

Benefits Newsletter October 2016

1. ESA

Work Capability Assessments

The Works and Pensions Minister Damien Green has announced that they are going to end repeat WCAs for people who are 'chronically-ill'. In a statement to the House of Commons on 10th October he said:

'On 1 October, I announced that that we will stop reassessing people with the most severe health conditions and disabilities. This change will apply to people who have already been placed in the ESA Support Group or UC Limited Capability for Work and Work Related Activity categories following a WCA and who have the most severe health conditions and disabilities (defined as claimants with severe, lifelong, often progressive and incurable conditions, with minimally fluctuating care needs, who are unlikely to ever be able to move closer to the labour market and into work). The IT changes needed are expected to be completed by the end of 2017. In the meantime, we will be working to ensure these people are not reassessed unnecessarily.'

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-10-10/HCWS174/>

Intitiating and Completing Personal Actions

The DWP has published new guidance for decision makers on how to interpret the descriptor 'Initiate and Complete Personal Actions' following a recent Upper Tribunal decision which ruled that personal actions are more than just habitual actions such as washing and brushing teeth. Personal actions should be ones which involve 'planning, organisation, problem solving, prioritising or switching between tasks'; 'e.g. choosing and getting ready appropriate clothes (planning and organising), deciding what to do if clothes need washing or ironing (problem solving and prioritising), and doing those before dressing if necessary (switching tasks).'

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557137/adm22-16.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557144/m-21-16.pdf

ESA Statistics

Disability Rights UK has further analysed the latest ESA statistics.

- *'In November 2015, 57% of claimants were placed in the support group. But by February 2016 that had dropped by 24% points to just 33%.'*
- *'The number of claimants placed in the ESA support group because of regulation 35 has seen a fall from 9,500, for claims that started in April 2015, to just 3,000 for claims that began in December 2015.'*

There are also concerns expressed because the DWP is considering abolishing [regulation 35](#) which allows some claimants to be automatically placed in the support group.

<http://www.disabilityrightsuk.org/news/2016/september/dramatic-fall-numbers-placed-esa-support-group?onOff=OFF>

Case Law

An Upper Tribunal has ruled that a claimant cannot be sanctioned for failing to undertake unreasonable work-related activity see [CE/4587/2014 \[2016\] UKUT 360 \(AAC\)](#)

2. Universal Credit

Roll-out

The UC full digital service is being rolled out in more Jobcentres across the UK between 5th October 2016 and 14th December 2016 – none of these are in North Staffordshire.

For a full list of postcode areas affected see:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558120/adm23-16.pdf

Latest UC Stats

The latest statistics published by the DWP show that 338,519 people were on the Universal Credit caseload across the UK, as of 8th September 2016. Of these 139,870 (41%) were in employment.

In North Staffordshire the numbers of new claims for UC have continued to decrease. In Stoke-on-Trent there were 354 claims for UC between 14th July and 1st September, a decrease of 5.85%. There are currently 1,755, UC claimants on the UC caseload whose claim for UC has been awarded; this has increased from 1,656 in July 2016 (up 5.98%).

| Local Authority | New Claims 18 th Aug– 6 th Oct 2016 | Caseload 8 th Sept 2016 | | |
|------------------|--|------------------------------------|--------------------|--------------|
| | | Total | Not in emp | In emp |
| Stoke-on-Trent | 354 | 547 | 490 (47.4 %) | 1,037 |
| Newcastle | 150 | 304 | 235 (43 %) | 546 |
| Staffs Moorlands | 47 | 88 | 89 (50.3%) | 175 |
| Total | 536 | 940 (53.6%) | 812 (46.3%) | 1,755 |

44.73% of claimants on the UC caseload in North Staffordshire are under 25; this is a decrease from 44.8% in August 2016. The number of under 25s in employment has increased from 346 in August to 424 in September; an increase of 22.54%.

| under 25s | Not in employment | In employment | Total* |
|------------------|-------------------|---------------|------------|
| Stoke-on-Trent | 246 | 207 | 448 |
| Newcastle | 139 | 119 | 256 |
| Staffs Moorlands | 47 | 33 | 81 |
| Total | 424 | 359 | 785 |

*Figures in these tables have had statistical disclosure control applied to avoid the release of confidential data. Totals may not sum due to the adjustments.

