

Changes – recent and due

Autumn / winter 2013

- **Mandatory reconsideration and direct lodging of appeals** for DWP benefits & child maintenance.
- **Claimant Commitment** introduced
- **Access to Work** extended to work placements not organised by Jobcentre Plus
- **Industrial injuries** benefit extended to people in employment training schemes / courses

2014

- **January** : End of online service for completion of AA, DLA (for children) and Overseas Pensions forms – other channels, telephone, post and downloadable PDF documents on www.gov.uk
- **January**: a jobseeker who is a European Economic Area (**EEA**) migrant (or a **British national returning from living or working abroad**) cannot be treated as habitually resident for Jobseeker's Allowance until they have been living in the UK for **3 months**. DMG Memo 28/13
- **EEA job seekers** who make a new claim for JSA will receive it for a maximum of 6 months. After 6 months, only those who have compelling evidence that they still have a **genuine prospect of work (GPoW)**, will be able to continue claiming.
- Free phones for claimants **removed from Jobcentres**
- **Anti fraud pilot in Blackpool** "Benefits... Are you doing the right thing"?
- February **DLA to PIP transfer beginning** in postcodes beginning **LA** .
- **March** - DWP to introduce **alternative 0345 number** for its major call lines.
- **March** - **European migrants** to show they are earning at least £149 a week for three months before they can access a range of benefits.

April 2014

- **'Mandatory reconsideration before appeal'** begins for **Child Benefit and Tax Credits**
- Mandatory Intervention Regime and Community Work Placements roll out as part of the **Help to Work scheme**.

2014 – 2017

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

2016

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

Benefit News



March 2014

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

Dealing with ESA claims urgently Procedures for people who demonstrate hardship and those that are terminally ill

Responding to written questions on speeding up ESA claims to avoid financial hardship in parliament, Minister for Disabled People Mike Penning has said –

'There is no specific definition of financial hardship but there are specific arrangements in place to fast track claims such as those from people who are terminally ill.

Although there is no national formal contractual process in place to fast track the work capability assessment (WCA), processes have been agreed locally with Atos Healthcare and the intent is that, where a claimant can demonstrate financial hardship, DWP staff can ask Atos Healthcare to urgently undertake the WCA at the earliest opportunity.

Where the WCA is not completed within 91 days there are arrangements to automatically backdate arrears to the 92nd day of the claim where the claimant is found to have limited capability for work or work related activity.'

Written answer available from the parliament website.

Poverty and Social Exclusion 2013 report

For the first time, there are more people in working families living below the poverty line (6.7 million) than workless and retired families combined (6.3 million) - Monitoring Poverty and Social Exclusion 2013 report, published by the Joseph Rowntree Foundation (JRF) and written by the New Policy Institute (NPI).
<http://www.jrf.org.uk/publications/monitoring-poverty-and-social-exclusion-2013>

*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***

Housing Benefit and Council Tax

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

Local Housing Allowance rates expected from April 2014

Area	Fylde Coast / Blackpool	Central Lancs	Lancaster
Room	£60.39	£53.14	£55.27
1 Bed	£85.00	£88.57	£91.15
2 Bed	£114.23	£110.72	£114.23
3 Bed	£130.15	£126.92	£131.01
4 Bed	£150.00	£161.54	£139.84

Housing Benefit and PIP **HB Circular A2/2014**

- no loss of premiums if there is a gap between when DLA is held to cease and when PIP is held to start;
- premiums and rules relating to the disregard of child care charges may continue when a claimant in receipt of PIP enters hospital.

Government contribution towards DHPs in 2014/15 is £165m

The limit for each local authority is set out in Appendix A [HB Circular S1/2014](#)

“persons from abroad”

Council Tax Support claims may not be affected (depending on the specific local rules) by the new “persons from abroad” benefit restrictions. Claimants who are refused JSA and Housing Benefit may still be entitled to help with Council Tax .

