

# FOODBANKS:

## Briefing for Opposition Day Debate, 18 December 2013

### Introduction

Child Poverty Action Group (CPAG) works to prevent and relieve poverty among children and families with children. We have particular expertise of the functioning of the social security system through our welfare rights, training and policy work. We also conduct research and analysis on a range of policy areas across including family incomes, work, low pay, health, housing, childcare and education.

This briefing will cover two key areas:

- **CPAG's concerns about rising demand for food aid from UK families**
- **Initial findings from CPAG's foodbanks project**

Although there are a multitude of problems that need policy responses and could not all be covered in this note, CPAG in particular wishes to pick out two of the most important that would address many of the problems identified below:

1) **Provision of high quality welfare rights advice must be more widely available.**

At any one time, millions of families draw on support through some kind of benefits or tax credits. The system is incredibly complex to navigate – CPAG's annual publication the *Welfare Benefits and Tax Credits Handbook* now runs to 1,800 pages. Citizens Advice has estimated that benefits advice saves £8.80 for every £1 spent, because it prevents bigger and more costly problems further down the line. However, advice services have been significantly cut back as a consequence mainly of government cuts to local government funds, and of the scrapping of legal aid for benefit cases. High quality and timely welfare rights advice is now harder to come by, and it could be doing much more to help prevent families finding their situation deteriorate to a point where they must seek emergency food aid.

***Please ask the Minister to explain what actions the government is taking during this period of major welfare reforms to ensure there is adequate provision of high quality welfare rights advice services for all who need it.***

2) **DWP must urgently start utilising the 'short-term benefit advances' (STBA) system**, which was intended to tide over claimants when there are delays to claims, but is barely being used. CPAG is concerned that the volume of STBA being made is significantly lower than the former system of crisis loans given for "alignment purposes" (e.g. in cases of benefit delay) which they replaced. It may be that in some cases DWP staff are simply taking the path of least resistance – handing out a foodbank referral voucher instead of going through the process of assessing the STBA request and issuing payment.

***Please ask me the Minister to explain why STBA are being used so infrequently and what guidance has been issued to frontline staff on their use.***

## **Concerns about demand for food aid from UK families**

CPAG is concerned at the surge in the number of families that are turning to foodbanks for food aid. The main foodbank provider, the Trussell Trust, is clear that the increased demand cannot simply be explained by the greater availability of foodbanks. Even if this were the case, this it remains worrying that so many families with children are now reliant on food aid.

**The Trussell Trust has found that 35% of all people being helped with food aid are children.**

The Trussell Trust's own research, and evidence from the CPAG foodbanks project, suggests that the main drivers of the growth in food aid reliance are:

- **Cuts to basic support for families**, including reductions to tax credits, working benefits like housing benefit and benefits for carers, disabled people and jobseekers
- **Delays in the administration of benefits**, alongside failures by Jobcentre Plus to use the 'short-term advances' system that was intended to tide people over in such instances
- **Errors in benefit administration**, including claimants not being awarded benefits they are entitled to as a consequence of incorrect advice, and claimants being underpaid the benefits they are entitled to.
- **Sanctioning and suspension of benefits**, including many cases where the sanction is later overturned, but a person and any dependents they have are left hungry in the meantime.

CPAG is also concerned that the Coalition government has often given the impression that it views the increase in demand for food aid a good thing. While CPAG praises the work of foodbanks, those who donate to them, and the volunteers who run them, we believe it is a major failing of the government that they are currently necessary.

