Will food banks be just a way of life?

In 2010, the Trussell Trust provided food to around 41,000 people, but in the eight months leading up to Christmas 2013 the number increased to more than half a million – a third of whom are children. Since then a Government commissioned report, *Household Food Security in the UK: A Review of Food Aid*, in February 2014, concluded that low incomes, unemployment and benefit delays have combined to trigger increased demand for food banks among the UK’s poorest families. The report directly contradicts the claim of the coalition Government that the rise in the use of food banks is linked to the fact that there are now more of them. It says people turn to charity food as a last resort following a crisis such as the loss of a job, or problems accessing social security benefits.

Confronted with these facts by the Chair of the Trussell Trust, the Secretary of State for Work and Pensions, Iain Duncan Smith MP, retorted: ‘I strongly refute this claim and would politely ask you to stop scaremongering in this way. I understand that a feature of your business model must require you to continuously achieve publicity, but I’m concerned that you are now seeking to do this by making your political opposition to welfare reform overtly clear.’

Sadly all three main political parties reiterate the same message that there is no more money for welfare. Ed Balls MP, Labour’s shadow Chancellor, has repeatedly stated that should Labour return to power they will continue with the coalition’s spending plans.

The scale of Britain’s growing inequality was revealed by a report from Oxfam, showing that the country’s five richest families now own more wealth than the poorest 20 per cent of the population. The report, *A Tale of Two Britains*, shows that the wealthiest 20 per cent in the UK had wealth totaling £28.1 billion – an average of £2,230 each. The latest rich list from *Forbes* magazine showed that the five top UK entries – the family of the Duke of Westminster, David and Simon Reuben, the Hinduja brothers, the Cadogan family, and Sports Direct retail boss Mike Ashley – between them had property, savings and other assets worth £28.2 billion.

Yet apparently there is no money left for social security, a living wage, or house building. £750 billion is locked away in banks by the rich, who see no immediate way to make a profit so they sit on the money and let it collect interest. According to The Times Richlist, 1,000 of Britain’s richest people increased their wealth by £1.55 billion last year, enough to wipe out the nation’s deficit overnight.

In response to this crisis, in every town the length and breadth of this country a food bank has been established. As socialists we accept that food banks are established by well-intentioned people and organisations who want to help, but does a food bank without politics actually help? Poverty is man-made – it is not like a hurricane or a flood – and given it is a man-made problem it can be solved. Is it not time for the organisations organising food banks to not just say how bad things are, but to look to the trade unions and the anti-cuts movement to ensure that those who are using the food banks become an organised force?

In response, those who are involved in the provision of food banks may retort that food is a charitable and not a political issue. This has not stopped the Conservatives weighing into the debate. Norman Tebbit, Tory grandee and arch Thatcherite, called on the Government to investigate if people using food banks are in fact spending their money on junk food.

One step Labour councillors could take to set a different tone would be setting a ‘needs budget’

### August

24: The Metropolitan Police decide not to charge a number of undercover police officers who had sex with women campaigners who were unaware of the real identities of the officers.

25: The Mayor of London, Boris Johnson, calls for the presumption of innocence to be reversed for terror suspects in cases where Britons travel to Iraq or Syria.

26: The Rotherham Report was published exposing the extent of child sexual abuse in Rotherham. More than 1,400 young people between 1997 and 2013 were identified as victims. The failure of the police and social services to act on information shared by victims was highlighted as a serious failing, which allowed the abuses to continue unchecked.

60% The increase in police use of stop and search powers since 2001.

30% Decrease in arrests over the same period.

90% Number of stops that don’t lead to an arrest.
and rejecting the policies of passing on the effects of cuts to working class people.

Surely it is also time for food banks and those who organise them to get political and mobilise. Like the National Unemployed Workers Movement in the 1930s, they could play a key role in galvanising the fight for the right to work and the right to a living wage rather than poor people having to constantly fall back on charity.

There is a danger that without such a struggle, food banks will become an acceptable part of life.

