In February 2013 representatives from over 40 groups met together to form the Campaign for Benefit Justice to organise against the most vicious attack on the welfare state by any Government since its inception in 1947.

All benefit cuts are an attack on the poor. What is often forgotten is that millions of low paid workers also claim benefits. The division between those in and out of work is totally artificial. Benefit claimants have become scapegoats for the recession. Blame the shirkers not the bankers who continue to net million pound bonuses in the wake of the UK’s loss of its triple AAA credit rating cry the Tories. It’s easy to live off £57 a week shouts Ian Duncan Smith. Immigrants are consistently portrayed as stealing the jobs of deserving strivers with hysteria mounting over the relaxation of benefit restrictions for Romanians and Bulgarians. The press misrepresented these restrictions as relating to their right to freedom of movement as EU migrant workers. This has in fact been in existence since they joined the European Economic Area in January 2007. Such racism undoubtedly contributed to UKIP’s high polling turn out in Eastleigh.

The disabled, already adversely affected by the introduction of Employment Support Allowance and ATOS testing, will experience enormous hardship because of the bedroom tax.

We should not forget the cause of death of a single homeless man who died while sleeping rough on 23rd February 2013 in Aylesford, Kent being attributed to hypothermia. David Gauntlett was only 35 and died as a result of being evicted from a derelict railway building in which he was sleeping. During March 2013 over 5,000 cold related deaths were recorded with no mention of the fact that many people’s incomes are so low they have to choose between paying for food or fuel.

**Employment Support Allowance (ESA)**

Even before the benefit cuts introduced in April 2013 we had seen the implementation of ESA which came into force from October 2008. The brain child of Yvette Cooper MP under the last Labour Government it introduced a much stricter capability to work test in order to claim what was previously Incapacity Benefit. The Tories toughened up this test by introducing a much harsher Capability Assessment Test run by ATOS in November 2011.

All new and repeat ESA claims are subject to ATOS assessments after an initial claim over 13 weeks at £71 per week. There are two levels of payment: those in the support group deemed capable of work and those in the work related capability group deemed able to carry out some work. The support group receive slightly more benefit.

In order to claim ESA a person needs to score 15 points at an ATOS exam. Channel 4 provided evidence to support allegations that ATOS examiners, most of whom have a medical qualification but are not doctors, work to a set quota of failure. This was borne out by many claimants scoring zero on their assessments, irrespective of the degree of severity of their illnesses.

Appeals against ATOS refusals take up to a year to be heard during which period the claimant only receives reduced ESA of £71 per week. Up until March 2013, £60 million had so far been spent on appeals. Even if a claimant is successful, they face another re-assessment by ATOS 13 weeks after their appeal decision. Some claimants die before their appeals against nil assessments are heard.

**April 2013 – month of misery**

From 5th April 2013 a pilot to cap benefit claims nationwide was to be rolled out in London in the areas of Bromley, Croydon, Enfield and Haringey. This cap will be at a total per week of £350 for a single person and £500 for a couple including Housing Benefit which bites sharply in London where housing costs are higher.

The bedroom tax also came into force on 1st April 2013 for tenants in social housing. Housing benefit claimants must pay 14 per cent towards their rent if they over occupy by one bedroom and 25 per cent for more than one bedroom. Up to four children under ten of any sex are expected to share a bedroom as are two children over ten of the same sex. A disabled person is not exempt from the tax if they use a second bedroom for their carer, even if they live together. The question of whether disabled children need their own bedrooms is currently being considered in the Administrative Court.

From 1st April 2013, Council Tax Benefit recipients have to pay 10 per cent towards their Council Tax. From 1st April 2013, legal aid cuts mean that there is now no free legal advice available to interpret the Kafkaesque bureaucracy which is supposed to deal with these changes.

The pilot Universal Credit (UC) schemes, which also replaces and includes Housing Benefit and which will be administered by the Department for Work and Pensions, are to begin in the same boroughs as the benefit caps. In addition to implementing the caps, applications for UC have to be made on line, when over 50 per cent of claimants cannot use a computer because they do not have access to one, or because they do not know how to use one, or because they do not speak English.

Claims will be paid monthly into arrears and paid straight into bank accounts. Backdating is only for a month and there is no provision for payment pending appeal.

