

# Plymouth Welfare Rights Forum

Warspite Room, Council House  
Thursday 26<sup>th</sup> July 2007  
1.00 to 4.00 pm

## IN ATTENDANCE:

Colin Trend	Chair	Paula Pick	Glenbourne
Caroline Ackerman	DWP-DCS Bristol	Peter Mitchell	CAB (LSC Dept)
Anne-Marie Polley	PCAB	Lynn Herbert	Pluss Workable
John Pengelly	WTCS Ltd	Sue Archard	MAP
Alison Jane	MAP	Donna Ryall	MIND/Zone
Julie Jackson	MIND	Patrick Healy	Benefit Angels
David Hay	MIND	Brenda Gibbs	DCHA West Hoe
Val Willcocks	Plymouth Claimants Union	Julia Slade	LARK Childrens Centre
Les Cole	F.I.S. Devonport JCP	Gill Joyce	Pension Service
Chris Johnson	JCP (Benefits Processing)	Gary Edwards	Housing Benefit (PCC)
Darin Halifax	PCC Social Inclusion	David Hentschel	HMRC
Dawn Myers	CSA	Carol Crawford	Family Info Service
Steven Guy	MAP	Lynne Bernardes	St Luke's Comm Services
Scott Robertson	PATH	Tony Barrett	JCP
Nick Roberts			

**APOLOGIES:** Bruce Abbot, Anne Freeman

## WELCOME

Colin welcomed all to the forum today. Round table introductions were done and attendance list circulated for attendance and apologies.

## AGM BUSINESS

AGM deferred until next meeting on 27<sup>th</sup> September 2007. Forum asked if there were any objections. No objections noted. Any urgent actions to be directed to Anne Freeman.

## ACCURACY OF MINUTES FROM LAST MEETING

No inaccuracies reported.

No Secretary's report - deferred to next meeting.

VW commented that the social policy work by CAB maybe helpful. Colin to ask Anne to take forward.

## MATTERS ARISING

It was agreed that any "Matters Arising" be picked up along the way in reports on the agenda.

DH mentioned that DWP have wrong address on letterheads – from Matt Allison. CJ said it is an MAU address that should be used. DH thought it was PO box 66. CJ said this was still valid until September. 95 Breakwater Rd is the correct address to be used.

## SOCIAL INCLUSION:

IRRV Awards - Plymouth's Income Maximisation Strategy has been shortlisted for the Social Inclusion award from the IRRV (Institute of Revenues, Ratings and Valuations). CAB is hosting a visit with

voluntary and statutory sector partners on 8th August and we find out if we are invited to the awards ceremony in Brighton by the end of August.

Partnership work with HMRC - We have been working with HMRC over the last few months and a series of proposals have been forwarded, including advisors completing Tax Credit claim forms over the phone and a Hotphone direct to HMRC to be installed in the CAB. AH said Steve Meakin sent his thanks to HMRC.

IMS Steering Group - Due to staff movement, we now have both steering group delegates representing the PWRF working for the same organisation (MAP). Any volunteers from the Forum would be gratefully received.

CAB - a job advert for the Director of the CAB has been produced on PCC website, Herald and the Guardian. The closing date is 22nd August. Application forms can be obtained direct from Plymouth CAB.

DH was asked who is the contact for homeless unit. DH confirmed it to be Matt Garrett.

### **DLA REPORT:**

Postal address is changing and mail is going direct to Post Office who are opening and sorting mail. CA said that post is received on each section by 10.30 am from the Post Office sorting office. From September 2007 the new address is Disability Benefits Centre, PO Box 35, Bristol, BS80 8AJ. Mail will be redirected for 18 months. New envelopes are now available for new AA/DLA claims.

Struggling at the moment to clear DLA claims. Now looking at claims within 2-3 days when come in. Nearly hit 5000 claims waiting for decisions. AA claims are being processed quicker and in some cases having day later decisions sent out. Blackpool have now supplied contact numbers of its Team Leaders (the list will be distributed at the next meeting).

***Please note that Caroline Ackerman is leaving post now (leaving DWP) and therefore will not be at future PWRF meetings.***

### **JCP REPORT:**

CJ said that JCP were informing DLA when entitlement to IS/IB ceases.

