

Mr Norman Baker
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Date

Dear Mr Baker,

Jobseekers (Back to Work Schemes) Act

I am extremely disappointed that as my local MP not only were you responsible for voting in this obscene Act but you couldn't even take part in the debate on it!

Let me tell you that many of your constituents, Liberal Democrat and otherwise, are disgusted by you voting in favour of this bill. Would you have done it if it was your money which was illegally taken?

I can imagine the sort of excuses you may come out with "Oh, but even Labour abstained", etc. That is not the point. If you had bothered to turn up for the debate instead of foolishly voting for it you may have learned something.

I am not suggesting that the DWP should be struck down of its sanctioning powers for the period in question. The inescapable fact of the matter is that the court of appeal found the DWP guilty of breaking the law and now, with your help (since you voted for the bill), it has been brought in to override the court's ruling. That is absolutely unforgivable. You have let your constituents down severely by allowing the court and the rule of law to be undermined in this way. I quote Fiona Mactaggart from 19th March 2013, Hansard column 852, starting from paragraph 3:

["The Government have broken the law in a way that impacts on individual citizens. They have disrespected the rights of individual citizens and they are now asking Parliament to say, "Carry on doing it." I do not believe that Parliament should do that. It is a fundamental issue of civil liberties, human rights and good governance. For that reason, not because of the content, I shall not abstain: I will oppose the legislation.

Ministers say, "Oh, people knew," but let us be completely clear about what the regulations the Government have been found in breach of say. Regulation 4 says that the notice that people who are sanctioned receive "must specify" that C—the claimant— "is required to participate in the Scheme...the day on which ...participation

will start...details of what C is required to do by way of participation in the Scheme...that the requirement to participate in the Scheme will continue until C is given notice by the Secretary of State that C's participation is no longer required, or C's award of jobseeker's allowance terminates, whichever is earlier" and finally, "information about the consequences of failing to participate in the Scheme."

The Minister suggested that claimants knew the consequences. I refer him to the statements of judges on the matter. Judge Foskett said that "the words...in the letter received by Mr Wilson were that his benefits 'may be stopped', perhaps conveying the impression that sanctions are not necessarily automatic."

He goes on to say that "the information given concerning sanctions is unclear and opaque."

I accept that, since then, the Minister has improved the letters. I think that is right, and I do not oppose the possibility of sanctions; I believe that sanctions can work if people know that they are at risk of being sanctioned.

...The judge said that "the information given concerning sanctions is unclear and opaque."

If the Government want sanctions to work, people need to know the consequences of their actions, and this is a debate about the consequences of actions—the consequences of the Government's actions in failing to ensure that they complied with regulation 4 of the regulations in every communication with claimants. It seems to me that the Government should bear the consequences, and the consequence in this case is up to £130 million. When the Government do wrong—and let us be clear, the Government have been found to do wrong in this case—it is not just to be overlooked. This is a series of court judgments which say, in respect of individual citizens, that they have been wrongly treated—the Government must give those citizens back their money. It is not the Government's money; it is their money. The Government have wrongly kept it from them, and it is quite clear that that is what the courts have decided.

If the Government are going to say that a sanctions regime is necessary so that people know the consequences of their actions—an argument that I would support—it seems right to me that the Government themselves should bear the consequences of their wrong actions, and they should not be coming to Parliament to ask us to give them a free pass for breaking the law, because that is what the Bill is doing.]

Then let us remember what John McDonnell said. I quote him from 19th March 2013, Hansard column 853 at 3.41pm, starting from his second paragraph:

["The straightforward issue is that the judgment basically said that the Government acted unlawfully. What surprises me is that there has been no word of apology from

the Minister—not a single word to say, “We got this wrong, and therefore we apologise to the House.” Let us be clear what the judgment said: that the Secretary of State acted beyond his powers. He failed to provide the details of workfare schemes within the regulations and bypassed Parliament by introducing an umbrella scheme—the employment, skills and enterprise scheme. This is not a technicality. In fact—I quote from the judgment of Lord Justice Stanley Burnton:

“There is a constitutional issue involved. The loss of jobseekers’ allowance may result in considerable personal hardship, and it is not surprising that Parliament should have been careful in making provision for the circumstances in which the sanction may be imposed.”

This is a fundamental constitutional issue. The Government tried to slide through Parliament, without adequate consideration, regulations that would eventually deprive our constituents of significant sums of money. The decision found that the Government have unlawfully required tens of thousands of people to work without pay, and, if they have said no, have stripped them unlawfully of a significant amount of their benefits.

The public interest lawyers who took the case said that there are basic requirements of fairness, and those basic requirements are usually dictated by Parliament. The basic requirements of fairness in relation to anything like these regulations are to provide people with a clear explanation of what they have been asked to do, why they are being asked to do it, and what the consequences are if they fail to do it. That has simply, as a result of this judgment, not been complied with. That is what the debate is all about.

The solicitor who represented the claimants, Tessa Gregory, summed it up very well: “The case has revealed that the Department for Work and Pensions was going behind Parliament’s back and failing to obtain Parliamentary approval for the various mandatory work schemes that it was introducing.”

There was a lack of transparency and fairness in implementing the scheme, and claimants had no information about what could be required of them under the back-to-work schemes. The Court of Appeal affirmed the basic constitutional principle that everyone has a right to know and understand why sanctions are being threatened and imposed. That is what this is all about.”]

