

Plymouth Welfare Rights Forum

Thursday 29th November 2007

1 – 4 p.m.

**Warspite Room
Council House
Armada Way**

Present:

Tessa Merrett	<i>MAP (Acting Chair)</i>
Karen Sharpe	<i>CAB (note taker)</i>
Gill Joyce	<i>DWP</i>
Julia Slade	<i>LARK</i>
Val Willcocks	<i>Plymouth Claimants Union</i>
Paula Pick	<i>Glenbourne</i>
Gary Edwards	<i>PCC</i>
Donna Ryall	<i>Plymouth Mind & The Zone</i>
Brenda Gibbs	<i>DCHA West Hoe Project</i>
Mark Poole	<i>MAP</i>
Dean Smith	<i>Plymouth Claimants Union</i>
Lin Powlesland	<i>Westcountry Housing</i>
Linus McCloskey	<i>Westcountry Housing</i>
Mary Partridge	<i>Colebrook Housing</i>
Steve Smith	<i>HMRC</i>
Tony Barrett	<i>JCP</i>
Laura Rossiter	<i>DCS DWP</i>
Pat Newton	<i>PCC</i>
Scott Robertson	<i>PATH</i>
Cathie Gillespie	<i>Trevi House</i>
Darin Halifax	<i>PCC</i>
John Williams	<i>Plymouth Claimants Union</i>
Patrick Healy	<i>DIAC</i>

Apologies: Chris Johnson (JCP); Leslie Cole (JCP FIS); Glenn Roberts; Bruce Abbott (DAN); Steve Guy (MAP); Anne-Marie Polley (CAB); Julie Jackson (Mind); Susan Fulcher PCC; Dave Hay (Glenbourne)

Agenda:

- Tessa welcomed all as acting chair. The new committee has been meeting and wants to hear what members want from the Forum. A new Chair (non-voting) will be attending future meetings. Her name is Gloria Davenport and she works in CAB as a volunteer and the Churches.

- **Minutes of last meeting:**

Inaccuracies – none

- **Matters arising**

Pat N - crisis loans. Confusing as told all crisis loans will be dealt with over the phone. Tony B clarified – only urgent living expenses will be done this way. Any other (non-urgent) applications would be dealt with by post

- **Main Meeting:**

Statutory Reports:

Gary E Housing Benefit – relatively stable now following new system implementation.

Local Housing Allowance project team being set up – direct email addresses will be made available to Forum members.

How does Forum want to be consulted? Eg on how to safeguard policy re direct payment to landlord. Suggestion is that members use the Forum email/website for keeping flow of information.

Dean S – how is Discretionary Housing Payment budget going?

Gary E: On target this year, all will be spent by end of year. Will bring report to next Forum

Tessa M: Lots of HB overpayments recently, one example of this is when some other payment was due to be paid & PCC should have known this (eg CTC removed then reinstated when change in circumstances processed by HMRC). This isn't helpful, especially to Council tenants because they don't see the money as it goes directly onto rent account.

Gary E: If we know something due to be awarded, we should build that into HB award. Problem is when backdated Tax Credits are paid. Customers can appeal if they think recovery is unjust. PCC view is that they try to avoid hardship by making HB payments on known income – is a difficult balance. Also, PCC don't know what TC payment is going to be. If told by customer that they are awaiting an award, PCC will contact TCO to find out likely amount of award.

Paula P: onus is on clients to inform PCC, to budget ready for repayment – is up to us to inform clients.

Tessa M: client did phone Housing Officer and was reassured that all was OK, even though she thought she was getting too much money.

Gary E: we do recover at minimum rate, but customers can ask for this to be reduced to avoid hardship.

Dean S: from the claimants perspective, it wouldn't be good for PCC to suspend or withhold HB until award made. Thankfully PCC won't do this at present.a
Could cause loss of tenancy.

Paula P: but maybe would be a good option for claimant, if they choose to..

Tessa M: I also had a client who asked for suspension of HB because wage slip wouldn't be available for a month, but PCC still made the payments.

Steve S: processes are what they are, so it's up to advisers to inform clients of their responsibility, although accept this is not always easy.

