



Benefits Newsletter December 2018

1. Universal Credit

Full Service UC roll-out completed

On 12th December 2018 the last part of the full-service UC roll-out was completed which means that in Newcastle, Kidsgrove Biddulph and parts of Stoke, people who need to make a new claim for Income Support, income-based JSA, income-related ESA, Housing Benefit or Tax Credits will have to claim UC instead. This will also affect legacy benefit claimants who are required to make a new claim because they have a change of circumstances. The only exception is families with 3 or more children who will still be able to claim tax credits.

Universal Support – ‘Help to Claim’

From mid-January 2019 Citizens Advice Staffordshire North and Stoke-on-Trent will be offering a new service in Stoke-on-Trent, Newcastle Borough and parts of Staffordshire Moorlands for people who need help to claim Universal Credit.

The ‘Help to Claim’ service will be supporting claimants to claim Universal Credit and support them up to their first payment. There will be face-to face advice available across the area, plus telephone advice and webchat for those who can use a computer/smart phone but need advice about UC. We will be circulating more information about the start dates and telephone numbers in early January to our partners and have invited you all to a meeting of the North Staffordshire Advice Partnership on 16th January 2019 to give you more information about the service.

Judicial Review of fixed assessment periods

CPAG is assisting three single working mothers to challenge the impact that having a fixed assessment period has on claimants who are unable to claim.

‘For one, her UC assessment period runs from the 30th of one month to the 29th of the next and she is paid by her employer on the last working day of each month. As a consequence, there are some assessment periods when she is treated as receiving two monthly wages (e.g. Nov/Dec 2017 she was paid on Thursday 30th November and Friday 29th December). This results in a dramatically reduced UC award, as she is treated as receiving twice the amount from income as is usually the case. Further, as the claimant is entitled to a working allowance, she effectively loses out on the benefit of one working allowance against one month’s salary which is not compensated by the fact that the following assessment period she is treated as receiving no wages and so gets the maximum UC allowance.’

[R \(Woods, Barrett and Stewart\) v SSWP CO/1552/2018](#) was heard by the High Court on 27th and 28th November. The BBC news [website](#) also has an interesting report about this case.

Universal Credit after the Budget

Resolution Foundation has written a report which looks at the impact of the changes made to UC in the 2018 Budget. There are some interesting charts showing winners and losers. <https://www.resolutionfoundation.org/app/uploads/2018/11/Back-in-Credit-UC-after-Budget-2018.pdf>

Universal Credit and Pension Credit and mixed age couples

The DWP has sent out information that has since been withdrawn saying that from 1st February 2019 couples will only be able to make a new claim for Pension Credit if both are over retirement age (currently 65 and 2 months). The Welfare Reform Act 2012 includes provisions* which say that mixed age couples will no longer be able to make a new claim for PC but will have to claim UC instead but there was no date for when this change is likely to be introduced.

We will keep you informed if there are any changes to this. In the meantime we would advise any mixed age couples who are not receiving Pension Credit to check their entitlements now. The personal allowance for a couple on UC is £115.13 a week whereas the personal allowance for a couple on PC is £248.80 a week; so they will be at least £133.67 a week worse off on UC.

*Schedule 2 para 64 of the Welfare Reform Act amends the State Pension Credit Act 2002 -

“(1A) A claimant is not entitled to state pension credit if he is a member of a couple the other member of which has not attained the qualifying age.”

Statistics

The latest [Universal Credit statistics](#) show that on 8th November there were 6,500 claimants receiving UC in North Staffordshire. In Stoke-on-Trent the number of UC claimants has increased by 3,749 in the 21 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	2,114	547	279	2,942
Aug 2018	2,861	547	352	3,764
Sept 2018	3,762	532	453	4,748
Oct 2018	4,553	535	546	5,640
Nov 2018	5,324	510	667	6,500

DWP Guides to UC

The DWP has published a new guide to UC for agencies supporting [homeless people](#). The DWP has also published a new guide to UC for [landlords](#).

2. Work and Pensions Select Committee

Universal Credit and disabled people

The Work and Pensions Select Committee has published a [report](#) calling for the DWP to improve the protection of the rights of disabled claimants and disabled children who are moving to UC.

