



Managed Migration on its way

Maximum Childcare limits for Universal Credit increase

The DWP have confirmed that the increase in the maximum amount payable for childcare payments in universal credit (UC) takes effect from 28 June 2023. The increase was originally announced in the Spring Budget.

The maximum amounts are increased from:
£646.35 to **£950.92 for one child**
£1108.04 to **£1630.15 for two or more children**

There is no equivalent increase for help with childcare costs through Working Tax Credit.

Pension Age to rise to 67 by the end of 2028

The government has confirmed that the State Pension age will rise to 67 between 2026 and 2028 as planned.

“After carefully considering expert evidence, including two independent reports, the Secretary of State for Work and Pensions has concluded the planned pension age rise from 66 to 67 for those born after April 1960 remains appropriate.”

There will be a further review within two years of the next Parliament to consider a rise to age 68. The government says that it remains committed to the principle of providing 10 years notice of changes to the State Pension age.

**citizens
advice**

Upfront Childcare Costs

Childcare costs can now be met upfront when a claimant moves into work or moves into more work. The Regulations can be found here <https://www.legislation.gov.uk/ukxi/2023/593/regulation/2/made>

Upfront childcare costs are any costs that a claimant gets in relation to childcare between starting work and getting first wage—for example:

- * Parents starting work
- * Deposits/one off payments
- * Retainer to secure a place
- * Tester/settling in sessions
- * Upfront fees in advance of childcare being provided
- * Work related training

See back page for our new Autumn Training Programme

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Income Support review exercise for Health Condition or Disability claims

The DWP has launched an 'Income Support claims review exercise' to compensate people who, on or after 31st January 2011, should have been advised to claim income-related Employment and Support Allowance (ESA) because of a disability or health condition.

In new guidance, the DWP sets out how income support claimants who would have been paid more had they claimed income-related ESA instead can apply for a special payment.

To be entitled, a person must have -

- ⇒ made a claim for income support on or after 31 January 2011 because of a disability or health condition; and
- ⇒ not been getting Incapacity Benefit or Severe Disablement Allowance (SDA) when they made that claim

Claimants will have to have a Work Capability Assessment and will only be eligible for a special payment if they are assessed as having limited capability for work (LCW) or limited capability for work and work-related activity (LCWRA).

Claimants can contact Jobcentre Plus and say they are enquiring about the 'Income Support claims review exercise'. They will be told what information they need to provide.

The DWP will compare their Income Support payment with what they would have been paid on income-related ESA. Claimants who would have been paid more on income-related ESA will be paid the money owed to them.

Further information can be found here:

<https://www.gov.uk/guidance/apply-for-a-special-payment-if-you-claimed-income-support-because-of-a-disability-or-health-condition>

Claimants in the No Work Related Requirements Group continue to rise

In statistics published on 16th May 2023 the DWP confirmed that:

- ◆ There were 5.9 million people on Universal Credit in April 2023. This has remained at this level since April 2021
- ◆ The proportion of people in the 'no work requirements' conditionality regime continues to increase significantly. In April 2022 it was 1.5 million. In April 2023, it was 2 million. The DWP suggest that this reflects the natural migration of claimants who were on legacy ESA. They offer no data to confirm this
- ◆ The number of claimants searching for work was 1.5 million, significantly down from over 2.25 million in April 2021
- ◆ Half of households with a Universal Credit payment in February 2023 had children
- ◆ 38% of UC claimants are employed, although this data only means that some employment income is included in the claim, not that they are in full time work
- ◆ The average UC payment was £820 per month
- ◆ 99% of households with a payment were paid all or some of their payment on time. This figure has been largely consistent since April 2020

HMCTS launches National Digital Support Service

HM Courts and Tribunals Service (HMCTS) said 'After a successful pilot, we're offering a free national digital support service to help users who cannot get online, including those who cannot access the internet or a computer. The service can also be used by those who are less confident or less able to access online services.'

The service is currently available for appealing a benefit decision and small money claims but will soon be available for employment cases.

The Courts and Tribunals Service Centre will refer those who need help to complete a form to the digital support service provided by 'We Are Digital'.

Developments in Right to Reside and Pre-settled Status

EEA nationals and family members who have been granted pre-settled status do not automatically meet the right to reside criteria for Universal Credit (UC) and other means tested benefits. In addition to their pre-settled status (PSS) they need to find an EU right to reside. For non-EEA family members this means relying on a right to reside (R2R) of their EEA family member. EEA nationals can rely on either a right to reside of their family member or a right to reside they have themselves.

