

Lobbying Parliament

By Rev Paul Nicolson, Z2K



This document provides practical tips on how voluntary and community sector groups can influence the policy-making process. The guide is written by Rev. Paul Nicolson, founder and a trustee of Z2K, an experienced campaigner who has been lobbying Parliament on issues related to poverty for decades.

It gives a step-by-step guide through the Parliamentary process which details how Z2K (an organisation which provides practical help for vulnerable debtors) tried to influence the outcome of the Welfare Reform Bill so that the legislation took into account the needs of their client group.

Progress of a Bill through Parliament

1. First reading - the Bill is introduced to the House of Commons without debate. In each session a good number will start in the House of Lords.
2. Second reading - MPs will contribute to the debate without making amendments.
3. Committee Stage. A Public Bill committee of MPs - will make amendments to the Bill. Some Bills, including those considered to be of constitutional significance are committed wholly or in part to a Committee of the whole House, when any Member of Parliament may table amendments.
4. Report stage - amendments can be tabled.
5. Third reading - MPs debate and vote on the Bill as amended in Committee or on Report.
6. Repetition of process in the House of Lords - with one important difference; Any Peer can table an amendment to a Bill in the Lords when it is "in committee" but in the Commons only the MPs on the Public Bill Committee can do that.
7. "Ping-pong" stage - the Bill goes between the Houses if disagreement occurs.
8. Last stage - The Bill must receive the Royal Assent and becomes an Act and the process of drafting regulations begins.
9. Regulations. Some regulations have to be approved by Parliament either by an affirmative resolution (which means it must be debated and voted on) or by a negative resolution (which means it will only be debated if an MP or a Peer asks for a debate). Not all Regulations require Parliamentary Approval - the vast majority are not subject to any parliamentary proceedings at all. For those which do require parliamentary approval, there are a range of mechanisms by which this can be achieved. Debates and votes on regulations subject to negative resolution are very rare and in practice only happen if the request for a debate and vote is made in the name of the Leader of the Opposition. If the Leader of the Opposition requests a debate and vote, by convention that request is granted.

Definitions

Parliamentary bill:

A proposed legislation that must be approved by the House of Commons and House of Lords before becoming law

Green paper:

Proposes legislation and should be responded to

White paper:

Tells us what will be in the Bill

Opposition amendments:

(often called probing amendments) are intended to discover the position of the government on a particular issue. These can help to clarify clauses

Work to be done by NGOs

1. Study the relevant green paper, white paper and Bills to see if an amendment is needed:
 - Each Bill has a website where all the relevant documents, progress and date of the next parliamentary session on the Bill can be found see www.parliament.uk.
2. Describe the changes that need to be made, draft an amendment to the Bill and draft the case for it:
 - Here you can draw on evidence and case histories from your organisation's own experience.
 - The purpose of the draft amendment must be clear and relevant to the subject of the Bill and to a particular clause in it.
3. There is no need to worry if you do not have a research background. Simply providing MPs with anonymised case studies of real individuals has proved powerful in the past:
 - You can and should supplement your own evidence with any other relevant research or evidence you are aware of.
4. Find an MP or Peer who will table the amendment. This can happen in the following ways:
 - There is an established relationship with an MP or a Peer.
 - A hard copy of the proposal document is sent to every MP who speaks at the second reading, as well as every MP on the Public Bill committee (when it is appointed).
5. You should offer to draft a speech that can be used by MPs or Peers you are approaching – this is often welcomed by MPs and Peers.

As the Bill progresses

6. Do not be disheartened if an amendment is rejected at first; an amendment tabled in the Commons committee can be raised again at the report stage and then again in the Lords.
7. MPs will often speak to the amendment in committee to get the Minister's reply on record in Hansard and then withdraw the amendment to think further about it.
8. An important part of the process is to send the MP who tabled the amendment a comment on the Minister's reply; that comment can also be sent to all MPs or Peers interested in the Bill. I normally cut and paste the Minister's reply and insert my comments (in a different colour) into his/her text.
9. The follow up includes lobbying about the regulations and guidance required by the Act after it has received Royal Assent and informing Bill users.

