

Public services and poverty



A contribution to political debate and policy development

BIENNIAL REPORT 2014-2015

COMBAT POVERTY,

INSECURITY AND SOCIAL EXCLUSION SERVICE

SUMMARY

Introduction

The 8th biennial report from the Combat Poverty, Insecurity and Social Exclusion Service (The Service) is dedicated to the role of public services in the fight against poverty. "The adaptation and development of public services" is considered in the Cooperation Agreement which defines the missions of the Service¹, as one of the key elements for preventing hardship and fighting poverty. Another key element is social security, which was the subject of the 2012-2013 biennial report. More concretely but still within the framework of the Cooperation Agreement, the question addressed throughout this report is the extent to which the public services contribute to ensuring the effectiveness of fundamental rights for all, including for people in extreme poverty.

The first step was to clarify what we understand by "public service", in the absence of a clear definition of this term. In the report, public services are both public service missions and the players responsible with implementing them. The latter are meant in the wider sense: we include the players to whom public authorities entrust public service missions.

Rather than initiating a discussion of public services in general, we have opted for a thematic approach as a basis for identifying common elements which are undoubtedly more valuable for public services. The extent of public services' scope for action became clear during an initial meeting with Anti-Poverty Grassroot Groups. Following the meeting some choices had to be made, meaning that some very important issues such as housing and education have not been covered.

On the other hand, the thematic approach has allowed the consultation of a wide variety of actors, from Anti-Poverty Grassroot Groups to public and private services, administrations of the Federal State and federated entities, etc. to the different sectors involved in the topics chosen.²

The six chapters of the report reflect the state of the dialogue on the following issues which have been the subject of 34 meetings: justice, culture, childcare, health, employment, energy and water. One other meeting addressed the question of mobility - a recurrent theme in all chapters. Very detailed minutes were taken at each of these meetings in order to allow participants to confirm that their contribution has been understood and to prepare for subsequent meetings, if desired. The unattributed quotations in the report correspond to statements made during the meetings. Transversal issues are presented in the conclusion; they were the subject of two meetings.

With regard to the Cooperation Agreement, which pays particular attention to the poorest, it was decided to start from those situations in which the conditions for human dignity are not met and those in which people have the most trouble exercising their rights, the belief being that in this way the reflections and recommendations stemming from it would be relevant in guaranteeing the fundamental rights of all. This does not diminish those interested in having an additional session to consider the more specific difficulties of some groups. For example, a "gender-based" reading of the report is planned in collaboration with the Institute for the Equality of Women and Men.

¹ Cooperation Agreement between the Federal State, the Communities and the Regions relative to the continuity of the policy as it relates to poverty.

² See annexed list of participants in the Dutch or French report.

The dialogue process proposed by the Service this time attracted the interest of numerous actors, the primary mission of most not being the fight against poverty. We would like to emphasise here the unique nature of the Cooperation Agreement which makes possible, via the Service, meetings between people, associations or organisations concerned in their commitment, their work and their mission to take account of the experiences of people in poverty. This is very important because the fight against poverty is everyone's business. Thanks to its inter-federal nature, the Service is in a position to structure exchanges based on a bottom-up approach, without having to take prior account of the concerned levels of authority, and to formulate recommendations reinforcing the coherence of the fight against poverty. The independence of the Service allows to offer participants in the dialogue group the possibility to speak freely. Its particular status - neither association or administration - gives the Service the possibility to formulate critiques of policies which reduce the level of protection of basic rights and work in areas where it can advance the fight against poverty. The Cooperation Agreement provides for a procedure to monitor³ the biennial reports of the Service, which ensures that these reports contribute to political debate and policy development.

The report reflects the state of a dialogue. We hope it reflects the richness of the exchanges which took place and will help policymakers and other actors to take the necessary initiatives to guarantee the effectiveness of rights for all, including for people in poverty and social insecurity.

Before concluding this introduction, we would like to mention another process that is underway and is especially important for considering the role of public services in the fight against poverty: that of the "Agora" group. This is a dialogue between Anti-Poverty Grassroot Groups and the public services helping young people in Wallonia and Brussels, with the support of the Combat Poverty, Insecurity and Social Exclusion Service. We invite you, via the Service's site, to consult the two publications from the Agora group.⁴

³ See the web page in [Dutch](#) or in [French](#).