**CPAG believe that the government should be committed to obviating the need for foodbanks and food aid in the UK.**

## **CPAG foodbanks project: overview**

CPAG began a project in August 2013 in a Trussell Trust run foodbank in Tower Hamlets, with the aims to:

- 1. Provide high quality welfare rights advice in Tower Hamlets, primarily to foodbank clients**
- 2. Inform the future development of the Trussell Trust Foodbank Network and its services**
- 3. Assist CPAG's research and campaigning work by improving our understanding of the problems driving families to foodbanks**

CPAG locates an expert welfare right workers in the foodbank for a day each week. The current working method involves a foodbank user having a discussion with a foodbank worker about the reason they are experiencing food poverty. Where the foodbank worker identifies that the reasons for food poverty appear to be related to social security and welfare benefit claims, they are then seen by the CPAG Welfare Rights Adviser.

During an advice consultation, the Welfare Rights Adviser will determine what the problem is and look at all relevant documents the client has brought. The Welfare Rights Worker will then provide casework

assistance to resolve their case. In the most complex cases, follow-up appointments are made at CPAG's office and travel fares provided.

## **CPAG foodbanks project: initial findings on foodbank users**

CPAG has found wide variety in the cases we have advised on. However it is possible to refer to some broad categories and make some observations on the people who are using foodbanks, and the problems underlying their need to resort to food aid.

### **A: Under-claiming of benefits**

Some foodbank users have not claimed the benefits to which they would be entitled. Under-claiming foodbank users may have never previously accessed welfare benefit advice because they are unaware they have an advice need. Typically, failure to claim in this way has been related to one of the following reasons:

**Reason 1:** The complexity of the system is such that the foodbank user was simply not aware of their entitlement.

#### ***Client A***

*Client A* works in a cleaning job for 15 hours per week. He receives £385/month and partial help with rent by way of housing benefit. He had been street homeless in the past and was struggling to cope on his limited income. An unexpected debit from his bank account drove him to rely on the foodbank service. He had been referred by his support worker.

In speaking with CPAG's adviser he disclosed that although he had not spoken with his GP about mental health problems, he found dealing with people difficult. He had obtained the job he had because it allowed him to only be out of the house very early in the morning and so he could avoid people. He explained that he often gets angry with himself and is prone to panic. He was unable to cope with more than the limited numbers of hours he currently worked.

We were able to advise *Client A* during the session about the possibility that he may be entitled to employment and support allowance. This was followed up with a detailed email to his support worker. *Client A* will now be able to claim ESA, as the amount of work he does is below the permitted threshold. As a result his income will increase by £71.70 a week (initially) and his housing benefit will be increased.

**Reason 2:** The foodbank user had such severe mental health problems or learning disability that they were unaware of entitlement or unable to take the steps needed to claim.

#### ***Client B***

*Client B* had been refused ESA in March 2012 because he had denied the extent of his mental health problems at his medical assessment. Since that time he had lived on about £20 per week. He was terrified of claiming ESA again on the basis that he may be detained in a mental hospital.

*Client B* was reassured about how the benefit system worked. He was assisted to claim ESA and complete the relevant forms. His GP was contacted to ensure he obtained a medical certificate. A

claim for personal independence payment has also been made. *Client B* states that he would not have been able to accept this advice as correct had he not been speaking with a welfare rights worker who was clearly aware of the rules and could explain to him in detail how the system works.

**Reason 3:** The foodbank user has been wrongly advised (by the jobcentre or social services etc) that they do not have an entitlement.

**Client C**

*Client C* and his wife are caring for their grandchildren. These children had been placed with them by social services about 1 year previously. They had been told to allow their daughter (the children's mother) to carry on claiming the child benefit and child tax credit in respect of the children. Their daughter had not been handing over this money to them.

We assisted *Client C* and his wife to obtain the child benefit and child tax credit to which they were entitled. We have also corresponded with social services to apprise them of the fact that we believe they have wrongly advised *Client C* and his wife as to their entitlements

In addition we advised *Client C* that he could claim an additional £33.30 of pension credit because he was caring for his wife.

**B: Under-entitlement due to official errors**

This category differs from under-claiming in that the foodbank-user had properly claimed all the benefits to which they are entitled but had, at the point they were seen, either been wrongly refused the benefit or has been paid less than they are actually entitled to due to official error about an aspect of their claim.