CJ confirmed that things are still the same and hitting targets. CJ added that post is now being directed to the post office address PO Box 66 ICB. Work is being farmed out to other areas - Gloucester have some work but office shut due to rain/flooding.

AH expressed concern that when clients claims are closed "Third Party Deductions" stop automatically. Many clients are not aware of problems with payments until the bailiffs turn up to collect the debt. Could a letter be sent to advise clients of impact on "Third Party Deductions". CJ said this is not practical and confirmed that no information is sent to customer. CJ was not sure if Tony was doing anything on this. It was agreed that CJ will check out with Tony.

Tony Barrett JCP asked when people make a new claim is there a deductions question asked? CJ said that closed claims customers should go direct to the creditor to advise and make new payment arrangements. CJ said that system operates a CMS scripted questioning service and that the question of concern is not in the script. Any changes in scripts have to go up the line for a decision.

DH said there was a major problem with medical certificates not being received at the Jobcentre. The hospital is only able to send 1 duplicate. DH said he used to have a good contact/relationship

with Helen Redden (ICB) but this has now stopped. MH had experienced the same problem at CAB. CJ said that post is sent to PO 66 ICB and opened by the Post Office staff. Certificates go to a dedicated team and are logged on the computer immediately. CJ advised forum to keep a record of missing Med Certs. MH said client medical certificates took weeks to turn up but did turn up eventually. CJ said more specific details were needed and asked for forum members to monitor and pass on to him.

DR asked if post is recorded. CJ said that post is not recorded in a book but logged on computer. DR has a problem where DWP is saying post has not been received when it has been sent. CJ advised to fax duplicates. CJ admitted that post does get lost. CJ requested specific examples to be passed over to him.

DH asked if prepaid envelopes will still be provided. CJ will check this out.

DH asked if Tavistock office is closing down. CJ said there was no official decision. However, CJ could not see how Tavistock can be left open from a business point of view. Everything is being centralised in one office and Jobcentre Plus will be going along the same vein. DH asked if Tavistock closes will that area come under Exeter Street and Kingsbridge under Totnes. CT asked when is decision being made. CJ said a decision is expected in August.

DH asked about overpayment of benefit and bankruptcy. He talked about a case where the DWP was notified but client is being pursued through the small claims court as a debt. PM said the DWP have a right to recover. DH stated he had found Commissioner's decision that stated DWP could not recover. PM said that if the debt was not an official overpayment then common law action is taken. CT asked about more guidelines concerning this matter. CJ said he had not seen any and that Nuneaton Debt Centre deals with these matters. CJ said the law had changed, and client is given a breakdown of overpayment, however, the DWP want the money back even if it was their error. One is recoverable under social security law and the other is under common law. DWP can decide that it is not an overpayment but still recover as a debt through the court.

PH had a client whose overpayment occurred through not declaring excess income. Fraud investigators believed client was not doing this deliberately but overpayment is still being recovered. The Tribunal on appeal acknowledged the issues leading to overpayment but still needed to apply law. CT said it would be good to have some feedback on these issues.

AMP raised a concern over crisis loans and the number of people being turned down due to not being able to repay it. CJ said to be granted a loan you need to show you can repay it. There are rules governing who is eligible and the ability to repay. PP asked if someone is receiving Child benefit can they apply for a crisis loan? CJ said they would be refused as child benefit income is excluded for crisis loan purposes.

PM raised the issue of someone with no income, no residency test and cannot get benefit, cannot apply for crisis loan. PM asked where do people like this go to get money. GJ said that a Crisis Loan is for a crisis like a flood or emergency. DH said that if health is at risk this comes under the criteria for a crisis loan. CT concluded that Jobcentre Plus has no other options for such people and they would have to access charities etc. PM suggested changing the wording on crisis loan criteria.

Nick Roberts said that decisions on crisis loans take too long. For example, accommodation is found but cannot be secured due to delays on crisis loans. Also claims are dealt with at Bristol offices, and the switchboard at Bristol is permanently engaged and people cannot fax either. CJ said that Tony would be approached to answer this question. CJ will get Tony to ring NR. CJ advised to raise in email. Tony needs to respond in 10 days.

