

September 2014

In this issue:

**Problems with Appeals
and What to Advise**

**Exclusivity Clause and
Universal Credit**

**Take-up of Benefits
and Poverty**

Excellent PIP Result

**Members Area- New
Resource**

Social Welfare Training
Limited ©2014

Now Booking

Introduction to Welfare Benefits 2014

Exeter 15/9/2014
Cardiff 22/9/2014
Birmingham 23/9/2014
London 24/9/2014
Leeds 29/9/2014

Universal Credit- Welfare Reform 2014

Cardiff 6/10/2014
Exeter 7/10/2014
London 8/10/2014
Manchester 13/10/2014
Birmingham 14/10/2014

Benefit Updater 2014- including Sanctions and Habitual Residence

Cardiff 20/10/2014
Birmingham 21/10/2014
London 22/10/2014

Claiming as 'sick'- the WCA

Cardiff 10/11/2014
B'ham 11/11/2014
London 12/11/2014

Welfare Benefit Appeals

Cardiff 24/11/2014
B'ham 25/11/2014
London 26/11/2014

Personal Independence Payments- Welfare Reform 2014

Cardiff 8/12/2014
Birmingham 9/12/2014
London 10/12/2014

Free Benefits Newsletter

for professionals

Problems with Appeals and What to Advise

Changes to the way clients challenge Benefit decisions were introduced in October 2013. This included having to go for a 'Mandatory Reconsideration' (but not for Housing Benefit decisions) before being allowed to appeal. Another change was having to send an appeal directly to the Appeals Service (HMCTS- Her Majesty's Courts and Tribunals Service), called direct lodgement. You are telling us that this has created certain problems-

- **Less clients are appealing.** Statistics show that in the 3 months after the new system came in, appeals numbers dropped from 129,445 to 79,865 (compared to the same quarter the year before). This trend continued the following quarter with a further drop in the numbers appealing. **Advice- encourage clients to appeal.** The Mandatory Reconsideration is really just another look by the DWP or Tax Credits at their own decision. Don't let clients be put off by it. The right to appeal once this has happened is still similar.
- **Some clients are being told they can not proceed to appeal.** This is because to make a valid appeal, [HMCTS's Tribunal Procedure rules](#) say that a notice of the Mandatory Reconsideration (which will be issued by the DWP or Tax Credits office) is needed. If a client is successful with their reconsideration but only in part then a notice which says on it 'Mandatory Reconsideration Notice' might not be issued. Another potential problem is whilst the request is being passed between sections in the DWP and there is a delay in issuing the notice. **Advice- suggest to the clerk at HMCTS that any revisiting of that decision should in effect count as a mandatory reconsideration.** So as long as a letter from the DWP or Tax Credits is produced about looking at the decision again, then this can count as a Mandatory Reconsideration Notice. Strictly speaking, the law requires that an application has been considered to revise a decision. It doesn't require that a specific Mandatory Reconsideration notice has been issued.
- **Delays in payments of ESA (Employment and Support Allowance) whilst appealing.** Clients can not claim ESA before the Mandatory Reconsideration has taken place, but once an appeal is sent in, and they get fit for work notes from their GP, then they can. **Advice- clients should put on their appeal form that they are in financial hardship and ask HMCTS to email the relevant ESA section to ask that it is put back into payment.** If an adviser has local email contacts themselves then they could also email them directly with proof of postage to show an appeal has been made.
- **Delays in appeal hearing dates.** Hopefully this should be reduced as a result of the number of appeals falling. **Advice- get evidence pertaining to the date of the decision being challenged. Also consider whether a new claim for the benefit might be appropriate. An expedited request for a hearing to be arranged quickly might be appropriate if there is financial hardship.** Remember that all evidence for the tribunal needs to relate to the date of the decision. The tribunal are not able to make a new award after that date. If a client's condition has worsened then it will be worth considering a new claim before the appeal is heard.

