

Changes – recent and due

Summer 2013

- no new claims to Disability Living Allowance (DLA) for people aged 16 to 64
- Benefit Cap began
- Child Maintenance Service open to new applicants with 2 or more children.

Autumn / winter 2013

- People claiming Winter Fuel Payments from Switzerland and European Economic Area countries outside the UK, must have '**genuine and sufficient link**' with the UK
- **Cut-off date** of 31 March 2014 for claims for the first 3 years of the **winter fuel payments scheme** - i.e. 1997/1998, 1998/1999 and 1999/2000.
- National **minimum wage** £6.31,
- **Upper permitted work earnings limit increased to £101** a week in incapacity benefit, severe disablement allowance and employment and support allowance
- **Increased flat rate of child support maintenance deductions** from benefit £7.25 from November
- **Changes to appeals** - Mandatory reconsideration and direct lodgement for **all DWP benefits** and child maintenance cases.
- Transfer DLA to PIP begun (**not Blackpool Wyre Fylde**)
- New claims for **universal credit** in six more Jobcentres from (not Blackpool Wyre Fylde)
- **Claimant Commitment** began
- No new **In Work / Return to Work Credit** payments
- 360,000 full-time **carers are not claiming carer's allowance**, according to Carers UK (always seek dual benefit check before advising on this)
- **Access to Work extended to work placements** that are not organised by Jobcentre Plus 09.12.2013
- **Industrial injuries benefit extended to people in employment training schemes / courses**

2014 – 2017

Universal Credit roll out and DLA to PIP transfer
October 2015 Peak of PIP reassessments expected

Ending of Assessed Income Periods for State Pension
Credit April 2016

For detail on known Welfare Reform changes, see the **Welfare Reform Briefing** on the Advice Link website.
<http://advicelink.weebly.com>

Benefit News



December 2013

Benefit News for advisers in Blackpool, Wyre and Fylde - benefits and services that are under-claimed or have changed.

Independent review of sanctions – have your say!

The Head of Economic Analysis at Which?, is leading an **independent** review of benefit sanctions for the Secretary of State.

The review will look at Job Seekers Allowance sanctions for mandatory schemes such as the work programme, but specifically, sanctions validated by the Jobseekers (Back to Work Schemes) Act 2013.

To inform the review, he is collecting evidence about the whole sanctions process; including sanction decisions, appeals and hardship applications.

Collecting information from benefit claimants and representatives is vital to this review and they would like all interested bodies to contribute **by 10 January 2014**.

<https://www.gov.uk/government/consultations/jobseekers-allowance-sanctions-independent-review>

Ways to respond

Email to: sanctions.review2013@dpw.gsi.gov.uk

Write to: Independent Review of Sanctions
Review Team, 1st Floor, Caxton House,
6-12 Tothill Street, London, SW1H 9NA

Claimant commitment is here!

- Jobseekers need to be advised of the serious consequences of not complying

The 'claimant commitment' was rolled out from October 2013 across the country in Jobcentre Plus offices. The Government say that "Jobseekers will have to account more clearly for their efforts to find work and will involve a weekly timetable of tasks to complete." They are expected to look for work for the same number of hours they are expected to work. This could be up to 35 hours, minus any hours of work related activity. There are different requirements depending on which group they are in. Those who fail to comply with this and other work related responsibilities "risk losing their benefit". This follows the increase of the sanction period of 2 to 26 weeks in October last year, from 4 weeks to 3 years.

More details from the DWP:

www.gov.uk/government/news/claimant-commitment-to-spell-out-what-jobseekers-must-do-in-return-for-benefits,

N.B. DWP INFORMATION WITH EXAMPLES

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209385/foi-2451-2013.pdf

Definition of domestic violence for victims claiming jobseeker's allowance

From 29 October 2013, *Regulations* amend the definition of domestic violence to the effect that -

- regardless of the gender or sexuality of the victim, 'domestic violence' means any incident or pattern of incidents of controlling behaviour, coercive behaviour, violence or abuse including but not limited to psychological abuse, physical abuse, sexual abuse, financial abuse, or emotional abuse;
- 'coercive behaviour' means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim; and
- 'controlling behaviour' means an act designed to make the victim subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape, or regulating their everyday behaviour.

