

## Changes – recent and due

### Summer 2014

- **Tax credits renewals – 31st July deadline**
- **3 month residence required for jobseekers** to claim Child Benefit and Child Tax Credit - 1st July
- **Tougher rules for payday lenders** from 1st July - <http://www.fca.org.uk/news>
- Fees for families choosing to use the **new Child Maintenance Service**. New enforcement charges. Phased closure of the Child Support Agency (CSA) over the next 3 years.
- From 21st July, **recently homeless jobseekers** to be treated as available for employment if they are trying to find accommodation. DMG Memo 16/14
- **Universal Credit roll out to some of Northwest (inc Preston and South Ribble)** including couples but not company directors and members of limited liability partnerships.
- **Employee right to request a contract change** for all with 6 months service – 30th June

### Autumn 2014

- **Universal Credit roll out due on Fylde Coast**
- Every child in reception, year 1 and 2, plus disadvantaged students in further education and sixth form to receive a **free school lunch**
- **7 waiting days for new claims** for contributory and income-related JSA and ESA from October
- **National minimum wage** £6.50 - October
- **Wi-Fi and web access** in all jobcentres.

### Proposed changes 2015

- Fund for local discretionary welfare assistance schemes in England may be removed.
- **Independent Living Fund (ILF) to close** - June
- **State pension 'top up'** to be introduced October.
- **Winter Fuel Payments** cut for hot countries
- **Tax-free childcare scheme** from autumn
- **October 2015 Peak of DLA to PIP transfer**

## Free Wwweb resources

### Mandatory Reconsideration webinar

<https://www.youtube.com/user/DisabilityRightsUK1>

The recording is in three parts and covers

1. the rules about mandatory reconsideration
2. problems with mandatory reconsideration
3. potential remedies and challenges to these problems

### CPAG's film, 'It could be you',

- three people who have been in receipt of benefits tell their own stories about how the support they received was, or continues to be, vital for themselves and their families. The testimonials cover situations of unemployment, disability and family benefits to support low wages.

<https://www.youtube.com/watch?v=LEun6UtmOe0>

# Benefit News



July 2014

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

### **\*\*Tax Credits Renewal deadline 31<sup>st</sup> July!!\*\***

You should have got your renewal pack by 30 June. If not, call the Helpline 0345 300 3900.

Unless the renewal pack gives a different date, if you miss the deadline tax credits payments will stop and you'll be sent a summary. The tax credits claim will end 30 days after you're sent the summary if you don't send your renewal.

For ways to renew go to

<https://www.gov.uk/renewing-your-tax-credits-claim>

### Renewals and real time information

<http://www.hmrc.gov.uk/forms/tc603r-notes.pdf>

This year, for the first time, HMRC will be using 2013/14 income figures obtained via its real time information on wages received from employers for PAYE purposes.

The annual review notice shows the gross income information supplied for the year. If the income amount shown on the annual review is too high or too low for any reason, it could result in an underpayment or an overpayment of tax credits.

**It is important that claimants check the income details and contact the tax credits office as soon as possible if they think the income details are wrong.**

### Renew online if there are no changes

HMRC has introduced a new option for tax credits claimants to renew online in 2014. Claimants who have received their 2013/14 annual review and declaration forms can respond online, rather than by post or calling the Helpline, but only if they have no changes to report. The renewal serves as the new claim for the 2014/15 tax year

### Tax credits scenarios

Tax credits entitlement tables for different circumstances and income, including having children and not working, working and having no children are available at:

[https://www.gov.uk/government/collections/tax-credits-entitlement-tables?dm\\_i=5MI,2E2YU,HILGM,8OK6G,1](https://www.gov.uk/government/collections/tax-credits-entitlement-tables?dm_i=5MI,2E2YU,HILGM,8OK6G,1)

**See page 2 for help with tax credit appeals and overpayments.**

*We aim to be correct the day Benefit News is sent out.*  
**Contact: [advicelink@blackpool.gov.uk](mailto:advicelink@blackpool.gov.uk) / Tel: 476843**

## Council Tax hardship judgment May 2014

The President of the Valuation Tribunal (England) issued a judgment confirming that the Tribunal has power to overturn decisions by councils which refuse to award discretionary hardship payments.

- Since the abolition of council tax benefit from April 2013, many disabled people in receipt of means tested benefits now have a shortfall to pay.
- The law gives local councils the power to reduce any resident's council tax liability to "nil".
- The President confirmed that if a council refuses to exercise this power for a particular resident, they can appeal.
- The tribunals have power to order the council to make a further - or total - reduction, depending on the facts of each case.

The judgment is at:

<http://www.gardencourtchambers.co.uk/imageUpload/File/Judgment%2028%20May%20-%20Jan%20Luba.pdf> - and  
<http://www.bailii.org/ew/cases/Misc/2014/B46.html>

## Tax Credits Problems Online resources

### CPAG factsheet –

#### Tax credits – challenging decisions -

[http://www.cpag.org.uk/sites/default/files/CPAG-scot-factsheet-8%20TCs-challenging-decisions\\_0.pdf](http://www.cpag.org.uk/sites/default/files/CPAG-scot-factsheet-8%20TCs-challenging-decisions_0.pdf)

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### Tax Credit overpayments

Remember that recovery action is put on hold pending an appeal and during mandatory reconsideration of decisions from 6 April 2014.

### CPAG factsheet - Tax credits – overpayments

- <http://www.cpag.org.uk/sites/default/files/CPAG-scot-factsheet-14%20Tax%20credit%20overpayments%20Apr%2014.pdf>

### revenuebenefits.org.uk - Tax Credits: Dealing with overpayment debt

- <http://www.revenuebenefits.org.uk/tax-credits/guidance/how-to-deal-with-hmrc/dealing-with-debt/>

### HMRC code of practice on recovering tax credit overpayments,

*What happens if we've paid you too much tax credits?* (COP26).