To feel more confident in challenging Benefit decisions [Click here](#) for our **updated** Benefit Appeals Course.

To know the law better for clients in financial hardship [Click here](#) for our **updated** Benefit Change Course 2014- 'Falling Through the Net'. This course includes sanctions which often go unchallenged.

We regularly train in-house throughout England and Wales. [Contact us](#) for in-house training provision.

Exclusivity Clause and Universal Credit

[Further information](#) has emerged from Ester McVey, Minister of State (Department for Work and Pensions), about Zero hours contracts. In our June newsletter we explained how the government said that JSA claimants won't be expected to apply for zero hours contract jobs. Also that under Universal Credit, the government said that "We expect claimants to do all they reasonably can to look for and move into paid work. If a claimant turns down a particular vacancy (including zero-hours contract jobs) a sanction may be applied, but we will look into the circumstances of the case and consider whether they had a good reason." However this won't be enforced under Universal Credit if the Zero hours contract requires that the person signs an exclusivity clause meaning that they only work for that employer.

[Universal Credit 2014 course](#)

Cardiff 6/10/2014, Exeter 7/10/2014, London 8/10/2014, Manchester on 13/10/2014, Birmingham 14/10/201

Take-up of Benefits and Poverty

£billions of Welfare Benefits are unclaimed each year. [A detailed report](#) on this topic has been released by Inclusion. It covers issues such as trends in benefit take-up, key factors affecting take-up and the impact and design of take-up initiatives. Conclusions about possible best practise include-

- 'Reducing complexity by simplifying the language and content of benefit application forms;
- For some benefits reducing duplication in the information on, and verification of, circumstances required;
- Easing the process of claiming through telephone and digital claims processes, albeit such developments require careful design so as not to create new barriers;
- Making systematic use of feedback from users, advocacy organisations and front line staff, to highlight problem areas in the system, especially where different multiple entitlements interact;
- Ensuring people are informed of entitlements at key „trigger“ points when they become eligible, for example, when registering births;
- Targeting take-up campaigns at those not claiming high-value entitlements, especially amongst harder-to-reach groups and communities;
- Taking information into communities through outreach activities, often in partnership with other trusted intermediaries, such as health workers, and community based organisations.'

'The findings point to the value of welfare benefits advice being made available through local, trusted, and more accessible settings, including Children's Centres, community and voluntary centres, health care locations and, to some extent, through welfare to work providers.

One of the recurrent findings concerns the importance of easy access to advice services with trained staff that are able to provide independent and authoritative welfare rights information. Such services play a key role in take-up initiatives and when they supplemented the work of other front line staff they were perceived to improve attitudes towards claimants and knowledge of entitlements and the welfare system.'

Excellent PIP Result

Thanks to Nigel Wicks, Welfare Benefits Officer, Southdown Housing for sharing details of a case with us where he was successful in challenging poor administration of a PIP claim by the DWP and ATOS. Involvement of the client's MP and a letter to the DWP litigation department were used(see our newsletters of June and May 2014). To read what happened [click here](#).

Members' Area – new Resource

We have added a useful keycard about the basics of Universal Credit. The keycard will be regularly updated and supplements the Universal Credit Calculator also found in the Members' area.

Don't forget to post consultancy queries in the discussion forum where we will help.

Get members' area access- For an affordable yearly fee for your whole team(£95), our members area provides you with up to date resources that supplement the learning from our courses. [Click here](#) for testimonials, details and application form.

This Newsletter

You can follow our twitter feed [@s_w_training](#)

You are free to use this newsletter for non commercial use in your organisation as long as you keep it in its entirety. Liability- We will not accept liability for any loss, damage or inconvenience arising as a consequence of any use of information.

To subscribe(and receive a free benefits poster) [click here](#)

To unsubscribe [click here](#)

info@socialwelfaretraining.co.uk www.socialwelfaretraining.co.uk 0117 9514 337

Social Welfare Training Limited ©2014 Company No. 08444947

