

## Social Policy Summary, January –March 2007

### **Council Benefits**

#### **Case Study 1**

Client receiving IB. diagnosed with cancer (not special rules) Applied for DLA – awarded high rate care and mobility. Wife gave up work to care – awarded CA. On 26/12/06, client turned 60. Applied for PGC and CTB on 15/01/07. Pension service returned proof of occ. Pens. And then requested it again. PC not awarded until 26/02/07 (6 weeks).

Meanwhile LA requiring proof of DLA and PC. DLA award letter taken to Wibsey Housing, where it was photocopied and returned to client. Client advised LA they were still awaiting award of PC. Letter rec from LA saying claim “nilled” due to clients not providing proofs or keeping council advised of reasons. When I rang LA I was told it was to keep to their “performance indicators” Was told by LA that Wibsey Housing is “not one of theirs” – though clearly it is a verification point. Evidence of PC and DLA taken to BDirect by client before end of Feb. On 12/03, client received a letter from LA, dated 23/02 stating claim now rejected due to lack of evidence. Rang BDirect who said the clients had another month and “this is the way we work” – in spite of evidence being supplied. Rang LA on 19/03 to be told CTB awarded and C Tax account now in credit. As of 17/04, clients have still not received notification. (3 months)

### **Housing**

#### **Case Study 1**

Clients were a couple occupying a registered social landlord tenancy. They wanted a transfer, due to harassment from local youths. They were unable to bid on Homehunter as their registration had been suspended due to rent arrears. CHAS contacted the Housing Office, and were informed that the alleged arrears were, in fact, former tenant arrears of less than 1 week and charges from previous tenancy. Former tenant arrears are not a ground for suspension on Homehunter. The suspension was lifted.

Action needed: better training for local office staff on the administration of Homehunter. We have previously taken this up.

#### **Case Study 2**

All the tenants at a sheltered housing scheme received notice of their annual rent increase. In years past a full breakdown of the service charge had been provided but for no apparent reason none given this year. Several residents did approach the warden who was unable to explain. They then contacted their landlord to no success. On behalf of all the residents we wrote to the landlords requesting a full breakdown of the service charge explaining not only was this information needed by residents but also to enable them to claim housing benefit for some of the costs that could be allowed. Not only did the landlord provide a written reply to us and all of the residents but were willing to call along to scheme to explain why the increase had been made and how best they could support their residents.

We had a client that came in experiencing problems with housing conditions. They were assured short hold tenants, the house was damp and had rats in the premises. The house was also overcrowded as there were 12 people living in a two bedroom terraced house. We assisted this client by contacting environmental health to come out and assess the property. However we later found out that this appointment had been cancelled because the tenant was afraid he would lose the only accommodation he had. So alternatively we registered the client with Home hunter and made applications to local housing associations.

Our current work with this client group is showing a worrying trend of overcrowded living conditions, ill health due to poor diet and problems that are often health related that are being caused so many people living in such close proximity. Secondly many of the children from this client group are finding it hard being allocated school places, and registration of doctors and dentists. Many are living below the breadline as they do not often realise that they are entitled to Working Tax Credit and Child Benefit.

## **Immigration Case study 1**

From 2 April 2007 the Home Office has enforced a new law and increased the fees for variation of leave in the UK. Those spouses who come to the UK for settlement are initially granted two years probationary leave to remain in the UK. Just before the end of that period they have to apply to the Home Office for Indefinite Leave to Remain (ILR). Before 2/4/2007 these people had to just complete a form (Set M) and send it off to the Home Office with a fee of £335.00.

From the above date they are either required to pass a test on Life in UK or acquire an Esol Skills for Life qualification. Moreover the fee has been increased from £335.00 to £750.00.

Many clients whose probationary period was running out just after the 2/4/2007 have not been given any time to pass the required test or obtain the Esol qualification. For such clients the Home Office has said that they should apply for an extension and then apply for ILR once they meet the language requirements. The disadvantage here is that they will have to pay a fee of £395.00 for extension and once they have obtained the qualification they pay another fee of £750.00 for getting ILR. If they do not pass the test during the extended period they must obtain further extension and of course pay a further £395.00 fee

This new rule and indeed the astronomical increase in the fee has caused more anxiety, concern and frustration amongst the immigrant population from visa countries.

There are no fees or language requirement for immigrants coming from EEC countries.

