Thousands of DLA cases to be reviewed under DWP ‘Right Payment Programme’

The Disability and Carers Service (DCS) has confirmed that 12,000 DLA cases are to be reviewed each year under the DWP’s ‘Right Payment Programme’.

The Programme was introduced in May 2007 and is designed, the DCS says, ‘to protect tax payers’ money and make sure we are paying the correct amount of DLA’.

To this end, a sample of 12,000 cases are to be taken each year – of which 3,750 are chosen at random and the remainder chosen from amongst those cases which research has shown have the greatest potential for change –

‘Customers are contacted to complete an enquiry form by post … The completed form is then considered by a dedicated team of Decision Makers. If necessary, further information is obtained before a decision is made about the amount of benefit that should be paid.’

Since the Programme is centred on whether the DLA payment is correct, it will focus on potential underpayments as well as overpayments, the DCS advises, meaning that some claimants will see an increase in their DLA awards.

Initial findings from evaluation of the Programme will be available by the end of 2007, the DCS says, and will assist it in refining the initiative as necessary.

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NB – the DWP has also announced the extension of an exercise under which, since March 2007, it has been reviewing a sample of cases awarded attendance allowance or disability living allowance under the ‘special rules’ terminal illness provisions that have been in payment for more than seven years. The exercise will now include cases where benefit has been in payment for more than three years.

Benefit backdating for older people to be cut

New rules will be ‘less intrusive’, says Minister

Backdating of pension credit, housing benefit and council tax benefit claims for those aged 60 or over is to be limited to three months, the government has announced.

As part of a package of simplification measures aimed at making the benefit system ‘simpler and less intrusive for older people’, Minister for Pensions Reform Mike O’Brien said that –

‘Whilst we strive to deal with claims sensitively and without unnecessary intrusion, we know that some pensioners don’t like being asked for information about their incomes and personal circumstances. A shorter back-dating period … will significantly cut the amount of personal information we need to request – and speed up claims.’

Local education authorities to carry out work-focused interviews

Plans for local education authorities to carry out work-focused interviews are contained in the Education and Skills Bill, published in November 2007 by the Department for Children, Schools and Families.

Welcoming the publication of the Bill – that provides for the education and training leaving age to be raised to 18 by 2015 and strengthening of the provision and support available to young people and adults to meet the ambition set out in the Leitch Review of achieving world class skills by 2020 – Ed Balls, Secretary of State for Children, Schools and Families, said –

‘These are the biggest reforms in education, training and skills in a generation and it is estimated that raising the participation age alone will potentially benefit the economy by around £2.4bn per year group.’

To support the government’s aim the Bill also gives effect to proposals set out in the July 2005 Green Paper Youth Matters for devolution of the responsibility for delivering the ‘Connexions’ service to local education authorities (LEAs), with funding to transfer in April 2008.

As a result, the Bill provides for the Secretary of State to be given the power to direct LEAs to ensure that services previously delivered by Connexions – including work-focused interviews for 16 and 17 year-olds – continue.

NB – Clause 54 of the Bill enables an LEA to make services available either by providing them itself or by making arrangements with others for their provision.
A DWP error over the period from 1996 has resulted in disability living allowance and attendance allowance worth £26 million being overpaid to claimants of pension age, the government has announced.

On a person reaching state pension age the normal practice is to combine any payment of AA or DLA with state pension and pension credit so that the claimant receives one combined weekly payment of benefit, administered by The Pension Service.

However, Work and Pensions Minister James Plaskitt told Parliament in November 2007 that since 1996 there are more than 4,000 cases where claimants have been paid in error by both The Pension Service and the Disability and Carers Service.

The total amount overpaid is estimated to be £26 million, Mr Plaskitt added, and steps have already been taken to prevent duplicate payments occurring in the future.

For those affected by the error, Mr Plaskitt said –

- the government has decided not to seek recovery of past overpayments 'in cases where the customer clearly did not know they were being overpaid';
- in those cases involving people with a terminal illness, the government will make ex-gratia payments to maintain the higher level of payment;
- in all other cases, in recognition that some people will need help in adjusting their finances to the reduced level of benefit, the government will make one-off ex-gratia payments of between £100 and £350, depending on the period of the overpayment; and
- further ex-gratia payments will be considered on an individual basis in cases of exceptional need.

The total cost of making the ex-gratia payments is estimated to be no more than £1.3 million, Mr Plaskitt said.

Government proposes mandatory skills checks for jobseekers, ESA claimants and lone parents

The biggest barrier to full employment is the ‘employability and skills of our people’ the government has said in outlining plans to use reform of the welfare and skills systems to ‘mobilise the talents of everybody and to make Britain the great success story of the 21st century.’