⁴ http://www.luttepauvrete.be/publications/Agora_transparence_ecrits_actes_colloque_2011.pdf
http://www.luttepauvrete.be/publications/Agora_oct_2005.pdf

I. Justice

Justice is a public service to which people in poverty do not always have access when they need it. There are many reasons for this “under-consumption” of justice.

The first obstacle arises even before the question of access to justice arises itself: the non-awareness of being a legal subject. No fundamental right stands the test of poverty, whether it is the right to decent accommodation, to the protection of family life or health, etc. Having to face over time the violation of their human rights, people in poverty end up thinking that they have no rights. This non-awareness of being a legal subject is today fuelled by the fact that an increasing number of poor people are subjected to measures limiting the control over their own personal and property interests.

Access to comprehensible information is a second obstacle. Several factors engender difficulties to communicate information, including the cultural divide between litigants and professionals, the complexity of legal language, and the fact that people in poverty are stigmatised and live with a sense of shame. Legal aid is the frontline tool which the Federal Government has put in place to make legal information accessible. It now remains for the Communities to legislate, as they are recently competent to do so regarding this matter (6th reform of the State). The topics covered by the report can certainly contribute to the adoption of decrees. Among the questions discussed is that of information on the very existence of legal aid and that of frontline legal aid players, some being more accessible than others to people in poverty.

Financial accessibility is a third obstacle to access to justice. In recent years, several measures have made justice more expensive and thus less

accessible. They include the recoverability of the costs and fees of the lawyer, the VAT of 21% on lawyers’ services, and the increase of court fees. The agreement of the Federal Government foresees the establishment of user fees, making the litigant responsible for part of the cost of second-line legal aid. Second-line legal aid and legal aid were designed to help people with very low incomes to overcome the financial barriers. But these mechanisms are today under pressure because of the increase of the number of cases in which a request is made for legal aid. This evolution has not been followed by a parallel evolution in the budget. The removal of the irrefutable presumption of a state of need also complicates access. It is recommended in particular to increase the income ceiling above which there is no entitlement to legal aid and to grant aid more progressively as a function of income, as well as to simplify the administrative procedures for obtaining second-line legal aid and legal aid.

This chapter also deals with alternative methods for conflict resolution, such as mediation. The imbalance between parties, to the detriment of the weaker, is a difficulty which can be mitigated by the possibility of receiving support. The cost of mediation is also an obstacle.

Given the fact that access to justice is an obstacle course for people in poverty, class actions may bring real added value. These actions are not very common, mainly because of the requirements meet in order to bring such action defined in the Judicial Code: the association ready to bring an action while the vulnerable litigant cannot must, among other things, have a sufficient personal and direct interest in this action. However, a decree of the Constitutional Court (2013) opens up

interesting possibilities, especially for the most vulnerable. Indeed, the Court indicates that the legislator should take the initiative in creating a right of action for associations whose social objective is the defence of human rights, and that the legislator should set the terms. To our knowledge, no initiative has been taken thus far.

Anti-Poverty Grassroot Groups sometimes also support vulnerable litigants. Financial, administrative and human support gives such people the ability to act in their own name and thus inform the courts of situations which they might otherwise have continued to ignore.

This chapter concludes with some considerations on the financing of justice. It reminds us that justice is a public service and should be financed from the public coffers. If additional ways of financing are envisaged, mandatory and joint cost-sharing becomes more interesting. On the other hand, legal protection insurance is of great concern to people in poverty, in particular because it contributes to privatising justice, does not cover all risks, and may not guarantee to have a free choice of lawyer. Furthermore, it is not necessarily recognised as a right, meaning that the insurer could refuse to cover a person who represents an increased risk, or could calculate the premium based on the risks.

II. Culture

Culture is a fundamental right as essential as any other. How are the public services guaranteeing its effectiveness? That is the question addressed in this chapter. It is essentially the Communities that are responsible for this right. However, the Regions and the Federal State also have a role to play through associated initiatives such as the Fund for the participation and encouragement of the users of Public Centres for Social Welfare or via federal cultural institutions.

Four elements identified from the experiences of the poorest people call for consideration. Culture is simultaneously the cultural offering and its creation, cultural expression. Culture affects the individual in terms of his humanity and human dignity. Culture allows people to think freely. Culture is a lever for individual change and for questioning the way society works.

