

Welfare Rights Annual Report 2018/19

July 2019

Contents

1. Summary	3
2. Coordination of advice in Northumberland	3
3. Welfare rights training	4
4. Welfare rights enquiries and case work	5
5. Case studies	6
6. Financial outcomes	9
7. Looking forwards	10

Keith Thompson
Rights Team Manager
01670 622674
July 2019

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, usually where adult services or children's services have statutory involvement.
- 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 The team has a strategic role in advising the Council and Members and in working with both public sector and voluntary sector bodies to ensure that accessible and good quality benefits advice is available to people who need it.
- 1.6 During 2018/19, the welfare rights officers and the financial assessment & benefits officers who assess service users for charges, and are supported by the team, increased the incomes of older and disabled people by more than £2.7 million. This boosted the county's economy by an estimated £4.6 million.

2. Coordination of advice in Northumberland

- 2.1 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.
- 2.2 Partnership working is essential to ensure Northumberland residents can access advice and support to help them cope with these massive changes to the benefits system. The Rights Team Manager is part of the Northumberland Universal Credit implementation steering group. For further information about this steering group, please see Section 8.4
- 2.3 Citizens Advice provides advice on a range of issues, including benefits, debt, housing and employment. Representatives from Citizens Advice Northumberland meet regularly with representatives from adult services to ensure there is consistent access to advice across the county. The council provides core grant funding for Citizens Advice Northumberland. Additional support has been provided since 2015/16 to assist the provision of specialist benefits advice as well to respond to the ongoing programme of changes to social security benefits.
- 2.4 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, linking to “we want you to have access to the things you need” included in the NCC Corporate Plan 2018-2021.

3. Welfare rights training

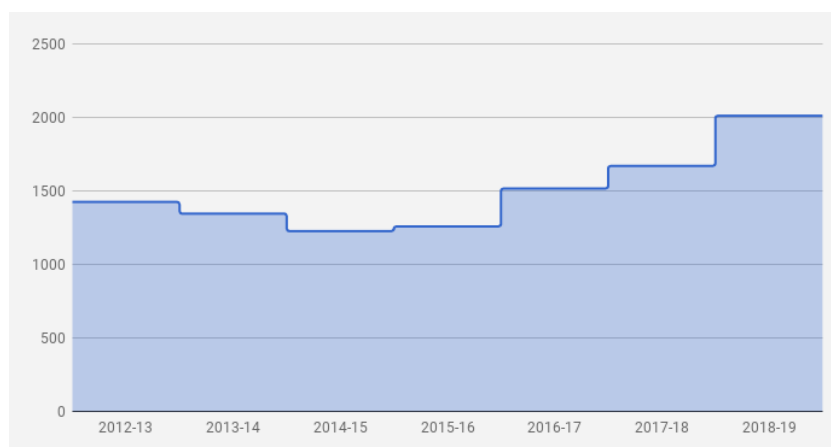
- 3.1 The welfare rights team provides training to help professional staff and managers, and people working in community and voluntary organisations, to assist service users with welfare benefit and tax credit issues.
- 3.2 Training can be delivered through advertised sessions with individuals from any team booking a place or by arranging to deliver something specific to an individual team at their base.
- 3.3 During 2018/19, we provided 38 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.
- 3.4 The breakdown of the training and information sessions provided by the welfare rights team during 2018/19 was:
 - 19 advertised training courses open to all relevant staff
 - 16 Universal credit briefings
 - 3 sessions for external groups
- 3.5 477 people attended our training courses, sessions and briefings during 2018/19.
- 3.6 The welfare rights team, along with colleagues from Revenues and Benefits, delivered a briefing about Universal Credit for Members in November 2018.
- 3.7 External training and briefings included a session for staff working in the Northumberland Recovery Partnership, a talk at a Carers Northumberland event and providing information to West Northumberland Foodbank volunteers.
- 3.8 The training given to West Northumberland Foodbank volunteers 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.
- 3.9 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.
- 3.10 A welfare rights officer works closely with the deputyship team managing the finances of adults who lack the mental capacity to do so themselves, providing ongoing support to ensure that they are able to maximise the benefit income of their clients.
- 3.11 An evaluation form is given out at the end of our training courses.
 - 94% agreed with the statement “the course will be useful for my job”
 - 94% agreed with the statement “the course was well structured”
 - 94% agreed with the statement “the trainer answered questions clearly”
 - 93% agreed with the statement “the hand-outs were useful”
 - 94% 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”

4. Welfare rights enquiries and case work

- 4.1 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.
- 4.2 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.
- 4.3 2,009 enquiries from professionals and others who contact the team were received during 2018/19. This is an increase of 20% on the previous year which means the number of enquiries dealt with by the team increased by 60% over the three years between 2015/16 and 2018/19. See chart below for year on year comparison.

