



Nottinghamshire
County Council

Nottinghamshire Welfare Rights Service

Benefit Briefing

May 2009

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The intention of this Briefing is to raise reader's awareness of new issues relating to social security benefit and Tax Credit entitlement. Although every effort is made to ensure that the items in the Briefing are correct, it only gives what is intended to be general guidance. The information should not be treated as a complete and authoritative statement of the law. Items of interest to readers should be checked and further details sought before acting on the information.

Sally Marshall/Julia Bolus/Gill Westcott – Publicity and Take-up Officers tel: Nottingham (0115) 993 4810
Anjam Yahya – Information and Administration Officer tel: Nottingham (0115) 977 4598
e-mail – welfare.rights@nottscc.gov.uk
Website – www.nottinghamshire.gov.uk/benefitsadvice

BENEFITS

This edition of the Briefing is devoted to covering the various changes that have been introduced between September 2008 and April 2009.

Cold Weather Payments

From April 2008, the cold weather payment increased to £25.00 per week if the average temperature where you live is recorded as, or forecast to be, zero degrees Celsius or below over seven consecutive days during the period 1st November to 31st March.

National Minimum Wage rates from October 1st 2008

- Workers aged 22 and over – £5.73 per hour
- Workers aged 18-21 – £4.77 per hour
- Workers aged 16-17 – £3.53 per hour

Permitted work earnings limit – increased to £92 per week and also applies to income related Employments and Support Allowance claimants (replacing the former £20 disregard for disabled Income Support claimants). The Carers Allowance earnings limit increased to £95 per week.

Vaccine damage payments

From 1st September 2008, the Vaccine Damage Payments amendment rules added human papillomavirus to the diseases to which the Vaccine Damage Payments Act 1979 applies.

The Vaccine Damage Payments Scheme provides lump sum payments to ease the present and future burdens of those who have been severely disabled by vaccinations against specified diseases.

New Attendance Allowance and revised Disability Living Allowance Adult Claim Forms

New Attendance Allowance claim pack and revised Disability Living Allowance Adult claim packs were introduced nationally at the end of October 2008. Changes to the Attendance Allowance and Disability Living Allowance claim form include:

- Questions now have a "tick box" format
- The guidance notes have been updated
- For DLA the order of questions has changed (for example, all information needed to register a claim is now on page 1)

Revised renewal and supersession forms are also due to be rolled out nationally in 2009.

Reduction in Benefit Backdating Rules – from 6th October 2008

- For Pension Credit, Housing Benefit and Council Tax Benefit for people **aged 60 and over**, backdating was reduced from 12 months to 3 months. There is no requirement to show good cause for a late claim.
- For Housing Benefit and Council Tax Benefit for those **aged under 60**, backdating was reduced from 12 months to 6 months. There is still a need to show 'continuous good cause' for late claim. (This new limit will be reviewed in late 2009 and the aim is to eventually reduce the time limit to 3 months.

Maintenance Disregards Increased

From 27th October 2008 the weekly amount of Child Maintenance that can be disregarded in the assessment of Income Support, income based Jobseekers' Allowance and income-related Employment and Support Allowance, increased from £10 to £20 per week. Also all payments are fully disregarded in the assessment of Housing Benefit and Council Tax Benefit.

Identity (ID) Cards Required

From November 2008 non EEA foreign nationals have to have ID cards that prove their right to benefit entitlement, their immigration status and if they are allowed to work. The cards will be extended to certain UK citizens in the second half of 2009 and rolled out on a voluntary basis in 2010.

The Tribunal Service Restructured

On 3rd November 2008 the Tribunals, Courts and Enforcement Act introduced the following changes:

- All types of tribunal have been brought together under one structure but split into first tier and upper tribunals.
- For Social Security appeals (SSATs), the system is similar to the previous process. SSATs are first tier and appeals can be made to the upper tier where Commissioners will hear cases.
- Chambers will be created within each tribunal. SSATs will be in the Social Entitlement chamber.
- There is a limited Judicial Review function for the upper tribunal.
- New tribunal procedure rules – including a power to correct errors or change decisions that are clearly wrong.
- Senior President of Tribunals appointed to maintain standards for tribunals, with a Tribunal Procedure Committee that has been established to draw up rules for tribunals.
- Hearings can be held on any issue, for example, striking out and late appeals.
- Tribunal Chairs are now called Judges.
- TAS1 forms are now sent out by The Tribunal Service.

Benefit Changes for Lone Parents

From 24th November, 2008 most lone parent claimants whose youngest child is aged 12 or over are required to look for paid work and are no longer able to make a new or repeat claim for Income Support. They are able to apply for Jobseekers' Allowance or, if unable to work due to a health condition or disability, Employment and Support Allowance.

These changes will not apply to lone parents entitled to Income Support for other reasons. For example, if they have children who are entitled to the middle-rate or highest-rate care component of Disability Living Allowance or receive Carer's Allowance.