This chapter recalls the recurring obstacles encountered by poor people, including financial and geographic accessibility, or the way in which activities are organised. Two developments are then discussed, developments that reduce the effectiveness of the right to culture. A certain instrumentalisation of culture has been noted, linked to the way the cultural dimension of the fight against poverty is taken into account in social policies. There is, for example, the increased conditionality of rights to some allowances. This translates with increasing frequency into an obligation by beneficiaries to participate in a cultural activity or, conversely, into a ban on taking part if they have not fulfilled their obligations within the framework of activation. The second trend is that of the decentralisation of powers. The recent decree transferring resources from the Flemish Community to local authorities so they can pursue a local cultural policy without having to justify the use of these resources is but one example. Finally, the limitation of financial resources both for participation in the offering and

for the cultural creation of disadvantaged groups is an additional obstacle. These are all elements which risk undermining the existing levers for guaranteeing the right to culture. The question of knowing whether culture is again becoming a luxury for poor people instead of a right is raised clearly.

On the basis of these observations and analyses, the chapter sets out six conditions necessary for the most disadvantaged people to gain access to creativity and cultural offerings: a shared vision, time, accessibility in terms of finance, geography and organisation, freedom, transversality and evaluation. There is no hierarchy for these conditions. On the contrary, they are closely linked one to the other.

In conclusion, it is strongly recommended that the right to culture be added to the agenda of an inter-ministerial conference for integration into society so that the different levels of government can together develop a declaration with a common vision on the link between poverty and culture. To increase the accessibility of the offering, it is among other things recommended to take account of the costs associated with the price of entry (travel, child care, etc.) in the measures aimed at making culture more affordable financially and to invest in supporting the beneficiaries of these measures. Particular attention to people in poverty is requested, as for example not allowing children to be excluded from cultural activities organised by the school, including vocational and special education. One recommendation relates to the training of social workers in the importance of culture for everyone, especially the poorest in society. It is also requested that more bridges are built between different sectors and, at the same time, for experimentation to take place.

Throughout the process, the Service was able to rely on the expertise and commitment of Culture & Démocratie and Demos.

III. Childcare

Today, childcare is a priority area on the social and political agenda. There is a growing trend to consider childcare as a right as well as a basic provision. For every family choosing to use it, childcare should not only enable family members to better combine work and parenting, but should also support family life. This also contributes to a healthy personal and social development of every child. However, high-quality childcare is not easily accessible for everyone. In the process of the dialogue on the role of public services in guaranteeing the effectiveness of rights, also the role of childcare initiatives for children from ages 0 to 3 was discussed.

International academic research has pointed towards the importance of high-quality childcare for the overall development of children. High-quality childcare can make a difference for children, especially those growing up in poverty. The European focus on child poverty and investment in the child's early years has contributed to the Flemish, French-speaking and German-speaking Communities which have increasingly been promoting childcare as an important instrument in the fight against poverty. They consider childcare to be a right of the child and emphasise its educational and social function in addition to economic considerations. It is in this context that families living in poverty, whether or not want and can have childcare.

In the case of poor families, it is crucial to speak of a right of the family to use childcare rather than of a right held by a child. Because of a certain lack of trust in services, parents in poverty fear they will be bypassed. Many have also experienced the fact that a right can be turned against them and become an obligation. Being able to use childcare is sometimes a precondition for participation in civic integration, training or employment processes. Beyond, parents may want to choose

when and to which extent they rely on childcare, depending on their socio-professional integration, but also aiming to support their children's full social development. Furthermore, parents might like to share experiences with other parents, or to simply be able to take a breather themselves. In addition, families in poverty are often and suddenly confronted with several problems at the same time (moving, call from the national Employment Office [RVA], etc.), meaning they unexpectedly, in the short term and for short periods, need a place where their children are taken care of.

The obstacles that families in poverty experience in regard to access to childcare are innumerable. There are parents who decide that childcare is not for them because they do not know enough about it, are afraid of scrutiny, or want to look after their children themselves, etc. At the same time, many families cannot access childcare because of a lack of supply in their neighbourhood, because facilities are difficult or impossible to reach, or because there are no more places available. The priority rules and registration procedures may also be an obstacle. However, families in poverty can only discover the role and added value of childcare for themselves if they have succeeded in finding a high-quality reception location. The text provides an overview of the coverage in the three Communities - both in terms of availability of childcare and of percentage use - and of the efforts the Communities are making to expand the availability of childcare.

A number of conditions must be met so that childcare can become a basic option that families in poverty can and decide to choose. In addition to adequate and diverse childcare options which can be adapted to suit the needs and expectations of families, there is a need for a high-quality supply that not only opens the door for everyone but also

builds a relationship of trust with parents and children, and hence provides a way forward.

