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Assembly



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**Protecting dignity, fighting poverty and promoting social inclusion in devolved social security**

### Introduction

Social security has multiple functions, but one of its most important is to act as a guarantee of a minimum standard of living. In doing so it contributes to protecting the dignity of the poorest members of society, reducing poverty (or at least limiting its severity) and promoting social inclusion. The connection between social security, dignity, poverty reduction and social inclusion is explicitly or implicitly made by a range of international and UK legal sources (Simpson et al, 2017).

As devolved regions of the UK, Northern Ireland and Scotland have limited control over social security provision. The competence of the Scottish Parliament extends to benefits that account for around 15% of total expenditure. The Northern Ireland Assembly in principle has full devolved competence for social security, but in practice its space to develop a distinctive approach is restricted by budgetary constraints and the parity convention, under which the rates of and eligibility criteria for benefits generally reflect those in Great Britain (Simpson, 2015). Yet each recognises a legal duty to take measures aimed at reducing poverty (both), address social exclusion (Northern Ireland) or protect the dignity of users of the system (Scotland). UK government policy in recent years has been reducing the generosity of working age social security, undermining the ability of the system to contribute to the achievement of these objectives.

This paper examines the sometimes-ambiguous concepts of protecting dignity, fighting poverty and promoting social inclusion in the context of social security. It identifies trends in UK government policy since 2010 that have potential to reduce the ability of the welfare state to achieve these objectives and have consequently been controversial in the devolved regions. The successes and failures of attempts to use the courts to challenge some of these policies are highlighted. Given that much of this litigation has focused on children's rights to social security, and the particular impact of recent changes to child tax credits and the child element of universal credit on poverty rates, it is suggested that child related benefits represent an area on which devolved administrations might focus if contemplating divergence from Westminster policy.

### Social security, dignity, poverty and social inclusion

The connection between social security, dignity and poverty prevention is recognised by international human rights law. Article 22 of the Universal Declaration of Human Rights states that "everyone, as a member of society, has the right to social security" and to the other "economic, social and cultural rights indispensable for his dignity." In the International Covenant on Economic, Social and Cultural Rights, the right to social security (article 9) is closely linked with both the protection of dignity and the right to an adequate standard of living (CESCR, 2008). Under article 13 of the European Social Charter, social assistance benefits should guarantee an

income not far below the Council of Europe's official poverty line (ECSR, 2008). At devolved level within the UK, the Social Security (Scotland) Bill establishes the foundational principles that "respect for the dignity of individuals is to be at the heart of the Scottish social security system" and that "the Scottish social security system is to contribute to reducing poverty in Scotland." Northern Ireland law makes no such specific connections. Nonetheless, the protection of dignity has been described as the "very essence" of the European Convention on Human Rights (*Pretty* [2002]), with whose provisions all devolved legislation must comply. The Executive is also subject to a duty to prioritise the reduction of poverty and social exclusion through the preparation of a strategy (Northern Ireland Act 1998 s28E), a duty a 2015 judicial review (*CAJ*) found it had failed to discharge.

The extent to which these broad principles translate into specific prescriptions for social security systems can be debated. Dignity is a commonly used term in human rights law, but a notoriously ambiguous one (Friedman, 2016). Nonetheless, Clapham (2006) and McCrudden (2008) suggest that a legal definition of dignity has four main elements: the prohibition of inhuman and degrading treatment, a guarantee of autonomy, protection of group identity and the creation of the conditions where people can satisfy their essential needs. The exercise of meaningful autonomy and participation in activities core to one's cultural identity can be argued to require an income; access to one's essential needs very clearly requires an income, and consequently is of particular relevance to social security (Simpson et al, 2017). Just *how much* income is required to satisfy essential needs is contested, but two main contenders can be identified. The Asylum Support Regulations 2000 stipulate that an allowance of £37.75 per person per week should cover essential needs other than housing, utilities and occasional one-off purchases. The Joseph Rowntree Foundation's destitution threshold suggests that a weekly income of £70 per adult, £100 per couple and £20 per child is required to cover non-housing essentials (Fitzpatrick et al, 2016). However, dignity is as much a subjective concept as a legal one. Research with social security claimants shows that they, too, feel that dignity requires a minimum level of financial resources, one that enables a level of social participation as well as access to bare survival needs. But claimants also link dignity with how they are treated by the social security system, from their interactions with frontline staff to statements made by Ministers, and how they are portrayed by politicians, the media and the public (Edmiston, 2016; Wright and Stewart, 2016; Patrick, 2017).