A new decision at the Upper Tribunal (UT) held that the DWP must check that a refusal of benefits on the ground that the only R2R is PSS would not prevent the claimant and their family living in dignified conditions. Only after the check had been made could Universal Credit (UC) be refused on this basis.

The Secretary of State appealed to the Court of Appeal and the hearing was held in March 2023. A decision has not yet been published. As a consequence this route is unlikely to be a straightforward solution to benefit issues except as a last resort. As well as looking at the guidance on the CPAG website <https://cpag.org.uk/welfare-rights/resources/test-case/destitute-eu-nationals-pss-can-rely-eu-charter-fundamental-rights> we suggest that other grounds for an EU R2R are explored in cases of this type.

Self-sufficiency

The courts have taken a fresh look at what it means to be self-sufficient. Access to the NHS was earlier found to meet the requirement for comprehensive medical insurance. The remaining issue for self-sufficiency is whether you, and any family members reliant on your Right to Reside, have sufficient resources not to become an unreasonable burden on the social assistance system of the UK during your period of residence. You cannot automatically be regarded as not self-sufficient just because you make a claim for a means tested benefit. Your resources are compared to a level that is equivalent to a means tested benefits applicable amount including any premiums you would be entitled to. In Secretary of State for Work and Pensions v WV (UC): [2023] UKUT 112 (AAC) <https://www.gov.uk/administrative-appeals-tribunal-decisions/secretary-of-state-for-work-and-pensions-v-w-v-uc-2023-ukut-112-aac> the judge found that a person can be self-sufficient living off a partner's means tested benefits with no additional amounts for them and their own non-means tested benefit; in this case Carer's Allowance. The judge found that the calculation of the potential increase in UC if the partner was added to the claim was needed to determine the burden. The fact that settled status was granted to the claimant 23 months after the claim meant there was a limit to the additional funds provided by social assistance. The decision is relevant to a specific group of EU nationals:

- who are partners of UK nationals who are in receipt of social assistance;
- who are eligible for EU Settled Status;
- who do not have any other right to reside; and
- in consequence of whose presence in the household the amount of social assistance paid out remained the same or decreased (for, if it increased at any rate more than by a de minimis amount, they would not meet the test to not be a burden in the first place)

The CPAG website gives some guidance for what the judgment means for claimants:

<https://cpag.org.uk/welfare-rights/resources/test-case/right-reside-based-self-sufficiency>

It is possible that there will be further cases in this area as the ruling may suggest arguments for additional circumstances in which self-sufficiency can be maintained.

DWP Trialling Online PIP Applications

In January 2023, the DWP confirmed that they were conducting a small-scale test of online applications for Personal Independence Payment (PIP). This follows the introduction of the online PIP2 application which is now offered to most applicants. Mr Pursglove, a DWP minister, said of the Health Transformation project: *"The programme is transforming the entire PIP service, including introducing a digital PIP service with the option to apply online. We are currently operating a small-scale test of this new apply service, taking a small number of claims to begin with, before we gradually and carefully increase the number of people who can use it online..... including the ability to save and resume and to upload medical evidence."*

Increase in Administrative Earnings Threshold

The AET affects UC claimants who are subject to the All Work Related Requirements and have employed earnings. If their earned income is above the AET they are subject to the “light touch” regime. This means that they will not be required to undertake intensive work search activities. The result of the increase in the threshold is that more UC claimants will be subject to intensive work search requirements as a condition of receiving their benefit.

For an individual the rate **from April 2023 is now £677 per calendar month for a single claimant, and £1084 for a couple claim.** Both members of the couple do not have to work though.

The government plans for the threshold to increase further in Autumn. The date and rates are yet to be announced, but are thought to be the equivalent of 18 (single) or 29 (couple) hours of work at the national living wage.

Changes to the definition for terminally illness

New guidance has been issued in relation to changes to the definition of terminally ill for the purposes of PIP, DLA and AA. This applied from 3rd April following new legislation.

In ADM Memo 7/23 and DMG Memo 3/23, the DWP provides guidance on the Social Security Special Rules for End of Life.