This text puts forward a number of recommendations aiming at making the right to childcare accessible for everyone. Firstly, it is important to increase the number of childcare places and to guarantee equal access to childcare. This is crucial so that every family requesting it can find a place in a childcare facility which fits and adjusts along their needs. It is also necessary to raise awareness among professionals from different sectors in regard to the potential importance of childcare, and to invest in the professionalization of the sector. In addition to the economic function, the educational and social function must be always guaranteed. Parents must be recognised and respected as the primary educators. Finally, it is crucial to evaluate current and future legislation.

IV. Health

The right to health protection is a fundamental right which is not effective for numerous people living in poverty. To guarantee the effectiveness of the right to health protection, it is necessary to work simultaneously on accessibility to health care and on living conditions. As the previous report from the Service had covered access to health care, the dialogue group chose to concentrate on the role of public services in the fight against social and health inequalities by taking action on the socio-economic determinants or, in other words, by promoting health.

The situation of people in poverty - housing, work, education, living environment, etc. - to a large extent explains their poor state of health and the social inequalities of health condition. Professionals agree that individual behaviour influences the state of health, but if the accent is solely on this behaviour, it can lead to overestimating people's individual responsibility. Living conditions can lead to "forced habits" and the development of behaviour aimed at compensating for stress and building self-esteem.

Given the importance of living conditions in people's level of health and well-being, it is necessary to work on the underlying causes and the determining factors that arise in different areas. The dialogue group considered two areas in particular, housing and food, as basic conditions for allowing everyone to enjoy well-being and good health. This approach to health requires operating health policy in a different way and taking action in different areas, not only health.

It is also necessary to work within the health system in order to guarantee everyone a high level of health and well-being (public service mission). Different services and players have been set up, especially in the health-promotion area. Health professionals working on the front line (GPs,

community health centres, "Kind en Gezin" or "Office de la Naissance et de l'Enfance") also have a role to play in the fight against social health inequality. Partnerships and consultations have developed between players in various areas in order to contribute to this fight in a global and multidisciplinary way. We see that some people are outside the social security system. Others have access to it but encounter difficulties in reaching the best possible level of health. Related services have been set up in the interest of these people. The dialogue group considered that these services should remain temporary and complementary to the system and call for a strengthened social security system for everyone.

Finally, the conditions that guarantee enhanced effectiveness of the right to health protection have been addressed by the dialogue group. The specific approach and working methods for promoting health define the context in which public services act on all the determinants of health and reinforce the actions of people and groups in this regard. A comprehensive, emancipatory approach throughout life is recommended. It should not only take into account all the factors that have an impact on living conditions but also address them in a manner ensuring the person has a high level of health. Moreover, their living conditions and society having deprived them of the possibility to lead the life of an independent and responsible citizen, it is important to take an emancipatory approach. It is also necessary to take action all throughout their life, starting at the earliest age. The method of action has an undeniable effect. The dialogue group proposed proportionate universalism and participation. According to proportionate universalism, programmes, services and policies are universal but are on scale and have an intensity proportional to the degree of

vulnerability of people or groups. This method avoids the stigmatisation of people living in poverty. Participation in turn, by allowing the involvement of the beneficiaries of health-promotion activities in the choice of project and its achievement, represents real added value. Furthermore, the improvement of the living environment is not only the result of individual actions but of collective actions and policies (working from the bottom up). Participation becomes then a tool for social change.

V. Employment

Quality employment is a key lever for lasting exit from poverty. People who live in poverty want to work. Twenty years ago, the General Report on Poverty referred to *“the right to work, a job with all that this status implies, remuneration of labour, the social image it projects, the associated individual and collective usefulness when it comes to regaining the human dignity embodied in professional activity ...”*. It is in this context that the dialogue group examined how public services can and do contribute to ensuring the effectiveness of the right to work by those seeking employment.

The current environment has an impact on how public services work. In recent years, both European and national public policies have concentrated in particular on increasing the level of employment and on implementing the concept of “active social protection”. This has had the effect of seeing the system progress towards increased contractualisation and conditionalisation of rights. Many social workers are subjected to user control systems that estranges them from their primary mission of support. Furthermore, a specific offer of support has increasingly meant accommodating the specificities of some job seekers. However, some categories have been created, based on an evaluation of their “employability”, which could be a too limited approach. Another trend which sees missions increasingly outsourced to the private sector was analysed. During the dialogue, a variety of criticisms and concerns were raised concerning the use of tenders for organising support and training missions. By contrast, the development of partnerships favouring the idea of collaboration over that of competition is seen as a means of improving support for people who are remote from the job market.

