**Tower Hamlets Welfare Rights Advisors Information Exchange –  March 2018**

**1.      Welfare Rights Advisors Forum: 8th March – Minutes**

**a)**   **Information on the calculation and appealing against charging for LBTH care services**

DNA but power point information that was sent is attached – please contact [Pete.Donnelly@real.org.uk](mailto:Pete.Donnelly@real.org.uk) if need any more information

**b)   LBTH Housing Benefit Section – Lee Fearon and Clive Buckman**

Housing Benefit have been allocated £5 million over 3 years to cover Discretionary Housing Payments, Crisis Support Grants. This will include the cost of staffing requirements to administer both systems.  They are looking at rewriting the criteria for CSG, possibly providing goods instead of cash payments.  Problems with computer system crashing, claiming setting up costs when not on HB are in hand to improve.  Current DHP money only £4k left (out of £1.8 million) to end of March but they might access next year’s money earlier.

Less people are being affected by benefit cap than when it started

Bedroom tax about 17,000 effected (pretty much unchanged although different people)

Advisors felt that there was lack of consistency in CSG application awards.  All decisions are made by cashiers and although there is a policy it is out of date and flexible.

**ACTION:**  Jo to arrange discussion with Margaret Coultier for clarity and advisors to send details of problems and examples of inconsistencies.  I will arrange this after Easter break – if any advisors have examples of problems with the Crisis Support Grant system/decisions please send them to me and I will raise

Concessions / amendments to Council Tax Reduction Scheme

a)  Under new CTR rules self-employed claimants who have been self-employed more than a year are treated as earning minimum wage @ 35 hours pw irrelevant of if actual income/profit – even if it is less than this. There is now some flexibility/concessions being made under these new rules.  Claimants will need to show evidence of accounts, last 2 bank statements, a personal budget sheet, agree to get business advice. Ask for reduction to be considered using actual income.

b)   Under new CTR rules ALL non-dependents income (ie including disability benefits) is now being treated as ‘income’ which often causes non-dependent deductions to be considerably higher – again some concessions are being granted in this HB will consider expenditure due to disability and remove/treat as having a lower income – these cases are being reviewed by housing benefit section and benefits being amended/backdated BUT they can only access claimants that are still on benefits so if this rule meant they were no longer eligible for benefits please ask client to notify HB to request waiving of CT payments made and reinstatement of benefits where eligible

**NOTE:**We previously sent information on council tax write offs/reductions using S13a discretionary reduction see - template letter see <http://thcan.org.uk/advice-agencies-information/>  November 2017  -  SAMPLE APPLICATION LETTER   FOR A DISCRETIONARY REDUCTION UNDER  SECTION 13A(1)(c)  - this can be used to request write-offs/reductions of council tax due to financial hardship/vulnerability

Also Chris stated that there is also a system for appealing to the valuation tribunal on the basis of these rules being discriminatory (disability discrimination) or that they are NOT self-employed (gig economy workers are arguably not self-employed)

This 35 hour pw self-employed rule will also be starting to effect Universal Credit claimants and similar challenges are / will be considered (ie gig economy workers may not actually be self-employed).

Advisors reported problem with claimants being advised to claim Universal Credit when they could actually stay on Housing Benefit/legacy benefits (by Stop Shop staff) – this is happening particularly when clients could be challenging HB suspensions.  There have been some successes on getting claimants back on housing benefit, HB (Clive/Lee) state that they are being VERY flexible about getting them back on HB whenever possible but really not going to be possible once UC has been assessed (or possibly paid – grey area?).  Stop shop staff have been trained on this issue already but Clive/Lee will get back to them again – ideally they should not advise them on this issue and they will be asked to check with HB rather than being told to claim HB.

Question? How are CTR applicants notified that CTR has stopped when they claim UC? Housing Benefit state that it is not necessary to do anything or make a new claim for CTR when they claim UC – HB get notified and CTR is awarded

**2.      Universal Credit / Benefit issues – discussion on problem areas and tactics**

a)   Problems with letters being received by UC and how to do a Mandatory Reconsideration on UC claims.

Mandatory Reconsiderations can be put on the claimant’s journal, or sent in writing, or emailed or over the phone.  Advisors reported issues/problems with all of these, ie letters not being received, telephone calls/notes on journals not being logged as MRs, emails not passed to correct department but basically all should be possible and if not accepted/received complain.

