



Northern Ireland
Assembly

Committee for Social Development

OFFICIAL REPORT (Hansard)

Welfare Reform Bill: Women's / Family
Groups Briefing

23 October 2012

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Alex Maskey (Chairperson)
Mr Mickey Brady (Deputy Chairperson)
Ms Paula Bradley
Ms Pam Brown
Mr Michael Copeland
Mr Mark Durkan
Mr Fra McCann

Witnesses:

Ms Sharon Burnett	Causeway Women's Aid
Ms Bronagh Hinds	DemocraShe
Ms Marie Cavanagh	Gingerbread NI
Ms Lynn Carvill	Women's Resource and Development Agency

The Chairperson: Good morning. I formally welcome Lynn Carvill, who is representing the Women's Resource and Development Agency (WRDA); Bronagh Hinds; Marie Cavanagh; and Sharon Burnett. We are familiar with most of you as we have engaged with you before. Thank you for coming this morning. I invite you to present to the Committee. You know we are at Committee Stage. Last week, we had an explanation from the Department about the content of the Bill. Members have tried to satisfy themselves with the content of the Bill and its intentions, clause by clause. We are now involved in engaging with a range of stakeholders, some of whom we have heard from before. That has been very helpful for the Committee's understanding in the past year or so. Without any further ado, please brief the Committee as you see fit, bearing in mind the fact that we had some announcements in the Assembly yesterday from the Minister. I presume that you are aware of that and may have considered it.

Ms Lynn Carvill (Women's Resource and Development Agency): Thank you very much for having us here to speak to you today. We have gone through the hours and hours of debate that took place on welfare reform. We have also gone through the DSD evidence from the session that you had with the civil servants, and the Minister's statements and answers to questions yesterday. We were quite off the hoof yesterday afternoon trying to bring those into our session today. We have prepared a paper and are going to go through some of the issues outlined in the paper, and then maybe you can ask some questions around those issues.

The evidence that we are giving today should be read alongside the paper that we presented to the Committee on 20 June, in which we outlined how welfare reform sacrifices women. I have noticed that the paper is not included as part of the evidence. It is not in the Hansard report, so it is perhaps important that we put that in again.

This welfare reform reduces women's capacity to work, economic autonomy, equality and personal security. We observe that most MLAs share concerns about the impact of welfare reform on constituents and that parties have different views on how to proceed. We will make a number of critical comments about the process so far, and want to make it absolutely clear that we do not support any party position. Our role is solely to use our expertise to represent the interests and concerns of women.

Yesterday, the Minister for Social Development announced a little progress in three areas of negotiation on welfare reform; payment of housing costs; the person to whom the payment is paid; and frequency of payment. Those developments are already provided for in the current Bill. Disappointingly, the Minister's announcement fell short of realising the full flexibility contained in the Bill, and signalled an intention to limit flexibility.

We are disappointed at how little account has been taken of women's needs and circumstances, and we urge the Committee for Social Development to press for further progress on that and to make sure that the flexibility permitted in the legislation is not narrowed in regulations and guidelines or by an unresponsive IT system. You will see in our paper that we have listed some of the key issues, which I am not going to read out, because we are going to be talking about them further down the line.

The processes for adopting legislation and regulations lack coherence and transparency, which may lead to failure to make fair and good arrangements. It is our view that it is essential to obtain acceptable cast-iron commitments and statements of intent on the application of the law and regulations in certain areas before agreeing to pass the Bill. I am now going to pass over to Bronagh.

Ms Bronagh Hinds (DemocraShe): I want to speak to you about our central issue, on which we have seen little movement. I even refer to the question about split payments, but, nevertheless, we do not see the movement that we need to see. This refers to clauses 2 to 5 and clauses 97 to 99, which, I note, you did not get through with the DSD officials. In fact, you were only focusing up to clause 40, but there are some critical elements in other clauses of the Bill that relate to welfare reform.

Clauses 2 to 5 provide that couples must make a joint claim for universal credit and that both claimants must meet the basic conditions and jointly meet the financial conditions. Regulations may provide for exceptions to the basic conditions in clause 4, but there is no exception provided for financial conditions in clause 5. The question therefore arises as to what happens on relationship breakdown before that breakdown is formalised or recognised, when, at that time, presumably, single or split claims might be made. What evidence is required to split payments, especially when it may not be possible in the current economic climate or housing market for one person to leave the marital home? Does the legislation provide for that?

Clause 97 amends section 5 of the Administration Act to allow for joint claims by enabling one person to make a joint claim on behalf of another. The main applicant, as it has been called, is most likely to be male, and he is likely not just to make the claim but to receive the single universal credit payment unless there is intervention to regulate otherwise. If that is allowed to become normal practice, it would be a backward step to the old male head-of-household model, which will have consequences, as we know from past experience. We had that model for many years. Women in couples will lose all direct financial support and economic independence. There are also additional worrying duplications for children and abused women.

Under clause 99, payments can be regulated differently, if we have read the Bill correctly. In amending section 5 of the Social Security Administration Act 1992, clause 99 provides the Department for Social Development:

"in the case of a benefit awarded to persons jointly, power to ... determine to which of them all or any part of a payment should be made, and in particular for the Department — .