Whether social security benefits offer protection against poverty can be more readily established: the UK recognises four official poverty lines. A household falls below the relative low income threshold if its income is less than 60% of the median; below the absolute low income threshold if its income is less than 60% of the median in 2010-11 (adjusted for inflation); is in material deprivation if its income is less than 70% of the median and it cannot afford items recognised as necessary for a normal standard of living; and is in persistent poverty if it experiences relative low income in three out of four years. Social inclusion and exclusion, on the other hand, can be as difficult to define as dignity. Levitas et al (2007: 9) define social exclusion as a state of multi-dimensional deprivation, encompassing "the lack or denial of resources, rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in a society." Enjoyment of the full set of citizenship rights and participation in normal activities is not wholly a question of income, but it is clear that a certain level of income is required to access the goods, services and activities available to most members of society. The UK Government (DWP, 2003: 10) established its relative low income threshold in recognition of the fact that individuals whose income falls too far below the norm will be unable to "take a full part in the activities that social inclusion demands." The minimum income standard suggests that for most households this underestimates the income needed for a normal lifestyle, with working age households requiring at least 75% of the median (Padley and Hirsch, 2017).

## Recent developments in social security: UK level

Social security in the UK helps reduce the *severity* of poverty, but due to the low level of income replacement benefits it does not normally *prevent* poverty for working age claimants. The most commonly used poverty threshold, relative low income, is set at 60% of the median income, adjusted to take account of household composition. At 2013-14 rates, a single adult in receipt of jobseeker's allowance and no disability benefits could typically expect an income after housing costs no higher than 32% of the median – little more than half the income required to get above the poverty line. A lone parent with two children would have received no more than 47.5% of the median income, or 79% of the poverty line (Simpson, 2018). With claimant incomes falling well below both the poverty line and the minimum income standard, it is arguable that the normal range of goods, services and activities – and hence social inclusion – would also have been out of reach, although this is not the only way of looking at social in/exclusion. Dignity, too, encompasses more than just an income standard, but does demand sufficient income to access one's essential needs. Full benefit rates should be adequate to allow this, albeit that the rate of jobseeker's allowance for a single adult is only marginally above Fitzpatrick et al's (2016) destitution threshold.

Social security policy developments since 2010 have tended to reduce the ability of the system to protect against poverty. Most working age benefits and tax credits have been subject to below-inflation uprating for most of this period, culminating in a four-year freeze from 2017. When benefits increase more slowly than inflation, claimants will fall further below the absolute low income threshold and are more likely to experience material deprivation. When they increase more slowly than wages, claimants will fall further below

the relative low income threshold. Alongside this ongoing decline in the real value of benefits, many claimants have seen a reduction of their income in cash terms. Significant reforms here include the household benefit cap, reduction of the maximum local housing allowance available to private tenants, reduction of under-occupying social tenants' housing benefit and reduction of employment and support allowance for claimants in the work-related activity group to the same level as jobseeker's allowance. The potential severity of financial sanctions for claimants who fail to comply with conditions for the receipt of their benefit has increased, but at least as significant has been the upsurge in the imposition of sanctions in Great Britain (see Adler, 2016), a development not mirrored in Northern Ireland (Tinson, 2016).

It can be argued that cutting claimant incomes also increases their vulnerability to social exclusion by making it harder to afford the goods, services and activities most members of society enjoy. However, the UK government has argued that its reforms have been necessary to encourage people to move from benefits to paid employment (DWP, 2010). Since paid work is recognised as a central part of acting as a full member of society (Lister, 2003), it could be argued that measures that result in more people entering employment promote social inclusion. The problem with this argument is that the ability of the kind of policy measures that have been introduced in the UK to contribute to the achievement of this objective has been questioned. While some research suggests that sanctions can play a role in encouraging welfare-to-work transitions, this can sit alongside negative impacts such as reduced earnings, less sustainable employment and significant numbers of people ceasing to claim benefits *without* entering formal employment (Griggs and Evans, 2000). Qualitative studies have shown that measures that deepen poverty can reduce people's chances of finding employment because of the effect on health and morale (Patrick, 2017; McKeever et al, 2018). Finally, employment support services in Great Britain have not met targets for helping people re-enter paid employment, especially those who face significant barriers to doing so (NAO, 2014; Work and Pensions Committee, 2015).

