

CRIME WITHOUT PUNISHMENT WHEN KILLED BY THE STATE:

a report by Mo Stewart

Justified by the world banking crisis, the New Labour government introduced welfare reforms in the United Kingdom (UK) in October 2008. Concerted efforts would be made to reduce the numbers of people claiming out-of-work long-term disability benefit, known as Incapacity Benefit, which was replaced in October 2008 with the Employment and Support Allowance (ESA) at the same time as the welfare reforms were announced. The reforms were significantly increased in 2010 by the Coalition government, together with the introduction of severe austerity measures when claiming that the UK government could not justify the ‘*excessive*’ welfare budget due to the growing fiscal deficit.

To this end, from 2010 the UK Conservative-led Coalition government spent five years successfully demonising out-of-work chronically ill and disabled people, when supported by the majority of the very influential national press (Stewart 2016, p51). The relentless political rhetoric claimed that the previous New Labour government had been irresponsible with public funds, whilst disregarding the fact that the spending on social security benefits for sick and disabled people was at its peak with the John Major Conservative government of 1995-96 and had since been halved (Meaden 2015).

Academic excellence would eventually demonstrate that the austerity measures introduced by David Cameron and the Coalition government were ‘*a political choice and not a financial necessity*’ when adopted ‘*without any ethical approval*’ (McKee 2014) and have since been identified as ‘*a form of systematic violence*’ (Cooper and Whyte 2017, p5).

Sponsored by UnumProvident™ Insurance (UP 2006), an unaccountable American corporate healthcare insurance giant, who were official UK government advisers for ‘*welfare claims management*’ from 1994 (Stewart 2017a, p4), the Department for Work and Pensions (DWP) commissioned research by Mansel Aylward and

Gordon Waddell. *'The Scientific and Conceptual Basis of Incapacity Benefits'* (SCBasis) was quickly produced (Waddell and Aylward 2005).

In order to resist funding the new ESA, this 2005 policy based research was used by the DWP to justify the use of an adapted biopsychosocial (BPS) model of assessment to be used for the Work Capability Assessment (WCA) which, regardless of diagnosis or prognosis, all ESA claimants were obliged to endure to access the out-of-work disability benefit.

Delegating the WCA to foreign private contractors in order to facilitate state crime by proxy (Stewart 2017), the WCA was conducted by another unaccountable corporate giant; first by Atos Healthcare and then by Maximus. This is how *'state-corporate harm'* was created (Elward 2016, p34), and adopted by the DWP, which would lead to chronically ill people being *'killed by the state'* (Stewart 2017b, Elward 2016, p).

WCA processes could arguably be viewed as democide, as some claimants are, in essence, killed by the state or officials acting on their behalf (Totten and Bartrop, 2008). This means that Maximus are also culpable because they are acting according to DWP policy which is proven to cause death with the approval of state officials.

These deaths therefore can be considered democide as the government is purposely permitting and/or creating conditions which systematically produce death. Moreover, WCA features share many genocidal traits: Targeted groups, like the ill and disabled, suffer gross mental and physical harm.

Corporate Welfare Crime:

Two case studies in state-corporate harm, p30

Lewis Elward

MA Dissertation, the University of Liverpool 2016

The fatally flawed WCA (Stewart 2016, 2017, Elward 2016) was successfully used by the DWP to restrict access to the ESA and, eventually, updated Waddell and

Aylward research supporting the BPS model of assessment (2010) was totally discredited in 2016 by independent academic excellence (Shakespeare et al 2016). So too was the infamous 'Freud report', which was commissioned by the New Labour government. *'Reducing dependency, increasing opportunity: options for the future of welfare to work'* (Freud 2007) was used by successive governments to justify the planned future demolition of the UK welfare state, and was exposed by Professor Danny Dorling as Freud had misinterpreted the references used in his influential report (Dorling 2007, p10).

Significant academic papers and research reports, which identified the ESA assessment process using the WCA as being linked to deaths (Elward 2016), despair, an increase in mental health problems (Barr et al 2015, O'Hara 2015) and preventable harm on a vast scale (Stewart 2016, 2017), were totally disregarded by successive governments, whose social welfare policies have *'blamed the victim and justified restriction to entitlements'* (Shakespeare et al 2016, p1).

A weakened Conservative government, who lost their large majority and all credibility in the 2017 UK general election should be relentlessly challenged. What authority do they have to justify disregarding the copious amount of very detailed independent research evidence exposing the preventable harm created by the continued use of the WCA, in favour of discredited DWP commissioned research? Why is an extreme right-wing think tank with links to the Conservative Party (Robertson 2012) permitted to influence future welfare policy, which is guaranteed to create preventable harm? 'REFORM' complained in a paper in 2016 (Pickles et al 2016) that the most chronically ill and disabled people in the DWP 'Support Group', of those unable to work due to health limitations, should still be expected to enter work readiness training (Stewart 2017). Regardless of predictable harm and consequences, the recommendation is now implemented by the DWP. The author of that 'REFORM' paper, Charlotte Pickles, is also a member of the very influential Social Security Advisory Committee (SSAC 2017), who advise government on social security matters. The demonstrable government enforced preventable harm against those least able to protest continues, as the DWP have

refused to publish the updated ESA mortality totals since February 2014 (Hansard, July 2016).

