

**‘Too  
MUCH OF  
THIS SORT  
OF THING’**

**THE  
ATOS TWO  
IN POLITICAL  
CONTEXT**

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<b>LIST OF ABBREVIATIONS .....</b>	<b>2</b>
<b>DISCLAIMER .....</b>	<b>2</b>
<b>INTRODUCTION .....</b>	<b>3</b>
<b>OPEN LETTER TO THE BMJ AND RCN .....</b>	<b>7</b>
<b>DEVASTATING WELFARE? .....</b>	<b>10</b>
<b>PROFESSOR HARRINGTON, INDEPENDENTLY REVIEW MY CRIPPLED ARSE! .....</b>	<b>14</b>
<b>CONCLUSIONS .....</b>	<b>21</b>
<b>APPENDICES .....</b>	<b>22</b>
<b>I.    ON CLAIMING DISABILITY BENEFITS/SUPPORT .....</b>	<b>22</b>
<b>II.   FROM ESA CLAIM TO ATOS ASSESSMENT .....</b>	<b>26</b>
<b>III.  NO COMMENT! .....</b>	<b>31</b>
<b>IV.  HOW TO SUPPORT THOSE IN TROUBLE .....</b>	<b>35</b>
<b>V.   FURTHER READING .....</b>	<b>38</b>

## **LIST OF ABBREVIATIONS**

(Leeds) ABC	(Leeds) Anarchist Black Cross
BMA	British Medical Association
BMJ	British Medical Journal
CPS	Crown Prosecution Service
DLA	Disability Living Allowance
DWP	Department for Work & Pensions
F&M	Fortnum & Masons
GMC	General Medical Council
HCP	Health Care Professional (Atos' description of their assessors)
IB	Incapacity Benefit
JSA	Job Seekers' Allowance
LDMG	Legal Defence and Monitoring Group
LIMA	Logic Integrated Medical Assessment
PA	Personal Assistant (in this pamphlet frequently used instead of the more problematic term 'carer')
PIP	Personal Independence Payment
RCN	Royal College of Nursing
WCA	Work Capability Assessment
WinVisible	Women with Visible and Invisible Disabilities

## **DISCLAIMER**

We are not lawyers and the law is complex and changes regularly. Any legal information and guidance in this pamphlet is merely brief and rather general advice on some areas we think could be useful. We strongly encourage readers to do their own research and to seek advice from other sources.

It is revealing how similar some of the basic advice is regarding dealings with the police and people working in the welfare system. In both cases, bear in mind that knowing and/or complying with the law does not necessarily mean that you won't get hassled, sanctioned and/or that you will be granted access to the services/support you require.

Coppers as well as assessors, DWP decision makers etc. figuratively and literally get away with murder on a regular basis, but if we smarten up and get organised they will find it much harder to do so.

# INTRODUCTION

In September 2011, two Nottingham residents, a retired paediatric nurse and a wheelchair user, were arrested following a peaceful protest at the local offices of Atos 'Healthcare'. Dubbed the 'Atos Two', they were subsequently charged with aggravated trespass.

Faced with an impressive solidarity campaign and having a pathetically weak case, Atos and the Crown Prosecution Service (CPS) backed down in January 2012. According to the CPS the case was 'discontinued' because the 'complainant no longer support[ed] the prosecution'. It remains unknown whether this change of mind was due to Atos' own concerns of further bad publicity and/or whether the CPS advised the 'complainant' to back off before both company and prosecutors risked humiliation in court.

In any case it is without question that the remarkable acts of solidarity with the 'Atos Two' by hundreds of supporters did make a significant impact. The public pressure mounting up even before the trial had started will have made an impression, demonstrating the importance of such practical acts of solidarity and the potential of mutual aid and support.

Atos 'Healthcare', a division of the international IT giant Atos S.A., has in recent years been the target of numerous protests. The company plays a crucial role in the government's attack on people with disabilities as it administers a phoney 'medical' assessment, which is the core element of the Work Capability Assessment (WCA).

The WCA was originally brought forward by a Labour government and has since been endorsed by the ConDems. It was specifically designed by the Department of Work and Pensions (DWP) to force people claiming Incapacity Benefit (IB) or trying to claim Employment and Support Allowance (ESA) onto Job Seekers Allowance (JSA), regardless of claimants' physical and/or psychological issues. Apart from the WCA being structurally biased against claimants, Atos' implementation of the 'face-to-face' assessments quickly resulted in the company becoming infamous and feared amongst people in need of disability benefits.

As Atos is such a particularly disgusting part of the modern British welfare system, there have been a number of protests against the company's offices all over the country. The protest in Nottingham was not unusual in having been not only entirely peaceful, but also extremely (one might even say far too) polite.

The rather ham-fisted reaction by the local police, better known for their frequent blunders and blatant incompetence rather than a particular urge to repress peaceful protests, and the CPS's decision to go ahead with the ridiculous charges, were widely received with astonishment. The politically

motivated prosecution of the 'Atos Two' may even indicate a change in the attitude of the local force and the CPS towards demonstrations. This perspective was only underlined by one copper's comment, stating on the day of the arrests that 'there's been too much of this sort of thing going on and we've been told to crack down on it.'

This case of political policing, aimed to intimidate protesters and deter further acts of direct action, is also not an isolated one. At the close of a relatively lively year 2011, in which Nottingham saw many protests and acts of direct action, there were a number of arrests of Uncut activists, whilst critical journalists faced harassment by the police (with officers unlawfully confiscating tapes after an arrest had been filmed).

Whether or not these cases really mark the beginning of a wider crackdown on local protests, they exemplify that any attempts of reaching out to the police will always be futile. Even an apparently sympathetic copper fulfils a distinct role in society; she/he is being paid to enforce the state's monopoly of violence and to defend the property and production relations. In order to do so they are trained and willing to follow orders (otherwise they would not be coppers). No matter how much some people try and get them on board because 'they are facing cuts too', that will never ever stop a cop from going after you and/or your friends if they are ordered to do so.

The relatively high number of protests in Nottingham and the described acts of repression need to be seen in connection with the wider upsurge in direct action throughout Britain since mid-2010 and the attempts to quell it. Although actions deemed violent by the laws of the propertied have been relatively rare exceptions, any form of protesting is only tolerated until a certain line of annoyance is crossed. Therefore even those taking part in rather fluffy actions are increasingly running the risk of being harassed, assaulted and arrested in an attempt by police and the justice system to deter any further direct action.

The offence of aggravated trespass is frequently used to criminalise protesters. One high profile example is the on-going case of those prosecuted for the occupation of Fortnum & Mason (F&M), Her Royal Highness' sandwich and fizzy pop provider, in March 2011.<sup>1</sup> The offence of aggravated trespass was invented in the 1990s in response to the successes of hunt saboteurs and road protesters and has since frequently been modified to allow it to be used ever more widely.

Offences like aggravated trespass or for example obstruction are handy tools for law enforcers as their relative vagueness allows them in many cases to find a judge willing to convict people who have (allegedly) been involved in

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<sup>1</sup> Please see Appendix V. for links to the website of the support campaign and information on how to support the defendants.

very peaceful protests (as in the case of the F&M occupiers). And even if a conviction is unattainable, arresting and repeatedly bailing people is a simple but effective tool for gathering intelligence and keeping tabs on people, often hindering them from engaging in further direct action for months at a time.

Everyone engaging in any form of direct action, however peaceful and polite, must be aware of, and vigilant against, the possibility of repression. Those engaging in more edgy actions must be even more prepared that the police and justice system will do what they can to go after them. Even quite harmless acts can get you imprisoned, as despite rising prison populations, people are being sent down for using joke shop smoke bombs on demonstrations.<sup>2</sup>

With this pamphlet we want to offer practical advice to people who want to engage in direct action and/or need to claim disability benefits/support from the welfare system. We also look into the wider political context of the case of the 'Atos Two' by providing articles regarding the demise of the welfare system in general and the WCA in particular.

There are numerous groups and individuals working hard to resist the attacks on the welfare system as well as acts of repression. Instead of trying yet again to reinvent the wheel, we have drawn heavily on some of their excellent materials written over the years. We would like to thank everyone for their vital work, which provides such essential support for so many people.<sup>3</sup>

The first text in this pamphlet is a slightly abbreviated and edited reprint of an *Open Letter* initiated by WinVisible with a number of other campaigning groups, originally published in 2011. It poignantly summarises the case against Atos, for example by highlighting some of the many cases in which being dragged through a WCA has directly or indirectly caused the claimant's death.

The article *Devastating Welfare?* discusses the wider context of the current attacks on the welfare system, providing some historical perspectives as well as outlining some of the dilemmas facing those resisting these attacks.

Subsequently the article *...review my crippled arse!* is looking into the legitimisation of the WCA. It outlines and criticises some of the underlying

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<sup>2</sup> See e.g. BangedUpForProtesting.Wordpress.com: *Not A Sick Society: A Sick State*; 02/01/2012; <http://ur1.ca/8o1ys>.

<sup>3</sup> This work will become ever more important as juridical safeguards against acts of repression are being rolled back and institutions designed to assist claimants, such as local welfare rights offices are among the first services to be cut. In this context the Legal Aid, Sentencing, and Punishment of Offenders (LASPO) bill is an important though relatively little discussed bit of legislation. Whatever the eventual outcome of this specific bit of policy, it exemplifies the attempts to undermine a person's access to statutory legal support. See e.g. Bowcott, Owen (Guardian.co.uk): *Legal aid reforms: peers inflict fresh defeats on government*; 07/03/2012; <http://ur1.ca/8gccc5>; NetworkForPoliceMonitoring.org.uk: *Attack on criminal legal aid is a 'cop's charter'*; 20/12/2011; <http://ur1.ca/8q3z9>. For information on the progress of and the full text see Parliament.uk: *Legal Aid, Sentencing and Punishment of Offenders Bill 2010-12*; <http://ur1.ca/8o1z0>.

assumptions and the interpretation of evidence in the so-called independent reviews of the WCA, which (although initially perceived with some hope) turn out to be nothing but deferential whitewash for the policy.

A number of appendices offer some practical suggestions for people who need to claim disability benefits/support and/or want to engage in direct action. These passages draw on excellent materials originally published by various groups, for example the Black Triangle Campaign or the Legal Defence and Monitoring Group (LDMG). General advice on disabled persons' dealings with the welfare system is followed by suggestions for those facing an ESA claim and an Atos 'face-to-face' assessment. Finally two appendices provide the reader with information on how to protect themselves and others from the fallout of resistance, offering advice on what (not) to do if you end up getting arrested and some ideas how to support others if they become subject to repression.



# OPEN LETTER TO THE BMJ AND RCN

*This is an abridged version of the open letter to the Chairman of the British Medical Journal (BMJ) Group Board and the President of the Royal College of Nursing (RCN) in 2011. The letter was initiated by WinVisible with Benefit Claimants Fightback, Black Triangle, Defend Welfare network and Disabled People Against Cuts. It was signed by over 100 organisations, medical professionals and others.*

Dear Dr Chamberlain and Andrea Spyropoulos,

As sick and disabled people, carers and other concerned people, including professionals, we are writing to you to urge the RCN and BMJ Group to immediately end your relationship with Atos.

As you know, Atos currently has a £100m a year contract with the DWP to carry out examinations for disability benefits.

