



## Benefits Newsletter July 2018

### 1. Universal Credit

#### Monitoring the first 6 months of UC in North Staffordshire

We are planning to write a report on the experiences that claimants have had during the first 6 months of UC in North Staffordshire and would like to hear of any issues that you are coming across. If you have a case study that you would like to share with us or to report to us any ongoing problems, please email [potteries.gold@sncab.org.uk](mailto:potteries.gold@sncab.org.uk). We plan to send out a Survey Monkey with a few questions every couple of months to make it easy for you to report issues. The first survey will be looking at any problems with initial claims and first payments, have people received the support they need to claim and have there been any delays in payments.

Hanley Jobcentre has given us a list of phone numbers to use at their offices to escalate any problems we are experiencing with UC at a local level. We will circulate this to you but stress it is only for advisers to use and not for claimants.

#### Natural Migration caused by changes of circumstances

There has been some confusion over who needs to claim UC because they have had a change in circumstances, which has resulted in some claimants moving over to UC before they have to.

Most people receiving legacy benefits will not have to claim UC until after July 2019 when the planned migration process begins. However, **most legacy benefit claimants who have a change of circumstances which requires them to make a new claim for means-tested legacy benefits**, (Income Support, income-based JSA, income-related ESA, Tax Credits, or Housing Benefit) **will have to claim UC instead**, e.g. a single person living in a postcode area where the full UC has been introduced will no longer be able to claim income based-JSA and Housing Benefit if they lose their job and will have to claim UC instead. But even this isn't clear cut, if this claimant does not have housing costs and has enough contributions to claim contributions-based JSA (new style JSA) they claim this and not UC.

In some cases it is possible stay on legacy benefits and report a change of circumstances, but this situation is also not clear cut; e.g. someone who is on legacy benefits who moves in with a new partner who is also on legacy benefits will not necessarily have to make a new claim for UC, but if they are claiming tax credits as single person and need to claim as a couple they will have to claim UC instead.

We are currently working on a flowchart and a guide with examples which we will circulate to everyone once it is complete and everyone in our team (and the DWP) is happy with it.

In the meantime see online article from CPAG for more information '[When does natural migration onto UC happen?](#)' If you have any doubts then ask CPAG on 020 7812 5231 (advisers only) or email [advice@cpag.org.uk](mailto:advice@cpag.org.uk) or email [potteries.gold@sncab.org.uk](mailto:potteries.gold@sncab.org.uk) before advising someone that the need to claim UC as once they are on it they will have to stay on it.

## **Managed Migration and Transitional Protection**

Managed Migration to UC is the process by which existing legacy benefit claimants will be moved over to UC between July 2019 and end March 2023. The draft regulations '[The Universal Credit \(Transitional Provisions\) \(Managed Migration\) Amendment Regulations](#)' were published on 1<sup>st</sup> June 2018 the Social Security advisory Committee has now opened a [consultation](#) about the proposals contained in the draft with a deadline of 20<sup>th</sup> August for responses. The regulations propose the following

### **Migration Process**

- The DWP will send a migration notice to the claimants which will inform them that: -
  - all awards of existing benefits to which they are entitled are to 'terminate' and
  - they will need to make a claim for UC by a specific date (deadline day). Deadline day can be up to 3 months after notice is received for people who are vulnerable or have complex needs.
- Couples will each receive a migration notice containing the same information.
- It will possible for the deadline day to be changed, if a notified person requests the change before deadline day and there is a good reason to do so, e.g. they are having problems completing the UC claim and they are vulnerable or disadvantaged.
- If no claim for UC is made before deadline day all legacy benefit claims will be terminated.
- If qualifying claim for UC is made before deadline day there will be no gaps in payment and claimant may be entitled to transitional protection.
- A 'qualifying claim' for UC is one that is
  - made on or before deadline day, or is made after deadline day but is backdated to before deadline day; and
  - the claim is not defective; and
  - any additional information requested has been provided within one month of the claim (or extension of that month); and
  - the claimant was not a prisoner on migration day.

### **Transitional Protection**

Legacy benefit claimants who make a successful qualifying claim for UC before deadline day maybe entitled to transitional protection if their UC award would be lower than the amount they are currently receiving.

**Transitional Capital Disregard** – will give protection for Tax Credit claimants who have capital of more than £16,000. The amount of capital over £16,000 will be disregarded for 12 assessment periods (one year). If capital decreases below £16K the TCD will end and will not be applied if capital increases above £16K. This means that someone who previously did not qualify for Housing Benefit on capital grounds may be able to qualify for the housing element of UC.

**Transitional Protection**– will be included in the calculation of the award as a **Transitional Element** if the total amount of legacy benefits exceeds the total amount of the UC award on migration day. The TE will be an element which is part of the calculation of the maximum UC and any income will reduce the maximum UC. This will ensure the transitional element is a fixed amount and is not eroded if income increases. However, if the income increases and this leads to a zero UC award for more than 3 months the transitional protection will no longer apply. The TE will be reduced or removed if one of the other elements increases or the claimant becomes entitled to a new element, e.g. has a child.

**Total Legacy Amount** – is the sum of the monthly rates of legacy benefits to which the claimants are entitled to on migration day. Conversion calculations used: Tax Credits daily rate x 365/12. Other benefits weekly rate x 52/12.

**Benefit Cap** They are proposing that the benefit cap will apply to the total award of UC so if the Transitional Element brings the total benefits above the benefit cap level, then the UC will be reduced.

**Self-Employed claimants** who migrate to UC will not have the Minimum Income Floor applied for 6 months.

### **Public Accounts Committee**

The Director General of UC Neil Couling MP has given [evidence](#) to the Public Accounts Committee about the Managed Migration Programme. He said that in 2019 the managed migration will be slow, with a test phase and by 2021 it will be running at 'full lick'. He suggests the maximum case load will be 100,000 per month across the UC

### **Universal Credit [Statistics](#)**

The latest statistics for UC show that there are still less than 1 million people receiving UC across the UK. In May 2018 there were 981,329 people on UC. Of these, 47 per cent were searching for work; 37 per cent were in employment; and 14 per cent were working 'with requirements'.

The statistics do not yet show how many new UC claimants there are in Stoke-on-Trent and North Staffordshire since the full service was introduced on 13<sup>th</sup> June 2018.

## **2. Personal Independence Payment**

### **The PIP Assessment Guide and review of PIP claims**

The [PIP Assessment Guide](#) assessment guide has been updated to give guidance on the new interpretations of Daily Living Activity 3, 'Monitoring a health condition and managing medication', and on Mobility Activity 1 Planning and following a journey.

### **Review of PIP Claims – Mobility 1 and Safety**

The DWP has started reviewing cases of claimants who were refused PIP Mobility 1, after 28<sup>th</sup> November 2016 in cases where the issue involves psychological distress (following the MH Judgment); and cases refused after 9<sup>th</sup> March 2017 for cases where safety is an issue that should have been considered (following the RJ Judgment). The claimants will not be required to attend a face-to-face assessment and they will not lose any existing award, they will have the right to appeal the new decision. See [Parliament UK](#)

### **Review of PIP Claims - Haemarthropathy**

Sarah Newton Minister for Disabled People also [announced](#) to Parliament that *'In addition, the Department is also beginning a review of approximately 420 PIP cases where the main disabling condition is haemophilia to identify and review claimants with haemarthropathy, following feedback from external stakeholders that the functional needs of claimants with haemarthropathy were not being adequately assessed. We expect this exercise to be completed in 6 weeks.'*