If you watch this debate you will see that the Tory back benches were almost deserted and there wasn’t a single MP on those benches defending this bill. It tells me that you voted for it but you knew only too well it was wrong as you couldn’t be there to defend it! Indeed the only MPs defending it were the DWP ministers themselves who acted illegally in the first place! I’m not interested in how many were on the benches opposite as you are my MP.

Tuesday, 19th March 2013 goes down as a terrible day in history. It's the day MPs gave the Government the right to put themselves above the law. It makes me feel sick to the stomach that not only did this happen but my own MP helped to bring it about by voting for it!

As Sheila Gilmore said and I quote her from 19th March 2013, Hansard column 859, paragraph 2:

["If this were a situation involving parking regulations—my council introduced parking regulations, which were challenged in court and found to be invalid—and we were asking, in effect, for a sanction on sanctions or, in parking regulation terms, retrospectively forcing people to pay parking penalties which were unlawful at the time they were incurred, the Lib Dem and Tory Benches would be packed with Members saying how unfair that was. Even if we correct the regulations, that would not solve the problem. In the example I gave of my council, it corrected the regulations and issued new ones, and achieved the parking restrictions that it wanted, but it did not seek to go back to people and say to them, "Well, we can impose these penalties, because we will make it right retrospectively." If it were any other subject, we would not see people sitting on their hands, which is what is happening today. Much attention has been focused on what the Labour party is doing, and rightly so; people are right to ask what we are doing. However, they also must ask what the Government parties are doing, because apart from the Minister, no one has come into the Chamber to speak in favour of what the Government are doing, and that speaks for itself."]

People across the country are extremely annoyed about this. In fact the majority of those who are annoyed are indeed not directly affected by this bill. It's the fundamental issue of entitlement that they are annoyed about. **I am well aware of the Government's excuse that "it must be put in place to protect the taxpayer's money" BUT – and let's be absolutely clear about this: It is money that a court has stated was UNLAWFULLY sanctioned on the basis that claimants were not adequately informed about sanctions. It wasn't Mr Green the baker down the street or Mrs Hardy in the fish shop. It was a COURT JUDGE who ruled that the DWP sanctioned UNLAWFULLY. That money was confiscated from the jobseeker and since that confiscation was found to be UNLAWFUL by a court judge, the claimant should have that money released back to them.** I wasn't happy with the DWP threat to the rest of the house either. I quote Mark Hoban from 19th March, 2013 Hansard column 848:

["If we had to pay out this £130 million, we would have to find it from another group—potentially other benefit claimants who had done the right thing."]

This is indeed a threat and verges on blackmail to the house in order to vote in favour of the bill. Does Mr Hoban not realise that claimants can take the DWP to court if they feel they have been mistreated? Oh yes, of course he does. Hence the Wilson Reilly case which led to this bill for undermining a court ruling! It proves my point that MPs such as you have helped to put the Government above the law. We have members of the public who feel they have been wrongly treated. They have taken perfectly legitimate steps having gone to court to seek justice and the court has ruled in their favour (regarding illegal sanctions). So now what do we have? We have a Government passing a bill (with your help) to undo the justice, making a mockery of rule of law!

The MPs who either abstained along with MPs who voted in favour of this bill have let down not only up to 300,000 people who the Court says have a claim [*“for the illegal actions of the Minister’s department”*] Hans 843; but they have also sent a clear message to the remaining public that they’re willing to put the Government above the law. They did it on 19th March 2013, and they will do it again. That is just completely wrong and no member of parliament should have that power.

I feel John McDonnell revealed the true agenda behind this. I quote him 19th March 2013, Hansard column 856:

“..there is also a wider agenda of making people feel guilty just because they are out of work and guilty just because—temporarily, in most instances—they have to depend on some benefits. This is about scapegoating and victimising the poor and people who cannot get a job. It is about harassment and exploitation. At the heart of that is the judgment that Parliament was not properly informed of what those schemes and regulations meant. That is what the judgment said.

I make it clear that I shall vote against the Bill because it is immoral and wrong. Before we vote to render those schemes lawful retrospectively, it is important that Members are aware of what we will be supporting.]

John McDonnell 19th March 2013, Hansard column 858:

“..The Bill is a disgrace. It is a monument to a combination of incompetence by the Government and brutality to the poor. I look forward to hearing the Labour party consider what we are doing here today. I urge Members to vote against the Bill, because I think that people are looking to the Labour party to defend them again—to stand up for what is right and just, for the people in our society who are exploited and for those at the bottom at the moment: those who are unemployed, unable to get a job, dependent on benefits and desperate for work. Those people do not expect to be harassed and exploited by a Government using sanctions to force them into unpaid work. That is why I shall vote against the Bill, and why I urge all Members to vote

against the Bill to demonstrate that someone in the House is standing up for those people.”]

We live in an age where many individuals can inform others on mass about what is happening. I am no exception to that. I intend to show everyone on Facebook, E-mail, Youtube and Twitter what has happened here so that people can think twice about who they vote for in the next local elections.

There is absolutely nothing you can say which would adequately defend your actions in voting in this Act and I intend to show everyone what you’ve done.

Yours sincerely,