Council Tax Reduction Schemes

For financial years beginning 1 April 2014, Regulations

- align the premiums and applicable amounts with the 2014/2015 housing benefit rates for pensioners** (to maintain consistency with the situation that would have applied under council tax benefit had it not been abolished);
- provide that rights of an EEA national jobseeker are **not to be treated as a right to reside** for council tax reduction
- update the **categories of persons who do not need to demonstrate habitual residence in the UK**
- set out that a person in receipt of income support, income-based JSA or income-related ESA **does not need to demonstrate habitual residence in the UK;**
- amend the provision which excludes persons subject to immigration control from being eligible and make an **exception for persons who benefit from the European Convention on Social and Medical Assistance and European Social Charter;**
- a non-dependent deduction will not be made in respect of a member of the **armed forces away on operations;**
- increase (for uprating) certain figures used in calculating whether a person is entitled to a reduction and the amount
- ensure that **welfare payments made by a local authority, and certain arrears of universal credit, will not be counted as a person’s capital** for working out a reduction,
- ensure that payments to **qualifying Equitable Life annuitants** made under the *Age-Related Payments Regulations 2013* do not affect eligibility

[SI.No.3181/2013](#)

Bedroom Tax - the Loophole and DHP'S

Bedroom Tax 1. The Loophole

Tenants who had been continuously entitled to Housing Benefit (HB) since at least 1 January 1996 and who occupied the same dwelling since that date were **exempt** from the bedroom tax between 1.4.13 and 31.3.14

They should have had their eligible rent calculated under paragraph 4(1)(a) of Schedule 3 of the Housing and Council Tax Benefit (Consequential Provisions) Regulations 2006 rather than the bedroom tax.

To be covered they must have been **continuously** entitled to housing benefit since at least 1 January 1996 and occupied the same dwelling since that date, save for any period where a fire, flood, explosion or natural catastrophe has rendered the property uninhabitable.

In addition, **transitional protection** continued to apply if there has been a break in entitlement of no more than four weeks, or no more than 52 weeks if the claimant or their partner is welfare to work beneficiary.

A few cases have come back as not qualifying, whereas they do under the inherited tenancy rules.

Useful flowchart to determine if someone qualifies

http://www.hbanorak.co.uk/downloads/1996_flow.pdf

Bedroom Tax 2. The law is changed

The government legislated to close the 'loophole'. **From 3 March 2014** all tenants in the social rented sector are subject to the bedroom tax. Regulations remove the transitional protection for those in receipt of housing benefit and living in same dwelling since 1996.

Claimants under-occupying once again face a rent shortfall.

Bedroom Tax 3. But Remember the bit in between

- People who had their benefit reduced between April 2013 and March 2014 should receive **arrears**
- DHP'S paid to those affected can only be recovered in cases of fraud or error.

Local authorities are only permitted to recover DHP'S (LA Discretionary Housing Payments) in very limited circumstances - where a claim was fraudulent or an error occurred when making the DHP determination.

Decisions to recover may be subject to legal challenge. Recovery of DHP'S cannot be made from housing benefit or other income related benefits, and must be requested from the claimant.

[HB Circular A1/2014](#) provides guidance e.g. on where local authority records do not go back to 1996; where claimant and partner have swapped claimant roles; where claimants have moved homes without needing to;

Meanwhile - Upper Tribunal define 'Bedroom'

The UT has set down in CH/140/2013 (a LHA case) that a “bedroom” has a plain dictionary meaning...a room for sleeping / a room with a bed in it. “bedroom” is not defined in the legislation. It is an ordinary English word and should be construed as such. That may mean that only the practical use of the room matters and not any specification of the property by the landlord – or others.

To be continued.....

Telephone and online changes

From 17th March 2014

Primary Benefit (IS, JSA, ESA, IB Enquiry lines (including reporting Bereavements))

- 0345 608 8545
- textphone number 0345 608 8551.
- Each number can also be called using 0845

The existing Primary Benefit numbers will start to be removed and customers dialling those numbers will receive a recorded message signposting to the new 034 5/ 0845 number. This message will remain for at least 3 months before finally being fully decommissioned.

