

BenefitsBulletin

Aberdeen City & Shire Advice Forum is a local network for people working in advice services to share information and experiences. The Forum meets quarterly throughout the year.



COVID-19 Response Planning: Supporting Migrants with No Recourse to Public Funds

COSLA have produced a new framework to assist local authorities and their partners to support people with NRPF during the COVID-19 pandemic. It sets out the legal basis and other considerations for providing support during the response phase of the pandemic, with a specific focus on people with NRPF who are roofless/rough sleeping, or vulnerable from a safeguarding perspective. Download [HERE](#).

On 08/04/2020 COSLA together with three other Local Government Associations wrote to the Home Secretary on issues with NRPF and COVID-19.

In the light of the current crisis, the letter called for the following solutions:

- 'NRPF' condition should suspension so that all migrants living in the UK can access benefits and public services.
- Habitual Residence Test suspension so that EU migrants do not need to prove their 'right to reside' in order to access benefits such as Universal Credit
- Lift of NHS charges.
- Any additional measures designed to support the UK population should equally apply to everyone regardless of their immigration status.

In addition, COSLA is calling for the **removal of the Scottish Welfare Fund from the list of 'public funds'** as part of our long-standing call for the removal of NRPF conditions for the most vulnerable people in our communities. The Scottish Welfare Fund is increasingly being used as a key mechanism by which the Scottish Government channels emergency resources to local communities at this time. Removing it would assist us in dealing with the Covid-19 crisis across Scotland's communities. The full letter can be accessed [HERE](#)



Stay in Scotland campaign

In addition to existing support under the Stay in Scotland campaign, the Scottish Government commissioned **JustRight Scotland**, a legal centre for justice and human rights, to develop a range of fact-sheets for EU citizens.

This guidance explains the rights of EU citizens in Scotland to vote, work and access healthcare, education, housing and benefits. These are now available in English, Polish, Romanian, Lithuanian, Spanish and Italian and can be accessed [HERE](#).

In light of the devastating impacts of the current pandemic, the Scottish Government hopes that these resources will be useful for EU citizens in accessing further sources of support, and for anyone who wants to better understand the rights of EU citizens.

We would be grateful if you could help us to share and promote these materials with your networks so as many people as possible will benefit from them.



Free Bon Accord Care Training

Bon Accord Care offer a comprehensive range of health and social care, business admin, food hygiene and management development courses.

We regularly deliver one of the largest range of training courses across Aberdeen, so if you have an individual staff member or small group that require training, they can join us on an existing course. These sessions will give your staff a valuable opportunity to share their learning and network with sector peers.

Check out the range of free online courses, particularly MS Office www.eventbrite.co.uk/o/bon-accord-care-learning-and-development-7938770095

Minister confirms there is no 'requirement' to use a **DS1500** form to supply evidence to support a benefit claim under terminal illness rules

However, written answer in parliament says supplying evidence on the form 'remains the quickest and most appropriate route to gather evidence to support entitlement'

The DWP has confirmed that there is no 'requirement' to use a DS1500 form to supply evidence to support a benefit claim under the terminal illness rules

Responding to a written question in parliament yesterday, on what steps the Department has taken to ensure that terminally ill claimants who have not submitted a DS1500 form (the standard form used by clinicians to tell the DWP about a patient who meets the 'special rules' for terminally ill claimants) continue to have their claims for employment and support allowance managed in a timely manner, Minister for Disabled People,

Health and Work Justin Tomlinson said -

'DS1500 forms have never been a requirement for a claim under the terminal illness rules but remain the quickest and most appropriate route to gather evidence to support entitlement in these cases. Where it is not possible to supply a DS1500 in support of a terminal illness claim we will continue to consider alternative evidence and work flexibly and quickly with the claimant and/or their clinician (s) to make a quick determination. Supporting people who are terminally ill is an absolute priority for the Department and we will continue to process claims as quickly as possible.'

[Mr Tomlinson's written answer](#) is available from parliament.uk



Department for Work & Pensions

DWP Autism and Neurodiversity Toolkit

This [Toolkit](#) is a resource to support awareness and understanding of Autism Spectrum Conditions and providing practical guidance for supporting people who have neurodiverse conditions into employment. This site also contains useful resources and additional local support contacts and organisations.

State Pensions 2020: FAQs

This briefing paper answers FAQs constituents raise with their MPs about State Pensions. It provides some general information in relation to these FAQs and signposts to more detailed sources of information and advice.

