

SECOND LETTER FROM DWP
& MY REPLY



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for Work &
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18 September 2013

Dear Mr Boaden

Thank you for your further letter of 13 September regarding the Winter Fuel Payment scheme. I have been asked to respond.

Ministers will look for ways to ensure that we have a welfare system that is fair to everyone. This includes benefit and pension recipients, but also taxpayers. Ministers and officials are, therefore, continually evaluating a wide variety of propositions. Many factors need to be taken into account and carefully considered before any single measure is implemented.

I have noted your comments regarding the cost implication of the Government's proposed reforms to the Winter Fuel Payment scheme. However, I can only re-iterate that the Government believes that it would be unnecessarily complex and costly to administer the Winter Fuel Payment scheme on a regional basis within the EEA.

With regard to the position for Italy, the average winter temperature there is statistically similar to that of South West England. Eligible people will therefore be entitled to receive a Winter Fuel Payment in Italy.

I appreciate that this will be a disappointing reply but I hope it explains the Government's position.

Yours sincerely

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21 September 2013

Dear Mr Daft

Thank you for your letter of 18 September which reached me yesterday. I am grateful for this further reply and the promptness of it.

I was particularly interested in your assertion that 'the Government believes that it would be unnecessarily complex and costly to administer the Winter Fuel Payment scheme on a regional basis within the EEA! I have to say that if this is the reason being used to exclude UK pensioners who are resident in France, then it is at best, laughable, and at worst, devious and downright dishonest!

Why do I feel and say that so strongly? Well, there are three basic reasons:

First: Legislation - the 1958 French Constitution, and all legislation in France since, has given special status to the territories known as 'Outre-Mer'. The EU Treaty of Amsterdam, in clause 299.2, and all EU legislation since, affords special status to a raft of the 'Outermost Regions' associated with EU countries: the European Union (EU) includes 34 overseas territories: 8 Outermost Regions and 26 Overseas Countries and Territories. They are linked to 6 Member States: Denmark, France, the Netherlands, Portugal, Spain and the United Kingdom; but these countries are neither part of the EU, nor subject to EU law. The only difference is that France treats the Outre-Mer differently to the way in which the UK treats, for example, the Turks and Caicos Islands or Ascension Island. Did you know that a French civil servant sent to work in Martinique goes there knowing he has French legislation in place which governs his employment, as against being sent to Provence, which is most definitely a 'region' of France.

Second: Weather Forecasting - I enclose a document I downloaded from the Internet. I did so by keying in 'average winter temperatures in France' - the French Meteorological Office, known as 'Météo-France', produced this document, which I have included in both French and English - if I could find it that easily, then so could any lowly clerk in your Department. You will see this makes no reference to the Outre-Mer, only France. In fact I receive a daily email from Météo-France and going onto their site I get a full forecast for the whole of France or any 'region' of France down to my local village. There is however, also a link to the Outre-Mer, and by clicking on that I can get separate forecasts for Réunion or French Polynesia - it is as simple as that to establish different weather averages!

Third: Logic I must observe that your reference to 'the Government believes that it would be unnecessarily complex and costly to administer the Winter Fuel Payment scheme on a regional basis within the EEA' would have brought joy to the ears of the script writers of 'Yes Minister'! How for example, do you calculate the 'Cold Weather Payment'? It is done by examining local temperature recorded as, or forecast to be, an average of zero degrees Celsius or below over 7 consecutive days between 1st November and 31st March. In other words it is done on a 'regional' basis. There is as much logic in making that calculation based on including the Turks and Caicos Islands or Ascension Island in the UK averages, as there is in including the Outre-Mer in French averages!

On that basis I would have qualified three times last winter in France, except for the fact I am obviously excluded by some aspect of the legislation which governs it. So why is it that this same principle is not applied to excluding the Outre-Mer from the Winter Fuel Payment?

I should add, the programming change to the database which will be needed to exclude anyone living in France is no more difficult than excluding those living in the Outre-Mer!

Finally, I must observe that I really do know how Government works! When I headed up the campaign to change the outdated laws governing Sunday trading I held several meetings with two holders of the post of Secretary of State for Employment. They both told me that their civil servants had advised them that it was simply not possible to frame legislation which protected those employees required to work on Sundays. One of them later told me privately that he had only asked 'if it could be done'. A third holder of that post told his civil servants to frame legislation which would show 'how it could be done'. Lo and behold, draft legislation was produced which changed the course of the whole debate, so much so, that when the Bill passed through Parliament, uniquely there was an overall majority of MPs with the three Party Leaders of the three main Parties passing through the Aye lobby together.

Do you know, I can visualise a scene in 'Yes Minister' in which one of your colleagues says, 'Yes Minister we can make some more marginal savings to satisfy the Chancellor. If we include the French overseas territories in the French averages, it will bring the French temperature above that of this tiny part of the SW of England, and then we can justify it by saying it is unnecessarily complex and costly to administer to exclude them.'

I am sorry to end on such a sardonic note, when I know you are only saying what you are told to say.

Yours sincerely,

Roger Boaden