In ‘Opportunity, Employment and Progression: making skills work’ published in November 2007, the Secretaries of State for Work and Pensions and for Innovation, Universities and Skills say that there are still too many people who are not able to share in the rising prosperity of the country because they are out of work or are without the skills they need to progress in work.

Education, training and the acquisition of skills need to be at the centre of the welfare reform agenda the government says and, driven by a set of core principles – that include a ‘personalised, responsive and more effective approach’ balanced with a ‘stronger framework of rights and responsibilities’ – it sets out a series of proposals for change that include –

- requiring all new JSA claimants to undergo a skills screen when they start their claim and, where skill gaps could be a major barrier to finding employment, encouraging them to attend a full Skills Health Check;
- using the results of the Skills Health Check to inform personal advisers’ decisions about whether claimants need to be referred to work-focused training;
- requiring those with basic skills needs who are still on JSA after six months (or earlier for repeat claimants) to attend a Skills Health Check;
- subjecting employment and support allowance claimants to a similar screening regime soon after the start of their claim and, where appropriate, a mandatory Skills Health Check at a later point in the claim; and
- requiring lone parent income support claimants to undergo a skills screen when they start their claim, and encouraging them to attend a full Skills Health Check two years before they are due to lose eligibility for benefit (eg, from 2008, on their youngest child reaching the age of 12).

In addition, the government proposes relaxing the current JSA rules that allow claimants to study for only 16 hours per week, or full time for only two weeks a year; removing the ‘16 hour rule’ in housing benefit for short term recipients of incapacity benefit; and giving consideration to whether it might be practicable to define limited exemptions from the ‘16 hour rule’ for specific groups such as young people living in supported accommodation.

‘Opportunity, Employment and Progression’ is available at www.dwp.gov.uk/welfarereform.

Pension credit assessed income period to be extended

The government has published the Pensions Bill 2007/2008 that, amongst other measures, proposes extending the pension credit assessed income period for those aged 75 or over.

The Bill principally provides for automatic enrolment into workplace pension schemes from 2012 and for the introduction of a new personal accounts scheme designed for those employers who do not currently run a pension scheme.

However, in relation to pension credit, section 81 of the Bill also provides for the amendment of section 9 of the State Pension Credit Act 2002 in order that, for decisions taking effect on or after 6 April 2009 –

‘An assessed income period shall … be … in the case of a claimant who is aged 75 or over on that day, an indefinite period beginning with that day.’

Currently, the assessed income period – during which a pension credit claimant is not required to report any changes in income known as ‘retirement provision’ – is usually set for up to five years.
Government’s child poverty commitment in doubt says Treasury Select Committee

The government’s commitment to halve child poverty by 2010 appears to be in doubt, according to a new Commons Treasury Select Committee report.

In its report, published in December 2007, the Committee emphasises that, whilst measures announced in the Pre-Budget Report are expected to lift 100,000 children out of poverty, the government would have to reduce child poverty by a further 700,000 to meet its interim target of halving child poverty by 2010.

A failure to meet the target would represent a conscious decision to leave hundreds of thousands of children in poverty for longer than is necessary or desirable, the Committee says.

In response to the Committee’s report, the Child Poverty Action Group’s Chief Executive Kate Green said –

‘Child poverty remains shockingly high in Britain despite our national wealth. The Chancellor has given clear confirmation that the Treasury remains committed to the 2010 promise to halve child poverty. But the uncertainty about how this will be resourced and achieved cannot continue.’

The Committee’s report is available @ www.publications.parliament.uk

DWP consults on improving specialist employment support for people with disabilities

As the six private and voluntary sector providers awarded contracts under Phase 1 of ‘Provider led Pathways’ opened for business in December 2007, the DWP launched a consultation aimed at helping more people into work by improving the specialist employment support available to people with disabilities.

Welcoming the next phase of Pathways to Work – to be delivered by five private sector companies and one voluntary sector organisation – Minister for Employment and Welfare Reform Caroline Flint said –

‘Hundreds more disabled people and those with health conditions will get the support they need to find work as Pathways to Work gets underway in 15 more regions across Great Britain.

Our partnerships with the private and voluntary sector will continue to play an important role in our welfare plans, as contractors work alongside local Jobcentre Plus partners, to help us achieve our goal of full employment and opportunity for all.

A second, and final phase of Pathways contracts, to commence in April 2008, will be announced shortly, Ms Flint added, ensuring that anyone on incapacity benefits will have access to a local Pathways service.

To build on the work being carried out in the Pathways areas, the government also outlined proposals for a more bespoke employment support service for disabled people to ensure they have the opportunity not just to work but to progress in work to their full potential. Launching the consultation, Work and Pensions Minister Anne McGuire said –

‘We have made major progress in helping people with disabilities into employment. We’ve worked hard to tackle barriers to work and remove the stigma and marginalisation which many disabled people are confronted with in the workplace.

