



Analysis

Discipline and discontent: coalition government extends “slave labour” welfare policy

Chris Jones

Under the government’s Work Programme, unemployed people must work for free for private companies such as Tesco and Primark or face losing their benefit payments. These companies manage the programme “without prescription from government” and are given access to sensitive personal data. The government is determined to bolster the number of people involved in the scheme. Disabled people have been increasingly targeted for enrolment and the government’s Universal Credit welfare plan will see thousands of individuals become eligible for referral.

Since the late 1990s, successive governments in the UK have introduced “work-for-your-benefit” policies through which the receipt of unemployment benefits is conditional upon the undertaking of certain activities – for example, filling in a minimum number of job applications every week. Following its formation in May 2010, the coalition government introduced the Work Programme which raised the number and intensity of activities required of those claiming benefits. It also increased the severity of sanctions that can be imposed should people not comply. The activities – which in many cases include unwaged work – are prescribed by private firms with government contracts. These firms exercise considerable power over the individuals involved.

Upon referral to the Work Programme by a member of staff at a Jobcentre Plus, a letter is sent to the claimant. It states that the provider or one of their partners:

“Will support you whilst on the Work Programme. They will discuss what help you need to find work, and draw up an action plan of things you’ll do to improve your chances of getting and keeping a job.

You must complete any activities that [the provider], or one of their partners, tells you to...You must take part in the Work Programme until you are told otherwise.” [1]

Refusing to take part – and in numerous cases, administrative error – can mean losing benefit payments, initially for up to 26 weeks, although loss of benefit entitlement can last for up to three years in extreme cases.

These policies have led to fierce and effective opposition across the country. “In terms of UK government policy, there is perhaps no better instance of state power encroaching on the rights of individuals...than the Work Programme,” the campaign group Boycott Workfare told *Statewatch*.

They argue that the Work Programme – and workfare policies more generally – “police the individual, with the state interfering directly in people’s lives. State power subcontracts regulation of an unemployed individual’s behaviour and control of the unemployed to private providers.”

Slave labour?

Most controversially, people can be obliged to undertake unpaid work, enforced through the threat of the removal of unemployment benefits. In the most extreme cases, payments can be stopped for up to three years. Companies such as Tesco, Asda, and Primark, as well as numerous charities, have faced frequent protests for their involvement in these “workfare” schemes. Under the Mandatory Work Activity programme – one of several schemes that are in place – contracted companies and charities can take on unemployed people in receipt of Jobseekers’ Allowance for four weeks’ unpaid work for up to 30 hours a week. The company or charity receives the labour and the state foots the bill. One Department for Work and Pensions (DWP) document describes Mandatory Work Activity (MWA) as “helping the recipient develop the labour-market discipline associated with full-time employment such as attending on time and regularly, carrying out specific tasks and working under supervision.” [2]

The regulations that cover the MWA scheme outline that such work should be of “community benefit” – of which one official definition includes “working towards the profit of the host organisation, providing that the majority of the role is dedicated towards the delivery of benefit to the community.” [3] The person who does the work is obliged to do so or face sanctions – that is, losing their income. Undertaking unpaid work, however, is not enough. A letter sent by the firm Pinnacle People to someone faced with Mandatory Work Activity at the Royal Society for the Prevention of Cruelty to Animals makes the following demand: “you must continue to attend your Job Search Reviews at the Jobcentre and actively seek employment whilst on Mandatory Work Activity.” [4] The same letter contains a timetable, showing that from Monday to Friday, Mandatory Work Activity will take up the individual’s day from 9:30 in the morning until 16:30 in the afternoon, which would not seem to leave much time for “actively seeking employment.”