- **Disabled lone parents** – who were getting a disability premium with their Income Support, but were not submitting any evidence of incapacity because of a health condition or disability continue to receive Income Support on the grounds of incapacity, as long as they claimed Incapacity Benefit before 27th October 2008.
- **Foster carers** – a lone Parent that is fostering will be entitled to Income Support while they have a child living with them.
- **Students** – lone parents who are full-time students continue to be entitled to Income Support under the old rules. However, full-time students do not qualify for Jobseekers' Allowance as they are treated as being unavailable for work.

The above is not an exhaustive list of lone parents that are exempted from the new rules.

Child Benefit

From 5th January 2009 Child Benefit increased from £18.80 to £20 for the first child and from £12.55 to £13.20 for other children (Child Benefit will be ignored as an income for Housing and Council Tax benefit from October 2009).

Christmas Bonus – Additional payment

An additional amount of £60 was paid between January and March 2009 to those who are over state pension age 60/65 or in receipt of certain disability benefits. It was paid automatically in addition to the £10 Christmas Bonus to claimants who meet the particular residence test and receive a qualifying benefit during the relevant week.

Changes to Help with Housing Costs

From January 2009 – for claimants getting Income Support, Jobseeker's Allowance or income-related Employment and Support Allowance the maximum amount of loan for which help can be received with mortgage interest increased from £100,000 to £200,000 for loans taken out after 10th April 1995.

The former 39 week waiting period before which costs were met has been reduced to 13 weeks. For those entitled to income-based Jobseekers' Allowance, this help will be paid for a maximum of 2 years where previously it would have been paid for the duration of entitlement to Jobseekers' Allowance.

NB: The new regulations also provide for the standard rate of interest to be fixed for all claimants at 6.08%.

Local Housing Allowance (LHA)

As a result of concerns that the costs of the LHA are greater than had been anticipated, from April 2009 the maximum amount of LHA that can be received will be the five bedroom rate and the government will be urgently looking at the scope to constrain these costs.

Help with the Cost of Phone Calls from British Telecom (BT)

BT has introduced a new service to enable people with low incomes to afford a phone service, which reduces the cost of line rental by 50%. The new service is called BT Basic. It is aimed at customers who receive any of the following means tested benefits:

- Income Support
- Income-based Jobseekers' Allowance and income-related Employment and Support Allowance
- Pension Guarantee Credit

For further information, see the website <http://www.btpllc.com/inclusion/phoneservices/services/btbasic>

Self Employed Childminders

From 24th November 2008 childminders are no longer entitled to claim Income Support when their youngest child reaches 12. If they work as a childminder for less than 16 hours a week they have to claim Jobseeker's Allowance. If they work more than 16 hours a week they are not entitled to claim Jobseekers' Allowance. As a result they need to become a self-employed earner and claim Working Tax Credit. This is paid by H M Revenue and Customs.

Nottinghamshire County Council Fund for Disabled People

From September 2008 Adult Social Care and Health's Fund for Disabled people has been changed to target the resources of the fund more specifically at equipment designed to be used by disabled people, such as dropped kerbs, electric scooters, wheelchairs and specialist beds, with a fixed amount agreed for each item (items can only be funded after all other sources of funding have been tried).

In order for a person to be eligible to apply to the Fund, they must:

- Be aged 18 or over
- Have a disability as defined by the Disability Discrimination Act
- Live in Nottinghamshire
- Not already have purchased the item.
- Not received a grant from the Fund within the past two years
- Be able to obtain a supporting letter from a health or social care professional such as a social worker, occupational therapist or doctor. A grant cannot be awarded without this support.

For further details contact:

Commissioning Support Unit – Fund for Disabled People

Tel: (0115) 977 3622 or at the web address

www.nottinghamshire.gov.uk/home/social_care/moneymatters/fundfordisabledpeople.htm

Changes to Benefit Payment Arrangements

Between April and October 2009, the day on which Jobcentre Plus pays benefits or allowances will change. This means that payments of Income Support, Jobseekers Allowance, maternity, bereavement benefits and Incapacity Benefit will:

- Be paid a minimum of fortnightly, continue to be paid in arrears and on a common day linked to a claimant's national insurance number.
- Be paid up to the same day for all of the above Jobcentre Plus benefits that a claimant may receive.

Some claimants may actually lose out as a result of these changes but Department for Work and Pensions (DWP) arrangements to help claimants affected include:

- those currently receiving their benefits weekly in advance, moving to fortnightly in arrears, will be offered a one off non-recoverable overpayment; and
- those currently receiving their benefits weekly in arrears, moving to fortnightly in arrears, will be offered a 75% recoverable bridging payment, to be repaid from the next six fortnightly payments following the first full entitlement.

The DWP has indicated that there may be scope for some claimants to continue to receive weekly payments, for example those with terminal illnesses, and those who can provide evidence that they have severe debt problems.

Flexible Working Extended

From 1st April 2009 people with children up to the age of 16 will be able to request flexible working (formerly this applied only to children up to the age of 6, or 18 if the child has a disability).