This chapter discusses three public service missions. The first is the support offered by regional public employment services and by Public Centres for Social Welfare. According to the dialogue group, there is a need to have personalised support based on a relationship which can lead to a job. Otherwise, the process makes no sense for the social worker or for the job seeker. Obtaining quality employment is increasingly difficult for the low-qualified or those remote from the job market. These difficulties can be explained in particular by job offer demands that are increasingly high and by the fact that people able to start work immediately are the most wanted. The youth guarantee has in recent years become one of the key measures for responding to the unemployment of young job seekers. The second public service mission is training. The trend to consider training as part of the search for a job is growing. However, there are problems associated with the lack of suitable training places and the obstacles in accessing them. In addition, offers of training concentrate very much on critical functions. This can be explained by difficult working conditions and unattractive salaries. The third public service mission is employment policy. Employment policy measures are very diverse and complex. They may take the form of specific contracts such as with local employment agencies and article 60s, or the form of reduced employer contributions. The analysis of these measures needs to be approached with caution. Indeed, specific contracts can often provide the workers concerned with the opportunity to have an enriching experience or an improvement in their financial situation but they sometimes provide for low status for the worker with little chance of reaching the classic employment market. Job assistance measures are aimed at creating employment but often fail because of the absence

or lack of conditions guaranteeing the creation of lasting and quality employment.

During the dialogue process, it was emphasised that the impact of public service action on the effectiveness of 'the right to work' depends on the objectives pursued and the conditions under which they are conducted. This is the focus of the fourth part of the chapter. One of the first conditions to increase the impact of public service action is to ensure a balanced and participative relationship between job seekers and professionals. This means in particular separating the controlling and support missions, as well as guaranteeing respect for professional secrecy. Another condition is to take a measured approach tailored to the specific situation of each job seeker over a time frame that allows the measures implemented to bear fruit. Participation in voluntary work must be sustainable but also be a free choice on the part of the job seeker. Finally, support, training and employment processes should lead to quality employment preventing the people concerned from losing motivation, with the resulting risk of social exclusion. The creation of quality employment is a real means of fighting poverty. Avoiding the deadweight effects currently encountered by some measures and in particular supporting employers who are developing quality employment are the goals for public action encouraged by participants in the dialogue group.

VI. Energy and water

The right to energy and the right to water and sanitation (sanitary facilities) is not mentioned explicitly in national law or in human rights treaties. However, interpretations of human rights texts link them to the right to housing and the right to health, and attention is increasingly paid to actually include these items as rights in national legislation.

Energy, water and sanitation (sanitary facilities) are essential to living in dignity. However, access to these services is not always ensured. Energy and water are supplied in different manners: the gas and electricity markets in the three Regions have been fully liberalised, while water is supplied by public water utility services. The commercial context of energy supply has implications for consumer protection. The dialogue group concentrated on the practise of door-to-door sales, where vulnerable consumers often carry the can. In both sectors – water and energy – it is important to strive for more uniform and transparent cost schemes, to set appropriate repayment modalities, and to provide sufficient information and support to customers.

Many households are in a situation where they cannot measure their own energy and water consumption, because they do not have a separate meter or because of a shared heating system. This complicates the calculation of their individual consumption. This also implies problems when it comes to the implementation of maximum social prices and public service obligations.

In terms of energy and water being basic rights, the dialogue group repeatedly emphasised the importance of an affordable price for both commodities. However, in recent years prices have increased sharply. Various indicators show that many households are having difficulties paying their bills. A key issue here is the housing quality

and the ability of people to invest in energy and water saving measures. The dialogue group asked for a rate to be calculated, that responds to social, solidarity and ecological criteria through a combination of different elements: a low fixed amount (free for some groups), a basic amount at a low price, a higher price for subsequent consumption bands, taking family size into account, social rates for specific groups, a fund for specific support measures, a solidarity contribution in the context of the North/South problem, and a strong link with housing policy. When it comes to social rates and exemptions, it is important to define different target groups using certain statutes on the one hand and, on the other hand to refer to income criteria. This should ensure that different groups living in poverty and insecurity gain access to the measures.