Sanctions represent one of the clearest threats to dignity in the social security system as they put at risk the claimant's ability to meet his or her essential needs, potentially leaving a single adult with no income at all after housing costs. The operation of the sanctions regime can also leave claimants feel they are not treated in a dignified way. Qualitative research shows they feel the threat of having their benefit suspended symbolises an adversarial system that treats its users with suspicion (Wright and Stewart, 2016; Patrick, 2017; McKeever et al, 2018). Research with those responsible for operating the system confirms the existence of suspicion of claimants and the perception that there is pressure to impose sanctions (Couling, 2013; Dunn, 2013). Adler (2016) further criticises the sanctions regime for lack of proportionality and due process as well as failure to inform sanctioned claimants of their right to apply for a hardship payment, while very high success rates on appeal are again suggestive of a culture of sanctioning first, seeking explanations for non-compliance later.

One of the highest profile reforms in the Welfare Reform and Work Act 2016 and Welfare Reform and Work (NI) Order 2016 limits access to child tax credits and universal credit. Children born after April 2017 are normally ineligible for child tax credits or the child element of universal credit if there already two or more children in the household. Further, in households claiming universal credit where a *first* child is born after April 2017, this child will no longer attract a higher payment than the second. This is projected to result in higher poverty rates – an additional 256,000 children by 2019-20 – and to deepen the poverty of 266,000 already-poor children. This will further affect claimant households' ability to meet their essential needs and have a normal standard of living; the justification that benefit cuts promote social inclusion through employment rings hollow as 70% of child tax credit claimants are already *in* paid work (Ghelani and Tonutti, 2017). The two-child limit could potentially result in inability to meet essential needs for very large families and increases vulnerability to destitution should a sanction occur. A further threat to dignity is in requiring claimants who conceive a third or subsequent child as a result of rape or abuse to disclose this to a social security case worker, risking retraumatisation, in order to be exempt from the limit. While some of the cuts mentioned are currently being mitigated in Northern Ireland, the two child limit is not (see WRMWG, 2016).

## Litigating for social justice: successes and failures

The period since 2010 has seen various attempts to challenge social security reforms through judicial review. The chief lesson from these cases is that the courts represent at best an uncertain means of upholding social rights. Even if, as O'Conneide (2008) argues, the UK courts have been more ambitious than the European Court of Human Rights in exploring the potential of the European Convention on Human Rights (ECHR) to confer social security rights in certain circumstances, the fact remains that it offers only limited protection in this area. Other human rights agreements that do offer explicit protection to social rights, including the right to social security, are not enforceable in the UK courts and, with the exception of the Convention on the Rights of the Child (UNCRC), are seldom mentioned in judgments (Simpson, 2018).

Sharply divergent views have been expressed by judges on the lawfulness of benefit cuts. A significant strand of judicial opinion holds that measures that reduce the already-low income of households including children fail to comply with the requirement in article 3

UNCRC that the best interests of the child should be treated as a primary consideration. However, this in itself does not render a policy unlawful or contrary to the ECHR. Social security reforms resulting in a loss of income can represent an interference with rights under article 8 (the right to respect for family life), protocol 1, article 1 (the right to peaceful enjoyment of one's possessions) or article 14 (the prohibition of discrimination in the enjoyment of other rights). But to violate those rights, the interference must be 'manifestly without reasonable foundation', a high bar for litigants to clear (see Simpson, 2018b). Even if a measure *is* contrary to the best interests of affected children or *does* discriminate against particular claimant groups, other policy objectives can provide justification. For the most part, courts have found that legitimate objectives like saving public money, incentivising employment, increasing fairness (as interpreted by the Government) in the social security system or promoting marriage provide a reasonable foundation for certain cuts or the exclusion of particular individuals from eligibility (*SG* [2015]; *McLaughlin* [2016]). A minority of judges has suggested that measures that increase the risk of poverty for children of lone parents or unmarried cohabitants do lack reasonable foundation. In other cases, discretionary awards have been found to sufficiently mitigate the negative impacts of a policy on vulnerable groups, for example the use of discretionary housing payments to protect disabled people and domestic violence victims from the reduction of their housing benefit due to under-occupation (*MA* [2016]).