**Client D**

*Client D* had been in receipt of Disability Living Allowance and Employment and Support Allowance since mid June 2013. *Client D* has learning difficulties. He should have been receiving £59.50 more per week than he was actually getting because the Jobcentre had wrongly calculated his entitlement. We were able to write to the Jobcentre on his behalf to request his award is changed and that the correct higher entitlement be paid.

**Client E**

*Client E* had separated from her disabled partner recently in late August. She had been receiving benefits as his carer. She gave birth to her first child in early September. At the time we saw her (early November), her income support entitlement had been cancelled with effect from the end of August. *Client E* had reclaimed income support and had been told an award would be made within a few days of attending the foodbank with effect from early October.

We were able to advise *Client E* that she should have remained entitled to income support during the period August to October - even though she had ceased to qualify as a carer; at this stage she should have continued to qualify as a woman in the late stages of pregnancy.

We wrote to the Jobcentre requesting a revision of their decision and as a result *Client E* will receive arrears of income support for the missing period.

*Client E* would not have taken action to resolve this issue as she had quite reasonably acted on the advice of the Jobcentre that she was not entitled in that period.

## **C: Delays caused by poor administration**

Cases where benefit has been claimed but there is a delay in either making a decision, or in making payment once a decision has been made, form a large proportion of the cases we have dealt with. In such cases foodbank-users have often not been advised by the Jobcentre that they may qualify for a 'short term benefit advance (STBA). In some cases of protracted delay the only way to obtain a remedy for the foodbank-user has been to send a "letter before action" for judicial review to the solicitors for the Department of Work and Pensions. In other cases, assisting the foodbank-user to request STBA has resulted in the claim being processed.

### ***Client G***

*Client G* had an underlying mental health condition. Partly as a result of this he had been unable to sustain a claim to Jobseeker's Allowance and had been repeatedly sanctioned. At the time we saw *Client G*, he had been without any income for two months. We assisted *Client G* to claim Employment and Support Allowance.

Ordinarily such a claim should take about 10 days for a decision on entitlement to be made and payment can take longer than this. As *Client G* was unable to wait this long, we wrote a letter setting out why he was entitled to a short term benefit advance and emailed it to the Jobcentre. *Client G* was provided with a copy of this letter and also attended the Jobcentre from where he made a call to the relevant section. As *Client G* had a copy of our letter setting out why he was entitled to a short term advance he was able to present his case properly. As a result *Client G* received a payment of ESA 2 days after our request was made - the first income he had other than a £45 crisis grant from LBTH in a two month period.

### ***Client H***

*Client H* had made a claim for ESA in September 2012. It appeared that no decision had been made on this claim. *Client H* had only managed to survive due to the fact he was being supported by the Salvation Army and foodbank. We first saw *Client H* in August 2013. He had a complex case involving European law. It turned out that the Jobcentre had made a decision refusing his claim in May 2013 but had not notified this decision to him.

The jobcentre have now made a decision that *Client H* is entitled to benefit. They did so within a week of us writing directly to the Tribunal requesting urgent directions for listing of his appeal. As a result *Client H* will receive arrears of over £6500 in ESA and £8000 in rent.

## **D: Suspensions (NB these are not sanctions)**

Some cases we have seen are in food poverty because their existing awards of benefit have been suspended. Usually this occurs where there is a doubt about the person's entitlement. In these cases the person has sometimes not been told why their benefit has been suspended and they been given no timeframe for how long this is likely to continue. Dealing with suspensions is difficult because the decision to suspend benefit is not appealable (it is an administrative measure to withhold payment for the time being rather than a decision the person is not entitled).

### ***Client J***

*Client J* is a lone parent with one child. She sought food aid when her income support had been suspended for two weeks. She had attended two meetings with an investigator at the Jobcentre.

