

**REPORT TO:** Corporate Policy and Performance Board

**DATE:** 30<sup>th</sup> January 2018

**REPORTING OFFICER:** Strategic Director – Enterprise, Community & Resources

**PORTFOLIO:** Resources

**SUBJECT:** The Role of the Welfare Rights Service - Update

**WARDS:** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To provide an update on the role of the Welfare Rights Team and progress to date with delivery of the Service.

**2.0 RECOMMENDATION: That the update provided in the report regarding the Welfare Rights Service, be noted.**

## **3.0 SUPPORTING INFORMATION**

- 3.1 The Welfare Rights Service was formed in 1998 as part of a drive to maximise benefits uptake and to combat poverty within Halton. At that time a report had been produced by the Local Government Association highlighting the estimated amount of unclaimed benefits and the difference that claiming rightful entitlements would make to some of the most vulnerable local residents.
- 3.2 In the early days there was a strong focus on benefits ‘take-up’ and in part by interrogating information held on the Housing Benefits system, those under-claiming could be identified and targeted. In particular, the introduction of Pension Credits which were substantively under-claimed, meant there were large numbers of local residents living on less money than they should have been.
- 3.3 In the area of welfare benefits the degree of change has been fundamental and regular. Many benefits such as Invalidity Benefit and Severe Disablement Benefit Allowance have ceased to exist and other benefits such as Personal Independence Payments, Employment & Support Allowance and Universal Credit have been created.
- 3.4 Since 1998 Halton’s Welfare Rights Service has been a source of specialist expertise that has had to adapt to particular challenges. For example in 2007 it was established that Halton had one of the highest rates of cancer in England and that death rates from this disease were considerably above the national average. A successful bid was

submitted to Macmillan Cancer Support to fund 2 specialist Welfare Rights Officers for a 3 year period, with follow-on funding to come from the Primary Care Trust.

3.5 The Welfare Rights Service comprises the following posts and roles:

<p><u>Senior Benefits Advisory Officer</u> – manages the team, carries a caseload of appeal cases and is a source of expertise on complex benefits matters.</p>
<p><u>Welfare Rights Officers</u> – 1.6 fte posts. Provide specialist appeals advice and representation services. This advice area is oversubscribed and it is statistically proven that large numbers of people are incorrectly refused their benefits entitlements and have to be prepared to challenge the decision of the Department for Works and Pensions. This is especially true for disability benefits. Nationally 60% of Personal Independence Payment appeals are successful. Through the provision of advice and appropriate representation, between 1<sup>st</sup> April 2017 and 30<sup>th</sup> November 2017 Halton's Welfare Rights Service have helped 72 clients and have won 94.4% of tribunal hearings.</p>
<p><u>Welfare Rights Advisers</u> – 4 fte posts. These team members provide a specialist form completion service. Many Halton residents, even those with good literacy struggle to complete forms to apply for and maintain disability benefits. The forms are complex, therefore it helps to be aware of the regulations behind the benefit so that the customer's disabilities are correctly described and a well completed form can make a successful claim more likely.</p>
<p><u>Welfare Rights Officer (Money Advice)</u> – 1 fte post. The specialisms of welfare rights advice and debt advice have an inevitable link. This officer last year (2016/17) negotiated £821,700 of debt for 61 clients. This involves negotiating debt directly with the creditors to make agreed payment arrangements. The Welfare Rights Officer (Money Advice) is accredited and authorised to act as an intermediary to arrange Debt Relief Orders (DROs). These cost a £90 fee to the Official Receiver, can be used for debts below £20,000, and have some restrictions put in place for 12 months. DROs cost much less for the client than bankruptcy. This adviser last year successfully assisted 30 customers to apply for Debt Relief Orders.</p>
<p><u>Macmillan Welfare Rights Officers</u> - 2 fte posts. These 2 staff members give specialist advice to those affected by cancers and other life limiting illnesses. They have a presence at the Delamere Centre at Halton Hospital on 4 mornings a week and work in direct partnership with health service staff on the wards. This part of the team also has a very direct relationship with staff at St Helens Hospital and other local and regional hospitals where cancer patients from Halton are treated. The team have strong links into GPs practices and into other local voluntary support groups such as the Widnes and Runcorn Cancer Support Group.</p>