Jobcentres

Customer telephones in Jobcentre Welcome Areas are being removed

- from January 2014, **Blackpool Jobcentre (Queen Street and Tyldesley Road)**
- from 10th March 2014 **St Anne's Jobcentre**

Jobcentre Plus has stated that the level of support offered to most vulnerable customers will not change.

Claimants who require access to a phone in connection with their benefit or job search will still be given controlled access to a telephone in a Jobcentre.

In the future Jobcentre Plus will be offering free WiFi access.

Disability Living Allowance/Attendance Allowance

DWP is separating Attendance Allowance (AA) telephone calls from Disability Living Allowance (DLA).

From 29 January a new number for AA was introduced.

- AA Service Centre 0345 or 0845 605 6055.
- Text phone number for AA - 0845 604 5312.
- DLA/AA only Helpline number 0845 712 34 56
- DLA Text phone 08457 224433

Other numbers for Disability Benefit Centres will be discontinued from the 28th February 2014.

The online service for completion of AA, DLA (for children) and Overseas Pensions forms closed Jan

Applications can be made via all other channels, telephone, post and down-loadable PDF documents on www.gov.uk

- DLA Child - <https://www.gov.uk/government/publications/disability-living-allowance-for-children-claim-form>
- Attendance Allowance - <https://www.gov.uk/government/publications/attendance-allowance-claim-form>
- Overseas Pensions Form - <https://www.gov.uk/government/publications/guidance-on-claiming-a-state-pension-if-you-retire-abroad>

Carer's Allowance digital service

As well as making new claims, claimants in receipt of Carer's Allowance can also now use the service to notify DWP of a change of circumstances.

<https://www.gov.uk/apply-carers-allowance>

When personal independence payment (PIP) assessment providers should make home visits.

Responding to a written question in parliament, Minister for Disabled People Mike Penning said -

'The DWP has set out the minimum requirements for providers as to when a home consultation should be offered - in particular where the claimant is unable to travel to a consultation as a result of their health conditions or impairments.

The contract between DWP and providers sets out the circumstances in which face-to-face consultations will take place in the claimant's home. These are:

- *at the claimant's request, if the assessor agrees that their health condition or disability means they are unable to travel;*
- *when the claimant provides confirmation, through the professional providing evidence to support their claim, that indicates they are unable to travel on health grounds; or*
- *at the DWP's request, although these will be exceptional circumstances.'*

Written answer on PIP home visits from Hansard.

Personal Independence Payment – Contact Information

- **General Enquiries:** 0845 850 3322
- **PIP New Claims:** 0800 917 2222
- **Adviser Complaints about PIP (relating to DWP actions/processes)**
BOOTLEDBC.QUALITYTEAM@DWP.GSI.GOV.UK
If the complaint relates to a PIP claim made under Special Rules, please write in the subject field SRTI followed by the claimants name.
- **Partner Complaints about PIP (relating to ATOS)**
Customer Service can be contacted on 03003300120 or by email at PIP-customer-service@atos.net
- **General Feedback about PIP**
PIP.FEEDBACK@DWP.GSI.GOV.UK

Extra support for terminally ill people Fast-track claims process.

- A dedicated telephone claim service will be introduced later this month.
- Claimants will still call the usual PIP claims number - 0800 917 2222
- but if they select option one, to make a new claim, and then option three from the recorded message, their call will be routed to a dedicated team so they can complete the claim process.
- DWP is encouraging claimants and their representatives to send a DS1500 form in support of their PIP claim as soon as possible

Disability Rights UK

Free guide to claiming PIP has been updated

<http://www.disabilityrightsuk.org/personal-independence-payment-PIP>

Universal Credit - not here yet

Claims are currently being taken for Universal Credit in Ashton-under-Lyne, Wigan, Warrington, Oldham, Hammersmith, Rugby and Inverness. By spring 2014, claims will be taken in Shotton, Bath and Harrogate.

