Welfare Rights Advisors Meeting 30th Jan 2020

The meeting was a discussion with Universal Credit managers on problem area and issues

Some of the issues we were asked to email the DWP officers directly:

 shaifur.rahman@dwp.gov.uk  this is the person that deals with issues around housing costs

PARVEZ.SHAIKH@dwp.gov.uk STEPHEN.HANSHAW@dwp.gov.uk shukur.miah@dwp.gov.uk

Mandatory Reconsiderations Delays/Process/Not being accepted

DWP advised of number of ways that MRs can be submitted but advisors have had issues with all of these and are concerned that MR’s are not being dealt with / delays in MR’s being dealt with, advisors are being told that there is no deadline or target for MRs to be completed. Ways to submit a MR

1. Phone, advisors have experienced of over 40 minute wait and have to have the client there which is usually not possible and also there is no evidence of the call having been made.
2. Going to JC in person and requesting of having written MR to submit – advisors state clients are being turned away
3. Email – Chris been told that the email he had should no longer be used
4. Put on Journal – sometimes claim is closed so can’t do this, other times its put on there and ignored – or there’s a limit on characters so can’t put enough/full information the journal

Parvez (DWP) stated if the claim is closed the client should make a new claim and then ask for backdate/MR – advisors consider this is time consuming/unreasonable (ridiculous!)

Shukur stated the policy is: if there’s a live claim they can go into DWP (or phone them) to ask for an appointment, take paper MR in, JC+ will upload MR on same day and there is a 21 day decision making target, if this is not done ‘escalate’ ie complaint (email him/Parvez/Steve)

Action point; Advisors request that DWP officers raise this as a problem issue with UC – difficulty/delay in getting MR’s considered is resulting in claimants not achieving legal rights. A digital system that doesn’t allow someone to upload documents without booking an appointment and attending the office is clearly not reasonable/effective

Advisors request details of UC email where MRs can be sent (or for us to use to chase up where no decision has been made)

Advisors request clarification on how to submit an MR when the claim is closed

Advisors can use the CPAG pre-action letter – threatening JR will get a response

<https://cpag.org.uk/welfare-rights/judicial-review/judicial-review-pre-action-letters/mandatory-reconsideration>

ALSO: Sent details to CPAG and Z2K to see if this is an issue they could take up

Housing Costs Issues

1. Untidy tenancies joint tenancies where one tenant has left, UC consistently refuse the housing element or asking landlords to confirm that it’s a sole tenancy.

DWP representatives stated that the claimant needs to provide evidence of partner/other leaving

Advisors disagree, claimants have not always got any evidence and the only evidence claimants may have is their word for it - under regs this should be sufficient

See attached Factsheet – would recommend these cases are referred to specialist welfare rights caseworkers – see end of this email for details

Action point; Advisors request that DWP officers raise this as a problem issue – claimants are consistently being refused housing costs in this situation and regulations are clear that where a tenant has left the property the remaining partner IS eligible for full housing costs without necessitating a change into a sole tenancy

ALSO: Sent details to CPAG and Z2K to see if this is an issue they could take up

1. Disputes about who’s responsible for housing costs (UC or HB when not sure whether property is supported or temporary tenancy).

Action Parvez asked for cases to be sent to him

3 Deductions being made from UC for rent arrears

Deductions should not be higher than the amount specified in a court order, landlords can’t ask for arrears deduction to be of specific amounts they can only ask for a deduction (either 20% or can be reduced to 10%).

If there is a court order for another amount (often its £3.80 pw) the claimant should attend DWP office with court order and the deduction will be changed to whatever the court has stated.

I’ve actually tried this – the client had a suspended possession order for £3.80 pw and was having a deduction of £60+ per month from his personal allowance, causing considerable financial hardship. Claimant phoned DWP to ask for an appointment, was given an appointment for the next day, handed them a copy of the court notice (I also gave him a covering letter), the DWP then stopped the arrears deduction (they didn’t amend it - they stopped it, so the client now has to pay £3.80pw rather than a £60+ pm deduction from his UC). This whole process took less than 2 weeks to sort

1. Housing costs backdates or change in circumstances, no time limit for doing this and significant delays

Shukur asked for examples to be emailed to him

Carers Allowance / Carers Element

UC claimants receiving Carers Allowance are not automatically being awarded the carers element on their UC. Also advisors should note that the carers element can be paid even when the claimant is not getting carers allowance.

UC staff state that claimants have to actually declare on the system that they are a carer in order to be considered for the carers element and provide evidence.

Abdul from Carers Centre states that carers are consistently not receiving the additional element and even when they do request it and receive it, no backdate is being awarded

The question ‘‘are you caring for someone’’ is actually on the initial claim for UC so unless the claimant has erroneously said no, or were awarded carers allowance after the initial UC claim, they must have notified of their caring responsibilities (and cares allowance should surely be evidence of them being a carer!)

Action point: DWP staff to raise this as a problem with the UC claim system

Advisors should ask for Carers Element to be awarded. See attached general letter in order to request that the element is backdated. Refer to specialist advisor if this is not agreed to or refused.

ALSO: Sent details to CPAG and Z2K to see if this is an issue they could take up

Disabled Child Element

Really same as above claimants have notified of child getting DLA, and /or child health problems but not awarded disabled child element

Next meetings items Issues to cover in next meeting

DWP issues

* Safeguarding – what are the DWP doing to ensure their safeguarding requirements are being kept to (someone in JC+ can they come and discuss?)
* New claims historical overpayments (note there is information on THCAN website about this)
* MR delays – someone from Basildon UC to come and discuss
* Disability advisor – claimants with health problems could/should be referred to disability advice ‘team’ – invite someone from DWP to come to provide info
* Support group claimants still being asked to attend work related activity meetings / provide sick notes

LBTH issues

* Closure of Stop Shop – digital access issues – problems/issues for advice centres getting clients who want to hand in documents/go on waiting list/register an account – someone from LBTH to be invited to discuss
* Freedom pass/ mobility support – changes and issues, someone from LBTH come to provide information