We are outraged that Atos is profiting from denying those of us who are sick or disabled, the benefits we need to survive and maintain our level of health. In May 2011, at the protest outside Atos headquarters, a number of people spoke about our experiences of the examination, being denied benefit and having to appeal to get it back. One woman testified that her brother, who had severe depression, committed suicide after being cut off.<sup>4</sup>

The media have exposed more of the dire consequences of Atos' decisions. The Daily Mirror highlighted the case of a Derbyshire man with a heart condition, found fit for work, who had to go through tribunal to appeal, then was awarded ESA but died of a heart attack the day before his next Atos exam was due.<sup>5</sup>

A Channel 4 News report on 27 July 2011 acknowledged what thousands have been saying: it interviewed the heartbroken partner of a critically ill man whom Atos denied his entitlement on grounds that he was 'fit for work' – he died less than three months later.<sup>6</sup>

In August, the Guardian reported that 12 Atos doctors are under investigation by the General Medical Council for improper conduct. The article referred to numerous previous cases and investigations by other bodies<sup>7</sup> and

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<sup>4</sup> Guardian.co.uk: *Disabled people protest against Atos Origin*; 11/05/2011; <http://ur1.ca/8o0nl>.

<sup>5</sup> Mirror.co.uk: *Stress of Tory benefits tests killed our dad, family claims*; 22/05/2011; <http://ur1.ca/8o0la>.

<sup>6</sup> There are a number of such cases, see e.g. Rodgers, Julia (DerbyshireTimes.co.uk): *Fit to work Dad had heart attack*; 10/02/2012; <http://ur1.ca/8o0ol>. Numerous persons have also died whilst they waited for their appeals; see e.g. Devlin, Kate (HeraldScotland.com): *31 deaths during wait for benefits judgment*; 05/12/2012; <http://ur1.ca/8o0ru>.

<sup>7</sup> Boffey, Daniel (Guardian.co.uk): *Atos doctors could be struck off*; 13/08/2011; <http://ur1.ca/8o0sk>.

Atos is investigating staff, one a nurse, who used their Facebook pages to insult people as 'parasitic wankers' and 'down and outs'.<sup>8</sup>

According to DWP figures, only 6% of those who have been assessed are placed in the ESA Support Group which exempts them from the work conditions now attached to benefit. (This 6% includes claimants whom the DWP has already exempted from the Atos examination because their condition is so serious.)<sup>9</sup>

The Royal College of Psychiatrists and many others have strongly criticised the devastating effect the Atos exam and cuts have had on patients.<sup>10</sup>

GP Margaret McCartney, writing in the BMJ, has questioned the ethics of doctors performing assessments without access to patients' medical records, and the lack of specialist knowledge of physiotherapists and general nurses employed by Atos.<sup>11</sup>

Since 1995, when medical assessments for incapacity benefit were privatised and taken out of public services, standards have steadily declined. But Atos has brought this to a new low. While none of the work tests deserve to be called a 'medical' as they have no basis in patient welfare, since Atos started carrying out the ESA tests in 2008, there has been a dramatic increase in the number of people with severe illness and disability being assessed as fit for work and denied benefits.

This has been clear for some time. In 2009, *Who's Cheating Who?*, a BBC Scotland documentary, highlighted the plight of June Mitchell who applied for sickness benefit. When examined by Atos, she complained of breathlessness and feeling tired. She was scored zero points and found fit for work. She went back to her GP, was diagnosed with terminal lung cancer and died shortly afterwards.

Doctors' and nurses' ethics are being corrupted by Atos' offers of higher salaries and daytime reduced work hours. Some doctors have tried to argue that their duty to patients does not apply when assessing benefit claimants on behalf of Atos. But the General Medical Council has upheld that doctors are always bound by this duty whether seeing patients, employees (when assessing occupational health), benefit and insurance claimants, athletes, among others.<sup>12</sup>

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<sup>8</sup> Penman, Andrew (Mirror.co.uk): *ATOS worker sneers at 'down and outs'*; 10/08/2011; <http://ur1.ca/8o0tg>.

<sup>9</sup> See Magrath, Owen (DWP. Gov.uk): *Employment and Support Allowance (DWP): Work Capability Assessment: Official Statistics*; 2010; <http://ur1.ca/8o0uz>.

<sup>10</sup> See e.g. Taylor, Matthew/Domokos, John (Guardian.co.uk): *Mental health experts warn against pace of incapacity benefit cuts*; 31/05/2011; <http://ur1.ca/8o0vn>.

<sup>11</sup> McCartney, Margaret (BMJ.com): *Well enough to work?*; 02/02/2011; <http://ur1.ca/8o0wv>.

<sup>12</sup> WinVisible quote Jane O'Brien from the GMC (<http://ur1.ca/8o0yl>) who wrote in March 2011: 'Edward Cooper is mistaken that the principle of making the care of your patients your first concern does not apply to doctors when they are assessing benefits claimants on behalf of ATOS. [...] we use the term 'patient' to refer to anyone whom doctors test, treat or assess in their professional capacity as a doctor. [...] The first duty of all doctors is

As doctors and nurses are enticed into privatisation, and cases of criminal negligence and even murder in hospitals and care homes hit the headlines, patients and their loved ones are increasingly speaking out against the indifference and cruelty they face at the hands of those paid to protect them.

Claimants rightly fear that most Atos assessors are uncaring and prejudiced – they work to targets which have nothing to do with patients' individual health needs or with the realities of the job market which sick and disabled people are being thrown into. The stress of the Atos examinations has hastened deaths and caused a number of people to commit suicide. For many others, it is exacerbating their already fragile health condition.

Atos kills.

Medical professionals who lend it credibility give it a licence to kill.

We call on the BMJ Group and RCN to end all association with Atos, and on doctors and nurses to defend patients and uphold our welfare.

Signed<sup>13</sup>

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'to make the care of your patient your first concern'. But that is not the only duty doctors must observe. Being open and honest and acting with integrity is also an essential part of medical professionalism. [This applies] whether or not they routinely see patients in a therapeutic or any other role. Dishonesty in writing reports cannot be justified by reference to the first duty of doctors.'

<sup>13</sup> See WinVisible.org: *Open Letter on Atos 'Healthcare' to the BMJ and RCN - Full list of signatories at 29 September 2011*; 2011; <http://ur1.ca/8o104>.

# DEVASTATING WELFARE?

'I think [a social program like] the British National Healthcare system is a devastating program to a country, that [it] makes it dependant and I think that's a devastating thing for a society.'<sup>14</sup>

This drivel by Rick Santorum, maybe the oddest of the Republicans squabbling to sit behind that really big desk in Washington, exemplifies much of his notions of the relationship between state and individual. In turn it seems to confirm many clichés and prejudices upheld in Europe about all those weird Americans who can only tolerate welfare if it is privately organised on a prayers-for-almos do-gooder basis.

It is however evident that the assumed link between 'dependency' on welfare and the 'devastation' of a society is an argument used regularly on both sides of the Atlantic. Santorum's spectre of 'dependency' also haunts many British politicians, such as conservative minister for Work and Pensions Ian Duncan Smith. Especially in the aftermath of the August 2011 riots he liked to ramble on about a 'growing underclass' of people on benefits, caught in 'hopelessness and dependency', living 'unproductive lives'.<sup>15</sup>

Such widely used arguments are by no means new. Santorum and Duncan Smith are merely singing the same tune that kings, clerics, politicians, bosses, bureaucrats, newspaper editors and so many others have done for many centuries.

The figure of those 'Saucy and idle Poor, who would live without labour', being the 'bane of society' can be found in newspapers on the eve of the industrial revolution<sup>16</sup> as well as centuries earlier in Elizabethan statutes describing such people as 'unprofitable and dangerous'.<sup>17</sup>

Various sanctions against those nowadays often called scroungers – who were in centuries past for example described as 'multitudes of able men, neither impotent nor lame'<sup>18</sup> – have long been part of the ruling classes' arsenal in trying to enforce class discipline. Mandatory job creation schemes are also an old idea. For instance her Majesty Elizabeth I. ordered (in the absence of Poundland stores) that 'great numbers of idle, poore, and impotent persons were [...] set on worke' knitting woollen caps.<sup>19</sup>

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<sup>14</sup> News.BBC.co.uk: *Republican Rick Santorum: 'NHS devastated Britain'*; 04/01/2012; <http://ur1.ca/78obm>.

<sup>15</sup> Duncan Smith, Ian (Conservatives.com): *Restoring fairness to the welfare system*; 03/10/2011; <http://ur1.ca/8o12o>.

<sup>16</sup> *The Leicester and Nottingham Journal*; Issue 694; 04/10/1766; p. 3.

<sup>17</sup> *By the Queene [...] an acte for the continuance of making cappes [...]*; 1597; In: Society of Antiquaries; retrieved from Early English Books Online (<http://eebo.chadwyck.com/home>).

<sup>18</sup> *By the Queene [...] proclamation of suppressing of the multitudes of idle vagabonds [...]*; 1598; In: Steele, Robert: *'Tudor and Stuart proclamations'*; retrieved from Early English Books Online (<http://eebo.chadwyck.com/home>).

<sup>19</sup> *By the Queene [...] an acte for the continuance of making cappes [...]*.

The far more recent mid-20<sup>th</sup> century saw such measures and rhetoric, at least in Western Europe, temporarily becoming irrelevant. The hegemony of the concept of a 'mixed economy', merging liberal and social democratic ideas, saw even conservatives endorsing macroeconomic planning whilst social democratic/socialist parties and unions 'fitted in readily' with this form of capitalist system.

Among the results of this localised, and only on the very surface 'golden age', was the establishment of modern welfare systems in the sense that income maintenance, education, social care etc. became the 'greater part of total public expenditure'. Poverty, deprivation and systemic violence never disappeared from within the capitalist centres and became ever more endemic in the capitalist periphery. But for a brief period, high economic growth rates, virtually full employment as well as the cold war encouraged the introduction of yet unknown social safeguards in these centres whilst laissez-faire economics became virtually irrelevant.<sup>20</sup>

The lingering structural problems of this form of capitalist production boiled over in the late 60s and early 70s, triggering massive crises within the capitalist centres. Proponents of free market policies came back with a vengeance, with neoliberal ideas finding maybe their most disgusting embodiments in the Reagan and Thatcher administrations of the 1980s.

Mass unemployment returned whilst especially in Britain the backbone of the social democratic labour movement was crushed. The spectre of the 'idle poor' and dependency returned. Before long the demonization of any welfare claimant was very much the latest thing no-one wanted to miss out on, whether in conservative circles or in the remnants of the social democratic labour movement.

In policymaking this was demonstrated with the passing of repeated Welfare Reform Bills, reaching a milestone with the introduction of JSA in 1996. In 1997 the Conservative's JSA and pilot workfare (work-for-benefits) scheme, 'Project Work', became part of Labour's New Deal, exemplifying that the dismantling of the welfare system was now part and parcel of the agenda of policymakers beyond any party differences.

Therefore a change in government made little difference as benefit entitlements were systematically eroded under New Labour. The Department of Social Security became the Department of Work and Pensions, a change of name signifying the ideological shift. Welfare money is no longer an insurance or substitute for not having a job. Instead, it is to be given only if you can prove you are 'actively seeking work' whatever the state of the job market.<sup>21</sup>

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<sup>20</sup> See Hobsbawm, Eric: *The Age of Extremes – 1914-1991*; Abacus; 1994; chapters 8 & 9.