- 3.6 The above specialised services all contribute to the high quality of services offered by the Welfare Rights Service. In addition, a dedicated welfare rights advice line is maintained from 9am to 5.30pm Monday to Thursday and 9am to 4.40pm Friday. The enquiries received on this advice line are complex and often very detailed requiring a specialist response. All staff take a turn on this rota and the advice given is thus of the correct level of expertise and quality. All staff are based together so that skills are learned and shared.
- 3.7 The Team have the benefit of strong links internally into Council services and are well placed both to take referrals from Adult Social Care, Benefits, Human Resources and other Departments. They also have very strong links into Health Services such as the Brooker Centre, and into the voluntary sector such as the Carers Centre, AgeUK and others. These links have been built up over a number of years and are strengthened by many examples of joint working and assistance.
- 3.8 A key activity of the team is to ensure that residents in the Borough can access specialist advice and to this end the team attend events and give talks and presentations. For example; the Senior Benefits Advisory Officer this year gave a talk to a support group for families of those suffering addictions and also to a “Benefits and Finance Forum” organised by the Carers Centre. Events attended with a stand and open access have included those organised by Sure Start to Later Life, Riverside College for those with learning difficulties who are in their final year of study, a Carers Rights Day surgery and “Dying Matters” targeted at those with life limiting illnesses. The Macmillan Welfare Rights Officers also provide regular presentations and group sessions on benefits as part of a “Survivorship” course.
- 3.9 In 2016/17 the Welfare Rights Officers assisted claimants with 118 tribunal hearings with a success rate of 86%. These appeals were comprised of; 76 Personal Independence Payment, 37 Employment & Support Allowance, 2 Disability Living Allowance, 1 Income Support, 1 Universal Credit and 1 Industrial Injuries case. When a benefit claim is refused or paid at what is believed to be too low a rate, a Mandatory Reconsideration has to be requested. If this is unsuccessful a formal appeal request is lodged. The team will take cases to tribunal and also beyond to “set aside” and Upper Tribunal level if required. Appendix A illustrates the number of appeals won and lost for the period 1<sup>st</sup> April 2017 – 30<sup>th</sup> November 2017.
- 3.10 In 2016/17 the Macmillan Welfare Rights Officers gained £2,189,793 in benefits for 484 Halton residents. In this same period the wider team brought in £3,768,624 for 527 Halton residents making a combined total of £5,958,417. These statistics are derived using the standard method agreed by Community Legal Services across the advice sector. Actual weekly benefit gains are converted to an annual figure and any arrears paid are also added in. Appendix B shows Benefits gained for clients for

the period 1<sup>st</sup> April 2017 – 30<sup>th</sup> November 2017 categorised by the benefit type.

- 3.11 Halton's Welfare Rights Service follow cases from initial application through any reconsideration/ appeals process as a single case. Every customer assisted to apply for benefit is contacted to find out the claim outcome and advice is given to them on other benefit entitlements that may follow from that award. A case is not closed until all benefit entitlements have been established and paid. If the award is not satisfactory further advice and assistance is given. All benefit gains are only recorded when they are verified with the individuals concerned.
- 3.12 Three case studies have been included at Appendix C which provides examples of the type of assistance that the Welfare Rights Service is able to offer.
- 3.13 When a client's case has been dealt with feedback is sought, and the survey form used is approved by Community Legal Services. For the period 1<sup>st</sup> April 2017 – 30<sup>th</sup> November 2017, 134 completed feedback forms have been received. These questionnaires are detailed so that the service can be fully appraised. However, the headline would be that of the 134 clients, 132 (98.6%) were 'Very satisfied' and 2 (1.4%) were 'Fairly Satisfied' with the overall level of service. Appendix D shows a selection of feedback comments received from customers this year.
- 3.14 In future the pace of benefit reform looks likely to continue unabated and two particular benefits characterise this process and bring challenges, which are summarised below.

#### Disability Living Allowance / Personal Independence Payment

The level of working age disability in Halton is one of the highest in the UK. Claimants of Disability Living Allowance (DLA) of working age are due to have their benefit stopped. They will have to apply for a new benefit called a Personal Independence Payment with quite different rules and regulations. Many claimants of DLA are substantially disabled and have received this benefit for many years. The demand for help with form completion has grown considerably as has the demand for appeal assistance for these clients.

#### Universal Credit

The introduction of Full Service (digital) Universal Credit into Halton from 27<sup>th</sup> July 2016 has resulted in many challenges. The hardship caused by inbuilt delays in payment has been well documented, but the difficulties have been much wider than this and have included; problems in making and maintaining claims online for vulnerable customers who cannot manage a fully digital system, incorrect payments, missing premiums and difficulties in getting simple problems resolved. Many claimants also receive much lower payments on Universal Credit.