(a) to determine that payment should be made to whichever of those persons they themselves nominate, or

(b) to determine that payment should be made to one of them irrespective of any nomination by them."

Despite those powers, the Minister announced that there will be a single household payment for the majority of claimants, with flexibility for split payment only when necessary in a limited set of circumstances laid down in the guidelines. I refer to the Minister's statement and the DSD advice to this Committee two weeks ago, which were the same. He declared:

"If we can avoid split payments, so much the better."

That denies the extent of the Department's powers under clause 99 and narrows the possibilities in the legislation. An approach that leaves it to:

"partners to look at split payments and come forward to present a case if there is a need to do so"

does not appreciate women's reduced access to income, including vulnerable women suffering financial and other domestic abuse.

There should be a cast-iron commitment or statement of intent before passage of the Bill that the default position will be to pay universal credit (i) to the second earner or carer in the household where the main earner is working because it is likely that the main earner will be male but, on occasion, it may be the other partner, and (ii) as a split payment where neither person in the couple is working. Our interpretation of clause 99 is that it would allow that.

We have reasoned arguments for proposing this. When praising the new taper for benefit levels at the Committee earlier this month, DSD officials neglected to inform members of the gendered differences in universal credit. Universal credit is designed to reward the primary earner in couples, who is normally the man. The UK Government — not us; we are not saying this — acknowledged that they have reduced rewards for the second earner and weakened women's incentive to work. It actually takes more money from them because of the way the taper works for the second earner. That was not brought to your attention.

The fact is that women are more likely to have no earned income of their own. When they work, their income will normally be less than their partners and they will not receive the single universal credit payment unless there is intervention to redirect that income to them. This is extremely serious. We urge the Committee to press the Minister to implement our proposal on who to pay universal credit to.

Our approach will resolve several problems: it will provide the right economic arrangements in which the interests of the child are safeguarded best; it will not transfer all financial resources from the purse to the wallet, leaving women unequal and vulnerable without any independent means of support; if sanctions are applied to the main applicant, likely to be male, there will be less likelihood of a gap in payment affecting all of the family; it will assist in overcoming the financial abuse of women that is part of domestic violence and abuse; and in cases of relationship breakdown and domestic violence, it will avoid women and children becoming homeless and unable to secure alternative accommodation due to the housing debt accumulated by the male main applicant to whom the payment will be made.

Women's organisations have been asked for advice on how to identify those who are vulnerable to domestic abuse, and I note that the Minister made the same statement in the Assembly yesterday about consultation with stakeholders. We welcome that, but something has to be understood. Although it has not been made explicit, we have, presumably, been asked to do that to form an exception group for single payment. I want to be extremely clear: that is to fundamentally misunderstand domestic violence. You cannot identify a victim of domestic violence in that way. Domestic violence is rooted in inequality and power. Financial control and financial abuse is one component of domestic violence. Secrecy, including among those who are affected keeping it to themselves because of shame, is another factor. The only safe and effective way to provide for abused women, many of whom you will not know about to identify, is to provide access to income for all women.

Ms Sharon Burnett (Causeway Women's Aid): The next issue that we want to raise is about the frequency of payments, which is very important to us. Clause 7 gives the Department discretionary powers over assessment and payment periods. The Minister confirmed yesterday that, where necessary, bimonthly payments will be made in place of a single monthly payment. Officials told the Committee for Social Development two weeks ago that while flexibility is built in, departure from the normal practice of monthly payment will happen only in exceptional circumstances. That is, again, where exceptional circumstances come up time and time again.

We welcome the proposed consultation on payment periods. However, the consultation should not focus on defining exceptional circumstances but develop an effective approach to meeting claimants' concerns and needs in relation to payment frequency. We ask you to look at that. We are aware that the Committee was advised by DSD officials on the number of people in work who are paid weekly,

fortnightly and monthly as a basis for assessing capacity to manage on monthly payments. In our view, that is not a sufficient assessment. Women have reported the importance of weekly child tax credits, which saved them in the lean weeks between fortnightly payments of benefits. Flexibility should not be restricted to a few, and we ask the Committee to obtain the Minister's commitment to inclusivity in flexible payment regulations and guidance.

Clause 11 deals with housing. We note the Minister's commitment to automatic payment of the universal credit housing element to landlords unless the claimant opts out. Refugees rely on direct payments of housing benefit to support victims of domestic violence, and we appreciate that the arrangement announced by the Minister will assist refugees to sustain their service. The decision on automatic housing benefit demonstrates that policy variations and operational flexibility can be accommodated within a shared welfare system.

The best interests of the child should be taken into account when implementing the shared room rate up to the age of 35. That is necessary to allow the non-custodial parent, normally the father, to have his children in a safe and comfortable environment for day visits and overnight stays. The interests of abused women must also be considered when implementing the shared room conditions. When they are not housed in refuges, abused women must have conditions of privacy, safety and security, and we request that the Committee secures a commitment and statement of intent on those shared room rates from the Minister. Women and children are often forced to leave their house due to domestic abuse, and we ask the Committee to seek regulations capable of declaring the house to be under-occupied and moving the abuser out so that the woman and child, or children, can be returned.

Everything that we are discussing today has to be seen in the round and in the context of all the changes to the social fund, the move to a discretionary support scheme and the significant likelihood that there will be reduced access to funds to enable women to leave abusive relationships as a result.