<sup>21</sup> See Anarchist Federation Nottingham (AFed.org.uk): *End of the Social Wage? Radical responses to the Welfare Reform Bill*; 2009; <http://url1.ca/8o1bk>.

Whilst all those deemed to be the 'idle poor' are getting ever more penalised, today's ruling classes, yet again mirroring the rhetoric of rulers past, generously admit that there are some truly 'deserving poor', some most vulnerable people, who may receive alms as long as they remain quiet and grateful.

Feeding state-provided alms to a few 'deserving poor' helps to maintain the guise that capitalist regimes can be progressive and caring. However, key sections of the various Welfare Reform Bills aim to reduce the number of people accepted to be among those truly 'deserving poor'.

Considerable resources have been invested to create an infrastructure that forces claimants through ever more rigorous assessment processes, where they constantly have to roll over nicely and jump through many hoops (though the ability to do the latter may earn you a place in a work-for-your-benefits scheme at your local circus).

This is where Atos became involved with implementing welfare reform. The Atos Origin group took over computer company Schlumberger SEMA in 2003, and in so doing acquired the web-based 'Evidence Based Medicine' software Logic Integrated Medical Assessment (LIMA). Having carried out the biometric trials for ID cards on behalf of the Home Office, and medical assessments for the government since 1998, the latter under the divisional name Atos 'Healthcare', Atos were awarded the DWP medical assessment contract for a further seven years when it went out for re-tender in 2005. Now carrying out the face-to-face assessments as part of the WCA, Atos is constantly trying to expand its business.<sup>22</sup> It can be assumed that they will carry out the assessments for the Personal Independence Payments (PIP) which will soon replace Disability Living Allowance (DLA). It must be expected that in doing so Atos will again try their very best to do what they are paid to do: that is to make all claimants' lives hell and deny as many as possible these vital benefits. In view of the plans to take away the power to grant sick notes from GPs, it can also be assumed that Atos, having both the necessary infrastructure and the connections to successfully pitch for that contract, might soon start to persecute not only disabled people but potentially everyone in employment.

Protests and case work by organisations and individuals supporting others and each other with acts of practical solidarity have been widespread and manifold. But just as the actions of today's ruling classes mirror events and arguments made in previous decades or even centuries, such resistance is also faced with recurring dilemmas. Although individual solidarity and support through case work is invaluable as it protects people's livelihoods and often

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<sup>22</sup> Luckily their endeavours are not always successful, see e.g. McNicoll, Andy/Campbell, Denis (Guaridan.co.uk): *Atos Healthcare pulls out of NHS contract*, 12/04/2011; <http://ur1.ca/8o1cn>.

their very lives, self-organisation, which may often be the aim, is difficult to achieve in practice. And politically, although small victories such as the government's retraction of some aspects of their slave labour schemes should not be underestimated as they protect individuals, the campaigns against PIP, WCA or workfare schemes do not have much more chances of 'winning' than for example the campaign against the JSA had in the 1990s.

Also those who engage in attempts to lobby policy makers have but limited chances of succeeding in their aims. There have been various achievements, leading for example to a recent defeat of some parts of the latest Welfare Reform Bill in the House of Lords.<sup>23</sup> Although this was helping to protect individuals, limits of lobbying are made clear by the narrow nature of the amendments made (and their very questionable longevity). After all, things have become so bad that debates in the Lords revolved for example around how long a person may be terminally ill whilst still being eligible for a specific benefit.<sup>24</sup>

Both forms of intervention, within and outside policymaking institutions, point towards some of the weaknesses of the radical movement (here to be understood in the extremely broad sense that in 21<sup>st</sup> century Europe even Keynesianism appears to be radical). Many activists' actions are not only defending the remnants of the welfare system, but glorifying what came into being in the 'golden age'. Furthermore, many who defend the welfare system demonise particular private companies. For instance, in large parts of the Occupy-movement or groups like UK Uncut, criticism is often merely aimed at parts of the capitalist system, striving to establish checks and balances to tame capitalism. Such strategies fail to target this system of social relations as a whole.

It should not be forgotten that in a cynical sense Rick Santorum is right when he brands welfare systems as being 'devastating' to a society: Exploitation and recurring crises are not exceptions due to immoral actions of governments, companies or individuals; they are inherent to the system itself. A capitalist system, be it shaped by laissez-faire or social democratic ideas, will always be devastating to society, whatever concessions such as welfare programs can be forced out of the ruling classes.

This does not mean that it is not worth fighting to protect the concessions which were granted in recent decades. However, if the fight in defence of these social safeguards does not aim to overthrow the system of production and power relations as a whole, then it must ultimately be self-defeating.

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<sup>23</sup> Every state has some particularly weird institutions, but the British state can indeed lay claim to some of the most eccentric ones.

<sup>24</sup> Wintour, Patrick; Syal, Rajeev (Guardian.co.uk): *Lords inflict triple welfare bill defeat on government*, 12/01/2012; <http://ur1.ca/8o1cw>.

# PROFESSOR HARRINGTON, INDEPENDENTLY REVIEW MY CRIPPLED ARSE!

As of April 2012, two of five annual 'independent reviews' into the WCA<sup>25</sup> have been published. Authored by Malcolm Harrington, a retired professor of Occupational Health,<sup>26</sup> the reports initially triggered positive responses from some disability groups<sup>27</sup> and the first report has extensively been quoted in articles highly critical of the Atos and the WCA.<sup>28</sup>

On closer examination it is however apparent that, similar to the work of many other 'independent' bodies,<sup>29</sup> the main role of the Harrington reviews is to legitimise and whitewash government policy and its implementation. Stating that the 'principles underpinning the new assessment system [are] valid' Harrington merely finds the WCA not to be working 'as well as it should', aiming to make the process 'fairer and more effective'.<sup>30</sup>

This article does not aim to list or even correct the endemic conceptual and methodological shortcomings and misconceptions of the Harrington reviews. Instead the following is outlining a critique of the underlying assumptions of Harrington's work as well as illustrating some examples of how evidence was systematically arranged to ensure that Ian Duncan Smith could truly be 'delighted to welcome the [...] Independent Review of the WCA'.<sup>31</sup>

From the outset the semantics<sup>32</sup> used in the Harrington reviews reflect some of the ideological shifts in the modern British welfare system:

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<sup>25</sup> Harrington, Malcolm: *An Independent Review of the Work Capability Assessment*, 2010 (hereafter: Harrington (2010)); p. 12: Section 10 of the Welfare Reform Act 2007 requires a total of five annual reviews 'on the operation of the assessment'. See also Harrington, Malcolm: *An Independent Review of the Work Capability Assessment – year two*, 2011 (hereafter: Harrington (2011)). The publication of both reviews was followed by a governmental reply: Smith, Ian Duncan (as if!): *Government's response to Professor Malcolm Harrington's Independent Review of the Work Capability Assessment*, 2010 (hereafter Smith (2010)). Smith, Ian Duncan (in this one he did not even bother to sign the Ministerial Foreword): *Government's response to Professor Malcolm Harrington's second Independent Review of the Work Capability Assessment*, 2011 (hereafter Smith (2011)). All texts retrieved from DWP.gov.uk (<http://ur1.ca/8o1e4>).

<sup>26</sup> Harrington (2010); p. 12; Smith (2010); pp. 5/12; University of Birmingham: *Buzz*, Issue 86; 2006; <http://ur1.ca/8o1es>; p. 6. Although Harrington has been hailed as 'one of Britain's leading occupational health specialists' (and refers to himself only slightly more modestly) and he held a professorship at Birmingham for almost two decades, even the library of his old university holds only a meagre number of publications authored by him. Harrington has worked in various advisory capacities before being appointed by the DWP, including as a civil consultant to the army whose medical corps gave him a medal in 2006. Therefore he has experience working with organisations whose main purpose is the administration of lethal force, as well as organisations for which deaths are merely collateral damage.

<sup>27</sup> DisabilityNewsService.com: *Harrington review: Assessment must be fairer*, 26/11/2010; <http://ur1.ca/8o1f7>.

<sup>28</sup> See e.g. Read, Christopher (NewLeftProject.com): *ATOS: Notes on a Neoliberal Scandal*, 26/09/2011; <http://ur1.ca/8o1fh>.

<sup>29</sup> The 'Independent Police Complaints Commission' or the 'Office of Budget Responsibility' spring to mind.

<sup>30</sup> Harrington (2010); pp. 6/9.

<sup>31</sup> Smith (2010); p. 4.

<sup>32</sup> See e.g. Harrington (2010); pp. 9/28: Another interesting example of semantics in the Harrington reviews is the interchanging usage of the terms 'claimant' and 'customer', the latter implying that claimants have a choice as well relating to the increasing privatisation of aspects of the welfare system.



'Being a member of society brings with it certain responsibilities. [Citizens] are expected to earn their own living and, through taxes, to pay for the infrastructure of that society. At the same time, civilised society has a responsibility to its citizens. One of those [being] the provision of [...] support for people [...] unable to earn a living for themselves.'<sup>33</sup>

Harrington lays emphasis on the term 'responsibilities' and never refers to a person's 'rights'. The term 'rights' is problematic itself as it refers to an entitlement won in a social struggle and that struggle is usually domesticized as whatever was gained is codified as a 'right'. In spite of this, the term 'rights' has long been used to evoke connotations of personal and socioeconomic safeguards. But if the term 'rights' is used in the Harrington reports, it is only with the suffix 'and responsibilities'.<sup>34</sup> Thereby Harrington defines from the start the relationship between individual and sovereign as one of reciprocal duties rather than entitlements, with the individual having the duty to sell her/his labour.

After defining wage labour as the primary duty of each citizen Harrington invests a full chapter to depict this coercion as a benefit for everyone, wholeheartedly embracing the WCA's legitimising assumption that 'work is good for you'. Although he fails to make this explicit, Harrington's usage of the term demonstrates his narrow and patriarchal concept of what he counts as 'work', solely equating work with wage labour. He also strongly implies wage labour to be a tool of individual empowerment, describing it to give 'people purpose and identity', 'the means to move out of poverty', improving 'social inclusion' as well as providing 'social contacts and support'. In turn he describes 'the appallingly harmful effects of worklessness' for individuals and collectives, failing to reduce 'the benefits bill and [failing to increase] the wealth of the nation'.<sup>35</sup>

That many individuals can benefit from engaging in social relations, realising and developing their potential and contributing something to a collective is not contested here. But it has to be questioned whether the specific social relation that is wage labour can achieve this, whether it can be a tool of empowerment and whether unemployment itself is causing disempowerment.

The unequal social relation between the employee and the employer, per definition an exploitative one,<sup>36</sup> entered as a result of socioeconomic coercion,

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<sup>33</sup> Harrington (2010); p. 5.

<sup>34</sup> See e.g. Harrington (2010); p. 45.

<sup>35</sup> Harrington (2010); pp. 7/9/17-19/21.

<sup>36</sup> See e.g. Marx, Karl: *Wages, Price and Profit*; chapter 9 (<http://url1.ca/8o1fy>): Exploitation is here used not as a moral but an analytical category. The fact that many who call themselves Marxists are annoying should not divert from referring to Marx's works themselves, as Marx and Marxism can be very different indeed.

cannot be empowering. Aside from providing the basic means to reproduce a person's ability to sell their labour, wage labour can form the basis of a person's ability to consume commodities constructed to be desirable. Wage labour can thereby help to avoid some of the social stigmatisation and exclusion mechanisms triggered by visible poverty and unemployment. Coercing people to take up wage labour is therefore merely a form of pseudo-empowerment, helping a person to avoid the complex social sanctions that come with unemployment which can indeed result in detrimental effects for that individual.

