will be available to all pensioners in Scotland from winter 2025-26.<sup>160</sup> In November 2024, the Northern Ireland Executive reportedly announced a one-off £100 payment for pensioners affected by the cuts to the WFP.<sup>161</sup>

The European Committee of Social Rights has stressed the necessity of ensuring that Winter Fuel Payments alleviate poverty and are sufficient to meet energy needs and has urged the UK Government to reassess these payments to prevent fuel poverty and protect vulnerable individuals.<sup>162</sup>

#### *4.2.7. Housing Benefits and Local Housing Allowance*

Housing Benefit and the Local Housing Allowance (LHA) are crucial components of the United Kingdom’s social security system, designed to support low-income households in meeting their housing costs. The Housing Benefit is set and delivered UK-wide by the UK Government, providing support across both private and social rental sectors, while LHA is set and delivered by local authorities and determines the maximum support available specifically to private renters receiving either Housing Benefit or Universal Credit. LHA rates are decided by the DWP using information provided by the Valuation Office Agency (part of HM Revenue & Customs). LHA is the mechanism that dictates the amount of Housing Benefit a private tenant can receive, thereby linking the two systems. Reductions and freezes in LHA rates have

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<sup>156</sup> Age UK, “New Age UK analysis shows 2.5 million older people on low incomes - a higher number than first estimated - are set to lose their Winter Fuel Payment and will struggle without it” (Age UK 2024).

<sup>157</sup> Age UK, “New Age UK analysis shows 2.5 million older people on low incomes - a higher number than first estimated - are set to lose their Winter Fuel Payment and will struggle without it” (Age UK 2024).

<sup>158</sup> Will Durrant, “Ministers looking at ‘very long’ form for winter fuel payments”, *The Independent* (11 November 2024).

<sup>159</sup> Scottish Government: Winter Heating Payment. <https://www.mygov.scot/winter-heating-payment>

<sup>160</sup> Scottish Parliament, “Meeting of the Parliament, 28 November 2024” (Scottish Parliament 2024), 59-63.

<sup>161</sup> Jayne McCormack, “£100 payment to help pensioners with winter fuel cuts”, *BBC News* (19 November 2024).

<sup>162</sup> ESCR, Conclusions XXII- 2 (2021), United Kingdom.

significantly compromised its efficacy, with serious repercussions for housing stability among claimants.

LHA was introduced in 2008 to align housing support with the local rental market by setting rates at the 50<sup>th</sup> percentile of area rents, thereby covering the median rental cost.<sup>163</sup> However, in 2011, LHA rates were reduced to the 30<sup>th</sup> percentile,<sup>164</sup> substantially diminishing the support available to claimants. This change, compounded by a freeze on LHA rates between 2020 and April 2024, resulted in a widening gap between rising rental costs and the fixed level of housing support, pushing many claimants into deeper financial distress.<sup>165</sup> The rate of the LHA was reinstated at the 30<sup>th</sup> percentile in April 2024.<sup>166</sup>

The Joseph Rowntree Foundation highlighted in September 2024 that private rental prices have risen significantly, with an 8.4% increase across the UK between August 2023 and August 2024. Average rents increased to £1,327 in England, £752 in Wales, and £969 in Scotland over the same period. While LHA rates were unfrozen and adjusted to reflect the cheapest 30% of local rents in the final budget of the Conservative Government in April 2024, these rates were based on rental figures from September 2023. In the following year, however, average rents had increased by £92 per month in Great Britain, and by £174 in London, indicating that LHA was already falling behind actual rental costs.<sup>167</sup>

In 2023, Citizens Advice reported disparities in rental markets further complicate the issue, with areas such as Central London and Greater Manchester experiencing significant shortfalls between LHA rates and actual rental costs. For instance, in Central London, the cost of a four-bedroom property is nearly double the maximum LHA rate, leaving tenants with substantial rent deficits to manage.<sup>168</sup>

Research by Citizens Advice also reveals that the average monthly shortfall between LHA and actual rent costs across the UK stands at £62.13, with many experiencing a deficit exceeding £100. For Universal Credit claimants, the average shortfall is even greater, at £145 per month. As rental costs continue to rise, these shortfalls have exacerbated financial hardship, forcing claimants to divert income intended for other essential needs, such as food and heating, towards covering rent.<sup>169</sup> The APPG on Poverty has similarly criticised the failure to adjust LHA rates annually in line with rent increases, attributing this to increasing poverty among low-income households. The APPG on Poverty and the Work and Pensions Committee both recommend the establishment of a legal requirement to annually update LHA rates, ensuring they remain aligned with at least the 30<sup>th</sup> percentile of local market rents.<sup>170</sup>

Local authorities can sometimes resort to Discretionary Housing Payments (DHPs) to mitigate some of the pressures resulting from insufficient LHA rates. However, DHPs are inherently temporary and discretionary, making them unreliable for households in need of stable and consistent assistance.<sup>171</sup>

Introduced in 2013, the so-called **bedroom tax** meant that council tenants or tenants from housing associations or other registered social landlords would see the amount of their Housing

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<sup>163</sup> Welfare Reform Act 2007 (c. 5), section 30.

<sup>164</sup> The Rent Officers (Housing Benefit Functions) Amendment Order 2010, SI 2010/2836.

<sup>165</sup> Citizens Advice, “The Impact of Freezing Local Housing Allowance” (Citizens Advice 2023), 3-4.

<sup>166</sup> The Rent Officers (Housing Benefit and Universal Credit Functions) (Amendment) Order 2024, SI 2024/11.

<sup>167</sup> Joseph Rowntree Foundation, “JRF calls for government to end uncertainty over LHA at the Budget” (JRF 2024).

<sup>168</sup> Citizens Advice, “The Impact of Freezing Local Housing Allowance” (Citizens Advice 2023), 7-8.

<sup>169</sup> Citizens Advice, “The Impact of Freezing Local Housing Allowance” (Citizens Advice 2023), 6.

<sup>170</sup> All-Party Parliamentary Group on Poverty, ‘Social Security Report’ (APPG on Poverty 2023), 15, 20; Work and Pensions Committee, “Benefit Levels in the UK” (UK Parliament 2024), 40.

<sup>171</sup> Citizens Advice, “The Impact of Freezing Local Housing Allowance” (Citizens Advice 2023), 16-17.

Benefit reduced if they were deemed to have a spare room at home – 14% for one room, 25% for more than one. The bedroom tax was forcefully criticised by disability rights groups for failing to account for situations where households with a member with a disability may need an extra room for equipment or for a carer. In fact, in 2016, the Supreme Court ruled that a decision in application of the bedroom tax affecting a person with disabilities had been manifestly unreasonable, amounting to discrimination in relation to the right to private and family life.<sup>172</sup> In 2019, the European Court of Human Rights ruled that the UK had failed to take into account the special needs of a survivor of domestic violence living in a “sanctuary scheme” home, which is meant to be adapted to enable women and children at serious risk of domestic violence to live freely.<sup>173</sup>

The Scottish Government provides full funding for the mitigation of the bedroom tax, and expects that anyone affected by these deductions will receive a DHP through Scottish local authorities.<sup>174</sup>

The CESCR in its 2016 Concluding Observations criticised the austerity measures that have weakened social safety nets, including the Housing Benefit. The CESCR underscored the responsibility of the UK Government to ensure access to adequate housing for all, particularly vulnerable groups.<sup>175</sup> It also recommended that the UK adopt specific measures to address the inability of private renters to meet their rental obligations, including the provision of security of tenure protections and robust accountability mechanisms.<sup>176</sup> Similarly, the Special Rapporteur on Extreme Poverty and Human Rights also stated that the UK Government should reverse freezes on benefits, such as LHA.<sup>177</sup>

The shortcomings of the LHA and Housing Benefit systems have left many low-income households facing precarious living conditions, financial instability, and an elevated risk of homelessness. The UK Government should take meaningful action to restore the adequacy of these benefits by uprating LHA to reflect actual rental costs, revising national LHA limits, and expanding support for those struggling to meet their housing needs.

