

28 August 2007

Caroline Flint MP  
Minister of State for Work and Pensions  
Department for Work and Pensions  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

Congratulations on your new post. I am writing to introduce myself and the interests of the British Humanist Association (BHA) as they relate to your new appointment.

The BHA is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good lives without religious or superstitious beliefs.

We have had particular and ongoing involvement with the Department for Work and Pensions (DWP), especially since the beginning of this year when it began a period of consultation on welfare reform. In February, we attended a DWP-run seminar in Manchester on the 'role of faith-based groups in welfare provision' and, in June, an event for faith-based and other third sector organisations about contracting for welfare-to-work services. In May, we made a submission on the DWP's proposals for welfare reform and the recommendations made in the Freud report (attached).

We have a number of concerns specifically in regard to the contracting out of welfare and other public services to religious organisations; concerns which are set out in our May submission.

We also had continuing correspondence with your predecessor Jim Murphy MP, in which we have explained our serious concerns about contracting out statutory public services to religious organisations - concerns that are, we know, widely shared. For your reference, please find enclosed our letters of 22<sup>nd</sup> March and 17<sup>th</sup> May.

Our concerns include the fact that religious organisations can, and many do, discriminate in their employment practices on grounds of religion or belief and/or on grounds of sexual orientation, and the real risk of such organisations discriminating against and harassing service users on these or other grounds.

We were glad to see reports that your Department may be taking a fresh look at the proposals for most Jobcentre Plus services to be contracted out to private and third sector organisations<sup>1</sup>. However, as the Minister with responsibility for welfare reform, at present I would like to alert you to two specific areas which I do not feel were sufficiently addressed by your predecessor.

---

<sup>1</sup><http://www.epolitix.com/EN/News/200707/6396cfd1-a353-4989-855c-f8f5026a7173.htm>

I do not share Mr. Murphy's belief (letter 19<sup>th</sup> June, ref: POS(34)4013/0087) that the terms and conditions in the main contracts, between the DWP and a welfare provider, are 'sufficient to ensure that customers who profess no faith are not discriminated against in any way'. First, my letter of 17<sup>th</sup> May (attached) detailed the need to use the term 'religion or belief' rather than 'religion' in contracts, and elsewhere. To do so would bring the contracts in-line with both the correct, legal, terminology and, especially important when contracting to faith-based organisations, help prevent discrimination against non-religious people. Section 3.3.3. from a standard provider contract concerning 'provider obligations', which Mr. Murphy referenced (19<sup>th</sup> June), states that providers must not discriminate, victimise or harass on grounds of 'religion'. This leaves unaddressed the possibility of leaving employees and service users without sufficient recourse to challenge discrimination, should they be discriminated against on grounds of 'belief', which would encompass non-religious beliefs including Humanism, atheism and agnosticism. I would like to know what measures the DWP is taking to revise the wording in section 3 of its contracts.

I have further concerns regarding the position of subcontracts. At present, the detail of the subcontract is left to the main contractor (or superior sub-contractor) and not the Government. I would like an assurance that the DWP will take an active involvement in stipulating and/or monitoring the wording of subcontracts, to ensure that they include sufficient anti-discrimination provisions for all equality strands, including 'religion or belief'.

For my information, I would be grateful if you would send me a copy of a subcontract; especially one made by or with a faith-based organisation.

But even with a satisfactory wording, contracts give clients no rights. Enforcement is left to the public authority concerned which is unlikely to take up every complaint by a service user. With sub-contracts – and there may be several layers of these – the position of the service user is even less protected. If the Government intends to extend contracting out of public services it needs to legislate to reverse the effect of the House of Lords judgement in *YL v. Birmingham City Council*.

Unfortunately, we were not able to meet with your predecessor Jim Murphy MP. We would greatly appreciate a meeting with you to discuss our position and the concerns we have on a range of issues relating to the contracting of welfare services to faith-based organisations. I hope you will agree that a meeting with us, as the national charity representing the interests of the non-religious, would be mutually beneficial.

We look forward to working with you in your new position.

Hanne Stinson  
Chief Executive