

Social Policy Cases reported to CLASP for period October - December 2007

Utilities

The bureau was recently involved in the national social policy campaign to collect data on calls made to utility companies and the length of time a client had to wait on the telephone before receiving assistance.

Client came to the bureau because she was having difficulty contacting her electricity company regarding her arrears. The client's first language is not English and she seemed unable to communicate with them successfully on the telephone. She stated she had difficulty getting through and then the language barrier made it impossible to negotiate. The client has outstanding arrears of £6,398.00 and does not understand how they arose.

We tried to get through to the electricity company and had difficulties, as experienced by the client. This allowed us to participate in the Social Policy campaign.

Once we got through, we established that the arrears had arisen because there was no name to the client's account and that the electricity company had no details of when the account was opened and when the client had moved into the property; therefore the arrears included usage by the previous owner.

The company had been trying to get an up to date reading, but due to language barriers, they had not obtained this. We assisted the client by asking for the reading and offering the opportunity for the client to return to the bureau so that we could forward the information onwards.

We were then able to pass this client to a specialist worker to take the case on.

Benefits/Tax credits & EU migrants

Case study 1

Client is Slovakian, came to UK in 2004, 2 dependent children, working and receiving tax credits. Work registered with home office. Diagnosed with cancer. On sick receiving SSP and tax credits. SSP finished after 28 weeks, so no further entitlement to WTC, claim submitted for IB/IS.

Although client had fulfilled criteria for means-tested benefits for A8 nationals, her claim was sent to Wick for consideration of Habitual Residence and Right of Abode. Client was told it "would take weeks" – meanwhile was only receiving Child Benefit and CTC. Not allowed interim payments of IS. With advice from the CAB specialist support service we were able to access a supervisor at Wick who agreed to fast track the case, in view of her special circumstances and payments were finally made. The client could not have done this on her own.

Case study 2

Late last year a Polish family was referred to us by Sure Start bht and a joint visit was undertaken. The family had satisfied the residence and working conditions of the UK to qualify for recourse to public funds.

They had recently had their first child and the mother was on maternity leave and receiving Statutory Maternity Pay. They had claimed both Child Benefit and Tax Credits but these were not yet in payment. During the course of the

visit we were asked if they would have been better off financially had they not disclosed they were a couple living in the same household. At this point the family was warned of the implications in that they would be breaching UK law and that there would be severe consequences. The family accepted this and indicated they would never indulge in anything unlawful.

We spoke with Child Benefit, who are an agency who will not discuss claims unless the client is able to give verbal consent, this was done. Upon enquiring about the time delay in processing the claim I was told by Child Benefit that ' due to identified problems they were now performing an extra verification test by writing to the Polish authorities and not processing the claim until they had a response. This is resulting in A6 nationals having to wait for up to 16 weeks until payments begin. The awards are back-dated but the family's expenditure increases with the arrival of the baby.

Case study 3

Client is a citizen of E8 country and speaks very little English. He is a lone parent to his 5 year old son and is working fulltime.

Client claimed tax credit in September 2006. His claim was rejected, no explanation had been given. He tried enquiring on several occasions but was not getting any response.

He attended one of our "drop-in sessions in August 2007 where we were faced with the language difficulty. We phoned Tax Credit and arranged an interpreter through them to help with the security check before we could deal with the query. However this had caused confusion as the interpreter was unable to interpret correctly. The client failed the security check.

We agreed to write to Tax Credit on behalf of client and requested an explanation of the disallowed decision. We lodged an appeal explaining why we were outside the time limit of appeal. They acknowledged the appeal and informed us that the appeal would be heard in January 2008.

We contacted the Tax Credit and spoke to a senior adviser to check the information provided by the client whilst the appeal is pending. The claim was investigated and an error was discovered. The information regarding client's son was not entered on the system.

We received an apology and client received an apology and over£6000 arrears. He now receives Working and Child Tax Credit on 4 weekly basis.

Immigration

We have been inundated with Immigration enquiries concerning proposed changes in Immigration rules for visitors. Presently one can sponsor friends or relatives to come to the UK for a visit for a maximum period of six months and there is no cash bond to be paid.