### 4.3. Accessibility

Examining accessibility within social security policy reveals the complex interplay between policy mechanisms, structural barriers, and socio-economic exclusion. Beyond the benefit cap, welfare policies such as benefit sanctions, debt deductions, and challenging assessment processes often compound financial strain rather than alleviate it, particularly for marginalised groups. Sanctions and deductions reduce essential support, pushing claimants closer to destitution, while inconsistent and rigid assessment procedures introduce further obstacles for those needing benefits. Additionally, the shift toward digital-by-default systems excludes individuals without reliable internet access or digital literacy, underscoring a digital divide that effectively bars meaningful access to social security. Language barriers, limited communication support, and restricted participatory avenues exacerbate these issues,

<sup>172</sup> R (on the application of Carmichael and Rourke) (formerly known as MA and others) (Appellants) v Secretary of State for Work and Pensions (Respondent) [2016] UKSC 58 (Judgment of 9 November 2016).

<sup>173</sup> European Court of Human Rights, J.D. and A. v. UK (Applications No. 32949/17 and 34614/17) (Judgment of 24 October 2019).

<sup>174</sup> Scottish Government, “Discretionary Housing Payments in Scotland: 1 April 2023 to 31 March 2024” (Scottish Government 2024).

<sup>175</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), para 41(b), 49(b).

<sup>176</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), para 50(b).

<sup>177</sup> UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 96(d)



particularly for those from minority ethnic backgrounds or with disabilities. Together, these systemic inadequacies highlight a profound need for reform that prioritises accessibility, equity, and the protection of human rights, reframing social security not merely as a safety net but as a foundational pillar of human dignity and social inclusion.

#### 4.3.1. *Accessibility and Discrimination under the Benefit Cap*

The benefit cap, introduced in April 2013,<sup>178</sup> set a maximum limit on the total benefits most working-age individuals can receive. The cap affects various benefits, such as Housing Benefit, Child Benefit, and Universal Credit, and aims to prevent households from receiving more in benefits than approximately the average working household income. However, this cap fails to account for regional variations in the cost of living and individual claimant needs, creating substantial barriers for accessibility.

The Scottish Government provides full funding for the mitigation of the benefit cap, and expects that anyone affected by these deductions will receive a DHP through local authorities.<sup>179</sup>

The DWP reported that, in May 2024, the benefit cap levels are set at £22,020 annually (£14,753 for single adults) across most of the UK, and £25,323 (£16,967 for single adults) in Greater London. The cap's application across different benefits may lead to confusion, especially for claimants transitioning from Housing Benefit to Universal Credit, making the system difficult to navigate. As of May 2024, 123,000 households were affected by the cap, with 118,000 on Universal Credit and 4,900 on Housing Benefit, an overall increase of 61% since February 2024, coinciding with the annual benefit uprating and the LHA in April 2024. The weekly average cap amount was £59 in May 2024, up from £51 in February.<sup>180</sup>

The New Economics Foundation has argued that the benefit cap exacerbates poverty and disproportionately affects children, single-parent families – generally headed by women – and families with multiple children.<sup>181</sup> Research from the Resolution Foundation in 2024 projects that by 2029-30, an additional 1.5 million people, including 400,000 children, will be pushed into relative poverty due to ongoing benefit caps and insufficient Local Housing Allowance.<sup>182</sup> The New Economics Foundation has also made the case that abolishing the benefit cap would alleviate poverty and provide substantial economic benefits, such as boosting local economies and reducing pressures on public services.<sup>183</sup>

The benefit cap and other social security cuts can have a disproportionate impact on **women**, who are often more reliant on some benefits for themselves and for their families. This is particularly true for survivors of domestic violence, who, besides enduring physical, emotional and/or economic abuse, face a number of additional hurdles and costs – in relation to housing, childcare, legal costs, mental health, transport and other.<sup>184</sup> This can have a disproportionate impact on the levels of private debt of low-income women.<sup>185</sup> Women's Budget Group and Surviving Economic Abuse, among others, have called for automatic split payments of

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<sup>178</sup> Welfare Reform Act 2012 (c. 5), section 96.

<sup>179</sup> Scottish Government, "Discretionary Housing Payments in Scotland: 1 April 2023 to 31 March 2024" (Scottish Government 2024).

<sup>180</sup> Department for Work & Pensions, "Benefit Cap: Number of Households Capped to May 2024" (UK Government 2024).

<sup>181</sup> Sam Tims, "Capping Ambitions" (New Economics Foundation 2023).

<sup>182</sup> Alex Clegg and Adam Corlett, "Living Standards Outlook: Summer Update 2023" (Resolution Foundation, 2023), 7.

<sup>183</sup> Lalitha Try, "Catastrophic caps: An analysis of the impact of the two-child limit and the benefit cap" (Resolution Foundation 2024), 1.

<sup>184</sup> Women's Aid, *The Price of Safety: The cost of leaving an abuser and rebuilding a safe, independent life* (Women's Aid 2024).

<sup>185</sup> Siobhán Harding, *Women Living with Debt* (Women's Support Network 2022).

Universal Credit to each member of a couple as a means to address and prevent situations of potential economic abuse.<sup>186</sup>

The CESCER has emphasised the importance of universal coverage in social security systems, especially for the most disadvantaged and marginalised groups, without discrimination. It noted that non-contributory schemes are necessary to ensure accessibility for all.<sup>187</sup> The Committee on the Elimination of Racial Discrimination (CERD), in its 2023 Concluding Observations, recommended that the UK abolish policies adversely impacting **ethnic minority** households, such as the two-child limit and the benefit cap.<sup>188</sup> The Supreme Court also acknowledged that the benefit cap breaches the UN Convention on the Rights of the Child, depriving families with **children** of the income needed to maintain an adequate standard of living,<sup>189</sup> and that the cap disproportionately affects single-parent households, most of which are headed by **women**.<sup>190</sup> It is also indirectly discriminatory against victims of domestic violence, who may be temporarily housed in expensive accommodation, resulting in higher housing benefit needs that would be restricted by the cap.<sup>191</sup>

#### 4.3.2. *Accessibility and Discrimination under Benefit Sanctions and Deductions*

The benefit sanction regime imposes penalties on claimants who fail to meet certain conditions, such as attending jobcentre appointments or accepting job offers.<sup>192</sup> Sanctions result in a suspension of benefit payments and are classified into three levels: Higher-Level Sanctions are for serious failures, such as refusing a job offer, and last between 91 and 182 days; Medium-Level Sanctions are imposed for failing to participate in work-related activities, lasting 28 days for the first failure and 91 days for subsequent failures; Lower-Level Sanctions are given for missing mandatory interviews or appointments, lasting between 7 and 28 days. Unlike simple deductions, these sanctions fully withhold payments, creating significant financial hardship for claimants.<sup>193</sup>

The UK's social safety net is based on conditionality. This means that entitlements are made contingent upon complying with certain conditions, particularly the expectation of seeking employment. Claimants risk being sanctioned and losing their benefits if they are considered not to be meeting the conditions. Conditionality is a reminder that sanctions are not only problematic when they are implemented, but when there is a potential, perceived as a threat or a risk, that they could be implemented. By making claimants fearful of the consequences of missing appointments or deadlines, conditionality risks eroding the already feeble but indispensable trust between claimants, street-level bureaucrats and the overall system of social security.<sup>194</sup>

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<sup>186</sup> Marilyn Howard, *Benefits or barriers? Making social security work for survivors of violence and abuse across the UK's four nations* (Women's Budget Group, End Violence Against Women and Surviving Economic Abuse 2019), 17-18.

<sup>187</sup> CESCER, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 23, 29-31.

<sup>188</sup> CERD, Concluding Observations on the Twenty-First to Twenty-Third Periodic Reports of the United Kingdom UN Doc CERD/C/GBR/CO/ (2016), para 38.

<sup>189</sup> R (on the application of SG and others (previously JS and others)) (Appellants) v Secretary of State for Work and Pensions (Respondent) [2015] UKSC 16, [179], [128], [225], [268].

<sup>190</sup> R (on the application of SG and others (previously JS and others)) (Appellants) v Secretary of State for Work and Pensions (Respondent) [2015] UKSC 16, [2].

<sup>191</sup> R (on the application of SG and others (previously JS and others)) (Appellants) v Secretary of State for Work and Pensions (Respondent) [2015] UKSC 16, [3].

<sup>192</sup> Welfare Reform Act 2012 (c. 5), section 117.

<sup>193</sup> Department for Work & Pensions, "Benefit Cap: Number of Households Capped to May 2024" (UK Government 2024).

<sup>194</sup> Ruth Patrick, "Living at the sharp end of socio-economic inequality: everyday experiences of poverty and social security receipt", *Oxford Open Economics*, 3(S\_1) (2024); Henry Parkes, *The Sanctions Surge: Shining a Light on the Universal Credit Sanctions Regime* (IPPR 2023); Welfare Conditionality Project, *Final findings report, 2013-2018* (University of York 2018).