Tony B Jobcentre Plus:

Updates:

All JCP managers will be given contact details of their equivalent in HMRC, so hope will help resolve issues with benefits/tax credits. This is as much an issue for JCP staff as for advisers.

Crisis loan seems to have settled down, though living expenses payouts have doubled. Future impact this will have on the budget is not clear. There is a budget for Social Fund (budgeting & community care grants), but crisis loan element can be topped up by govt. No particular problems being reported from Bristol (crisis loan DMs).

Leaflets and forms now available from: 0845 8500475

Pathways – Tony B advised his own presentation on this to forum not allowed by his managers. Tony will send something through to Forum for distribution. JCP had their presentation couple weeks ago. Something suitable for external organisations will be made available.

Forum committee have attempted to make contact with A4E requesting presentation at January or May meeting Awaiting response.

In Chris Johnson's absence, no figures were given to Tony on benefit delivery; he has been told only that they are "on top of their work"

Tony attended a JCP conference yesterday and can report that the whole operating model of how to deal with customers at front of house will be overhauled. This will hopefully address some of the issues that people have with (for example) "losing" post that claimants have sent in (medical certificates cause major problems for clients).

Q: crisis loans – forum member reported a problem for a client with recovery of a crisis loan not actually received.

Tony B: Verbal decision causes the trigger to start the recovery payments. In this situation, the system is to await customer contact to ask this recovery is withdrawn. Signing for the payment will now happen and this should help reduce problems.

The two morning payout times not being used, 3pm is the biggest payout time, which can cause probs with volume. Decisions can take as little as 2 hours, so encourage early morning contact.

Patrick H: reported a problem with postage getting lost, no trace. Then told should have sent to the PO box no rather than BDC. Patrick H to send details to Tony B via email for problem to be sorted.

Paula P: has had similar problem but had sent to PO box and not getting through. Paula P to email TB details.

Mark P: also had similar probs, will email evidence also.

Tony B: with specific examples, Tony can chase and sort out problems.

Dean S: Interim payments when benefits delayed. Are discretionary, not a right (as per p7 previous minutes) but still an option. There is a good summary in CPAG handbook re interim payments. Lost post is a good example of when interim payments might help a client.

Tony B: has always tried to promote interim payments – is easy to consider and make payment. Not too complicated in the Decision Makers Guide.

Dean S: another example is when NI number requirement is not met (this is referred to in the Guide)

Tony B: evidence requirement might get in the way of interim payments (the requirements for JSA claimants seem to be stricter than for IS claimants..?)

Problems with premiums being paid on IS claims:

Tony B: warning on system “action reports” flags up when eg DLA payments are being made.

Paula P: the biggest problem is when client isn't in receipt of IS (because they are only eligible when the DLA has been awarded). This is a lot of work to put on client - is this fair?

Tony B: Officers wouldn't action because no valid IS claim. Do you think many people are being affected by this?

Tessa M: have a Carers Allowance claim similar.

Other forum members indicated “yes”.

Dean S: in the past, Denise Martin & George Annis used to follow up an award with an offer to client to make a claim.

Gill J: This happens for pensioners and is backdated, but this is a local initiative. It doesn't happen for people of working age due to the volume of claimants – so if a claim is marked as closed an adviser wouldn't take this up.

Dean S: Could this be taken up as a proactive piece of work?

Laura R: I'll take this back as an action point to DBC

Paula P: not sure why new form (IS10?) is sent to clients for Severe Disability premium when all the information needed is on IS form.

Gill J: There is an additional question about whether anyone is claiming CA for them.

Tony B: we need to have something to take back to the benefit delivery teams. If we can have more details about what causes the problems, we can then look at ways of resolving them – and feed this back up the line.

Dean S: I'll write up a report and send out through forum – others can add case studies.

TB: if there are ways to reduce workloads on Benefits delivery staff (ie if the whole decision doesn't need to be gone through again) this can be of benefit to everyone.

Julia S: This week had a 17 year old lone parent in for an IS advice interview. Was told no one could go up with her in to interview. She needed the support of another person, as she was vulnerable.

Tony B: It's better for us if we know in advance someone is coming with the claimant. There are a couple of issues – we need to make sure that the person is the claimant; we don't want to end up with a lot of other people sat around with claimant. It's another matter if the person is a support worker. I'm surprised that this person wasn't allowed to the interview with young claimant, although we do get it wrong sometimes.

