

Plymouth Welfare Rights Forum

Wednesday 28th May 2008

1 – 4 p.m.

Warspite Room

Council House

Armada Way

- Welcome by Chair and apologies
Gloria (as Chairperson) welcomed all those present.

Agenda:

- Accuracy of minutes from 27th March 2008

Present

Chair Gloria Davenport (CAB)
Karen Sharpe (CAB)
Gill Tishler (CAB)
Tessa Merrett (MAP)
Carys Evans (START)
Scott Robertson (PATH)
Maggie Dolan (Broadreach Resettlement)
Russ King (Broadreach Housing Related Support)
Paula Pick (Glenbourne Money Advice)
David Hay (MIND)
Lynn Herbert (Pluss Workable)
Mo Rafferty (William Sutton Homes)
Les Cole (FIS Devonport JCP)
Lloyd Hills (JCP Old Tree Court)
Carole Ford (JCP Old Tree Court)
Chris Johnson (JCP Old Tree Court)
Tony Barrett (JCP Old Tree Court)
Pat Newton (PCC Midland House)
Patrick Healy (DIAC)

Apologies

Sarah Yardley (PCC)
Carol Rashleigh (FIS)
Ann Holdsworth (Shelter)
Gill Joyce (Pension Service)
Fiona Harrison (HMRC)
Darin Halifax (PCC)
Alison Jane (MAP)
Susan Fulcher (PCC)

1. Matters Arising

Jane Robinson has not yet followed up with Karen on the clarification in the previous minutes.

Chris will re-send for circulation the e-mail he sent clarifying the process re customer services manager.

Action: Chris Johnson

This is the original message from Chris in March 08 (apologies from Karen for missing this!)

“Hi Karen

As agreed at the PWRF meeting yesterday, here is the information I promised.

DBC CONTACT

The Email address for Laura at the Bristol Disability Benefits Centre is [\(contact details restricted\)](#)

COMMISSIONERS
DECISION

The Commissioners Decision I referred to yesterday is “CIS/1813/2007” and is effective from 7th December 2007.

The basics of the decision are -

This recent decision deals with the question of whether payments of Working Tax Credit (WTC) paid to an Income Support (IS) or Jobseekers Allowance (JSA) Income Based claimant, when they are no longer entitled and had asked HMRC not to pay any more WTC, should be taken into account as income for IS/JSA purposes.

The Commissioner decided that payments of WTC which were forced upon the claimant against their will, after they had explained to HMRC that they were not entitled and did not wish to receive them, were not income within the meaning of IS/JSA regulation 28.

Decision Makers should apply this as a change in case law in respect of any decisions made on or after 7.12.07.

This means that once a claimant has notified HMRC that they are not entitled to and do not wish to be paid WTC any longer, any further payments of WTC paid incorrectly by HMRC should not be taken into account as income for IS/JSA purposes.

STATS FOR PLYMOUTH BDC (the figures in brackets are the targets we are expected to meet)

- Telephony - 94% of calls received are answered (90%)
- Income Support - New Claims cleared on average in 8.81 days (11).....Changes in circumstances cleared in 1.95 days (4)
- Jobseekers Allowance - New Claims = 9.06 (12).....Changes in circumstances = 2.95 (4)
- Incapacity Benefit - New Claims = 10.5 (18).....Changes in circumstances = 3.80 (no target)

See you at the next meeting.

Chris Johnson
Customer Service Manager
Plymouth Benefit Delivery Centre
(contact details restricted)

2. Reports

2.1 Housing benefits

No one present

Lost post query (Ocean Quay) Original documents have been taken in at the Civic Centre front of house for copying but then those are being lost internally and the claimants are being asked for them again. **Action: Karen/Russ to follow up with PCC (Sarah/Gary)**

2.2 Disability benefits

No one present **Action: Karen to contact**

2.3 HMRC

Apologies received - no one present – they have indicated they will attend every other Forum

2.4 Job Centre Plus

Updates

- The length of time being taken to clear postal claims is still the same.
- Stats will follow.
- ESA will start on 27 October 2008
Carole Ford is taking over from Tony Barrett as front of house manager and will attend the forum in future. Carole is happy to continue with the arrangements set up with Tony Barrett where e-mails can be sent direct to her. E-mail address is (restricted)

Queries

- No national insurance number The procedure for those without a national insurance number has been circulated to all staff again. The process is that the benefit delivery team will assess the claim and take initiation action re the insurance number. The regional team deal with the allocation

of the NI numbers. Because a benefit claim has already been made that speeds the process up. The claim will be processed and the necessary form sent off to Liverpool. Benefit can be paid without the NI number provided the client has actually attended the interview with the relevant documentation and there are no concerns about the identity.

There may be an issue with incapacity benefit because clients don't have an interview (also Incap unlikely to be relevant as no NI conts will have been paid).

There may be an issue with HMRC still sending people to the first contact centre line in order to sort out national insurance numbers.

