

ADVICE NI POLICY NEWSLETTER

OCTOBER 2018



Welcome to the fifth in our series of Advice NI policy eNewsletters '... think ...'.

IMPORTANT: In order to receive '...think...' you must click [this link](#).

It's all happening in terms of Universal Credit and we have tried to give you a flavour of the latest developments in this edition of '... think ...' including the official response received from Esther McVey MP regarding our blueprint for making Universal Credit better (the blueprint is available here).

For ease of comparison we have also provided the detail of the Department for Communities response to our Universal Credit paper. We have also included an overview of the Budget 2018 in terms of how it impacts on Universal Credit.

The next Advice NI Members' Day will focus on Personal Independence Payment (PIP) and the role of Capita in terms of the assessment. We will provide some feedback on this session in the next edition of '... think ...'.

Please email us at policy@adviceni.net to discuss any policy matters, content, feedback or comments.

We'd be happy to share ideas on areas to focus on, content suggestions and other ways of getting involved.

Best regards,

The Policy Team

LATEST NEWS

Responses to Advice NI's 'Making Universal Credit Better' paper

Secretary of State for Work and Pensions

'Thank you for your letter of the 8th August, following our Twitter conversation, regarding your recent report on Universal Credit and future engagement. I understand you are also engaging with the Department for Communities, which is responsible for delivering Universal Credit in Northern Ireland.

We value your insight and we are keen to continue engaging with stakeholders, including yourselves.

We are rolling out Universal Credit steadily and safely, implementing a 'test and learn' approach, learning from experience and adjusting the Universal Credit service as we go. This includes a recent reduction in the waiting time for reimbursement of upfront childcare costs and on 7th June we announced changes that protect people who receive Severe Disability Premium. In addition to this, we also announced changes to make sure the protection we offer people that we move on to Universal Credit isn't affected by them taking a job, earning more or claiming childcare.

We are always open to working together to help improve Universal Credit. As you are aware, there is an upcoming engagement event on managed migration on 17 October; at which we look forward to listening to your thoughts on Universal Credit.'

Permanent Secretary, Department for Communities:

'Thank you for your email dated 9th August 2018 requesting engagement with the Department for Communities on various comments about the operation of Universal Credit. I have noted that you have also sent this material to DWP.

You will be aware that Universal Credit is being introduced in Northern Ireland in line with the previous decisions of the NI Executive and Assembly and the policy of the UK Government. The role of the Department for Communities in these circumstances is to implement the policy and legislation flowing from these decisions. I have noted that most of the issues identified in your paper would require changes to these policies and legislation and thus would be matters for consideration, if they so wished, by Ministers both here and at Westminster.

In these circumstances, it would not be appropriate for officials here to engage in prior discussion or exploration of the ideas in your paper. We will however ensure

your note is brought to the attention of incoming Ministers here when they are available.'

Universal Credit and Budget 2018

Chancellor's Statement and Budget Report 2018

Budget Statement including impact on Universal Credit.

<https://www.gov.uk/government/publications/budget-2018-documents>

Advice NI AGM (Date for your Diary)

Welfare Reform Mitigations on a Cliff Edge

Friday 30th November 2018

Registration 9.30am

The Skainos Centre

241 Newtownards Road

Belfast

BT4 1AF

RSVP agm@adviceni.net

BBC Radio Ulster: A Universal Credit Special

BBC Radio Ulster 'On Your Behalf' special on 20th October on Universal Credit

The introduction of UC represents a fundamental change to the benefits system, replacing 6 separate means tested benefits and tax credits and turning them into 1. Already there are winners and losers. Many will be worse off, only a few will be better off. Professor Eileen Evason Chair of the Mitigation working party for Welfare Reform and Kevin Higgins of Advice NI are both in the studio.

<https://www.bbc.co.uk/programmes/b007b5wx/episodes/player>

Bernie tells her story about claiming Universal Credit

'Walking out the door to go anywhere when you haven't got a penny in your pocket, it is so soul destroying'

<https://www.bbc.co.uk/sounds/play/p06pdjg5>

Advice NI Head of Policy highlights Welfare Reform Mitigations Underspend in relation to Universal Credit

Kevin Higgins, Head of Policy, Advice NI, highlights issues in relation to implementation of 'Support for Universal Credit' recommendations totalling £105m contained within the 'Evason' Report.

