

# Appendix to Welfare Rights report 2019-2023

## Health and Wellbeing Overview & Scrutiny Committee

7<sup>th</sup> November 2023

### Contents

1. Introduction .....	2
2. Background .....	2
3. The welfare rights team.....	3
4. Training .....	4
5. Enquiries .....	5
6. Financial gains .....	7
7. Case Studies.....	7
8. Changes to the benefits system.....	10
9. Looking forward.....	11

# Welfare Rights report 2019-2023

## 1. Introduction

- 1.1. The Welfare Rights Advisory Unit provides staff in adult social care and children's services, and the voluntary and community sector, with training and access to email and telephone advice. (It does not usually provide advice directly to the public or to users of adult and children's services, except in complex cases.)
- 1.2. Social care staff, backed up by the expert advice provided by welfare rights officers, are then able to maximise the incomes of older and disabled residents and families in need in Northumberland.
- 1.3. This report covers the period from April 2019 to March 2023. During that period, the Covid-19 pandemic led to significant changes in the way people accessed our service and the way we delivered it.
- 1.4. Looking back over the last four years gives us an opportunity to compare the way we used to work with how we adapted to a major change in circumstances and to reflect on how these changes have influenced service delivery.

## 2. Background

- 2.1. As was the case for other council services since spring 2020, the welfare rights team needed to make significant changes to the way it worked to keep ourselves and our colleagues safe whilst keeping our service running. In addition to following Government guidance to prevent the spread of infection, we also needed to adapt to the way the Department for Work and Pensions (DWP) and HM Courts and Tribunal Service (HMCTS) changed the way they worked.
- 2.2. The Welfare Rights Team supported Northumberland Communities Together (NCT) through a Welfare Rights Officer (WRO) becoming an integral part of the NCT hub at County Hall from March 2020. This WRO helped to identify sources of financial support for people whose incomes had reduced because of "lockdown" restrictions.
- 2.3. The Welfare Rights Team continues to support the NCT team, acting as a source of advice and information and providing training to help them to support residents.
- 2.4. Some of the changes introduced through necessity, for example greater use of remote access to IT systems and less use of paper, have been retained going forward giving us greater flexibility about where and how we work.
- 2.5. As well as providing information about the period from April 2019 to March 2022, this report also takes the opportunity to reflect on longer term trends arising from significant changes to the benefits system introduced in the years following the Welfare Reform Act 2012 and the way some of those

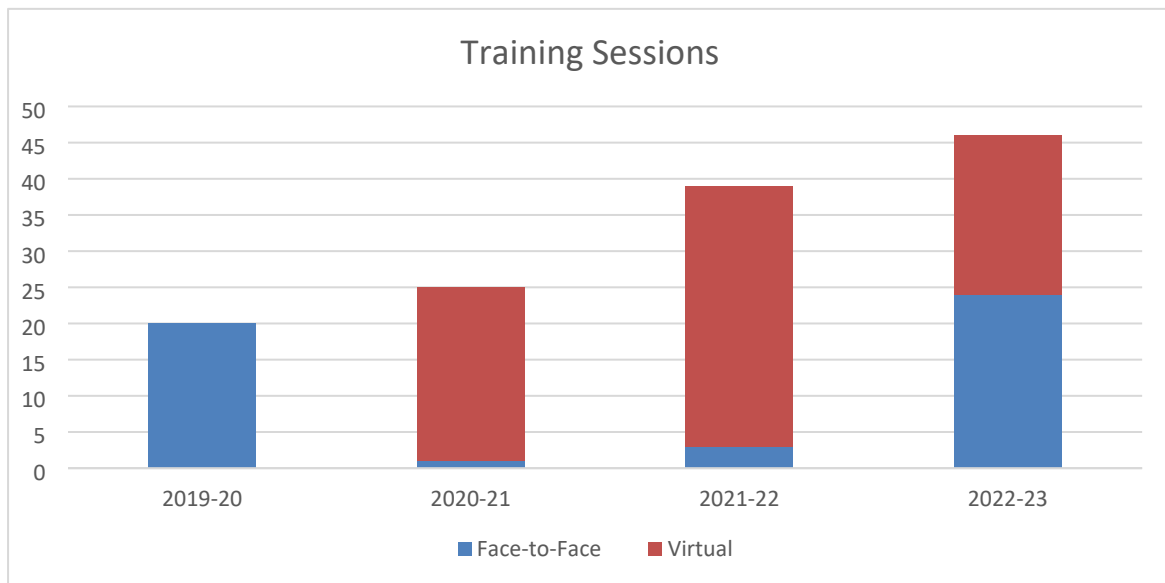
changes have changed the nature of the enquiries that the Welfare Rights team receives.