… But we are determined to go further, which is why today we are setting out how we think we can improve our services and deliver a more flexible and personal employment service.’

Central proposals in the consultation include developing and enhancing the role of Disability Employment Advisers in Jobcentre Plus so that each individual gets support that is tailored to their needs; and moving away from separate programmes of support such as the Job Introduction Scheme, Work Preparation and WORKSTEP towards a single integrated programme which provides a more personalised employment service for disabled people.

The consultation will run until 10 March 2008.

Fifty per cent of those who take the new ‘Work Capability Assessment’ will not pass it

Fifty per cent of those who take the new capability to work test to be introduced next year alongside employment and support allowance will not pass it, the government has said.

The ‘Work Capability Assessment’ will apply to those claiming benefit on the basis of incapacity from October 2008 and will replace the Personal Capability Assessment (PCA).

Announcing the new test, that will be ‘more robust, accurate and fair’, Secretary of State for Work and Pensions Peter Hain said –

‘We know that many people want to work – work is good for you and your long-term well-being and we don’t think it’s right that in the past people were effectively written off. We want to work with people to get them back into jobs and help them stay there.

Currently, there are many people sitting at home in the belief that they are unemployable, with no life choices or long-term prospects because they do not think their illness or medical conditions can be catered for in the workplace. But this is just not the case – many people with such conditions are perfectly able to take up successful careers, if the right support is in place. That is why I have introduced the new assessment.’

The Assessment will be designed to test a person’s capability to, rather than their incapacity for, work and, according to the government’s own projections, fifty per cent of those who take it will not pass, meaning ‘that 20,000 fewer people a year will enter sickness benefits and will instead be given the support and skills they need to get a job’.
Benefit backdating for older people to be cut
(continued from page 1 column 3)

At the moment arrears of the three benefits can be backdated for up to a year but, from October 2008, will be limited to three months to bring them into line with working age benefits.

NB – the government said that HB/CTB backdating will also be restricted to a maximum of 3 months for working-age claimants.

Other simplification measures announced as part of the package to be introduced from October 2008 include –

- the Pension Service will complete HB/CTB claims over the telephone
- the length of time older people can spend abroad without their pension credit being stopped is to be extended from four to thirteen weeks, in line with HB/CTB; and
- pensioners aged 75 and over, in receipt of pension credit, will no longer be required to provide updated information every five years on their retirement income.

Taken together the measures will be cost-neutral, Mr O’Brien said, and will be paid for by the changes to the backdating rules.

Health in Pregnancy Grant to be introduced in 2009

Expe ctant mothers are to be eligible for a new payment of £190 from April 2009, Financial Secretary to the Treasury Jane Kennedy has confirmed.

The one-off payment, to be known as the Health in Pregnancy Grant, will be dependent on a woman receiving ‘appropriate health advice’ from a health professional such as a midwife.

Ms Kennedy said –

‘The Health in Pregnancy Grant is designed to provide pregnant women with financial support, alongside important advice from a health professional to help them invest in their individual needs during pregnancy, whilst giving them the flexibility to choose how they budget and where they spend this money.’

The new grant, that will be payable per pregnancy to expectant mothers ordinarily resident in the UK, will be available from the 25th week of pregnancy.

Tribunals Service issues new good practice guidance for representatives

The Tribunals Service has published new guidance for representatives at social security appeal tribunals.

The guidance – ‘Good practice guidance for those who appear before appeal tribunals’ – covers evidence, postponements, adjournments, submissions and advice to clients and is designed, the Tribunals Service says, ‘to spread good practice as demonstrated by good representatives’.

NB – The Tribunals Service does acknowledge however that ‘in recommending good practice … representatives operate under pressure of time and finite resources.’

The new guidance is available from the Child Poverty Action Group website @ www.cpag.org.uk/cro/wrb/wrb200/appeal_representatives.htm

Electronic system to be introduced to ensure claimants have access to up-to-date LHA information

In preparation for the national roll out of the local housing allowance (LHA), the Rent Service is to introduce a new electronic system to ensure that claimants have access to up-to-date information to help them make decisions about their accommodation.

NB – from 7 April 2008, the LHA will replace housing benefit for private sector tenants with a standard payment based on area and family size.

The new system, E-Deliver, will be hosted on the Rent Service website and will offer various features including –

- a bedroom calculator;
- static Broad Rental Market Area maps across England, Scotland and Wales;
- lists of postcodes; and
- the current applicable LHA rates.

Local authorities will also have the facility to link their own websites to the E-Deliver area of the Rent Service website so they can provide up-to-date information for claimants in their areas.

In addition, the E-Deliver system will have an interface with the Scottish and Welsh Rent Office services so that these agencies can present their respective LHA data on their own websites.

The Rent Service website is available @ www.therentservice.gov.uk

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