Government launches Mobile Regional Taskforce to combat fraud in ‘high risk’ postcodes

The government has launched a new Mobile Regional Taskforce which, it says, will target all ‘high risk’ postcodes across the country, re-examining claims for benefits and tax credits for fraud.

Announcing the launch of the Taskforce, which is a joint initiative between the DWP, HMRC and local authorities, Minister for Welfare Reform Lord Freud said –

‘The new Taskforce is our latest weapon in tackling welfare fraud on the front line. We are sending a clear warning that if you are fiddling the system, you will be caught. Welfare fraud is a crime and takes money away from the most vulnerable.

People who are receiving the correct benefits and tax credits have absolutely nothing to fear. But if people have deliberately not told us of a change in circumstances, they should do so now, before the team comes knocking at their door.

Alongside the Taskforce we are bringing in the universal credit which will simplify and automate the benefits system. This will make it much easier to catch people who make false claims.’

NB – the Taskforce, which is one of a number of new measures arising from the joint DWP and HMRC fraud and error strategy announced at the end of last year, started on 25 July 2011 in the Perry Barr and Kingstanding area of Birmingham.

Incapacity benefit reassessment process causing fear and anxiety amongst vulnerable people, say MPs

New Work and Pensions Committee report also says that failings in Atos Healthcare service have ‘contributed significantly’ to claimant mistrust

The incapacity benefit reassessment process is causing fear and anxiety amongst vulnerable people, according to the Work and Pensions Select Committee.

In a report published on 26 July 2011, The role of incapacity benefit reassessment in helping claimants into employment, the Committee says that, whilst it supports the government’s objective to help people with disabilities and long-term health conditions to move back into employment, it is concerned that positive messages about the reassessment are not getting through to the public.

Introducing the report, Chair of the Committee Dame Anne Begg said –

‘The government’s aim of helping benefit claimants back into work is laudable, but the scale of the

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Two new prescribed diseases for industrial injuries benefit

New regulations have been issued amending the list of prescribed diseases for which industrial injuries benefit payable.

In force from 18 July 2011, the Social Security (Industrial Injuries) (Prescribed Diseases) Amendment Regulations 2011 (SI.No.1497/2011) amend Schedule 1 to the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 by –

- adding bronchiolitis obliterans to the list of prescribed diseases in relation to occupations involving the manufacture of diacetyl, or food flavouring containing diacetyl, or food to which such food flavouring is added; and
- adding carcinoma of the nasal cavity or associated air sinuses in relation to occupations involving the manufacture of inorganic chromates or work in hexavalent chrome plating to that list.

SI.No.1497/2011 is available from legislation.gov.uk
Replacing council tax benefit in England with ‘localised support’

The government has published a consultation paper that seeks views on a proposal to replace council tax benefit in England with ‘localised support’.

Whilst under the current system local authorities are responsible for council tax rates and collection but do not control the policy on council tax benefit, the proposals would bring all aspects of the council tax system together at local level.

With the new system planned for launch in April 2013, the government expects to deliver a 10 per cent reduction in the current £4.8 billion annual council tax benefit bill across Great Britain, to be achieved in part by creating stronger incentives for councils to get people back into work.

Key elements of the proposals set out in Localising support for council tax in England include –

- support for council tax will be delivered as a new form of council tax discount, which reduces council tax liability once other discounts have been taken into account;
- instead of the government setting the rules about how much support a person can get, councils will be free to decide who should pay less council tax and how much less they should pay – as long as what it does means that pensioners are no worse off and people are generally better off working than claiming benefits;
- consideration will need to be given to whether other groups, in addition to pensioners, should be guaranteed levels of support, for example those who might not be expected to increase their income through work, for example because they are exempt from conditionality rules;
- the design of local council tax support schemes must support the improved work incentives that universal credit is intended to deliver, although the government acknowledges that there is a risk that advantages from the single universal credit taper could be lost if there is a separate and overlapping withdrawal of council tax support through localised schemes;
- local authorities should be able to make adjustments to schemes each year, following a local consultation process at least where significant adjustments are planned; and
- whilst unresolved council tax benefit appeals are currently dealt with by a First-tier Tribunal, under the new system the handling of appeals might also form part of a localised scheme.