DH asked TB about new address of PO Box 66 and is this still viable. TB said Box 66 is viable. DH also asked if old stocks of envelopes can still be used. TB said there are couple of issues with the Royal Mail and post being delayed. TB said he is sorting this out. He said it takes one week from one side of Royal Mail sorting office to the other before it gets to JCP. All post in Devon is going to Breakwater Road, Plymouth and JCP is getting mail for other offices around Devon.

DH asked if extra information was needed would it be better to hand in to Exeter Street rather than post. CJ said it would be no better to do this and to post all mail.

PM asked if a letter was sent to PO Box 66 without a stamp would it be delivered? CJ said yes it should be. DH commented that clients don't get free reply envelopes now. CJ will look at getting prepaid envelopes.

GE said that ICB is changing from April 2008 and new mechanisms are being brought in to help people into work. Employment Support Allowance (ESA) will be replacing IS/ICB in September 2008. TB not sure of the details yet but will endeavour to bring a colleague, Matt Brooks, along to next meeting. Running a six month model to check out any problems.

TB said the Provider Pathfinder is being launched in September and JCP will be dealing with customers under 12 months of trying to find work. After 12 months customer is referred to private sector partners for advice. JCP stay involved regarding compliance with progress of client and intervene as necessary.

It was asked what is the transition period. TB said he did not know as yet. Information not revealed. TB said there will be a brand new computer system based on Pension Service system. TB will liaise with Colin or Anne about changes.

TB said that ESA will be standard JSA rates.

PM commented that the Personal Capability Test is having points taken away, making it more difficult for people to claim. TB asked for detail on changes as will impact on JCP.

### **TAX CREDITS:**

DH said closer links being developed with GE. DH spoke with Barber Fake and reported that Tax renewals were quiet. HMRC are looking at outreach work together with CAB as partners. Hijacked Identity cases seem to have reduced. Those on low income and working are being encouraged to claim Working Tax Credit. Perception is that claim is seen as a benefit but it is a credit. If information has been lost due to recent floods then cases can still be put through just need to phone the contact centre.

PM asked if information is given to people in minority groups. DH said yes – migrant workers etc. DH said the HMRC are adaptable to provide information to minorities for example tapes are available.

PM has come across many Chinese people and asked if information was available in Chinese. DH said there was a translation service available. Go to local enquiry service where you can contact a translator.

DH asked if there was information in other languages available. DH said to contact him direct. DH said can you telephone the service through CAB.

PM thinks there are about 300 Chinese people not claiming WTC/CTC. DH said he was looking into ways to encourage this group to claim.

AMP said people are put off by overpayments issues. DH admits it was a bad time but feels things have improved. It was suggested that Darren could link in with Social Inclusion. JS asked about the 31<sup>st</sup> July renewal deadline and what happens with change of circumstances in the middle of year i.e. made new claim, does new claim also need to be in by 31/7/07. DH said yes. JS asked what happens if not. DH said benefit will be stopped but there is an overrun period of 4 weeks.

CT said there is an article in the Quarterly Account Magazine about lone parents getting returns in by 31/7/07.

AMP asked about absent parents who are working where a breakdown in the relationship has happened. Law says both parents are jointly liable, but it seems that the parent on Income Support ends up paying for the overpayment and no "Attachment of Earnings" is pursued on the working parent. DH will talk to debt department to see what can be done.

SA reiterated the problems with overpayments and joint liability - concerned that problems still happening and this is particularly bad for women having money recovered from their benefit who have been abused and have left the relationship for that reason.

The Forum was made aware that Gift aid and pension contributions can be taken off P60 income. See Inland Revenue Section 2.4 on self employment as most of the info for employed people is in this section also. Most people are not aware of this information. DH said that the guidance notes are under review. He said there is a more user friendly version that is simplified but full version will also be available. DH will report back at next meeting.

PH said there was confusion about disability elements in tax credits. If a person is not working they are penalised. If working they get SDP/DP also Constant attendance/Industrial Allowance. Seems to be an anomaly. DH will look at this. PM thinks decision makers don't seem clear on this. People initially were paid it, then stopped then put back on then seen as been overpaid and not entitled.

There are two guidances: Compliance Guidance and Processors Guidance and staff seem to be confused on this. DH will take back and look at it

LB said that DLA awarded as a passport benefit but HMRC do not automatically know if there is an award as there appears to be no link with DWP to notify this.

