



Benefits Newsletter September 2018

1. Universal Credit

Stoke-on-Trent City Council Human Impact of Welfare Reform Report

The Task and Finish Group of the Corporate Services Overview and Scrutiny Committee has published a [report](#) looking at the Human Impact of Welfare Reform, in particular the introduction of Universal Credit and policies such as the bedroom tax and the benefit cap. They have made 11 recommendations to the Council:

- the Wider Welfare Reform Group (WWRG) should monitor the impact that UC will have on the City Council and Voluntary Sector organisations;
- additional funding should be made available for use within the City Council or Voluntary Sector to support people requiring assistance following the roll-out of UC;
- a list of organisations that provide help and assistance to people affected by welfare reforms should be made available;
- the City Council should explore using volunteers among officers and members who speak different languages to provide assistance over the telephone;
- the number of hours that specialist benefit advisers are available at the sessions in the libraries should be increased;
- the City Council and partners need to raise awareness about UC and the support that is available and highlight that Council Tax Support is not part of UC;
- the City Council should consider Council rents being paid monthly in line with UC;
- the City Council should have a planned strategy to assist families who cannot afford to pay the bedroom tax and are currently receiving time limited Discretionary Housing Payments;
- the City Council should set up food bank collection points in appropriate buildings;
- the Wider Welfare Reform Group should report annually to the Overview and Scrutiny Committee about the impact of welfare reforms;
- the WWRG and City Council should explore the best way to deliver advice and support for private sector tenants

Child Poverty Action Group Early Warning System Report

CPAG has published a [report](#) showing some of the early problems that claimants are experiencing with Universal Credit. The top 8 are:

1. Administrative error (122 cases)
2. Problems with housing costs (55 cases)
3. Difficulties establishing and maintaining a claim (37 cases)
4. Migration issues (34 cases)
5. Delays (30 cases)
6. Issues with the award of disability-related elements (28 cases)
7. Communications with the DWP and processing of evidence (23 cases)
8. Issues with appeals and mandatory reconsiderations (20 cases)

If you wish to send in any case to them – they have a [reporting form](#) on their website.

Statistics

The latest [Universal Credit statistics](#) show that on 9th August there were 3,684 claimants receiving UC in North Staffordshire. In Stoke-on-Trent the number of UC claimants increased by 1,215 in the 8 weeks since the start of the full service on 13th June 2018.

UC Caseload	Stoke-on-Trent	Newcastle Borough	Staffordshire Moorlands	Total
June 2018	1,575	573	222	2,370
July 2018	2,069	555	271	2,894
August 2018	2,790	541	350	3,684

Only 20 households on universal credit received a split payment in June 2018.

'In exceptional circumstances, payment of universal credit can be divided between two members of the household. This is known as a Split Payment. In June 2018, around 20 households on universal credit received a Split Payment.'

In addition, the DWP says that around 2 per cent of households (20,000) on universal credit received a payment more frequently than the standard monthly cycle in June 2018 (including those that have chosen to be paid more frequently via Universal Credit Scottish Choices).

Natural Migration to UC

A new circular giving guidance to local authorities on the issue of natural migration has been published [A7/2018 UC full service areas: guidance for local authorities](#) says *'If a legacy benefit claimant in a UCFS area has a change of circumstances that means they would have to make a new claim to one of those benefits or tax credits they will not be able to do so and must make a claim for UC.*

The exceptions to these are:

- *where a claimant has 3 or more children they should claim legacy benefits and tax credits up to 31 January 2019*
- *where a claimant is already in receipt of legacy benefits and needs help with their housing costs because they are in, or have moved to, specified or temporary accommodation, they must apply for HB for support with housing costs*
- *where the same claimant is not receiving legacy benefits or needs to make a new claim for help with daily living costs, they must claim UC alongside HB*
- *UC claimants living in specified accommodation or temporary accommodation will be treated as having an underlying entitlement to UC housing costs to ensure they remain able to apply for Discretionary Housing Payments (DHP) should they require additional assistance for any gap in housing costs support'*

The guidance gives a number of examples where a change of circumstances will require a claim for UC however the list does not contain every situation, there are cases where a change of circumstance will not mean someone will have to claim UC. You need to check to see if they can just amend their existing legacy benefit claims to take account the change of circumstances, rather than have to make a new claim. If in doubt check with CPAG on their advisers' advice line on 020 7812 5231.