Julia S: She was told no one else could deal with her claim

TB: That's because Lone Parent and Young People advisers have specialist training, so it's correct that no one else could deal with her claim.

Dean S: currently a review of IIDB evidence. Prescribed industrial disease should include stress related and muscular/skeletal probs. Requesting MP Alison Seabeck to support this. Biggest cause of sickness is stress. Dean is asking all advisers to write to Alison to bring this to her attention and to take action. Case Law can support the case.

Patrick H: Pleural plaque no longer recognised, though pleural thickening is.

Q: clients who are refugees are finding it difficult to access JCP. Advisers have flagged up the need for interpreters, but some claimants are having problems with "harassment" – especially young people. Even though they are taking the 3

active steps in seeking employment, they are being asked for more by JCP advisers.

Tony B: has discussed this with managers (following an email from Darin) – to ask what the issue is. From the managers' perspective, JCP is doing all that's required (in terms of getting interpreters – language line etc). Sometimes there can be a problem with booking.

Tony B is offering to sit down and work through the problems, as he has previously done re CAB case. He wants to try and resolve issues – if this has happened for one person, it's likely to have happened with others.

Scott R: Issues are increasing or at forefront because asylum decisions are now taking 2 months rather than 2 years (as previously) – this causes a lot of problems with so many different languages. Lots of different languages and dialects from individual countries (eg African countries)

Tony B: we need to have input from advisers – even though JCP may not be able to resolve problems instantly

For example, how do we identify the language? Then how do we service those claimants? How to decide if “actively seeking” if no English
Eg does there need to be more language provision in city?

Darin H: Promote Translate Plymouth (though need 48 hours notice)

There is a problem with claimants getting a placement on an English course – this can take up to 2 months

Karen S: Issue of Right to reside decision being dealt with by Wick central processing, which can take up to 12 weeks – flagging this up for advisers to keep an eye on (an improved system for dealing with more quickly has been implemented)

Tony B: Before CAB contact about this, was not previously aware of the problem, so when became aware could look into and attempt to resolve

Scott R: Problem with housing – when granted refugee status, they need to find somewhere to live within 28 days of notification of right to stay in country. This is especially difficult when the person has no money. Many people end up sofa surfing.

Laura Rossiter Disability Benefits Centre:

In light of HMRC data loss – DBC & other govt departments have reviewed their processes. This shouldn't be a problem with DBC as they don't send data in this way.

New AA claim pack tested in Bootle – some of the packs might have been sent out locally. No problem for any of our claimants as they will be accepted at DBC
Extension of special rules programme – can be paid up to 3 years not for life.
Entitlement may be therefore reassessed at some point during the claim.

Customer survey – DCS customers were sent this at random – some may have been sent to clients in this area, but this is not a review of entitlement.

A new entitlement notice is now being sent to adult DLA claimants. It is slightly more detailed. It's not sent by Bristol(?) It gives a fuller explanation of how the decision was arrived at. If customer asks for written explanation, this will also be slightly different to relate better to the new decision notice.

There is now a New Unit manager – Angela Staddon (?) – she used to work for Pension Service. Her position will be permanent from Jan 08

There are also some minor shake-ups within the teams, so advisers may come across minor problems while these are ongoing.

Processing is taking slightly over target for DLA, currently 42 days (over the target 38); 15 (target is 18) days processing for AA; special rules (target is 8) is taking 3 days

Paul Lewis left last Fri – new Customer Services Manager is Fred Wilson on: (tel) 0117 971 8345

New phones have been installed in DBC today – hope will be a smooth transition (although keeping old system for couple of weeks)

All telephone numbers will be the same

Customer representatives team is being built up – multi-skilled people who can cover for each others jobs. At present Sally knows advisers who contact DBC on behalf of clients and will give information about claims over the phone, but this might cause a problem for a while as Customer Representatives become more familiar with adviser names.

To avoid problems, the team will need to have names of advisers who might contact DBC on behalf of clients.