3.15 The demand for the Welfare Rights Service continues to be extremely high and looks set to remain at this level for the foreseeable future. Customer feedback is monitored on an ongoing basis and is overwhelmingly positive. Despite being a non-statutory service, with further reforms set to challenge some of the most vulnerable members of our community, the need for experienced and professional welfare benefits advice looks set to continue.

#### **4.0 POLICY IMPLICATIONS**

4.1 None

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 None

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

6.1 The role of the Welfare Rights Service has the potential to affect all of the Council priorities.

#### **7.0 RISK ANALYSIS**

7.1 None

#### **8.0 EQUALITY AND DIVERSITY ISSUES**

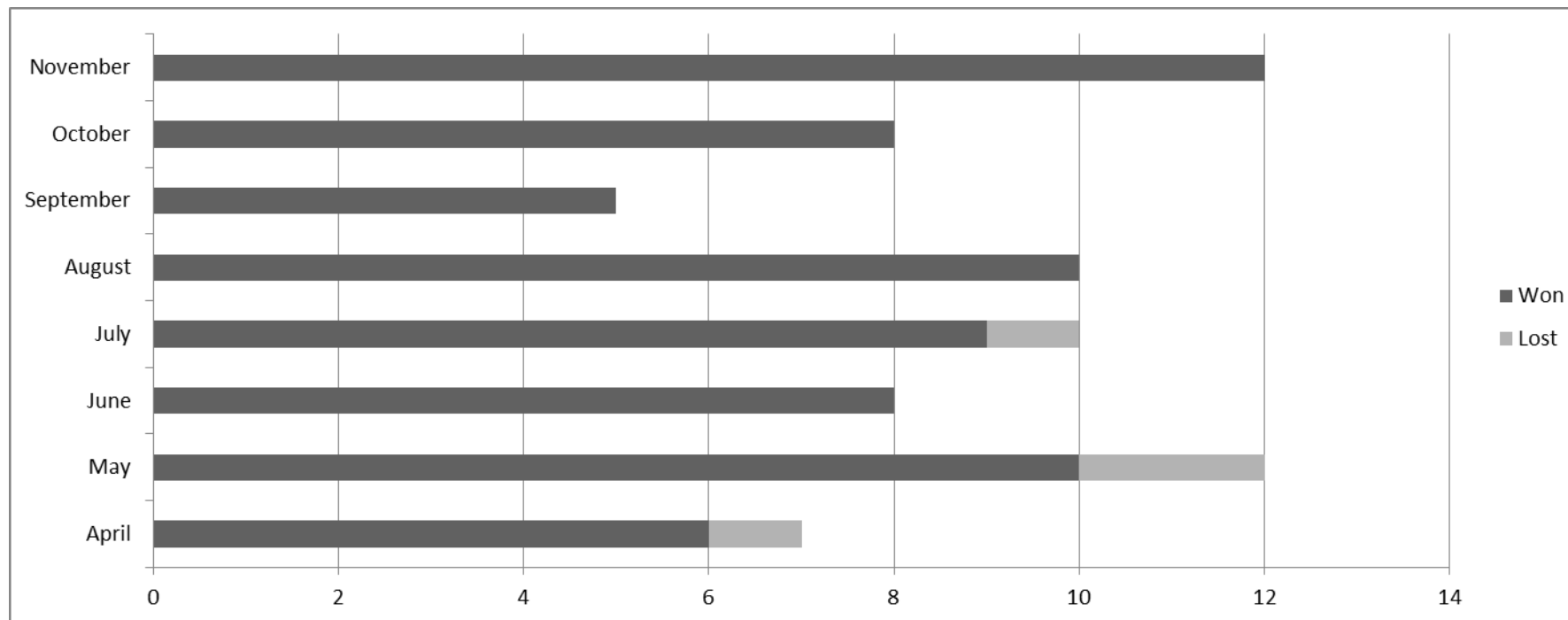
8.1 The services of the Welfare Rights Team are open to all residents within Halton.

