

Written evidence from Surrey Welfare Rights Unit [SWP0044]

Surrey Welfare Rights Unit is a specialist organisation that provides training, support and consultancy services to the advice sector on social security and community care issues. We represent clients at First and Upper tier tribunals. The Unit is a registered charity and is a member of Citizens Advice. We provide a second-tier advice service to Citizens Advice organisations and many other charitable and statutory bodies across Surrey. We are the only agency giving this type of specialist advice in Surrey.

We asked the other local Citizens Advice offices across Surrey to add their clients' experiences to this submission. The offices that responded are credited at the end of this paper. The Committee asked a number of questions. We have not responded to all of them here.

How well is the Universal Credit system working for the unprecedented numbers of new claimants?

For those claimants who are computer literate and who are able to gather relevant information at the start of their claim a UC is fairly straight forward and the claim would be registered and accepted.

For those claimants who are unable to access an on-line claim due to lack of reliable or any internet service at home and not being able to attend any venue where there is internet provision due to their closure it is impossible to claim on-line meaning that they would need to contact the helpline to make a telephone claim. The telephone lines continue to be busy.

For those claimants who are vulnerable or who lack the skills to make an on-line claim there is no alternative but to make a telephone claim. These claimants would often need a third party to support them in making these claims and understanding their responsibilities once the claim is made.

For those claimants with mental health difficulties or who are homeless and who find it impossible to engage with most processes, there continue to be difficulties accessing a claim, especially with significantly reduced face to face support from local Jobcentre Plus offices. Across Surrey there are several boroughs and districts that do not have a Jobcentre Plus office which means costly travel when visits are once again available.

Feedback from a mental health specialist worker;

We are often asked to get involved when patients are due to be discharged and we need to ensure they have the relevant benefits in place. We also assist people with mental health issues in the community who are unable to access a main Citizens Advice office. I have come across cases in the last few weeks where people have no access to a computer to make an online claim – normally we would see them face to face in our office and help them to either make an online claim or a telephone claim. This is now not possible and we are trying our best to assist over the phone. Making an online or telephone claim for someone who is struggling with severe mental health issues eg. Psychosis can be challenging at the best of times, but not being able to assist them in person makes it a real struggle and in certain instances impossible.

The best way for them to make a claim maybe by phone but at the moment they are unable to get through on the UC phone line. There needs to be a way for people who are identified as vulnerable to have access to a phone service that is answered quickly. One solution may be for a representative e.g. Citizens Advice, to phone the priority line to register the client's claim giving all the details and then

DWP phone the client to verify their ID and to check the details of the claim. An effective system needs to be put in place for vulnerable claimants otherwise some will not be able to make a claim until our face to face service is back up and running.

There needs to be a way to record on their claim that a person is vulnerable so that safeguarding measures apply in the event that the claimant doesn't comply with what is expected of them.

Has there been any improvement in the significant delays that new UC claimants were experiencing in the second half of March?

There continues to be a need for claimants to contact UC helpline, especially if claims were started before 9 April 2020 when the "Don't call us" publicity was launched. Also, existing UC claimants who need to notify UC of any change in their circumstances, who cannot report these changes via their journal for whatever reason, will need to phone UC helpline.

What lessons can be learned from the changes that have been made to the processes for verifying the identity of UC claimants? Are there any particular changes that should stay in place after the outbreak ends?

Verification has been an issue since the introduction of UC with many claimants not having the right documents that would prove their identities to DWP. Previously having access to a support worker, Local Authority staff, GP, Citizens Advice or similar professionals could have helped these claimants with this process but since lockdown this opportunity has been lost or severely restricted. DWP could sometimes verify by way of a Jobcentre Plus staff member vouching for a claimant but those offices are now closed to face to face callers.

Having call backs for verification are better than having to call UC but it does rely on someone being able and well enough to answer their phone- they can be too ill, unable to respond to withheld numbers or not have a reliable mobile phone service.

For some claimants who need to contact DWP the security questions that need to be answered in order to discuss their claims is a major challenge.

How do the needs of people claiming UC for the first time now differ from the needs of groups who've claimed UC in the past? How well is Universal Credit working for these new groups of people?