## **Case Study 2**

A concern which has arisen is the effect of the increasing charges and requirements for those clients applying for indefinite leave to remain (ILR) for spouses.

A new requirement effective from 1 April 2007 is the requirement to have achieved ESOL "skills for life" qualification in speaking and listening at entry level or the "Life in the UK test", which has previously applied only to those people who are applying for British Nationality, within the first 2 years from first arrival in the UK.

Applicants for ILR pay for their application (£750), if they cannot show that they have sufficient English to fulfil the above requirements their application for ILR will be refused and they will lose their fee. They will get temporary leave to remain but when this expires they will have to make a new application and pay the fee again and may lose it again. In the period where they are here on temporary leave they are barred from claiming public funds.

With the cutbacks in ESOL classes it is difficult to find an English class-and they have to be paid for too.

Already we have many clients who are concerned about this issue. Representations to the MP Marsha Singh have been unsuccessful; he has lobbied unsuccessfully on the issue of the new requirements and the changes to ESOL in the district.

Our concern is that the extortionate fees and the requirement to pay for classes will squeeze family incomes to the limit and of course this is another issue which does not affect the majority communities in the UK which has slipped in without comment or widespread debate

## **Case Study 3**

Mr S an EU (German) national arrived in UK in July 2004. He had been self employed in Germany until the recession when his business folded. He tried looking for jobs when he arrived did not claim benefit in the first year and lived off his savings. After a year when his saving had run out he applied for JSA which he was awarded. Six months later he fell and injured his knee and whilst he was in hospital he was diagnosed with heart disease, thus was unable to work or be classed as work seeker. He applied for incapacity benefit/income support but was turned down on the grounds that he has no right to reside in this country. He could only claim JSA on the basis that he was a work seeker or a worker.

Legislations put in place in April last year bar EU nationals from claiming benefit if they not considered to be workers or work seekers.

In the last six to eight months we have seen substantial number of similar cases. EU national who have come into the country and do not meet the

residence conditions are left without any money if they fall ill. We have appealed against these decisions with out any success.

#### **Case Study 4**

We have had a high number of people wanting to apply for nationality due to the changes that are coming into affect from 7 April 2007. This is further complicated as many people are also worried and concerned that they will have to pay for language classes and basic education while they are getting ready for the nationality test. The fee is due to rise from £268 to £575 and the test fees increase from £34 to £45. As a result of this we have been inundated by the number of people coming in with nationality application forms.

### **Social Security Appeal Tribunals**

#### **Case Study 1**

Representations made to DCA and Minister Harriet Harman in connection with Tribunal Service cancelling listings of appeal hearings in Keighley.

Representations made to DCA and Minister Harriet Harman in connection with possible closure of Keighley County Court.

Monitoring impact on our and clients ability to attend appeal hearings outside of Keighley.

#### **Case Study 2**

The main Social Policy issue is the same as last time. There seems to be a proliferation of the number of people being found fit for work following medicals. Four have gone to appeal and have been successful. One appeal was unsuccessful but a new claim with a new medical condition has been successful. It has taken JC+ a long time to process arrears payments with all the above appeals. This was raised at the Liaison Meeting in April and JC+ assured us that new systems and working methods will ensure this does not continue to be a problem...

#### **Case Study 3**

In our December report we highlighted the increased numbers of people on Incapacity benefit being found fit for work, and the resulting increase in the number of appeals/ representation for the advice service.

We now find that this is causing a backlog at the Tribunal Service, which is causing lengthy delays in allocating hearing dates.

DLA appeals are now being delayed as a result. We have at least 2 DLA appeals pending since December that have still not been allocated a hearing date, 3 months later. Hearing dates are generally allocated 3 months in advance, so if this continues, clients will have a 6 month delay in having their case heard.

For people on IB, the effect of these delays is even worse as most will be receiving a 20% reduction in their intermediate payment of Income Support, causing even greater financial hardship over a longer period

## **Job centre plus**

### **Case Study 1**

Delays in clients receiving benefits from Job Centre Plus:

The client is a single parent and a student and has a young child. She claimed income support in December 2006. JC+ then asked for details of her income which she supplied in December 06. JC+ asked for this information again in January 2007 and she again supplied it. She heard nothing further until JC+ wrote at the end of March to say her claim had been shut down as she had not supplied the information requested.

We then faxed the client's information through to JC+ from Bradford CAB and asked for the claim to be re-instated. At April 20<sup>th</sup> 2007 client has still not received any benefit.