

Welfare Rights Annual Report 2016/17

June 2017

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1. Summary

- 1.1 The Welfare Rights Advisory Unit is one of the functions that Northumbria Healthcare NHS Foundation Trust operates under its partnership agreement with the county council. It is wholly funded by the council.
- 1.2 The team currently consists of three full time welfare rights officers and one administrative assistant and is managed by the rights team manager.
- 1.3 The welfare rights team provides staff in adult social care and children's services, and the voluntary and community sector, with training and access to a telephone advice line. In addition, the team provides targeted direct support to people with social care needs in cases involving complex issues, including appeals.
- 1.4 In these complex cases, assistance from a welfare rights officer can have a massive beneficial impact on someone's life. Case studies providing examples of the type of enquiry we deal with and the outcomes from this are included in Section 6.
- 1.5 During 2016/17, the welfare rights officers and the financial assessment & benefits officers increased the incomes of older and disabled people by more than £3.4 million. This boosted the county's economy by an estimated £5.8 million.

2. Changes to benefits

- 2.1 The Coalition Government legislated between 2010 and 2012 for what were expected to be the biggest changes to the benefits system since 1948. Further changes to benefits were introduced by the 2015 Conservative Government through the Welfare Reform and Work Act 2016. Although no further, major, legislative changes have been announced since then, the implementation of previous legislation will continue until at least 2021.
- 2.2 Major changes to the benefits system continue to be rolled out nationally, although not as quickly as originally expected. There have been ongoing delays in the introduction of Universal Credit across the country and also to the timetable for the reassessment of Disability Living Allowance claimants for Personal Independence Payment.
- 2.3 The replacement of Disability Living Allowance (DLA) by Personal Independence Payment (PIP) continues to be a major change affecting disabled adults. Although this started in April 2013, most of the existing DLA claimants did not start to be reassessed until October 2015. The DWP had expected to finish that process in 2017-18 however that process is likely to continue beyond then. In Northumberland around 8,000 people who are, or were, receiving an average of around £85 per week in DLA will be, or have been, reassessed for PIP. Looking only at adult social care clients, out of 1,359 who were due to be reassessed, over 992 had not gone through the process by the end of March 2017.
- 2.4 The Government initially expected there would be a 20% reduction in the number of people claiming PIP, with a corresponding reduction in expenditure, against a forecast for DLA. Recent DWP [statistics](#) from the reassessment process are that

27% of reassessed DLA claimants have so far been found not to be entitled to Personal Independence Payment.

- 2.5 In the course of this programme, almost all adult social care clients below state pension age will have been or will be required to complete a lengthy and complex form, with many also needing to undergo a face to face assessment. This will also apply to some older people who have been receiving DLA since before they reached pension age, and were under 65 on 8 April 2013. If the reassessment process results in changes to the incomes of disabled people who use adult social care services, this is likely to have an impact on revenue from adult care charges, as well as affecting the service users individually.
- 2.6 A limited version of Universal Credit (UC) was introduced in Northumberland from February 2016. Currently only claims for single people, without children, are being taken, but the DWP has indicated that full rollout for new claims will begin here in summer 2018. Nationally, full roll out including the transfer of existing “legacy” claims is estimated to be completed during 2021/22.
- 2.7 There are also significant changes in the way some benefits are being administered by DWP and this will have a considerable impact on recipients. For example, rather than being paid weekly Universal Credit payments are paid calendar monthly and most contact with DWP is expected to be carried out through an online account.
- 2.8 Welfare Rights Officers support social care staff and others to help them understand the impact of this process so they can support the people they are working with through the changes.
- 2.9 Partnership working will be key so that Northumberland residents can access advice and support to help them cope with these massive changes to the benefits system.