3,200 on universal credit at end Nov 2013

DWP statistics also show that 3,610 people 'started' on new benefit in first seven months of its operation

Information for strategic thinkers:

The Local Support Services Update and Trialling Plan and Preparing for Universal Credit: Q&A for local authorities are available from gov.uk

Universal Credit - likely to take longer than 2017

- Iain Duncan Smith, the Work and Pensions Secretary, has said the next stage of the roll out is likely to take longer than the planned date of 2017.
- The original idea was to transfer HB for working age to Universal Credit in 2013/14. This has now been moved to 2016/17.
- Lord Freud, the Welfare Reform Minister, has confirmed that existing Employment and Support (ESA) claimants will be transferred to Universal Credit after 2017.

Universal Credit on the Red Button

To access information on Universal Credit using the new range of measures:

- download the smartphone app from the App Stores by searching for "My Council"
- on Sky go to channel 539 and press the red button
- on Virgin go to Channel 233 and press the red button, or on the remote control chose Home, Interactive, Sports, News & Info, Looking Local
- on a mobile, internet enabled games console go to: www.lookinglocal.gov.uk
- on Facebook: www.facebook.com/lookinglocal then click 'Local Services' in the tool bar

European migrants coming to the UK

From 1 March

- European migrants coming to the UK will have to show they are earning at least £149 a week for three months before they can access a range of benefits.
- Any European migrant who declares an income below the threshold, which will rise to £153 a week in 2014-15, will face further assessment of whether they are in the UK to undertake "genuine" work.
- If they do not pass this test, they will have to wait three months before becoming eligible for jobseeker's allowance.

Many of the new "persons from abroad" rules can be misunderstood. It is particularly important to remember that Council Tax Support claims will usually not be affected (depending on the specific local rules) by these benefit restrictions.

Claimants who are refused JSA and Housing Benefit may still be entitled to help with Council Tax.

Wwwhat's new on the web?

Turn2us new benefits calculator tool

In response to the largest shake-up of the UK benefits system, AdviceUK member Turn2us has a free and easy-to-use online Benefits Calculator tool at benefits.turn2us.org.uk. With nine out of ten people worried about the benefit changes, according to research by Turn2us, and personal finances being increasingly stretched, the Benefits Calculator is a useful tool that helps people access the financial support they may be entitled to.

In addition, the Turn2us website - www.turn2us.org.uk - includes a free Grants Search database and up to date information about benefits and managing money for people from all backgrounds to help maximise their income.

£27.3 Million Grant Fund to Help Low Income Families with Disabled or Seriously Ill Children (UK)

Parents of children and young adults who are disabled or seriously ill are able to apply to the Family Fund. Family Fund, the UK's largest grant giving charity, is designed to make life easier for low-income families with disabled and seriously ill children and young people. The money can be used for days out, garden play equipment, computers, toys and kitchen appliances like dishwashers and washing machines. The fund helped more than 50,000 families in England last year, from a total of £27 million. The fund is now in its 40th year.

Applications can be submitted at any time.

For more information on how to apply, please click on the link below. <http://www.familyfund.org.uk/grants/how-to-apply>

Back to Work Schemes guide

DWP has published the Jobseeker's Allowance Back to Work schemes guide on gov.uk. This guide gives claimants information about Skills Conditionality, sector-based work academies, work experience, New Enterprise Allowance, Mandatory Work Activity and the Work Programme. The guide tells claimants about the eligibility criteria, when they may be referred and the sanctions regime which apply to these schemes

Over 60's (or approaching pension age)

Retirement Pension v. Pension Credit

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

Retirement Pension v. Pension Credit

From April 2014	Single	Couple
<i>Pension</i>	£113.10	£180.90
<i>Pension Credit Guarantee (Basic)</i>	£148.35	£226.50

Equivalent provision for surviving same sex spouses

From 13 March 2014, Regulations make **equivalent provision for surviving same sex spouses** in respect of inheritable graduated retirement benefit. Amendments enable surviving same sex spouses to qualify for Category B state pension (state pension based on the National Insurance contributions of a spouse or civil partner) on the same basis as surviving civil partners and widowers.