### **3. The welfare rights team**

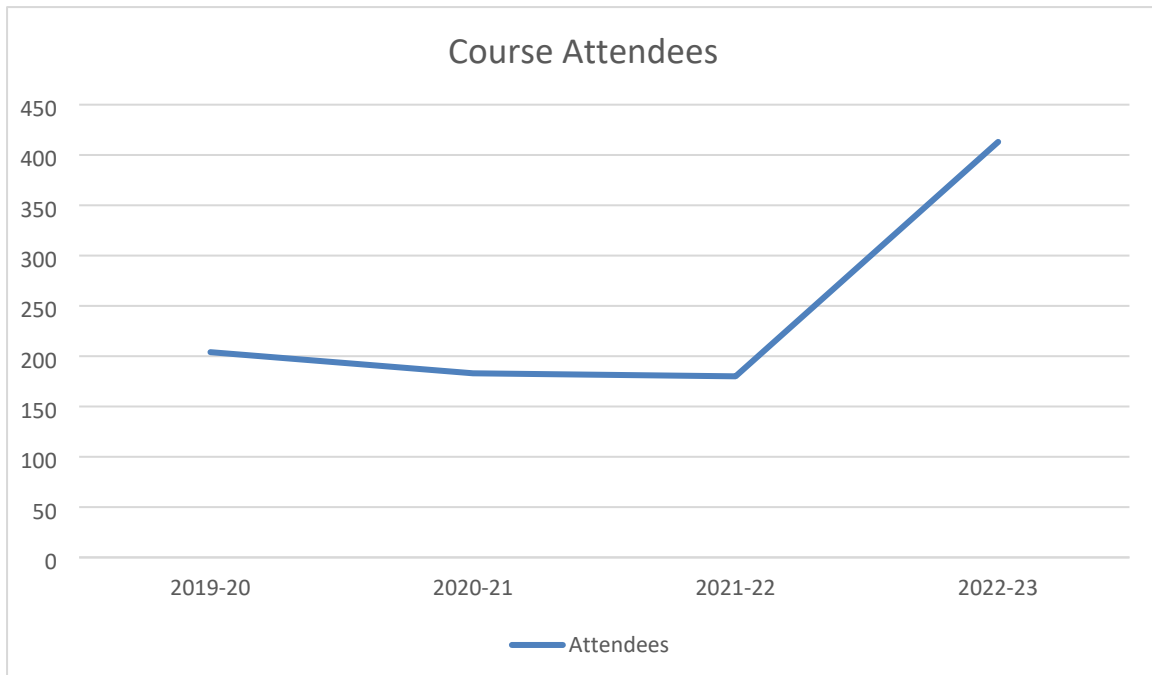
- 3.1. The team currently consists of 3.6 full time equivalent welfare rights officers (WROs), one full time administrative assistant and the rights team manager.
- 3.2. The primary role of the team is to provide training and support to front line adult social care staff so that they can spot entitlement and assist with benefit issues faced by the people they are working with.
- 3.3. The team also supports front line Children's Services staff, mainly by supporting Northumberland Adolescent Service staff in their work with care leavers.
- 3.4. In addition to supporting staff, the WROs provide targeted direct support to people with social care needs in a limited number of cases involving complex issues, including appeals, usually where adult services or children's services have a statutory involvement.
- 3.5. 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 later in this report.
- 3.6. The team has a strategic role in advising the Council and elected Members about how changes in the benefits system are affecting Northumberland residents 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.

## 4. Training

- 4.1. The welfare rights team offers training to social care staff, other teams within NCC and external organisations that support Northumberland residents.
- 4.2. The training is delivered to ensure the needs of the attendees can be met. Training is offered “face-to-face” or virtually and can be over a full-day or a shorter session. Sessions cover new staff inductions, introductory courses, more specialist training and short, tailored, slots at team meetings.
- 4.3. The chart, below, shows the changes in how our training sessions are delivered.