The DWP has also published the number of UC claimants who are subject to a conditionality regime. There are now 121 claimants who have in-work conditionality and are expected to be looking for better paid work; a 10% increase from August 2016.

| Conditionality Regime | Search ing for work | Working – with requirements | No work requirements | Working – no requirements | Planning for work | Total |
|-----------------------|---------------------|-----------------------------|----------------------|---------------------------|-------------------|--------------|
| Stoke-on-Trent | 669 | 63 | 18 | 285 | 8 | 1,037 |
| Newcastle | 354 | 44 | 12 | 129 | .. | 546 |
| Staffs Moorlands | 107 | 19 | 6 | 44 | .. | 175 |
| Total | 1,133 | 121 | 30 | 458 | 7 | 1,755 |

<https://www.gov.uk/government/statistics/universal-credit-29-apr-2013-to-6-oct-2016>

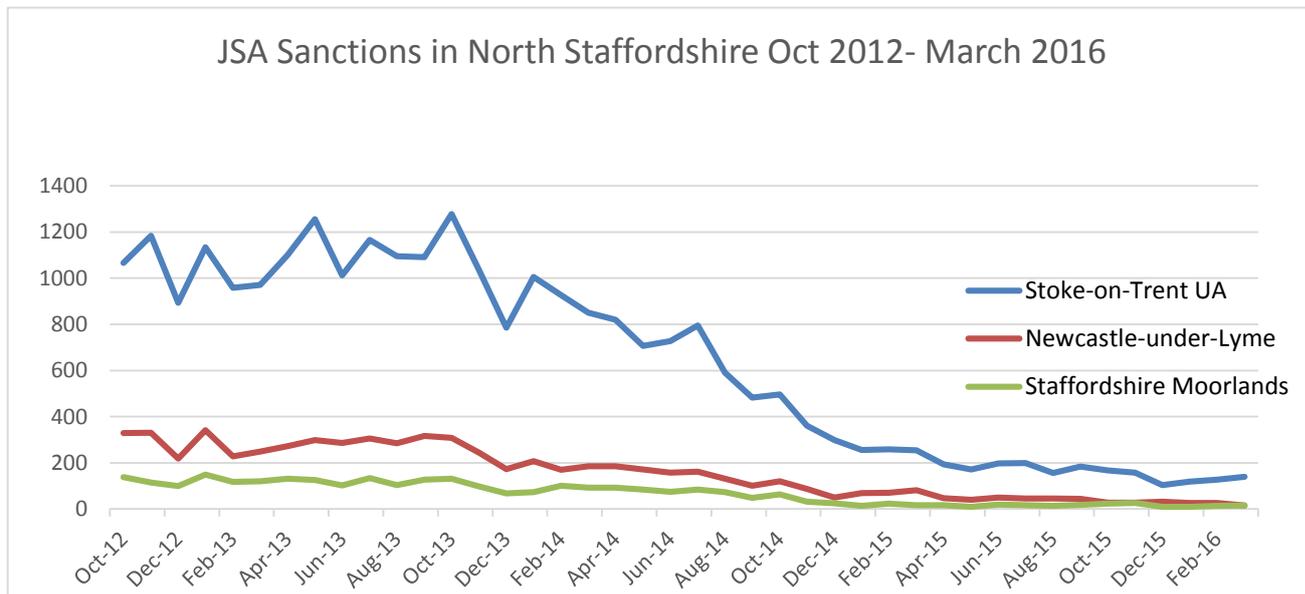
Universal Credit added as a qualifying benefit for Healthy Start free meals and vitamins

This is for UC claimants who have a net earned income of less than £408 per month.