Action: Karen S to provide names of CAB advisers

On Appeals – DBC needs to have one person named as representative, rather than the organisation – if no standard Form of Authority, DBC require a person-nominated form. Representative packs which include this form are available
Laura will email a copy of these through to PWRF for distribution

JCP/Pension service report having problems with getting forms sent from the central store – Laura will try to resolve this.

Q: Mark P: DLA using medical reports from IB medicals – is Forum keeping a record of this as a problem?

Karen S: This has been raised with volunteer advisers in CAB, who will keep record of evidence

Dean S: The key to resolving this is to change policy – so that only relevant medical information is used to decide claims

Mark P: Rightsnet are campaigning on this – <http://www.rightsnet.org.uk/>

Patrick H: One problem on the IB medical is that if the doctor presses wrong button on the software programme, this can cause huge problems for the client

Laura R: The only reason question re medical is asked, is to help DM, not to catch people out. They feel that if a medical has taken place, it saves resources to use that information, which might be relevant.

Paula P: medical evidence can be quite conflicting – especially if an appeal against the IB decision is pending

Dean S: This is evident in that there's a huge success rate in overturning decision based on the medical reports

Laura R: GPs evidence is often preferred over the medical services report. DM would see the conflict between evidence given on the form and the IB85 and would then ask for GP evidence to help in making the decision.

Patrick H: client of his asked for the decision on the claim to be looked at again. DLA was due for renewal at same time – it seemed ridiculous to do two forms. He put this to DBC and they accepted that only one needed to be completed, but this was only at the discretion of the DM. Claim was successful. What is the policy?

Laura R: if you can send details, I can look into.

Gill Joyce Pension Service:

All work is up to date – even home visits. Swansea (?) is a little behind. Pension Service is currently doing a scan of pension age people in Plymouth and is in a good position to offer benefits advice and do take up work at the moment. New mental capacity act is having impact on work especially regarding appointee difficulties – they aim to work towards agents dealing with claimants, rather than appointees.

No questions from Forum members – PS is working well as a service

Steve Smith HMRC:

No report, but has come to the Forum to open channels of communication. What are the issues? (though not a tax credit expert) Can take questions back to HMRC for response to send out to Forum, or address at next meeting.

Steve is based in Newton Abbot – he manages the face to face enquiry centres. The service has had a re-design in processes - any visitor meets a floor walker initially (similar to JCP) who makes decision on what help that person needs – access to warm phone, interview by appointment etc. No facility at present for email contact as they have no external email addresses.

Can bring any information needed back to next session.

Q: Mark P: general slowness in complaints system. He has had a 3 month wait for a reply to letter sent on behalf of a client. TCO has continued to send demand letters during that period even though contact was made and an explanation given to the staff that a complaint is in.

Another issue on repayment demands: report of a client separated due to Domestic Violence – TCO insist on sending letters to both parties, including name & NI no of each on the demand – this has caused a lot of distress to the

violated partner. The adviser has asked that this is altered, but was told by TCO that the letters can't be changed.

P60 issue – client tried to get JSA (IB) – was told the NI contributions record was incomplete. The employer had not provided the P45 and she has no P60. Tax office say they won't provide copy of P60 information (P14 is HMRC version).
Steve S: As far as I'm aware, we are able to provide this to clients if necessary.

Patrick H: had similar case. IB ceased due to insufficient contributions, even though client said she had paid them. It's possible that the employer may not have made the payments to HMRC – only way to evidence this would be through the P60 information, which she didn't have. Tax office said wouldn't provide a copy.

Steve S: employers can now provide copies of P60, which they previously couldn't. The Tax office can only provide information that they do have – even if the client needs to make a phone call to the relevant office, it shouldn't be a problem.

Tessa M: If the employer hadn't been making payments, can you chase them?

Steve S: yes, the compliance team would investigate – but would need evidence eg pay slips.

Tessa M: TC overpayments – in a DV case where court has made an order against him, it seemed unreasonable to pursue her for the repayment. Tessa tried to resolve this, writing several letters to the TCO regarding reasonableness of recovery. Eventually she had to go via the MP to successfully agree a write-off. It was very frustrating when no full explanation was given. Each time only two-line letters were sent in response, which failed to acknowledge any of the issues.