In situations where the invoice cannot be paid, it is important to engage with the household involved with respect and fairness. It is often impossible to freeze the situation and give the household the possibility of paying off their debts at a reasonable and suitable pace. Electricity and gas in the three Regions has been designed in a manner that households can have a minimum amount of energy. However, there is a fairly large group at risk of being without energy (see for example the case of budget meters without a minimum supply). The dialogue group asks for measures to be taken urgently to ensure that people can live their life in dignity. The procedure of disconnecting is arranged - according to the regulations - either on the advice of a local advisory committee or after a decision from a justice of the peace. The dialogue group stressed the legal position of the customer and asks in this case of an advisory committee to provide the possibility for the customer involved to appeal. In addition, the large number of default cases with advisory committees and justices of the

peace is a major issue that requires further reflection and action. Particular attention was also paid to situations where debts were sold to specialist collection agencies and where debtors find themselves in a very weak legal position.

The size of the bill is to a large extent determined by the characteristics of the dwelling and the possibility of rational energy and water usage. There have already been various federal and regional initiatives to inform and guide households. It is important to provide transparent and comprehensible campaigns in places and organisations which poor people can visit. The existing instruments for information, awareness and financial support can be better adjusted, and particular attention given to those in (private and social) housing.

In conclusion

We present in this concluding section the results of a transversal reading of the six themed chapters of this report regarding the role of public services in the fight against poverty. We have chosen to present these results by dividing them into four different points that have emerged from all the chapters and which are without a doubt relevant to public services in general. For ease of reading, we have punctuated the text with examples provided within the themed chapters.

Human rights as the cornerstone of the fight against poverty

Numerous participants in the dialogue group and, more especially, people living in poverty, along with organisations in which they come together believe that the observations and analyses contained in the General Report on Poverty issued 20 years ago are still accurate. They also raised that human rights are not more effective today - less so, in fact.

They note that many rights are increasingly subject to conditions, making them less and less considered as rights as such. For instance, participants in the “culture” dialogue group raised a trend to link cultural participation by users of the Public Centres for Social Welfare with their journey of activation. Beneficiaries are obliged to participate in cultural activities as part of their journey and vice versa - they are sometimes only allowed to participate in cultural activities after having met obligations linked to activation. For people in poverty, culture is too often seen as a luxury, whereas it is a fundamental right or, in other words, a necessary requirement to live in accordance with human dignity.

Listing rights in a text is not sufficient to have them respected, but it is an indispensable step.

Numerous human rights are recognised both internationally (United Nations, Council of Europe, European Union) and nationally. But other rights, such as the right to energy, water and sanitation (sanitary facilities) are not yet expressly included in texts enshrining human rights, despite being recognised as such through the interpretation given to other provisions. Participants in the dialogue group also drew attention to the fact that mobility is generally considered a necessary means of exercising one’s rights, but is not recognised as a right as such, when the ability to move around is essential for leading a life compatible with human dignity.

The Service recommends that human rights should be explicitly a point of reference in legislation development. This involves to systematically evaluate the impact of the proposed measure on the respect of human rights, especially those of people living in poverty. This is also relevant when assessing measures that have been adopted.

The Service also recommends including in Article 23 of the Constitution the right to energy, to water and to sanitation, as well as the right to mobility, as basic elements of human dignity. It recommends action to include these rights in international texts enshrining human rights.

Confirming the effectiveness of rights as a mission of the public services

By signing and ratifying texts enshrining human rights, the Belgian State has undertaken to implement all the rights contained in these texts. The question this report aims at addressing is how the State, primarily responsible for guaranteeing the effectiveness of rights, fulfil its commitments: What public service missions does it define? Who is entrusted with their implementation? With what resources? Below, we identified five issues that

complicate the mission of the public services and risk reducing the effectiveness of these rights.

Transfer of responsibility to a more local policy level

During the dialogue process, it was found that public authorities sometimes transfer their responsibility to more local authorities when it comes to ensuring that rights are effective. One example was a recent decree transferring the resources involved in the implementation of a local cultural policy from the Flemish Community to local authorities. This greatly disturbed a large number of participants in the dialogue group who believed that conduct of cultural policies, or not, will be too dependent on the local political context and the financial capacity of the authority in the future. In addition, the guarantees of sufficient attention to the place of people in poverty in the cultural policy risk becoming weakened. This is a development that undermines equal access to rights and generates additional legal uncertainty for the people concerned.