Number of enquiries received 2012/13 to 2018/19



- 4.4 One potential reason for this fluctuation over the last six years is that delays in the administration of Personal Independence Payment (PIP) and Employment and Support Allowance (ESA) between 2013 and 2015 had led to a reduction in the number of decisions being made in relation to these benefits but as processing times have improved, a greater number of decisions have been made over the last two or three years resulting in a significant increase in the number of benefits enquiries during that time.
- 4.5 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.
- 4.6 A limited amount of direct “hands on” assistance is provided, where appropriate, for more complex cases. 43 new cases were opened during 2018/19 and with the 39 cases brought forward from the previous year a total of 82 cases were worked

on during the year. 52 case files were closed, leaving 30 to be carried forward to 2018/19.

- 4.7 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.
- 4.8 The welfare rights team has continued its involvement with the Northumberland Adolescent Service Finance Panel for payments to care leavers. We have worked closely with 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.

5. Case studies

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

Case study 1

Brenda is single and aged 63 so is still classed as working age within social security legislation but is now unlikely to be able to work again because of the high level of support she would need. Brenda had worked in local shops in a small town with a lot of support from colleagues however she is vulnerable following a history of family abuse.

Brenda has a learning disability and struggles to manage her personal finances which led to rent and fuel arrears as well as having some consumer credit debt. She also struggles to manage her type 2 diabetes. Brenda receives two small occupational pensions which means she isn't entitled to income related Employment and Support Allowance but does receive some Housing Benefit to help her pay her rent.

Brenda's care manager asked for assistance with a Personal Independence Payment (PIP) claim and a welfare rights officer (WRO) supported the care manager when they were completing the form.

PIP wasn't awarded following an assessment despite relevant information being provided, for example how she isn't able to travel to unfamiliar places without someone being with her and how she needs prompting and support with many day to day activities. Although the WRO helped the care manager to request a Mandatory Reconsideration the decision wasn't changed. An appeal was submitted and the care manager accompanied Brenda to the Tribunal hearing to help her give evidence because she was very anxious and intimidated by the whole process. The WRO represented the client at the appeal and the standard rates of the mobility and daily living components of PIP were awarded.



Following the involvement of a welfare rights officer, Brenda is better off by £79.95 a week and received over £5,000 in arrears and was able to clear rent and fuel arrears plus most of the consumer credit debt.

Housing Benefit increased to the maximum entitlement because of the addition of the severe disability premium (SDP) in calculation. The WRO also identified entitlement to approximately £20 a week in income related Employment and Support Allowance (ESA), however the client had found the experience of claiming PIP so distressing they did not want to go through the assessment

process for ESA.

Case study 2


Corey has a learning disability, anxiety disorder, and displays challenging behaviours. He was assisted by a learning disability (LD) nurse to make a claim for Personal Independence Payment (PIP).

On the form, the LD nurse explained how Corey's health problems affected his ability to cope with changes to routine and the impact on his mental health of going to unknown places.

Despite being given this information, the assessment provider (ATOS) insisted that Corey needed to attend an assessment in Newcastle. Requests by the nurse to have the assessment postponed were refused with ATOS insisting Corey attend.

Failure to attend automatically leads to the PIP claim ending so the nurse contacted a welfare rights officer (WRO) who emailed ATOS's Claimant Champion to request a postponement.

This intervention was successful, and the Claimant Champion ordered a paper review and agreed to take the case to an internal forum to try to prevent similar cases happening again.


 ***Following the review of the paper evidence, Corey was awarded the enhanced rates of both the mobility and the daily living components of PIP without needing to experience the further distress attending the assessment would have caused.***

Case study 3

Devon is a former looked after child who has severe anxiety issues arising from a troubled family background that currently leave her unable to work. Devon's mental health problems severely restrict her ability to interact with strangers and cause her great difficulty when she is in public spaces on her own.

She was assisted by her social worker to make a claim for Personal Independence Payment (PIP) but this was refused.

A welfare rights officer (WRO) supported the social worker to request a Mandatory Reconsideration however that was also unsuccessful so further support was given to submit an appeal. The WRO discussed the appeal papers with the social worker and explained the criteria for PIP so the social worker could identify any evidence that could be provided to support the young person's appeal. This information was sent to the Tribunal and copied to the DWP.

 ***Although an appeal hearing date was arranged, the DWP changed the decision a week beforehand based on the social worker's supporting letter. As well as not needing to attend the appeal hearing, Devon was awarded the standard rates of Daily Living component and Mobility Component of***

PIP.

Case study 4

A welfare rights officer (WRO) was asked for advice regarding a penalty notice issued to someone's adult child, Eli, by the NHS Dental Services Unit. The notice alleged that Eli had indicated they received a means-tested benefit, Employment & Support Allowance (ESA) when signing for dental work.