Free NHS Prescriptions – extended

People receiving treatment for cancer are exempted from prescription charges from 1st April 2009.

Health in Pregnancy Grant (HiPG)

From 6th April 2009 a new grant of £190 was introduced for all expectant mothers. It is payable from 25th week of pregnancy and is tax free and paid regardless of income and capital. In order to receive the payment, the claim form will need to be signed by a registered midwife or doctor, who has provided health advice during the pregnancy. The HiPG is administered by HM Revenue and Customs (HMRC).

Self Employment Credit

From April 2009 the Self Employment Credit was introduced and is open to those who have been on Jobseeker's Allowance (JSA) for at least six months and are interested in moving into self-employment.

The 'Self Employment Offer' incorporates:-

- a basic or intensive programme of practical advice and training support for people interested in moving into self-employment, depending on the level of need
- in-work mentoring and support for people who require it in the early months of trading
- a new financial incentive, **the Self-Employment Credit** to support that transition as the person moves off JSA and begins trading

The Credit is a weekly payment of £50 and lasts for up to 16 weeks.

Blind People and High Rate Mobility of Disability Living Allowance

The Government has proposed that from 2011 the higher rate of Disability Living Allowance Mobility component will be extended to blind people – for more information see the DWP press release of 18/03/2009 'Cash boost for 20,000 blind people'.

Social fund

An additional £125 million funding for the social fund in 2009/2010 was announced in the April Budget with £145 million in 2010/2011.

Warm Front Grants – Increased

From 23rd April 2009, the Warm Front Grant maximums have been increased from £2,700 and £4,000 to £3,500 and £6,000 respectively.

COMMUNITY CARE

From 6th April 2009 the following disregards and allowances for charging for residential care apply:

- the personal expenses allowance increases from £21.15 to £21.90 per week
- the lower capital limit increases from £13,500 to £14,000 and the upper capital limit increases from £22,250 to £23,000
- the single person's savings disregard increases from £5.45 to £5.65, and the couple's saving disregard increases from £8.15 to £8.45

Liable relatives – From 1st April 2009 the Health and Social Care Act 2008 abolishes the liable relatives rule. This little used rule enabled the local authority to ask the spouse of a resident to contribute towards the residents care fees on the basis that the spouse in the community had a higher level of income and/or capital available to them.

Care Home Charges

From 1st April 2009, for care home residents eligible for nursing care:

- the standard rate for nursing care increases from £103.80 to £106.30
- the high band increases from £142.80 to £146.30 a week

The standard rate for nursing care applies to most people. The higher rate applies to those people who were in receipt of that rate at the time of the introduction of the National Framework in October 2007 and who retain the higher rate unless or until they are assessed as needing a different level of health care.

Retrospective reassessments of eligibility for fully funded NHS care

If a request for a retrospective reassessment of eligibility for continuing healthcare, prior to the introduction of the National Framework in October 2007, has been made and a decision is still pending we would like to hear from you. Primary Care Trusts should be the first step in any local resolution process and should deal promptly with requests for reviews. However, in instances where there is undue delay experienced in the local resolution process, a request can be made directly to the Strategic Health Authority to review the decision.

Please contact Sharon Stobbart, Senior Welfare Rights Officer (Community Care) on 0115 9934810 if you would like further advice on this issue.

Changes to the Independent Living Fund (ILF)

From 31st March 2009, the following changes to the Fund have been introduced.

Overall limit for the first six months

Previously a person was unable to apply to ILF if the joint package costs (ILF and Local Authority (LA)) exceeded £785 per week during the first 6 months. This condition has now been removed.

An application will now be considered whatever the weekly cost of the package as long as the LA contribution is at least £320 and the overall cost is at least £500.

Prioritisation of applicants

The fund will also now give priority to applicants with income similar to **Income Support levels plus 25% and claimants of income related Employment and Support Allowance (ESA)**. Applicants who receive contributions based ESA will undergo a financial assessment to decide whether they are eligible and whether they have priority.

Staffing News

From July 2008 Sue Wing was appointed to the Community Care Team. She is based at Ollerton and covers Kings Mill Hospital and Bassetlaw District.

From September 2008 Sharon Stobbart was appointed Senior Welfare Rights Officer for the Community Care Team.

In October 2008, Liz Vivyan retired from her job share Service Manager post. From March 2009 she was replaced by Lynn Webster who has joined us from Warwickshire Welfare Rights Service.

From March 2009 Lindsay Charnock took up the Home Care Welfare Rights Officer post covering South Nottinghamshire and is based in Arnold.

From June 2009, Charlotte Robertson will take up the new part-time temporary specialist Welfare Rights Officer Stroke Support post.

Publicity

Our leaflets have been updated to include the April 09 benefit uprating. The new leaflet about Disability Living Allowance for children and an Employment and Support Allowance fact sheet have been added to our range. Our revised Publications list will be circulated shortly.

If you would like to be added to our mailing list to receive a copy of our publications list please call the Welfare Rights Service on 0115 9774018, or e-mail us on welfare.rights@nottscc.gov.uk