In May 2024, the DWP reported that 6.17% of Universal Credit claimants in sanctionable conditionality regimes were undergoing a sanction, down 0.4% from February. Of these, 93.7% were due to failure to attend mandatory interviews. Additionally, 29% of Universal Credit claimants were in regimes where sanctions could apply.<sup>195</sup> Data released by the DWP in September 2024 has also shown that sanctions have been disproportionately applied to ethnic minorities, with Black claimants 58% more likely to be sanctioned than white claimants, and mixed ethnic groups 72% more likely to face penalties. The data also shows that **Black and minority ethnic** benefit claimants are disproportionately likely to be sanctioned with Universal Credit penalties, often running into hundreds of pounds.<sup>196</sup> There is evidence that suggests there are spatial differences in the application of sanctions; in rural England, the risk of being sanctioned appears to be substantially higher for all groups, but especially for mixed heritage and Black claimants.<sup>197</sup> Although the DWP published up-to-date official data on the impact of sanctions in relation to the ethnicity of Universal Credit claimants in October 2024,<sup>198</sup> it has not yet provided disaggregated data on other protected characteristics.

These inequitable applications of sanctions compound barriers for marginalised groups, who may already face other challenges, such as language barriers, lack of digital access, limited access to public transport, closure of job centres, libraries and children and youth centres, or mistrust of governmental institutions. An internal DWP study, published in 2023, revealed that sanctions do not effectively encourage employment but instead push claimants into precarious, low-paying jobs. The psychological and financial strain caused by sanctions further hinders efforts to achieve financial stability.<sup>199</sup>

**Deductions** from Universal Credit are amounts taken directly from a claimant's benefit payment to cover debts or costs. These deductions can be used to repay benefit advances, benefit overpayments, or debts to third parties such as landlords, utility providers, or local authorities. The total deduction from Universal Credit is generally capped at 25% of the standard allowance, although it may be increased to safeguard essential needs like rent or utilities. Deductions are applied for various reasons, including benefit advances given while waiting for Universal Credit payments, recovering overpayments made in error, and debts owed to third parties like rent, Council Tax, or court fines. Unlike sanctions, which are penalties for failing to meet benefit conditions and involve a complete suspension of payments, deductions are partial reductions aimed at managing debt recovery while still providing ongoing financial support.<sup>200</sup>

Research by various disability rights organisations showed that, while being active is important to **people with disabilities**, and disability benefits are critical in enabling disabled people to be active, the fear of losing benefits is preventing disabled people from being more active.<sup>201</sup>

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<sup>195</sup> Department for Work & Pensions, "Benefit Sanctions Statistics to May 2024" (UK Government 2024).

<sup>196</sup> Department for Work & Pensions, "Universal Credit Statistics: 29 April 2013 to 12 September 2024" (UK Government 2024).

<sup>197</sup> Andrew Williams, Brian Webb and Richard Gale, "Racism and the uneven geography of welfare sanctioning in England", *Transactions of the Institute of British Geographers*, 49(4), e12677.

<sup>198</sup> Department for Work & Pensions, "Universal Credit ethnicity statistics August 2024 and September 2024" (UK Government 2024).

<sup>199</sup> Department for Work & Pensions, "The Impact of Benefit Sanctions on Employment Outcomes" (UK Government 2023), 18-23.

<sup>200</sup> Steven Kennedy, Andrew Mackley, Siobhan Wilson, Frank Hobson, "Universal Credit Deductions" (House of Commons Library 2023), 3-5.

<sup>201</sup> Dwarf Sports Association UK, Activity Alliance and FlexMR, *The Activity Trap: Benefits or being fit?* (Activity Alliance 2018).



In August 2022, 2.1 million households (45% of all households receiving Universal Credit) had debt repayments deducted directly by the DWP, with the average deduction being £62 per month. These deductions can push claimants deeper into debt and increase the risk of destitution. Households can lose up to 25% of their standard allowance, with some losing even more. In mid-2022, 57% of those referred to a Trussell Trust foodbank while on Universal Credit had reduced income due to debt deductions, contributing significantly to hardship; 95% of those with deductions went without essentials, compared to 84% without deductions. Most deductions (85%) relate to debts owed to the UK Government, often stemming from loans taken to cover the five-week wait for the first payment (see below, 4.3.3).<sup>202</sup>

According to a report from the Public Law Project in September 2024, more than half of Universal Credit recipients face significant deductions, which frequently lead to severe financial hardship and increase the risk of destitution. The UK Government's introduction of the Fair Repayment Rate in 2024 reduced the maximum deduction cap from 25% to 15%, but the financial burden on claimants remains considerable.<sup>203</sup> Over two million households on Universal Credit, including 2.3 million children, are receiving less income than they are entitled to due to deductions. Universal Credit recipients pay £568 million annually because of overpayment deductions, with £111 million stemming from Government errors rather than claimants' mistakes. Benefit deductions, mostly for debts owed to the UK Government, like advance loans or overpayments, reduce people's income below their assessed needs, with an average deduction of £61 per month affecting 45% of claimants. Many claimants receive little explanation from the DWP about the reasons for deductions, particularly in cases of historic overpayments, which often come as a surprise when benefit payments are reduced.<sup>204</sup> Citizens Advice reports that, since 2019, there has been a 28% increase in people seeking help with deductions.<sup>205</sup>

In line with international human rights standards, the Essentials Guarantee campaign advocates that deductions (such as debt repayments to the DWP or as a result of the benefit cap) should never reduce support below the guaranteed essentials level.<sup>206</sup>

In its 2016 Concluding Observations, the CESCR recommended that the UK review the use of benefit sanctions to ensure they are used proportionately and subject to prompt and independent dispute resolution mechanisms.<sup>207</sup> The CESCR also called for the UK Government to provide disaggregated data on the impact of reforms to social security on women, children, persons with disabilities, low-income families and families with two or more children.<sup>208</sup> The misapplication of sanctions, combined with their severity and already low benefit levels, can exacerbate the challenges faced by vulnerable groups, increasing the risk of destitution, homelessness, and mental and physical health issues.

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<sup>202</sup> Lucy Bannister, Peter Matejic, Iain Porter, Daisy Sands, Katie Schmuecker, Andrew Wenham, Rachel Bull, Leuan Ferrer, Anna Hughes, "An Essentials Guarantee" (Joseph Rowntree Foundation and Trussell Trust 2024), 18-19; Steven Kennedy, Andrew Mackley, Siobhan Wilson, Frank Hobson, "Universal Credit Deductions" (House of Commons Library 2023), 6-9.

<sup>203</sup> Jagna Olejniczak, "From Pillar to Post" (Public Law Project 2024), 13, 17.

<sup>204</sup> Craig Berry and Julia Riddick-Trentmann, "Designing out deductions: How to address the welfare debt trap" (Citizens Advice 2024), 2-3.

<sup>205</sup> Citizens Advice, "Universal Credit Recipients Unfairly Paying £111m a Year Due to Government Errors" (Citizens Advice 2024).

<sup>206</sup> Lucy Bannister, Peter Matejic, Iain Porter, Daisy Sands, Katie Schmuecker, Andrew Wenham, Rachel Bull, Leuan Ferrer, Anna Hughes, "An Essentials Guarantee" (Joseph Rowntree Foundation and Trussell Trust 2024).

<sup>207</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), 41(b).

<sup>208</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), 41(d).

### 4.3.3. *The Five-Week Wait and Advance Payments for Universal Credit*

The five-week wait for the initial payment of Universal Credit continues to be a substantial barrier to accessing social security, thereby exacerbating poverty and financial insecurity across the United Kingdom. The five-week waiting period, ostensibly embedded within Universal Credit due to its monthly assessment structure, has been consistently criticised as one of the most significant flaws in the current social security framework.<sup>209</sup> This delay is not merely a bureaucratic inconvenience; it poses a direct threat to the dignity and welfare of individuals, particularly those with the least resilience to financial shocks.

Although Advance Payments are available, these are essentially loans that must be repaid, further undermining the intended role of Universal Credit as a safety net during periods of economic hardship. Furthermore, reliance on Advance Payments, which must be repaid from future benefits in the form of deductions, exacerbates financial vulnerability among claimants. The repayment of these advances through deductions from future Universal Credit payments can result in recipients receiving an income below even the already inadequate standard allowance. Research from the Joseph Rowntree Foundation in 2019 revealed that almost 60% of UC claims in November 2019 had some form of deduction, with repayments of advances being one of the major contributing factors.<sup>210</sup> These deductions thus create a self-perpetuating cycle of financial instability for those already struggling to make ends meet.