Paul Heron

Testing times for Grayling

On 15th July 2014, the High Court handed down its eagerly anticipated judgment in R (Public Law Project) v Secretary of State for Justice [2014] EWHC 236 S (Admin). This was the Public Law Project’s challenge to Secretary of State for Justice and Lord Chancellor Chris Grayling MP’s abhorrent residence test. The residence test – which I have written about before in this column – would restrict legal aid to those who can prove 12 months’ lawful residence in the UK, denying many migrants, as well as a sizeable proportion of Britons unable to produce the documents to prove their residency, the protection of the law. Just over a fortnight before the residence test was due to come into force, a specially convened three court division of the High Court unanimously condemned the measure as unlawful. The Ministry of Justice has been granted permission to appeal but for now at least, the introduction of the residence test is on hold.

The judgment is a significant one for a number of reasons. Firstly, it is a rare and much needed victory for supporters of a fair justice system. Since the enactment of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), the political will in Parliament to fight for legal aid has waned. The result has been several further rounds of cuts implemented without demur on the part of our elected representatives. Meanwhile, the courts, which have been called on to adjudicate on the legality of the cuts and on the inevitable systemic problems which have resulted, have shown their traditional reluctance to intervene with matters of policy. The decision of the High Court in R (Howard League) v Lord Chancellor [2014] EWHC 709 (Admin) (an unsuccessful challenge to the legality of regulations cutting legal aid for prison law which is presently being appealed) and the Court of Appeal in R v Crawley [2014] EWCA Crim 1028 (allowing a large scale fraud trial to proceed despite the failure of the Financial Conduct Authority to find sufficient advocates to take the case on, following cuts to criminal legal aid) provide two recent examples. Victory against the residence test bucks this trend.

Secondly, taking a step back from the sometimes esoteric world of legal aid, the challenge to the residence test also stands out as a rare success in the wider battle in the courts against the Government’s austerity programme. The Fawcett Society’s challenge to the Government’s emergency budget (R (Fawcett Society) v Chancellor of the Exchequer [2010] EWHC 3522 (Admin)), and the challenges to the benefit cap (R (JS) v Secretary of State for Work and Pensions [2013] EWHC 3350 (QB)) and the bedroom tax (R (MA) v Secretary of State for Work and Pensions [2014] EWCA Civ 13) are perhaps the most significant examples of austerity policies surviving the scrutiny of the courts, but many others could be cited. In this respect the decision in the residence test case is something of a beacon.

Thirdly, on any view, the decision is one of constitutional significance. Cases in which the courts declare that a particular Government policy conflicts with fundamental constitutional principles do not come along often. When they do, they provide an apt reminder of the importance of an independent judiciary in upholding the rule of law. The decisions of the House of Lords in the Belmarsh litigation (A v Secretary of State for the Home Department [2004] UKHL 56 and [2005] UKHL 71) condemning both the internment of foreign terror suspects and the Labour Government’s reliance on torture evidence, or the decision of the High Court in R (Medical Justice) v Secretary of State for the Home Department ([2010] EWHC 1923, a decision subsequently upheld by the Court of Appeal) finding that the Home Office practice of removing certain migrants from the country with less than 72 hours notice, abrogated the constitutional right of access to justice, are textbook examples. The residence test judgment should sit proudly beside these decisions in the law reports.

Turning to the judgment itself, the challenge succeeded on two grounds. The first ground, was that the decision to restrict legal aid on the grounds of residence lay outside of the powers conferred on the Lord Chancellor by LASPO. The purpose of LASPO, self-evidently, was to restrict legal aid to those most in need. So the power within LASPO to expand or contract the legal aid scheme must be exercised to promote that goal. Removing legal aid from non-residents was not a way of achieving this purpose: non-residents are no less needy than residents. And so the test was ultra vires. An argument elegant in its simplicity, as the mathematicians might say.

28: The Social Mobility and Child Poverty Commission released a study on elitism in British society. The report found that the judiciary was the most elitist profession in the UK. Seventy-one per cent of senior judges attended a private school despite only seven per cent of the general public attending a private school.