Recent cases focused on children's right to social security highlight the divided nature of judicial opinion and the barriers that face litigants. The High Court accepted *DA's* [2017] argument that the household benefit cap unlawfully discriminates against lone parents of children under two years old, with an outspoken judgment placing great emphasis on the policy's failure to take into account the best interests of affected children. When the case came to the Court of Appeal in 2018, two of the three judges held that the position of lone parents with children under two does not differ sufficiently from that of other lone parents to justify different treatment and that the UNCRC is irrelevant to the lawfulness of the policy. The High Court subsequently considered the two-child limit on child tax credits (*SC* [2018]). The claim that the policy discriminates against children with multiple siblings was dismissed outright. While discrimination against women, because of the disproportionate impact on lone parents, was acknowledged, this was held to be justified by essentially the same legitimate objectives as the benefit cap: reducing social security expenditure, "altering the balance" between claimants and taxpayers and ensuring there are incentives to enter and progress in paid employment. No view was given on whether the policy was compatible with the UNCRC, on the basis that the judge (Ouseley J) was not persuaded that the UK courts have any remit to assess compliance with this convention.

Even if a court were to find social security arrangements incompatible with the ECHR, the doctrine of parliamentary supremacy means the validity of UK primary legislation would be unaffected. Secondary legislation could in some circumstances be found unlawful, but the offending provision could always be reinstated by an Act of Parliament (see McKeever et al, 2018). The devolved legislatures enjoy no such supremacy and their primary legislation can be ruled invalid by the courts if it does not comply with the ECHR (*Salvesen* [2013]). However, since the UK Parliament retains competence for most aspects of social security in Scotland and passed the most recent social security legislation for Northern Ireland, in this field the primary legislation is less likely to be devolved legislation. Consequently, there are various reasons why it is the legislature, rather than the judiciary, that will retain primary responsibility for protecting social security rights. Besides the traditional argument that only an elected assembly has the democratic legitimacy to raise and spend the large sums a modern welfare state demands (see King, 2012), the exact nature of the state's human rights obligations in this area remain too vague and any decision by a court is too easily overridden. If, as is argued, elements of current social security policy conflict with other policy objectives in terms of poverty, dignity and social inclusion that apply at devolved level, the question becomes what the devolved legislatures can and should do to advance these objectives.

## Protecting dignity, reducing poverty and promoting social inclusion: devolved level

As noted above, in both Northern Ireland and Scotland there are legislative provisions that, while not putting in place any enforceable requirement for social security to reduce poverty, protect dignity and promote social inclusion, should cause policymakers to take these objectives into account. Scotland has more explicit statements that social security should play a role in poverty reduction and respect the dignity of claimants, but both jurisdictions are subject to general requirements across policy fields: the targets of the Child Poverty (Scotland) Act 2017, and the duty to formulate a strategy for addressing poverty, social exclusion and deprivation in the Northern Ireland Act 1998. Neither of these specify a role for social security, or any other policy instrument, as a means of achieving their objectives, but falls in the rate of child poverty tend to follow increases in benefit levels and vice versa (Joyce, 2014).

Northern Ireland tends to be disproportionately affected by any changes to social security due to its relatively high levels of economic activity and disability, lower average earnings and larger average family size compared to the rest of the UK. Consequently, it was projected to experience a greater economic loss per working age resident than any other UK region as a result of reforms legislated for or implemented between 2010 and 2015 (Beatty and Fothergill, 2013). These factors, along with the relatively high levels of under-occupancy among social tenants (Gibb, 2013), influenced the inclusion in the Fresh Start agreement of funding for a package of mitigations when the reforms in the Welfare Reform Act 2012 were extended to Northern Ireland (see WRMWG, 2016). These

represent a relatively small and mainly time-limited set of divergences from Great Britain, yet their importance should not be underestimated. Beneficiaries of many of the mitigations will see real, even if sometimes short-term, financial gains, the payment arrangements for universal credit should assist those who have to manage on a tight budget and that there is *any* divergence from Westminster policy is significant given the scarcity of past departures from parity.