The closing date for responding to the consultation is 14 October 2011. The consultation paper Localising support for council tax in England is available from www.communities.gov.uk/publications/localgovernment/localisingcounciltaxconsult

Exemptions from extension of shared accommodation rate to those aged under 35

New regulations have been issued in relation to the extension of the shared accommodation rate to people under the age of 35.

The Housing Benefit (Amendment) Regulations 2011 (SI.No.1736/2011) amend the age threshold so that, from 1 January 2012, the shared accommodation rate will apply to most single people aged under 35 years.

However, the regulations introduce two exemptions to the shared accommodation rate for the new age group – for homeless people who have slept rough or who are at risk of sleeping rough, and for ex-offenders who could pose a risk of serious harm to the public.

The statutory instrument also ensures that some claimants who have been claiming since before April 2011 who will be affected by both the local housing allowance changes to be introduced then, and these shared accommodation rate changes, experience only one reduction in benefit at the end of their transitional protection period.

SI.No.1736/2012 is available from legislation.gov.uk
Government goes ahead with proposal to remove welfare benefits from scope of legal aid

The government has gone ahead with its proposal to remove a number of areas of social welfare law, including welfare benefits, from the scope of legal aid.

Despite the Ministry of Justice having received over 5,000 responses to its consultation on legal aid reform, 90 per cent of which were against the proposed changes, the Legal Aid, Sentencing and Punishment of Offenders Bill 2011, published in June 2011, removes from the scope of legal aid a number of areas of law including employment, housing (except in cases involving homelessness or risk to health and safety), debt (except in cases relating to certain proceedings where the home is at risk), and all welfare benefits cases.

In its response to the consultation on legal aid reform, also published in June 2011, the Ministry of Justice says, in relation to welfare benefits, that it does not consider that most cases before the tribunal will be sufficiently complex, and, compared with cases involving safety, liberty or homelessness, it considers these cases to be a lower priority for funding. In addition, the Ministry of Justice says –

‘The government has considered the concerns raised about the risk that the loss of benefits could later lead to homelessness. We intend to retain legal aid for debt cases where the home is at immediate risk due to rent or mortgage arrears. Where the arrears are as a result of a dispute about welfare benefits, we do not believe that legal aid should be provided for the welfare benefits appeal, because the tribunal is accessible without legal assistance and because the risk of homelessness is not as immediate. We need to prioritise need, and those facing eviction or possession proceedings (or who are already homeless) are in greater need.’

However the Ministry of Justice says that, as set out in its consultation, legal aid will be retained for judicial review of welfare benefit decisions, and for claims about welfare benefits relating to a contravention of the Equality Act 2010 that are currently funded.

DWP to write to claimants about time limiting of contribution based ESA from Spring 2012

The DWP is to write to claimants about the time limiting of contribution based ESA for those in the work related activity group.

In a new Advisers and Intermediaries Update, the DWP says that, if the Welfare Reform Bill 2011 is passed by parliament, from Spring 2012 contributory ESA will be time limited to 12 months (and also that the special contribution criteria for ESA in youth will be removed).

The update goes on to say that Jobcentre Plus has decided to write to claimants to prepare them for the effect of the changes, and that, starting on 19 September 2011 and running over a 4 week period, it will write to all claimants receiving contribution-based ESA to advise them that their contribution-based benefit may be limited to 12 months.

The DWP also advises that, whilst the time limiting proposal does not affect claimants in the support group, claimants who have already received contribution-based ESA for 12 months or more in the work related activity group will have their benefit stopped as soon as the change is introduced.

The Advisers and Intermediaries Update on proposed changes to contribution-based employment and support allowance is available at www.dwp.gov.uk/adviser/updates/proposed-changes-to-contribution

Government issues call for evidence in Social Mobility and Child Poverty review

The government has issued a call for evidence as part of a Social Mobility and Child Poverty review.

