
SAW
The Staff and Workers Association



NEWSLETTER

Were all in this together?

As January 2018 draws to an end it's becoming increasingly clear that we are being led by an inept, malicious government, relying on the DUP to keep it alive.

A government that some time back said that we were 'all in this together.'

In the last week or so a claim was made that the government has, apparently, made two payments following its deal to buy DUP votes.

Remain campaigner Ms Gina Miller has now threatened a new court challenge to ministers over this deal (bribe?) with the DUP to spend an extra £1 billion here in the province.

Ms Miller learned that two cash amounts have been allocated to Northern Ireland without a decision by MPs.

Ms Miller is a force to be reckoned with. When she says that the government failed to follow the proper process, when it signed a confidence & supply deal with the DUP, she speaks with authority.

It's noteworthy that in reply to a question she posed she received a letter from government that confirmed she was indeed correct: Parliament had to approve any money being paid to the province because of this arrangement with the sole aim of keeping malicious Tories in office.

It's also worth reminding ourselves that the DUP voted for every tory cut including cuts to welfare benefits, the introduction of PIP and the vicious decision to cap public sector pay at 1% effectively forcing pay cuts on thousands of low paid workers and their families as they've done for over ten years. The DUP could end this overnight.

What I find nigh on impossible to reconcile here is that those who suffer year on year pay cuts and brutal, malicious cuts to meagre welfare benefits, including the working poor, must still be voting for the DUP in great numbers: akin to turkeys voting for an early Christmas.

The DUP's Mr Paisley has self referred to the parliamentary standards commissioner after a newspaper had alleged he had accepted holidays worth £100,000 from Sri Lanka - a country he is now helping to secure a post-Brexit trade deal.

Let's watch how this ends. I wonder how many Sri Lankan constituents are in Mr Paisley's constituency and how any trade agreement here will help the working poor in the province?

Mr Paisley had been due to appear on the the BBC's Newsnight to discuss religion & politics but he withdrew after it emerged that a national newspaper was running a front page story with the headline:

"The MP, the £100k gifts & the Brexit trade deal. Questions over DUP MP's register of interests after Sri Lanka trip."

Mr Paisley seems to avoid democracy when opportunism arrives at his wallet.

As government tells us we are all in this together can we all be vigilant following the recent government announcement that they intend reviewing ALL PIP decisions? Do not believe their words.

This embarrassing climb down came after their case to deny meagre benefits to disabled people collapsed in the Upper Tribunal Administration Appeals chamber almost a year ago.

It's a national scandal, ignored by the right wing press, that this government has fought against disabled people in tribunals in this case for almost two years to prevent them receiving the help they need.

Having first lost in 2016 the government appealed to stall and frustrate the disabled claimants. The government lost again in March 2017 and only acted last week to start to claim they will act. Had they won, action taken against disabled people would have been instant.

Nearly a year doing nothing only to now say they will do something. But will they? The successful claimants have been without their award entitlements from 2016; if they have their PIP successfully reconsidered this year they will have waited three years to have what they should have received by right back then but according to the Tories the review could take to 2023 or over 7 years of a wait.

This is a malicious government. It makes all sorts of promises but it's almost always only ever talks.

They don't often do as they say unless it's to attack the most vulnerable in our divided society.

In fact if you apply the opposite to what they say they'll do you'll be right.

In the PIP cases the government was represented by Mr Komorowski (counsel). He caved in faced with logic at Tribunal which effectively means the government's case collapsed.

It all began back in March 2016 with a final decision in March 2017 when the DWP lost a vital upper tribunal case relating to safety and supervision.

Until then, the DWP had argued that a claimant could only score points for being unsafe if harm was likely to occur on more than 50% of the occasions on which they attempted an activity.

A claimant who has epilepsy which causes seizures once or twice a week, for instance, may not attempt to cook unsupervised because they know that if they have a seizure they could come to serious harm.

However, the DWP had been refusing to award points to claimants with epilepsy on these grounds, unless the claimant could show that it is 'more likely than not' that they would have a seizure on any given occasion when they prepare food.

This is an almost impossibly harsh test, in the real world.

The real world is an unknown place to this besieged Prime Minister and this government of millionaires and various sociopaths.

This almost impossible to pass test (which the DUP supported) caused thousands of claimants with epilepsy to have their payments removed entirely on being moved from DLA to PIP.