A recent estimate suggests that the number of people subjected to workfare in the last year “has escalated” and “has had a significant effect on the amount of paid work available.” MWA is expected to provide 70,000 placements a year, while a similar scheme (the “work experience scheme”) “is expected to put 250,000 people to work without pay over the next three years.” The total figure is likely to be far higher, but “the government refuses to say how many of the 850,000 people sent on the ‘work programme’ have also been forced to work for free.” [5]

Legal action last year sought to challenge these policies. Cait Reilly, an unemployed geology graduate, “was told she would lose her £53.45 weekly benefits unless she worked for two weeks unpaid in Poundland,” [6] as part of the “sector based work activity scheme.” Her case was taken up by Public Interest Lawyers, along with a similar complaint from a mechanic, Jamieson Wilson, who “under a scheme known as the Community Action Programme was required to work unpaid, cleaning furniture, for 30 hours per week for six months.” [7] The legal action was partially successful – the DWP was found to have acted unlawfully by not following the procedure requiring them to inform Mr Wilson of the consequences of not participating in the scheme. The letters they posted – which were sent to thousands of people – “failed to comply with the basic notice requirements that would allow the DWP to lawfully impose benefit sanctions.” [8]

However, the case also sought to argue that the government's schemes breached Article 4 of the European Convention on Human Rights, which prohibits slavery and forced labour. On this count, the legal challenge failed, with the judge ruling that "characterising such a scheme as involving or being analogous to 'slavery' or 'forced labour' seems to me to be a long way from contemporary thinking." [9] A recent appeal agreed with the view that the schemes could not be considered to be forced labour, although the three judges in the Court of Appeal also declared that the Jobseeker's Allowance (Employment, Skills and Enterprise) Regulations 2011 "are unlawful and must be quashed". This means that:

"All those people who have been sanctioned by having their jobseeker's allowance withdrawn for non-compliance with the Back to Work schemes will be entitled to reclaim their benefits. And until new regulations are enacted with proper Parliamentary approval [the original regulations were not put through Parliament] nobody can be compelled to participate in the schemes." [10]

Iain Duncan Smith, the Work and Pensions Secretary, said that the ruling was "utter madness" and that he had "no intention" of paying compensation to any claimant who declined to join a scheme and had their benefits docked as a result." [11] The Daily Telegraph quoted a "senior government source" as saying that ministers "want to increase the use of mandatory activity and sanctions for the unemployed as the schemes work." [12]

Freedom – for "prime providers"

Compulsion is central to workfare schemes. It is this which separates them from "traditional, rights-and-eligibilities-based welfare systems," says the academic Jamie Peck. "The essence of workfarism involves the imposition of a range of compulsory programs and mandatory requirements for welfare recipients with a view to enforcing work while residualising welfare," he argues (emphasis in original). [13] The government has also been clear on the element of compulsion within the programme:

"We expect claimants to do everything that can reasonably be expected of them to find work or prepare for work in the future as a condition of receiving support. This is known as conditionality and will be backed up by tougher sanctions to ensure claimants meet their responsibilities." [14]

Iain Duncan Smith has said of sanctions that "it is only right that if we are helping people get back into work, then we also have a right to expect that those we support are ready and willing to take on work if it is offered." The impact of the more widespread introduction of sanctions into the welfare system was made clear last year when it was revealed that managers in jobcentres around the country were imposing "individual or group targets" for sanctions. The government said its messages on the need for jobcentre staff to be "clearer about conditionality" had been "misinterpreted by a small number of Jobcentre Plus officers who had imposed targets for the number of sanction referrals." They said the targets had been abolished, although investigation by The Guardian suggested otherwise. [15]

A significant degree of power has also been outsourced to employees of private companies. Exactly what "can reasonably be expected" of those who find themselves referred to the Work Programme is not decided by the government. The programme is contracted out to companies such as Working Links, Serco and G4S, each of whom has signed multi-million pound contracts with the government.

Referred to as “prime providers” or “primes”, they are supposed to “identify the most effective way of helping people into sustained work.” These firms “have been given new freedom to do so without prescription from government,” with centrally-ordained standards “minimised as far as possible, allowing them to innovate and focus their resources where it will do most good.” [16]

Mind control?

It is this freedom of operation that has seen contracts that permit the provision of free labour to companies such as Tesco and Primark. The prime providers also run courses and training sessions for the unemployed – with attendance often ensured by the threat of sanction. Individuals referred from a Job Centre to programmes run by A4e have found themselves placed into sessions during which neuro-linguistic programming (NLP) techniques are used “to try to instil a go-getting mentality in jobseekers.” NLP is embraced by some who say that “it builds confidence and helps people to achieve their goals through language, physical movements and thought patterns,” according to an article in the *Financial Times* (FT).