NB - in an appendix to the Memo the DWP sets out a number of examples of psychological abuse, physical abuse, sexual abuse, emotional abuse and financial abuse.

DMG Memo 23/13 - is available from the DWP website.

Over 60's (or approaching pension age)

Retirement Pension v. Pension Credit

From April 2013	Single	Couple
Pension	£110.15	£176.15
Pension Credit Guarantee (<i>Basic</i>)	£145.40	£222.05

Don't understand this – ask Pam on 01253 476843

Winter fuel - 'genuine and sufficient link' to UK

From 16 September 2013, Regulations introduce

- a requirement for people claiming winter fuel payments from Switzerland and European Economic Area countries outside the UK, to have 'a genuine and sufficient link' with the UK; and
- a cut-off date of 31 March 2014 for claims for the first three years of the winter fuel payments scheme - 1997- 2000.

Sl.No.1509/2013

Pension Credit - Ending of Assessed Income Periods for State Pension Credit April 2016

- From April 2016 households on Pension Credit will need to **report all changes** in their circumstances that will affect their benefit as they happen.
- Pensioners aged 75 and over who have an indefinite assessed income period in place will be exempt - unless the assessed income period would end under current rules.

N.B. May affect those selling their homes to go into rented accommodation who currently benefit from the Assessed Income Periods rule.

Benefit Changes in the Autumn Statement 2013

Upating for next year of most benefits to be by 1 % (less than inflation). *Affects most working age clients.* Exceptions are disability benefits, carers benefits and associated premiums which are upated by 2.7 % (inflation)

Upating of State Retirement Pension, additional State Pension and State Pension Credit (guarantee credit) by inflation 2.7 % (the triple guarantee).

Retirement age for Basic State Pension

Under review, may rise to age 68 in the 2030's and age 69 by late 2040's. Will affect those in their 40's and below. *Affects the starting age for Universal Credit also.*

Free school meals

To be Introduced as a Universal Benefit for *all infant pupils (years- reception, 1 and 2)*. Also to some disadvantaged 6th form students from September 2014. Pupil Premium rates and eligibility will not be affected. Government also to provide capital funding to increase capacity in school kitchens and eating areas.

Winter Fuel Allowance

From winter 2015-16, winter fuel payments will no longer be payable to people living in an EEA country with an average winter temperature higher than in the warmest region of the UK.

Discretionary Housing Payments 2014-15 and 2015-16 –

The government will increase DHPs by £40 million in both 2014-15 and 2015-16. This will ensure the pot of DHPs available to support those affected by under-occupancy deductions will not be reduced for the next 2 years, giving councils discretion to make longer term awards. Funding of DHPs will be met from DWP's budget from 2014-15.

The Autumn Statement 2013, and accompanying Treasury documents, are available from gov.uk

Thanks to various national colleagues for highlighting these.

Winter focus www -ebsites and e news

<http://www.streetlink.org.uk/>

Telephone line and website available across England - enables the public to alert local services when they are concerned about someone sleeping rough and is the first step someone can take to help them to the local support. Take action at www.streetlink.org.uk or by calling 030 0500 0914. Run by the charities Homeless Link and Broadway.

Various Tools

- http://england.shelter.org.uk/get_advice/downloads_and_tools/budget_calculator
- http://england.shelter.org.uk/get_advice/downloads_and_tools
- <https://www.gov.uk/government/publications/keep-warm-keep-well-leaflet-gives-advice-on-staying-healthy-in-cold-weather>

Housing Benefit

Local Housing Allowance rates from April 2013

Area	Fylde Coast / Blackpool	Central Lancs	Lancaster
Room	£59.79	£51.10	£53.14
1 Bed	£85.15	£87.69	£91.15
2 Bed	£114.23	£109.62	£114.23
3 Bed	£130.00	£126.92	£129.71
4 Bed	£155.77	£160.38	£138.46

Changes to for disabled children, joint tenants affected by the bedroom tax, and definition of a 'young individual'

From 4 December, amendments to Regulations:

- allow for an **extra bedroom for a disabled child** who is entitled to the care component of (DLA) at the higher or middle rate and would normally be expected to share a bedroom under size criteria rules but is unable to do so due to their disability;
- ensure that a **bedroom is not treated as spare** when it is occupied by another joint tenant's overnight carer or child of a qualifying parent or carer (this only applies to claimants in the social rented sector)
- Allow for an **approved foster carer to be exempt from the definition of a 'young individual'** - this prevents the shared accommodation rate from being applied when a claimant is a single person under 35 and is also an approved foster carer.