Steve S: if an appeal is put in, you would get an acknowledgement that the case is being looked at

Tessa M: in this case we hadn't appealed because there were no grounds to

Dean S: The problem is there's no recourse to the independent appeal process if the O/P wasn't caused by client error

MP: You can make a complaint (to the MP?) but they won't look into it until customer services have responded.

Tessa M: but these are vulnerable people and any delay in getting a response to a complaint causes hardship and distress. It would be helpful if discretion to waive recovery is used in appropriate cases.

MP: Main cause of complaints is that it's "reasonable to know" that they have been overpaid – especially when they have informed TCO of all changes – TCO say they should know because they HAVE reported changes.

A lot is about organisation attitude – not appreciating that many rely on this as “benefit” income.

Dean S: politically, this is not new money – it is what were previously tax allowances and past benefit amounts for children

Tessa M: when an O/P is raised due to a client not sending in their end of year return and when completed and sent it shows they received Tax credits at the correct amount, it seems that often as there’s no loss to public funds, discretion on recovery in these cases should be utilised more.

Gary E: many problems are caused because it’s an automated system, no human checks mean system can exacerbate errors by causing O/P

Paula P: some problems are caused due to treatment by TCO staff

Gary E: a personal example – have had a problem with changing details of bank account – the wrong details were recorded in the decision notice

Dean S: The problems are due to changing the system. These used to be automatic allowances but now barriers are being put up – ignorance of entitlement, form filling, understanding the award notice

Paula P: and there’s still the social policy issue re under 25s not able to claim WTC

Karen S: online survey result from Citizens Advice showed that many people are now reluctant to claim.

Another issue was accessibility - Warm phones were due to be strategically placed around the City, but this has now been rejected by HMRC

Lin R: One client was sent a notice stating that her award was altered following the “death” of her twins (who were not dead!)

Darin Halifax Social Inclusion:

Recently attended the Overview & scrutiny panel – gave a report on Welfare Benefit take up – and came out with a commendation

£7.5 million in previously unclaimed benefits taken up so far under the Income Maximisation strategy

£6.8 attributed to pensioners, people with children & people with disability. Less than £1 million was means tested benefits

IRRV – highly commended – 2nd best in country (St Helens 1st)

Approaches from other councils (Lincoln, Guildford Dagenham & Redbridge) to Darin on partnership working – voluntary sector partners will be asked to contribute to discussions

Darin H now in new job – “Cohesion Officer”

New Financial Inclusion Officer (his previous job) – salary grade was agreed today – advert will be out within the next week

Darin will step down for new officer and will line manage that post

2.475% cost of living pay increase has been agreed for the next year
Pat N & Colin Trend did some training for officers in PCC, which has been successful
Southway benefit event is to take place in December

Venue for PWRF agreed for next year (Council Chambers, Warspite room).

Dates:

31st January 2008

27th March 2008

29th May 2008

31st July 2008

25th September 2008

27th November 2008

PCAB training schedule – is currently being set up and will be circulated very soon

Pat N: Will there be any WB training? Yes

Patrick H: who will be delivering the training?

Darin H: Gingerbread, DWRU & others

Dean S: how is take up monitored?

Darin H: I go round and ask the organisations that we fund. I scrutinise the figures and then report them – from PCC customer services, CAB etc

John W: how do you know the Income Maximisation strategy is accountable for the take up?

Darin H: It's almost impossible to define – we can only say that it's coordinated and measured now

Themes for future meetings:

The committee are asking Members to think about the issues they'd like covered at meetings. Please bring any ideas to January meeting

Conference:

The committee feel that the Forum needs an organisation to help run the conference. Also, members are asked to think of a theme and ideas for workshops etc.

Plymouth & District Mind does not have plans to run a conference next year, so the Forum would need to identify a key organisation to plan and hold the conference.

Please bring ideas to the January meeting

AOB:

Dean S: Reiterates the IIDB issue – stress and mental health – this is an opportunity to influence Social Policy. Consultation is now closed but there is still an opportunity to lobby MPs

Dean expressed disappointment at the lost opportunity as no input was given from any Plymouth organisation.

Paula P: all members of forum have an interest in this issue – all organisations come across people with mental health problems

No time for standard letter to be drawn up, so encourage all advisers to send letters to the MPs

Next meeting: Thurs 31st January 2008 1pm – 4pm