**Note:**  <http://thcan.org.uk/factsheets/>   Factsheet ‘Complaints to DWP’ has details of email contacts to send information (attach a form of authority)

**Note:**DWP have produced a Mandatory Reconsideration form which can be used (but doesn’t have to be)

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/683380/if-you-disagree-with-a-decision-made-by-dwp.PDF>

THCAN has a Mandatory reconsideration form that can be used  <http://thcan.org.uk/advice-agencies-information/>

b)  New UC claimants not getting award letters.  No they don’t get them in ‘full service area’, would have to use print up of journal if need evidence of an award

c)  Incorrect income being provided by HMRC to calculate UC awards.  Check / contact HMRC and UC as this could be a problem with either department

d)  Still problems with clients who are unable to manage journals.  Sometimes clients are getting assistance when they go to the JC+ but not consistently,  advisors can/are helping where possible but this is still a problem.  The issue has been raised with MP’s, campaigns and complaints but has not been resolved

e)  Problems with issues around what UC journal states as amount date of payment of housing costs and what and when this is actually paid/received by landlord.  Again just have to liaise with landlord/UC. One reason for this could be due to Alternative Payment Arrangements for UC claimants. Landlords receive their payments every 4 weeks i.e. 13 payment dates per year however the claimant only receives 12 monthly payments. This means the landlord payments are completely out of sync with the tenants payments which leads to large amounts of confusion as to what period the payment covers and the shortfall due.

f)   Housing Benefit 2 child problem: Housing Benefit default to only including 2 children where there has been successful reconsideration or a new claim following a previous claim including more than 2 children. It needs to be pointed out to Housing Benefit that all children need to be included to avoid any underpayments.

**3.**    **Welfare Rights -  Free Training Sessions  – email me to book place**

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| **Benefit overpayments and Recovery**    2 hour workshop | * General information about benefit overpayments * Which/when can overpayments be challenged * How are overpayments recovered   **Suitable for** experienced advisors and debt workers dealing with clients with overpayments of benefit | Island Advice  Island House  Roserton Street  E14 3PG | 26th April  2-4pm  Fatima Begum |
| **Appeal Submissions**    2 hours workshop | •        The appeal bundle  •        Evidence for appeals  •        How to prepare a submission for your clients case  **Suitable for** advisors who have experience in Mandatory Reconsiderations and SSCS1 forms who would want to prepare a submission (summary of your clients cases) for their hearing | Island Advice  Island House  Roserton Street  E14 3PG | 10th May confirmed  2-4pm  Fatima Begum |

**4.    Welfare Rights Benefit changes**

 **Housing Benefit run on-**  HB run on for the first 2 weeks of the UC claim (from April 2018) ‘This will be unrecoverable, automatic and received early in the first assessment period.  This payment will be made by LAs and will not require any additional intervention from the claimant, unless they have a change of circumstance such as moving address, in which case they will need to inform their local authority.'

* **Temporary Accommodation-** this will be paid for as part of HB instead of UC housing costs for new claims from 11/4/2018(except for those already getting UC housing costs in temporary accommodation on that date).
* **Other changes-** The regulations also remove the need for a 7 waiting day period at the start of a claim(from 14/2/2018),  allow the assessment period to be changed if the date of claim is later changed to avoid disruption to the claim(from 11/4/2018),  increases the work allowances a little to either £198 or £409 per month(from 9/4/2018), HB claimants(for example supported accommodation) on UC if applicable will be entitled to the higher work allowance(treated as having housing costs),   reduce the time in which a claimant is required to supply information and evidence when making an application for a supersession in relation to a change of circumstances advantageous to the claimant from one month to 14 days(from 11/4/2018) and DHP's will be available for those in supported/ temporary accommodation on UC with a shortfall.

**4.    Other information – attached**

* ESOL classes in Tower Hamlets Information
* Proposed new benefit rates from April attached
* Debt advisors forum minutes/information

**5.    Tower Hamlets Specialist Welfare Rights Caseworkers Referrals - Information on Tower Hamlets services and events**

**A)    Specialist Welfare Rights Workers Referrals for Tower Hamlets Residents**

**Legal Advice Centre**: Only take referrals for appeals when got the appeal bundle, not Mandatory Reconsideration.  Otherwise can be ‘signposted’  (ie send client to drop in advice session) for assistance. Referrals can be emailed to [admin@legaladvicecentre.org](mailto:admin@legaladvicecentre.org) they will email back to confirm that clients have been booked – full guidance available on [www.thcan.org.uk/advice-agencies-information/](http://www.thcan.org.uk/advice-agencies-information/#_blank)

**Law Centre**: Chris Parsons very limited capacity but to email or phone him, has no particular criteria [c.parsons@thlc.org.uk](mailto:c.parsons@thlc.org.uk)

**Island Advice**: Tower Hamlets clients only, limited casework and usually all appointments are taken up through our drop in advice session clients but email  [steph@island-advice.org.uk](mailto:steph@island-advice.org.uk)  or phone direct line 020 7538 0094 (phone number is for advisors only) Clients can ring 0207 987 9379

**CAB** advisor Eukay email [eukandu@eastendcab.org.uk](mailto:eukandu@eastendcab.org.uk). Also their full drop in services sessions are available on: [www.thcan.org.uk/advice-agencies-information/](http://www.thcan.org.uk/advice-agencies-information/#_blank)