The FAQ cover issues including:

- **Types of State Pension:** What was the old basic State Pension? What was the State Earnings-Related Pension Scheme (SERPS)? What is the new State Pension?
- **Delivery:** What day is the State Pension paid on? Can people still collect it from the Post Office?
- **Eligibility:** Who is entitled to the new State Pension? Can people still claim on the spouse/civil partner's National Insurance record? At what age can people claim their State Pension? Is there an option to draw the State Pension early?
- **Fairness:** Have women born in the 1950s been unfairly treated? Is the new State Pension more generous than the old one? Are people who were members of contracted-out occupational schemes treated unfairly?
- **Benefits (Pension Credit):** Who is entitled to Pension Credit? What if a Pension Credit claimant goes abroad? How does Pension Credit take account of capital?



15th May DWP | PIP Stakeholders | www.gov.uk/dwp

We thought it might be helpful to summarise a few key changes that have been made as a result of the crisis.

- New claims continue to be processed.
- We have extended the deadline to return the PIP2 to three months.
- Change of circumstances continue to be processed. If someone has a change in their needs, they should notify us immediately so that we can ensure that they have the correct level of award.
- All face-to-face assessments have been suspended. Where possible and in line with usual processes, a paper-based assessment will be undertaken. If needed, a telephone-based assessment will be conducted. Both providers have been conducting telephone assessments for the last few weeks.
- It is now possible for individuals to receive and return the PIP2 form electronically after the initial call to the Department. Supporting evidence can also be submitted electronically, at the same time as the PIP2.
- All awards that are coming up for a review soon will be automatically extended. Payments will continue and we will be in touch about a review in due course.
- For anyone who is currently claiming Disability Living Allowance (DLA) and who has been invited to claim PIP, no action is needed now. DLA payments will continue and we will be in touch in the future to discuss the claim to PIP.

Just a quick reminder that applications have opened for the £250 Best Start grant school age payment.

Go to mygov.scot/beststart to apply.



The Scottish Government
Riaghaltas na h-Alba

Free school meals extended. Additional £27.6 million to help feed pupils and other key groups.



The Scottish Government
Riaghaltas na h-Alba

Children eligible for free school meals will be among those who continue to be supported over the summer through a package of £27.6 million of additional funding from the Scottish Government.

The funding will ensure councils are able to continue the provision of free school meals during the summer holidays and other food provision to help low income families during the coronavirus (COVID-19) pandemic.

The extra funding will also enable councils to continue to support a range of people who may be facing new or continuing barriers to accessing food including due to reduced income caused if they are asked to self-isolate through contact tracing - until the end of September.

Since 24 March councils have provided the Scottish Government with data on the number of children receiving a free school meal through the provision of vouchers, direct payments, home deliveries and provision in educational or early years settings.

Individuals who are unable to access or afford food and cannot get the help they need from family, friends or neighbours are encouraged to call the national assistance helpline. The free helpline number is **0800 111 4000**. The helpline is open Monday to Friday, from 9am to 5pm.

Callers will be put through to speak to someone at their local council. They'll be able to advise on what types of help are available. This might include:

- food, if you're not able to get the day-to-day food you need
- medication, if you're not able to pick up the prescriptions you need
- access to local social work services
- emotional support
- contact with local volunteer groups

Minister confirms that DWP is 'in the process of' reviewing the temporary suspension of reviews and reassessments for sickness and disability benefits

Written answer in parliament says next steps will be confirmed 'as soon as possible'

The DWP is in the process of reviewing its decision to extend the temporary suspension of reviews and reassessments for sickness and disability benefits in response to coronavirus (COVID-19), Minister for Disabled People Justin Tomlinson has confirmed.

Responding yesterday to a written question in parliament on whether the temporary three-month suspension of reviews and reassessments - which is due to expire on 24 June 2020 - will be extended, Mr Tomlinson said -

'We are currently in the process of reviewing this measure, and will confirm next steps as soon as possible.'

NB - the **Minister confirmed last week** that the Department is also in the process of reviewing its decision on the temporary suspension - due to expire today - of face-to-face assessments.

Mr Tomlinson's written answer is available from parliament.uk

The regulator @theFCA has just announced a proposed extension to CREDIT CARD & LOAN payment holidays and OVERDRAFT help.