If the Home Office proposals are accepted and they become law the visitors will be allowed a maximum of three months rather than six months and the sponsors will have to pay a cash bond which could be more than £1,000. Not only that, there is also a suggestion that the sponsoring of visitors should be restricted only to British Citizens who have full residency rights in Britain.

This is certainly causing fierce criticism and anxiety amongst the ethnic communities.

Tax Credits

A female client came to see an adviser with a request from inland revenue for the repayment of an overpayment of tax credits of £10 000. It took 10 months to sort out the problem with the Inland Revenue

The adviser checked the award notice and realised that the woman's details on the notice were correct but the husband's name and bank details along with information about his four children did not relate to this woman's family. The overpayment also related to 2004/05 this client made her first claim for tax credits in 2006 when her first child was born. It was impossible that she was liable for this overpayment. The adviser lodged a complaint and an appeal against this incorrect decision.

Of course while the IR were investigating the problem they did not pay her the tax credits she was entitled to because she had a large overpayment outstanding. The client was also placed under pressure from debt recovery while the investigations were being made.

A further letter arrived advising of an additional overpayment of £4 000 on the erroneous claim. Another appeal had to be made and another complaint lodged.

Ten months after the adviser started with this case the issue was resolved IR accepted they had made an official error withdrew the demand for the recovery of £14,000 paid the client the Tax Credits that she was entitled to and said they would send her a cheque for £40 for compensation!

Incapacity Benefit

Case study 1

General Social Policy areas relate to JC+ and the number of people who have been found fit for work following DWP medicals. It seems we get one per week on average. Some decisions seem to be harsh and incomprehensible for example a man who is still undergoing chemotherapy treatment was found fit for work.

Case study 2

We have had several clients with mental health problems who have been knocked off Incapacity Benefit, as they did not score enough points on the Persona Capability Test, we have successfully appealed all these decisions, with some clients receiving up to £1,800 backpay.

Charging for medical evidence

The most significant social policy issue for clients in this quarter has been medical practices charging for medical evidence to support client appeals. The medical practice makes no distinction with regards the ability to pay, which means that people on low incomes/benefit do not have as strong a chance of winning an appeal as those on higher incomes. It seems that an issue of social justice and equal access to health provision is denied to those on lower incomes. As a result the Advice Worker wrote to the practice suggesting that they could perhaps consider a sliding scale but received a cold response. The Advice Worker has discussed it with Thorpe Edge advice as they also experience a similar problem with a view to raising it at a higher level. The matter was also raised at the Advice Network Partnership Committee meeting

as a possible topic for discussion. The advice worker has also planned a meeting with the manager of the Health on the Streets Team to discuss this matter, as there is a wider issue of health in the community.

DLA

Over the last six months we have noticed a marked reduction in successful claims for DLA at the initial claim stage. This has resulted in an increase in requests for reconsiderations making the whole claim process a very lengthy business.

There has been no information to say that DWP are tightening up the rules for claiming, but this certainly seems to be the case.

There is not a reflection on the strength of the claim, as we have a number of clients with very obvious and debilitating health problems, who clearly meet the criteria, backed up by their GPs, and yet they are being refused all rates at the initial stage.

The knock on effect has been lengthy delays for supersessions and appeals, all of which increases stress and anxiety for our clients, and extends their "case" for many months.

Debt

This involved a case where the client had had no contact with a creditor for over six years. The debt had been passed to a debt-collecting agency who instructed solicitors to contact the client to either arrange repayment or to pursue legal action. We wrote to the solicitor highlighting the fact as there had been no contact for over six years then the Limitation Act applied and the debt was in fact irrecoverable. The solicitor agreed with this argument and passed the case back to their client. They however again contacted the client attempting to recover the debt whilst at the same time writing to us arguing the Act did not really apply and the creditor had a moral obligation to repay the debt. It was pointed out to them the Limitation Act did in fact apply as a matter of law and should they continue to pursue the debt we would recommend to our client she consider relevant legal action against them. The creditors to our knowledge have now accepted the facts put before them as no further contact has been received either by our client or us for over two months.