

PRACTISING WELFARE RIGHTS

Neil Bateman

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PRACTISING WELFARE RIGHTS

Practising Welfare Rights aims to improve awareness among people working in social work and advice agencies about the skills required for effective welfare rights work, and offers guidance for managers and other professionals about how to develop a welfare rights service.

Written by a well-known author, trainer and adviser on welfare rights issues, this book includes:

- learning objectives
- activities to test understanding
- illustrative case studies

It also covers core welfare rights skills, such as interviewing, legal research, negotiation and advocacy, and discusses the historical, social and economic forces which have shaped welfare rights practice as well as the politics of welfare.

An accessible book which highlights the place of welfare rights practice in modern society, *Practising Welfare Rights* is essential reading for welfare rights and other advice workers, social workers and social care practitioners, professionals and managers in social work and welfare rights settings and anyone studying social work.

Neil Bateman is an internationally renowned author, trainer and consultant specialising in welfare rights and social policy issues. His articles have been frequently published in the social care and public services press. Previous books include *Advocacy Skills for Health and Social Care Professionals* (2000), and contributions to a number of welfare rights and social work reference books. More information can be found at www.neilbateman.co.uk

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PREFACE

Welfare rights practice is a hugely empowering and exciting way of helping people. It has been part of my life since the early 1970s, when I started as a young activist in a claimants union while a law student. Since then, the impact of a successful welfare rights case on the quality of life of the individual still amazes me and constantly reaffirms that it is a legitimate and essential tool in today's world.

Since my student days, welfare rights practice has become mainstreamed in many ways but retains the status of an outsider activity. This is both a strength and a weakness.

This book partly came about as a result of my own faith in welfare rights practice as something unique and valuable and which has a role both in challenging abuses of power by officialdom and as a small step in redressing the huge inequalities in the UK today.

I have tried to write this book in a way which makes it relevant to both welfare rights specialists and those with an interest in welfare rights work, but who are non-specialists. I also look at some of the strategic issues facing welfare rights practitioners and offer some advice about how to develop a welfare rights service. It is not a technical handbook (there are already many good ones available), but is a book about nothing more and nothing less than the practice of welfare rights advice and advocacy.



ACKNOWLEDGEMENTS

I hesitate to start a book which aims to be accessible by referring to a political philosopher, but it is relevant. John Rawls argued that individual achievement is a myth and that any individual success was due to the efforts of many others and of society as a whole by supporting, helping and providing resources to an individual.

I may be the person who types it all out on a keyboard, but my work on this book is not mine alone and it would not have been possible without the help, advice and support of many people, including people in several countries. Their generosity with their time and their expertise has turned what would otherwise have been a dry and narrow book into one which takes in history, geography, socio-legal policy and global politics.

I would therefore like to place on record my sincere thanks to all the following who have helped and who are listed in no particular order.

Terry Philpot, my commissioning editor, Gary Vaux of Hertfordshire County Council Money Advice Unit and Geoff Fimister, anti-poverty consultant in Newcastle, for reading and commenting on drafts and other help, Peter Young, Social Security Attorney of Mill Valley in California, for also commenting on drafts, John Bouman at the Sargent Shriver Poverty Law Center in Chicago, John Freedman from New York's Welfare Law Center, Colin Daly of Northside (Coolock) Community Law Centre in Dublin and Robert Lynch of the Irish National Organisation for the Unemployed, Daniel Spagni from the Advanced Research Partnership at Manchester University, Gill Terry, Claire Tolliday and Jo Cowley from Suffolk County Council's Financial Inclusion and Advice Service, Michael Raper of the Welfare Rights Centre in Sydney, Australia, Will Somerville latterly of Inclusion and now at the Commission for Racial Equality, Paul Bivand and Liz Britton from Inclusion, Bonnie Thompson in British Columbia, Canada, David Mossop QC of the Community Legal Assistance Society in Vancouver, Canada, Marge Reitsma-Street at Victoria University in Canada, Jon Pierson, Duncan Tree of Community Service Volunteers, Rita Davies of London Borough of Newham Social Regeneration Unit, Aaron Barbour from Community Links Trust in east London, Katherine Hickey of Free Legal Advice Centres Ireland, my father-in-law Clunie Dale, former Trades Union Congress Social Insurance Secretary, staff at the German Advice Centre in London, Carol O'Byrne of Cardiff City Council Welfare Rights Service, Calum MacKinnon of North Lanarkshire Council Welfare Rights Service, Alban Hawksworth of Age Concern England, Andy Pennington of South London and Maudsley NHS Trust,

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And finally, of course, Julie, Jessica, Caitlin and Calum.