Furthermore Harrington's assumption that the WCA is aiming at the empowerment of the 'abandoned', those 'left unnoticed in the world of worklessness' in fact reaffirms notions about the disempowerment of those (few) individuals even Harrington accepts to be unable to sell their labour to an employer. Harrington defines work to be a messianic factor in someone's life whilst implicitly defining wage labour to be the only social relation qualifying as 'work'. Thereby he does exactly what he deemed to be the failure of 'previous [...] benefit regimes', that is reinforcing 'societal views of sickness and disability that focused on an individual's impairment rather than them as a person'.<sup>37</sup>

Text passages stating for example that the 'benefits of work generally outweigh the risks of work and undoubtedly outweigh the appallingly harmful effects of worklessness' highlight the fact that the reports were authored by a retired Professor boosting his pension with advisory work rather than someone in a physically and/or psychologically devastating job.<sup>38</sup>

Harrington has been advised in his work by many persons who are obviously most qualified to look into matters concerning complex physical and psychological issues. For instance there was Neil Lennox, the Head of Health, Safety and Fire at Sainsbury's, whose 'guidance and wise council' was apparently deemed very helpful.<sup>39</sup> That Lennox was consulted regarding employers' viewpoints highlights the fabulous job prospects of anyone forced off disability benefits.<sup>40</sup>

However, it can be accepted that the review did indeed take 'an open and collaborative approach to gathering information'. Both reports took into account about 400 responses to a call for evidence and meetings were held not only with Atos and the DWP but a considerable number of charities etc.<sup>41</sup> Harrington and his team did not restrict themselves to gathering evidence

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<sup>37</sup> Harrington (2010); pp. 20/67.

<sup>38</sup> Harrington (2010); p. 7.

<sup>39</sup> Harrington (2010); p. 71; Harrington (2011); p. 12; Parliament.uk: *Work and Pensions Committee – Examination of Witness (Question Numbers 201-243)*; 18/05/2011; <http://url1.ca/8o1qZ>.

<sup>40</sup> See Harrington (2010); p. 19: One of the success stories in the Harrington report indicates that the outcome of being denied ESA/Incapacity Benefit can be as fulfilling as a job at Poundland.

<sup>41</sup> Harrington (2010); p. 15; Harrington (2011); p. 14.

from organisations, but also considered evidence provided by claimants themselves.<sup>42</sup> However, how the collected evidence was then taken into consideration is highly problematic.

With regard to evidence provided by organisations, it is striking that data contributed by Atos were never questioned. One of the sets of data contributing to Harrington's conclusion that Atos' 'face-to-face assessments are being undertaken in a reliable manner' was the result of Atos' internal auditing process. Auditing the quality of their own assessments, Atos classed (surprise!) less than five per cent as 'C-grade' (which coincidentally was lower than the DWP's target score). Similarly, data based on Atos' 'customer satisfaction survey' indicating 'customer satisfaction' being 'at around 90 per cent' was simply accepted despite the report stating that the survey is sent out to claimants 'before they receive the final result of their WCA'. Of course, nothing encourages accurate feedback on whether or not those assessing you treated you like shit more than on-going uncertainty about the outcome of that assessment.<sup>43</sup>

Evidence critical of Atos' assessment process was considered far less favourably in Harrington's reviews. A Citizens Advice Bureau survey of 37 Atos assessment reports found 43 per cent to contain 'severe', 27 per cent 'medium' and the remaining ones 'few' errors. This was dismissed with the snide remark that the call for evidence had asked for 'robust evidence'. Even where the sheer size of the sample analysed in a critical survey seemed too large to simply brush aside, the evidence was undermined. A Disability Benefits Consortium survey found that only 15% of persons who had seen their Atos report thought it to be an accurate reflection of their answers, which was commented on by stating that the 'sample is somewhat biased'.<sup>44</sup>

Whereas it is indeed not only good practice but inherently necessary to always question validity and reliability of evidence, these few examples highlight how only critical evidence is scrutinised in the Harrington reports.<sup>45</sup>

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<sup>42</sup> E.g. Harrington (2010); p. 32.

<sup>43</sup> Harrington (2010); p. 38; Harrington (2011); pp. 58-9.

<sup>44</sup> Harrington (2010); p. 41/45; Harrington (2011); pp. 19/63. With so many reports not reflecting claimants' answers it is not surprising that the DWP is reluctant to send everyone who has gone through an assessment a 'personalised summary'. Although recommending such a procedure in the first report, the second report states that there have been 'extensive discussions with senior DWP staff over this and [the reviewer] understands the need to issue the statement to the right claimants, in the right context, at the right time.'

<sup>45</sup> See Harrington (2010); pp. 28-9: Furthermore there are many examples where statistical information was interpreted rather questionably, such as the passage stating that the 'vast majority' of people 'placed in the Support Group because they were undergoing chemotherapy or were terminally ill were not required to attend an Atos assessment'. The accompanying table put this claim into perspective as it makes it apparent that the 'vast majority' was actually only two-thirds of that group. Therefore 16,300 persons who were undergoing chemotherapy, who were classed as a 'physical or mental health risk to themselves or others', who had a 'pregnancy risk', a 'severe functional disability' or were terminally ill were dragged into a face-to-face assessment.

Similar mechanisms were applied to evidence provided by individuals: Testimonies speaking in favour of Atos and the DWP were happily accepted<sup>46</sup>; whenever confronted with claimants' harsh criticism, i.e. evidence by the very people Harrington wants to empower, he tried to undermine and side-line their statements. However, the 'numerous examples [...] of particularly poor treatment during Atos assessments' provided a challenge for Harrington who struggled to explain why 'even anger' had been expressed. In the first report, numerous references were made to how criticism merely 'reflects the [claimants'] lack of information and guidance' and with the wisdom of Solomon it is stated that there 'is no way of confirming which view is the true picture across all the thousands of assessments undertaken each month'. However, given that the criticism was so extensive, the first report did provide recommendations to improve 'the customer experience'. This significantly changed with the second report in which any criticism of the assessment process was waved away. Surveys stating that less than four per cent of the sample had witnessed improvements were ignored, their results yet again explained with 'bias given the sample population', demanding that a 'little patience would be valuable here'.<sup>47</sup>

The moderate criticism<sup>48</sup> which had been part of the first review can be cynically interpreted as a vital part of the whitewash, as in order to provide proof of constant improvement it is at first necessary to diagnose some problems. With the 2010 publication being the first of a total of five reviews, too much deferential flattery would have been counterproductive. Therefore this was delayed to the second review which is littered with phrases praising Atos and the DWP, whose staff are described to have shown 'real appetite for change', working with training materials which are of a 'scope and depth' deemed 'impressive', etc.<sup>49</sup>

Neither review tires from stating time and again that the WCA is the 'right concept' to 'distinguish between those people who could work; those people who could work at some point with the right support; and those people who

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<sup>46</sup> See Harrington (2011); p. 20: An Atos HCP, i.e. someone on Atos' payroll stated how fabulous and helpful the changes are which had been implemented after the first review.

<sup>47</sup> Harrington (2010); pp. 40/44; Harrington (2011); pp. 17/26-7.

<sup>48</sup> Harrington (2010); pp. 40/43-4: It is notable that among those shortcomings of the WCA that even Harrington identifies are none of the brutal experiences of claimants which made the process in general and Atos in particular so infamous. Harrington rather focuses on how assessments can (strongly emphasising the subjunctive form) be 'impersonal and mechanistic' or how they had come across 'a few cases' of 'lack of knowledge by HCPs and poor behaviour by HCPs'. Also when recounting examples of such 'poor behaviour' the report is merely referring to cases which could rather be described as casual rudeness with HCPs e.g. refusing to make eye contact or wanting to speed up an interview (to pick up their children from school), driving claimants to tears of frustration.

<sup>49</sup> Harrington (2010); p. 37; Harrington (2011); pp. 27/66. In neither report are any references that Atos HCPs were e.g. being investigated by the GMC, abusing claimants, etc. Instead they are depicted as a workforce of professionals who underwent a 'thorough recruitment process' and 'must have the relevant professional training' and 'must also be registered with the relevant professional body and there must be no restrictions or pending actions against that registration'.

cannot work'.<sup>50</sup> As the first two reports have been based on this foregone conclusion, there is very little to be expected from future reviews. Those very few recommendations which were more than just cosmetics,<sup>51</sup> for example aiming to spare a few more people the misfortune of an Atos assessment, ended up being warmly considered by the government before quickly being put on ice.<sup>52</sup>

What can be expected from the Harrington reviews are further attempts to legitimise the WCA as a system of pseudo-empowerment, and to give more recommendations not aimed to help claimants, but to lower the number of appeals.<sup>53</sup>

The reports do however raise serious concerns regarding the perceived legitimacy of the WCA. Harrington is clearly worried about all those 'misconceptions and negative attitudes about the process', with claimants sometimes going 'so far as to state that they felt the Government was attempting to stop them claiming benefits, or worse that they were being vilified as benefit cheats.' The reviews also refer to 'the belief that DWP or Atos have targets, implicit or explicit, as to the relative ratios of people who should be found fit for work.' Although quickly adding that the 'review has found that this is categorically not the case', concerns that 'such attitudes', 'if they become common place, [...] will detract from the overall aims and intention of the WCA',<sup>54</sup> are very encouraging as they show that the barrage of critique and the direct action has some effects.

Looking at the two reports more generously, it is actually possible that Harrington does believe much of what he writes (i.e. what an underpaid

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<sup>50</sup> Harrington (2011); p. 7.

<sup>51</sup> Harrington (2010); 45; Harrington (2011); p. 20: One example for a recommendation of mere cosmetic relevance was the one asking Atos to publish 'a clear charter of claimant rights and responsibilities'.

<sup>52</sup> Harrington (2010); p. 42; Harrington (2011); pp. 33-37; Ramesh, Randeep (Guardian.co.uk): *Cancer patients to face welfare tests during chemotherapy, charities warn*; 06/12/2011; <http://ur1.ca/8o1h9>; Smith (2010); pp. 3/11; Smith (2011); pp. 10-12. Macmillan had provided a survey proving that the effects of oral chemotherapy can be as severe as those of other types of chemotherapy arguing for a higher number of persons to be placed in the 'support group' without having to undergo an Atos assessment. In its response the ministry was quick to state that it wanted 'to seek wider views' and blamed Macmillan for failing to accept government proposals for a change of rules. Similarly recommendations to look into the problems caused by the descriptors used to assess psychological as well as 'fluctuating conditions' (e.g. the impact of pain and fatigue/exhaustion) were side-lined into commissions and sub-commissions. Should any changes actually be implemented in the future, considerable time will have passed, causing thousands of persons to be assessed in the meantime using descriptors even Harrington thought to be in need of 'refinement'.