As to whether a child's disability makes it unreasonable for them to share, factors a local authority should consider include

- whether the child is currently sharing a bedroom without difficulty,
- if the child requires overnight care, whether the frequency and nature of that care causes prolonged and/or repeated disruption to another child;
- whether the nature of the disability increases the likelihood that the disabled child may behave disruptively during the night;
- whether sharing a bedroom with the disabled child poses a risk of physical harm to either child; and
- how long the situation is likely to last,

Local authorities now need to review all cases awarded under previous guidance.

HB Circular A21/2013

NB - in a case where the child is not entitled to the required DLA care component but the claimant states that their child is unable to share due to disability, the DWP advises that the local authority should consider whether a discretionary housing payment award is appropriate.

Students: HB G9/2013 - the rates for the travel grant disregard and the books and equipment disregard are frozen for the academic year 2013/2014 at £303.00 in respect of travel and £390.00 in respect of books and equipment.

Treatment of ex-gratia payments to Equitable Life policyholders.

The government announced that it would make an ex gratia payment of £5,000 to Equitable Life policyholders who bought an Equitable Life with profit annuity policy before 1 Sept 1992 and are aged 60 or over. An additional £5,000 will be payable to such policyholders who are in receipt of pension credit at 1 Nov 2013. Payments are due to be made later this financial year. Bulletin G10/2013 outlines that -

- Both payments will be tax-free and will not affect the amount of housing benefit or any other social security benefit they may receive.**

HB General Information Bulletin G10/2013

Housing Benefit and PIP

PIP provides a gateway to premiums in HB similar to DLA.

- The Disability Premium** - when PIP daily living and/or mobility is in payment at either standard or enhanced rate even when PIP has been suspended due to the claimant or partner being a patient
- The Disabled Child Premium** - when PIP daily living and/or mobility is in payment for a young person at either standard or enhanced rate including when the child is a patient and PIP has been suspended as a result.
- The Severe Disability Premium** is awarded when PIP daily living is in payment at either standard or enhanced rate. The rules regarding the Severe Disability Premium remain the same – ask Pam if you don't know the rules!
- The Enhanced Disability Premium** - when PIP daily living is in payment at enhanced rate. This premium is applicable to working age claimants and can be paid on top of any other disability premium including when the claimant is a patient and PIP has been suspended.
- The Carer Premium** - when the claimant or partner is entitled to Carers Allowance for looking after a person in receipt of Daily Living either standard or enhanced rate.

Gateway to Carers Credit

- PIP standard or enhanced rate Daily Living component provides a gateway to Carers Credit to contribute towards State Pension entitlement.

Capital

- Any arrears of PIP Daily Living and/or Mobility are disregarded for one year from the date of receipt

Non dep deductions

- When the claimant or partner is in receipt of PIP Daily Living at standard or enhanced rate, no non-dependant deduction will apply

Child care costs disregard

- When one of a couple is in remunerative work and the other incapacitated, child care costs can be deducted.
- When the non-working partner gets Daily Living and/or Mobility at either rate, they are treated as incapacitated
- Child care costs may be deducted for a disabled child up to the first Monday following their 16 birthday. The definition of a disabled child includes a child who is receiving PIP Daily Living and/or Mobility at either rate. This also includes a child who would be receiving PIP if not for the fact they are a hospital in-patient.

Person who requires overnight care

- When determining the number of bedrooms a person requires, an additional room can be allowed for an overnight carer. A person who is likely to require over-night care now includes someone who is receiving PIP Daily Living at any rate.