- 4.4. As can be seen, the overall number of sessions has increased year on year although how these were delivered was clearly affected by the COVID-19 pandemic.
- 4.5. Although the number of training sessions increased during the two years 2020-2022, the overall number of attendees dropped slightly. This was because virtual sessions work better with smaller groups if the experience is to be engaging. The following year, 2022-23, saw a return to most training being delivered face-to-face with a subsequent increase in numbers attending courses as shown in the chart below.

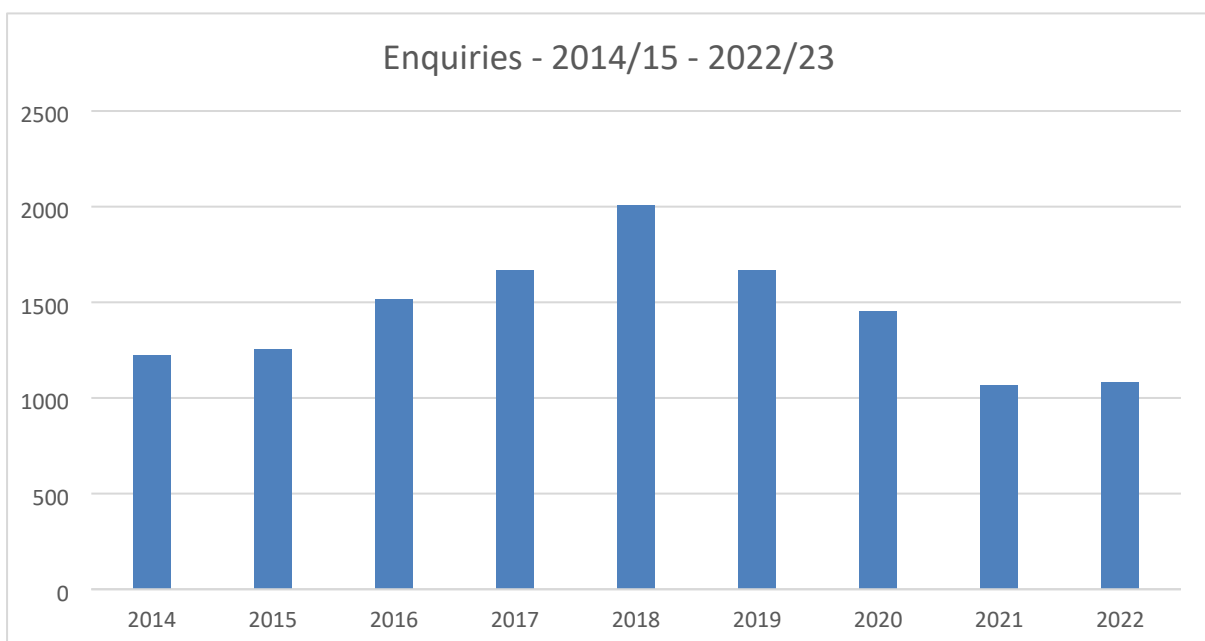


- 4.6. We regularly attend team meetings to keep staff updated on forthcoming changes such as Universal Credit migration and the Government's Cost of Living payments in response to rising prices.
- 4.7. In 2021-22 we provided training to all social care staff involved with transition cases – young people aged from 14 onwards – as part of the council's Preparing for Adulthood workstream. Benefits for young people can be complicated, especially for care leavers.
- 4.8. Our most recent development has been to support the recently created Assessed and Supported Year in Employment (AYSE) academy that provides newly qualified social workers with an Assessed and Supported Year in Employment. We have become part of the formal training programme set up for both the Children's and Adult social work Academies and provide training over the first six months of each cohort.

## 5. Enquiries

- 5.1. The number of enquiries we received during the period 2019-2023 decreased year on year. The initial decrease from the 2018-2019 figure, during 2019-2020, reflected a slow-down in reassessments of sickness and disability benefits being carried out. We had seen a 60% increase in enquiries during the previous three years, 2015-16 to 2018-2019.
- 5.2. A delay in assessments during Covid led to a further fall in the number of enquiries we received for support to dispute DWP decisions. These delays affected benefits important to disabled people, such as PIP and ESA causing financial difficulties for some people, and complications for some users of the Motability scheme.