The Chair of the Committee Frank Field MP commented *“No one should ever be forced further into poverty, deprivation, miserable hardship by a policy reform. The Government must assure disabled people across this country that will not happen to them, and plan and put the measures in place to make that promise good.”*

W&P Select Committee Questioning Amber Rudd

The W & P Select committee has [interviewed Amber Rudd](#) Secretary of State for Work and Pensions on 18th December about managed migration, the benefit cap, benefit sanctions, the two child limit and the UN Rapporteur on Extreme Poverty's report. She has indicated that she would consider further policy changes and rollout delays to restore public confidence in Universal Credit.

3. Benefit appeal statistics

The Ministry of Justice has published the [latest tribunal statistics](#) which show that 68% of appeals cleared at a hearing are revised in favour of claimant.

- 72% of Personal Independence Payment and ESA appeals found in favour of the claimant;
- 65% of Disability Living Allowance appeals found in favour of the claimant;
- 53% of Universal Credit appeals found in favour of the claimant; and
- 33% of Jobseeker's Allowance appeals found in favour of the claimant.

We need to continue to encourage claimants to appeal to the tribunal if they have an unsuccessful Mandatory Reconsideration.

4. Benefit Underpayments

The DWP has published a report '[Fraud and error in the benefit system: final 2017 to 2018 estimates](#)' which shows estimates of the amount of benefits which have been underpaid to claimants. The report shows that, relative to total annual spending on benefits of £177.3 billion in 2017/2018, an estimated 1.1% (or £1.9 billion) was underpaid to claimants, which is the highest ever recorded rate.

- Housing Benefit had an underpayment rate of 1.7% (£370 million);
- for Pension Credit the rate was 2.8% (150 million);
- Jobseeker's Allowance had a rate of 1.3% (£20 million); and
- Personal Independence Payment had the highest rate of underpayment of all benefits at 4.2 % (£340 million).

This shows the need to encourage people to have a benefit check to see if they may be entitled to additional premiums as part of their existing benefit

5. Good Work Plan

The Government has announced a number of improvements to which will be made to workers' rights in 2019, following an independent review of modern working practices by Matthew Taylor. '[The Good Work Plan](#)' which was published on 17th December and includes a number of improvements to employment rights. The Govt has now started to publish the legislation to which will come into force on 6th April 2019.

[The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018](#) will

- give employees the right to a written statement of employment particulars from day one of employment;
- changes the rules for calculating a week's pay for holiday pay purposes by increasing the reference period for variable pay from 12 weeks to 52 weeks.

[The Agency Workers \(Amendment\) Regulations 2018](#) abolishes the Swedish Derogation for agency workers, which was being used by some agencies to remove the rights of agency workers to receive equal pay after 12 weeks. This also comes into force on 6 April 2020.

[The Employment Rights \(Miscellaneous Amendments\) Regulations 2019](#) extends the right to a written statement to workers (previously employees), increases penalties for aggravated breaches of employment law and lowers the percentage required for a valid employee request for the employer to negotiate an agreement on informing and consulting its employees

6. Disability Solutions

Due to a cut in funding, Disability Solutions is trialing a new contribution policy for clients who need assistance form filling and appeals. This will not apply to any clients being assisted by the Macmillan Team and they will continue to offer free advice on all other issues. We understand from DS that if a client is unable to pay they will not be turned away. See policy below.

Introduction of **Contribution Policy @ DSWM**

From the 10th December 2018 Disability Solutions will be asking the people we help to help us, help them, and help others by making a small monetary contribution. We are trialling the introduction of a small charging policy which will help generate a small amount of funding towards the costs of the specialist services and support we provide for people with disabilities and their families.

With our 96% overall success rate, last year securing in excess of £11million for our clients, we are confident that the requested contributions represent excellent value for money. Contributions range from

£10	SSCS1 and Mandatory Reconsideration completions
£30	Specialist form filling for DLA / PIP / AA / ESA / Industrial Injuries
£100	Tribunal Representation – DLA / PIP / ESA
£120	Appeal Submissions – DLA / PIP / ESA

We understand that not all will be able to make the contributions mentioned above, however we would welcome a contribution where possible of any size.

An adviser will be happy to take your call and to talk through the available support options.

We understand that not all will be able to make contributions due to circumstances, and our approach enables flexibility to respond to individuals and families needs and circumstances. Where circumstances dictate we will continue to allocate our charitable reserves. Our advice provision continues to be free - contributions only relate to the items of work as specified.