However, it is not approved by the national health advisory body, the National Institute for Health and Clinical Excellence, and “academics have attacked NLP as pseudoscience.” One of A4e’s “customers”, quoted in the FT, described it as “psychobabble: people telling you ‘believe anything and it can happen’...I just resented being forced on pain of having our income removed to attend something that was stupendously stupid.” [17]

A4e is not the only prime provider trying to “instil a go-getting mentality.” Boycott Workfare also accuses the firm Reed of doing the same, albeit through providing its own Work Programme “customers” with books “encouraging people to develop ‘3G thinking’”. According to a website run by the firm’s chairman, James Reed, this stands for “global”, “good” and “grit.” Reed encourages his readers to “master your mindset.” [18]

Ms M. J. Canning, who is long-term unemployed and into her second year on the Work Programme, criticised these approaches in a written submission to a House of Commons enquiry:

“We’ll change the way you think’ I was patronisingly told, when it’s obvious my inability to get a job is merely because of my age and the fact that few employers will even consider the long-term unemployed, and has nothing whatever to do with my thought processes.” [19]

Boycott Workfare suggested to Statewatch that courses that seek to address an individual’s mindset form part of a political strategy:

“By blaming and scapegoating the unemployed, state power is basically used in order to cover up the ideological and political failings of the state and political status quo. So this also shifts blame away from the institutions which caused the economic crisis such as the banking system...to those unfortunate enough to be out of work.”

Invasions of privacy

Neuro-linguistic programming and ‘3G thinking’ might not encourage individuals to change the way they think, but a number of measures allow employees of both Jobcentres and Work Programme providers (whether “prime” or subcontracted”) to keep an eye on what people do. Freedom of information requests submitted to the DWP in 2011 revealed that, despite the letter informing an individual that they have been referred to the Work Programme saying that the Jobcentre has

“passed your contact details” to a provider, private firms and their sub-contractors are in fact given significant amounts of personal data. [20] This includes name, address, telephone number, information on current and past benefit claims, indications of “whether an incident has been recorded relating to the customer on Jobcentre Plus premises”, and items taken from the “Action Plan” of the “customer” – aims, job preferences, employment history, and educational qualifications amongst other things. The response from the DWP also contains an extensive list of information supplied by the individual to the Jobcentre, on which the relevant Work Programme provider will be kept updated if their circumstances change.

All Work Programme providers and sub-contractors are considered by the DWP as data processors. According to the website www.consent.me.uk, this means that:

“They share any personal information you give them with DWP Jobcentre, without the need for further consent. Personal information you share with the DWP Jobcentre is also shared with all providers and their sub-contractors for delivery of the Work Programme, without the need for further consent.” [21]

The website was set up to inform people that although there is a presumption in favour of sharing personal data between jobcentres and providers, this is not mandatory, and individuals can “withhold or withdraw consent to stop your personal information being shared with any third party, such as an employer or training provider.” Establishing this fact was not straightforward – it required the submission of a number of freedom of information requests, and appeals against subsequent responses. Even then, some people subjected to the Work Programme have found it difficult to have their rights respected. Ross Bradford submitted evidence to a House of Commons enquiry into the Work Programme, with a complaint about his experience with the Jobcentre:

“At one appointment, I was told to record details of my job search and give the provider a copy of the form. I told them I didn’t have to do this – as confirmed by a Freedom of Information request. They told me I would be sanctioned if I didn’t do what they asked.”

He makes similar accusations about his time with Triage, a provider, to whom the Jobcentre passed him on:

“They simply handed me a bunch of forms to fill in and sign. The provider’s own forms didn’t make me aware that giving them extra personal information or permission to contact third parties was entirely optional. When I queried their right to demand I do so, one of the staff members wrote ‘mandatory’ on the top of my form, effectively lying to me in order to get me to sign an optional consent form.” [22]

This information can be used by providers to check up on the activities of people referred to them. Work Programme contracts work on a “payment by results” system. Providers receive some money when an individual is referred to them by a Jobcentre, but the financial rewards increase significantly for finding them employment: “The maximum amount that providers can earn for supporting someone into work (and keeping them there for around eighteen months to two years) varies from £4,000 to over £13,000 depending on the ‘customer group’,” according to the Centre for Economic and Social Inclusion. [23]

But finding out if someone is still in work means monitoring by the provider: “Even when employed, the individual cannot escape the Work Programme,” say Boycott Workfare. “Even if someone

manages to find employment on the Work Programme, their private provider will still ring them weekly for up to two years, as their payments depend on the length of time a 'client' remains in work." Policies due to come into effect this year will expand this system to people who are in paid work, but receive certain types of benefits due to a low income.