Data cross matching had flagged up Eli received ESA based on National Insurance contributions and not based on income. This resulted in a notice requesting reimbursement of £26 for the cost of treatment plus an additional penalty of £100.

His parents were confused by this penalty demand as their son had previously been entitled to full help with health costs.

The WRO identified that Eli had previously received Incapacity Benefit topped up with Income Support which would have entitled him to help with health costs, however following a reassessment of Incapacity Benefit Eli was moved onto contributory ESA only.

This process was supposed to ensure that people who were moved from Incapacity Benefit were also checked for entitlement to income related ESA.

Following a court case elsewhere in the country, it had previously been found that the DWP had not been following this process in all cases. The WRO was aware of this case law and advised Eli's parents who were able to obtain payments of income related ESA income related backdated to 11 July 2014, the date of Eli's reassessment.

The WRO also advised about Council Tax discounts and exemptions and Eli subsequently became exempt from Council Tax liability because of Severe Mental Impairment. This exemption was applied retrospectively to Eli's 18th birthday in 2003. In addition, Eli's parents were both able to be considered as carers and therefore be entitled to the Carers Discount for Council Tax. This means they each qualify for a 25% discount which has reduced his Council Tax liability by 50%. This discount was also backdated until 2003 following a decision by a Valuation Tribunal that allowed the Council to do so.



Eli received an additional £15 a week in ESA with over £3,000 paid in arrears. Because of this, the penalty charge was withdrawn as this meant Eli was entitled to help with health costs including free dental care at that time.

Case study 5

Frankie is a disabled adult who lives with his parents, one of whom is appointee for Frankie's social security benefits. Frankie receives Personal Independence Payment (PIP) with the enhanced rates of the mobility and daily living components but no other benefits. Several years earlier, a Financial Assessment and Benefits Officer (FABO) had advised Frankie's parents to make a claim for Employment and Support Allowance

(ESA) on Frankie's behalf however this advice was not acted upon.

Frankie was due to move out of the family home into an Independent Living Scheme (ISL) and the parents wanted to claim ESA as advised earlier plus Housing Benefit (HB). A welfare rights officer (WRO) advised that full service Universal Credit was now in place in Northumberland so if the parents tried to make a claim for ESA they would be refused and would need to claim Universal Credit instead.

The WRO identified that this would make Frankie worse off than if he'd been able to claim ESA, however the WRO's knowledge of the regulations meant he knew that if Frankie delayed claiming benefits until shortly after he had moved into the independent living scheme, he would still be able to claim ESA.



By following the WRO's advice, although Frankie didn't claim ESA for a short period until HB was put in place, that amount of income will be more than made up by the ongoing rate of ESA being over £40 a week higher than Frankie would have received on UC. In addition, Frankie will now have transitional protection when eventually moved onto UC and so will continue to be paid at the current rate.

6. Financial outcomes

- 6.1 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.
- 6.2 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.
- 6.3 Work carried out by the financial assessment and benefits officers during 2018/19 included identifying 430 potential claims for disability benefits Attendance Allowance and Personal Independence Payment. These benefits alone generated increased income of £1,403,806 for service users (some of which they were required to pay to the council as a contribution towards the cost of their care services).
- 6.4 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 £562,929 giving a total of £1.97 million in increased benefits for people using adult social care services.
- 6.5 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 £776,968, an increase of £112,000 over the previous

year.

- 6.6 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 2018/19 was over £2.7 million.
- 6.7 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. Looking forwards

- 7.1 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 changes to social security benefits.
- 7.2 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.
- 7.3 Recent statistics show that the number of older, disabled people claiming Attendance Allowance (AA) in Northumberland remains lower than might be expected. Although efforts in recent years through action to raise awareness amongst older people, their families and health and social care professionals has increased the proportion of people aged over 65 claiming AA in Northumberland, there have been similar or greater increases in other areas.

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	14.4%
Darlington	12.9%
Durham	14.6%
Teesside	16.1%
Tyne and Wear	16.2%
Northumberland	13.0%
National	13.5%

To support the ongoing take up work to address this, two temporary additional posts have been retained on a permanent basis in the Support Planning team of the care management service, to promote take up of Attendance Allowance, signpost people to sources of help to claim and to provide hands-on assistance to make claims if that is the most appropriate course of action to ensure a claim is made.

A further long-term benefit of increasing the take up of Attendance Allowance is likely to be ensuring that the Council receives the income which it needs to meet its adult social care duties from the national funding system. Formulae used to assess councils' funding needs for social care have for many years included

Attendance Allowance figures as an important element, and the most recent proposals we have seen for assessment of relative spending needs under future revised local government funding arrangements suggested a formula in which assumed annual expenditure needs would increase by around £1,500 for each person claiming Attendance Allowance.

Keith Thompson
Rights Team Manager
July 2019