<sup>53</sup> Harrington (2010); pp. 14/55-6/58/60; Thomas, Owain (Covermagazine.co.uk): *ESA appeals will not lose benefit*; 11/11/2011; <http://ur1.ca/8o1hz>. One of the reports key aims is the reduction of the 'potentially unsustainable' high number of appeals in order to improve the perception of the WCA's legitimacy, as well as to reduce costs. Characteristically Harrington explains the high rate of appeals first and foremost with the ignorance of claimants who 'do not understand their result and do not understand what support is available to them if they are found fit for work'. Those however who are not as dumb as the rest and 'have a clearer understanding of the complexities of the benefits regime' are accused of taking advantage of the appeals system as those 'who appeal remain on ESA and continue to be paid [...] with no conditions attached to the benefit'. As of now the DWP has not yet changed the rules in order to stop such infamous behaviour.

<sup>54</sup> Harrington (2010); p. 32.

researcher or PhD student writes and he signs). It is possible that he really wants to empower people and is not interested in messing up their lives. It is however apparent that his work is a vital part of the DWP's and Atos' attack on disabled people. His whitewash provides essential legitimization for the WCA. And at the end of the day the WCA is not the 'right concept', the WCA is killing people.

Harrington's first two reports are very likely to get him reappointed to work on the upcoming three reviews. Assuming he accepts to be paid for this, his hard work has therefore allowed him a handy income to bolster his pension for the next few years to come.

That is far more than those shoved onto JSA can expect. Assuming they survive and are successfully forced into stacking shelves or stand/sit/lie in the middle of a roundabout dressed as a pizza carton they will surely feel empowered and socially included.

Thank you Professor.

## CONCLUSIONS

Although being only one example of the countless injustices happening all around every day, the WCA and the atrocious conduct of Atos embody much of what is so despicable about the system we live in.

Atos 'Healthcare' has helped subsequent governments to worsen the living conditions of thousands of people. Many have been denied vital benefits and forced into a job market offering no jobs, leading to further harassment by Job Centre Plus and assorted poverty pimps like A4E, Working Links, etc. Sadly, for most of these people, this is a best case scenario. For many deemed fit for work, the consequences are much worse. Numerous people have already died and more will die in months and years to come.

The policies designed to separate the nasty 'idle' from the few most vulnerable 'deserving' poor are however not occurring in a void. We are living in a system in which coercion and exploitation are in-built features. Whilst protecting each other and fighting back we have to do more than defend the welfare system and blame the usual bogey-persons (and bogey-companies) for dismantling it. To simply glamorise what was granted in the past, and to demand that Topshop pays its taxes to finance this, is ultimately self-defeating. The actions of policymakers, capitalists big and small, Atos HCPs, the coppers defending all of them, etc. (including the actions of all of us who are reproducing the system every day) are not 'evil'. Sadly they are logical within the current power and production relations, which is why we must at least strive to overcome them.

In doing so we will inevitably come up against coppers and prosecutors, whether or not we are just sticking to 'fluffy' or engaging in more edgy actions. Therefore in resisting the attacks on all of us, be it by the copper on the street, policy makers or that smiling bastard about to scrap your entitlement to a crucial benefit, we must organise and work together.

The solidarity shown towards those subject to acts of repression as well as the on-going direct action against the imposition of 'austerity' in the UK demonstrate that the attacks by the ruling classes can be – and are being – resisted. And the fact that we annoy those who protect the status quo and they start lashing out ever more, shows that we must be doing something right and must carry on doing it.

We can never allow them to intimidate us. We need more direct action; more resistance, strikes, occupations, civil disobedience and more of all the other ways of fighting back. In short:

**WE NEED MORE OF THIS SORT OF THING!**

# APPENDICES

## I. ON CLAIMING DISABILITY BENEFITS/SUPPORT

Receiving any kind of support from the welfare system always comes at a price. You will have to jump through hoops, roll over and are expected to be grateful if you manage to get the support you need.

In spite of this, never hesitate to ask for something you think will be helpful. Many people don't want to 'be a bother' or dislike the idea of 'taking hand-outs'. This is nonsense for many reasons but if it really makes you worried keep the following in mind: even a person receiving services worth as much as £1,100 a week in benefits and funding for their assistance package (that could often pay for 24/7 assistance, full ESA, full DLA and full housing benefit) needs to receive that sum for more than 50 years before the total bill matches a single day's costs of the decade-long war in Afghanistan.<sup>55</sup>

We are very aware that many people in need of assistance have enough on their plate as it is, without also engaging in fights that make them drown in paperwork for weeks or months to come. The system counts on that and this is even more of a problem in a time when institutions offering benefits advice are among the first services to be cut. There is no simple solution to this problem and people who are isolated in the first place may struggle with this especially. We can only attempt to build networks of mutual support in order to help each other whilst fighting the wider system as a whole.

Please always remember that the following is by no means an all-inclusive guide and has been written based on specific experiences. It is therefore biased and lacking much information, for example in regards to psychological conditions.

## EXPECT UNFAIR AND ILLOGICAL TREATMENT

Putting trust in concepts like 'common sense', 'fairness' etc. will only add to your frustration whenever you are dealing with bureaucracies. You may be

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<sup>55</sup> This thought experiment is based on the following figures: £1,100 a week could pay for: Incapacity Benefit for single person in the Support Group (£99.85); DLA with care and mobility components on full rate (£125); Housing Benefit (estimated at £100); PA wages and possible Agency fees estimated at £775 (this can hugely fluctuate depending on the type of care package, wage rates, whether there is an agency involved or not etc., but this sum could pay for a 24/7 assistance package). Other possible benefits are not listed, as they (as well as a big part of the DLA payment) would probably be taken as that person's contribution to the costs of the assistance package (i.e. public money wandering from one pot into a different one via the claimant's account). See Telegraph.co.uk: *Afghanistan and Iraq 'have cost taxpayers £20bn'*; 20/06/2010; <http://ur1.ca/8o25n>: according to this article, in the nine years between 2001 and 2010, the UK spent £9.9 billion on funding the military in Afghanistan. Nine years (including two leap-years) break down into 3,287 days, i.e. an estimated cost of £3,011,865 per day. That number divided by 57,200 (£1,100\*52 weeks in a year) comes out as 52.65 (years). By the way, anyone who thinks that the sums above allow a very comfortable life must take into account the very significant charges taken as a contribution to the assistance package and all the other costs arising from being disabled, e.g. higher heating bills, costs of adapted clothes and all the other vital equipment not paid for, extra travel costs (e.g. for accessible taxis – the costs of which can easily treble normal fares), etc.



lucky, but you cannot count on it. All institutions you are dealing with will be under pressure to save money and for them the easiest way to do so is not to give you what you need.

## **STAY CALM (HOWEVER ANGRY THEY MAKE YOU)**

Whenever interacting with assessors, people on the phone etc. try not to get agitated. You are usually in a weaker position in the first place and shouting and swearing at them only ever weakens your position further and makes it harder to be successful with an appeal etc.

## **DON'T TRUST THEM**

There are very many people working within the system who are very decent and willing to help you. There are also many who will try everything they can to make your life harder, using a wide variety of tricks, direct and indirect pressure etc.; essentially behaving as if any money you're entitled to comes directly out of their private bank account. The problem is that often you cannot tell the difference before it is too late. Therefore be polite to all of them but don't trust any of them. Even the decent ones can come under severe pressure by their superiors to save money and if in doubt most people will think about the next round of redundancies in their department and safeguard their own jobs rather than going out their way for you.

## **CARELESS TALK SCREWS UP YOUR CASE**

Nothing is ever 'Off the record'. Always remember that there is no such thing as casual talk with officials. Even before the clipboards are out, judgements are already being made. Sometimes this will be used as a deliberate strategy. Always remember that whether you meet someone in your own home, are on the phone or in some kind of office, medical centre etc. you may be under close observation at all times and anything you say or do may be used against you.

## **AVOID LYING BUT NEVER OVERESTIMATE YOUR CAPABILITIES**

When filling out a form or when you sit through an assessment, it is not advisable to use direct lies. There are too many potential strings to trip over when actually lying and that will usually destroy your case and make life much harder in the future. On the other hand many people often are (for a wide range of reasons) reluctant to actually state the full extent of how their conditions impact on their lives. The system relies on and encourages such behaviour. Phrases like 'on average', 'on most days', etc. are designed to encourage you to tell them what you can and cannot do on a good day. Furthermore the trend goes to focus on your abilities rather than your inability to do stuff. Therefore even if you may be able to do something, always think

about the price you pay for it, for example regarding physical and/or psychological pain and exhaustion and emphasise that in your answers. An example is that you may be able to buy some veg and a sandwich and get that home by yourself. But think whether you could also deal with a weekly shop, stuff like the cheaper big pack of toilet rolls, carrying that buy one get one free offer on washing up liquid and a bottle of milk. If no, the answer to whether you can do your shopping unassisted is always 'No'.

## **IF AT ALL POSSIBLE, NEVER BE ALONE WITH THEM**

When interacting with officials it is always advisable to have an adult witness. Whether you have an appointment inside or outside your home, have someone around you can trust and rely on. Encourage them to take notes to help in appeals etc. This also counts for phone calls. Have someone near you and put the phone on loudspeaker so they can listen in. However, these persons may not be very experienced in dealing with officials and therefore be more likely to fall for foul play and suggestive questioning ('I see an electrical wheelchair over there. So does your friend go out a lot?'). It is best to ask them to avoid any direct answers and to refer any questions to you. If there is any information they need to contribute, discuss beforehand what they will be saying.

## **HAVING PAs AND FAMILY AROUND**

PAs may be problematic witnesses as they are in a working relationship with you (i.e. their livelihood depends on you). This goes especially if you employ them directly but may also become a problem if they are self-employed/agency workers. However, if you know and trust them it may be better to have a PA with you rather than being alone in an assessment. PAs may also be specifically targeted for casual questions designed to get answers which could be interpreted to contradict your account. Again, if your best/only choice of a witness is your PA it may be best to ask them to refer any and all questions to you, however harmless these may seem. More problematic may be family members, as for example parents or partners often tend to give the impression of coping better with a situation than is actually the case. Again, try and speak to them before, agreeing a general strategy to increase chances of an outcome which may help all of you (regardless of personal pride etc.).

## **KEEP THOROUGH RECORDS**

Keep paperwork you are sent as it might become relevant years later. When on the phone, always note the date and time of the call and the name of the person you spoke to. Little things can make a massive difference in the way you are perceived and a follow up call beginning with 'I spoke to so-and-so on the 25<sup>th</sup> of last month at 11am' works better than 'I have rung before

and was told...' If you have any kind of recording device, tape phone calls. You may very well not be able to use the actual recording as evidence in an appeal, but you can always refer to it whilst preparing for one and it saves you scribbling wildly whilst being on the phone.

### **BE ANNOYING!**

Being polite and keeping your cool does not mean not being persistent and always ready for a fight. It does not really help if your case worker particularly hates you, but in many cases it is better to be disliked than to be perceived as an easy target that can be fobbed off quickly. Always appeal against/ask for reconsideration of any decision which is not in your favour. Often they will just see whether they can get away with it and might back off as soon as you start making a fuss. Even if your appeal is unsuccessful, it is of great advantage for the future if you are known to always fight an incorrect decision and that it consumes less paper and admin time if they simply give you what you need.

