AJTC calls for time limit of 42 days for the DWP and HMRC to respond to appeals

A time limit of 42 days for the DWP and HMRC to respond to appeals should be introduced without delay, according to the Administrative Justice and Tribunals Council (AJTC).

In his foreword to ‘Time for Action – A report on the absence of a time limit for decision makers to respond to social security appeals’, AJTC Chair Richard Thomas highlights that delays are currently running at their highest levels – due largely to the high numbers of appeals against decisions on employment and support allowance (ESA) – and says that the situation is likely to deteriorate further in the future with the migration of incapacity benefits claimant to ESA.

Mr Thomas goes on to say –

‘It is unacceptable to expect DWP customers simply to put up with ever longer delays to get their appeals heard in order, in many cases, to obtain the benefits they should have received from the outset of their claim. Never was the old legal maxim ‘justice delayed is justice denied’ more apt. The AJTC believes that the time has come to consider ways of streamlining the decision making and appeals process to ensure that only those cases that need to go to an appeal do so, and at the earliest possible opportunity.’

‘Time for Action – A report on the absence of a time limit for decision makers to respond to social security appeals’ is available from ajtc.gov.uk

Welfare benefit related highlights in Budget 2011

On March 23 2011, Chancellor George Osborne delivered Budget 2011 which, he said, was designed to ‘achieve strong, sustainable and balanced growth that is more evenly shared across the country.’

Mr Osborne stated that last year’s emergency Budget was about ‘rescuing the nations finances, and paying for the mistakes of the past’ and that, whilst, as a result of those decisions, the government did not need to increase taxes, neither could it afford ‘a giveaway’.

Introduction of Mandatory Work Activity Scheme from April 2011

New regulations have been issued that establish the Mandatory Work Activity Scheme.

In force from 25 April 2011, the Jobseeker’s Allowance (Mandatory Work Activity Scheme) Regulations 2011 (SI.No.688/2011) provide for Jobcentre Plus personal advisers to have the discretion to require that a jobseeker’s allowance claimant participates in the Scheme which will provide work or work-related activity for up to 30 hours a week over 4 consecutive weeks.

The regulations set out –

• the circumstances where a claimant can be selected for participation in the scheme;
• the definition of failure to participate in the scheme;
• the provisions for ‘good cause’ for failure to participate in the scheme;
• the consequences of failing to participate in the scheme;
• the arrangements for hardship payments to those sanctioned;
• consequential amendments required as a result of the regulations; and
• provision for contracting out certain functions of the scheme.

SI.No.688/2011 is available from legislation.gov.uk
**Income Support & income-based Jobseeker’s Allowance**

**Personal allowances**

<table>
<thead>
<tr>
<th>Category</th>
<th>Single under 25</th>
<th>Single 25+</th>
<th>Lone parent under 18</th>
<th>Lone parent 18+</th>
<th>Couple both under 18</th>
<th>Couple one under 18</th>
<th>Couple both aged 18+</th>
<th>Dependent children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>53.45</td>
<td>67.50</td>
<td>53.45</td>
<td>67.50</td>
<td>53.45 / 80.75</td>
<td>53.45 / 67.50</td>
<td>105.95</td>
<td>62.33</td>
</tr>
</tbody>
</table>

**Premiums**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carer</td>
<td>31.00</td>
</tr>
<tr>
<td>Disability single</td>
<td>28.85</td>
</tr>
<tr>
<td>Disability couple</td>
<td>41.10</td>
</tr>
<tr>
<td>Enhanced Disability single person/one parent</td>
<td>14.05</td>
</tr>
<tr>
<td>Disable Child</td>
<td>53.62</td>
</tr>
<tr>
<td>Family</td>
<td>17.40</td>
</tr>
<tr>
<td>Pensioner single (JSA only)</td>
<td>69.85</td>
</tr>
<tr>
<td>Pensioner couple</td>
<td>103.75</td>
</tr>
<tr>
<td>Severe Disability per qualifying person</td>
<td>55.30</td>
</tr>
</tbody>
</table>

**Employment and Support Allowance**

- Basic Allowance
  - single/one parent: 67.50
  - couple: 67.50 / 105.95
- Work-related activity component: 26.75
- Support component: 32.35

(Carers, Enhanced Disability, Pensioners and Severe Disability Premiums paid at the same rate as Income Support/income-based JSA)

**Pension Credit**

- Minimum guarantee
  - single: 137.35
  - couple: 209.70
- Additional amounts
  - severe disability (per qualifying person): 55.30
  - carer: 31.00

**Savings Credit**

- Threshold – single: 103.15
- Maximum – single: 20.52
- couple: 164.55
- couple: 27.09

**Housing Benefit & Council Tax Benefit**

As for Income Support, income-based JSA, Employment and Support Allowance or Pension Credit, except –