Meanwhile, a new online job search system run by the government has been used by "bogus employers" to "harvest people's personal details." *Channel 4 News* "exposed serious security flaws" in the system late last year, with hackers revealing that "they were able to harvest passport details and passwords from users." [24] The Public and Commercial Services Union also announced in December that it "is receiving reports and queries from members concerned that some local managers appear to be putting pressure on advisors to misrepresent the mandatory nature of signing up to the new service." [25] Use of the service is not quite mandatory – but individuals can be subject to sanction if they do not sign up when "registration is deemed by a Jobcentre Plus adviser as reasonable in terms of improving employment prospects." If "the claimant will not do so willingly, the adviser will be able to require registration through the issue of a Jobseeker's Direction" – a notice which leads to sanction if it is not observed. [26]

There have been calls from politicians and think tanks for even more intrusive schemes to be implemented – with proposals currently before the House of Commons that, if passed, would give the state control over what people can buy. In late December Conservative MP Alec Shelbrooke proposed legislation that would see the introduction of "welfare cash cards", through which benefit payments would go to a pre-paid card, rather than into a bank account. This would mean that those in receipt of benefits would be able to make "only priority purchases such as food, clothing, energy, travel and housing. The purchase of luxury goods such as cigarettes, alcohol, Sky television and gambling would be prohibited...taxpayer-funded benefits should be used to fund only essential purchases." This was presented by Shelbrooke as advancing personal freedom, allowing benefit recipients to "take control of their finances and get back on their feet."

Such a scheme in fact already exists for one section of society: refused asylum-seekers. Those whose asylum claim has failed "must make arrangements to return to [their] country of origin as soon as possible," but they "may be able to receive short-term support" from the government, known as section 4 support (it stems from section 4 of the Immigration and Asylum Act 1999). [27] In 2009, the previous government introduced payment cards for those in receipt of section 4 support, which are "only accepted at a small number of Home Office designated retailers including Tesco, Asda, Sainsbury's, Boots, Peacocks and Morrisons." It is intended "to cover food and essential toiletries only," and provides £5 per person per day. Research in 2010 into the impact of the card found that, amongst other things:

- People are unable to buy enough or appropriate food to feed themselves and their children;
- People are unable to buy essential non-food items for themselves and their children;
- Users are unable to travel to access essential services, including legal advice and medical care;
- It causes anxiety and distress amongst users and contributes to the stigmatisation of asylum seekers;
- People have been left without the funds they need to buy food due to technical and administrative failings. [28]

A recent parliamentary inquiry into the effect of section 4 support on children and young people confirmed these findings, [29] but this does not appear to have diminished enthusiasm for the

introduction of a similar system for benefit claimants. The think tank Demos released a report in late January arguing that a card could “help recipients control debt and build up budgeting skills, as well as delivering huge administrative savings for the state.” The report’s author has said that “this technology can be empowering for service users – there is much more to it than state control.” A poll by Demos found that “59% of the public supported some form of state control over benefits,” but in “focus group” discussions, support for state control of spending diminishes. “Participants tended to support the idea of other people (particularly younger people) having their benefits monitored, but not themselves,” reports *The Guardian*. [30] Shelbrooke’s Welfare Cash Card Bill is due to have its second reading in the House of Commons in March.