It was not clear to us that there was any valid reason to suspend *Client J's* benefits. The investigating officer at the jobcentre refused to speak with CPAG when we contacted them initially to arrange a further appointment at a time convenient for us to attend. We immediately sent a letter to the relevant section and copied in the investigating officer. As a result an appointment was quickly scheduled. At the appointment we were able to assist *Client J* to explain the situation and persuade the investigating officer to lift the suspension.

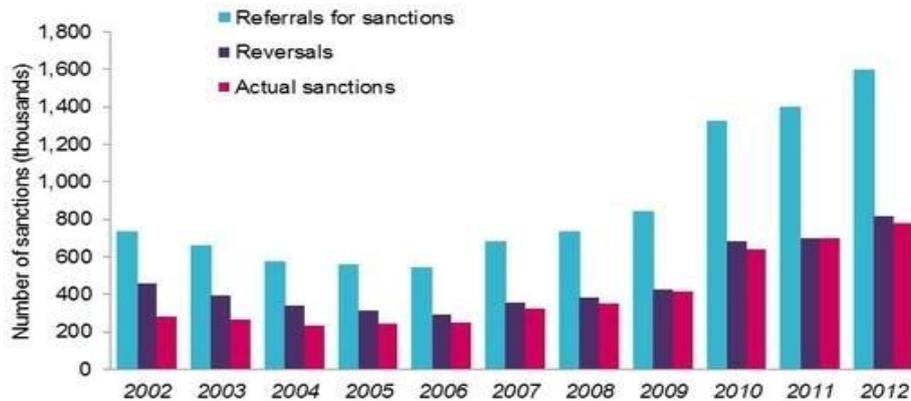
### ***Client K***

*Client K* sought food aid when her benefit was suspended whilst a doubt about her availability for work was investigated. *Client K* has mild learning difficulties and was undertaking a training course of less than 16 hours a week. We wrote on her behalf to explain that there were no grounds for suspension and the suspension was lifted as a result.

## **E: Sanctions**

The number of JSA sanctions in the year to 30 June 2013 was the highest for any 12-month period since records began in their current form. During the course of the Coalition's time in office, an average of 4.35% of JSA claimants have been sanctioned each month, compared to 2.6% of JSA claimants sanctioned per month under during the period April 2000 to April 2010.

### Referrals and actual sanctions doubled since 2009



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A significant proportion of those sanctioned are later found to have had good cause in relation to situation that led to the sanction – e.g. they missed a Jobcentre appointment because of a job interview or hospital appointment. But the system now sanctions first, and looks at the evidence later. This can lead to people having to wait for weeks before the evidence for good cause can be submitted and processed through the system of review, and then potentially tribunal.

Other sanctions that are upheld are, in CPAG's view, counter-productive. Arbitrary numbers of jobs that should be applied for are set that pay no attention to the local labour market situation. As one recent whistle blower put it in evidence provided to a member of the Work and Pensions Committee, claimants are 'being set up to fail'.

#### **Client L**

*Client L* was claiming JSA. He was unable to attend a Jobcentre Plus appointment because he was attending his father's funeral. He attempted to inform Jobcentre Plus but the message did not reach his adviser.

He was given an automatic sanction and received no payment at for 2 weeks, and following that only hardship payments. The sanctioned was subsequently reversed, but the 'sanction first, look at the evidence later' system introduced by the Coalition meant that *Client L* was still forced to rely on food aid for a period despite not having done anything wrong.

**END OF BRIEFING – CONTACT DETAILS BELOW**

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**About CPAG**

CPAG promotes action for the prevention and relief of poverty among children and families with children. To achieve this, CPAG aims to raise awareness of the causes, extent, nature and impact of poverty, and strategies for its eradication and prevention; bring about positive policy changes for families with children in poverty; and enable those eligible for income maintenance to have access to their full entitlement.

Child Poverty Action Group is a charity registered in England and Wales (registration number 294841) and in Scotland (registration number SC039339).