Ms Marie Cavanagh (Gingerbread NI): I will speak on clauses 13 to 25, which are on work-related requirements. The issue that I want to raise is about the best interests of the child. A claimant who is a responsible carer for a child faces work-related conditions set according to the age of the child, starting with no work conditions for lone parents or nominated carers with a child under the age of one year. Those with a child aged up to three years, or five years according to DSD officials, are required to attend work-focused interviews, yet our childcare infrastructure is very poor and is recognised as being very poor for younger and older children. Cuts have already reduced financial support for childcare for those on lower incomes.

Conditionality and sanctions are extended under universal credit. The conditionality threshold is set at the national minimum wage, except for those who are not expected to work full time. A high proportion of those on benefits are already working. In effect, the benefits are subsidising low wages. The Minister and DSD officials are keen on making work pay and might therefore be expected to enforce the national minimum wage and actively champion equal pay, which would be welcomed by low-paid women. However, where claimants are working full time but earning below the minimum wage, officials made it clear to this Committee that responsibility will lie with claimants to find better paid work or to increase their hours. Essentially, that will mean approaching employers to ask for higher wages or increased hours. That approach will increase pressure on women to juggle work, childcare and domestic responsibilities. Juggling those issues is already commonplace for many working women.

The Welfare Reform Act (Northern Ireland) 2010 stipulates that the best interests of the child must be taken into account when drawing up job-seeker arrangements for lone parents. We urge the Committee to make sure that the best interests of the child principle is continued for lone parents into the universal credit arena and press the Minister to extend the same principle to child carers in couple households. The principle should be included in the claimant commitments. That is necessary given the low availability of childcare provision in this jurisdiction.

In light of the 10% cut in child tax credits, which support working parents with childcare, we repeat our June 2012 request to the Social Development Committee to ask the Executive to cost the option for restoring the 10% cut in child tax credit in Northern Ireland and meet the costs of the 10% shortfall for lone parents and all low income families.

With regard to the evidence from the DSD officials, much relies on personal advisers and the relationships between them and claimants. Personal advisers should be trained. Their training should include gender awareness, and they should be made aware of section 75 responsibilities as part of that. Very often, the service that the claimant is gets at the front office depends on the amount of

information the personal adviser has and, more importantly, the experience of that personal adviser in the legislation and the regulations.

I want to mention something at this stage that is not included in this paper, and it is directly related to lone parents. It is the issue of child maintenance, which the Bill incorporates. We raise the issue of the demand for payment related to the assessments for child maintenance and the impact that that is likely to have on families.

Extrapolating some of the proposals in the Bill would indicate that a non-custodial parent earning a moderate income of around £20,000 may be expected to pay up to £150 a year for assessment and collection. Given the Executive's commitment to the relief of child poverty, that money would be better spent on children rather than being brought back into the coffers of the child maintenance and enforcement division. We also argue that the custodial parent should not be required to make any payment when it comes to assessments being made. In saying that, we then argue that those issues should be looked at and amended before the Bill's provisions are finalised.

Ms Carvill: I am just going to talk quickly about sanctions under clauses 26 and 27.

Given the harsher sanctions attached universal credit, we asked the Committee to obtain assurances from the Minister that vulnerable people will be protected in the legislation or by regulation. To avoid unfair sanctions, conditionality for those with responsibilities for children should take proper account of Northern Ireland's poor childcare infrastructure. The principle of the best interests of the child should be the primary consideration in the application of sanctions. We urge the Committee to ensure that the legislation permits that, and to obtain a commitment or statement of intent from the Minister that he will include it in regulations for sanctions.

Where sanctions are applied to the main applicant, which is likely to be the male, there should be no gap in payment to the woman or children in the family. Our earlier proposal for the Department to use powers under clause 99 to pay universal credit to the second earner or the carer, or to split the payments according to the financial circumstances explained previously, would avoid any of this.

Ms Hinds: To conclude our presentation, as Lynn identified at the beginning, we have listed the key issues which is a summary of the issues that we have gone through with the Committee and provided the rationale.

However, we want to return to the issue of process. We believe that regulations are an essential part of welfare reform, yet the legislation is scheduled to go through the Assembly without either the regulations having been prepared, or cast-iron agreement on exactly what would be permitted within their scope.

We believe that this creates a dangerous framework for dealing with some of these issues. We urge the Committee to press for progress on women and children in the welfare reform legislation and regulations. We urge you to ensure that the flexibility in the legislation is not narrowed in regulations and guidelines, or by an unresponsive IT system, as we said earlier.

We also want to come back to the point about fair treatment of women, and women's access to financial support because this Bill is in danger of removing absolutely all finances from women and putting them a very dangerous position. We call for a cast-iron commitment and statement of intent before the passage of the Bill, in order to have a default position to pay universal credit, as we said, to the second earner or carer in the household, where the main earner is working, or as a split payment where neither person is working.

It is clear that there are two kinds of regulation in the Bill. I do not know whether the Committee is very clear about that, because it appeared to us that the DSD officials kept saying that this would be done by confirmation resolution. In fact, the Bill contains both mandatory or "must" resolutions, and "may" resolutions, which are more permissive; and I am not sure whether DSD referred to one or both. It was not clear.