**The effect of the benefit cuts**

Already the New Policy Institute has calculated that 440,000 families will lose £16.90 a week in the double whammy of bedroom and council tax cuts. Tenants are understandably perturbed. The combined effect of all these cuts will lead to higher rent arrears, County Court possession orders and come Autumn 2013 a huge rise in evictions. Attempts by local authorities to increase rents to compensate for this loss of income will be a drop in the ocean of the vast increase in centrally subsidised expenditure to pay private landlords to provide temporary non-secure accommodation for the homeless.

Because of both the high cost of particularly private accommodation in London and the refusal of 90 per cent of private landlords to accept tenants on benefits we will see the dispersal of the homeless outside London. Local authorities will have little choice but to
perpetrate the social cleansing aim of the Government by offering the homeless accommodation outside the South East, where rents are cheaper.

The stress that will most likely be placed on the court service can not be understated. Courts are already hard pressed and potentially face the privatisation of their support staff. More litigants-in-person appear in the courts every day due to the implementation of legal aid cuts.

**Campaign for Benefit Justice**

It is vital that we all campaign together to roll back the most severe attack on those hard won rights which were delivered to the survivors of the Second World War in 1947. We cannot go back to the days of Victorian moralism and notions of the deserving poor. The cuts attack the most vulnerable in our society: the sick, the disabled, the old, migrant workers. We must stand shoulder to shoulder and remember that any victory in court is likely to give us a breating space.

Some legal challenges have already succeeded, for example against the JSA Workfare schemes. Sadly the Government’s reaction is always to bring in new legislation to get round the legal decisions. We have to be aware that any victory in court is likely to give only a breating space.

One fight is to force the Labour Party back to socialist politics to get it to commit in its 2015 Manifesto to repealing the recent pernicious legislation. The Campaign for Benefit Justice is working both nationally and locally to achieve this aim. Tenants need to be made aware of just how hard they will be hit in the months to come and to be given support to join together to resist.

Wendy Pettifer is a solicitor at Hackney Community Law Centre

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**Philip’s story (name has been changed) – a Hackney Law Centre client**

Philip is nearly 60. He is British. He is a Housing Association tenant in Hackney and has a two bed flat as he was a single parent. He is single. His rent from April 2013 will be £140 per week. His adult daughter moved out years ago. She is now a single parent on Income Support and lives out of London. He has previously suffered from depression and attempted suicide. He worked as a chauffeur for many years until he was made redundant in 2010.

He only claimed JSA and full Housing Benefit when his savings ran out in mid 2012.

He was diagnosed with colon cancer on New Year’s Eve 2012 and was in Homerton Hospital for ten days from 15th to 25th January 2013 when a section of his colon was cut out and replaced. Unfortunately his operation was only partly successful and he is now diagnosed with level four cancer.

He started chemotherapy with very strong side effects on 26th February 2013.

His application for ESA was initially refused. His sympathetic housing officer was persuaded to continue his housing benefit on the basis of a nil income assessment. Philip was without any income from 2nd January 2013.

He got advice from the Law Centre and after numerous calls to the Department for Work and Pensions we served a letter on their legal department outlining the engagement of sections 3, 6 and 8 of the Human Rights Act 1998 by their failure to pay and threatening judicial review proceedings. On 11th March 2013 Philip’s ESA was paid and backdated. For over two months he had no income for heating or food at the same time as struggling to come to terms with cancer and very heavy chemotherapy.

Philip has not yet undergone the dreaded ATOS assessment. If he fails and appeals his benefit will be reduced to £71 per week. Many have multiple debts and benefit deductions. Indeed people are dying as a result of hardship caused by these reforms.

Action should be taken when evictions really start to bite in the Autumn. It will be difficult to persuade Councillors to refuse to issue proceedings over rent arrears, and often hard to identify how much of those arrears are caused by benefit cuts. Effective action can be taken to liaise with court staff and duty solicitors to identify when tenants are being evicted by bailiffs and to mount local protests led by Tenants’ Associations at people’s homes. A landlord’s representative must be present when bailiffs change locks.

Claimants cannot survive on £71 per week. Many have multiple debts and benefit deductions. Indeed people are dying as a result of hardship caused by these reforms.

One fight is to force the Labour Party back to socialist politics to get it to commit in its 2015 Manifesto to repealing the recent pernicious legislation. The Campaign for Benefit Justice is working both nationally and locally to achieve this aim. Tenants need to be made aware of just how hard they will be hit in the months to come and to be given support to join together to resist.

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