Tips

- NGOs are of use to parliamentarians and civil servants because of the insights they have from working on the ground.
- Ensure political neutrality by informing the Ministers, Shadow Ministers and their teams dealing with a Bill of all the changes that you want to a Bill.
- Knowing and communicating with the research assistants of the MPs is important as MPs themselves are often very busy.
- The Bill manager in the relevant government department is in touch with the officials you want to influence, hence a meeting with them should be sought.
- Phone the offices of MPs on the committee to tell them if you have e-mailed a draft amendment because they get a large number of e-mails.
- Try to attend sessions of the Public Bill committee:
 - i Sometimes it is possible to speak to Ministers, MPs and officials in the corridor outside the committee room.
 - ii They begin to recognise you and to know why you are there.
 - iii Reading Hansard does not show you the atmosphere of the debates.

Z2K Lobbying Case Study: The Welfare Reform Bill

The lobbying success with this Bill was with amendments that ensured jobcentre and local authority officials took all the facts and circumstances of vulnerable debtors in to account when imposing sanctions, civil penalties and recovering overpayments. Despite not winning the amendment, Lord Freud, Minister for Reform, was persuaded to speak to peers (so the Hansard record can be quoted in court) to clear up any misunderstandings of the intention of the Bill.

The chronology of an amendment

Throughout the passage of the Welfare Reform Bill (WRB) through Parliament the strategy was to focus on ensuring Ministers, their officials, MPs and Peers were fully aware of the debts which would inevitably emerge from the cuts and caps to benefits being proposed, and the negative impact they would have on the well-being of benefit claimants, while the Universal Credit is introduced. We did that with the authority Z2K has from the personal experience of supporting claimants in, often unmanageable, debt.

March 2011

- In the 2nd Reading of the Bill, Kate Green MP (Lab) spoke and Steve Baker MP (Con) mentioned Z2K and our evidence. Hard copies of 5 Draft Amendments to the Bill were sent with supporting evidence to all MPs who spoke in debate.
- Found out who was leading for the opposition in committee by contacting the Whips office and members of Bill Committee were found on the website. Committee Hearings – Z2K attended all but one of these.
- Briefing sent to Karen Buck MP (Lab), and Welfare Reform Committee (WRBC).
- Meeting with DWP official to discuss potential amendments and avenues. This was arranged after asking to speak to the Bill Manager.
- Kate Green MP moves amendment, drafted by Z2K, in support of Minimum Income Standards (MIS). Rev Paul Nicolson (PN) has letter published in the Independent in support.
- Meeting with Stephen Timms MP, (Lab), WRBC.

April 2011

- The Guardian was alerted to the sanctioning case. Prime Minister's Questions were asked regarding the Guardian story.
- Z2K sanctions case raised by Kate Green in Committee when debating Clause 26.
- DWP officials met PN outside committee room in the House of Commons – he was told that it was in the interest of tax payers to enforce overpayments – PN replied that no decent taxpayer would want to see someone evicted because they cannot repay an overpayment which was entirely the fault of an official; meeting then arranged on non-recovery of overpayments.
- Response written to Chris Grayling's statement recorded in Hansard about overpayments, sanctions and mental illness.

May 2011

- Further email to Chris Grayling on non-recoverability of overpayments made in official error.
- Meeting with Sarah Newton MP, (Con), WRBC; she agrees to raise the problems of vulnerable debtors with the Government. Meeting with Jenny Willott MP, (Lib Dems), WRBC.
- Met with DWP Officials about unfairness of overpayments.
- Clause 102 debated.
- Response to debate on Clause 102 circulated to committee and supporting NGOs. Kate Green MP asked a parliamentary question on fraud and error in overpayments, drafted by Z2K.

- Matters to be considered before the imposition of a sanction or penalty, moved by Kate Green MP. Z2K provided a brief/case study and secured the support of AdviceUK, Church Urban Fund, Community Links, Mind, Money Advice Trust, National Housing Federation, Royal College of Psychiatrists, Save the Children, Shelter and United Kingdom Public Health Association.
- Clause 102 – Overpayments made in error. Tabled by Karen Buck, Z2K secured the support of The Royal College of Psychiatrists, Mind, AdviceUK and Save the Children. Brief sent to MPs on the Committee. Brief circulated widely expressing concern that neither of our amendments were accepted by the Coalition.
- Response to Chris Grayling's committee speeches drafted by Z2K and sent to supporting NGOs for comment.