The detrimental impact of the five-week wait on mental and physical health is particularly alarming. Evidence from Trussell Trust in 2019 underscored that the policy led to heightened financial insecurity, precipitating significant anxiety and stress, which further deteriorated claimants' well-being and mental health.<sup>211</sup>

The five-week wait contravenes the principle of accessibility. Benefits must be paid in a timely manner.<sup>212</sup> The Special Rapporteur on Extreme Poverty and Human Rights criticised the five-week wait as a systemic flaw that exacerbates poverty among vulnerable populations. The Special Rapporteur noted that such policies contribute significantly to rising levels of destitution, increased food bank usage, and growing homelessness, thereby undermining the UK's international obligations to ensure an adequate standard of living and therefore called for it to be eliminated.<sup>213</sup>

The European Committee of Social Rights also expressed concerns regarding delays in benefit payments, observing that such delays are incompatible with the right to social security as outlined in the European Social Charter. The Committee indicated that social security systems must be both timely and accessible in order to adequately serve the most vulnerable and prevent financial hardship.<sup>214</sup>

To address these pervasive issues, the Universal Credit initial payment structure should be redesigned to include non-repayable grants for those facing immediate need during the five-week wait, and the period should be weekly, not monthly. These adjustments would not only bring Universal Credit closer to compliance with international human rights obligations but also restore dignity and security to individuals experiencing personal crises. In addition, introducing flexibility in the assessment period, such as allowing fortnightly payments or

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<sup>209</sup> Ian Porter, "We Need to End the 5-Week Wait for Universal Credit - Here's How" (JRF 2024).

<sup>210</sup> Joseph Rowntree Foundation, "Written evidence from Joseph Rowntree Foundation [UCW0076]" (JRF 2020).

<sup>211</sup> Ellie Thompson, Abby Jitendra, Sumi Rabindrakumar, "#5weekstoolog: why we need to end the wait for universal credit" (Trussell Trust 2019), 12-19.

<sup>212</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 26(e).

<sup>213</sup> UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 52-54, 96(h).

<sup>214</sup> ECSR, Conclusions XXII-2 (2021) United Kingdom.

implementing interim payments based on estimated earnings, would alleviate the immediate financial pressures on new claimants, thereby helping to prevent them from falling into unsustainable debt at the outset.<sup>215</sup>

#### *4.3.4. Assessments, Appeals and Justiciability*

##### **Assessment Processes**

The assessment process for social security benefits, such as Personal Independence Payment (PIP), the Scottish Adult Disability Payment (ADP), Universal Credit, and those under Disability Living Allowance (DLA) and Employment and Support Allowance (ESA) legacy benefits, are a critical step that determines eligibility and the level of financial assistance.

However, according to a report from the mental health charity Mind in 2023 based on evidence gathered in England and Wales, many claimants described the process as feeling like they were “being put on trial”, often feeling judged and mistrusted. This sentiment was echoed by nearly 66% of individuals who reported that their mental health had deteriorated due to the assessment process.<sup>216</sup>

In January 2024, the DWP reported that there were 210,000 new claims for benefits registered and cleared, along with 30,000 changes of circumstance reported and 32,000 cleared. Between February 2019 and January 2024, 41% of new claims received an award, and 83% of changes of circumstances resulted in either an increase or no change to the claimant’s level of award.<sup>217</sup> Between March 2022 and April 2023, 42,425 ADP applications were processed in Scotland, with 59% authorised, 32% denied, and 9% withdrawn.<sup>218</sup> In March 2024, the DWP reported that between September 2023 and March 2024, there were 29,000 completed new style ESA Work Capability Assessments (WCAs), up 17% from the previous quarter, with 63% being initial assessments. Of these initial WCAs, 61% resulted in a Support Group award, which exempts recipients from work-related activities due to severe health conditions or disabilities.<sup>219</sup> There is currently no official up-to-date data available on assessments and awards for DLA and Universal Credit.

A 2018 report from Work and Pensions Committee highlighted several key issues and recommendations regarding the PIP and ESA assessments. The parliamentary Committee observed that claimants often face difficulties throughout the application and assessment process, including challenges in filling out forms, accessibility issues, and inconsistent guidance about being accompanied during assessments. A significant concern was the accuracy of assessments conducted by non-specialist healthcare professionals, resulting in a lack of understanding of mental health issues among assessors and leading to repeated errors and a high level of disputes. The report suggested that assessors should be required to have specialised training or qualifications in mental health and that the process should be made more claimant centred. The report recommended offering audio recordings of assessments by default to improve transparency and providing claimants with assessment reports automatically. It also suggested clearer communication about home visit arrangements and ensuring that companions’ input during assessments was adequately reflected in the reports. The report also called for more stringent quality control for private contractors conducting assessments and

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<sup>215</sup> Ian Porter, “We Need to End the 5-Week Wait for Universal Credit - Here's How” (JRF 2024).

<sup>216</sup> Mind, “Reassessing Assessments: Experiences of Social Security Claimants” (2023), 3-5.

<sup>217</sup> Department for Work and Pensions, “Personal Independence Payment: Official Statistics to October 2023” (UK Government, 2023).

<sup>218</sup> Social Security Scotland, “Adult Disability Payment: High Level Statistics to 30 April 2023” (Scottish Government 2023).

<sup>219</sup> Department for Work & Pensions, “ESA Outcomes of Work Capability Assessments, Including Mandatory Reconsiderations and Appeals: March 2024” (UK Government 2024).

suggested changes to the contracting model to ensure better compliance with quality standards.<sup>220</sup>

The recommendations seem pertinent years later. A House of Commons debate in 2023 revealed that only 11% of assessors have the necessary medical qualifications, which undermines the reliability of decisions. The result is a high volume of incorrect decisions, with initial assessments overturned nearly 80% of the time upon appeal, indicating a significant failure in the initial decision-making process. Such a system can leave many claimants feeling disempowered and unable to access the benefits they are entitled to.<sup>221</sup> A 2023 Citizens Advice report estimated that £24 million a month were being held up and prevented from reaching peoples' pockets due to delays in PIP health assessments.<sup>222</sup> Also in 2023, the Multiple Sclerosis Society surveyed over 3,500 people living with multiple sclerosis and found that 65% said the PIP application process had a negative or very negative impact on their physical and mental health, 61% said their PIP assessment report did not give an accurate reflection of their MS, and 62% said their PIP assessor did not consider their hidden symptoms.<sup>223</sup>

### Appeals and Reassessment Processes

The appeals and reassessment mechanisms pose significant barriers to claimants, contributing to reduced accessibility to social security benefits. The complexity of this process, combined with inadequate communication, can deter claimants from challenging unjust sanctions.<sup>224</sup>

According to data from His Majesty's Court & Tribunal Services in March 2024, 70% of PIP appeals were successful, an increase from the previous year. Universal Credit appeals had a 54% success rate, while DLA and ESA appeals saw success rates of 58% and 49%, respectively. Claimant appeals increased by 12%, but completed cases decreased by 5%, and the backlog of cases awaiting a hearing rose by 33% to 79,000, still below the 2017 peak of 125,000.<sup>225</sup>

Despite the high success rates, the complex, lengthy, and intimidating nature of the appeals process often deters claimants from challenging decisions, leaving many without the financial support they need. A 2021 report by the human rights and rule of law NGO Justice highlighted several flaws in the appeals process, including the requirement for claimants to undergo a mandatory reconsideration stage before accessing an independent tribunal. This stage adds unnecessary complexity and delays, discouraging many from pursuing their entitlements despite the high success rates of appeals. Justice has proposed abolishing mandatory reconsideration, allowing claimants to appeal directly to the First-tier Tribunal, which would still trigger a mandatory review by the DWP. They also suggest clarifying that appeals can be submitted after the one-month deadline if justified, utilising technology to streamline the process, and piloting tribunal caseworker reviews to prevent delays.<sup>226</sup>

The appeals process is not only cumbersome but also unfairly weighted against claimants. The delay and procedural hurdles associated with mandatory reconsideration mean that many people are left without crucial financial support during the appeals period. The high rate of

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<sup>220</sup> Work and Pensions Committee, "PIP and ESA assessments" (UK Parliament 2018), 16-48.

