

## Coping with Government cuts

- We have lobbied vigorously against the worst effects of the Welfare Reform Bill.
- With additional staff and premises in Queen's Park, we now run NextDoor, an advice and casework service for private tenants in Westminster affected by housing benefit cuts.



Siobhan Garibaldi

### Top team

Z2K handles ten times as many cases as it did when I joined in 2008, mainly because we have recruited a wonderful volunteer group co-ordinated by Henu Cummins.

We are pleased to welcome two new trustees. Siobhan Garibaldi is a former President of the London branch of the St Vincent de Paul Society, a wonderful charity which helps our clients with furniture,

funds and support. Jan Luba QC is a distinguished specialist in housing and public law who sits as a part-time judge and has written numerous publications. We are very privileged to have both on board.

We are sorry to say goodbye to Parliamentary Researcher Ben Jenkins, who has had a huge impact on our lobbying and on our relationships with journalists, but fortunately James Goldstone from NextDoor will fill this role until December.



Jan Luba QC

Joanna Kennedy, Chief Executive

## Benefits decisions must be reasonable, says the law

by Paul Nicolson, chair of Z2K

A court case about cinema-going in 1948 has implications for Jobcentres and local authorities today: it means that their decisions about benefits must be reasonable.

To make decisions which are reasonable according to the law, people must:

- Consider all relevant information
- Disregard irrelevant information
- Act rationally.

These are known as the *Wednesbury* principles. As a result of the 1948 case *Associated Provincial Picture Houses v*

*Wednesbury Corporation*, banning under-16s from going to the cinema on a Sunday was held to be unreasonable. The Master of the Rolls at the time explained that, if a decision-making body acted unreasonably, its decisions could be quashed on judicial review.

Alan Murdie, senior lawyer at Z2K, cites a recent example of unreasonableness: an ex-offender desperate for work was sanctioned (had his benefits cut) when attending a course recommended by the company to whom the Jobcentre had sent him to help him find work. The evidence of that company and of the police was ignored.

Lord Freud, Minister for Welfare Reform, stated in Hansard this year: 'I accept that there is room for improvement here, and we will make that improvement.'

## Case studies

## Z2K's new case review programme aims to improve authorities' systems

by Jackie Reiss, Case Review Manager



Z2K has started to review cases while we resolve them, to see if our clients' problems have been caused or exacerbated by maladministration or unfairness.

Previously, our case workers have not had time to pursue complaints with officials, because their long response times mean that new urgent cases

come in to Z2K and take priority.

Now we have a new volunteer role of Case Review Manager, we aim to help authorities improve their systems by drawing inefficiencies and unfairness to their attention.

The programme has been running since March 2012 and we are already seeing successes. For example:

### Compensation obtained

Ms B is a single mother living in a one-bedroomed flat with three children. She accrued rent arrears after she failed to move in as soon as the tenancy agreement was signed. This was because she needed to get the flat equipped with essentials such as flooring and a cooker. The council took heavy-handed action to recover arrears and made deductions from her Income Support. The flat is also infested by mice and the council has failed, over a long period, to deal with this.

After Z2K took up the case, the council's chief executive offered compensation of £200 for failing to deal with the mice, and the British Gas Trust helped with the arrears. This will make a substantial difference to Ms B and we are helping her to apply for better accommodation.

### Council tax liability halved

Ms O, a vulnerable single mother on benefits, was being pursued for council tax arrears relating to a time when her husband lived with her, but now that he had left the liability was being treated as hers alone. We persuaded the council to apologise and to pursue Mr O for his share.

### Debt recovery action reduced

Ms M was being pursued for Income Support overpayment dating back 12 years. With £187 outstanding, she was pressured into signing an agreement to repay £10 per month. However Ms M lives in difficult circumstances and although she has a job her essential outgoings exceed her income. After Z2K lodged a complaint, the DWP accepted that she cannot make even this payment and, whilst they will write to her every six months to see if her circumstances have changed, they will not pursue recovery through court action.

## Bailiffs seize kettle

### Z2K has taken up the case of a mother on income support whose kettle and toaster were seized by bailiffs collecting a council tax debt.

Last December, Chandlers Bailiffs entered the home of a 26-year-old single mother of two and seized a kettle, a toaster and toys. They said that unless she agreed to pay £700 a month she would have the goods removed immediately and sold at auction. She then struggled to pay sums to the bailiffs, much of which appeared to be their fees, on top of the original debt. Following help from the Citizens' Advice Bureau, the repayment was reduced to £100 per month. This was still too much, yet the council refused to take back the debt.

After Z2K intervened, the bailiffs returned the debt to Waltham Forest Council.

Since 1997, council tax enforcement regulations have protected 'such clothing, bedding, furniture, household equipment and provisions as are necessary for satisfying the basic domestic needs of the debtor and his family.'

Chandlers Bailiffs said the mother did not need a kettle as she could have boiled water on a stove.

Joanna Kennedy, Chief Executive of Z2K, commented: 'This is an astonishing attitude, effectively pushing a mother on benefits back into the Victorian era. Has Waltham Forest lost control of what its bailiffs are doing?'

