

**Best Value Review Promotion of Independence**  
**Baseline**

**Maximising Income for Young Adults with Disabilities in**  
**Nottinghamshire**

**1. What is the Current Provision/What is the Current Situation**

A wide range of voluntary and statutory organisations including the Department of Work and Pensions, the Inland Revenue, Nottinghamshire Welfare Rights Service, CAB and DIAL give advice and assistance on income maximisation<sup>i</sup>. In addition solicitors in private practice provide advice services through the “Legal Help” scheme. The DWP administers Social Security benefits, Inland Revenue administers Tax Credits, and the District Councils administer Housing Benefit and Council Tax Benefit. All of these agencies also provide information on their benefits. There are also Training Schemes for people with disabilities run by Job Centre Plus.

Nottinghamshire Welfare Rights Service (NWRS) has a responsibility to provide a range of independent and impartial advice and advocacy services for the public but particularly users of the Social Services Department. There are three specialist Welfare Rights Officers for people with learning disabilities and a half post for Mental Health service users in the north of the county and a new half post for the south. A new post for a half worker to work with Sensory Impaired service users has just been established. A half time Aftercare post works with Care Leavers and provides specialist advice to those with disabilities. NWRS also support advisors with a telephone advice line and provides consultation and referral services for tribunal representation. Leaflets are produced by NWRS to promote benefit take-up, and those relating to children with disabilities up to 16, and young people with disabilities over 16 are particularly relevant to the client group in question. Nottinghamshire Welfare Rights Service provides advice sessions in each district council area<sup>ii</sup>.

CABs are another main provider of advice, through bureaux and outreach sessions, alongside other specialist advice provided by agencies funded by the Social Services Department such as the Carers’ Federation, Nottinghamshire Unemployed Workers Centre and Mansfield DIAL. These organisations can be part funded by the Legal Services Commissions through contracts for advice<sup>iii</sup>. All independent advice providers are expected to reach a quality standard for their work which is audited by the Legal Services Commission.

**2. What are the Known Problems Nationally**

*Disability inevitably leads to extra costs. It is far more difficult for a disabled person to manage on the same income as someone of the same age who is not disabled. Yet the average disabled person has a much lower income than the average non-disabled person, and, despite the range of benefits and other help available to people with*

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*disabilities, not all people manage to work their way through the maze and claim their full legal entitlements. The weekly loss can be substantial.<sup>iv</sup>*

- Half of all disabled people have incomes below half the general population mean, after making an adjustment for disability related costs. The greater the severity of impairment is generally associated with lower income.
- Research for the Joseph Rowntree Foundation found that young adults with disabilities felt that the benefit system was often at the heart of their difficulties in combining different aspects of adult status. It was particularly difficult to be a householder and to have a job, especially for those needing personal care.<sup>v</sup>
- Young adults with disabilities have greater difficulty accessing advice because of mobility, sensory impairment, mental health or learning disability restrictions. The majority of advice provision is advice centre or telephone based and the availability of home visits, with interpreters if necessary, is scarce.
- The benefits available for young adults with disabilities who are in residential care, either permanently or on a respite basis, are very complex and frequently lack of advice results in under claiming of Income Support, and over payment of Disability Living Allowance which is then deducted from future payments causing hardship.
- The risk of losing disability benefits upon starting work is a real barrier to commencing employment and the introduction of Working Tax Credits makes the need for complex and accurate better-off advice essential.
- 'Permitted work' which has replaced 'therapeutic work' rules for benefits relating to incapacity now limits people with disabilities to only six months work experience, before benefit entitlement is affected. Accurate and timely benefits advice is essential for these people.
- The transition into training or the continuation of education has complex benefit implications and requires skilled advice both for the student with disabilities and the provider of the training or educational course.
- There are barriers for young adults under 25 with disabilities who are moving to independent accommodation or supported living. They have difficulties with paying rent because of rent restrictions for under 25 year olds in the Housing Benefit scheme. They also have no access to the Social Fund because their income from Incapacity Benefit frequently takes them just above the Income Support level for under 25 year olds. (£43.25 as against £54.65 for over 25 year olds). Thus there are great difficulties furnishing and equipping a first home for those seeking independence. Young adults without disabilities are able to access the Social Fund in these circumstances.