June 2011

- Notice of amendment to Clause 102 tabled by Secretary of State sent to committee and supporters. They provide for an amount below which deductions cannot reduce income. This may well be because of our two amendments and meetings with DWP officials.
- Professor John Veit-Wilson, Professor Elaine Kempson and Damon Gibbons of Debt on our Doorstep, give Z2K evidence on irreducible amounts of income in European countries. This evidence is circulated and included in the speech delivered by Kate Green on the 10th.
- Speech on Clause 102 written by PN for Kate Green MP.
- Kate Green responds to new clause 1: Deductions from earnings. Thanks Paul Nicolson and Z2K. Utilises evidence PN provided her with. Chris Grayling: "The minimum level that we will pursue will be determined so as to ensure that the debtor is left with sufficient income to maintain themselves and their family, in line with similar provisions in the Attachment of Earnings Act 1971. We therefore plan to use the same basis that the previous Government used—for example, to determine deductions from benefit payments."
- John McDonnell MP (Lab) moved amendment on non-recoverability of overpayments made in error. PN informs him of existing amendment and support. Provides brief and evidence.
- Meeting with George Hollingbery MP (Con).

July 2011

- Letter to Lord Freud about overpayments. Meeting with DWP officials regarding various aspects of Universal Credit. Hardship payments were discussed. Reply from Lord Freud. DWP trusts Job Centres to make correct decisions without regulations – guidance will do.
- Email to Baroness Finlay and Lord Rea about WR and MIS and the consequences of Low Birth weights. Emails to Legal Advice, Sentencing and Punishment of Offenders (LASPO) and WRB committees pointing out overlaps of policy for people on low incomes facing deductions

September 2011

- Second reading in the House of Lords.

October 2011

- Amendments were tabled on sanctions, penalties and overpayments (Ramsbotham), MIS and Maternal Health (Kirkwood) and overpayments in official error (Hollins). Briefs for amendments sent to Peers that spoke in 2nd reading. Speeches drafted to Ramsbotham and Hollins by PN.
- Lord Whitty tables amendment asking that housing element of UC be included only after a review of housing policy has been conducted.

- Z2K receives mention in Committee by Baroness Sherlock, Bishop Wakefield, and Baroness Lister. Z2K circulate Lord Freud's comments to Z2K's amendments for comments.
- PN sends them to Sir Michael Marmot, who responds "I don't find an opinion that someone simply does not accept the evidence very compelling."
- Lord Rea and Lady Finlay asked to table amendment to provide research into effect of poverty and poor housing provision on education, health etc. but too busy with the Health Service Bill.
- Trust for London's London's Poverty Profile sent to peers considering the WRB. Key findings relating to Bill and Z2K's clients highlighted.
- Kirkwood and Baroness Lister speak to the MIS and health in pregnancy amendments.
- Objection to Freud that debate on UC system was in private. Copied to Peers and Welfare Reform Committee. (PN still worried about this; the proposal that the Universal Credit should be run by IT with real-time information is very intrusive; the fact that Peers discussed it off the Hansard record meant that we could not comment on what was said).
- Lady Hollins alerted us that she may be unavailable to debate her amendment (non-recoverability of overpayments) – so PN asked Baroness Meacher, whose name is on it, if she would fill in; she agreed. The amendments were also supported by Baroness Healey, Baroness Lister, Lord Kirkwood and Baroness Sherlock.
- Meeting proposed with DWP officials designing the IT aspects of the UC delivery.