A lot of the people who are now having to access benefits have no prior experience of the benefits system. Moving to the benefit system for all or part of their financial support when they also have to deal with other issues such as possible job loss or being furloughed, anxiety about potential illness in the family, home schooling and the implications of social isolation and lockdown are challenging and unsettling. UC may be better administratively than having to make multiple different claims as was necessary under the legacy benefit scheme, however, the delays processing and verifying a UC claim and the 5-week wait for their first payment when they do not know how much they can expect to be paid can seem interminable and could be pushing people into debt.

For households who rent, if liable rent is higher than the local housing allowance there could be a significant shortfall between their liable and eligible rents. Working households, who have not until now had to rely on the benefit system for support, may not be aware that they are under occupying or that their liable rent is higher than the amount that could be met under UC housing costs.

Claimants new to the benefit system may not be aware of the benefit cap and may not have undertaken any benefit check via the online calculators before making the claim. Some households may expect to receive a sum of money which is then not paid because of rent support restrictions or the benefit cap. In these cases, there will be very little disposable income available for food and bills once the rent is paid.

Some households affected by Covid-19 may have savings in excess of £16,000; anyone with over £16,000 in savings is not entitled to UC. Even when their savings have fallen below this figure and a claim can be made, they may need to use up savings to meet rent shortfalls not covered by UC. There is a case for removing or at least increasing the capital limits during this crisis.

Are there any indications of how well the UC system will work for these claimants as they move into work in the short- to medium-term?

There are multiple issues regarding pay cycles and the way UC works, especially for workers who are not paid calendar monthly or those who are paid on dates near to their assessment “date”. The DWP and the Courts are aware of these issues but there does not appear to be a consistent appetite for adapting the UC design so that these workers are not disadvantaged. When these significant numbers of new UC claimants begin to return to work, these issues will become more common and prominent.

Advisers working with claimants before Covid 19 would look at these issues and give informed advice about the date of claim for UC. This will not be the case for a lot of new claimants.

How well is the benefits system working for self-employed people who aren't able to access the Government's Self-employment Income Support Scheme? Is there a case for temporarily suspending the capital limits in UC during this period?

There are multiple reasons why a temporary relaxation of the capital rules would be appropriate. We have received queries from self-employed people who have money put by for end of year tax bills. There is no readily available public guidance on whether this is capital for benefit purposes. We think that it is capital.

Suspension of the MIF is a welcome change, hopefully the Government will consider reconsidering how this works when the changes are over.

Feedback from Citizens Advice specialist worker:

There is no readily available guidance on how UC works for self-employed people who are waiting for a payment from the SEISS in June. Will they have to pay back what they've claimed in the meantime? How will that lump sum be treated for UC purposes?

There is no readily available guidance for those who have both self-employed and PAYE income - can they receive payments from both the Job Retention Scheme and the Self Employment Income Support Scheme?

How effective have DWP's communications with the public been during this period?

We know that the UC verification process is not always working smoothly (unsurprising given the numbers involved). The DWP rarely acknowledges any problems.

The DWP is providing no guidance for people on legacy benefits who might be better off in the short term on UC because of a drop in earned income and the increased UC entitlement, but who may be worse off in the longer term and who will have no way back onto legacy benefits.

Feedback from Citizens Advice specialist adviser;

Difficult to assess- some people seem to be quite clear that they need to claim Universal Credit when they have nothing. The suspension of medicals and face to face appointments seems to be well known but then this could be because all face to face interactions are very limited. Most of the people we see are under some sort of hospital and so they are very aware that there are no face to face appointments because their hospital and health professional appointments have been cancelled.

How easy is it for people to understand what they're entitled to claim? For example:

- Is it clear enough how the benefits system interacts with other forms of Government support during this period, such as the Coronavirus Job Retention Scheme?

There is confusion as to the amount of money to be paid to the worker; will it be 80% of wages or made up to 100% by the employer? If it is paid and the worker claimed UC whilst waiting for that payment will the wages received be assessed over the UC assessment periods it was representing or will it be treated as income in one UC assessment period? Will there be an overpayment decision made? Will this overpayment recovery be suspended for the time being? Budgeting will be very difficult initially and the anxiety caused will be considerable. Answers to these questions are not readily available.