Launching the review, the Cabinet Office also announced the appointment of former Labour Cabinet Minister Alan Milburn as Independent Reviewer of Social Mobility and Child Poverty, pending the establishment of a statutory Social Mobility and Child Poverty Commission next year.

The call for evidence – which will inform a report to be presented to parliament in Spring 2012 – asks the following questions –

1. what are the main barriers which stop people moving out of poverty or which prevent people from slipping into poverty?
2. do you think the government’s policies, in particular the social mobility and child poverty strategies, will improve people’s life chances?
3. are there other policies that could be implemented for the same cost which would ensure that all citizens have the same opportunities?
4. how can we create the right mix of practical and financial support to ensure that all people have opportunities to get on in life?

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DWP sets out details of transfer of social fund functions to local authorities in England

T he DWP has published its response to the call for evidence on the transfer of social fund functions to local authorities in England.

In the response, the DWP sets out details of the scheme, which will replace crisis loans and community care grants from April 2013, including –

● funding will be allocated to local authorities on a non-ring fenced basis and there will be no new duty on local authorities or the devolved administrations to provide the assistance;

● it will be the responsibility of local authorities to ensure that decisions are fair and impartial and to decide on appropriate arrangements for reconsideration or review;

● there is no central government assumption that the new service will be provided in-house;

● in some areas working across authority boundaries may present the best delivery model;

● the provision currently met through community care grants and crisis loans will be funded on the basis of one-off grants rather than loans;

● partnership arrangements with third party organisations for some or all of the new service may be a good model for some local authorities;

● provision could include local partnership arrangements that support re-cycling and re-use of serviceable furniture and white goods;

● for those who require bespoke and adapted items, there may be some potential for linking the new service with other existing support such as the Disabled Facilities Grant; and

● eligibility criteria for the new services will be for individual local authorities to define.

The DWP response to the call for evidence on local support to replace community care grants and crisis loans is available at www.dwp.gov.uk/docs/social-fund-localisation-response.pdf

Government issues call for evidence in Social Mobility and Child Poverty review

(continued from foot of page 3 column 2)

● what are the best examples of projects which have brought about real progress in creating a fairer, more mobile society?

● what are the best examples of where effective projects have been expanded and best practice shared with other areas or organisations?

● what more should businesses, civil society and other non-government institutions be doing to improve social mobility and tackle child poverty?

● what would be the best way to measure progress on social mobility and child poverty?

● do you think the indicators set out in the child poverty strategy and social mobility strategy are the right measures?

NB – the deadline for responses to the call of evidence is 16 October 2011.

The Social Mobility and Child Poverty review call for evidence is available from cabinetoffice.gov.uk

Incacity benefit reassessment process causing fear and anxiety amongst vulnerable people, say MPs

(continued from page 1 column 3)

challenge should not be underestimated and nor should the level of anxiety which surrounds the process. People are suspicious that the government’s only objective is to save money.’

The Committee is also critical of the service provided by Atos Healthcare in carrying out the work capability assessment. Commenting on Atos Healthcare, and its relationship with the DWP, Dame Ann Begg said –

‘There have been failings in the service Atos Healthcare has provided, which has often fallen short of what claimants can rightly expect. This has contributed significantly to the mistrust which many claimants feel about the whole process. We accept that considerable efforts have been made on the part of both Atos Healthcare and DWP to improve the quality of assessments, but the Department needs to do more to ensure that Atos treats claimants properly and that it produces accurate assessments.’

In addition, having criticised some sections of the media for the way they have reported the reassessment of incapacity benefit claimants – particularly the use of terms such as ‘work shy’ and ‘scrounger’ – the Committee goes on to say that the government itself needs to take greater care in the language it uses when it engages with the media and, in particular, when it releases and comments on official statistics on the incapacity benefit reassessment, to ensure that context is provided and that ‘unhelpful and inaccurate’ press stories can be shown to have no basis.

The Work and Pensions Committee report on incapacity benefit reassessment is available from the parliament website.