<https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/ofmdfm/welfare-reform-mitigations-working-group-report.pdf>

Good Morning Ulster <https://www.bbc.co.uk/sounds/play/m0000zhx> ... From 47.30, Stephen Nolan Show <https://audioboom.com/posts/7062063-claims-this-morning-that-100-million-fund-for-ni-to-help-people-on-universal-credit-has-hardly-b>

Universal Credit in Parliament

Public Accounts Committee: Universal Credit: delivery causing unacceptable hardship

Comment from Public Accounts Committee Chair Meg Millier MP

'This report provides further damning evidence of a culture of indifference at DWP – a Department disturbingly adrift from the real-world problems of the people it is there to support.'

Its apparent determination to turn a deaf ear to the concerns of claimants, frontline organisations and Parliament is of real concern. The culture needs to change.

A Department in denial cannot learn from its mistakes and take the action necessary to address the desperate hardship suffered by many Universal Credit claimants.'

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news-parliament-2017/universal-credit-17-19/>

Work & Pensions Committee: Universal Credit Rollout

Witness(es): Alok Sharma MP, Minister for Employment, Department for Work and Pensions, Neil Couling CBE, Director General, Universal Credit Programme, Department for Work and Pensions

<https://parliamentlive.tv/Event/Index/9b2fcf14-549b-4ccd-bbd8-6289503eb8b3>

Opposition Day Debate on Universal Credit

Margaret Greenwood (Wirral West) (Lab)

'Universal Credit, the Government's flagship social security programme, has been beset by flaws in its design and delivery. It is causing immense hardship for many people wherever it is rolled out. It is hard to believe now, but Universal Credit was designed to lift people out of poverty and smooth the transition into work to ensure that it always pays.'

'The reality is that Universal Credit is a vehicle for cuts: cuts in support for families with a disabled child for whom the basic rate of support is half what it is in tax credits; cuts in support for disabled people in work, such as the disabled person who wrote to us saying that they are more than £300 a month worse off since switching from claiming working tax credits; and cuts in support for lone parents bringing up children who will get more than £20 a week less on average, with many losing far more.'

<https://hansard.parliament.uk/commons/2018-10-17/debates/CD3131AC-C7F0-4DB6-A4EF-05191F92642F/UniversalCredit>

Universal Credit Urgent Question

Frank Field (Birkenhead) (Ind)

To ask the Secretary of State for Work and Pensions if she will make a statement on her Department's proposed changes to the roll-out of Universal Credit.

<https://hansard.parliament.uk/commons/2018-10-16/debates/308B3E5C-BB61-4655-8747-673E2732B094/UniversalCredit>

Oral Questions to the Secretary of State for Work and Pensions

- What assessment she has made of her Department's preparedness for the roll-out of Universal Credit to people in receipt of working tax credits.
- What steps her Department has taken to ensure that claiming Universal Credit online is accessible to blind and partially sighted people.
- What assessment she has made of the effectiveness of the advice and support offered to recipients of Universal Credit in Scotland.
- What assessment her Department has made of recent trends in the average level of household debt for people in receipt of Universal Credit.

- What steps the Government have taken to improve Universal Credit since autumn 2017.
- What progress she has made on the roll-out of Universal Credit throughout the UK

<https://hansard.parliament.uk/commons/2018-10-15>

Employment & Support Allowance Underpayments

Questions have been raised from benefits claimants after the Department for Work & Pensions revealed that 180,000 people are entitled to back-payments following years of errors.

Marsha De Cordova (Battersea) (Lab)

To ask the Secretary of State for Work and Pensions if she will make a statement on the updated figures on the employment and support allowance underpayments.

<https://hansard.parliament.uk/commons/2018-10-18/debates/3FBBBA7F-57A4-460C-AE64-C58BA2A44F1E/EmploymentAndSupportAllowanceUnderpayments>

<https://www.bbc.co.uk/news/uk-45903514>

Personal Independence Payment (PIP)

Personal Independence Payment Statistics - May 2018

Personal Independence Payment (PIP) is a new benefit replacing Disability Living Allowance (DLA) for people aged between 16 to 64 years. PIP and DLA cannot be claimed at the same time. ASU have compiled statistics on the following within PIP:

- Registered Claims
- Cleared Claims
- Clearance Time
- Awards
- Claims in Payment
- Reassessed DLA claims
- Mandatory Reconsiderations