Surplus earnings calculations could reduce a UC award in any period where a payment through the job retention scheme or SEISS is made. Trying to explain the surplus earnings rule (SER) is extremely challenging. UC claimants who lose entitlement for one or more assessment periods will have to keep registering with UC so that the SER is applied correctly and UC payments restart at the correct point. In June, when SEISS pays the lump sum, UC claimants need to be aware of the SER and informed exactly what they must do.

Feedback from Citizens Advice specialist worker:

People who have lost all their income because of the virus seem to know that they need to claim UC but not how other systems interact with this. For our mental health clients, it is always difficult for them to find out what they should be claiming and how to go about it. It is quite rare to see in-patients where a claim has already been started, unless they have been on benefits for years, and then it is rare to see the change that they are in hospital being notified because they are just too ill to do it.

- Is it clear enough how public health guidance interacts with the benefits system?

We have previously contacted the Chair of this committee concerning a specific issue relating to this, and the lack of clarity around Department of Health language, and the DWP legislative drafting. We would like to see further clear guidance for Carers and family members who are unable to work at home, but who are not working out of necessity because someone else in the house is vulnerable and shielding.

How is the assessment process for Employment Support Allowance working? Have there been any difficulties with obtaining medical evidence to support claims?

Health care professionals may not be working in their own fields or not working at all if their clinics are cancelled. There will be no one in the relevant department to provide supporting evidence.

Claimant's support workers may not be available to provide anecdotal evidence as they are working remotely.

Carers, both formal and informal may be over stretched in providing care to the claimant and the wider community and be unable to provide written evidence of claimant's difficulties.

GP practices are offering limited appointments and services with reduced staffing levels.

What impact has the outbreak had on people who were waiting for a Mandatory Reconsideration of a decision, or who were going through the appeals process?

MR process continues and decision will be based on questionnaire and any supporting evidence supplied. Claimant unlikely to be able to contact medical professionals for supporting evidence due to their increased workload or absence due to their own or their families' health conditions.

Appeals may continue to be held based on papers or a telephone hearing between HMCTS and the client who may be unsupported and unrepresented. This could be due to the reduced availability of their representative at the scheduled time of a telephone hearing and assumes that a telephone hearing can be managed by the claimant.

Claimant may not be able to manage their own bundle, they may have new evidence to hand but which has not been supplied to HMCTS due to postal delays or admin difficulties.

If an appellant is not offered a telephone hearing they will need to have their hearing rescheduled when HMCTS are able to arrange new hearing dates; this will mean a further delay in an already lengthy process.

Are people who are claiming benefits receiving enough money to cover their basic living costs during this period?

A sudden move from wages to a benefit payment with no opportunity to manage transition will be very difficult for some people. We cannot understand the justification for increasing UC and Working Tax Credit allowance, but not legacy benefits when some claimants, already juggling a very tight budget could have food delivery charges, higher heating and electricity bills, children's meals, and other unexpected Covid-19 expenditure.

Those claimants who have mortgages and who are already finding meeting the current payments difficult will be anxious about how they will meet an increased payment after the mortgage holiday and on their return to work.

Food banks are responding to requests for help from a lot of different clients compared to those who accessed their support before this situation started.

Are there groups of people who need support but aren't able to access it through the benefits system? What should DWP be doing to support those people?

Those with no recourse to public funds who were self-sufficient through their employment or self-employment but whose work has temporarily or finally ended.

Workers with no recourse to public funds who have been working in unregistered work and whose employment has ceased will not be able to access any DWP financial support without putting their immigration status at risk.

Claimants have been working but who now have no income and need to claim UC may be benefit capped due to their family size and/or liable rent.

Street homeless people and buskers who relied on charitable support from the wider community. Lockdown and home working has reduced the footfall and their income.

This submission also includes evidence from:

Citizens Advice Runnymede and Spelthorne

Citizens Advice Waverley

April 2020