<sup>221</sup> House of Commons, "Disability Benefit Assessments: Volume 737; debated on Monday 4 September 2023" (Hansard 2023).

<sup>222</sup> Oliver Crunden and Victoria Anns, *Playing catch-up: The impact of delayed health assessments for Personal Independence Payment* (Citizens Advice 2023).

<sup>223</sup> Charles Gillies and Anastasia Berry, *PIP and MS: a decade of failure* (MS Society 2023).

<sup>224</sup> House of Commons, "Benefit Sanctions: Volume 724: debated on Tuesday 13 December 2022" (Hansard 2022).

<sup>225</sup> Ministry of Justice, "Tribunal Statistics Quarterly: October to December 2023" (UK Government 2024).

<sup>226</sup> Justice, "Reforming Benefits Decision-Making" (Justice 2021), 3, 70-81.

successful appeals further supports the argument that the initial assessment decisions are often incorrect, placing an undue burden on claimants to challenge these decisions.<sup>227</sup>

According to the DWP's own statistics, 59% of appeals are won by the claimant because the tribunal reached a different conclusion based on the same facts, with new written evidence making a difference in just 1% of cases. Cogent oral evidence was cited in 32% of cases, which suggests that the tribunal asked detailed questions, and the claimant was able to provide detailed, consistent, and credible answers. Thus, in 91% of cases, the claimant won without any new evidence being provided, debunking the narrative that claimants often only succeed because of new documentation.<sup>228</sup>

### **Justiciability and Systemic Issues**

Justiciability relates to the ability of individuals to challenge administrative decisions in court, and in the context of social security, this encompasses the availability of legal avenues to contest incorrect benefit decisions.

In June 2024, the DWP reported that Social Security and Child Support (SSCS) receipts remained stable compared to 2023/24, disposals increased by 3%, and open cases increased by 19%. The increase in disposals was primarily driven by increases in Universal Credit and PIP cases, which rose by 14% and 3%, respectively.<sup>229</sup> Justice's report highlighted the need for an independent body to oversee the administrative justice system and ensure that claimants are afforded their right to appeal unjust decisions. This oversight is crucial to ensure accountability and promote a fair benefits system that is accessible to all.<sup>230</sup>

Additionally, the legal landscape regarding benefit assessments and appeals has been shaped by cuts to legal aid following the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which significantly reduced access to welfare benefits advice.<sup>231</sup> Many claimants are unable to navigate the complex legal and bureaucratic processes involved in challenging benefit decisions, especially without adequate legal representation. The report from Justice recommends reinstating legal aid for early benefits advice and providing clear, accessible information throughout the assessment and appeals process.<sup>232</sup> The House of Commons debate on benefit appeals in 2023 also underscored the difficulties faced by claimants who lack access to legal aid, noting that this disproportionately affects people with disabilities, mental health issues, and limited digital literacy.<sup>233</sup> Without adequate support, these individuals are often unable to effectively challenge incorrect benefit decisions, further exacerbating the accessibility issues in the social security system.

The Committee on the Rights of Persons with Disabilities (CRPD) has also criticised the UK's assessment process for failing to adequately consider the specific needs of persons with disabilities, thereby limiting their access to the social security system. The CRPD called for the UK to ensure that assessment and appeals procedures are adapted to meet the needs of individuals with disabilities, including providing accessible information and ensuring assessors

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<sup>227</sup> House of Commons, "Benefit Appeals: Volume 615: debated on Monday 17 October 2016" (Hansard 2016).

<sup>228</sup> House of Commons, "Personal Independence Payment: Tribunals: Question for Department for Work and Pensions" (Hansard 2022).

<sup>229</sup> Ministry of Justice, "Tribunal Statistics Quarterly: October to December 2023" (UK Government 2024).

<sup>230</sup> Justice, "Reforming Benefits Decision-Making" (Justice 2021), 4-5.

<sup>231</sup> Amnesty International, "Cuts that Hurt: The impact of legal aid cuts in England on access to justice" (Amnesty International 2016).

<sup>232</sup> Justice, "Reforming Benefits Decision-Making" (Justice 2021).

<sup>233</sup> House of Commons, "Disability Benefit Assessments: Volume 737; debated on Monday 4 September 2023" (Hansard 2023).

have appropriate expertise in disability-related issues.<sup>234</sup> The Special Rapporteur on Extreme Poverty and Human Rights called for reforms to ensure that assessments are conducted fairly, with a focus on providing support rather than penalising claimants and emphasised the importance of accessible and transparent appeals processes to ensure accountability.<sup>235</sup> In its 2016 Concluding Observations, the CESCR expressed concern over the impact of legal aid reforms on access to justice in regard to social security benefits and called for a review of the use of benefit sanctions and the provision of independent and timely dispute resolution mechanisms to protect individuals' rights.<sup>236</sup>

#### 4.3.5. *Digital, Communication and Participation Barriers*

##### **Digital Barriers**

The digitalisation approach was ostensibly intended to streamline benefits administration and improve efficiency; however, the digital-by-default system has exacerbated pre-existing inequalities and created new obstacles for marginalised claimants. Universal Credit is designed to be accessed and managed online, requiring claimants to maintain an online journal for communication with the DWP. For individuals without consistent internet access, without a personal computer or smartphone or sufficient mobile data, or who lack digital literacy, this system can be inaccessible and exclusionary.<sup>237</sup> A report from Child Poverty Action Group (CPAG) in 2023 indicated that the digital interface itself often fails to collect all the information needed to assess a claimant's entitlement accurately, thereby excluding individuals from receiving their full entitlements.<sup>238</sup> This issue particularly affects older claimants, people with disabilities, and individuals living in rural areas where internet access can be unreliable. The assumption that all claimants are comfortable using digital technology ignores the reality that many do not have the skills, resources, or support required to use these systems effectively.

The National Audit Office has also highlighted the risk that machine learning technologies deployed by the DWP may produce discriminatory outcomes by unfairly targeting particular groups of claimants, including those with protected characteristics.<sup>239</sup> The absence of appropriate safeguards and the failure to publish fairness analyses hinder claimants' ability to understand the basis for decisions made about their claims.

In 2020, Human Rights Watch (HRW) shed light on systemic issues in the design of automated systems used to process Universal Credit claims. HRW found that the automated processes often failed to accommodate the varied needs of different groups, particularly the most vulnerable. This lack of adaptability in automation has exacerbated exclusion and limited access to procedural rights for claimants.<sup>240</sup>

The 2023 CPAG report also highlighted that systemic digital design issues prevent claimants from accessing procedural rights, such as backdating claims when legitimate issues impede

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<sup>234</sup> CPRD, Concluding observations on the initial report of the United Kingdom of Great Britain and Northern Ireland UN Doc CRPD/C/GBR/CO/1(2017), para 57(c), 59(c).

<sup>235</sup> UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 96(i), 96(j)

<sup>236</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland UN Doc E/C.12/GBR/CO/6 (2016), para 20, 41(c).

<sup>237</sup> Good Things Foundation, *Digital inclusion: What the main UK datasets tell us* (Good Things Foundation 2024).

<sup>238</sup> Rosie Mears and Sophie Howes, "You reap what you code: Universal credit, digitalisation and the rule of law" (CPAG 2023), 5.

<sup>239</sup> National Audit Office, "Report on Accounts: Department for Work & Pensions" (NAO 2023), 46.

<sup>240</sup> Human Rights Watch, "Automated Hardship: How the Tech-Driven Overhaul of the UK's Social Security System Worsens Poverty" (HRW 2020).

timely submissions.<sup>241</sup> The report further showed that this lack of access to procedural rights disproportionately affects certain groups, including those with housing instability or individuals with a precarious immigration status.<sup>242</sup>

Further complicating accessibility, Public Law Project identified lack of transparency in the DWP's automated decision-making systems. There is scant information on how data analytics and machine learning models are being deployed to process Universal Credit claims, and no meaningful safeguards seem to be in place to prevent discriminatory outcomes. Despite the DWP's assertion that the results of a fairness analysis indicated no immediate concerns of discrimination, the findings have not been published, hindering meaningful public scrutiny.<sup>243</sup> This lack of transparency and oversight raises concerns about due process and fairness, especially for those with protected characteristics under the Equality Act 2010, including those with cognitive disabilities or sensory impairments.