However, in March 2017 a panel of upper tribunal judges held that the decision maker should look at whether there is a real possibility that harm might occur and also at how great the harm might be.

The greater the potential harm, the less likely it needs to be that it would happen on any specific occasion.

For instance, someone who is deaf may be unable to hear a smoke alarm if a fire starts when they are bathing. The risk of a fire starting on any given occasion really is very small, but also very real. And the harm that might occur if the claimant was caught in the bathroom during a fire is potentially fatal.

So, while the risk is small the potential harm is very great. Therefore the claimant cannot carry out the activity of washing and bathing safely unless they have supervision.

The same logic - which the Government appeared not to know - also applies to people who have epileptic seizures and need someone to keep them safe if they do.

The panel also ruled that where a claimant is at risk all the time, even if they are just sitting in a chair doing nothing, then they may also be at risk when carrying out PIP activities that do not carry any additional likelihood of harm.

So, a claimant may not be at any additional risk of harm if they have a seizure when using the toilet or taking medication, for example. But, because they are at risk whatever they are doing, then the argument is that they still reasonably require supervision during these activities because they cannot do them safely without supervision.

It has taken the DWP a shameful seven months just to update their guidance to PIP health professionals. This is a wilful mess of their own creation.

The DUP was silent on this matter in Parliament throughout this entire period despite the adverse financial impact on thousands of disabled, vulnerable citizens - likely their voters included - in Northern Ireland.

Yet through this time they stitched up a rogue RHI deal to throw money at millionaires with gay abandon.

This is the party that supported public sector wage caps and swinging welfare cuts but are comfortable with a billion pound scheme (racket) to keep chickens warmer than many of our pensioners.

This is a party that is vocal in denying equal marriage as recently as the last day or so yet it cries out for parity with GB in other

matters. Parity isn't a pic n mix to choose what you like and leave the rest unless you are a DUP politician.

The DUP are silent too on Tory Penny Mordaunt's statement on the PIP mess a week ago.

She is laughably described as the minister for disabled people, who is better accurately described as the minister against disabled people.

She told the House of Commons:

“The updated guidance will reflect binding case law following an Upper Tribunal judgment handed down on 9th March 2017 on how DWP considers a claimant to be carrying out an activity safely and whether they need supervision to do so. This will increase entitlement for a number of both new and existing claimants, largely those with conditions such as epilepsy, which affect consciousness. The Department estimates approximately 10,000 claims will benefit by £70 - £90 per week in 2022/2023.”

No mention of why she took 9 months to act and while she cites epilepsy, the tribunal decision should benefit not just claimants with epilepsy, but also a wide range of other conditions such as learning difficulties, dementia, heart problems or mental health conditions.

So, someone at risk of serious self-harm or at risk of committing suicide might well qualify for the enhanced rate of the daily living component, if they need someone to supervise them to keep them safe.

Someone with learning difficulties which leads to a lack of awareness of danger may also qualify.

Whether the DWP will take the same view remains to be seen but this government will need to be dragged screaming to act properly and to act humanely with reasonable haste. Humanity isn't in their DNA.

They most likely will delay for as long as they can and face the Upper Tribunal again and again.

They will go slow here and drag the review process out. They don't even say when they will start the review.

They can and did readily change the rules to screw the disabled and the working poor. They can consistently deny public sector workers decent pay rises and be allowed to do all this with DUP backing.

They can bung the DUP a billion pounds to keep chickens warm while they can and are starving the NHS and education of resources.

Yet they cannot properly tax millionaires, billionaires nor multi nationals. Bankers and rogue privateers get off Scot free.

More and more we see the privatisation of profit and the nationalisation of huge debts when privateers fill their bank accounts and Tory coffers and collapse businesses walking away rich aided by sophisticated accounting procedures through off shore funds and international audit firms.

The next time you hear Carillion or a similar bunch of spivs say that the actions taken to privatise profit and leave massive debt to every tax payer to repay was allowed to happen because it was within the rules please start to consider that there is something very seriously wrong with these rules.

It might even be that Mr Paisley may hear that he has not breached any rules at all following his Sri Lankan pilgrimages with his entire brood in tow. If so the rules need serious and early revision.

Am I missing something; perhaps we aren't really all in this together after all?

Francis