**ALWAYS PREPARE FOR A FIGHT.**

**ALWAYS KEEP YOUR COOL.**

**HAVE A WITNESS WHENEVER POSSIBLE.**

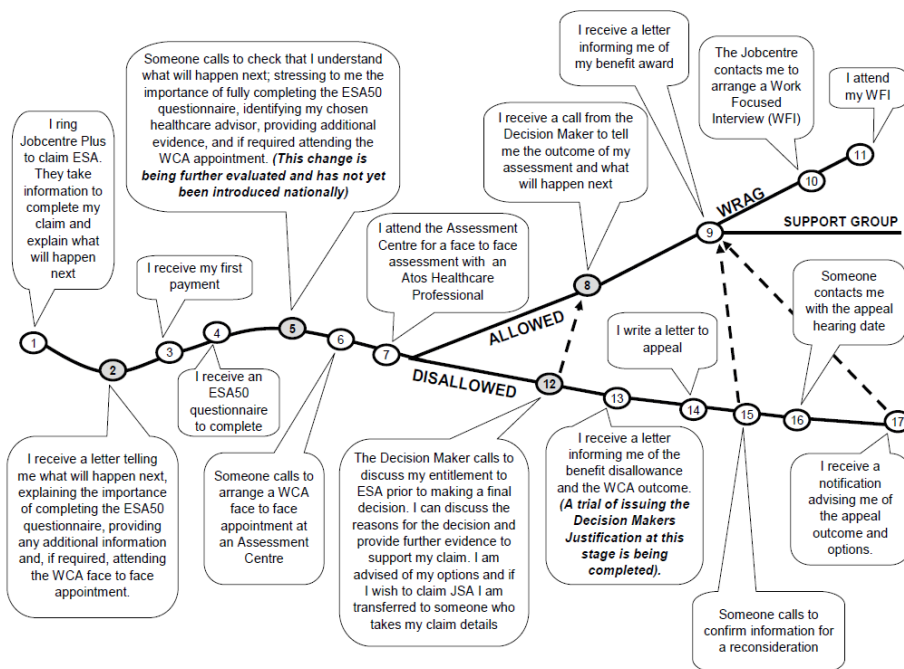
**KEEP THOROUGH RECORDS.**

**ALWAYS APPEAL IMMEDIATELY.**

## II. FROM ESA CLAIM TO ATOS ASSESSMENT

The following refers to ESA claims, but many of the principles also apply to claiming other benefits. The information is an abridged version of various articles/posts, mostly taken from the forum of the Black Triangle Campaign.<sup>56</sup> **We urge you to consult the original texts and other resources offering advice. Please note that by the time you read this, the rules may have already changed!**

Harrington outlines the official version (sorry – the independently observed version) of the ESA claiming process in his first review and provides this most clearly laid-out table in the second report:<sup>57</sup>



**Key:** ○ new steps introduced into the ESA process (steps 2, 8, 12 introduced nationally from 31 October 2011). These new steps apply to both new ESA claimants and existing claimants re-referred for a WCA on and after 31 October 2011.

Who could have any questions after that?

<sup>56</sup> See e.g. DwpExaminations.org: *First contact with Atos Healthcare*; <http://ur1.ca/8o281>; DwpExaminations.BlackTriangleCampaign.org: *For people having to attend a WCA with Atos*; 15/08/2010; <http://ur1.ca/8o27c>; DwpExaminations.Wordpress.org: *Atos checklist*; <http://ur1.ca/8o28l>.

<sup>57</sup> Harrington (2011); p. 19/23.

ESA claimants will usually be called for a WCA shortly after making their initial claim with the DWP/Job Centre. You will receive a letter, which will ask you to complete a form, known as an ESA50. The form asks questions about your physical and mental health and your ability to do simple everyday tasks. This form should be carefully completed and you should seek help in doing so. The Citizens Advice Bureaux or your Local Authority Welfare Rights Office may be able to help you.<sup>58</sup>

**Note:** although it is dull and stressful, it can strongly be advised also to consult official guides on the WCA, for instance the DWP's *A guide to Employment and Support Allowance – The Work Capability Assessment* which contains explanations of the descriptors and points you will be scored against.<sup>59</sup>

You will be asked to return the form within four weeks and threatened with benefit sanctions if you don't. It is possible to extend the time you have but you will need a very good reason. When you (or your advisor) complete the ESA50 please note the following:

- Give details of ALL your conditions whether or not you are having treatment for them.
- List all GPs, hospital consultants etc. you see (whether regularly or not). The more consultants etc. you list, the more NHS professionals Atos HCPs have to disagree with.
- If you believe your condition exempts you from an assessment, say so. If you believe your condition needs a home visit, say so.
- Do not be embarrassed or afraid to add intimate details.
- You should use the terms found/used in the descriptors when describing your conditions and how they impact on your life. For instance where the descriptors use the words 'severe discomfort' you should use the same words (rather than just referring to 'pain').<sup>60</sup>
- Leave the form on the side for a day and then go through it again. Rushing will do no good; it is no good thinking of something else when you have posted the form.
- Remember if you have to go to appeal your ESA50 will be part of the evidence the tribunal will look at.

<p><b>MAKE SURE YOU MAKE A COPY OF THE FORM BEFORE YOU RETURN IT, YOU WILL NEED THIS LATER.</b></p>
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<sup>58</sup> You must choose which one you will work with as they cannot work together.

<sup>59</sup> Direct.gov.uk: *A guide to Employment and Support Allowance – The Work Capability Assessment*; 2011; <http://ur1.ca/8o297>.

<sup>60</sup> For example use phrases like 'I cannot bend down to touch my knees as I feel severe discomfort and pain in my back.'

The form is then passed to a DWP decision maker who will decide if you are required to attend a WCA. If this is the case you will receive a letter from Atos asking you to ring them to arrange a convenient appointment, although according to the ESA50 form it is also possible that they ring you.

On first contact with Atos take the following precautions:

- Make sure your telephone is in a position where you can sit comfortably and you can easily make notes during your conversations.
- If possible record your conversations digitally or on tape.
- Ensure you have the details of the person you spoke to and details of your conversation.
- Don't be rushed if they call you unexpectedly, they can wait whilst you arrange these things.

When you make the appointment, don't be fobbed off with the first one they offer, it clearly states 'call to arrange a convenient appointment'. So make sure the time and date are at your convenience. Make sure you write down everything you can remember – you may need this information later. It is wise to keep the information relating to your case in one place and in date order. This will help your advisor should you find yourself in an appeal situation.

Find and arrange (in date order) any documentation you have which supports your claim to sickness or disability benefits and/or may be of use in the following process. This may include:

- copy of your ESA50 form;
- your WCA appointment details;
- any supporting documentation for doctor, hospital or specialist appointments relating to your claim (including hospitalisation);
- a copy of the descriptors the Atos HCP will mark your case against;
- contact details of your local authority's welfare rights officer (if available);
- contact details of your local Citizens Advice Bureau (if available);
- contact details for your local Atos office;
- contact details for your local Jobcentre Plus;
- notes of the content of telephone conversations with Atos or the DWP;

Among the advice provided regarding your actual assessment by Atos these points seem particularly important:

<b>EVERY ACTION FROM ENTERING THE BUILDING TO LEAVING IS TAKEN INTO ACCOUNT AND IS TO BE CONSIDERED PART OF THE EXAMINATION.</b>
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- Always assume that reception staff will report on your use of mobile phones, radio, movement/mobility, removing your jacket etc. whilst you are in the waiting area;
- always attend accompanied;
- record your arrival time;
- record waiting time;
- record time examination starts;
- record the HCP's name;
- record the HCP's title and/or qualifications;
- get your companion to make notes during the examination;
- insist the HCP listens when you explain the nature of your disability, remember, she/he has no idea at all of your medical history and will not know how your disability affects you;
- the HCP will try to outwit you by asking the same question several times in different ways;
- you are entitled to ask the HCP to read her/his notes back to you and to challenge anything you think is not a true representation of the facts;
- do not volunteer any information except when it is to your benefit;
- think before you move;
- think before you answer any questions as they will be coming thick and fast;
- do not be afraid to decline physical movements if they would cause you pain;
- tell the assessor if you are in pain during the examination;
- record time examination ends;
- record the time you leave;
- copy everything they send or give you, ask for a copy of anything you sign or are asked to read on the day;
- make extensive notes regarding your visit, especially regarding the conduct of your HCP, for example whether you were allowed enough time to answer questions in full and not in a simple Yes/No format;
- check the credentials of your HCP with the BMA;
- call your DWP decision maker within 24 Hours requesting a copy of the HCP report.

**Note:** Following a pilot scheme into audio recordings of Atos assessments it now seems possible to request that your face-to-face assessment is recorded but you have to request it. Doing so has a number of advantages, for example it keeps the assessor on her/his toes and should at the very least protect you from the verbal abuse so common in Atos assessments. It is possible that they dispute your right to record the assessment and to provide

you with a copy of said assessment. However a Freedom of Information enquiry<sup>61</sup> and the record of a debate in the Commons<sup>62</sup> do explicitly state a claimant's right to have their assessment recorded.

If you have been passed fit for work you must act immediately to start the process of reconsideration/appeal. An excellent guide on what to do if you receive notice of a 'failed' Atos assessment can be found on the website of the Black Triangle Campaign.<sup>63</sup>

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<sup>61</sup> See WhatDoTheyKnow.com: DWP Central Freedom of Information Team to Paul Smith; 24/01/2012; <http://ur1.ca/8o29j>; p. 2 of 3: 'Provision is currently available for the recording of assessments upon request by the claimant to the office which administers the claim for benefit and Atos Healthcare. In these circumstances, Atos Healthcare will provide the requisite audio recording equipment, which will provide each party with a recording of the medical assessment.'

<sup>62</sup> See Parliament.uk: Westminster Hall; 01/02/2011; <http://ur1.ca/8o2a3>. Chris Grayling (Minister of State, Department for Work and Pensions): 'On audio recording, we will offer everyone who wants it the opportunity to have their session recorded. We decided not to implement universal recording because, based on the trial experience, people did not want it. Few people wanted their sessions recorded, and some said that they definitely did not. We decided therefore to offer recording as an option to those who want it. That seems entirely sensible.'

<sup>63</sup> BlackTriangleCampaign.org: What to do when you receive notice that you have 'Failed' your Atos 'W.C.A.' Assessment; 16/12/2011; <http://ur1.ca/8o2a9>.



### III. No COMMENT!

*This is an abridged version of the excellent guide by the LDMG.<sup>64</sup>*

Getting arrested is no joke. It's a serious business.

All convictions add up: for example if you're done three times for shoplifting, you stand a good chance of getting sent down.

If there's a chance of you getting nicked, get your act together: know what to do in case you're arrested.

#### **WHEN YOU HAVE BEEN ARRESTED**

You will be asked to give the police your name and address and your date of birth - you don't have to give any details, but it may delay your release.

They also have the right to take your fingerprints, photo and non-intimate body samples (a saliva swab to record your DNA). These will be kept on file, even if you are not charged, but if you later sue the police you should try to get them destroyed.

The Criminal Justice and Public Order Act 1994 removed the traditional 'Right to Silence'. However, all this means is that the police/prosecution can point to your refusal to speak to them when the case comes to court, and the court may take this as evidence of your guilt. The police cannot force you to speak or make a statement, whatever they may say to you in the station. Refusing to speak cannot be used to convict you by itself. We reckon the best policy if you want to get off is to remain silent. The best place to work out a good defence is afterwards, with your solicitor or witnesses, not under pressure in the hands of the cops. If your refusal to speak comes up in court, we think the best defence is to refuse to speak until your solicitor gets there then get them to agree to your position. You can then say you acted on legal advice.