The definition of terminally ill for the purposes of PIP, DLA and AA is -

- * the claimant is suffering from a progressive disease; and
- * death in consequence of that disease can reasonably be expected within 12 months

Guarantee Our Essentials

“Guarantee our Essentials” is a campaign being run by The Trussell Trust in association with research from the Joseph Rowntree Foundation. They have established that the standard allowance of benefits like UC are now well below the amounts required for minimum living standards – for example to buy food, energy, transport, communications and clothing.

They suggest that a minimum of £120 per week is needed by a single person and £200 for a couple. Compare this to the £85 per week standard allowance for a single person over 25 claiming UC. The research suggests that the UK’s inadequate social welfare system is the main driver for the use of foodbanks. The Trussell Trust’s latest figures show they provided £3m food parcels in the last year. There were other interesting findings including that 90% of low-income households on UC are going without essentials.

The standard allowance of UC is now at its lowest level as a proportion of average earnings

66% of people think that benefit rates are too low

Half of UC claimants receive less than their full entitlement because of deductions or the benefit cap

You can find the campaign link here: <https://www.trusselltrust.org/get-involved/campaigns/guarantee-our-essentials/>

The link to all the findings of the Joseph Rowntree Foundations and their suggestions can be found here: https://www.jrf.org.uk/report/guarantee-our-essentials?_ga=2.132009933.394289209.1686054693-633145281.1686054692



Managed Migration

We are entering the final phase of Universal Credit (UC) replacing means tested legacy benefits. As Managed Migration is rolled out, legacy benefit claimants will be sent a migration notice that sets a final deadline by which a claim for Universal Credit (UC) needs to be made in order to avoid gaps in benefit entitlement and to benefit from transitional protection.

Timetable

The DWP timetable states that there will be Managed Migration in every DWP region by September 2023. These are the large regions into which the DWP is split. Surrey is in the South East region, Hampshire is South West. The DWP also states that by March 2024 there will be Managed Migration in every Jobcentre Plus. The programme is currently focussing on existing Tax Credit claimants. New areas are being announced about 2 months before managed migration arrives. To date the areas are:

April 2023 Avon, Somerset and Gloucester

May 2023 East London and Cheshire

June 2023 Greater Manchester, East Yorkshire and the Humber

July 2023 Durham and Tees Valley, Kent, North London and East Anglia

August 2023 West Scotland, West Yorkshire, Staffordshire and Derbyshire, and South London

September 2023 East Scotland; Cumbria and Lancashire; South West Wales; Essex; Lincolnshire, Nottinghamshire and Rutland; and Devon, Wiltshire, Hampshire and the Isle of Wight

800,000 ESA and ESA/HB cases will be delayed until 2028/29.

If you would like to learn about Managed Migration in more detail SWRU have a course that we will be running as part of our autumn programme.

11 October 2023

10—12.30

Online

Further information on: <https://www.swru.org/training/open-courses/>

Cost of Living Payments 2023/24

These are the cost of living payments for the 2023/2024. The money is paid automatically so there is no need to make a claim.

Spring 2023 First cost of living payment £301* (These have already been paid between 25 April 2023 and 17 May 2023 to claimants on DWP benefits, and between 2 and 9 May 2023 for claimants on Tax Credits and no other low-income benefits)

Summer 2023 Disability Payment £150** (These have been paid between 20 June 2023 and 4 July 2023)

Autumn 2023 Second cost of living payment £300*

Winter 2023 Pensioner Payment £150/£300***

Spring 2024 Third cost of living payment £299*

* Paid to those receiving means tested benefits (within specified dates) - Universal Credit, Income-based Jobseekers Allowance, Income-related Employment and Support Allowance, Income Support, Working Tax Credit, Child Tax Credit and Pension Credit.

** Paid to those on Attendance Allowance, Constant Attendance Allowance, Disability Living Allowance for adults and children, Personal Independence Payment, Armed Forces Independence Payment, War Pension Mobility Supplement

*** Paid to all pensioners who also get a Winter Fuel Payment

All payments are tax free, do not count towards the benefit cap and will not have any impact on existing benefit awards. They can be claimed retrospectively following an award of any of the above qualifying benefits.



Health Assessment Process improvements rejected by DWP

The DWP has rejected the Work and Pensions Select Committee's suggestion for short-term improvements to the health assessment process, pending reform introduced in the Health and Disability White Paper. The inquiry began in September 2021 and drew on evidence from stakeholders, academics, health assessment contractors and DWP Ministers and officials. The Committee recognised the DWP's recent White Paper, which set out major long-term reforms - including the abolition of the Work Capability Assessment (WCA). However, it highlighted the several years this would take to implement and recommended changes to improve the current experience of health assessments for claimants and provide 'much-needed transparency'.