It means that it may be difficult for MLAs to change regulations after this legislation is in place. I think that that has been the case before. Therefore, it is important that we understand what is going to be in the scope of the regulations, if the regulations are not drafted and there is not enough time to draft them. There must indeed be some outline of that and some cast-iron commitments and statement of intent on the application of law and regulation in the areas that we have brought to your attention before you vote the Bill through.

What we are saying is that there are different ways that you can handle this. I know that there has been a debate on whether you should vote for the legislation; then there is the question of how far you can get on regulation or the content of regulation; and there is a third position, about getting further cast-iron guarantees to go further on some of the points that we have identified — if, indeed, it is not possible to regulate on them before the legislation has passed.

We are extremely concerned about the impact of this legislation on women and children.

The Chairperson: Thank you all for your presentation.

I will make a couple of quick observations. The Committee went through all the clauses with the Department. We completed that process, although there are still some questions to be addressed fully. We completed that work; we deferred a number of clauses and we will come back to them. We completed the process for all the clauses.

The difficulty that the Committee will have to grapple with in due course is that this is, essentially, enabling legislation, which means that we do not have many of the regulations. We will be able to refer to Westminster regulations, but those are not the regulations for here. They may well be similar. It remains to be seen.

Members are fully aware that, when they are voting for a Bill, a lot of the regulations will come a year or a year-and-a-half down the line. We are very aware of that. In a recent debate in the Assembly, I highlighted that we had firm commitments from previous Ministers on regulations that would follow, which, basically, amounted to nothing. I am not being judgmental on the Ministers, but, at the end of the day, if it is provided for in primary legislation, that will largely govern the regulations. We have to grapple with the fact that what we support in the Bill will work its way through by way of regulations at a later stage. There will be parameters around that.

I presume that a lot of Members will try to do likewise, but we will seek commitments and assurances. Some of them may amount to nothing, although Members will be free to take that course and take your advice. They certainly will take your advice on board. I am just making that general point.

My understanding of the Minister's statement yesterday is that direct payments will now be the default position, which you are arguing for. I think that we have all probably argued for that. That is a good thing. The split payment and the regularity of payments are, in principle, conceded, if you like, but those will be dealt with by way of a programme board and consultations, etc, as to how precisely the mechanics will work themselves out. You have tabled a number of formal suggestions as to how that may be done. Others have also put forward similar ideas, but they are not always the same. In principle, that has been agreed, but it is not the default position. Again, people will have to see how it works out in the time ahead, which is why people have given qualified welcomes. All that will take its course. I am just making those general observations.

Mr Brady: Thanks very much for the presentation. I have a number of points to raise; you can correct me if am wrong in what I say about any of them. I am sorry that I missed the beginning of your submission. You are advocating single household payments to the main carer or second carer. The Minister made a statement yesterday. Split payments are quite a blunt instrument. Do you see that as one way of addressing the issue? He talked about exceptions. Will fortnightly payments by default be a better way of addressing this? Exceptions could be made for monthly or weekly payments, depending on the individual circumstances.

You have stated that if the legislation went through it would increase women's dependency. Do you see that as possibly increasing domestic violence because of the utter dependency of women in that situation? There could be underlying domestic violence, but women, in the context of the current intention, would be disenfranchised to a large degree because they would not get the money that they are entitled to. Section 75 includes an obligation to protect the interest of particular groups such as women and children. You have addressed that to some degree.

There is an issue around the main carer. It may have been used before in the tax credit system, so it might not be that difficult to transfer it across. I wonder what your thoughts are on that. Obviously, there are a number of other questions. There is no childcare provision in any sense; the legislation is simply not here. You could argue that the strategy is not here either. Those will be exceptions. You have talked about children under three, and it was mentioned that there seems to be some anomaly concerning children under five. That needs to be clarified, but, ultimately, the issue is about sanctions. We were told during the previous mandate that lone parents would not be sanctioned if they

could show that there was no available childcare. In my experience in my constituency office, it started out like that, but then sanctions started to creep in. Welfare reform — so-called — is about punishing people if they do not adhere to particular criteria. Undoubtedly, lone parents in particular are vulnerable to sanctions. We have been told that, if someone is jailed for two years for social security fraud, and there is a three-year sanction on their benefit, they will still have to do another year without benefit when they come out. How does that impact on their partner and family? If that is the main carer, what you are saying is that there will be a fairly seamless transition. That does not seem to have been addressed. It is the nuts and bolts and the logistics of it. The regulations have been referred to, but we do not yet have the ones that will apply here. Those things need to be sorted out before all that is put in place. I wonder what your thoughts are on that. There was a lot there to take in, but they are points that need to be addressed.