<https://www.communities-ni.gov.uk/publications/personal-independence-payment-statistics-may-2018>

DLA to PIP Reassessment Summary - June 2016 to May 2018

This report provides information on

- The breakdown of those who have been reassessed from Disability Living Allowance (DLA) to Personal Independence Payment (PIP) and whether their entitlement has changed
- The award level of the Disability Living Allowance (DLA) working age population before Personal Independence Payment (PIP) launched on the 20 June 2016
- The current award level (May 2018) of the PIP working age population for all claims; and
- The current award level (May 2018) of those claimants on PIP who have been reassessed from PIP

<https://www.communities-ni.gov.uk/publications/dla-pip-reassessment-summary-june-2016-may-2018>

Sure Start Maternity Grant

New regulations extend the maximum time limit for making a Sure Start maternity grant claim from 3 to six months

In force from 18 October 2018, the Social Security (Claims and Payments) (Social Fund Maternity Grant) (Amendment) Regulations 2018 (SI.No.989/2018) amend the Social Security (Claims and Payments) Regulations 1987.

<http://www.legislation.gov.uk/ukxi/2018/989/made>

POLICY UPDATES

Kevin Higgins, Head of Policy has been seeking clarification on new and existing matters. Below is a list of the matters which he feels are most prevalent at this time. If you have any further comments or feedback please contact Kevin on policy@adviceni.net.

Universal Credit: Case Closures

Advice NI sought clarification on the issue of 'potentially inappropriate' case closures and the process for re-opening such cases.

Department for Communities (DfC): There can be numerous reasons why a claim is closed, however if a claimant feels their case was closed in error, the Service Centre

will work with them to establish the reason and to rectify any problems where possible as a matter of priority.

Advice NI asked if the Department could share any Guidance that is available to staff in terms of when / why and how it is appropriate to close a case.

DfC: Claims are closed for a number of reasons but the common factor is that the claimant is no longer receiving Universal Credit payments. Reasons for considering closing a claim include where a claimant:

- Failed to book Initial Evidence Interview
- Failed to attend their Initial Evidence Interview
- Failed to attend their Habitual Residency Test (HRT)
- Failed to attend their initial Commitments meeting
- Hasn't accepted their Commitment within 7 days
- Hasn't done annual verification
- Has re-claimed but not booked First Commitment meeting
- Withdrew their claim
- Moved abroad
- Passed away
- Suffered bereavement of a partner, a child, the person for whom they were the carer or non-dependants in some circumstances
- Moved in to full time education
- Is in legal custody or prison
- Moved to Northern Ireland
- Failed their Habitual Residency Test
- Failed to provide evidence
- Failed to review their details
- Has been matched to an incorrect NINO
- Has capital over £16,000
- Isn't eligible or entitled (new claim)
- Has their claim suspended for 30 days
- Has a nil award due to earnings

(These are examples, not a full list.)

Advice NI asked how does the Department ensure that it's safeguarding duties are effectively and robustly actioned in terms of steps to be taken before closing a case – eg entry on journal; phone calls; letters; home visit;

DfC: There are checks to conduct to consider whether the claim should be closed immediately or be deferred:

- Has the claimant accepted their Commitment?
- Were the appointment details correct on the appointment booking system?
- Has there been a mandatory reconsideration?

- Does a duplicate claim exist?
- Is there a history of complex needs?
- Is there a recent journal entry to explain the circumstances? If there is a journal entry, checks should be made to see whether the claimant has made contact. If there is an appointment, depending on the circumstances, the appointment can remain booked and the claim remains open.

(These are examples, not a full list.)

Advice NI asked how does the Department communicate with claimants whose case they have closed – eg presumably by letter if there is no evidence of activity on the journal;

DfC: If the claim should be closed, all outstanding appointments will be cancelled. The claimant will receive a decision notification that the claim has been closed, including consideration of appeal rights. A journal note entry is added to this effect.

Advice NI asked are there statistics available in terms of the number of cases where action has been taken to close the case;

DfC: To date there are a total of 234 cases where action has been taken to close the case. As noted above there are a number of reason for which a case can be closed.

Advice NI asked in terms of cases that have been closed ... are there statistics on how many people have subsequently needed to have their cases re-opened so causing re-work for staff and further delay for claimants;

DfC: We have no statistics to suggest that any claims have required to be re-opened causing re-work and delays for claimants.