In his 2019 report, the Special Rapporteur on Extreme Poverty and Human Rights also raised concerns regarding the impact of digitalisation on vulnerable groups in the UK. He stressed that the adoption of digital systems, without adequate safeguards, risks excluding claimants who need support the most. The Special Rapporteur called for accessible alternatives for individuals who struggle with digital applications, such as more in-person support or simplified non-digital claims processes, to ensure that all individuals can access their entitlements.<sup>244</sup>

### **Communication Barriers**

Communication barriers significantly affect claimants whose first language is not English, making the Universal Credit system disproportionately difficult to access for Black, Asian, and minority ethnic communities. Internal DWP guidance categorises claimants whose first language is not English as having complex needs and mandates that their experience be equivalent in quality to that of other claimants. However, this is not always being realised in practice.<sup>245</sup> Research from CPAG in 2021 indicates that these individuals are frequently denied translation services when contacting the Universal Credit helpline, resulting in delayed claims and a lack of information about available options. Claimants whose first language is not English often wait weeks for follow-up calls with translators, compounding the existing five-week wait for the first Universal Credit payment and causing additional financial hardship.<sup>246</sup>

The Equality Act 2010 mandates that public bodies must avoid indirect discrimination based on race or ethnicity, and the failure to provide timely translation services may constitute a breach of these legal obligations. The absence of adequate translation support effectively means that claimants whose first language is not English are treated less favourably compared to English-speaking claimants, which could amount to indirect discrimination.

Additionally, claimants who require translation services are often unaware of critical options available during the waiting period, such as advance payments or emergency support schemes. This lack of awareness is compounded by delays in translation services, leaving claimants isolated, financially vulnerable, and susceptible to exploitation. People in a socio-economically

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<sup>241</sup> Rosie Mears and Sophie Howes, "You reap what you code: Universal credit, digitalisation and the rule of law" (CPAG 2023), 39-42.

<sup>242</sup> Rosie Mears and Sophie Howes, "You reap what you code: Universal credit, digitalisation and the rule of law" (CPAG 2023), 5.

<sup>243</sup> Public Law Project, "DWP's annual report leaves many questions about AI and automation" (Public Law Project 2024).

<sup>244</sup> UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 59-66, 82, 84, 95.

<sup>245</sup> What Do They Know, "Freedom of Information Request: ESA, PIP & UC - Internal DWP guidance re mental health safeguards" (What Do They Know 2018).

<sup>246</sup> Sabine Dubash, "Crossing the language barrier of UC" (CPAG 2021).

vulnerable position can fall prey to loans with predatory repayment terms, further trapping claimants in cycles of debt and poverty.<sup>247</sup>

On the right to social security, the CESCR has stated that the right to access and maintain benefits must be free from discrimination. Further to this, the CESCR has also stated that “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.<sup>248</sup>

## Participation Barriers

The right to participate fully in decision-making processes, including those related to welfare entitlements, is an essential element of social security systems. For many Universal Credit claimants, their ability to engage with the process is severely restricted due to deficiencies in communication from DWP. As reported by CPAG, one significant barrier is the practice of “gatekeeping”, in which DWP officials discourage claimants from progressing to mandatory reconsiderations or appeals, effectively denying them access to procedural rights.<sup>249</sup> Such practices are contrary to the principles of administrative justice and reduce the justiciability of benefit claims, limiting claimants’ ability to seek redress.

CPAG’s 2023 report outlined how when Universal Credit claims are closed, claimants’ journals are immediately frozen, which cuts off communication channels and prevents claimants from seeking further clarification or reconsideration. This represents a significant barrier to participation, as it prevents individuals from fully understanding or challenging the reasons for a decision. The report further highlighted that without the ability to communicate effectively with the DWP, claimants are left in the dark regarding their rights and unable to engage meaningfully with the benefits system.<sup>250</sup>

A lack of adequate digital skills also hinders many claimants’ ability to interact with their Universal Credit account. This digital divide is exacerbated for individuals with sensory disabilities, neurodiverse conditions, and older people, who may face additional barriers in accessing digital platforms.<sup>251</sup>

In 2021, the Social Security Advisory Committee argued that the DWP’s engagement with disabled people is often superficial, lacking depth and failing to translate into tangible policy changes. Many consultation processes were described as tokenistic, with disabled people being invited to share their views without any real influence over decision-making. Additionally, there were concerns about inadequate involvement of smaller, user-led groups, which limited the diversity of perspectives considered in policy development.<sup>252</sup>

Social Security Scotland incorporates lived experience panels into its policy development and evaluation processes. In 2023, the Poverty Alliance highlighted that involving individuals with lived experience in designing social security policies is crucial for ensuring equitable, effective

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<sup>247</sup> Sabine Dubash, “Crossing the language barrier of UC” (CPAG 2021); Mandy McAuley and Guy Grandjean, “Spotlight: Paramilitary loan sharks targeting food bank users”, *BBC Northern Ireland Spotlight* (December 2022).

<sup>248</sup> CESCR, General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) UN Doc E/C.12/GC/20 (2016), para 2.

<sup>249</sup> Rosie Mears and Sophie Howes, “You reap what you code: Universal credit, digitalisation and the rule of law” (CPAG 2023), 7-8.

<sup>250</sup> Rosie Mears and Sophie Howes, “You reap what you code: Universal credit, digitalisation and the rule of law” (CPAG 2023), 7-8.

<sup>251</sup> UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 59-66, 82, 84, 95.

<sup>252</sup> Department for Work & Pensions, “How DWP involves disabled people when developing or evaluating programmes that affect them: occasional paper 25” (UK Government 2021).



systems that reflect real needs. Empowering those with firsthand experience of navigating benefits helps to eliminate stigma and fosters an inclusive process of genuine co-design and co-production, ensuring that policies address the lived realities of claimants.<sup>253</sup>

In cases concerning disability rights, courts have established that the principle of active participation generally requires consultations on strategies,<sup>254</sup> and an impact assessment prior to the consultation.<sup>255</sup>

Articles 71 and 72 of ILO Convention 102 on Social Security (Minimum Standards) and the CESCR's General Comment No. 19 on the right to social security are clear that beneficiaries of social security schemes must be able to participate in the administration of the social security system.<sup>256</sup>

#### *4.3.6. Inaccessibility of Social Security Benefits and its Effect on Interdependent Rights*

The inadequacies inherent in social security benefits, particularly concerning accessibility, are foundational to a myriad of systemic injustices that infringe upon the rights to health, education, cultural participation, and the overall quality of life. The cost-of-living crisis, in combination with policy deficiencies and punitive welfare measures, have created a situation in which the denial of one right can undermine the enjoyment of other economic, social and cultural rights. As recognised in the 1993 UN Vienna Conference on Human Rights, all human rights are universal, indivisible and interdependent and interrelated.<sup>257</sup> The interconnectedness of human rights implies that, when economic security through social security benefits are compromised, repercussions reverberate across all dimensions of human dignity.

#### **The Right to an Adequate Standard of Living, including food and housing**

Social security benefits are ostensibly intended to guarantee an adequate standard of living, empowering individuals to secure necessities such as food, housing, and essential utilities. However, significant barriers to accessibility leave many individuals and families bereft of this human right, consequently threatening their ability to live with dignity.

In January 2024, the Joseph Rowntree Foundation reported that the real-term value of social security has plummeted to a 40-year nadir amidst historically high inflation, intensifying financial precarity for millions.<sup>258</sup> Also in July 2024, the Institute for Fiscal Studies indicated that incomes for the most economically vulnerable have stagnated or even declined as temporary pandemic-related support was withdrawn, underscoring the inability of the social security system to meet basic living needs.<sup>259</sup>

There is a direct link between social security and the right to **food**. Research led by Tim Jackson for the Food, Farming and Countryside Commission suggests that the costs associated with the rising burden of preventable chronic disease in the UK amounts to £91.9 billion in direct costs in healthcare, social care and welfare support, and a further £176.4 billion in indirect costs in

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<sup>253</sup> The Poverty Alliance, "Submission to the Work and Pensions Committee: Inquiry into the Adequacy of Benefits" (The Poverty Alliance 2023), 10.

<sup>254</sup> R (Eveleigh) v. Secretary of State for Work and Pensions [2023] EWCA Civ 810.

<sup>255</sup> Disability Rights UK, "DWP ordered to disclose key documents about "dehumanising" plans to reform Work Capability Assessment" (Disability Rights UK November 2024).

<sup>256</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 26.

<sup>257</sup> Vienna Declaration and Programme of Action (1993), para 5.

<sup>258</sup> Joseph Rowntree Foundation, "UK Poverty 2024" (JRF 2024), 5.