3. Coordination of advice in Northumberland

- 3.1 Citizens Advice Northumberland provides advice on a range of issues, including benefits, debt, housing and employment. Until April 2014, this advice was delivered by six individual Citizens Advice organisations covering the former borough and district areas in the county. Over the two years from April 2014, these organisations merged, so that by April 2016 there was a single organisation, initially called the Northumbrian Citizens Advice Bureau and now operating as Citizens Advice Northumberland.
- 3.2 Citizens Advice Northumberland meets regularly with representatives from adult services to ensure there is consistent access to advice across the county. The council’s core grant funding for Citizens Advice Northumberland (£240,000) is managed through adult social care. Additional support was provided in 2015/16 and 2016/17 to assist the provision of specialist benefits advice as well to respond to the ongoing welfare reform programme.
- 3.3 The work of the welfare rights team, as well as other parts of adults and children’s social care, contributes to reducing the impact of poverty, for example through providing advice and information to care managers, linking benefits advice to financial assessments for service users and supporting VCS organisations. In

addition, the team works in partnership with other council services and a multi-agency group supporting social tenants in Northumberland.

4. Welfare rights training

- 4.1 Training is provided to help professional staff and managers, and people working in community and voluntary organisations, to assist service users with welfare benefit and tax credit issues.
- 4.2 Training can be delivered through advertised sessions with individuals from any team booking a place or by arranging to deliver something specific to an individual team at their base.
- 4.3 During 2016/17, we provided 32 training courses, briefings or information sessions in a variety of settings. We also attended team meetings to help front line staff understand the specific impact on their clients' incomes as a consequence of benefit changes.
- 4.5 The breakdown of the training and information sessions provided by the welfare rights team during 2016-17 was:
 - 10 advertised training courses open to all relevant staff
 - 19 briefings or sessions for specific staff teams
 - 3 sessions for external groups
- 4.6 271 people attended our training courses, sessions and briefings during 2016/17.
- 4.7 The welfare rights team can also provide benefit updates, or sessions about specific benefit issues, for elected members.
- 4.8 External training and briefings included sessions for the Ageing Well Partnership, the mental health charity Blyth Star and the In It Together support group for parents of children with special educational needs or disabilities?. A Welfare Rights Officer also attended three SEND (Special Educational Needs and Disability) events to support parents.
- 4.9 We also supported West Northumberland Foodbank by delivering training to volunteers. This training enables the foodbank to support people collecting food parcels by encouraging, and helping, them to contact the DWP to find out what action is required to have their benefit income restored.
- 4.10 Training about benefits and ongoing support is also available to the financial assessment and benefits officers (FABOs) who carry out financial assessments to determine how much people can afford to pay for their social care services.
- 4.11 A welfare rights officer regularly attends team meetings of the disabled children team and the deputyship team managing the finances of adults who lack the mental capacity to do so themselves, so that there is ongoing support to ensure that they are able to maximise the benefit income of their clients.

4.12 An evaluation form is given out at the end of our training courses.

90% agreed with the statement “the course will be useful for my job”

95% agreed with the statement “the course was well structured”

94% agreed with the statement “the trainer answered questions clearly”

94% agreed with the statement “the hand-outs were useful”

95% agreed with the statement “the pace of the course was good”

91% (all those who answered the question) said “with the benefit of hindsight, they would still want to attend the course”

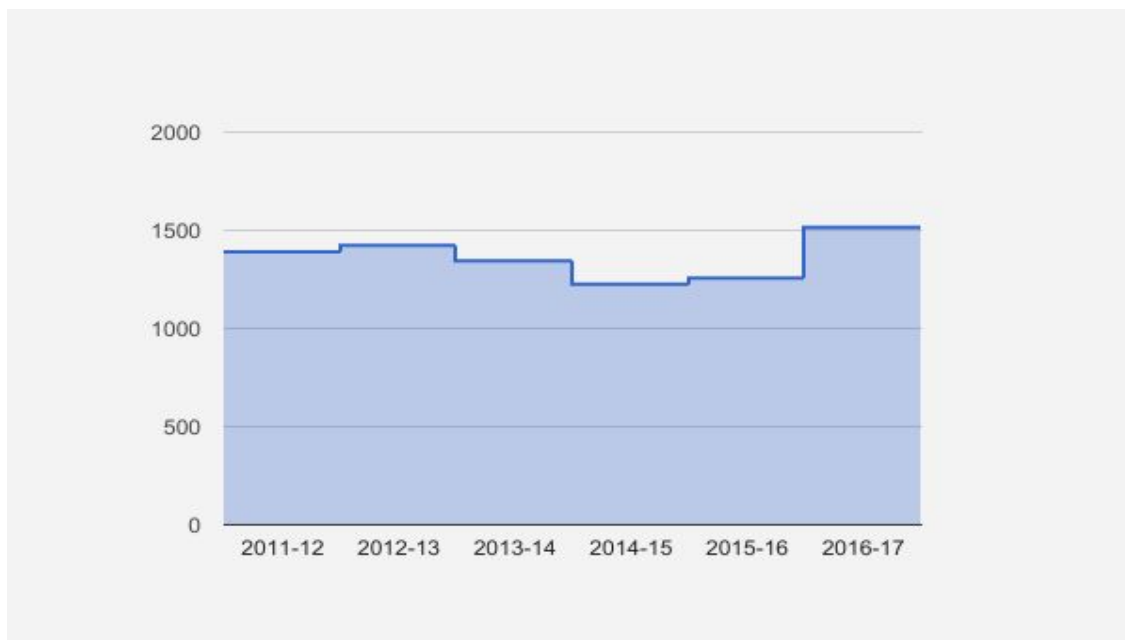
5. Welfare rights enquiries and case work