Ms Burnett: I was trying to take notes, so I will start us off. You talked about how we suggested that payments being made would potentially be a blunt instrument. Although I am here representing Women's Aid, I am also here trying my best to be part of a larger women's sector. It is about trying to make sure that whatever we do has a positive impact on all women who will be affected by welfare reform. The other issue, very clearly for women who are victims of domestic violence, is that, when we look at things that say "in particular circumstances" or "in exceptional circumstances", the real worry for us is how that will be judged. How will women be able to present their victimhood to access universal credit or any benefits? Are we going to sit in rooms and say, "Well, you will not have your non-molestation order until next Tuesday. Actually, it is only an interim non-molestation order; we will wait for another month for a full non-molestation order. Have you got a police report? Have you got a report from a hospital?" It is completely inappropriate to ask any woman to do those things. Doing that type of thing puts them in a far riskier position. It puts those who are administering all of the benefits in an extremely difficult position. It does not recognise absolutely where there is psychological and financial abuse — where there is not a bruise or a broken arm but the abuse is as real and can be as damaging. I get what you are saying about a blunt instrument, but we look at women as a whole and try to make sure that we do not go down the path of saying, "Here are your list of injuries. Here is the piece of paper that proves you are a victim of domestic violence." That is why we are very clear on that.

I think that you then asked questions about the main carer.

Ms Carvill: I picked up on a couple of things. It is really about who universal credit is paid to. I see that, in some ways, there is controversy around that. What has really blown my mind in some ways, especially after the statement yesterday, is that we have been consistently calling for universal credit to be paid to the second earner in the household to ensure that money goes to two people or to the main carer. Already, however, our Minister has jumped to the position of saying, "Well, we are not going to look at that, but we will split the payments." He is happy to retain the position in which one payment will be paid to the male earner in the household as a default. My mind is completely blown by that. There is a lot that is wrong with welfare reform, but simplicity in the benefits system is very good. It seems that this is a perfect opportunity to rebalance some things. One way of doing that is to make sure that people in a household have access to income. Bronagh gave the list of five reasons why; I have not heard any reasons why not. That is still not being talked about, so I would like to put that out there. We probably have a lot more work to do in that regard.

I will pick up on the issue of the frequency of payments. Since the launch of our report 'Women on the Edge?', we know, from speaking to women, lone parents and low-income families, that they really struggle. What is the issue with giving them the choice? When I signed up for tax credits, I could have received them weekly, fortnightly or monthly. It was up to me to decide what was best. All I had to do was tick a box. That goes into the computer, and it is paid that way. What is the issue? Why does there have to be a default system that says that you will be paid in this way? It does not make any sense.

Part of the Welfare Reform Bill is about choice, as you choose who gets the universal credit in the household. However, it contradicts itself in respect of frequency of payment, because that is not about choice. That would be very simple. Universal credit is a little bit more difficult to grasp, but the reasons and rationale behind who it is paid to are really important and simple.

Mr Brady: There are two points. Iain Duncan Smith's rationale is that it will get people used to being salaried in non-existent jobs. You make a very valid point about universal credit being difficult to grasp. Surely the whole point of universal credit is to make it simpler so that we can all understand it.

All of the other 30 benefits will go into the ether, and we will have one that we can all understand. You and I both know that that is simply not going to happen.

They are making what was a complex system in many ways even more complex because of the tapers and all of that. I would like someone to sit down and explain to me how you go in one end badly off and come out the other end necessarily better off. You then have to change your whole attitude to work in the sense that you may work part-time, you may work three days a week, you may work two the next and all that kind of thing. I have not grasped this yet either, so we are all in the same boat at the moment.

Ms Cavanagh: I will comment on childcare provision. Mickey, you were very clear about that issue. The 2010 Act very clearly identifies best interests of the child. In legislation, there is relief for lone parents in respect of work-focused interviews and so forth. One of the points that we raise in the paper that we presented is that that should be carried through seamlessly into universal credit. At the moment, it is not in it. The difficulty is that, if we do not get it in, it will be a matter of interpretation. That goes back to the point that you made a minute or two ago about sanctions. Even though the 2010 Act has that provision, we can see that sanctions, while not prolific, are certainly increasing. If it is left to discretion, sanctions will inevitably become the default mode. More work needs to be done in that area.

There is another issue that is also particularly relevant to your point, Mickey. The fact that sanctions were not looked at initially and have started to grow has an impact on training for personal advisers, which is another point that we raised. It often depends on who you get at front of house, how experienced they are, the length of time that they have been working in that area and the amount of training that they have had in the legislation and regulations. That will have a big impact on how things are dealt with.

Another issue is that, as everybody knows, we have a problem with childcare provision. There is not sufficient provision to meet need. Even if, as we hope, we will have the jobs that will make work pay, there are still not sufficient childcare places to enable all the families who will need that provision to take up those jobs.

Those are all things that we need to think about. They are extraneous to the actual Welfare Reform Bill, but they are imperative if we want to be able to implement any of it correctly and to the advantage of the claimant.

Mr Brady: I will just make one final point, which is about affordable childcare. Historically and traditionally, children here were looked after by members of their extended family. When I was in Welfare Rights in Newry about 12 years ago, we did a survey that found that Newry and Mourne had the worst childcare provision in western Europe. I think that we had five registered childminders for a population of about 90,000 people.

In England, there is legislation that states that the local authority has to provide childcare. They already have the infrastructure, because they provide housing, social services and all of that. There is no comparison with here. To become a registered childminder, you have to look after another child who is not related to you. That needs to be addressed. If a granny is looking after her grandchild, she will not want to take responsibility for someone else's. There are all of those issues. It is as if one size fits all, but it does not.

Ms Hinds: We cannot start sanctioning lone parents or other carers whom people require to fulfil certain conditions after their child is one and, then, after their child is three or five, when the childcare is not actually there for them to do that.