Universal Credit Guidance for DWP Staff

The DWP has 2 sets of guidance for their staff. Decision-makers use the [Advice for Decision-Makers](#), which can be found on Gov.uk and [Advice for Work Coaches](#) which can be found on the Citizens Advice website.

Completing UC claim forms for someone without a bank account

If you are completing a UC claim in a full service UC area, it is not possible to complete the form without having a bank account (even if they have a post-office card account). The DWP has confirmed that rather than use someone else's bank account it is possible to use the following 'dummy' account number and sort code.

Bank Account Number: 12345678

Sort Code: 01-02-03

2. Bereavement Benefits

The Supreme Court [2018] [UKSC 48](#) has ruled that the refusal of widowed parent's allowance to a woman who was not married to the deceased father of their children is incompatible with article 14 of the European Convention on Human Rights.

Siobhan McLaughlin had lived with her partner for 23 years. When he died in January 2014, leaving her with their four children aged 19, 17, 13 and 11 she was refused widowed parent's allowance on the grounds that section 39A of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 only provides for entitlement for a spouse or civil partner.

We are hoping this will mean there will be a change in the law for claimants of Bereavement Support Payment, but the Supreme Court said their ruling just relates to Widowed Parent's Allowance.

'It also does not follow that the new law [bereavement support payment] is incompatible. Although we have been advised of its existence, we have not heard argument about it, and the argument would no doubt be very different from the argument we have heard in this case. But I do not see the fact that the law has now changed as a reason for not making a declaration of incompatibility: the old law will remain relevant for deaths taking place before March 2017 for a very long time'

3. Personal Independence Payment

Caselaw

([MM v Secretary of State for Work and Pensions \(PIP\): \[2018\] UKUT 193 \(AAC\)](#).) has confirmed that for the purposes of Daily Living descriptor 3 the following counts as 'therapy' '...“focused listening practice exercises”...’recommended by an audiologist... ... helped the claimant to improve her ability to hear effectively with her cochlear implants. '

4. ESA helpline

Claimants living in live service Universal Credit areas are still able to claim old-style ESA which consists of 2 different elements; contributory ESA and income-related ESA. To claim this claimants need to call 0800 055 6688 (Textphone: 0800 023 4888).

Claimants living in full service UC areas can only claim new-style ESA which replaces contributory ESA. This can be claimed in addition to UC, or someone can claim just new-style ESA if they are not entitled to UC because they have capital of more than £16,000 or a partner who works. Confusingly to claim new-style ESA you have to call one of the Universal Credit helplines 0800 328 5644 (choose option 2, then option 6) Textphone: 0800 328 1344. Be aware that this helpline is many for people who have already claimed UC and have a UC account so anyone claiming needs to listen to all the messages and when they have selected option 6 they need, ignore the phone number bit, and to enter in their postcode, street name, and date of birth and will then hopefully be put through to an adviser who will email an ESA 1, they will then be given an appointment to see someone at the Jobcentre to go through the form..

Minister for Disabled People, Health and Work responding to a [written question](#) in the House of Commons yesterday about telephone calls to the Jobcentre Plus Benefit Enquiry Line relating to ESA, Ms Newton advised that the average customer wait time from the point of entering a queue to connection to an agent (excluding any time spent in pre-queue messaging and any wait time for calls ultimately abandoned by callers) was -

- 1 minute 25 seconds in 2013/2014;
- 3 minutes 41 seconds in 2014/2015;
- 4 minutes 0 seconds in 2015/2016;
- 9 minutes 56 seconds in 2016/2017; and
- 13 minutes 1 second in 2017/2018.

5. Statistics

First Tier Tribunals

The latest [Social Security and Child Support Tribunal statistics](#) show that in April- June 2018:

- 67% of cases heard at a SSCS tribunal were decided in favour of the claimant.
- 71% of both PIP and ESA appeals were successful, (the success rate for PIP appeals has increased by six percentage points on April to June 2017)
- 65% of Disability Living Allowance appeals,
- 55% of Universal Credit appeals
- 36% of Jobseeker's Allowance appeals