Tax Credits

'How do tax credits work?'

- the detail, including links to the HMRC manuals - entitlement to WTC and CTC, including rules about the various elements
<http://www.revenuebenefits.org.uk/tax-credits/guidance/how-do-tax-credits-work>

Mandatory reconsideration before appeal

From April 2014 the appeals process is changing for Child Benefit and Tax Credits with the introduction of 'mandatory reconsideration before appeal'.

RTI

From April 2014, HMRC will start to use Real Time Information (RTI) data from the tax system to finalise tax credit claims.

Tax Credit Overpayments and Appeals

There have been several changes to the way HMRC deals with tax credit overpayments and appeals.

- There is a right of appeal within 30 days of a decision on entitlement – HMRC says it can accept a late appeal where there are good reasons, up to 13 months after the decision;
- Mandatory reconsideration before appeal is being introduced for tax credits in April 2014 – HMRC currently uses its 'settlement' procedure to look at decisions again;
- If a claimant appeals a decision, which created the overpayment, then any recovery action will be suspended until the outcome of the appeal is known.
- HMRC has committed to a target of 42 days to settle an appeal or make its submission to the tribunals service (the time it takes to set a date for the appeal hearing may vary, but can be dealt with urgently where children are in hardship);
- There is a three month time limit for disputing recovery of an overpayment – late requests can be accepted in exceptional circumstances.
- Recovery of overpayment is no longer suspended while HMRC considers the dispute – but amounts recovered will be refunded if the dispute is found in the claimant's favour
- Debt collection agencies may be used by HMRC to pursue recovery of a tax credit overpayment, but not where it is subject to an appeal or dispute, and agencies are still bound by HMRC's charter and standards.

If you have cases where the official guidance is not being followed, this should be the subject of an urgent complaint, (it may help to involve the local MP) or potentially judicial review.

CPAG Email advice service for advisers on Tax Credits and Child Benefit advice@cpag.org.uk

'Habitual Residence Test'

http://europa.eu/rapid/press-release_IP-14-13_en.htm

A practical guide on the 'Habitual Residence Test' to help Member States apply EU rules on the coordination of social security for EU citizens that have moved to another Member State has been published by the European Commission. The new guide gives more clarity about the EU 'Habitual Residence Test' and will facilitate its application in practice by Member States' authorities.

The guide clarifies the separate concepts of 'habitual residence' and 'temporary residence' or 'stay'. These definitions, laid down in EU law (Regulation EC/883/2004 as last amended by Regulation EU/465/2012), are necessary to establish which Member State is responsible for the provision of social security benefits to EU citizens moving between Member States. Under EU law there can be only one habitual place of residence and so only one Member State responsible for paying residence-based social security benefits.

Employees and the self-employed qualify for social security in the country where they work and non-active people (e.g. pensioners, students) qualify in the Member State where they are "habitually resident". Determining a person's Member State of "habitual residence" is also important for workers that work in more than one Member State.

The guide recalls the specific criteria to be taken into account to determine a person's place of 'habitual residence' such as:

- family status and family ties
- duration and continuity of presence in the Member State concerned
- employment situation (in particular the place where such activity is habitually pursued, the stability of the activity, and duration of the work contract)
- exercise of a non-remunerated activity
- in the case of students, the source of their income
- how permanent a person's housing situation is
- the Member State where the person pays taxes
- reasons for the move
- the person's intentions based on all the circumstances and supported by factual evidence.

Other facts may also be taken into account if relevant.

The guide also provides concrete examples and guidance on cases in which the determination of the place of residence can be difficult, such as frontier workers, seasonal workers, posted workers, students, pensioners, and highly mobile inactive people. For example, if a UK national retires to Portugal and spends most of their time in Portugal, their place of 'habitual residence' is now Portugal even if they still own a house in the UK and maintain cultural and economic ties to the UK.

http://europa.eu/rapid/press-release_IP-14-13_en.htm

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