5.1 The welfare rights team’s primary function is to provide training and support to social care staff, plus staff and volunteers from other statutory and independent sector organisations whose work brings them into contact with disabled people who may have an entitlement to welfare benefits.

5.2 The welfare rights team also provides direct support in complex cases relevant to social care, and works closely with other advice providers to ensure that others needing advice, including any members of the public who make direct contact, get access to the support they need. This support could be from the Department for Work and Pensions (DWP) to make a claim, or it could be an advice provider such as Citizens Advice Northumberland or Age UK Northumberland.

5.3 1,515 enquiries from professionals and others who contact the team were received during 2016/17. This is an increase of over 20% on the previous year, although this does follow a period of declining enquiries. See chart below for year on year comparison.

Number of enquiries received 2011/12 to 2016/17



5.4 One potential reason for this fluctuation over the last five years is that delays in the administration of Personal Independence Payment (PIP) and Employment and

Support Allowance (ESA) had led to a reduction in the number of decisions being made in relation to these benefits but now that processing times have improved, a greater number of decisions have been made over the last year to eighteen months resulting in an increase in the number of benefits enquiries.

- 5.5 Many enquiries involve more than one benefit issue, therefore the amount of work required to resolve enquiries is increasing. This is because of the complexity introduced into the system through changes to the benefits themselves whilst, at the same time, continued changes have been made to the administrative structure of the DWP. It can take several calls, over a day or longer, just to find the right person to speak to before being able to begin to resolve a query.
- 5.6 A limited amount of direct “hands on” assistance is provided, where appropriate, for more complex cases. 54 new cases were opened during 2016/17 and with the 32 cases brought forward from the previous year a total of 86 cases were worked on during the year. 63 case files were closed, leaving 23 to be carried forward to 2017/18.
- 5.7 A successful appeal against one benefit can lead to the reinstatement of others, especially in cases involving sickness and disability benefits, because of the interaction between different benefits and tax credits.

6. Case studies

Any names in these case studies have been changed to protect individuals' privacy.

Case study 1

A social worker asked for assistance for Sonia who had claimed Universal Credit but whose housing costs hadn't been included in her claim as they should have been. Sonia suffers from anxiety and depression and she became distressed about not being able to pay her rent.

The welfare rights officer contacted the Universal Credit section who apologised and made an immediate payment for that month's housing costs. Unfortunately, the housing costs were missing from the following month's payment but, again, DWP reinstated them after being contacted. The delay of those payments meant Sonia was late paying her rent for two months and her private landlord went to court to evict her.

The welfare rights officer had kept a record of the conversations, including the dates and times of contact with DWP. A short report was produced for the social worker, noting that the DWP had acknowledged the delays in payments for housing costs had been caused by their system.



Using the information provided by the welfare rights officer, the social worker was able to make a successful request to the Court for a suspended possession order and for Sonia to make repayments of rent arrears at a reasonable rate. This helped to reduce Sonia's anxiety about losing her home. Universal Credit is now in payment at the correct rate and Sonia received the missing housing costs of £606.

Case study 2

In December 2012, Sarah claimed Income Support on the basis she was unable to work due to incapacity. This was an official error by DWP because Employment and Support Allowance (ESA) had been introduced in 2008 and all new claims for people who were unable to work after that time should have been for ESA.