- <http://www.hmrc.gov.uk/leaflets/cop26.pdf>

## Housing Benefit and Council Tax

### Local Housing Allowance rates April 2014 to March 2015

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

## Over 60's (or state pension age)

### Retirement Pension and Pension Credit Basic rates reminder

From April 2014	Single	Couple
Pension	£113.10	£180.90
Pension Credit Guarantee (can be more)	£148.35	£226.50

**State Pension claims** - [www.gov.uk/claim-state-pension-online](http://www.gov.uk/claim-state-pension-online)

### Pension Credit claims

DWP encourage customers to apply for Pension Credit by phone. All Pension Centres now take claims

- Telephone: Freephone **0800 99 1234**  
Textphone: Freephone **0800 169 0133**

Forms are still available at:

<https://www.gov.uk/government/publications/pension-credit-claim-form>

### Pension Credit Toolkit -

<https://www.gov.uk/government/publications/pension-credit-toolkit>

### Pension Credit Calculator

<https://www.gov.uk/pension-credit-calculator>

### Pensionable age from 14 July 2014 -

- the 66th birthday for a person born after 5 October 1954 but before 6 April 1960; and
- the 67th birthday for a person born after 5 March 1961 but before 6 April 1977

### Attendance Allowance postal addresses - Reminder

**New Claims:** Department for Work and Pensions  
Attendance Allowance  
New Claims  
Warbreck House  
Warbreck Hill Blackpool FY2 0YE

### Claims under Special Rules (SRTi) (terminal illness):

Department for Work and Pensions  
Attendance Allowance  
Palatine House  
Lancaster Road Preston PR1 1HB

## Financial redress for maladministration

“Unfortunately, we don’t always get things right first time.” This is in the nature of all of us. The DWP freely admits this and publish guides - available for the public - to address the situation when things go wrong:

### Compensation for poor service

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

and

### Financial redress for maladministration

- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236140/financial-redress-for-maladministration.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/236140/financial-redress-for-maladministration.pdf)

This 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.

**Check out the  
Advice Link website at**  
<http://advicelink.weebly.com>

For

- news about the Network
- tools and toolkits
- benefit rates
- where to go for advice
- welfare reform information
- useful links

### Don't just moan: - Help.

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.

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 .gov.uk:

<https://www.gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure>

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

## Employment Support Allowance Updates

### Appeals against the end of Contributory E.S.A. after 365 days

Judge Rowland held that -

- there was a right of appeal against a decision terminating contributory ESA after 365 days;
- claimants are entitled to argue on such an appeal that the award should be extended on the grounds that, on the date of that decision, they had limited capability for work related activity (LCWRA); when terminating after 365 days, the decision maker can rely on any previous determination that the claimant does not have LCWRA
- where the claimant states that their condition has deteriorated - decision makers are advised to refer to **DMG 41855** onwards
- the tribunal can consider whether the claimant has LCWRA even if the issue is not raised by the appeal, provided that the decision maker is given the opportunity to consider any further evidence
- the decision maker can apply for an appeal against this type of decision to be struck out where there is
  - a. no dispute about the calculation of the 365 days, and
  - b. no arguments are made about whether the claimant is a member of the support group.

Cases CE/3994/2012 and CE/2390/2013.

The DMG Memo 12/14 and ADM Memo 11/14 are available from gov.uk and advise decision makers on what action to take, including where a claimant raises the issue of whether they should be a member of the support group as part of an application for mandatory reconsideration.

### ESA Snapshots at June 2014 –

- The average clearing time for ESA work capability assessments is 118.9 days

### Of ESA claims started between July 2013 and September 2013

- 22 % of claimants have had decisions made on their claims;
- 78% have either not reached or completed WCA process and of those
  - 40 % had their claim closed before assessment was complete; and
  - 39 % were still undergoing assessment.

### Of claimants with an outcome for their claim

- 73 % were entitled to employment and support allowance and of those
  - 16% were placed in work related activity group
  - 57 % in support group
  - 27 % were assessed as 'fit for work'.

## Proposed changes 2016

- Cap proposed on amount elderly pay for **social care** in England - £72,000.
- **Support for mortgage interest measures** extended for working-age claimants until March
- Introduction of **single-tier pension**
- **Bereavement Support Payment** to replace current schemes
- April - **Those on Pension Credit to report all changes** as they happen, some exempt
- April **rate of tax credit debt recovery** from ongoing awards to increase to 50% for households with income over £20,000 a year.

Although subject to change **Universal Credit** is intended to roll out by 2017 to replace

- Child Tax and Working Tax Credit
- Income-Based Jobseeker's Allowance
- Income-Related Employment and Support Allowance
- Income Support
- Housing Benefit

## Jobcentres to go digital.

Implementation is expected across the Jobcentre network by **autumn 2014** - installing more computers, for jobseekers to make greater use of internet services.

The aim is to provide an easy to access service so that jobseekers can manage their jobsearch activities, job and benefit applications online, checking emails and updating their CVs to post on Universal Jobmatch.

Free WiFi access, will mean visitors to Jobcentres, **including partners and employers** can also access the web using their own laptops and mobile devices. Jobpoints and visitor phones have been removed to make for new digital services.

**An Assisted Service** is available so that claimants who need help to access services are given face to face support in the jobcentre.

Where claimants are able to access services independently they will be encouraged to do so. However, the level of support to claimants identified as having complex needs and/or requiring additional support to access services will not change.

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