My genuine apologies if I have missed out anyone.

Neil Bateman, Ipswich, Suffolk, United Kingdom, May 2005
www.neilbateman.co.uk



CLAIMING INCOME SUPPORT

Novello Maynard-Thompson

Anyone claiming Income Support will be debased by the rules,
It does not mean the people claiming it are classified as fools,
The amount of money saved you can have is too petty a sum
The most brilliant of claimant can see that even classed as rum.

It will not buy new your household comforts only second hand stuff,
If on it long term you become like the cheap goods – a bit of fluff,
What you have saved affects your housing benefit allowed for rent,
Either agree to the rules or buy yourself a second hand tent.

The way forwards for all us claimants could be identity card,
As long as no-one remains homeless and have to sleep in the yard.

© 2005 Novello Maynard-Thompson

Novello Maynard-Thompson lives in Ipswich and is a poet, musician and artist who has experienced the social security system and mental health services.

WHAT IS WELFARE RIGHTS PRACTICE?

OBJECTIVES

By the end of this chapter you should:

- Understand the essential nature of welfare rights practice
- Know about the history of welfare rights activity
- Have some knowledge about welfare rights provision in some countries outside the UK
- Understand the role and development of welfare rights practice in relation to government economic and social policy.

A ROUGH DEFINITION

Welfare rights work aims to maximise service users' social security income by giving them information and advice and advocating on their behalf; advocacy is particularly employed when a benefit has been denied.

(Bateman in Davies 2000: 370)

Welfare rights practice features to a greater or lesser extent in the daily work of many public sector and voluntary agency workers (the helping services) who have contact with people living on a low income. There are also advice workers and some lawyers who specialise in welfare rights work, often taking referrals from people working in the

helping services. These advisers are usually based in local government or the voluntary sector but occasionally can be found in the private sector.

EXAMPLES OF WELFARE RIGHTS PRACTICE

Welfare rights practice covers a diverse range of activity around the benefits system. Some welfare rights activities require tremendous technical skills and knowledge, others can be carried out by people whose main work does not include welfare rights practice. The key is to distinguish which type of work falls into different skill levels.

The following are examples of welfare rights practice:

- checking whether someone is receiving all the benefits they are entitled to
- helping to complete a claim form for disability living allowance
- making a supersession request for someone on attendance allowance whose health has deteriorated in order to increase the amount of benefit they receive
- helping someone to appeal against a refusal of benefit
- advising someone about how to deal with a medical examination in connection with a benefit claim
- obtaining evidence to help support a claim
- advising about conditions of entitlement for someone who is subject to immigration control
- obtaining an interim payment of benefit where there is a delay in processing a benefit claim
- advising about the implications of doing voluntary work or studying while receiving Jobseeker's Allowance
- calculating whether or not someone will be better off if they take a low paid job after receiving means-tested benefits
- challenging a benefit or tax credit overpayment
- monitoring poor customer service by a benefits provider, assembling the evidence and lobbying for improvements
- writing a letter setting out why someone qualifies for backdated benefit.

While welfare rights specialists may also have skills and knowledge in a number of related areas such as housing rights, debt, immigration law and community care rights, welfare rights is primarily concerned with rights to income from the state. The name has its origins in the USA, where the word 'welfare' is used colloquially to refer to the US means-tested benefits system (as opposed to 'social security' in the USA, which refers to the well-established and parallel system of income maintenance based on compulsory insurance contributions). In the UK, 'welfare rights' covers both means-tested and non-means-tested benefits.

The growth of debt among those on low incomes in recent years and the worsening of debt by benefit problems, by state administered usury in the shape of Social Fund loans, administrative failure and general benefit underclaiming means that there are