Mr Brady: Bronagh, that comes back to Marie's point that it depends who you deal with. You may be dealing with someone who is sympathetic or you may —

Ms Hinds: Yes. However, our concern is that although there was protection under the 2010 legislation, there is no protection yet in this legislation. Given the increase in sanctions, we need to roll that protection for lone parents forward into this legislation. We need to extend it to other carers until we get ourselves sorted out.

Mr Brady: It should not come down to the subjective opinion of somebody who is sitting across the table from you. How people are treated, in that sense, should be very clearly defined.

Ms Cavanagh: To my mind as well, it is imperative to get protection into the legislation. That goes back to the point that Bronagh made about process. If it is not there and regulations come out without, at least, some modicum of protection in them, we will not have an option to change it. That will be the simple fact of the matter. Therefore, we need to make that move now with the Bill and in the formulation of the Act, ultimately.

Ms Hinds: That is a different position from the issue — if we have read the legislation correctly — of to whom that payment is paid. We would ask you not to mix up or generally ally the issues of monthly payments and to whom payments are paid. Our understanding — we asked you to check it out — is that clause 99 would give us permission to regulate what we have asked for. It is within the gift. We understand that the legislation permits it.

Why we proposed two different methods is exactly because women, as well as men, should have their income, not only in cases of domestic violence where they need to have a financial way of getting out, but because it is only fair, proper and equal that they should have it. Therefore, whether the main earner is a man or a woman, the second earner should be given the universal-credit benefit in order to have balanced income in the household. Where neither is an earner, the payment should be split properly. Perhaps, somebody who cares for children would get a bit more. However, it should be split fairly equally. That is why we made that proposal. It is important to be fair to women and men.

Mr Brady: I will finish on this point. As regards an equal split, the fact is that, in most cases, the woman is the person who most looks after the children and the household and who makes the financial decisions in a "normal" relationship. There are cases where, if there are gambling or drink problems, the person with the problem could possibly get a payment as a single-person's allowance and the rest would go to the main carer who is, in most cases, the woman. All of the logistics of that have to be worked out. However, you are quite right. The first decision has to be made that there is a facility for people to make an informed choice in the context of their own households, because there will be so much diversity. When you start that and sort it out, the decision on who will get the actual money and how often it is paid comes after that, in a sense. If the wrong person gets it, it does not matter whether it is paid monthly, weekly or fortnightly, somebody in the household will suffer — usually the woman and children.

Ms Hinds: The Department can decide who the payment is made to. It could make the default the other way round.

Mr Brady: The facility is there.

The Chairperson: That is understood. We understand that point, which has been usefully made again.

Ms P Bradley: Thank you. I always look forward to hearing from you. For me, as a female, it brings me back down to earth to remember where I come from and the things that I have been through in my life to get to where I am today. I am very grateful to you for coming here today. All that you have mentioned has highlighted to me again that gender inequalities still exist. They need to be addressed.

The most important thing, which Mickey brought up at the very end of that discussion, is choice. Through welfare reform, we are trying to help people to make choices to go back to work and do all of those things. However, what is missing in a lot of this is empowerment. We are not empowering people by denying them choices on how they receive their benefits. I believe that we need a much more precise commitment from the Minister as to how the split payment and the monthly payment will work.

Lynn mentioned tax credits, and I remember that you had to tick a box to indicate whether you wanted that paid weekly, fortnightly or monthly. Why are we not empowering people to make decisions? If we want to empower people to go back into the workforce and build better lives for themselves, which, we are told, is the ethos behind this, why are we not empowering people and telling them that they have the right to make decisions as to how they want to receive this?

The domestic violence issue is a big one, whether the victim is a man or woman. We know from experience that for anyone who is suffering domestic violence, whether male or female, financial abuse is a major factor, so that is a big reason. I have clause 99 here in front of me, and there is something in that that could be looked at.

I really appreciate your coming here. You are hard-hitters, and that is what we need to hear. We need to hear the plain and simple truth, and you need to bring us back to the reality that these are the communities we live in and these are the people we work with. These are the people coming in and out of our offices, and we need to do what is best for them. We need to protect the vulnerable. We need to remember that and keep that at the forefront. Thank you again, this has been a very worthwhile session for me.

Mr F McCann: Again, Mickey has touched on most of what I wanted to say. The whole concept of universal credit is built on a false premise — an availability of work. There is no availability of work, and there is not going to be an availability of work for many years.

The issue that I believe will have a major impact is underoccupancy. Have you done anything on that? We live in a world where there is an increasing number of one-parent households living in a two-bedroom or three-bedroom house. They are going to be penalised. Have you done any research into the impact that that will have, especially on women?

Ms Cavanagh: The housing sector has been looking at that particular issue fairly closely. From our point of view, underoccupancy is not so much an issue for the parent with care because, generally speaking and notwithstanding that our housing stock is generally three-bedroom stock, there is not underoccupancy for the parent with custody of children. Our difficulty arises for the non-custodial parent, where we want to encourage good contact between both parents. The paper mentioned the rule around single-room occupancy for the under-35s. That directly impacts on lone fathers or non-custodial fathers, or non-custodial mothers in some cases, where they are going to be forced into houses of multiple occupation. Where do the best interests of the child fall in that instance? On the one hand, we have demands for parents to take responsibility for children, and research would indicate that good contact is productive for children. On the other hand, we are going to have people who will not be able to get contact simply because they do not have the accommodation to allow either day visits or overnight visits in safety, or in what can be guaranteed safety. That is the single-room issue.