See Housing Benefit circular: A6.2013 -

<http://www.dwp.gov.uk/docs/a6-2013.pdf>

Impact of Supreme Court judgment on how DWP deals with overpayment debts from bankrupt debtors

The DWP has issued new guidance to local authority housing benefit staff in relation to the impact of the Supreme Court's judgment in 'Nortel' on how it deals with overpayment debts from bankrupt debtors.

HB General Information Bulletin G10/2013.

Personal Independence Payment

Following the initial telephone call to make a PIP claim (Part 1) - Part 2 should be received within 7-10 days.

Terminal illness / special rules:

The following full postal address should be used for return of DS1500s:

Freepost RTEU-HXBG-YTST
Personal Independence Payment 10
Mail Handling Site A
Wolverhampton WV98 1AE

20 metres

- The DWP is to retain **20 metres as the qualifying distance for PIP enhanced mobility component.**
- **Some Motability Scheme users will no longer be able to access this support following their re-assessment for Personal Independence Payment.**
- The DWP has worked with Motability who have put in place financial support for them. **If someone does lose their Motability vehicle and they were in the scheme prior to January 2013 there will be a £2,000 lump sum to help.** Hansard.

PIP "medical" assessment costs

- Where it is necessary for a claimant to travel to a face-to-face assessment, they are able to claim travel expenses for themselves and a companion or carer, or young children who would otherwise be left unattended.
- Payments are made for public transport fares; **travel by private motor vehicle and in some circumstances, where prior approval has been given by the assessment provider, taxi fares.** Payments relating to other costs related to the journey such as **parking**, tolls or congestion charges can be met.
- **The assessment providers are required to reimburse these expenses within 14 calendar days of the claim** in line with guidance issued by the Department.

PIP claimant assessment Travel time

Claimants should face **no more than a 90 minute single journey by public transport (!!)** to an assessment centre.

All assessment sites must be compliant with the Equality Act 2010, with suitable ground floor accommodation available.

Written answer Hansard.

<http://www.publications.parliament.uk/pa/cm/201314/cmhansrd/cm131112/text/131112w0003.htm#13111282000106>

N.B. Where suitable claimant access to the claims system is unequal, ignored or failed, there are legal aid lawyers ready to take up the case.

Contact Pam for more information.

Complaints and appeals are different!

REMEMBER the DWP do not treat a complaint as an appeal against a benefit decision - and vice versa.

In the last issue we looked at the reconsideration and appeals system for when you disagree with a benefit decision: now we look at helping the system work.

Complaints

If you want to complain about the service you get from DWP or from an organisation that provides its services, each DWP business has its own complaints procedure for its customers which you can access at <https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>

Compensation - Financial redress for maladministration:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236140/financial-redress-for-maladministration.pdf

is a DWP staff guide that explains DWP's financial compensation principles and processes. It describes:

- the scope of the department's special payment scheme
- the underlying principles that must be applied to every case
- how each case must be considered on its own merits, in the light of the particular circumstances of the case.

Maladministration - is used to describe when DWP actions or inactions result in a customer experiencing a service which does not match DWP aims or the commitments DWP have given. It applies to situations in which DWP have not acted properly or provided a poor service. For example: wrong advice, discourtesy, mistakes and delays.

Redress - is defined by the DWP as Remedy for a wrong or a grievance, which can include any combination of an apology, an explanation, putting things right and a financial payment.

Ex gratia special payment categories

1: Loss of statutory entitlement - A special payment for loss of statutory entitlement can be made if maladministration has caused a claimant to lose entitlement to statutory benefit payments.

2: Actual financial loss or costs A special payment may be considered if an individual has incurred additional costs or losses as a direct result of maladministration. Such payments are calculated by looking at how much the person has lost (evidence) or what extra costs they have reasonably incurred. The emphasis should be on trying to restore the individual to the position they would have been in had maladministration not occurred.

3: Consolatory payments A special payment may be considered under this category where the customer (or a third party) has suffered injustice or hardship arising from maladministration. The DWP must have regard to the 4 Guiding Principles of the DWP Special Payment Scheme

1. *Individuals should not be disadvantaged as a result of maladministration:*
2. *Injustice and hardship resulting from maladministration should be addressed on a case by case basis:*
3. *Fair and justifiable decisions should be made in respect of individual cases:*
4. *Special payment decisions should culminate in timely and appropriate financial redress for individuals:*

Consolatory payments range between £25 and £500, although lower or higher payments may be appropriate having considered the individual circumstances of a case, in the context of the guiding principles.

