

Social Policy Cases April – June 2006

DWP

Case study 1

Our client was deemed to have had capital of £21,000 and as a result his benefit was suspended. His partner who died of cancer in 2001 left the money in a will. The money was left to the partner as an informal trust for their daughter and her children (client's grand children) as at the time of her death their 15 year old daughter was three months pregnant.

The DWP argued that the money belonged to our client as it was transferred into his account. We successfully argued that the money belonged to the daughter and her children and that the money was being held in a trust. We successfully appealed against the decision, our client's benefits were reinstated and arrears paid out.

The above two cases are just a sample of work that we have done this quarter. The DWP appears to be taking a very hard-line approach when it comes to living together decisions. This makes it difficult for, would be carers, especially so if in the past they were in a relationship. There have been many instances where people have been reluctant to claim benefits (carers Allowance) for looking after disabled friend/relative or an ex -partner for fear of their own benefits being withdrawn or suspended. I believe that DWP needs to be more thorough in their investigation of co-habitation and living together decisions before deciding to stop or suspend benefits. At the present the DWP appear to have a cavalier approach to these cases.

Access to DWP call centre

Case Study 1

A single mother had applied for a crisis loan by telephone from her home and had been told immediately that there was no point in her applying, as she would not receive it. She came to the bureau. We telephoned Crisis Loan to ask why the client had not been allowed to make a claim for the crisis loan, as was her entitlement. We also asked whether the person who had told the client that she would not receive a loan was indeed a decision maker, as decision makers are the only people qualified to make those decisions. We also demanded that the client be allowed to make a claim for a crisis loan, the decision to be made by a decision maker and the decision to be sent to the client in writing so that it could be challenged if necessary. The supervisor of crisis loans agreed that this would be done.

This is an example of the many problems clients encountered with the new changes to the DWP. There appears to be an element of "gatekeeping" which is preventing clients claiming their entitlements. This is being monitored by our advisors & social policy evidence forms are being produced.

Case Study 2

Client Y got a form to claim sickness benefit. They had to do a telephone assessment, which was difficult as they didn't speak good English.

Client came to the office and was anxious to know what was happening. When contact by telephone was made we were surprised to hear that the claim had not been processed because more information was needed. They promised to ring back and client had to do another telephone assessment.

After eight weeks they were told that the application is now being processed and they are waiting to hear from the employers.

In the meantime client has been supported with an application for a crisis loan for an interim financial assistance. As more delay is expected until the employers reply.

This has become a common issue now and more clients are facing a delay as a result of the new telephone assessment system.

Case Study 3

Job Centre Plus remains the problem area.

One issue has been the problem of call centre staff refusing to take a client's details to make a claim for benefit. The client had been found fit for work only scoring 4 points. The client decided that they did not want to appeal the decision and agreed that the best thing to do would be to claim IB/JSA. When the advisor telephoned the call centre the worker refused to take details and said the claimant would be entitled to reduced rate Income Support the advisor then pointed out that this was only the case where the client appealed the IB decision. The person at the end of the phone still refused to take the details and the advisor had to contact Westfield House to arrange for the client to be seen in person.

There have also been a few occasions when call centre staff have refused to speak to the advisor even with the permission of the claimant.

Case study 4

Despite there being fewer JC+ queries this quarter I still feel that this is the area where most of the Social Policy work needs to be addressed. As one of the main contact points for the wider advice community through the ACSG email contact list I regularly receive requests from other agencies for help re: JC+ problems.

Case study 5

The most significant social policy this quarter for clients, as in previous quarters, has been the poor service provided by the Benefit's service. Clients are still unable to access the service as phones are constantly engaged, clients are unable to visit and speak to someone and claims are overly delayed causing clients financial hardship and jeopardising their tenancies. One client had no income for over three weeks or communication from the Benefits agency. The client had no explanation as to why the claim had been delayed, until the involvement of the advice service, nor were they told they could apply for a crisis loan. Payment was eventually obtained.

Housing

Case study 1

Client referred for benefits advice. Cancer patient, homeless, dividing time between 2 adult children. No income at all. Advised to present as homeless and appointment made with homelessness team. Although client is statutorily homeless it was presented to her by the team that there was little chance of them finding her anything quickly, that she would probably need to go into a hostel. She was told she would be better off looking for private renting. On the basis of this she was asked if she wanted them to proceed with the homelessness application. Believing it to be pointless, she declined, feeling hopeless.

Adviser spoke to homelessness team and arranged appointment for proper homelessness application to be done.

Case Study 2

A local resident and tenant of South Bradford Community Housing Trust had arranged a "mutual exchange". On contacting SBCHT for approval he was informed that each party would have to pay a charge of £106 for a gas and electricity safety check prior to moving. He came for advice on the legality of this charge.

We were unable to establish when or why this was a valid charge.

Landlord's have a responsibility to ensure the safety of gas and electric supplies to their properties and also for repairs.

This charge only seems to be applied to tenants wishing to conduct a mutual exchange.

We are unable to find any changes in legislation to confirm this action.

We contacted our local Councillor, Val Slater, for assistance. She has written to the head of the Housing trust, but has yet to receive a reply.

This matter remains unresolved.

Education

Case Study 1

Around this time of the year I get a lot of enquiries regarding school places for children in Secondary as well as Primary schools.

A lot of parents cannot get a place for their children at a school of their choice. That is where the parents come to us for advice and writing appeals against the Local Education Authority decisions.

Although the rules say that children should be allocated a place at a school of their parents' choice this does not often happen in practical terms.

This time of the year is a nightmare for a lot of parents who do not get a place at a school of their choice for their children. Sometimes even if a child has been attending a particular school in a nursery class they are denied a place in reception at the same school.

A few lucky children get a place at appeals if they have compelling reasons, but many still have to attend schools outside their catchment areas.

Educational Maintenance Allowance

Clients are experiencing problems when applying or renewing Education Maintenance Allowance applications for their children. If parents/carers are in

receipt of Tax Credit then they instructed by EMA to send in their award notice and Part C does not need to be completed. However EMA have been returning these applications stating that the income is not specified and Part C must be completed and returned. If a client is solely on means tested benefit then the award notices will just state that the claimant was on the benefit, it does specify their income as being 0. This has caused delay in many EMA applications.