This came to light after the Council's deputyship team took responsibility for Sarah's finances, when a letter was received from the DWP in June 2014 saying Income Support had ended.

The deputyship team challenged the decision and also, correctly, made a new claim for ESA whilst the appeal was waiting to be heard. At Tribunal, in August 2015, the Judge ruled that the DWP hadn't given adequate grounds to end the award of Income Support and set aside the decision made in June 2014.

This resulted in a gap between the Income Support ending and the ESA claim starting but the two DWP sections couldn't agree who should pay the arrears.

Income Support section said that since Sarah no longer had a claim for Income Support they couldn't pay the arrears and to ask the ESA section. The ESA section said the law prevented them from going back any further than three months prior the new claim being made in January 2015.



The specialist knowledge and support from the welfare rights officer combined with the tenacity of the deputyship officer eventually resulted in an ex-gratia payment from DWP of £3,545. This payment covered the arrears that neither section of the DWP said they could pay despite a Tribunal making the decision about entitlement.

Case study 3

John has a learning disability and had been claiming benefits because he was unable to work. Despite having a significant cognitive impairment, with a high level of support from the specialist mental health and learning disability organisation Blyth Star, John started some supported employment. Unfortunately, after a short time John was unable to cope with this and he reclaimed Employment and Support Allowance (ESA).

The decision on his ESA claim placed him in the Work Related Activity Group (WRAG) meaning that the DWP thought he should undertake work related activity to increase his chances of finding mainstream employment. John was unable to keep up with the commitment expected of him, which included him creating a chart and noting the time he got up each morning, as he did not have the cognitive ability to do so.

The welfare rights officer helped prepare the appeal but even after sending in additional evidence about John's needs and the level of support he had received from Blyth Star when he was working, the case proceeded to Tribunal.

The care manager, who was going along to support John, was briefed by the welfare rights officer about what to expect at the Tribunal and the kind of information that might be useful.



The care manager received what they described as "quite a grilling" from the Tribunal Judge who was unaware of the much higher level of

employment support provided by Blyth Star compared with most mainstream providers. The information and advice given when preparing the care manager for the hearing meant they had the confidence to answer these questions and were able to make the relevant points. This resulted in the Tribunal decision to move John into the Support Group for ESA. There was a financial benefit for John, who qualified for an additional £7.15 per week in ESA, and more importantly John was no longer expected to meet benefit conditions that were beyond his abilities.

Case study 4

We were contacted by a Community Psychiatric Nurse (CPN) who was concerned about Jon who had no income after a DWP decision to end his Employment and Support Allowance (ESA) claim. Jon had been helped to challenge the decision but was still waiting for the outcome of the “mandatory reconsideration” by a DWP decision maker which takes place before a tribunal hearing.

Once an appeal to a Tribunal is lodged, ESA can be paid at a reduced rate until the outcome of the appeal is known but an appeal cannot be lodged until a mandatory reconsideration decision has been made. This process can sometimes take weeks or several months and during that time the only benefit available is Jobseekers Allowance (JSA) even though the person might be too unwell to work.

The welfare rights officer explained that making a claim for JSA would not be seen as an indication that Jon was capable of working and therefore wouldn't jeopardise his appeal. The welfare rights officer advised the CPN how to support Jon to avoid an unrealistic claimant commitment being put in place because if that happened it would be likely Jon could end up having a sanction applied. JSA was put into payment for two months until the mandatory reconsideration decision was made, upholding the initial decision, at which point Jon was able to claim ESA whilst waiting for his appeal to be heard. The welfare rights officer had written to the consultant psychiatrist to request supporting evidence however this wasn't received before the mandatory reconsideration decision was made.



When supporting evidence was received from the Consultant Psychiatrist, the welfare rights officer submitted it to support the appeal at Tribunal. Fortunately, after receiving this information the DWP quickly reviewed the Consultant's evidence that highlighted concerns about Jon harming himself and changed the original decision awarding ESA without the need for Jon to undergo the stress of attending a Tribunal. The DWP decision maker also acknowledged that Jon was not even capable of undertaking work related activity and placed him in the Support Group. Arrears of £4,268 were paid and weekly ESA of £125 per week put into payment.

The combination of welfare rights obtaining supporting evidence and the DWP decision maker acting quickly in this case to restore Jon's income significantly reduced the risk of Jon harming himself.