**Personal Allowances**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single person/one parent – aged 65+</td>
<td>157.90</td>
</tr>
<tr>
<td>Couple – both under 18 (n/a for CTB)</td>
<td>80.75</td>
</tr>
<tr>
<td>one under 18</td>
<td>80.75</td>
</tr>
<tr>
<td>one or both aged 18+</td>
<td>236.80</td>
</tr>
</tbody>
</table>

**Premiums**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family – lone parent rate</td>
<td>22.20</td>
</tr>
</tbody>
</table>

**Working Tax Credit**

- Basic element: 1,920.00
- Couple/one parent: 1,950.00
- 30 hours element: 790.00
- Disability element: 2,650.00
- Severe Disability element: 1,130.00
- 50+ return to work: 16 – 29 hours 1,365.00
- 30+ hours: 2,030.00
- Childcare costs (70% of up to 1 child weekly rate): 175.00
- 2+ children (weekly rate): 300.00

**Child Tax Credit**

- Family element: 545.00
- Child element: 2,355.00
- Disabled child: 2,800.00
- Severely disabled child: 1,130.00

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www.rightsnet.org.uk

the welfare rights website for advice workers

Welfare benefit related highlights in Budget 2011
(continued from page 1, column 3)

that any change will be complex and involve a wide range of policy and implementation issues, a consultation will be launched later this year on the options, stages and timing of reform. However the government says that any reform will maintain the contributory principle, and will not extend national insurance contributions to individuals above state pension age or to other forms of income such as pensions, savings and dividends.

- **Support for Mortgage Interest** – the government says that it will help homeowners facing difficulties by extending temporary changes to the Support for Mortgage Interest (SMI) scheme for a further year. As a result the 13-week waiting period and £200,000 limit on eligible mortgage capital will now remain in force for new working age SMI claimants until January 2013.

- **Introduction of a flat-rate state pension** – the government says that it will simplify the state pension system so that it is fair and supports personal responsibility, and so that costs are sustainable. To this end it will look to reform the state pension for future pensioners so that it provides simple, contributory, flat-rate support above the level of the means-tested guarantee credit, and the DWP will publish a Green Paper consultation shortly on options for reform, which will include a proposal for a single tier pension, currently estimated to be worth around £140 a week.

- **Pension age** – the government says that, given the continuing increases in life expectancy, it intends to bring forward proposals to manage future changes in the state pension age ‘more automatically’, including the option of a regular independent review of the implications of longevity changes.

- **Social mobility and child poverty** – the government says that the way child poverty is currently measured means that reducing the income tax paid by millions of lower earners, or providing additional support to low income pensioners, could push the poverty line up and increase the number of children calculated as being in poverty. As a result, the government says that it intends to develop improved ways to measure poverty which better capture the reality of living in poverty and reflect its commitment to increase social mobility.

The Budget 2011 report and accompanying Treasury documents are available @ www.hm-treasury.gov.uk/2011budget.htm

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Government confirms end of the Worker Registration Scheme

I
n a Written Ministerial Statement to Parliament on 10 March 2011, Immigration Minister Damian Green confirmed that the Worker Registration Scheme will close on 30 April 2011.

The closure of the scheme will mean that nationals of the A8 countries – the Czech Republic, Poland, Hungary, Slovakia, Slovenia, Estonia, Latvia and Lithuania – will for the first time have the same benefit rights as other EU nationals.

NB – The Accession (Immigration and Worker Registration) (Revocation, Savings and Consequential Provisions) Regulations 2011 (SI.No.544/2011) are available from legislation.gov.uk

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Carer’s allowance and full-time education

T
he DWP has issued new guidance in relation to carer’s allowance and full-time education.

In DMG Memo 04/11, the DWP gives guidance on the effect of two Upper Tribunal decisions, concerning full-time education for carer’s allowance purposes, that followed on from the decision of the Court of Appeal in Secretary of State for Work and Pensions v Amanda Deane.

The DWP advises that – following the Upper Tribunal decisions in CG/61/2009 and CG/1154/2010 – if it is clear that the claimant is in fact receiving full-time education, the decision maker does not have to consider whether the claimant is treated as receiving full-time education by calculating the hours. In addition, the DWP says that, if the course on which the claimant is enrolled is a full-time university course, there is a presumption that the claimant is in full-time education. However, the DWP advises that there can be exceptions to this presumption and gives examples including that the claimant may have exemptions from part of the course because they do not have to undertake all the modules or have availed themselves of an ‘Accreditation of Prior Learning’. The DWP also advises that, if the claimant is undertaking a course which is not a conventional university course, an exception to the presumption may apply.

DMG Memo 04/11 is available at www.dwp.gov.uk/docs/m-04-11.pdf