#### **9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

9.1 There are none under the meaning of the Act.

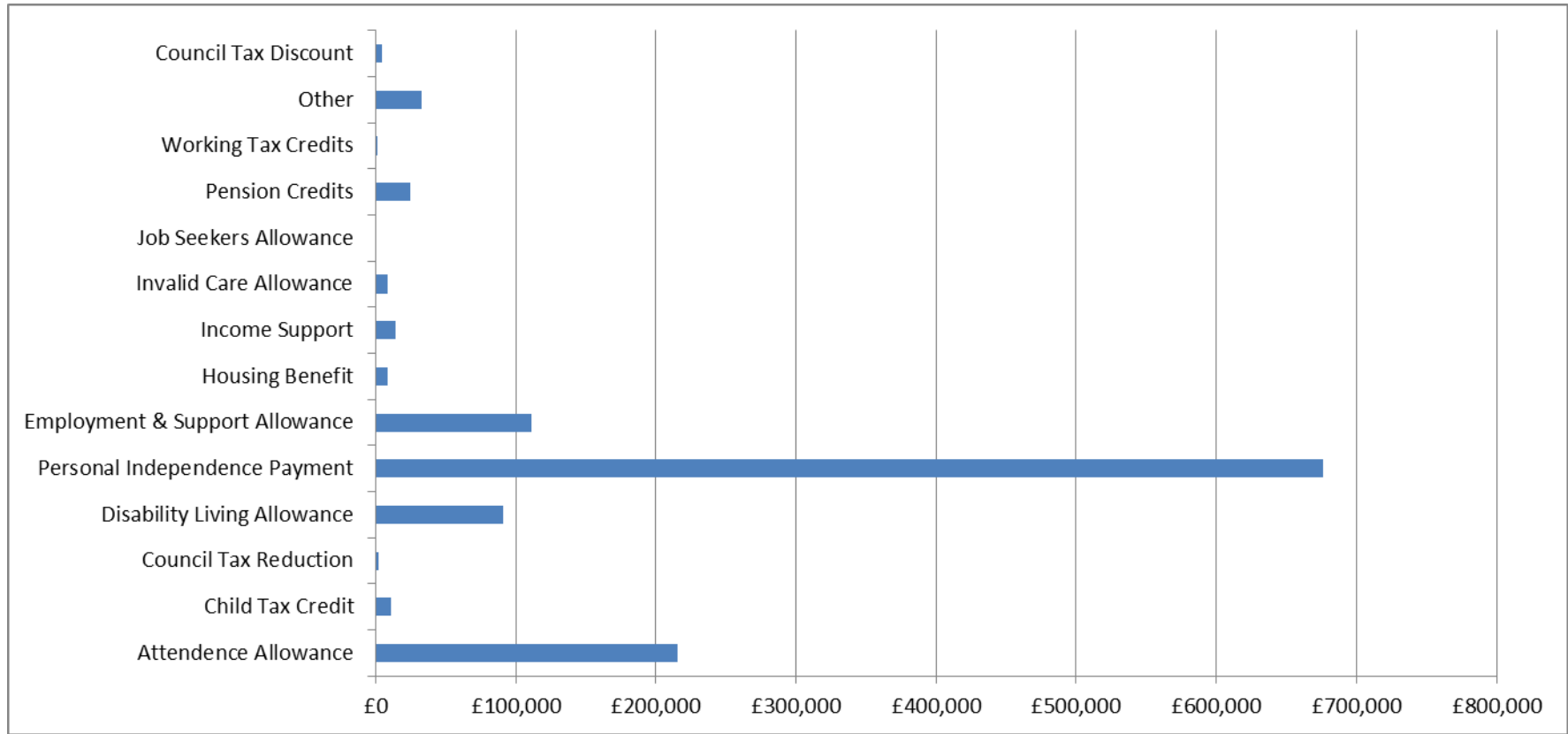
## Appendix A

Number of appeals won and lost for period 1<sup>st</sup> April 2017 – November 2017



## Appendix B

Benefit gain for clients by benefit type for period 1<sup>st</sup> April 2017 – 30<sup>th</sup> November 2017



## **Appendix C**

### **Case studies**

These are three typical case studies of clients assisted this year by the Welfare Rights Service.

#### **Case 1. Form completion**

Mr A from Widnes suffers from phobic neurosis, suicidal thoughts, anxiety disorder, depression, panic attacks and a number of other physical and mental health conditions. He was referred to the Welfare Rights Service by the Mental Health Outreach team because his working age Disability Living Allowance claim was going to cease and he needed to claim a Personal Independence Payment (PIP).

Due to Mr A`s anxieties he was seen at the Vine Street Mental Health Resource Centre where he was familiar with staff and comfortable. He was seen with his outreach worker. He would have been unable to visit advice office premises.

Due to the mental health team helping to articulate his difficulties and a skilled person completing the PIP application form, Mr A gained a higher amount of PIP than his previous DLA award.

However this was not the only outcome. The team member was also able to complete a renewal form that Mr A had received for his Employment & Support Allowance, otherwise this would have stopped being paid.