You may wish to note that a claimant can make a reclaim. Claimants must have been assessed as eligible for Universal Credit for at least one assessment period before their claim was closed to be eligible for a re-claim. Re-claims will allow most claimants who return to Universal Credit within six assessment periods of their previous award ending, to retain their previous Universal Credit assessment period and payment dates, as long as they continue to meet the basic conditions of entitlement.

Universal Credit: ESA claimants moving to UC

Advice NI sought clarification on ESA claimants naturally migrating to UC.

DfC: When any claimant, no matter what their circumstances, claims Universal Credit after a previous claim to ESA where they were found to have LCW/LCWRA and there is no gap between the claims, the previous ESA decision carries and is applied to the Universal Credit claim. Therefore if their previous ESA claim attracted the additional LCW (WRAG) amount this will continue to be paid on their Universal Credit claim.

Again when any claimant in receipt of ESA Support Group (who may be required to have review WCA's) or in ESA Support Group (with chronic lifelong condition and no longer required to have further WCA's) claims or naturally migrates to Universal Credit, and there is no gap between the claims, the previous ESA decision carries and is applied to the Universal Credit claim and the claimant is entitled to the additional LCWRA (SG) amount on their Universal Credit claim.

There is a distinction between ESA Support Group requirements in that there are now 2 groups within this.

- ESA Support Group claimants with LWCRA and who do not fall into the Special Conditions group will have a review date set and may be required to undergo further WCA's
- ESA support Group claimants with LCWRA who do fall into the Special Conditions group will not have a review date set and will not be required to undergo further WCA's.

To confirm, if a claimant who does not require a Fit Note moves over from ESA to UC they should state they do not have a Fit Note on the initial application. The system will then generate a notification from ESA to UC which will include the WCA details as appropriate. Once the WCA decision is input onto the claimant's UC record their commitments and work regime will be reviewed and tailored to their individual circumstances.

Universal Credit: Log-In

Advice NI queried the process where a UC claimant forgets their log-in details.

DfC: If a claimant has forgotten their login details to their Universal Credit (UC) account, they will need to contact the Service Centre (0800 012 1331) to arrange an appointment at their local office, to have their Personal Security Number (PSN) reissued. Claimants can go online and update their username and password if they have forgotten them.

Universal Credit: Payments

Advice NI sought clarification on Universal Credit payment days.

(DfC): Payments will usually arrive on the same dates each month or earlier if the date falls on a weekend or bank holiday. If the payment date is usually on 31 of the month and a month does not have 31 days, it will usually be paid on the last day of month e.g in February, the 28 of the month.

Universal Credit: Private Landlords

Advice NI sought more information on payment processes and on the issue of landlord registration in terms of making Universal Credit housing costs element payments to private landlords.

DfC: For private landlords, a Bank Automated Clearing System (BACS) payment will be paid into the bank account nominated by the landlord at the end of the claimants Universal Credit assessment period on a monthly basis.

The tenant's reference number and National Insurance number will be used as the BACS identifier and will appear on the transaction with the National Insurance number and 10 characters of the tenant's reference number in the following format: AB123451234567890.

If a tenant reference of more than 10 characters is used, then the transaction and payment schedule will only include the first 10 characters of the reference.

Landlord registration is a legislative requirement. Where it is identified that a landlord is not registered the Department will advise if they do not register they may not receive payment of Universal Credit housing costs. If this is the case the housing costs may be paid directly to the claimant.

Universal Credit: Redundancy Payments

Advice NI sought clarification on the treatment of redundancy payments for the purposes of Universal Credit.

DfC: Whilst Redundancy payments are to be treated as capital for the purposes of Universal Credit, other payments from Employers will be treated as earnings for example;

- Bonuses
- Commission
- Holiday Pay
- Employment Protection Awards
- Payment in Lieu of Notice

This list is not exhaustive, there may be other payment types that will also be viewed as earnings.

Universal Credit: Students

Advice NI sought clarification on the issue of students claiming Universal Credit, in particular the issue of students demonstrating limited capability for work.

DfC: I can confirm students do not have to demonstrate LCW prior to the application. They will make an application to Universal Credit the same as any other claimant and if they declare illness/disability they are referred for a Work Capability Assessment (WCA). They are required to provide supporting evidence until such times as there is a WCA outcome.