The underoccupancy issue will come into play where you have smaller households in larger houses; that will create a problem in housing mobility. I think it is a fairly foregone conclusion that our housing stock is not fit for purpose in that regard, and the demand for people to move into smaller accommodation, if that is what is required, is not necessarily going to be an option. Those are the issues that we need to look at in the Bill, and the housing sector certainly will be making presentations on that issue.

Mr F McCann: You are right in everything that you say. The single-room allowance is only starting to have an impact across the board. There is an argument about transitional payments or discretionary payments, as they are called, as they are only meant to tide you over for so long before it is stopped. I deal with housing quite a lot, certainly in the west of the city, and one of the big arguments is about young people being offered three-bedroom houses because they are in areas where people may not want houses. They could be penalised for that in a short time. We are also living with the legacy of the conflict in that it is not easy for people to move into different areas. We have raised some of that.

Last week, it was said that 520 families will be directly impacted by the cap on benefits. I think that, if one family is impacted, it is one family too many. It was also said that over 13,000 families who are on DLA may also be impacted when they switch over from DLA to PIP. Have you done anything on that?

Ms Cavanagh: The welfare reform group has been looking at all of those issues, and, obviously, there are specialist organisations in each field. Principally, the people who will suffer the worst impact of the benefit cap are people who have adult disability in the family or, importantly, child disability in the family. Obviously, if there are two or three members of the family who are entitled to disability premiums, it will not take too long to rack up the amount to the benefit cap. My understanding of the legislation is that some provision will be made for that, but you will have to speak to some of the disability sector organisations to get a clear idea of the likely impact of that. We have been led to believe that the legislation will contain exemptions where there is significant disability in families. Again, that needs to be checked out more clearly with the organisations that work in that field.

Ms Burnett: On your first question about underoccupancy, I know that the Council for the Homeless raised issues about the disjoint between the common selection scheme and payment of housing benefit. I am sure that, at some point, you will have written submissions from that organisation or

have its representatives in this room. It said that, under the common selection scheme, you will be able to access houses that are far larger than housing benefit will pay for. It will be able to give you significantly more detail than I am able to go into.

One of the significant issues for Women's Aid is underoccupancy and the subsequent reduction of money going into the household. When women leave relationships, that is the point at which they are at most risk of serious harm or homicide, so it is an extremely risky time for women to go through. As I am sure you are aware, we have introduced Multi-Agency Risk Assessment Conference (MARAC) processes throughout Northern Ireland to try to ameliorate that. However, the issue for us is that, when a woman leaves, she is already at significant risk. Now the house that she and her children have left will be an underoccupied house and the partner who remains there will have a financial hit on his pocket as well. That will give added reason for the perpetrator of domestic violence to cajole, threaten and abuse the person who has left the house. That will definitely have a direct impact on the levels of domestic violence in the future.

Mr F McCann: One of the other points that is being raised is that most of the old Housing Executive and housing association stock have what is called a box room of 6 feet by 10 feet. We have asked that that be excluded as a room for the purposes of housing benefit, because it has a direct impact on people moving in.

Ms Hinds: Chairman, can I ask you about the whole issue of the framework of the process? We are trying to find a way of squaring the circle where people want to move ahead with the legislation. First, we are concerned about whether the legislation contains everything that will be required, and we have identified things that are not in the legislation such as rolling forward the protection for lone parents and extending it to carers.

Secondly, there is interpretation of parts of the legislation. In some areas, we think that it does permit things that we want, but, so far, we have not heard the political will to interpret that to deliver what we think is essential. This is a matter of equality for women, but it is also a matter of severe vulnerability. There is getting that requirement.

Thirdly, you said that statements of intent are not strong enough. Essentially, we are not wedded to any of those three. We want something that is effective and gets us the result on those issues that we need.

The Chairperson: Speaking as the Chair of the Committee as opposed to a partisan politician, we are now formally in Committee Stage. Therefore, as I said at the start of the meeting, we held an explanatory session with the Department, just so that everybody around the table is clear on what the Bill is supposed to do; whether they agree with it is irrelevant. What we first had to do was work out whether we knew what we were talking about and make sure that we knew what the Bill is designed to do. Members have asked, "How will that work out?", "Will this be the implication of that?", and so on. So, there has been a very robust examination of the Bill's intent. As I say, members have sought to clarify the outworking of that, and I think that that has been well covered.

There are still some issues that we need a bit of clarification on. That will obviously help members to work out their position. When we were going through some of the clauses, the Department outlined the intent of those clauses, and we had a discussion around the table. We were then verbally advised, "That actually means this", "Those are the criteria and the guidelines", "That is how it will work", and "That will be dealt with by way of regulation or by way of confirmative resolution". Something written by the Department at this point will be done by way of negative resolution or confirmatory resolution. That is a political decision that will be taken by the Department and the Minister. That is the stated position of the Department at this time. I suppose that there will be another argument on that.