November 2011

- Brief sent to Peers about imposition of fines and other deductions from benefits.
- Email sent to Lord Freud criticising him for distancing legal aid from Welfare Reform in light of increasing use of sanctions.
- Briefings sent to Peers on Ramsbotham and Hollins amendments. Letter published in the Guardian supporting the amendments.
- Kirkwood tabled amendment for protected minimum balances. Sherlock agrees to move if he cannot attend. Briefing and draft speech sent to Hollins in cooperation with Liam Allmark of Caris Social Action Network (CSAN).
- Ramsbotham and Hollins amendments moved. Ramsbotham uses speech and asks for a meeting with Freud. Freud responds by:
 - a) offering a seminar on overpayments and sanctions.
 - b) overpayments can be written off in "exceptional" circumstances.
 Lord McKenzie (Labour) and Lord Kirkwood join the seminar.
- Cases of debt and hardship received from Carl Walker, Brighton academic, received to circulate to peers.
- Liberty support Ramsbotham amendment and write to peers to ask for support.
- December – Z2K Supported National Housing Federation bedroom tax amendment.

December 2011

- Asked Archy Kirkwood to table an amendment – Clause 62 , MIS for women of child bearing age. Baroness Lister asks we do not attach it 62 as it will reduce chances of winning social fund ring fencing amendment. Proposed after clause 95. E-petition launched – opposing £26,000 UC cap.

January 2012

- After meetings on hardship with officials of the DCLG, MOJ and DWP, a description of Hardship was circulated to Peers to try and influence the debate on its definition.
- Seminar with Lord Freud on Sanctions, Penalties and Overpayments (Ramsbotham amendment). Royal College of Psychiatrists, Liberty, CAB, CSAN, Community Links and Homeless Links attend to brief Freud, each having been asked by PN to prepare a three

minute presentation. We were led by Lord Ramsbotham; Lord McKenzie (Labour) and Lord Kirkwood (Lib Dem) attended.

- Meeting with Cabinet Office official. Hardship and Debt.
- Briefing sent to all peers on Ramsbotham and Hollins amendments.
- Gain some coverage in the Guardian of amendments despite focus being on £26,000 cap.
- Hollins and Ramsbotham withdraw amendments after debate. Lord Freud having given the assurances asked for. Hansard 25th January, Lord Freud, “My Lords, I need to start by thanking the noble Lord, Lord Ramsbotham, for arranging a really useful seminar the other week on a range of issues related to sanctions and penalties. I was equally impressed by the content of that seminar, the iron discipline with which it was conducted and how much ground we managed to cover. We are very keen to draw on the expertise of others as we develop our implementation plans. I look forward to continuing to work with interested groups in this collaborative manner. I gave a commitment in that meeting that we would work collaboratively with the groups involved. I am pleased to repeat formally here that that collaboration will happen. Turning to the substance of the amendment, I hope I have made clear that we are really on the same page on many of these issues. We absolutely agree that clear guidance should be issued to officials making decisions on behalf of the Secretary of State where discretion is exercised. We do this now and will continue to do it under Universal Credit. Decision-makers will be required to follow this guidance when applying the law to the facts of the case where they consider a decision about a claim, sanctions for non-compliance with work-related requirements, a civil penalty or the recovery of overpayment. As is currently the case, we will make this guidance publicly available”.
- 4.15 pm - “We spoke about the Wednesbury principles at our seminar, and I can reassure noble Lords that the decision-making process is and will continue to be consistent with these fundamental principles of public law. The department strives to ensure that no decision is influenced by irrelevant factors and that decision-makers act in a rational and fair manner, taking into account all relevant matters before exercising a discretion. For example, the primary legislation expressly sets out that a conditionality sanction applies only if there is no good reason for the failure. In determining whether there is such good reason, decision-makers will have to consider all relevant matters raised by the claimant within a particular time period, including information about a claimant’s health condition and financial circumstances”.

March 2012

- Letter on Wednesbury Principles published in the Guardian.

Trust for London

www.trustforlondon.org.uk

The Trust is the largest independent charitable foundation funding work which tackles poverty and inequality in the capital. It supports work providing greater insights into the root causes of London’s social problems and how they can be overcome; activities which help people improve their lives; and work empowering Londoners to influence and change policy, practice and public attitudes.

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The Zacchaeus 2000 Trust

www.Z2K.org

More commonly known as Z2K, is a London-based charity addressing poverty issues caused by unfairness in the law, legal and benefits system. It started as a volunteer-based organisation in the early 1990’s, led by Rev Paul Nicholson, and registered as a charity in 1997. Today it helps over 600 clients annually with a variety of debt and benefit related problems.

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