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- Lack of entitlement to Income Support caused by this slightly higher income from Incapacity Benefit, also debars young disabled people from the passport to free health benefits, including prescriptions, dental and optical care. Paying the prescription charges seriously reduces weekly income, and frequently young people forgo their medication because they cannot afford it. This is particularly prevalent amongst people with mental health problems.
- Claiming Disability Living Allowance (DLA) involves the completion of a long and intrusive form, requiring details of an extremely personal nature. Young disabled adults find this a humiliating experience, and are consequently deterred from applying, or from pursuing an unsuccessful claim further unless they are assisted by a skilled advisor. Many are awarded a lower level of benefit than they should have, and require assistance with revisions and representation at appeal tribunal to gain their correct entitlement.
- Awards of DLA are time limited, and renewal applications have to be submitted at regular intervals. The loss of DLA altogether, or a reduction to a lower level of benefit has a significant impact on income and the rate of and eligibility for other benefits and services. Supported Living and Independent Living Fund provisions are linked to entitlement to various disability benefits or the level of those benefits. It is essential that advice and advocacy is readily available for people in this situation to challenge these decisions.
- Young adults with disabilities who have children face additional complications in accessing benefits.
- Young adults with disabilities from ethnic minorities are doubly disadvantaged in their access to good benefit advice, because of discrimination and cultural and language barriers.
- The timing and nature of benefit claims for young adults can impact adversely on the benefit entitlement of their parents or carers so they need to be taken into consideration and consulted. 16 is a crucial time for benefit claims, and there is evidence of underclaiming of Incapacity Benefit in youth.

### 3. **What are the Known Problems in Nottinghamshire**

The issues identified nationally are all prevalent at a local level.

- Whilst there is some limited provision for specialist welfare rights advice for some categories of disability there are significant gaps in provision for those with physical impairments. There are no specialist NWRS posts for physical disability and no dedicated support to the Disability teams or Transition workers.
- There is a need for training and support through consultancy and casework for social workers and other health care

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professionals in the field of physical disability to enable them to advise their clients, identify issues and refer on appropriately for supersessions, reviews and tribunal representation.

- There is a lack of assistance for form filling such as completion of DLA forms.
- There is an annual reduction of advice given under 'Legal Help', formerly Legal Aid, both by not for profit providers and solicitors.
- There is a lack of advice on welfare rights in rural areas, particularly in the north of the County.
- Smaller voluntary advice centres are threatened with loss of funding because of the over bureaucracy imposed by the requirements of the County Council to maintain the Community Legal Service Quality Mark. Insurance issues also have precipitated an advice centre's closure.
- The precarious and time limited nature of funding opportunities for voluntary advice services can lead to the cessation of specialist welfare rights posts, leaving unmet demand for a service (eg DIAL)

### 4. **What Ideas, Solutions, Options Have Been Suggested Locally**

- A specialist Welfare Rights Officer should be linked to each Disability team in SSD for consultancy, training and complex casework. Similar support should be available to the Transition workers.
- Training should be available on a regular basis for health care professionals and the voluntary sector on disability benefits and income maximisation.
- Voluntary advice agencies should have secure funding for welfare rights provision to people with disabilities.
- A volunteer training and accreditation programme is being established by the Community Legal Service Partnerships in Nottinghamshire to address the shortage of volunteers and paid workers in the advice sector.
- Representations should be made to Central Government to change benefits legislation which adversely impacts on young adults with disabilities eg access to the Social Fund, Health benefits etc. This would require well researched reports and lobbying.
- Work needs to be undertaken to liaise with District Councils to mitigate the effects of rent restrictions, and to seek legislative changes.

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### 5. **Sources of Information**

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<sup>i</sup> A Guide to Advice Services in Nottinghamshire August 2003 published by Nottinghamshire Welfare Rights Service

<sup>ii</sup> Nottinghamshire Welfare Rights Service Annual Report 2001-2002

<sup>iii</sup> Full details of all public advice providers are contained in the Legal Services Commission Community Legal Service Directory for the East Midlands

<sup>iv</sup> Disability Rights Handbook 2003

<sup>v</sup> Becoming Adult: Young disabled people speak. JRF 2002