- DIAC client and disputed payment JCP say the money was paid by GIRO over 3 months but the client says the money never reached her. The case is now with the decision maker. How long is this likely to take? Retrieving GIRO cheques from the system takes about 8 weeks. If there is an encashment issue then investigations could take longer in order to rule out fraud. Payment may now be considered to be for a past period. Tony Barrett suggested sending the query again for re-consideration. Action: Patrick Healey
- Debt management for patients in hospital There are problems emerging as a result of overpayments of income support because notification is being made on time of the need to stop paying DLA but this is not then being acted on in relation to income support. This is probably because the PCT has not registered that DLA is now being paid separately from income support. Clients then receive overpayments and then have to deal with paying it back. JCP explained that repayment requests are drafted in two ways: either as 'you've been overpaid and it's your fault and you must pay it back' or 'you've been overpaid and it's our fault and we have to ask you to pay it back'. In the first case there is no choice but in the second there is. At the moment the PCT notifies re DLA but it can take 4 months before the IS payments change. The answer may be for the PCT to notify both JCP and DLA. Could JCP take this up with PCT? Operational contact is Dawn Slater but at strategic level best contact would be Nick Pennell
Action: Chris Johnson/JCP
- Query re backdating of disability premium on award of DLA – is it restricted to 3 months? 3 month backdating rule applies only if IS not claimed or being received at same time as DLA claim (in which case the decision can be reviewed)
- Refusal of Incapacity Benefit (or IS on grounds of incapacity) . If the client attended and failed a medical (PCA) they can stay on a reduced rate of income support or apply for JSA. Some clients are concerned that applying for JSA jeopardises their Incapacity Benefit appeal.. JCP confirmed that an application for JSA can't be used as grounds to turn down a claim for IB. The challenge (re the PCA) for some clients is to recognise that although they are unable to do the job they previously held they may still be capable of some other form of work. In terms of speed of claims, 65% of JSA customers are seen within 3 days and so are in a position to be paid when their claim falls due, given that JSA is paid fortnightly in arrears.

2.5 Pension Service

Apologies received - no one present.

2.6 Social Inclusion Unit

Apologies received. Karen reported that the income maximisation strategy had met all but two of its targets. For the last year the value of take up of benefits across those agencies funded and monitored by PCC had been £4.92 million.

3. Conference update

The conference will be on 23rd October at the Theatre Royal. The keynote speaker will be Teresa Perchard, Director of Policy at Citizens Advice. Alison Seabeck had accepted an invitation to open the conference but had subsequently had to decline. Workshops would be held on:

- Incapacity benefit changes
- Back to work (clients)
- Back to work (employers)
- Local housing allowance

Costs: £40 for voluntary organisations, £60 for public and £80 for private companies. There will be exhibition space. Tony Barrett commented that JCP would not be able to attend if they had to pay for a delegate place. Action: conference committee to consider invitations.

Flyers and booking forms will be available for mid/end-June. Organisations will be able to book two places in the first instance and additional bookings will go on a reserve list.

4. Presentation on tax for older people and Fuel Poverty

These will be re arranged for a later meeting.

5. AOB

5.1 ESA training

There will be a one day training on ESA at DIAC on 14 July run by Devon Welfare Rights Forum. Further details from Dawn Clarke.

(Post meeting note: one day training also available under A4A training programme on 4 September. See CAB website for details.)

5.2 Resources

Patrick asked if the CPAG books had arrived and when they would be circulated. He also commented that the bulletin had not been circulated for some time and asked what had happened about registration with an on-line resource such as CPAG or Benefits and Work or Rightsnet. Committee members confirmed that books and bulletins had been pre-ordered for 3 years. There had been discussion about membership of an on-line forum but no subscription had been paid. Action: committee to locate books and issue booking forms and find out what has happened re bulletins and subscription service.

5.3 Payments direct to landlords

Ocean Quay reported that for the new LHA form a covering letter isn't sufficient to request payment direct to the landlord and they are being asked to complete the red booklet. They would like to get an agreement that for vulnerable adults payment is made direct to landlords. Response from Sarah Yardley below.

'Following the introduction of Local Housing allowance (LHA) a tenant cannot simply request that payment is made direct to their landlord.

However payment may be made to a tenant's landlord/letting agent where "the Local Authority considers the claimant is likely to have difficulty in managing their affairs." In order to protect vulnerable tenants the council will apply discretion to pay the landlord /letting agent. By vulnerable we mean someone who may have difficulty managing their money, we do not mean someone who does not want to pay their rent.

A request for payment to the landlord/letting agent should be made by the claimant or the claimant's representative /carer. However we will make enquiries into any information provided that identifies that a claimant may be vulnerable

All requests must be supported with written evidence, and it is where we do not have sufficient evidence to support a landlord direct application that we will issue an 'Application for landlord direct payments and authorisation to discuss'.

There are a number of sources and organisations that we will accept evidence from and if any organisation is unsure of how to provide this information or whether we will accept evidence from them they should contact me in the first instance.

Sarah Yardley
Revs & Ben Project Team Leader
Corporate Resources
Plymouth City Council
(contact details restricted)

5.4 16 July evening - open meeting

Gloria reported that on 16 July in the evening there will be an open meeting for voluntary, statutory and business organisations interested in generating a fund for Plymouth which can be used to enable local churches to serve as community centres. This is being arranged by the Anglican and Catholic churches in Plymouth and is likely to be held at St Andrews. If anyone is interested please let Gloria know by 13 June.

Date of next meeting
Thursday 31st July 2008 1pm