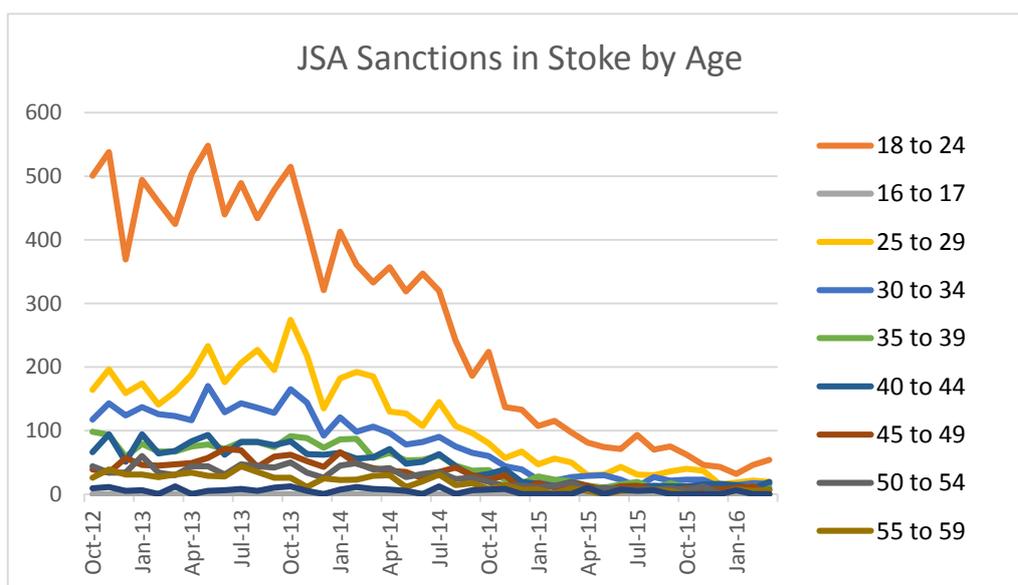
See <http://www.legislation.gov.uk/ukxi/2016/985/made>

3. JSA Sanctions

The latest JSA sanctions statistics published in August 2016 continue to show a considerable decrease in the number of JSA sanctions applied by Jobcentres in North Staffordshire. In Stoke 42.64% of sanctions were applied to claimants aged 18-24.



| JSA Sanctions North Staffs | Stoke | Newcastle | Moorlands | Total |
|----------------------------|--------------|-------------|-------------|--------------|
| Oct 12- March 13 | 6207 | 1696 | 738 | 8641 |
| April 13-March 14 | 12604 | 3052 | 1285 | 16941 |
| April 14-March 15 | 6049 | 1384 | 628 | 8061 |
| April 15-March 16 | 1914 | 425 | 189 | 2528 |
| Total | 26774 | 6557 | 2840 | 36171 |



<https://www.gov.uk/government/statistics/jobseekers-allowance-and-employment-and-support-allowance-sanctions-decisions-made-to-march-2016>

4. Housing Benefit

Application of Local Housing Allowance rules to social housing tenants

The National Housing Federation has published findings of their research on the effects of applying the LHA rules to tenants from 1st April 2018. The application of the LHA rules will mean that single tenants under the age of 35 (who have no children living with them) will only be able to have a maximum of the shared accommodation rate of Housing benefit or Universal Credit housing costs, if their tenancy began on or after 1st April 2016. In North Staffordshire the shared accommodation rate is currently £52.02 a week. The NHF estimates that there 26,000 tenants in England will have an average cut in benefit of more than £18 per week. <http://www.housing.org.uk/resource-library/browse/impact-of-applying-local-housing-allowance-rates-to-general-needs-social-te/>

Frank Field MP, Age UK and Riverside Housing have expressed concerns that the application of LHA rules to social housing tenants will also bring in the 'bedroom tax' for pensioners who started their tenancy after 1st April 2016 as the LHA rules do not protect pensioners. This would mean a single pensioner who is in a two-bedroom house could have his or her Housing Benefit capped at the level for a one-bedroom house (£80.55 a week in North Staffs). Riverside Housing estimates that pensioners could lose on average £300 a year and in some areas up to £1,700 a year.

<http://www.independent.co.uk/news/uk/politics/bedroom-tax-pensioners-social-housing-housing-crisis-council-houses-a7340136.html>

5. Personal Independence Payment

Case Law – Mobility Activity 1

In a recent decision by the Upper Tribunal, Judge Jacobs has ruled that when considering if someone is able to plan a journey (Mobility Activity 1) a decision maker should only take illiteracy into account if this is due to a learning disability or other mental condition. This means if some is unable to read and write because they did not learn in school the decision maker cannot take this into account even if it is undiagnosed dyslexia.

The UT also ruled that a journey is any journey, it does not have to be a local journey as what is being assessed is the claimant's ability to plan or follow the route, 'it is the route that matters not the destination'.

<http://administrativeappeals.decisions.tribunals.gov.uk//Aspx/view.aspx?id=4959>

Reminder - New website for advice on completing PIP forms

LASA has published a new website which has to assist agencies to complete PIP applications including relevant case law. See <http://pipinfo.net/#conditions>

6. UK Prosperity Index

Stoke-on-Trent is ranked 380 out of 389 areas in the UK Prosperity Index 2016

<http://www.uk.prosperity.com/>