The Committee will obviously have to satisfy itself that it fully understands the Bill and its implications and that, through engagement with stakeholders and in conjunction with parties and members around the table, it knows what the views and mandates are, and so on and so forth. The evidence-gathering sessions, which will be extensive, the discussions with the Department and the commitments from the Minister will be factored in to the Committee's final report, which will be published on 27 November. So, by 27 November, the Committee will have gone through all the evidence-gathering sessions. We are still tweaking the forward work programme for the next number of weeks. So, the Committee will

take evidence, and, by 27 November, it will sign off on a report that will go to the Assembly. That report may involve some amendments to the Bill or a narrative from the Committee. The Committee might say, "We are not happy about this but —". For example, as you know, the Minister yesterday outlined a process for looking at universal credit and the mechanics of split payments, regular payments and so on. That may work out and resolve the issues that you raised this morning and which a lot of members have raised. That may end in a good result, and I hope that that is the case.

We have been told that David Freud is coming over here to engage directly with the Minister, the Department and the rest of us in the Executive on the whole issue of housing benefit and so on, and on how all that might work out. That is good, because there is a focus of attention on that. It does not guarantee a particular outcome, but it represents at least a formal, more direct engagement. I think that we will all welcome that.

I am not going to be judgemental. I am simply saying that we, as a Committee, may want to get commitments, and we will welcome people making political commitments to do something. All I am saying is that when you sign off on legislation, the Minister responsible for that legislation could be away by the next week. That Minister may have had the best intentions in the world, but that may not carry through. We know that from having recently dealt with landlord registration, for example. During the last mandate — I was not on the Committee then, but the record will show this to be the case — members had some concerns and wanted landlord registration to go further, and they were told that they could deal with that in the regulations. However, the Bill was passed, and when we got the regulations here in the past two or three months, we were told, "Sorry, the primary legislation does not allow you to go that far".

Ms Hinds: Can you influence regulations when it comes to the regulation stage?

The Chairperson: You can vote for or against the regulations. However, you are then told that the regulations must be in line with the primary legislation or that they must maintain parity. So you get into all those arguments. All I am saying is that members need to know that primary legislation sets the scene for upcoming regulations. So when members eventually vote, they need to fully understand that, however they vote, the regulations flowing from primary legislation are governed by the primary legislation.

Ms Hinds: I understand.

The Chairperson: There may be flexibilities in all that. You asked about the process. We are at Committee Stage and are taking all the evidence. For example, we will have the Housing Executive in on Thursday, and, next Wednesday, the Chartered Institute of Housing, the Federation of Housing Associations, the Housing Rights Service and the Council for the Homeless will be here to discuss the wider issues of housing. We have series of other evidence sessions, some of which are, in a way, generic and some of which are more specific. All of that will be very helpful to us as members. As Paula said earlier, it is very important to hear from people, particularly people who are working on specific issues, because you can then roll your sleeves up and get into the detail because they are, in a way, experts in the field. By 27 November, it will be up to this Committee to report to the Assembly. That report may contain amendments to the Bill, and amendments may be accepted by the Department. During discussions with the Department, we will ask whether it is prepared to adopt that as an amendment. It may well do so.

Ms Hinds: I want to make clear that our preferred position is that the Bill creates the permission to allow this. If the primary legislation were to say to whom the payment is to be made, that would be even better. We assume that that is not likely to happen, but we think that the Bill permits it, and, therefore, it needs to be regulated. Our preferred approach is that there are amendments to the Bill. Our next approach is for the regulations to make full use of what the Bill allows to be done and not to narrow it to special or exceptional circumstances. Our third position is the statement of intent. We want to make that clear because we totally appreciate and understand, from having done other legislative stuff, that that is the way to best protect what we need to deliver here.

The Chairperson: That is not a problem. I do not want, in my role as Chair, to be in any way negative about anybody's statement of intent. If we can get statements of intent from Ministers and so on, not only Ministers here, we will want to build on that and try to make them reality. I am not trying to gainsay the motivation behind any of that but am simply saying that, ultimately, when you sign off on the Bill, you need to understand what you are signing off on. From my point of view, the default mechanism of paying money directly to landlords is a good thing. I would prefer other things to be the

default mechanism and you then work out the special circumstances after that and can opt out. We will all have that discussion. I certainly want the default mechanism to apply to a range of other issues, and you have identified some of them.

Given the principle of the essence of the statement from the Minister yesterday on universal credit and the work to be done on that, theoretically, before the Bill is passed, you could have that written in to the legislation. That is doable, in my view, because the work that will go ahead will hopefully determine that. The statement yesterday talked about the programme board looking at the mechanics of that and going out to consultation. The Department may come back and say, "We are amending the Bill accordingly", and we might all be happy. Hopefully that will be the case.

The detailed scrutiny that we are going through now is very important. We have benefited, as Paula said, from engaging with a range of people, including yourselves, in the past. It has been very helpful — especially for me, in chairing this Committee in the past year or more — to acclimatise and inform ourselves about the ins and outs of how all this is worked out. Probably everybody around the table deals with those issues in their constituency offices more or less daily anyhow.

Thank you, Sharon, Bronagh, Lynn and Marie for your presentation this morning and for indulging us with your expertise. I am sure that we will engage again.