More recent changes not only impact more heavily on Northern Ireland than on other UK regions, but undermine a key element of the 2016 mitigations package. As noted, the average family size is the largest within the UK: families with dependent children have on average 1.85 children (UK average 1.74) and 21.4% have three or more children (UK average 14.7%). Families are also more likely to be in receipt of child tax credits, with 21% claiming in 2014-15 compared to 16.5% across the UK – almost a quarter of claimant households in Northern Ireland had three or more dependent children (ONS, 2016a; 2016b). Again, absent a significant change in birth rates, Northern Ireland is likely to be among the most affected regions. The two-child limit is also likely to negate the impact of the current mitigation of the household benefit cap. Due to relatively low rents, it is family size rather than housing costs that result in exposure to the benefit cap in Northern Ireland. At its post-2016 level, the cap would affect households with an average of 3.8 children (DSD, 2016). The mitigation payments ensure no claimant with dependent children (therefore probably few or no Northern Ireland claimants) will be capped before 2021. However, once all claimants have migrated from child tax credits to universal credit, any gains from the benefit cap mitigation are likely to be lost because its beneficiaries will lose support for third and subsequent children.

Decisions will have to be taken at some point about whether a successor package should be put in place once the current mitigations expire in 2021. The prospect of large numbers of claimants being affected by the two-child limit as they migrate from child tax credits to universal credit arguably demands more urgent consideration. The impact on poverty rates could be considerable, meaning there is also potential for increased levels of social exclusion and a threat to claimants' dignity resulting from reduced ability to meet their essential needs as well as the operation of the non-consensual conception exemption. The parity convention is a potential obstacle to disapplying or otherwise mitigating the policy, but the current mitigations show it need not be an insurmountable one where the political will to make specific, limited changes exists. One of the major drivers of parity has been the financial challenge associated with any attempt to develop a distinctive approach to social security in a region with a small population and weaker economy compared to the UK average (Simpson, 2015). Policy divergence with the aim of achieving significant *reductions* in poverty is therefore unlikely: across-the-board benefit increases would be extremely costly. However, the precedent has now been established that isolated divergence with a view to preventing further *increases* in poverty can be desirable, even if temporary and/or subject to periodic review.

Scotland faces similar dilemmas. Thanks to the Child Poverty (Scotland) Act 2016 and the Social Security (Scotland) Bill, there are even clearer policy drivers for ensuring social security contributes to poverty reduction and protects claimants' dignity than in Northern Ireland. The influence of this objective can already be seen in current proposals to increase carers' benefits (Social Security (Scotland) Bill cl 47) and introduce a dedicated young carer grant (Scottish Government, 2017). Beyond these proposals, Scotland's scope to develop a social security system that achieves the overarching objectives is limited by the extent of its devolved competences, which chiefly consist of disability and carers' benefits, the housing element of universal credit and some other minor benefits. However, while it cannot fully redesign other parts of the system, it *can* top up reserved benefits and could use this power to compensate universal credit claimants with three or more children for the loss of benefit.

Both Northern Ireland and Scotland, then, have policy objectives with which the two-child limit conflicts, which sit alongside ideological and pragmatic objections to other aspects of the UK government's 'welfare reform' agenda, expressed by policymakers both publicly and in previous research by the author (Simpson, 2017a). In the past there would have been little prospect of these objectives or objections resulting in policy differences, but the rules of the game have changed. Scotland has gained some devolved social security competences and Northern Ireland has entered an era in which parity cannot "simply be justified by default" (McKeever, 2010: 77). Some mutual policy learning has occurred between the two jurisdictions since 2012 (Simpson, 2017b) and there might be merit in jointly exploring response to the two child limit now.