- 5.3. Although there was a sharp reduction in the number of people receiving disability benefit assessments in the years following the start of the pandemic, there were more enquiries from residents facing crisis situations. To address this, two of our Welfare Rights Officers worked within the Northumberland Communities Together team during 2020-2021 to deal with benefit enquiries coming through that channel. Since the first “lockdown” ended one of our Welfare Rights Officers has continued to be co-located with Northumberland Communities Together to support staff in that team.
- 5.4. The chart below shows the rise and fall in the number of enquiries with a peak in 2018-19 when DWP disability benefit reassessments were at their highest rate.



- 5.5. Whilst the overall number of our enquiries has almost returned to earlier levels, the complexity of these enquiries is considerably greater than before the programme of welfare reform started in 2013. With the administrative issues facing Universal Credit leading to the continuation of some of the benefits it will eventually replace until at least 2028-29, simplification of the benefits system is not likely to be realised for several more years. There have been issues with the way the DWP administers Universal Credit claims and resolving these can be especially time consuming.
- 5.6. As mentioned earlier, most of our enquiries come from social care staff working in Adults and Children’s Services however we also support staff in Northumberland Communities Together and other organisations, for example CVS organisations and Cumbria, Northumberland, Tyne and Wear NHS Trust.

5.7. We work closely with the council's Deputyship Team to ensure that residents whose finances are managed by the council receive their correct rates of benefit. Maximising income in this way helps the council to satisfy the Court of Protection that it is acting in the best interests of the people being supported.

## 6. Financial gains

- 6.1. Although the main role of welfare rights officers is to provide training and telephone support for care managers, they do 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 £1.1million over the four years 2019-2023.
- 6.2. There will be additional benefit gains that we cannot readily identify as a result of information, advice and training provided to front line staff who then went on to help people to claim benefits. Although these aren't quantifiable, it is reasonable to assume that these will be at least as high as the £1.1million we have been able to verify.
- 6.3. Just as the number of enquiries we received varied over the four-year period, so did the value of financial gains that we were able to record as shown in the table below.

Year	2019-20	2020-21	2021-22	2022-23	Total
Gain	£355,622	£177,033	£290,425	£300,648	<b>£1,123,728</b>

- 6.4. People who rely on benefits for their income tend to spend money in their local area therefore any increased entitlement is likely to provide a boost to the local economy. One estimate of this local multiplier effect, [LM3](#), suggests that every £1 spent with a local supplier is worth £1.76 to the local economy.

## 7. Case Studies

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

- 7.1. Amy, a young care leaver from Northumberland had moved into a refuge in another area after fleeing domestic abuse. Despite moving away, Amy still engaged with her leaving care worker in Northumberland who contacted a WRO when Amy's claim for Universal Credit (UC) was closed leaving her with no income and relying on foodbank parcels. The Jobcentre UC work coach said Amy hadn't engaged with them. The Jobcentre insisted that all Amy could do now was make a new claim for UC because the earlier claim could not be reopened. The WRO contacted our local DWP Partnership Manager to explain the situation and they shared our concerns about the way this vulnerable young person's claim had been handled. Following this intervention, the situation was resolved quickly leading to the original UC claim being reopened.

Outcome – Amy received backdated payments totalling £560 and after the WRO discussed the case with the local Jobcentre, Amy was excused from full time job search for a short period whilst she adjusted to living by herself away from the refuge.

