

## Written evidence from the Disability Law Service [SWP0051]

The Work and Pensions Committee wants to hear about how coronavirus is affecting people who need to rely on the benefits system. We're interested in finding out about the experiences of people who are having to claim benefits for the first time, the experiences of people who were already claiming benefits, and the experiences of people who need support but find they can't claim any benefits.

If you're responding on behalf of an organisation, or you're an individual who wants to send us a longer written submission, we'd welcome your evidence.

You don't need to answer all of the questions below, and you can tell us anything relevant, even if it isn't covered by these questions. The deadline for sending your views is 11am on Thursday 16 April.

### **My response**

I give clients with multiple sclerosis benefits advice by telephone and email. This is a summary of the issues I have seen so far. Main groups my clients fall into:

- Been advised by NHS to self isolate for 12 weeks because in a high risk category due to MS
- Choosing to self isolate because they have MS so may be more vulnerable to coronavirus

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

Some of my clients are put off from applying for Universal Credit because of the delays they have been hearing about and general issues with Universal Credit they have heard about.

### **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?**

I cannot comment on this so far but would advocate for this process to be as simple and straightforward as possible, so no one is prevented from getting an advance payment who needs one urgently.

### **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?**

Some of my clients who rent privately and have lost their jobs or have been given reduced hours due to coronavirus and have to claim Universal Credit, will now struggle to pay their rent as LHA caps are too low – they may have to move as a result, which will be very difficult at the moment.

Some of my clients who are between jobs will struggle to pay their expenses on Universal Credit income as it is harder to get a new job now, especially if they need to self isolate due to their MS, and Universal Credit is less generous than what they can get if they work. They are worried about paying for expenses that they can normally afford, such as their rent, mortgage, car or debt repayments.

Some of my clients who are experiencing a drop in income due to coronavirus are not eligible for Universal Credit because of their capital or because their partner works. They are worried about paying for expenses that they can normally afford, such as their mortgage, car or debt repayments.

Lots of self-employed people claiming who would usually be affected by the minimum income floor. Good the minimum income floor is not currently being applied, this needs to be continued.

Lots of people claiming who are between jobs and vulnerable to coronavirus. Good that they do not have to look for work.

**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?**

I cannot comment on this so far.

**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?**

Universal Credit does not help people who have capital above £16,000 – it would be helpful to suspend or raise this limit. The £16,000 limit has not been raised in many years – it may be time to look at raising this permanently.

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

Not very clear in many ways.

There has been unclear messaging on how to apply for new style ESA. The application form was on the website one day and removed the next. People did not know which address to send the form too. Telling people on Universal Credit how to apply for new style ESA is not very helpful as new style ESA will be deducted £1 for £1 from their Universal Credit. Many people claiming new style ESA will not be eligible for Universal Credit. There needs to be an easier way to claim than phoning the very busy Universal Credit helpline.

It has been unclear whether people advised to self isolate for 12 weeks are entitled to SSP or ESA. The Government says self-isolate one day, then self distance, then shield. People with high risk health conditions are very confused. I understand today it has been made clear that people who are 'shielding' can get SSP, but up til now it has been very ambiguous.

The self isolation notes people are meant to use from NHS 111 only cover people living with someone who has Covid 19, but high risk people have also been told to self isolate.

It is also unclear what help, if any, people can get if they are living with someone who is in a high risk group, particularly if they do not want to risk going to work and infecting the person they live with.

It is unclear what help, if any, people can get if they choose not to go to work because they are worried about contracting coronavirus, especially if they have an underlying health condition.

Furloughing has not been explained very clearly – some clients thought they could apply for it, when in fact the onus is on the employer to apply for it.

Self employed people on Tax Credits have been very worried about whether they should apply for Universal Credit or not in lieu of the new scheme for self employed people. Many of my self

employed clients receive the disabled worker element of Working Tax Credit and stand to lose a lot of money if they move to Universal Credit.

**How easy is it for people to understand what they're entitled to claim?**

It is especially hard for people to understand their benefit entitlement, if they are self isolating due to being high risk due to their health. It is unclear whether they can get ESA or SSP. It is also unclear whether their employer can furlough them if no one else at their work is being furloughed. Similarly for those whose childcare responsibilities make it hard for them to work, but no one else at their work is being furloughed.

The complicated contribution conditions for new style ESA and JSA make it difficult for people to work out if they are entitled, especially if they have been out of work for a short time in the last 2 years, or have been self employed.

**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?**

The timing of payments under the CJRS makes it unclear which months people will be entitled to Universal Credit in. We are assuming that payments made under the CJRS and self employed grants will count as income, not capital, for benefit purposes, but I don't think this has been confirmed.

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

It remains unclear whether people who are isolating for 12 weeks because they are in high risk groups are entitled to SSP or ESA on this basis. Public health guidance seems to have changed its wording from self-isolating to shielding for example. Guidance is clearer on SSP as of today.

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

People are facing very high waiting times on the phone to ESA and several of my clients have given up on making a claim as a result. Most people anticipate difficulties with obtaining medical evidence. Doctors have refused to give notes to people with MS who are choosing to self isolate because of their MS.

**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?**

PIP appeal hearings have been postponed at very short notice – day before or the same day. This is both physical and telephone hearings. This has caused a lot of stress to my clients who had prepared themselves in advance and who have already been waiting up to 12 months for a hearing date. The delay in receiving money they should be entitled to on a successful appeal is causing financial hardship to several of my clients.

**Have people who were already claiming benefits when the outbreak began seen any changes to the support they receive from DWP?**

I cannot comment on this so far.

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

Clients are struggling to pay their rent if it is above LHA caps, many have said they will struggle to pay for expenses such as their car and debts.

Several clients who are waiting for their PIP appeal hearing dates and have had them postponed have said they will face financial hardship without this money for their disability. They often use PIP to help them pay their rent and other bills, due to LHA caps and the low rate of income related benefits.

Clients with personal assistants to help them with personal care, whose personal assistant is ill, don't know if they have enough money to pay for a replacement assistant at this time.

**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?**

People who are waiting for the outcome of their PIP appeal or mandatory reconsideration. Some have been waiting over 12 months for an outcome, to have their hearing postponed yet again. If they previously got DLA or PIP at a higher rate, they should continue to be paid this rate until the outcome of the appeal. If not, paying a small weekly payment in recognition of the fact they may be entitled would help.

**Are support organisations and charities able to access the resources they need from DWP to support vulnerable people? What more could DWP be doing to facilitate that support?**

It would be helpful for benefit advisers to have a direct line to the DWP to answer coronavirus queries quickly such as whether people self-isolating for 12 weeks on advice from the NHS can get SSP or ESA, the best way to claim ESA, if there is any support available for people choosing to self isolate to care for someone in a high risk category etc.

*April 2020*