## Conclusion

Social security unquestionably has a role to play in the reduction and prevention of poverty, the promotion of social inclusion and the protection of dignity. It does this chiefly by providing a minimum income to help claimants meet their subsistence needs and enjoy other goods, services and activities forming part of a normal lifestyle. What level of income is required to achieve these objectives is unclear, as there are various poverty lines and different views as to how much money is required to access one's essential needs or for social inclusion. Individuals' interactions with the social security system and how they are treated by the people responsible for it are also important in assessing whether dignity is upheld. Despite the ambiguities, it is possible to argue that reforms since 2010 have made it more difficult for the UK system to fulfil these objectives by cutting the real (and, for many claimants, cash) value of working age benefits and adopting an increasingly punitive approach to encouraging movement from benefits to paid employment. These

reforms have been subject to a series of judicial reviews. While an increasing number of judges seem prepared to accept that benefit cuts whose impact falls disproportionately on women or on particular groups of children represent unlawful discrimination, on balance the courts remain reluctant limit the ability of the executive and legislature to determine economic and social policy.

Consequently, whatever legal duties on poverty reduction and rights-focused rhetoric on social security may exist, governments continue to enjoy a great deal of freedom to shape the social security system according to their own economic and labour market objectives and their own perceptions of fairness. Of course, this applies equally to devolved administrations, which can formulate their own approaches to social security subject to the constraints imposed by the devolution settlement, the financial resources at their disposal and the political appetite for divergence from Westminster. Historically, these constraints have been formidable, with Scotland and Wales lacking any devolved competence for social security and Northern Ireland adhering closely to parity with Great Britain, but they are now loosening to some extent. Scotland's new devolved competences are already being used to provide extra support for carers; Northern Ireland's current mitigations package is the outcome of a newfound willingness since 2011 to question the merits of an absolute form of parity and to invest devolved funds in softening the edges of certain reforms. The two-child limit on child tax credits and universal credit represents a challenge for both Stormont and Holyrood as it cuts across devolved policy objectives on dignity, poverty and social inclusion as well as negating the mitigation of the benefit cap in Northern Ireland. To make good the loss could ultimately become the most expensive mitigation measure in Northern Ireland: if the policy were applied immediately and without transitional protection, mitigation would cost more than £44.5 million per year based on the current rate of benefit and number and composition of claimant households. In Scotland the annual cost would be more than £69.5 million (author's calculations). Nonetheless, the initial cost would be much lower and a case can be made that if the objectives of protecting dignity, reducing poverty and tackling social exclusion are to be meaningful, consideration must at least be given to whether, and to what extent, the losses to larger families might be offset at devolved level.

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## References

- Adler, M (2016) 'A new Leviathan: benefit sanctions in the 21<sup>st</sup> century', *Journal of Law and Society* 43(2) 195
- Beatty, C and Fothergill, S (2013) *The impact of welfare reform on Northern Ireland*. Belfast: NICVA
- Clapham, A (2006) *Human rights obligations of non-state actors*. Oxford: Oxford University Press
- Committee on Economic, Social and Cultural Rights, 'General comment no 19: the right to social security (article 9) (E/C.12/GC/19, Geneva: United Nations, 2008)
- Couling, N (2013) *Conditionality and sanctions: report to the Secretary of State for Work and Pensions*. London: DWP
- Department for Social Development (2016) *Northern Ireland benefit cap information booklet*. Belfast: DSD
- Department for Work and Pensions, *Measuring child poverty* (London: DWP, 2003)
- Department for Work and Pensions (2010) *21<sup>st</sup> century welfare* (Cm 7913). London: DWP
- Dunn, A (2013) 'Activation workers' perceptions of their long term unemployed clients' attitudes towards employment', *Journal of Social Policy* 42(4) 799
- Edmiston, D (2017) 'How the other half live: poor and rich citizenship in austere welfare regimes', *Social Policy and Society* 16(2) 315
- European Committee of Social Rights (2008) *Digest of the case law of the European Committee of Social Rights*. Strasbourg: Council of Europe
- Fitzpatrick, S, Bramley, G, Sosenko, F, Blenkinsopp, J, Johnsen, S, Littlewood, M, Netto, G and Watts, B (2016) *Destitution in the UK*. York: Joseph Rowntree Foundation
- Friedman, D (2016) 'A common law of human rights: history, humanity and dignity', *European Human Rights Law Review* (4) 378
- Ghelani, D and Tonutti, G (2017) *The impact of the two-child limit to tax credits*. London: Policy in Practice
- K Gibb, *The 'bedroom tax' in Scotland* (SP paper 409, Edinburgh: Scottish Parliament, 2013)