The impact on disabled people

The coalition government’s enthusiasm for the Work Programme has seen it introduce policies that increase the number of people who can be referred to it, through the acceleration of policies introduced by the previous New Labour government. Starting in October 2008, unemployed disabled people in receipt of social security payment called Employment and Support Allowance (ESA) were subjected to a “Work Capability Assessment” (WCA) to see whether they were capable of working. In October 2010, a trial began in Aberdeen and Burnley that saw the introduction of the assessments for those who claimed ESA prior to October 2008, and by April 2011 the government moved “to full national reassessment.” The government says its aim in doing so is to “support long-term benefit claimants back into work, whilst continuing to provide appropriate support for those who are unable to work.” [31]

The assessments are carried out by the firm Atos Healthcare on behalf of the DWP, and have been strongly criticised. In January, the firm was subjected to “sustained criticism from MPs as they told stories of constituents who had died shortly after being ruled fit for work by the firm.” During a House of Commons debate:

“MPs gave emotional accounts of how very sick individuals had been incorrectly assessed and told to return to work. Some of them later died, they said, and MPs told of others who had killed themselves or become suicidal following such decisions.” [32]

Just as the intensification of workfare for those in receipt of Jobseekers’ Allowance led to campaigning and protest in response, so has the more widespread introduction of WCAs. Disabled People Against Cuts (DPAC), has “a very lengthy list” of government policies and practices against which they are campaigning, one of which is “the way in which the private firm Atos are being allowed to drive disabled people to suicide and death through the Work Capability Assessment tick box system,” said Linda Burnip from the group. Just like MPs who have found their offices phones “clogged with crying people” who have had to undergo a WCA, DPAC has come across similar stories. Burnip related a case in which “a deaf-blind woman [was] left in the middle of the car park [at an Atos reassessment centre] to see if she was able to move herself.” Last June, a man set himself alight outside a Job Centre in Birmingham after being “found fit to work predicating a move from one benefit to another.” [33]

Those assessed as “fully fit to work” after a WCA – by scoring less than 15 points on the firms’ “biopsychosocial” assessments – are placed onto the Work Programme, and so referred by their local Job Centre to one of the prime providers. [34] The way the programme is designed allows providers to “innovate and focus their resources where it will do most good,” yet a number of

accusations have been levelled at firms for “creaming and parking” – that is, seeking employment for those most ready for work (for which the provider is paid by the government), whilst fobbing off those they consider to hold less chance of obtaining work. The disabled charity Scope has expressed “serious concerns that the group of disabled people who are furthest from a job are receiving the least support,” a problem “compounded by performance issues on other disability-specific employment schemes...and the ongoing failures of the WCA which mean many claimants are being placed onto inappropriate programmes.” The charity quotes government statistics: “in spite of making up a third of all referrals onto the programme, disabled people account for only 1 in 5 of the total job outcomes.” [35] A case that emerged early this year saw Triage, a firm sub-contracted by two prime providers, accused by a former employee of telling its staff to “spend as little time and effort as possible on helping them find jobs,” while in training sessions staff referred to unemployed disabled people as “lying, thieving bastards.” [36]

Recipients of ESA who score 15 points in their WCA “are assessed as having limited capability for work at present but as being able to prepare for a return to work,” and are subsequently “placed in the Work Related Activity Group (WRAG).” [37] This initially meant having to attend “work-focused interviews”, but at the end of last year an amendment to the regulations means that:

“Work Programme providers will be able to use mandatory work placements as another measure through which to help ESA WRAG participants move closer to the labour market. It will help these participants to address barriers to work such as lack of work experience due to their limited capability for work.”

The DWP says these changes were made “in line with the view that long term absence from work is bad for the health and wellbeing of individuals and their families,” [38] although given the effects that being assessed as “fit to work” has had on some disabled people, many people are likely to disagree with the DWP. As noted in a *Guardian* report: “Those in the work-related activity group have recently included people diagnosed with terminal cancer with more than six months to live, victims of strokes, those with mental health issues and people paralysed from the chest down.” [39]

DPAC has regularly held protests against WCAs and other government policies and, as with protests against workfare, this has been through “a grass roots movement,” says Linda Burnip, which “is different from any previous disabled people’s movement in so far as we’ve tried to raise awareness of disabled people’s access and other issues.” Protests have included the blockading of roads in central London – for example at Oxford Circus – with Burnip arguing that “if you have a government who are immoral and corrupt then as a citizen you have a moral obligation to use non-violent direct action to get rid of them.” She notes that as well as making the issue visible by bringing it into the streets, direct action “is massively empowering to those taking part and others who read about it [or] see it on social media. For disabled people in particular who often have little control over their lives it’s a really good way for them to have some control.”