<sup>259</sup> Jonathan Cribb, Anna Henry, Heidi Karjalainen, Sam Ray-Chaudhuri, Tom Waters, Thomas Wernham, "Living Standards, Poverty and Inequality in the UK: 2024" (IFS 2024), 4.

terms of reduced productivity, life expectancy and overall quality of life; by contrast, the incremental cost of providing a healthy diet for everyone would be, according to the report, £57.1 billion.<sup>260</sup> The report shows that ensuring the right to affordable and nutritious food would save a substantial amount of money in the mid- and long-run in public healthcare, social security and social care.

The complexities of the benefits system function as an additional impediment, deterring individuals from successfully navigating the bureaucratic hurdles to claim essential support. Research from Gingerbread in September 2024 underscores how families, dependent on Universal Credit are often unable to meet basic needs, with single parents in particular reporting that the system is fundamentally inadequate and inaccessible for sustaining even a minimal standard of living. Barriers to accessing Universal Credit – such as complex application processes, inconsistent communication from authorities, and punitive sanctions – exacerbate these struggles, leaving single parents unable to provide a stable environment for their children. These conditions can lead to heightened levels of stress and anxiety, contributing to a cycle of economic insecurity that affects all aspects of family life, including health and education.<sup>261</sup> This precarious situation has particularly pronounced effects on single-parent households, generally headed by women, resulting in cascading impacts that undermine not only the right to an adequate standard of living but also other rights, such as health and education. **Housing** insecurity can increase the risk of homelessness, which in turn can have a negative impact on physical and mental health, employment prospects and the ability to build social bonds with members of the community.

The CESCR has stated that inadequacies in social security benefits precipitate broad violations of various interdependent rights, including the right to food, housing and health.<sup>262</sup> It is imperative, therefore, to recognise that social security forms a bedrock upon which multiple other rights are built and realised. The persistent failure to address these inadequacies perpetuates cycles of deprivation and exclusion.

### **The Right to Health**

The right to the highest attainable standard of health is intrinsically linked to economic stability, and thus, the accessibility of social security benefits. Economic instability, exacerbated by the deficiencies of social security, translates directly into impediments to accessing healthcare, nutritious food, and safe housing conditions. The report by Gingerbread reveals the deleterious health impacts that arise from financial insecurity, with many single-parent households reporting an inability to afford nutritious food and adequate healthcare, which culminates in poorer health outcomes.<sup>263</sup> Furthermore, the inadequacy of social security exacerbates health disparities, with economic inequality emerging as a critical social determinant of health.

In 2020, the National Audit Office reported that the DWP had identified numerous suicides of benefit claimants, with internal process reviews commissioned for 69 such cases since 2014-15. The failure to provide timely and adequate social security support has, in many instances, been linked to extreme stress, deteriorating mental health, and in tragic cases, even the loss of life by suicide. The DWP's lack of centralised data on these incidents, alongside inconsistent

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<sup>260</sup> Tim Jackson, *The False Economy of Big Food and the case for a new food economy* (Food, Farming and Countryside Commission, 2024).

<sup>261</sup> Gingerbread, "They Are Sanctioning the Children: The Impact of a Punitive Universal Credit Regime on Single Parent Families in the UK" (Gingerbread 2024), 10-21.

<sup>262</sup> CESCR, General Comment No. 19: The Right to Social Security (Article 9), UN Doc. E/C.12/GC/19 (2008), para 8, 28.

<sup>263</sup> Gingerbread, "They Are Sanctioning the Children: The Impact of a Punitive Universal Credit Regime on Single Parent Families in the UK" (Gingerbread 2024), 19-21.

and insufficient internal investigations, suggests a failure to effectively learn from these incidents to prevent further harm.<sup>264</sup> This highlights a severe shortcoming in fulfilling the obligation to ensure that social security contributes to safeguarding the mental health and well-being of all claimants.<sup>265</sup>

In recent years, there has been a spike in the number of recipients of disability-related benefits, which suggests a deterioration in the health conditions, including mental health. For example, according to the Institute for Fiscal Studies, the number of working-age people getting health-related benefits in England and Wales has increased from 2.8 million in 2019-20 to 3.9 million in 2023-24.<sup>266</sup> The public body Office for Budget Responsibility estimates that disability benefit spending will grow from £39.1 billion in Great Britain in 2023-24 to £58.1 billion in 2028/29, representing about 4% of total spending and 2% of GDP.<sup>267</sup> These trends evince the interdependence between social security, access to work and health outcomes.

In his 2019 report, the Special Rapporteur on Extreme Poverty highlighted that the imposition of austerity measures since 2010 significantly eroded the social safety net, resulting in an alarming increase in homelessness, restricted access to healthcare, and a decline in life expectancy for marginalised groups.<sup>268</sup> This regression serves as a powerful testament to the interdependence between social security and health rights, highlighting the need for robust social security policies to safeguard basic health standards.

A significant exacerbating factor within the current social security regime is the punitive nature of sanctions, which profoundly exacerbates health inequalities. The Gingerbread report points to the systemic targeting of single parents – most of them women – who are subjected to sanctions, resulting in reductions or outright cessation of benefit payments, which heightens stress and economic instability.<sup>269</sup> Rather than providing support, the system's punitive measures further entrench economic vulnerability and undermine psychological well-being, thereby demonstrating how the erosion of economic rights directly translates into compromised health outcomes.

### **The Right to Education**

The right to education represents a critical mechanism for disrupting cycles of poverty and advancing human dignity. Nevertheless, the inadequacies of social security benefits severely restrict educational opportunities for children in low-income households, hindering social mobility. The financial constraints arising from inadequate social security can prevent many children from accessing even basic educational resources, such as proper clothing, school supplies, and the ability to participate in extracurricular activities, which are essential components of a holistic education that facilitate academic success and social integration.<sup>270</sup> The European Committee of Social Rights has remarked that inadequate social security is a significant barrier to the right to education, reinforcing social inequalities rather than addressing them.<sup>271</sup>

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<sup>264</sup> National Audit Office, “Information held by the Department for Work & Pensions on deaths by suicide of benefit claimants” (NAO 2020).

<sup>265</sup> Child Poverty Action Group, *Making Adjustments? The experiences of universal credit claimants with mental health problems* (CPAG 2022).

<sup>266</sup> Eduin Latimer, Freddie Pflanz and Tom Waters, *Health-related benefit claims post-pandemic: UK trends and global context* (IFS 2024).

<sup>267</sup> Office for Budget Responsibility, “Welfare spending: disability benefits” (OBR 2024).

<sup>268</sup> UNHRC, Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on extreme poverty and human rights UN Doc A/HRC/41/39/Add.1 (2019), para 23, 47.

<sup>269</sup> Gingerbread, “They Are Sanctioning the Children: The Impact of a Punitive Universal Credit Regime on Single Parent Families in the UK” (Gingerbread 2024), 19-21.

<sup>270</sup> Lucy Bannister, Peter Matejic, Iain Porter, Daisy Sands, Katie Schmucker, Andrew Wenham, Rachel Bull, Leuan Ferrer, Anna Hughes, “An Essentials Guarantee: Technical Report” (Joseph Rowntree Foundation and Trussell Trust 2024), 4.

<sup>271</sup> ESCR, Conclusions XXII- 2 (2021), United Kingdom.

### **Right to Protection and Assistance to the Family**

The right to protection and assistance to the family (Article 10 ICESCR) is closely connected with the right to social security and other human rights. The scope of the positive obligations under Article 10 ICESCR are wider than those of the right to private and family life of the Human Rights Act and Article 8 ECHR. They require the State to provide assistance with antenatal and postnatal care, early childhood education, and social security benefits, including benefits specifically oriented to housing and family support.<sup>272</sup> Measures of austerity, cuts and privatization of child protection services have all contributed to families being unable to receive the assistance they require, which in turn traps and pulls them further into poverty. Along with austerity cuts to social security benefits, public services for families passing through the system of child protection rapidly decreased since the beginning of the 2010s.<sup>273</sup>

### **Cultural Engagement and Social Participation**

The rights to cultural engagement and social participation are essential dimensions of human dignity, yet they can often be overlooked. Economic insecurity, intensified by insufficient social security benefits, constrains individuals' capacity to participate in cultural activities, which can be vital for social inclusion and personal well-being. The Joseph Rowntree Foundation reveals that more than 58% of households in the lowest income bracket reported insufficient funds to meet even basic needs, let alone participate in cultural activities.<sup>274</sup> The inability to engage in cultural and social activities can result in social isolation and a diminished quality of life.