Transfer of responsibility to the individual

Responsibility is also increasingly being delegated to the individual. The case of the budget meter was taken as an example in the dialogue group: if no minimum supply is allowed for in the budget meter, the availability or not of gas or electricity depends on whether the household concerned has the money to feed the budget meter. Many households in Wallonia and the Flemish region equipped with this kind of meter are permanently living under the threat of a “black-out”. Last year, the risk of black-out - an interruption in the energy supply - in our country was a great source of concern. Both politicians and citizens are very concerned at what might happen if they can no longer have electricity, but at the same time ignore the fact that a very high number of people in poverty are already living with this risk today.

Another example is mobility. Being able to move around has become a social norm: we are supposed to be able to be mobile to commute to

work, health care, education, cultural offers, etc. Developments in urban development (planning the location of services) and the centralisation of some services and organisations in urban centres are forcing people to be mobile. At the same time, mobility is increasingly being considered to fall within the personal responsibility of each individual. The tightening of unemployment legislation with a “suitable employment” criterion referring to the distance from home to work (from 25 km to 60 km in 2012), regardless of the duration of travel, is an illustration of this phenomenon. For people with no means of transport or living in rural areas, it is not easy to undertake such trips; they are thus dependent on the public services offered.

Transfer of responsibility to the market

It has been decided in a number of cases to operate services via “the market”. This shows clearly the influence of European policy. A framework has been developed by the European Union in relation to “services of general economic interest”, but this is not the case for “social services of general interest”. Identifying the services of general social interest is not easy, which results sometimes in their absorption into the existing framework of services of economic interest. The right to child care, for example, was explicitly included in the Flemish child care decree, but as a service of general economic interest. The dialogue group deplored this situation and believed that public authorities are not providing sufficient guarantees with regard to the effectiveness of the right to child care for everyone. Responsibility for conducting social policy has in fact been transferred to the organisers of child care.

Opinions are divided on the effect of tendering out the efficiency of the public service. However, people living in poverty do point out difficulties linked to the fact that they have to approach different actors. Possible changes of actors in the provision of services also threatens continuity and risks causing a loss of knowledge and experience.

There is a clear example of this risk in the use of tenders to provide support for job seekers. Another example is the free market for energy, in which a multitude of actors and operators are now involved, offering very variable rates. This makes it complicated for consumers to find their way, and even more when living in a situation of poverty or insecurity. New regulations, ever more precise (but also always more complex), tend to forbid some commercial practices (door-to-door selling, for example, or unrealistic payment plans, etc.) and seek to incorporate safeguards for service quality that are inclusive and respectful of the customer.

Fragmentation of competences

People are increasingly confronted with a variety of institutions and organisations as they exercise their rights. The distribution of competences exacerbate exponentially this fragmentation in the Brussels region where there are, for example, seven ministers in charge of health.

The fragmentation of public services severely limits the scope of their actions. The measures put in place to achieve energy savings, for example, have had little or no impact on people in poverty living in poor-quality rented houses. They are dependent on the initiative and good will of their owners to invest energy-saving measures, and the housing market is characterised by a lack of decent and affordable housing. However, collaborations are emerging day by day. But the legislation often fails to honour network actions and collaboration, by establishing additional resources requirements for the time that such an approach requires. On the other hand, public authorities increasingly impose network action but this does not always have a favourable outcome in practice.

Confusion of roles

People in situation of poverty and wanting to exercise their rights express the feeling of being increasingly controlled by the public services to which they turn to. Indeed, these services see themselves more and more being given tasks and

missions where they have to identify whether the conditions to exercise rights have been fulfilled. This creates confusion about their mandate and the relationship they can have with the person seeking aid. This is particularly arising, for example, when it comes to support for returning to work. To what extent can professionals work on an equal basis with the people turning to them and work in a relationship of trust if they must at the same time control their interlocutor? This was clearly highlighted in the “employment” dialogue which examined the contracts used within the framework of the “individualised project for social integration” and in the action plan for job search behaviour. This question is not new but it is arising more frequently, given the new provisions of the legislation.

The Service recommends clarification of the missions of public services and asks them to refocus on the guarantee of the effectiveness of fundamental rights for all. It also recommends clarifying the question of knowing whether a social service is a service of general interest with an economic character or not. A clear answer to this question will provide more guarantees when it comes to accessibility and the quality of services.

Investment in public services

Several thematic groups have come to the conclusion that public services have been under pressure in recent years - in different ways but always to the detriment of users.