Additionally, the team member spotted that Mr A should be classed as Severely Mentally Impaired for his Council Tax assessment, therefore, this was claimed and he was given a refund.

Mr A becomes distressed and does not open any post he receives. The "joined up" working with Adult Social Care which is a feature of the team`s internal relationships, has meant that Mr A was able to maintain and improve his benefit entitlements and quality of life.

#### **Case 2. Macmillan Welfare Rights**

The Team received a referral from a Macmillan Cancer Support nurse at Halton Haven in late July 2017. This was for Mr B who lived with his wife and child, had a brain tumour and required palliative (ie. "end of life") care.

A team member visited Mr B at home and helped him to apply for a Personal Independence Payment. The team member gathered the medical evidence for Mr B`s claim to be fast tracked based on his diagnosis of possibly not having 6 months to live. An income of £141.10 weekly PIP followed from this (Enhanced Daily Living/ Enhanced Mobility components). Following this award, Carers Allowance of £62.70 per week was also claimed by his wife for looking after him. Mr B and his



wife were on Universal Credit (UC) and although the £62.70 was taken into account as income for the entitlement calculation, a Carer Allowance of £151.89 was then granted in the UC calculation.

The Welfare Rights Service gained a fast track Blue Badge for Mr B and a Macmillan Grant of £400. This enabled Mr B to purchase a new mattress. In addition, because he was undergoing Chemotherapy Mr B was susceptible to the cold and had increased heating costs that this grant helped him meet. The strong links that the team have with Macmillan Cancer Support have resulted in this application being dealt with easily and promptly.

Mr B had claimed UC for his family and should have been granted an additional £318.76 per month allowance for having Limited Capability for Work Related Activity. This was spotted by the Adviser, escalated to a Jobcentre Plus manager and subsequently paid.

All benefits were correctly in payment by the end of September such that Mr B and his family did not have to worry about these matters and could focus on their health, caring and family support needs.

### **Case 3. Appeal case**

Miss P from Runcorn had suffered a severe assault in her past. She remained under the Brooker Centre (Specialist Mental Health Unit attached to Halton Hospital) with severe post-traumatic stress disorder, personality disorder, anxiety and depression and other quite severe mental health conditions. She was self-harming and the stress made her feel suicidal. Her conditions meant that she would not engage with other people, ignored her own post and did not look after her own welfare. Miss P was referred to us in Autumn 2016 for help with a new Personal Independence Payment (PIP) application. This form was duly completed and sent to the DWP.

Before any decision could be received on this case, a more serious matter arose in that Miss P's main income Employment & Support Allowance (ESA) was stopped. She had failed to return a renewal form, attended a medical assessment unassisted, could not articulate how her health problems affected her in this formal situation and had been awarded 0 points against the relevant tests. 15 points is the threshold for an award to be made.

Miss P missed appointments with us due to her health conditions but it was found that with her sister's support she would attend. We worked with Miss P to gather substantive medical evidence to prove her conditions and how they affected her daily life. A submission was then written to put Miss P's arguments forward for the appeal tribunal.

The decision of the tribunal (March 2017) when presented with the full facts and evidence, was that Miss P should be awarded ESA in full and was placed within the Support Group because it was held that engaging

with the jobcentre at this time could have made her health significantly worse. This gave her an income of £125.55 ESA each week.

Miss P`s application for a PIP was unsuccessful with 7 points being awarded but 8 being the threshold to gain an award. At that time Miss P felt too unwell to challenge this. It was July 2017 before we succeeded in encouraging Miss P to apply for a PIP. Because of her poor mental health and lack of outside support we chose exceptionally to extend our involvement and actually attended her medical assessment for this new claim.

Miss P was awarded the Standard Daily Living Component of PIP in November 2017 (£55.65 per week). Receipt of this enabled her ESA to be increased from the £125.55 to £188 per week.

## Appendix D

### **A selection of feedback comments received from clients helped by the Welfare Rights Service this year:**

*"I found your service efficient, courteous & professional at every stage. I am therefore unable to suggest improvements"*

*"Nothing to improve, made problems easier at a difficult time".*

*"The team member who came out was very helpful and informative. For people like us who worry about forms we would be lost without the people from the welfare rights service"*

*The team member was extremely helpful at all times, a true professional"*

*"I am grateful for all the help you give me. Your staff were brilliant"*

*"I cannot thank the team member enough for her help. Please do say thanks for me. She took a lot of pressure away at a stressful time"*

*"The team member was efficient, understanding and supportive throughout my case and continues to support me. I am grateful for the excellent service that was provided and would definitely recommend your service"*