- 7.2. A newly qualified social worker in the Social Work Academy contacted a WRO about Ali who had been living with her daughter but was now living alone. Ali did not seem to have enough money to pay the rent. WRO identified that Ali would need to claim Universal Credit including housing costs. Further advice was that the claim for UC should be delayed until her existing ESA claim was amended to reflect this change so an additional premium could be added. The reason for this was to ensure transitional protection would be applied to the UC claim at the point of “migration” from “legacy” benefits to UC which, even with allowing for the delay in claiming, was beneficial to Ali. At current rates, without this transitional protection Ali would have been paid £50 per week less in UC because the Universal Credit rates for disabled people living alone are significantly lower than they would have received on “legacy benefits” (the older benefits that will eventually be replaced by Universal Credit.)
- 7.3. Nic, the mother of a severely disabled young adult, Ellis, manages his care using Direct Payments paid through adult social care on behalf of the NHS (a “personal health budget”). The cost of providing care, 24 hours a day, and maintaining specialist equipment means significant payments are made into a dedicated bank account each month. The balance of the account needs to be kept high enough to ensure that any respite care or equipment replacement can be done as a matter of urgency to prevent Ellis coming to serious harm. This is a separate bank account used solely for the purposes of administering the Direct Payments used to meet Ellis’ care needs.

As appointee for DWP benefits, Nic made a claim for UC on behalf of Ellis and requested that the payments were made into a different bank account used to manage Ellis’s personal finances. The DWP already paid Ellis’ Personal Independence Payment (PIP) into this account.

A few months after the UC claim was in payment, Ellis’ UC payments stopped, and a DWP fraud officer made contact to say that benefits had been wrongly paid, because Ellis had a bank account holding more than £16,000, which meant that he was not entitled to UC. The DWP fraud officer refused to accept Nic's explanation that this was funding for care services and that telephone conversation left Nic feeling extremely anxious about being accused of committing fraud. The DWP fraud officer contacted the Council's finance team who explained that the money in the Direct Payment account



could not be used for anything other than meeting Ellis' care needs, that the account was regularly audited by the County Council and that any surplus funds over an agreed level for contingencies would need to be returned to the Council. The DWP refused to accept this argument, despite further explanations of the legal framework from the welfare rights team, because the relevant regulations had been drafted in a way which did not seem to acknowledge direct payments. The welfare rights team escalated the issue to the national lead for personal budgets in NHS England, and DWP escalated it to their national policy team, who said there would need to be legislative change to enable people in this position to claim Universal Credit.

The issue was only resolved when the welfare rights team supported Nic to submit an appeal for an independent Tribunal to hear the case. The Tribunal Judge told DWP that they were in the wrong.

Outcome - It took 11 months from the WRO first providing all the relevant information to the DWP until the Tribunal Judge's decision. As well as 11 months without £600 per month income this family suffered 11 months of anxiety because of the accusation of fraud hanging over them. The DWP paid Ellis more than £5,000 arrears of benefit. The WRO helped Nic to draft a letter of complaint which, after a long period of time followed by a further complaint about the way the DWP had handled the original complaint, resulted in an apology and a small compensation payment.

- 7.4. Alex has experienced severe and enduring mental health issues for several years. In 2019 after completing a PIP review form, the DWP made the decision that Alex was no longer entitled to either component of PIP at any rate. As a result of losing PIP, Alex's ESA was also reduced resulting in a massive reduction in income. Alex's care manager contacted a WRO for advice.

The WRO advised the care manager to support Alex to challenge the PIP decision and to write a letter of support. The care manager did do this but as often happens, the initial decision was upheld. The WRO believed the case to be strong and advised how the care manager could help Alex to lodge an appeal with HM Courts and Tribunals Service for an independent hearing. Unfortunately, the case hadn't been listed before the COVID-19 pandemic began at which point face to face Tribunal hearings were paused.

In person Tribunal hearings resumed and Alex's appeal was heard in February 2023. Alex was able to attend supported by his mother and his new care manager. The care manager didn't have experience of supporting people with benefits, so a WRO also attended the hearing to ensure all the relevant points were covered.

The Tribunal found that the DWP had not considered all the evidence, including the original care manager's letter which the Tribunal found helpful,

and subsequently made their decision in Alex's favour and restored payments of PIP.

Outcome - Alex's income had been reduced by around 50%, however because the care manager sought support from a welfare rights officer income has been restored. The arrears of benefit, for the period between the original decision and the appeal, 2½ years, were £24,000. This money meant Alex could redecorate and furnish his home. The additional weekly income enables Alex to get out and about more and the care manager reports that because of this increased social engagement Alex's wellbeing has improved considerably.