American influenced UK welfare reforms continue with the new Green Paper, *Work, health and disability: improving lives* (DWP 2016) recommending private healthcare insurance, which is the ultimate '*Thatcher Legacy*' as first suggested by Thatcher in 1982 creating a Cabinet Office revolt (Travis 2012).

For the last 40 years, the United States has pursued a ruthless form of neoliberalism that has stripped economic activity from ethical considerations and social costs. One consequence has been the emergence of a culture of cruelty in which the financial elite produce inhuman policies that treat the most vulnerable with contempt, relegating them to zones of social abandonment and forcing them to inhabit a society increasingly indifferent to human suffering.

The Culture of Cruelty in Trump's America

Henry A. Giroux

Truthout, March 2017

- ** In 2005 a total of 39% of Incapacity Benefit (IB) claimants were in receipt of the benefit for a mental health problem, which was just under one million people (Rutherford 2007, p38). Since that time, politicians have prioritised the reduction of claimant numbers by one million, suggesting that mental health was of little significance other than a drain on resources. IB was changed to the ESA in 2008 and, to access the ESA, claimants would be assessed by the WCA as DWP Ministers continued to claim the need to reduce the number of claimants by one million people.
- Austerity was introduced by misleading the British public and, regardless of rhetoric by David Cameron, the '*Blair and Brown Labour governments, on average, borrowed less than the Thatcher and Major Conservative governments*' (Cooper and Whyte 2017, p5).
- In 2015 a coroner demanded that the government take action to prevent future deaths of disability benefit claimants, after concluding a '*ground-*

breaking' inquest verdict that a disabled man killed himself as a direct result of being found '*fit for work*' by the WCA (Pring 2015). The Conservative government disregarded the coroner's verdict.

- The biopsychosocial (BPS) model of assessment recommended by Waddell and Aylward, as used by the DWP for the WCA, was totally discredited by academic excellence (Shakespeare et al 2016), which exposed the Waddell and Aylward BPS model as having '*no coherent theory or evidence behind this model*' and revealed a '*cavalier approach to scientific evidence*'. The Conservative government disregarded the research.
- More academic excellence exposed the links between the WCA and an increase in mental health problems when reporting an additional six suicides per 10,000 WCAs, plus significant increases in self-reported mental health problems and a disturbing increase in anti-depressant prescribing. '*In total, across England as a whole, the WCA disability reassessment process during this [three year] period was associated with an additional 590 suicides...*' (Barr et al 2015). The Conservative government disregarded the research.
- Mansel Aylward, the architect of the discredited BPS model as used for the WCA, confirmed in 2012 that he no longer supported the BPS model of assessment (Pring 2012). The Coalition government disregarded this change of professional opinion by their own 'expert' and continued to use the WCA.
- The British Medical Association, the Royal College of Nurses, the British Psychological Society, the Work and Pensions Select Committee, the President of Appeal Tribunals for Social Security and the Royal College of General Practitioners have all recommended that the WCA should be stopped. The Coalition and Conservative governments disregarded all professional recommendations against the WCA regardless of evidence, author or demonstrated expertise.
- Consecutive annual reports by HH Judge Robert Martin, as President of the Appeal Tribunals for Social Security, identified the WCA as being '*unfit for purpose*' (Martin 2008) and criticised the DWP for failing in its duty to attend Appeal Tribunals in order to learn from Tribunals which overturn DWP benefit decisions for sick and disabled people. The government(s) disregarded all reports by the President of the Appeal Tribunals, and

significant reports by the past President of the Appeal Tribunals have since been removed from the Internet.

- In 2014 the Work and Pensions Select Committee advised that the ESA '*needs fundamental redesign*' as the WCA assessment process caused '*considerable distress and anxiety*' and the report made several recommendations. The government disregard Select Committee reports.
- Using the BPS model of assessment, the WCA totally disregards diagnosis, prognosis, prescribed drugs and past medical history and is a replica of the assessment model used by the corporate insurance giant Unum Insurance who funded the 2005 Waddell and Aylward DWP commissioned research. Significant numbers of deaths were always inevitable when using the dangerous BPS model for the WCA (Stewart 2016, 2017).
- The DWP have once again refused to publish the updated mortality totals of claimants of the ESA benefit (Hansard 2016). The last published figures for benefit-related deaths between Dec 2011 and Jan 2014, which included a total of 2,380 people who died having been found '*fit for work*' following the WCA, refused access to the ESA, ordered to look for work and then died trying. That's a total of 90 unnecessary deaths per month (Stewart 2017).
- Professor Martin McKee identified as long ago as 2014 that the austerity measures, as rapidly introduced in 2010 by the Coalition government, were adopted '*as a political choice and not a financial necessity*' when introduced '*without any ethical approval*' (McKee 2014). The government disregard all academic opinion when not commissioned by the DWP.
- The government disregarded a UN Report in 2016 which identified that the UK austerity policies '*amount to violations of disabled people's rights*'. (Butler 2016).
- Discredited DWP commissioned research use policy based research as opposed to evidence based research (Shakespeare et al 2016), which is why the DWP disregard all published academic research not commissioned by them.
- The WCA has now been incorporated into Universal Credit, which has replaced a number of benefits with one monthly payment, which is being rolled out across the UK.

- The continued use of the WCA guarantees that more chronically ill and disabled people will die when killed by the state. It's time to stop the WCA.

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