Social workers have less time than they used to have to receive beneficiaries because of the large number of cases they have to deal with, and are therefore forced to give less attention. The introduction or reinforcement of the mission to control, which has become embedded in the mission to support and accompany, is also increasing the pressure on public services.

Reduced budgets are leading to a tightening of conditions for granting rights and to an increase in controls. When it comes to legal aid, for example, the Justice Plan includes the removal of the “irrefutable presumption of insolvency”. This could

mean that people whose status by definition implies a low income are subject to a second control of their income. This seems to contrast sharply with the intentions that have many times been proposed for simplifying rights and making them automatic.

Savings have been made in many sectors over recent years to overcome the financial crisis. The European Union has also exercised its influence on this point: while social policy remains within the jurisdiction of Member States, the European budgetary policy (especially the Stability Pact) is having a major impact on national spending policies and on the budget choices made in our country, including regarding social matters.

There is also a vision that considers public service expenditure to be an investment and not a cost. In the Service's previous biennial report - devoted to social protection - we referred to the impact of social security and social assistance in reducing poverty. In 2014, social transfers generated a reduction of 44% in the risk of poverty in Belgium (source: EU-SILC, Eurostat). An OECD study also shows the significant impact of public services and, even if the European Union places great emphasis on a tight budgetary policy, the crucial role of the public services is highlighted in the "Social Investment Package" (SIP).

The Service recommends increased investment in public services.

Ensuring equal access to rights

For people experiencing poverty or social insecurity, exercising their rights is a veritable obstacle course. This applies both when a public service implements rights and when a public service mission is delegated to the private sector. It is, for example, more difficult for a poor family than for others to obtain a place in a child-minding centre.

In many sectors, information is increasingly being provided digitally. Access to rights and monitoring are thus taking a digital form. Even if we cannot dispute the advantages of digital evolution, we have to highlight the problems encountered by

very many people in relation to digital applications in the provision of services. An evaluation of accessibility involves systematically checking whether everyone has recourse to services in an equal manner and whether an alternative or the possibility of implementing a complementary alternative are planned. Further attention should also be given to people who have difficulty reading and writing. An offer of support is needed to help them understand their mail and know their rights, as well as to transmit to them all the information they need.

Despite the intentions expressed to simplify the regulations and maximise the automatic granting of rights, beneficiaries and services themselves continue to face extremely complex regulations.

The dialogue group repeatedly addressed the question of the ceaseless and ever more pronounced trend to exchanging data. On the one hand, it is intended to avoid people having to repeat their stories over and over and to allow the automatic granting of rights where that is possible. On the other hand, it does raise a number of problems relating to the intensive exchange of information: exchanges sometimes exceeding the exchange of objective information and also involving interpretation by professionals, scrutiny of private life, detailed information about individuals. This risks damaging important principles, such as professional secrecy, and undermines the relationship of trust that social workers try to establish with the applicant. It was emphasised in the dialogue group that people in poverty are more likely than others to be faced with requests for information and with controls.

Equality of access to rights also risks to be damaged if the requirements for the quality of services provided are not met. This is all the more true when a public service mission is entrusted to a commercial player. In that case, there is a real risk of the guarantee of quality service becoming hypothetical due to the priority given to cost control, etc. Depending on whether or not a lucrative objective is pursued by the service provider, a choice may be made to address the

target groups reached more easily, allowing results to be obtained more rapidly, or to provide more security in terms of income.

The position of people in poverty is especially delicate when they interact with a service. The challenge here is to make the relationship balanced and to look for additional means to consolidate the legal position of the people involved. This question was, for example, raised during exchanges on the planned procedure for cutting energy and water, and the procedures and practices for payment of arrears which are incompatible with the situation and options for people in poverty (e.g. unrealistic payment plans and transfers of income to pay energy debts).

The Service recommends universal and accessible services supplemented by support and action tailored to suit those in need. This approach is often termed “proportionate universalism”. In this context, the Service also recommends setting gradual revenue limits when granting aid where this is linked to income ceilings. This would prevent aid being a question of “all or nothing” and would provide assistance tailored to suit different groups. It also recommends continuing dialogue with the various actors concerned, including people experiencing poverty, in order to reinforce the position and rights of the latter.

The Service recommends strengthening public services and evaluating what they offer in terms of the effectiveness of rights, taking an approach of equal access to rights. That way, public services will be really able to play their very important role in the fight against poverty and inequality.



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Koningsstraat - 138 - Rue Royale - 1000 Brussels



WWW.COMBATPOVERTY.BE