Extending control with “tougher sanctions”

Despite the movement against new welfare policies led by Boycott Workfare, Disabled People Against the Cuts and numerous other groups and individuals – which has had a number of successes in getting companies and charities to withdraw from the Work Programme – the government is preparing to try and expand its reach. Late last year the government refused to publish the names of companies and charities using workfare, with *The Guardian* reporting that “the DWP has said that

the government's mandatory work programme would "collapse" if the names were made public due to the likelihood of protests against the organisations involved." [40] This may be because workfare and sanctions are soon to become applicable to whole new swathes of the population. Reforms to the way in which benefits are paid, through the introduction of a new system called Universal Credit, will see the government make "important changes to the existing conditionality and sanctions regime to strengthen the link between people receiving benefits and meeting their responsibilities." [41]

"Universal Credit will be an integrated benefit in place of income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance, Housing Benefit, Child Tax Credit and Working Tax Credit," with the ostensible aim of "[simplifying] the benefit system and [tackling] welfare dependency by making work pay," according to Lord Freud, a Conservative peer and Under Secretary of State for Welfare Reform. "It will reward people who go back to work by ensuring they are better off in work than on benefits," he told a conference in January hosted by Capita, the firm that received the contract for implementing the new system. Universal Credit was chosen from a number of options as it "offers the greatest scope to improve work incentives." [42] It will be tested in a limited number of places across the country from early April until national "roll-out" in October 2013. [43]

The introduction of Universal Credit will also see thousands more people become eligible for referral to the Work Programme. Boycott Workfare told Statewatch that when it is brought in, "for the first time ever those in work, be it part time or self-employed work [and in receipt of some form of income-related benefit] will also have their employment monitored, and policed, via the work programme." There will be "four broad conditionality groups" under the new system:

- Full conditionality – jobseekers;
- Work preparation – people with a disability or those with a health condition which means they have limited capability for work at the current time;
- Keeping in touch with the labour market – lone parent or lead carer in a couple with a child over age one but below age five; and
- No conditionality – people with a disability or health condition which prevents them from working, carers, lone parents or lead carers with a child under the age of one.

However, the thresholds at which people are subject to conditionality will initially "be set at broadly the same point at which people lose entitlement to out-of-work benefits" – in other words, once people earn enough money to disqualify them from state support, conditionality will no longer apply. But "in the future," says a DWP document, "it will be possible to raise the threshold to apply conditionality to greater numbers of recipients," because "currently, we believe that some sanctions are set at too low a level." [44] A system of "personalised conditionality" will be introduced, giving jobcentre employees greater control over claimants, through which even the "low" level of conditionality will make it possible for jobcentre staff to end an individual's benefit payments "until re-engagement", and then for a fixed period of weeks afterwards. Under the "high" level of conditionality, a third failure to apply for a job, accept a job offer, or take part in Mandatory Work Activity, will see removal of benefit payments for three years.

With the broader introduction of the workfare policies, protest and resistance seems likely to increase as well. The Work Programme is worth £5 billion, but so far it has failed to work. One in 10 people referred to the programme have been subjected to sanction and lost their benefit payments,

but “as few as one in 20 finds a permanent job.” The total number of people sanctioned since the scheme began “is likely to be more than 150,000.” Despite the fact that the number of people seeking jobs far exceeds the number of jobs available, the employment minister Mark Hoban responded to these figures by saying that:

“Sadly some people are clearly very determined to avoid having to get a job at all and are failing to play by the rules. Through the Work Programme we are offering the hardest-to-help claimants extensive support in order for them to take control of their own lives and return to work.” [45]

But many people do not see this “support” in such a positive light. Boycott Workfare summarise the programme in two short sentences: “The crime is unemployment. The sentence is workfare.” Examined more critically, many elements of the Work Programme begin to look more like authoritarianism than assistance. As commentator Wail Qasim argued following the first reading of Alec Shelbrooke’s Welfare Cash Cards Bill in the House of Commons:

“The entire lives of those who seek state help come to revolve around ensuring that the minimal benefits they receive actually do arrive in their account...Discipline comes to dominate our lives whether we are employed or not and whether it is from employer or state.” [46]

Endnotes

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This article was published in Statewatch journal volume 23 no 1, March 2013