In June 2023 the DWP rejected a number of those proposals including –

- offering claimants a choice of channel for carrying out an assessment
- providers recording assessments by default, with a clear opt-out rather than opt-in choice
- making an interim payment to Personal Independence Payment (PIP) claimants where clearance time targets are missed
- extending the deadline for returning ESA50, UC50 and PIP2 forms and accompanying evidence to two months

The DWP's reasons for refusal included concern about the impact on the public purse. It stated that claimants are clearly informed before the assessment that they can request a recording and that extending deadlines to return forms would result in further delays to decisions.

Elsewhere in its response, the DWP also confirmed that they were looking to improve the claimants journey where a UC50 is required. The legislation to introduce the changes proposed by the White Paper will require primary legislation and is unlikely to be rolled out before 2026/27.

<https://committees.parliament.uk/work/1468/health-assessments-for-benefits/news/194649/benefits-health-assessments-system-continues-to-let-people-down-say-mps>

<https://www.gov.uk/government/publications/transforming-support-the-health-and-disability-white-paper>

Changes to Support for Mortgage Interest (SMI)

The interest rate charged on loans for mortgage interest has increased to **3.28%** from 1 July 2023.

<https://www.gov.uk/support-for-mortgage-interest/repaying-your-loan>

There are also changes to the eligibility conditions for SMI loans.

In [ADM Memo 6/23](#), the DWP provides guidance on the changes introduced for Universal Credit claimants by the Loans for Mortgage Interest (Amendment) Regulations 2023 (SI.No.226/2023).

With effect from 3 April 2023, the regulations -

- reduce the qualifying period for a loan from nine assessment periods to three assessment periods;
- remove the zero earnings rule that prevents an SMI loan payment while the claimant has any earned income;
- introduce a linking rule that allows a claimant to qualify for an SMI loan without re-serving the qualifying period should they become entitled to universal credit within six months of a previous award ending; and
- ensure the qualifying period does not need to be re-served where a person in receipt of state Pension Credit and a SMI loan then forms a mixed-age couple and claims Universal Credit within one month of entitlement to Pension Credit ceasing.

Working Better Together - DWP with SWRU

SWRU has been having periodic meetings with DWP staff, including the Surrey and Sussex District Service Leader and Advanced Customer Support Senior Leader. Some useful information has been shared.

The Partnership Team

SWRU has escalation contacts, along with other local Citizens Advice, to Partnership Managers. We can escalate problems with claims across working and pension age DWP benefits.

The local Universal Credit “delivery office” is the Hastings Service Centre. However, there are other service centres, for example in Derry and Canterbury, so clients may find cases from the local area being dealt with in one of the other centres. We were told that where a case is dealt with depends on the demand on the overall service.

DWP update

Recruitment is a real issue for the DWP. For example there is a need for Work Coaches in the north of Surrey. Lack of Work Coaches is an increasing issue as the Administrative Earnings Threshold continues to rise and more and more people have a more onerous claimant commitment.

A recent DWP recruitment drive led to 500 new staff for PIP. Some will focus on telephony services, acknowledging how difficult it can be get through by phone. Some of the new recruits will join the decision making team. We raised the issue of PIP reviews now taking upwards of 18 months. Although awards are being extended, this can still be detrimental if needs have increased.



Contact us

If you have any comments or complaints about the service you receive from Surrey Welfare Rights Unit you can discuss them with the Manager at bureau@swru.org

Autumn Training Programme

We are pleased to share our latest online programme with you. We are able to offer additional courses this year with support from the National Lottery and Surrey County Council.

Tuesday 12 Sept 10 - 12.30

Personal Independence Payment - An overview

Thursday 21 Sept 10 - 1pm

Benefits for Families

Monday 2 October 10 - 12pm

Benefits Update

Wednesday 11 October 10 - 12.30

Managed Migration

Thursday 2 November 10 - 12pm

Help to Pay Rent

Tuesday 7 November 10 - 1pm

Introduction to Universal Credit

Thursday 9 November 10 - 12.30

Attendance Allowance

Wednesday 15 November 10 - 12pm

Changing Universal Credit decisions

Thursday 23 November 10 - 12.30

Social care, charging and welfare benefits

Further information on all these courses can be found on the website: <https://www.swru.org/training/>

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