Case study 5

The County Council's deputyship team were acting as appointee for Diane who has a severe learning disability and isn't able to communicate verbally. Diane can also become

physically violent towards people who upset her, although it isn't always predictable when she will become upset.

Diane was in receipt of Disability Living Allowance (DLA) and had been invited to claim Personal Independence Payment (PIP) as part of the DLA reassessment process. The PIP form was completed by a social worker who included comprehensive information about Diane as well as giving their own contact details in case clarification was needed.

Atos Healthcare, the Government's PIP assessment provider, insisted that Diane needed to attend a face to face assessment. This was done without seeking further information from the social worker. Atos did decide that an assessment by home visit would be more appropriate than requiring Diane to go to an unfamiliar venue. However, following what was then their standard policy about cases where there is an appointee, they insisted that the appointee should also be present at the assessment otherwise Diane would be deemed to have failed to attend and her claim would not proceed. But this would not have been appropriate in this case, since it would have meant a senior manager from County Hall attending an interview rather than a professional or care worker familiar with Diane's disabilities.

Requests were made to Atos, to change the venue for the assessment to the Day Centre that Diane regularly attended where there would be appropriate support. Even though these requests were supported by DWP staff, Atos refused to rearrange the home visit, and still insisted that the corporate appointee needed to attend the assessment. At this point the welfare rights officer advised the deputyship team to contact Atos and explain why in these circumstances their actions potentially amounted to disability discrimination.



Responding to that, the DWP reviewed the information on the form, including the corroboration from a social care professional, and awarded Diane the enhanced rates of both components of PIP without needing to attend an assessment. The same issue was also raised with DWP by several other local authority welfare rights teams at around the same time, and DWP now accepts that a local authority can send the most appropriate member of staff to support someone during an assessment.

Case study 6

Karli, an Icelandic national, had no family left in Iceland and came to the UK in 2002 at the age of 60. After arriving here, Karli began living with a partner but this relationship broke down and the partner moved away. After this, there was no further contact and Karli has been unaware of the partner's circumstances since 2007. Karli felt stronger ties with friends in Northumberland so decided to remain here.

Karli then began working as a self-employed painter and decorator, submitting tax returns to HMRC, but wasn't able to find enough work to continue after 2011. For part of this time, Karli also received a form of pension from Iceland, starting in 2009 after turning 67, based on earnings whilst self employed. This pension ended after self employment ended however Karli still had some money from a small inheritance and was able to support herself.

This inheritance ran out towards the end of 2015 and, at the age of 73, Karli was still unable to find work. With no income at all, Karli became homeless and after a period of staying with different friends, Karli ran out of places to stay and contacted the County

Council.

The County Council housed Karli in temporary homeless accommodation and housing staff helped to make a claim for Pension Credit to provide an income to enable a move into permanent accommodation. The DWP refused this claim based on the grounds Karli had no right to reside in the UK.

After looking at the relevant legislation, the welfare rights officer concluded that DWP was in error, and that because of the self-employment history Karli did in fact have the right to reside and was therefore entitled to Pension Credit. Despite this information being provided, the DWP refused to change their decision so Karli was supported to make an appeal. This was a complex case requiring knowledge of immigration legislation as well as social security legislation. A Tribunal was arranged for June 2016 but this hearing was adjourned.

After this additional delay, Karli was beginning to despair that the current situation would ever end and became extremely doubtful that the appeal would be successful. The housing officer was concerned about Karli's mental state.

The Tribunal resumed the appeal hearing in November 2016 and the welfare rights officer presented the evidence that although Karli's earnings from self employment were low, they were above basic Income Support levels, therefore the DWP should have accepted they were high enough to support someone and established that Karli did have the right to reside.



The Tribunal awarded Pension Credit, backdated to the initial claim, meaning Karli could look forward to moving into a new home.

Unfortunately, the DWP took time to consider a challenge to the Upper Tribunal before finally putting benefit into payment two months later. More than twelve months after making her claim, Karli received arrears of almost £9,000 and now had a weekly income of £155. For over a year she had lived in a room in County Council homeless accommodation surviving only on food parcels and occasional gifts from friends.