Detailed info and video [HERE](#)

Challenging benefits decisions

Most decisions in relation to claims for social security benefits or tax credits can be challenged, if the person is unhappy with the decision. A decision can be changed in different ways:

- By asking DWP, HMRC or the local authority to look at the decision again (this is known as “**revision**” or “**reconsideration**”)
- By asking for the original decision to be superseded. This is known as “**supersession**”, and if successful the new decision will usually only apply from the point the request was made. A decision may be superseded to reflect a change of circumstances since the original decision, or in certain other situations including where a revision/reconsideration is not possible (e.g. because the time limit has passed)
- By **appealing** to an independent Tribunal



Mandatory Reconsideration

It used to be possible for a claimant dissatisfied with a benefits decision to appeal directly to a Tribunal without first seeking a revision/reconsideration. However, following the [Welfare Reform Act 2012](#), individuals seeking to challenge a benefits decision must ask for DWP or HMRC to reconsider their decision before they can appeal. This rule – known as “**Mandatory Reconsideration**” – was introduced in April 2013 and now applies to all social security benefit (except Housing Benefit) and tax credit decisions.

A person who disagrees with a benefits decision can request a Mandatory Reconsideration in writing, in person or by telephone (although if the request was made in person or by telephone, it is advisable to confirm this in writing afterwards and keep a copy for reference). For Universal Credit decisions, claimants can also request a Mandatory Reconsideration via their online account. In all cases, **when applying the person needs to make it clear that they are requesting a Mandatory Reconsideration.**

The request must be made within the “**dispute period.**” There are time limits and a delay can mean that a challenge may not be possible.

A person can ask for a reconsideration within **one calendar month** of being notified of the decision (or within **30 days for HMRC decisions**). However, if the person was not given a written “statement of reasons” with the decision, they can ask for one and the time limit is then extended by 14 days. If the statement is provided more than one month after the original decision, the person has a further 14 days in which to ask for a reconsideration. An application for a reconsideration can only be accepted outside these time limits in certain limited circumstances.

When the DWP or HMRC has looked at the decision again, the person will be sent a **Mandatory Reconsideration Notice** setting out their decision. There is **no time limit** for DWP or HMRC to issue decisions on Mandatory Reconsiderations.

Appealing to a Tribunal

If the Mandatory Reconsideration Notice confirms the original decision, the person can then **appeal to an independent First-Tier Tribunal**. The appeal must be lodged directly with [HM Courts and Tribunals Service](#). This is referred to as “**direct lodgement.**” An appeal will not be accepted unless a Mandatory Reconsideration Notice has been issued.

As with mandatory reconsiderations, there are **time limits** within which appeals must be lodged. The standard time limit for appealing is one month, although late appeals may be accepted in certain circumstances.

A [DWP note from August 2013](#) sets out the different stages in the “appeals journey”, starting from receipt of the original decision notice, through the Mandatory Reconsideration process and on to an appeal to a First-tier Tribunal.

HM Courts and Tribunals Service booklet [How to Appeal Against a Decision Made by the Department for Work and Pensions](#) (SSCS1A) also sets out what happens at each stage of the appeals process, and what people can expect.

The Tribunal’s decision

Where a person has appealed to a First-Tier Tribunal and disagrees with the Tribunal’s decision, there are various possibilities. If the Tribunal’s decision contains a clerical error or accidental slip (e.g. a spelling mistake), it can be **corrected** by the Tribunal itself. A Tribunal’s decision can also be “**set aside**” on procedural grounds, e.g. where relevant documents were not received by one of the parties, or some other procedural irregularity. In this situation the Tribunal’s decision is cancelled, and the appeal is heard again.

Claimants who are unhappy with a First-tier Tribunal’s decision can appeal to the **Upper Tribunal**, but only if the First-tier Tribunal made an **error of law**. The fact that a person disagrees with a Tribunal’s decision is not sufficient grounds in itself for an appeal to be heard by the Upper Tribunal. Those dissatisfied with a decision of the Upper Tribunal may be able to appeal further to the Court of Appeal (or the Court of Session in Scotland).

Information and guidance

There are a number of useful sources of information on challenging benefits decisions. In addition to the online sources listed on this page, detailed information on reconsiderations and appeals is also given in the Child Poverty Action Group’s annual [Welfare benefits and tax credits handbook](#) and the Disability Alliance’s annual [Disability Rights Handbook](#).

Anyone seeking to challenge a benefits situation should seek specialist advice from a local welfare rights organisation or CAB. They may be able to represent the claimant at the Tribunal.