- Griggs, J. and Evans, M. (2010) *Sanctions within conditional benefit systems: a review of evidence*. York: Joseph Rowntree Foundation
- R Joyce, 'Child poverty in Britain: recent trends and future prospects' (W15/07, London: IFS, 2014)
- King, J (2012) *Judging social rights*. Cambridge: Cambridge University Press
- Levitas, R, Pantazis, C, Fahmy, E, Gordon, D, Lloyd, E and Patsios, D (2007) *The multi-dimensional analysis of social exclusion*. Bristol: University of Bristol
- R Lister, *Citizenship: feminist perspectives* (Basingstoke: Palgrave Macmillan, 2003)
- C McCrudden, 'Human dignity and judicial interpretation of human rights' (2008) 19(4) *European Journal of International Law* 665
- G McKeever, 'Reforming social security appeal tribunals in Northern Ireland: parity whether we Leggatt or not' (2010) 17(2) *Journal of Social Security Law* 71
- McKeever, G, Simpson, M and Fitzpatrick, C (2018) *Destitution and paths to justice*. York: Joseph Rowntree Foundation
- National Audit Office (2014) *The work programme* (HC 266). London: NAO/DWP
- Northern Ireland Office (1998) *Agreement reached in the multi-party negotiations* (Cmd 3883). Belfast: NIO
- C O'Connell, 'A modest proposal: destitution, state responsibility and the European Convention on Human Rights' (2008) 5 *European Human Rights Law Review* 583
- Office for National Statistics (2016) 'Families with dependent children by number of dependent children by UK countries and English regions, 2015'. Newport: ONS
- Office for National Statistics (2016b) 'Personal tax credits: Finalised award statistics - geographical statistics 2014 to 2015'. Newport: ONS
- Padley, M and Hirsch, D (2017) *A minimum income standard for the UK in 2017*. York: Joseph Rowntree Foundation
- Patrick, R (2017) *For whose benefit?* Bristol: Policy Press
- Scottish Government (2017) *Stage 1 Report on the Social Security (Scotland) Bill: Scottish Government Response*. Edinburgh: Scottish Government
- Simpson, M, 'Developing constitutional principles through firefighting: social security parity in Northern Ireland (2015) 22(1) *Journal of Social Security Law* 31
- M Simpson, 'Renegotiating social citizenship in the age of devolution' (2017a) 44(4) *Journal of Law and Society* 646
- M Simpson, 'The social union after the coalition: devolution, divergence and convergence' (2017b) 46(2) *Journal of Social Policy* 251
- Simpson, M (forthcoming, 2018a) 'Assessing the compliance of the UK social security system with the state's obligations under the European Social Charter', *Human Rights Law Review* 18
- M Simpson, 'Social rights, child rights, discrimination and devolution: untangling the web' (2018b) 40(1) *Journal of Social Welfare and Family Law* 3
- Simpson, M, McKeever, G and Gray, AM (2017) *Social security systems based on dignity and respect*. Glasgow: Equality and Human Rights Commission
- A Tinson (2016) 'Welfare sanctions in NI: the facts', *Scope NI* 1 April
- Welfare Reform Mitigations Working Group (2016) *Welfare Reform Mitigations Working Group Report*. (Belfast: Office of the First Minister and Deputy First Minister
- Work and Pensions Committee (2015) *Welfare-to-work* (HC 363). London: House of Commons
- Wright, S and Stewart, ABR (2016) 'First wave findings: jobseekers'. York: Welfare Conditionality

## Cases

*Pretty v UK* (app 2346/02) [2002] 35 EHRR 1

*Salvesen v Riddell* [2013] UKSC 22

*R (on the application of SG) v Secretary of State for Work and Pensions* [2015] UKSC 16

*Committee on the Administration of Justice and Brian Gormally's application* [2015] NIQB 59

*R (on the application of MA) v Secretary of State for Work and Pensions* [2016] UKSC 58

*McLaughlin's application for judicial review, Re* [2016] NICA 53

*R (on the application of DA) v Secretary of State for Work and Pensions* [2017] EWHC 1446 (Admin)

*R (on the application of DA) v Secretary of State for Work and Pensions* [2018] EWCA Civ 504

*R (on the application of SC) v Secretary of State for Work and Pensions* [2018] EWHC 864 (Admin)