## **HB REPORT:**

Matters arising from previous meeting: none

The current situation regarding claims awaiting processing is as follows:

Working Age-

New Applications/Change of address – 177

Pension Age-

New Applications/Change of address – 101

Total claims awaiting processing = 278

Claims pending further information

New Applications/Change of addresses = 713

"Our work position is much improved from our last stated position, staff have worked hard to clear outstanding work and have met the targets set them. Where we have all the information to process a claim, they are being put into payment within 2-3 weeks".

Quarterly report of total claims processed and the number of defective claims

Period	New Claims Decided	Defective Claims	% Defective
1/10/06 - 31/12/06	3907	532	13.61%
1/1/07 – 31/3/07	3483	424	12.17%
1/4/07 – 30/6/07	3192	327	10.24%
1/7/07 – 30/9/07			

Defective claims are claims that are not put into payment because the information required to process the claim has not been provided within 4 weeks of the request. The majority of defective claims are due to the customer not replying to requests, rather than stating they are unable to provide the information. We work with customers who have genuine difficulty in providing the information or proof we have requested. It is often the case that when we notify the customer that their claim has been cancelled, they then contact us with the information we have asked for.

Upgrade of our Document Management System – this is now due to go live on 22<sup>nd</sup> October 2007. Local Housing Allowance – National roll-out is still due to take place in April 2008, regulations are due to be laid in October. GE to do a presentation to the Forum in two meetings time.

New claims from then will be processed under new LHA rules. Existing customers will remain on the old system unless a break in entitlement occurs.

CT said the Joseph Rowntree Foundation asked people about what changes will take place. Generally stable people felt secure about change, unstable people feel worried.

GE said the LHA option to pay landlord direct will be gone and council will make decision to pay or not pay landlord otherwise payments go direct to tenant. BACS payments system available. Those without bank accounts will be helped to open a basic bank account.

AMP had a meeting with DWP. Gary went to presentation and handouts will be available on seminar website.

PM mentioned problems with Housing Benefit (HB) applications for European economic nationals. This is a new area, bringing to light a number of nationals claiming HB and being refused on the grounds that they receive contribution based benefit not on income based benefit. There seems to be a trend happening with nationals refused housing benefit for the wrong reasons. Legal department at the council are saying this is legal. PM Spoke with DWP about a worker who lost their job and satisfied HRT and should get HB. DWP state local authority situation is wrong. Awareness needed to those refused. GE said to contact him direct with any problems. GE asked PM for details of the cases and will report back. Gary's number is 304404 and email is [gary.edwards@plymouth.gov.uk](mailto:gary.edwards@plymouth.gov.uk).

GE advised that if not happy with process to go through appeal process. CT said to get update at next forum as to these issues.

**PENSION SERVICE:**

GJ is catching up with back log and is currently four weeks behind. Swansea has a few issues around complicated cases and these are being chased up. Any individual questions contact Jill directly.

**CSA:**

DM introduced herself and told the Forum that she is based in the Redruth office. She sees barriers to clients getting interviews. The two existing systems will not be combined. Potentially there will be three systems running. She confirmed that old cases are not being moved onto the new system.

It was commented that there is a case going to the European court about bias between the two systems. DM says there have been other cases. DM said you can't close all cases as too many. Bill due to receive consent in February 2008.

PM said new system is about people making their own arrangements. Concerned with more difficult ones. New system will encourage voluntary payment arrangements. If agreement is made through CSA then they still have enforcement powers.

DM said the aim is moving away from people coming through CSA and the DWP encouraging people to work. Most cases DM works with parents who are both working. More claims expected from benefit recipients if benefit disregard increases. This could be around £40/£50 disregard.

**ANY OTHER BUSINESS:**

CT reminded the Forum that the AGM would be held at the next meeting. Colin is not intending to stand as chair and will be stepping down. He will be at the AGM as Chair for final time. The Forum will be seeking a new Chair who can be a committee member/Forum member. Anne is spending time with her mum and not sure how much time she can give to Forum if any. Anne remains included in the committee and the choice is for her to decide if she wants to stay. CT would welcome another committee member.

JS has done update on accounts but will leave this for AGM.

**DATE OF NEXT MEETING:**

Thursday 27<sup>th</sup> September 2007

1pm – 4pm

Warspite Room, Council House