Alan Murdie, senior lawyer at Z2K, added: "Even at the height of the insanity over the poll tax, I can't recall bailiffs trying to seize a kettle. What would it fetch at auction?'

We have lodged a formal complaint against Waltham Forest Council. We have also referred the case to Waltham Forest MP Stella Creasy who will raise it with the Ministry of Justice and the Department for Communities and Local Government.



## Z2K's NextDoor Project helps Westminster residents deal with Housing Benefit cuts

Since going live in January, our NextDoor Helpline has received more than 200 calls from people affected by Housing Benefit cuts that came into effect that month. We are also getting referrals from Westminster Befriend a Family, Home Start Westminster, the Rainbow Centre, Westminster Academy, Sure Start, the Citizens Advice Bureau, local MPs, Westminster Social and Community Services and many more.

Most Housing Benefit claimants will be forced to leave or to downsize as landlords evict tenants whose benefits have been cut by up to half.

Z2K Project Manager Romin Sutherland has shaped NextDoor into an efficient, fast-paced service: 'We encourage people to think about their long-term housing needs and often that means moving to outer London or beyond. The further they move from Westminster, the more likely it is that housing benefit will cover the rent, but many people face leaving their communities,' says Romin.

The NextDoor Project is powered by volunteers who advise people on their rights and help them negotiate with landlords and Housing Options (Westminster's housing allocation department). Volunteers also assist with applications for discretionary housing payments from the council and homelessness applications. They man the helpline from 10.30am to 4.30pm every day and now advise people across London and around the UK. NextDoor has taken on more than 100 households for more in-depth support.

Most cases involve families with young children, single parents and people with disabilities or mental health problems. They often rely on local services and community support groups, making it difficult to relocate; they may have specially adapted homes or live near vital medical services.

More than 20 of NextDoor's clients have already been awarded money by the council to remain in their home for some extra time. However, the real success of the project has been to help households make the best choices available.



## Successful lobbying on welfare reform

by Ben Jenkins

From January 2011, Z2K's chairman Paul Nicolson and I lobbied parliamentarians on two matters concerning the Welfare Reform Bill. We believed that two amendments were needed:

- to ensure that the Government cannot issue a sanction against a benefit claimant until all relevant evidence has been taken into account by Jobcentre officials.
- to prevent the Government from reclaiming benefit overpayments made in official error, when the claimant could not have been expected to know they were overpaid.

After debates in the Lords in February 2012, Lord Ramsbotham and Lady Hollins withdrew the two amendments as they felt that assurances from Lord Freud, the Minister for Welfare Reform, were enough.

**At the Minister's invitation, Z2K will work with the Department for Work and Pensions in drawing up guidance to ensure this happens.**





## Quiz night 2012!

Once again our generous patron Sandi Toksvig is hosting Z2K's fundraising quiz night. This year it is on **Tuesday 20 November 2012** in Middle Temple Hall: there will be a delicious supper, fabulous prizes and lots of fun.

**Ticket prices are £90 per head (£900 per table of ten) if you book before 1 September. For more details please contact Lilian Lee, tel. 020 7259 0801, email [admin@z2k.org](mailto:admin@z2k.org).**

## Employment Support Allowance: ensuring fair appeals

Employment Support Allowance (ESA) provides a gateway to other assistance such as Housing Benefit. It is paid to people unable to work owing to physical or mental disability.

As part of the Government's welfare reforms, the Department for Work and Pensions has contracted a private company, ATOS, to reassess people receiving ESA.

A common problem is that the assessors refuse to look at information previously obtained such as doctors' letters or X-ray and MRI scan reports. There is emphasis on medication, but many clients say that misleading questions are asked, with answers not accurately recorded. Z2K is reporting doctors, physiotherapists and nurses to their regulatory bodies if they are involved in carrying out poor assessments.

Many people are reassessed as fit for work when this is clearly not the case. This triggers an appeal to the DWP which invariably supports the ATOS conclusion, resulting in an appeal to the Social Security Tribunal.

There is a year's delay in cases being heard, which often exacerbates mental health problems of those appealing.

We provide a representative at the hearing to assist the person appealing. Frequently, much time is spent presenting medical evidence not looked at by the ATOS assessor.

In the unlikely event that our client loses, there is a further potential appeal to the Upper Tribunal.

Most of our appeals are successful. But nothing can compensate for distress and the cost to government. In a Kafkaesque scenario, not only does the DWP pay benefit in the end, but costs are incurred by the Ministry of Justice which administers the tribunals. A recent DWP assessment put the estimated costs of appeals at £50 million a year.



### Thanks from Henu

A huge thank you to our lovely volunteers for your support, relentless hard work and dedication. Without you, our work would not be possible.

And a particular thank you to those who participated in our sponsored walk in May which raised £11,000. It's not too late to donate at: <http://uk.virginmoneygiving.com/team/Z2K>

**Henu Cummins**  
**Volunteer Co-ordinator**

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