#### **POLICE BAIL**

It is common for the police to release people on bail, as the police are not allowed to charge people with anything except minor offences without the agreement of the CPS. Often they will attach conditions to the bail, such as not going into certain areas or not attending protests.

Whilst you are on police bail they try to find evidence against you and send a file to the CPS, who then decides what the appropriate charge is.

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<sup>64</sup> For the full version see [Ldmg.org.uk](http://ldmg.org.uk): *No Comment! The defendants guide to arrest*; <http://ur1.ca/8o2bg>. Printed copies in a handy pocket sized format can be obtained free by sending a 2nd class stamped SAE to No Comment c/o BM Haven, London WC1N 3XX.

Aside from laziness, incompetence and inefficiency both cops and CPS have positive reasons to slow the process down. The cops like keeping people on bail because it's a punishment in itself, especially if there are conditions attached, while the CPS gets paid however long it takes. This leads to people being on bail for months or even years with disruption to their lives and ongoing psychological pressures.

The strange thing is that breaching police bail conditions (unlike bail granted by a judge) is not a criminal offence!

However failing to surrender to bail (turning up on the date given on your bail sheet whether to a court or to return to a police station) is a crime (Section 6 Bail Act 1976). If you do break police bail conditions you can be arrested but, and here's the good bit, they have to bring you before a court within 24 hours of arrest (not including Sundays, Christmas Day or Good Friday). The Courts can only deal with people who've been charged with an offence. And that is what the cops don't want to do, because if you're charged you have to be told what you're suspected of doing and what the evidence is against you. It is almost unheard of for people to be remanded just for breaking police bail conditions.

## **CAUTIONS**

The police may offer you a caution saying that this is instead of charging you. They will reassure you that this is not a criminal offence. Whilst this is technically true a caution will remain on your record and may make it hard to get a job etc. in the future. The cops offer cautions to bolster their figures, when they don't have enough evidence to charge anyone.

## **SOCIAL NETWORKING SITES**

If you are arrested the police will trawl the net and use information they find on social networking sites etc. So if you boast about things or post pictures this is doing the cops job for them. They will also be able to see who your online friends are.

## **WHAT HAPPENS WHEN I GET ARRESTED?**

When you are arrested, you will usually be handcuffed, put in a van and taken to a police station. You will be asked your name, address and date of birth. You should be told the reason for your arrest - remember what is said, it may be useful later. Your personal belongings will be taken from you. These are listed on the custody record and usually you will be asked to sign to say that the list is correct. You do not have to sign, but if you do you should sign immediately below the last line, so that the cops can't add something incriminating to the list. You should also refuse to sign for something which isn't yours, or which could be incriminating. You will also be asked if you want a copy of PACE (the Police and Criminal Evidence Act codes of practice) and

to sign to say you have refused. We suggest you take a copy – it's the only thing you'll get to read and you might as well get up on the rules the cops are supposed to follow. Your fingerprints, photo and saliva swab will be taken, and then you will be placed in a cell until the police are ready to deal with you.

Do not panic!

## **WHEN CAN I CONTACT A SOLICITOR?**

You should be able to ring a solicitor as soon as you're arrested, once at the police station it is one of the first things you should do, for two reasons:

1. To have someone know where you are.
2. To show the cops you are not going to be a soft target - they may back off a bit. It is advisable to avoid using the duty solicitor as they may be crap or hand in glove with the cops. It's worth finding the number of a good solicitor in your area and memorising it.<sup>65</sup> The police are wary of decent solicitors. Any good solicitor will provide free advice at the police station. Also, avoid telling your solicitor much about what happened. This can be sorted out later. For the time being, tell them you are refusing to speak. Your solicitor can come into the police station while the police interview you: you should refuse to be interviewed unless your solicitor is present.

## **WHAT IS AN INTERVIEW?**

An interview is the police questioning you about the offences they want to charge you with. The interview will take place in an interview room in the police station and should be taped.

**AN INTERVIEW IS ONLY OF BENEFIT TO THE POLICE.**

**AN INTERVIEW IS A NO WIN SITUATION.**

**YOU ARE NOT OBLIGED TO SPEAK.**

**IF THE POLICE WANT TO INTERVIEW YOU, IT SHOWS YOU'RE IN A GOOD POSITION. . .**

**AND THE ONLY WAY TO STAY IN THAT POSITION IS TO REFUSE TO BE DRAWN INTO ANY CONVERSATION AND ANSWER 'NO COMMENT' TO ANY QUESTIONS.**

Having said nothing in the police station, you can then look at the evidence and work out your side of the story.

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<sup>65</sup> It is advisable before going on a protest etc. to check if any local groups have produced Bustcards which often list contact details for good local solicitors. Often such information is also given out at protests. See also Appendix V.

The cops may rough you up, or use violence to get a confession (true or false) out of you. There are many examples of people being fitted up and physically assaulted until they admitted to things they hadn't done. It's your decision to speak rather than face serious injury. Just remember, what you say could get you and others sent down for a very long time. However, don't rely on retracting a confession in court - it's hard to back down once you've said something.

**KEEP CALM AND COOL WHEN ARRESTED. REMEMBER YOU ARE PLAYING WITH THE EXPERTS NOW, ON THEIR HOME GROUND.**

**DON'T GET DRAWN INTO CONVERSATIONS WITH THE POLICE AT ANY TIME.**

**GET A SOLICITOR.**

**NEVER MAKE A STATEMENT, ANSWER 'NO COMMENT' TO ANY QUESTIONS IN AN INTERVIEW.**

**IF THEY ROUGH YOU UP, SEE A DOCTOR IMMEDIATELY AFTER BEING RELEASED. GET A WRITTEN REPORT ON ALL BRUISING AND MARKING. TAKE PHOTOS OF THE INJURIES. REMEMBER THE COPS' NAMES AND NUMBERS IF POSSIBLE.**

## IV. HOW TO SUPPORT THOSE IN TROUBLE

*Although you may be able to avoid getting caught up in an act of repression, friends and comrades might very well not be so lucky. The following, drawing on material by LDMG and Leeds ABC, provides some suggestions of how to engage in practical solidarity.*

### **WHAT CAN I DO IF ONE OF MY FRIENDS OR FAMILY HAS BEEN ARRESTED?<sup>66</sup>**

If someone you know is arrested, there's a lot you can do to help him or her from outside.

- If you know what name they are using ring the police station (however if you're not sure don't give their real name away). Ask whether they are being held there and on what charges. However remember that the cops may not tell you the truth.
- Remove anything from the arrested person's house that the police may find interesting: computers, cameras, mobile phones/SIM cards, address books, letters, false ID etc. in case the police raid the place.
- Take food, essential medicines etc. into the police station for your arrested friend.

But don't go in to enquire at the police station to ask about a prisoner if you run the risk of arrest yourself. You'll only get arrested.

Don't go alone!

The police have been known to lay off a prisoner if they have visible support from outside. It's solidarity that keeps prisoners in good spirits.

### **WHAT CAN I DO FOR SOMEONE WHO IS DUE IN COURT?**

Again solidarity is invaluable. Even small acts can be of huge psychological significance for those subject to repression. If you don't know them personally and cannot simply ask how you can help, look on the internet, for example your nearest Indymedia collective whether there are already solidarity activities you can join.

Practical solidarity can take many forms, like holding a solidarity protest at the court and/or attending the trial, or – if you are not in the vicinity – organising a solidarity action in your area. Less public support may be contributing to solidarity funds to cover legal costs and fines or such simple things as contacting the defendants and wishing them well.

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<sup>66</sup> See Ldmg.org.uk: *No Comment! The defendants guide to arrest*, <http://ur1.ca/8o2bg>; p. 21.

## **WHAT IF ALL GOES WRONG AND THEY SEND THE PERSON TO PRISON?<sup>67</sup>**

Unfortunately, in many cases this is a very real possibility. If this happens it is all the more important not to give the person(s) the feeling they are alone. The whole legal system is designed to isolate people and keep them apart.

Among the many ways of supporting people in prisons are: fundraisers, solidarity demonstrations and helping to organise transport to and from the prison, thereby helping more family and friends to visit the incarcerated.

Probably the easiest and arguably most important aspect of supporting prisoners is writing to them. One of the hardest things for many prisoners to cope with is the feeling of isolation – being cut off from friends and family and everything they know in their normal lives. A letter or postcard from the real world helps to maintain a connection with the outside and relieves the infernal tedium of a regime that often involves spending 23 hours of the day in the same cell. For a first-time prisoner, especially in the early stages of a sentence, this type of support can make a huge difference, helping them cope with the unfamiliar and often intimidating surroundings. For political prisoners, victims of miscarriages of justice and those fighting back from within, it's a simple message of solidarity – you're not on your own!

In many cases, contact from the outside lets the prison authorities know that there are people on the outside who care and are monitoring the situation. For example, special dietary requirements (vegan etc.) are more likely to be adhered to if an inmate is obviously not forgotten.

The bit that trips most people up is the question of what to write to a prisoner. You're worried that what you write might sound stupid, or make the prisoner feel worse... or you simply can't think of anything. Of course if the prisoner is your mate then this bit is easy, but what about a total stranger, someone you know nothing about apart from their name, charges and sentence? Well, there's no formula here but for the first letter you should introduce yourself. Tell them about yourself, what you do, what you're into, where you got their address and so on. This breaks the ice and also makes a reply easier. Apart from that, just fill a side of A4 with whatever you can think of – crap jokes, reminiscences, what you did last Friday night after 10 pints etcetera.

Here are a few pointers that we'd like to remind you of:

- Every letter is read by screws (theoretically at least) so don't write anything that might incriminate yourself or others in anything dubious. The rule of thumb here is don't put anything in a letter that you wouldn't say to a copper's face.

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<sup>67</sup> Leeds ABC (LeedsABC.org): *Writing to Prisoners, Frequently asked questions*; <http://ur1.ca/8o2cj>.

- If the prisoner is in for a political offence you should obviously let them know you support their actions but don't start praising them as some sort of hero to the cause. If someone is banged up for a political action they don't (or shouldn't!) want to be seen as martyrs – they're just normal people unlucky enough to get caught, so write to them like normal people rather than fawning!
- A lot of people seem wary of telling prisoners about 'fun' stuff, thinking it will depress them or make them feel homesick hearing about people having a laugh on the outside. This is rubbish! They'll already be homesick and it's just reassuring to hear normal life is going on so don't feel coy about mentioning gigs, parties, etc.
- Always ask a few questions like how they're doing, plans they have for the future, what their interests are, etc. but try to keep it general and don't make it sound like you're being nosey.
- Similarly, some background about yourself, even seemingly trivial things like favourite bands, football teams etc, can make writing a reply that bit easier...
- Don't ever promise things you can't deliver. If you build someone's hopes up about say visiting them, sending things into them, etc. then you let them down, that's well out of order and hardly consistent with supporting them.
- Political literature – be careful! Unless the prisoner asks for it, avoid sending any overly contentious political material in as it can potentially cause them grief. Depending on the prisoner's situation and how they 'choose to do their time', unsolicited subscriptions to lefty newspapers for instance may cause unwanted hassle with prison authorities and other inmates. In some cases, particularly abroad, political literature sent to remanded prisoners may even be used against them at trial. There's no problem sending this kind of thing as long as you ask the prisoner first and always respect their wishes.
- Avoid turgid leftie-isms! Phrases like 'my comrades and I have resolved to pass a motion of solidarity' sound pompous and impersonal however well meaning they might be. 'We hope you're doing ok' is a lot friendlier!