### **Interdependency of Rights and Human Dignity**

The interconnected nature of human rights means that economic deprivation arising from inadequate and inaccessible social security can undermine the enjoyment of multiple rights. The inability to access adequate social security benefits generates cascading effects that can compromise individuals' capacity to lead healthy lives, access quality education, and participate in social and cultural life. The Institute for Fiscal Studies in July 2024 underscores this persistent challenge, highlighting that, even during economic recovery, those at the lower end of the income spectrum remain unable to improve their living conditions due to systemic inadequacies in social security provision.<sup>275</sup>

To effectively safeguard human dignity and ensure the realisation of all interconnected rights, a comprehensive reform of the social security system is imperative. This reform must adopt a rights-based approach that recognises social security not merely as a financial safety net, but as a critical instrument for ensuring human dignity and enabling individuals to lead fulfilling, meaningful lives.

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<sup>272</sup> Koldo Casla and Lyle Barker, "Protection and Assistance to the Family: Interpreting and Applying Article 10 ICESCR from Learnt and Lived Experiences", *Journal of Human Rights Practice*, Vol. 16(2) (2024).

<sup>273</sup> Lyle Barker and Koldo Casla, *I Have Walked this Journey Alone; My Soul is Tired': Poverty, Child Protection, and the Right to Protection and Assistance to the Family in England* (University of Essex 2023).

<sup>274</sup> Joseph Rowntree Foundation, "UK Poverty 2024" (JRF 2024), 20.

<sup>275</sup> Jonathan Cribb, Anna Henry, Heidi Karjalainen, Sam Ray-Chaudhuri, Tom Waters, Thomas Wernham, "Living Standards, Poverty and Inequality in the UK: 2024" (IFS 2024), 5.

## 5. Conclusions and Recommendations

A strong and resilient social security system is essential to ensure an adequate standard of living for everyone, so individuals and families can flourish and make meaningful contributions to their communities.

The lives of approximately one in six households in the UK depend on the social safety net, 16% of the population. Excluding the State Pension, 10.3 million people in England, Scotland and Wales, and 504,800 more in Northern Ireland are recipients of at least one non-contributory benefit.<sup>276</sup> Discounting the State Pension – which receives more than half of the allocated £315.8 billion – approximately 11% of the state budget, or 5% of the UK’s GDP, is spent on general non-contributory social benefits.<sup>277</sup>

Despite the non-negligible financial effort, abundant evidence by think-tanks, academics, NGOs and national and international human rights bodies shows that the UK’s non-contributory social security system does not provide the material support people need and deserve.

There is a widespread underclaiming of benefits, possibly due to fear, stigma, bureaucratic and digital hurdles, and eligibility cliff-edges for means-tested benefits. Many people feel judged and ignored by the system, which affects negatively their mental health. The deficient support accentuates existing inequalities. For example, the UK Government’s own data shows that Black and minority ethnic benefit claimants are disproportionately likely to be sanctioned with Universal Credit penalties.<sup>278</sup> In general, sanctions and the fear of sanctions risk eroding not only individual confidence but also the trust between benefit claimants and the public institution of the social security system.

The UK’s social security system does not meet the international standards of availability, adequacy and accessibility. The benefit caps and freezes introduced in the 2010s, alongside the increasing use of sanctions and conditionality, and the shift to digital-by-default in the management of benefits, resulted in an unjustified and deliberate retrogression in the enjoyment of the human right to social security as recognised in international law. All of this has had a negative impact on the enjoyment of other human rights, particularly the right to the highest attainable standard of health, the right to an adequate standard of living, the right to education, and the right to take part in cultural and social life.

### **Recommendations for the UK Government, primarily through DWP, and when applicable, for the devolved administrations in Scotland and Northern Ireland:**

1. The UK Government should recognise in law, regulations and strategic policies that **social security is a human right** and a condition for the fulfilment of other human rights.

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<sup>276</sup> Department for Work & Pensions “Benefit Combinations: Official Statistics to February 2024” (UK Government 2024); Department for Communities, “Examination Common Benefit Combinations for Northern Ireland” (Northern Ireland Statistics and Research Agency 2024), 22.

<sup>277</sup> Department for Work & Pensions, “Guidance and methodology: Benefit expenditure and caseload tables” (UK Government 2024). Not all State Pensions are contributory: The Category D State-Pension is a non-contributory benefit for people over 80 years of age.

<sup>278</sup> Department for Work & Pensions, “Universal Credit Statistics: 29 April 2013 to 12 September 2024” (UK Government 2024).

2. Reform the Equality Act 2010 to explicitly include the socio-economic status as a protected characteristic, enhancing protection against stigma and discrimination in accessing benefits.
3. Establish in law a minimum support level for the social safety net (inclusive but beyond Universal Credit), an **Essentials Guarantee**, to ensure beneficiaries can consistently meet their basic needs.
4. Mandate an annual benchmarking and independent review of all benefit levels to align them with the actual cost of living.
5. The UK Government should amend the Social Security Contributions and Benefits Act 1992 and the Scottish Government should amend the Social Security (Scotland) Act 2018 to establish a clear benchmark for the health- and disability-related costs covered **by Personal Independence Payment and the Adult Disability Payment**, respectively, and introduce differentiated levels of support to better reflect the diverse needs and lived experiences of people with disabilities.
6. Ensure that **deductions** from Universal Credit and other benefits, such as debt repayments to the DWP or as a result of the benefit cap, never reduce support below the guaranteed essentials level.
7. Ensure in law that the social security system will be **shielded from unjustified and deliberate retrogressive measures**, as required by international human rights law.
8. The Governments in the UK, Scotland and Northern Ireland must proactively ensure that **individuals in need are aware of the benefits they are entitled to**. They should investigate why people may not be taking up the benefits they are entitled to, including Universal Credit, and the impact that this may have on inequalities in relation to sex, race – colour, nationality, ethnic or national origin – age, disability and other characteristics.
9. The UK Government should keep **conditionality benefit sanctions under critical review**, to ensure they are used proportionately and subject to prompt and independent dispute resolution mechanisms, with a view towards ending sanctions all together.
10. Abolish the **two-child limit** benefit cap.
11. The UK Government should amend the Social Security Contributions and Benefits Act 1992 to increase the Carer's Allowance, and the Scottish Government should amend the Social Security (Scotland) Act 2018 to increase the Carer Support Payment (in Scotland) to bring it in line or at least significantly closer to the minimum wage standards.
12. Re-evaluate the **No Recourse to Public Funds** policy to ensure it does not put migrant households at an increased risk of poverty.
13. The UK Government should amend the Welfare Reform Act 2016 to allow automatically **split payments of Universal Credit to each member of a couple** to address and prevent situations of potential economic abuse.
14. Ensure that **Winter Fuel Payments** are sufficient to meet energy needs.

15. Uprate the **Local Housing Allowance** to reflect actual rental costs, revising national LHA limits, and expanding support for those struggling to meet their housing needs.
16. Redesign the **Universal Credit initial payment structure** to include non-repayable grants for those facing immediate need during the five-week wait, and introduce flexibility in the assessment period, such as allowing fortnightly payments or implementing interim payments based on estimated earnings.
17. Ensure that **assessment and appeals procedures** are adapted to meet the needs of individuals with **disabilities**, including providing accessible information and ensuring assessors have appropriate expertise in disability-related issues.
18. Introduce accessible alternatives to **digital** by default for individuals who struggle with digital applications, such as more in-person support or simplified non-digital claims processes. The UK Government must ensure that the use of technologies does not negatively affect human rights, and regulate their use with transparency.
19. Commit to **working with and involving those with lived experiences of poverty** and social security in policymaking and decisions that directly affect them.
20. The UK should accept all the provisions of the 1961 **European Social Charter**, in particular paragraphs (2), (3) and (4) of Article 12 in relation to social security.
21. Sign and ratify the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the 1995 Additional Protocol and the 1996 Revised European Social Charter, to allow for the **international submission of individual and collective complaints** to the UN Committee on Economic, Social and Cultural and the European Committee of Social Rights, respectively, for alleged violations of the right to social security and other economic, social and cultural rights.
22. The Governments in the UK, Scotland and Northern Ireland should ensure in their strategic policies that the social security schemes meet the **international standards on the human right to social security**, as recognised in Article 9 ICESCR and developed in General Comment No. 19 of the UN Committee on Economic, Social and Cultural Rights.