## 8. Changes to the benefits system

- 8.1. As a reminder, in the years since 2010, a major programme of changes to social security benefits has been implemented.
- 8.2. PIP replaced Disability Living Allowance (DLA) for adults under State Pension Age for new claims from April 2013 with a programme of reassessment of existing DLA claims implemented over the following years.
- 8.3. Employment and Support Allowance had already been introduced prior to 2010 to replace Incapacity Benefit, however the reassessment programme to move people to the new benefit only started to have an impact on significant numbers of disabled people several years later.
- 8.4. Universal Credit was first introduced in 2013 however it was not fully rolled out for new claims in Northumberland until December 2018. Universal Credit was intended to simplify the means tested benefits system for adults below state pension age by replacing Income Support, income-based Jobseekers Allowance, income related Employment and Support Allowance, Housing Benefit and Tax Credits. That process has not yet been completed, with more than 11,000 households in Northumberland continuing to receive the older benefits ([Feb. 2023, House of Commons Library](#)).
- 8.5. House of Commons Library [Constituency Data](#) from 11<sup>th</sup> September 2023 shows that around 69% of Northumberland households claiming benefits are receiving Universal Credit rather than one of the legacy benefits. The final migration of households onto Universal Credit is now expected to be completed during 2028 ([January 2023, DWP](#)), with existing recipients of disability benefits expected to be among the last to transfer, because of the greater complexity of that change.
- 8.6. Universal Credit is now the only option for working age claimants making new claims. People claiming existing "legacy" benefits (means tested versions of Jobseekers Allowance and Employment and Support Allowance, Income Support, Housing Benefit and Tax Credits) may need to switch to Universal Credit if their circumstances change. This is known as natural migration. Managed migration is when the DWP contacts someone receiving legacy benefits and invites them to claim Universal Credit. Transitional payments are

made to people moved under managed migration to ensure income does not drop at the time of transfer.

- 8.7. Nationally, there were 1.5 million households receiving Universal Credit in February 2019 but this increased to 6.1 million households in July 2023. In Northumberland there were 4,500 households claiming UC in February 2019 and 20,200 in May 2023.
- 8.8. Changes to the way benefits are administered can present challenges. Universal Credit is paid monthly which is a major change for people who have previously managed their personal finances with weekly, fortnightly or four-weekly payments. Additionally, some people find it difficult to make and maintain their Universal Credit claims online.
- 8.9. A four year “freeze on benefits” began in April 2016 meaning there were no increases to core benefits for people aged below state pension age. During the same period, pensioners saw their State Pension and Pension Credit rates increase by the highest of inflation as measured by CPI (Consumer Price Index), wage inflation or 2.5% - the so called “triple lock” that has meant that many older people have seen an increase in their real terms income, while benefit claimants below state pension age may have seen a reduction. This means it is ever more important that we train as many staff as possible to help residents secure their full entitlement to support.
- 8.10. The introduction of lump sum Cost of Living Payments during the last two years, for people receiving basic means tested benefits as well as disabled people, has helped benefit claimants on low incomes to manage during a period of increased energy bills and a higher level of inflation. No announcements have yet been made about whether there will be additional support in future years.

## 9. Looking forward

- 9.1. In “Transforming Support: The Health and Disability [White Paper](#)”, the Government outlined its intention to make further changes to benefits for sick and disabled people with the intention of offering more people support to work, which is expected to reduce expenditure on these benefits.
- 9.2. One of the proposed changes is to integrate the assessments for ESA and PIP so that people who are unable to work because of a long-term health condition or disability can be assessed for both benefits as part of a single assessment process.
- 9.3. A [consultation](#) proposing changes to the criteria for sickness benefits was launched in September 2023.
- 9.4. Taken together with the final stages of the implementation of Universal Credit, these plans will not only affect individual claimants, there is also likely to be a financial impact for the Council, since the changes may reduce people’s assessed ability to pay charges for adult social care.
- 9.5. For all these reasons, the next few years are likely to be a period when front line social care staff will have a particular need to have expert training and

support about benefits issues so they can ensure that disabled people receive the financial support they are entitled to.

Keith Thompson, Rights Team Manager  
[keith.thompson@northumberland.gov.uk](mailto:keith.thompson@northumberland.gov.uk)

20<sup>th</sup> September 2023