The DWP publish guide for the public at:

<https://www.gov.uk/government/publications/compensation-for-poor-service-a-guide-for-dwp-staff>

and states "Unfortunately, we don't always get things right first time."

Any service needs to know what works and what doesn't - a complaint draws attention to where a system / service isn't working equally for everyone as well as putting things right for an individual - whether by an apology or compensation.

To help you help the vulnerable improve the system the network will be adding templates to the adviser's toolkit on the Advice Link website.

Tax credits news

Overpayment appeal

Recovery of an overpayment is suspended if an appeal has been made against the decision which gave rise to the alleged overpayment. An appeal should be made on form [WTC/AP](#) within 30 days of the decision.

Overpayment dispute

However, [HMRC](#) will no longer suspend recovery while simply a dispute is ongoing.

- When an overpayment is notified in a final decision, recovery will usually follow. It is possible to **dispute recovery** on form [TC846](#).
- **Registering a dispute will not mean that recovery action is suspended.** Recovery may continue by deduction or other methods, while HMRC considers the dispute, and during any further review or complaint.
- If HMRC finds in the claimant's favour, the amount already recovered should be refunded to the claimant, and the remainder written off.
- Note that a dispute will usually only be considered if received within three months of the decision notifying the overpayment.

Phone lines:

HMRC has introduced 0345 numbers to its specialist tax credit helplines. These are generally cheaper to call and provide direct access to certain sections of the tax credit office.

• Intermediaries Helpline 0345 300 3946

For advice agencies either with the claimant present, or with a [TC689](#) authority to act on the claimant's behalf

• Payment Helpline 0345 302 1429

To negotiate repaying an overpayment, including hardship.

• Child Care Providers line 0345 300 3941

For childcare providers, usually following a request for information.

• Local Authorities line 0345 300 3944

For local authority housing benefit teams

• Bulk Order Line 0345 366 7820

To request supplies of HMRC leaflets

The main Tax Credits Helpline 0345 300 3900/ Textphone 0345 300 3909 is unchanged, but the above numbers may be easier to get through on during busy periods.

Tax credit appeals

HMRC no longer send written acknowledgment that an appeal has been received.

Delay in waiting for a tax credit appeal to be dealt with is a concern for advisers and claimants. HMRC has committed that:

- within 42 days of an appeal being received, it will be either settled or ready to go to the Tribunal;
- The backlog of old appeals waiting to be dealt with by HMRC should now be cleared.

Claimants waiting more than 42 days for an appeal to be settled or sent to the Tribunals Service therefore have cause to complain.

If a settlement is reached, HMRC must notify this in writing and the claimant has another 30 days to reject this in writing and proceed with the appeal.

It is up to the Tribunals Service to arrange a hearing of the appeal; the time this takes depends on their local caseload, but a request should be made to deal with it urgently if a claimant is without income for children.

Email advice service for advisers on Tax Credits and Child Benefit

CPAG provide advice via email to advisers where the enquiry concerns:

- **Child Benefit**
- **Tax Credits**
- **any other HMRC administered payment (e.g. Statutory Maternity Pay, Statutory Sick Pay)**

Examples of issues that they regularly provide expert advice on are:

- Compliance interventions on tax credit claims, especially 'undisclosed partner interventions'
- Right to reside issues where child benefit or tax credits are affected
- Claimants who were previously a PSIC and who have problems claiming due to NINO or other evidence requirements
- Overpayments and 'notional entitlement' issues
- Challenging HMRC decisions that a claimant is not 'normally working' the required hours to sustain a claim for WTC

The email address is advice@cpag.org.uk and they aim to answer all emails within 5 working days.

Please note, they cannot offer advice to members of the public.

*We aim to be correct the day Benefit News is sent out. To suggest future articles, for enquiries about information in Benefit News, benefit training, or the project, **Contact: advicelink@blackpool.gov.uk / Tel: 476843***

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