Also it does not always have to be a full letter. A quick message of support on a postcard can still really brighten up someone's day or what about taking a card to a gig or the pub and getting a few people to sign it?

Lists some of those currently locked up can be found on various websites.<sup>68</sup>

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<sup>68</sup> See e.g. Ldmg.org.uk: *Prisoner Support*; <http://ur1.ca/8o2du>.

## **V. FURTHER READING**

### **THE 'ATOS TWO' AND POLITICAL POLICING IN NOTTINGHAM**

A number of features compiling articles on the 'Atos Two' and other cases of political policing in the area were published on Nottingham Indymedia.<sup>69</sup>

### **THE CASE AGAINST THE 'F&M 145'**

The story of the Uncut activists prosecuted following an action at F&M in March 2011, written by their support campaign, is an example of how the charge of aggravated trespass is being used in an attempt to deter direct action. The website of a support campaign provides extensive information on the on-going case<sup>70</sup> as well as suggestions on how to support the F&M 145, for example by sending messages of support, donating to cover fees and legal expenses and campaign against the juridical constructs of aggravated trespass and joint enterprise.<sup>71</sup>

### **TESTIMONIES OF ATOS VICTIMS**

There are numerous testimonies of, and interviews with, people who were dragged through a WCA, providing first-hand accounts of the conduct and the expertise of the so-called HCPs and the impact they have on people's lives. Such accounts frequently get published on blogs such as the forum of the Black Triangle Campaign<sup>72</sup> and many other blogs and websites.<sup>73</sup> Sometimes these accounts also find their way in the mainstream press, such as Private Eye<sup>74</sup>, The Guardian<sup>75</sup> and the BBC.<sup>76</sup>

### **ON THE UPCOMING DLA REFORM**

The next large scale governmental attack on disabled people will come with the scrapping of DLA and its replacement with PIP. The openly articulated aim of cost cutting of 20 per cent in the DLA budget will result in tens of thousands of claimants losing their DLA payments. Furthermore, with PIP no-one will be eligible for indefinite payments but reassessed constantly, just in case the

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<sup>69</sup> See e.g. *Nottingham protest rattles Atos*; 02/10/2011; <http://ur1.ca/8o2f4>; *Nottingham's 'Atos Two' Charged*; 16/11/2011; <http://ur1.ca/8o2i8>; *Solidarity With Nottingham's 'Atos Two'*; 26/11/2011; <http://ur1.ca/8o2iz>; *Case against Nottingham's 'Atos Two' dropped*; 14/01/2012; <http://ur1.ca/8o2l6>; *Criminalisation of protest in Nottingham*; 19/12/2011; <http://ur1.ca/8o2m3> & *Two of the Notts Uncut Prosecutions Discontinued*; 14/03/2012; <http://ur1.ca/8o2nm>; *Student photographer hassled by Notts Police*; 03/12/2011; <http://ur1.ca/8o2mk>.

<sup>70</sup> See <http://fortnum145.org>.

<sup>71</sup> Fortnum145.org: Archive for 'Ways you can help'; <http://ur1.ca/8o1vi>.

<sup>72</sup> See [www.dwpexamination.org](http://www.dwpexamination.org).

<sup>73</sup> See e.g. WhyWaitForever.com: *SPVA Disabled Veteran's Report*; 24/06/2010; <http://ur1.ca/8o304>.

<sup>74</sup> See e.g. *Shits in the dark*; Issue 1306; 2012; see the article online e.g. at <http://ur1.ca/8o34x>.

<sup>75</sup> See e.g. *Disabled people protest against Atos Origin*; 11/05/2011; <http://ur1.ca/8o0nl>; Gentleman, Amelia: *Sickness benefit: 'They try their damndest to avoid paying'*; 19/03/2012; <http://ur1.ca/8ql9>.

<sup>76</sup> See e.g. *Blind man Tony Harris told he is fit for work*; 01/02/2012; <http://ur1.ca/8o3ai>.



hundreds of thousands of people with permanent or deteriorating conditions suddenly cease to be disabled.<sup>77</sup> And guess what, the description of the PIP assessments is just ever so slightly reminiscent of those for a different benefit, with face-to-face assessments providing 'advice to a benefit decision maker' at the DWP etc.<sup>78</sup>

On this issue we can highly recommend the so-called Spartacus Report.<sup>79</sup> Written, researched and funded by disabled people, this is the opposite of the deferential drivel produced by Professor Harrington and so many others.

## **DWP HANDBOOKS ON WCA**

Although by no means a fun read, we must again recommend that you have a look at the official DWP handbook on the WCA, including explanations of the descriptions and the points a claimant can score.<sup>80</sup>

Also useful is the training handbook for HCPs undertaking the WCA (long and dull but it is always good to know what the enemy is up to).<sup>81</sup>

## **MISCELLANEOUS ANTI-REPRESSION RESOURCES**

LDMG have published an article providing very useful information regarding the recurring matter of whether you have to provide the police with your name and address.<sup>82</sup>

Whenever going to an action it is useful to have a Bustcard with you, reminding you and others about the basics if you end up in a police cell as well as stating the number of a good solicitor in your area.<sup>83</sup>

One area where coppers are likely to harass and hassle people is when we document their actions, i.e. by taking photographs and videoing arrests, stop and searches etc. As usually at the end of the day the uniformed thug with the truncheon will be able to enforce what she/he wants, but smartening up about what they technically are and are not allowed to do makes it more difficult for them. Nottingham Indymedia hosts an article offering extensive photography advice and guidance.<sup>84</sup>

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<sup>77</sup> See e.g. Marsh, Sue (Guardian.co.uk): *Disabled people listened to on welfare plans? It's a government sham*; 08/01/2012; <http://ur1.ca/8o3d6>.

<sup>78</sup> DWP.gov.uk: *Personal Independence Payment - Frequently asked questions*; 2012; <http://ur1.ca/8o3fu>.

<sup>79</sup> Dr S J Campbell (et al): *Responsible Reform - A Report on the proposed changes to Disability Living Allowance - Diary of a Benefit Scrounger*; 2012; <http://ur1.ca/8o3h6>.

<sup>80</sup> Direct.gov.uk: *A guide to Employment and Support Allowance – The Work Capability Assessment*; 2011; <http://ur1.ca/8o297>.

<sup>81</sup> DWP.gov.uk: *Training & Development Revised WCA Handbook ESA (LCW/LCWRA) Amendment Regulations 2011*; <http://ur1.ca/8o4it>.

<sup>82</sup> Ldmg.org.uk: *Do you have to give the cops your Name and Address?*; <http://ur1.ca/8o3q8>.

<sup>83</sup> Ldmg.org.uk: *Bust Cards*; <http://ur1.ca/8o3pb>. NottsDefence have designed a credit card sized version (keep it in your wallet – you never know when you will need it!) providing the number for a very good solicitor based in Chesterfield (<http://ur1.ca/8o5fq>). Please feel free to use this file as a template and adapt it with the contact details of a solicitor in your area.

<sup>84</sup> *Photography Advice and Guidance*; 22/11/2011; <http://ur1.ca/8o3sb>.

## **SOME ANTI-ATOS AND DISABILITY RIGHTS GROUPS**

There is a large community campaigning against Atos and resisting the wider attacks on disabled benefit claimants, as well as supporting people who are caught up for example in an ESA assessment process. Among them are:

### ***BENEFIT CLAIMANTS FIGHTBACK***

<http://benefitclaimantsfightback.wordpress.com>

### ***BLACK TRIANGLE CAMPAIGN***

<http://blacktrianglecampaign.org>

### ***DISABILITY ALLIANCE***

<http://www.disabilityalliance.org>

### ***DISABLED PEOPLE AGAINST THE CUTS***

<http://www.dpac.uk.net>

[https://twitter.com/dis\\_ppl\\_protest](https://twitter.com/dis_ppl_protest)

### ***WHY WAIT FOREVER***

<http://www.whywaitforever.com>

### ***WINVISIBLE (WOMEN WITH VISIBLE AND INVISIBLE DISABILITIES)***

<http://www.winvisible.org>

## **SOME ANTI-REPRESSION GROUPS**

There are numerous groups who are doing brilliant work to resist acts of repression and to support those whose actions are being criminalised, offering much useful information. The following short list of such groups is by no means an extensive one:

### ***GREEN AND BLACK CROSS***

<http://greenandblackcross.org>

### ***LEGAL DEFENCE AND MONITORING GROUP***

<http://ldmg.org.uk>

### ***THE NETWORK FOR POLICE MONITORING***

<http://networkforpolicemonitoring.org.uk>

<https://twitter.com/policemonitor>

## **WHERE TO FIND ATOS?**

Find the Atos office near you and join the fightback!<sup>85</sup>

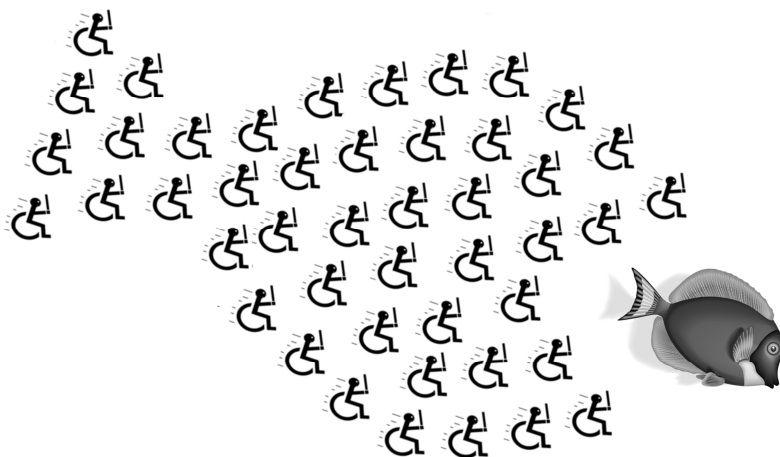
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<sup>85</sup> You can do so e.g. by using a site to find the nearest 'Miracle Centre' (<http://ur1.ca/8o4m6>). An (probably) up to date list (badly edited and inconvenient to use) can be found on Atos' website (<http://ur1.ca/8o4qj>).



**IN SEPTEMBER 2011 TWO NOTTINGHAM RESIDENTS, A RETIRED PAEDIATRIC NURSE AND A WHEELCHAIR USER, WERE ARRESTED AT THE LOCAL ATOS 'HEALTHCARE' ASSESSMENT CENTRE.**

**THIS PAMPHLET LOOKS INTO THE WIDER CONTEXT OF THEIR CASE. IT ALSO OFFERS PRACTICAL SUGGESTIONS FOR PERSONS WHO NEED TO CLAIM DISABILITY BENEFITS & SUPPORT AND/OR WANT TO ENGAGE IN DIRECT ACTION.**



**NOTTSDEFENCE@RISEUP.NET**

**[HTTPS://NETWORK23.ORG/NOTTSDEFENCE](https://network23.org/nottsdefence)**

**[HTTPS://INDY.IM/NOTTSDEFENCE](https://indy.im/nottsdefence)**

**[HTTPS://TWITTER.COM/NOTTSDEFENCE](https://twitter.com/nottsdefence)**

**NOTTINGHAM 2012**

**SUGGESTED DONATION £1**