7. Financial outcomes

- 7.1 When a welfare rights officer opens a case-file, the outcomes are followed up and recorded once benefit has been awarded or reinstated following a successful appeal. If assistance has been given without opening a case-file, for example by giving advice and support to a care manager who then assists the person they are working with, then we only know about the outcome if that is reported back to us. There will be other enquiries that have resulted in additional benefits being paid however these gains are not included in the figures we report unless they have been confirmed to us.
- 7.2 Benefits advice given by financial assessment and benefits officers (FABOs) as part of financial assessments provides extra income for service users and this, in turn, often generates an increase in revenue to the council from charges.
- 7.3 Work carried out by the financial assessment and benefits officers during 2016/17 included identifying 489 potential claims for disability benefits Attendance

Allowance and Personal Independence Payment. These benefits alone generated increased income of £1,653,377 for service users.

- 7.4 Financial assessments also led to an increase in other benefit income generated through awards of Pension Credit, Employment and Support Allowance, Housing Benefit, Council Tax Support and Carer's Allowance of £863,032 giving a total of £2.5 million in increased benefits for people using adult social care services.
- 7.5 The main role of the welfare rights officers is to provide training and telephone support for care managers however they are able to take on a limited amount of casework. This welfare rights casework, combined with the gains that we know about from 2nd tier telephone support, increased the incomes of older and disabled people by a total of £870,595 - an average of £5,800 for each successful outcome.
- 7.6 The total amount of benefits generated for service users as a result of work carried out by welfare rights officers and financial assessment and benefits officers during 2016/17 was over £3.4 million.
- 7.7 There will be additional benefit gains that we cannot readily calculate as a result of information, advice and training provided to other people who then went on to help their service users to claim benefits.
- 7.8 Towards the end of they year we began working closely with Northumberland Adolescent Service helping the 14+ team to identify when care leavers are eligible to claim benefits and to ensure that these claims are made to avoid local authority funding being used to support these young people when alternative, more appropriate sources of funding are available. It is too soon to be certain of the impact of this intervention, but early indications suggest payments made to care leavers have reduced.

8. Looking forwards

- 8.1 Over the coming year, and beyond, a continuing focus for the welfare rights team will be supporting the council and its partners in addressing the challenges of the ongoing programme of welfare reform.
- 8.2 Within our core training and support role, we will continue to develop new training programmes and give up to date information to front-line staff and elected members about the major changes taking place to the benefits available to their service users.
- 8.3 The ongoing DLA reassessment process has increased requests for help to advice services and social care services as disabled people seek help to complete PIP forms. Many DLA claimants had indefinite awards of benefit because of the nature of their long term health condition or disability, however people claiming PIP are regularly reassessed. This means increased demand for support with PIP forms will continue after the DLA reassessment process has been completed.
- 8.4 A previous change still to be fully implemented across the country is the rollout of Universal Credit to disabled people and families with children. In Northumberland, this process is expected to start in June 2018. Full implementation of Universal

Credit is not expected before 2021.

- 8.5 Changes to the way Housing Benefit is calculated for social housing are expected to be introduced from 2019/20. For social tenancies that began after 1 April 2016, Housing Benefit will be calculated in the same way as for private tenancies, using the Local Housing Allowance (LHA). This will also apply to supported accommodation and it is the Government's intention that from 2019/20 Housing Benefit for social tenancies that commenced after 1 April 2016 will be calculated using the local housing allowance (LHA) and the "extra" costs associated with supported housing will be paid by the local authority. The detail of how the Government is going to fund local authorities to do this hasn't been revealed yet so there is no guarantee that existing schemes will be able to be funded at the same level as existing HB arrangements from 2020 onwards.
- 8.6 Recent statistics show that the number of older, disabled people claiming Attendance Allowance (AA) in Northumberland remains lower than might be expected. Compared to take up nationally, there has been improvement in recent years through action to raise awareness amongst older people, their families and health and social care professionals. However, the proportion of older people who claim AA remains lower in Northumberland than it does nationally and also when compared to neighbouring authorities. The table below shows the percentage of older people receiving Attendance Allowance in Northumberland, nationally and in neighbouring areas.

Attendance Allowance claims as a proportion of population aged 65 and over

Cumbria	13%
Darlington	11%
Durham	13%
Teesside	14%
Tyne and Wear	15%
Northumberland	12%
National	13%

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