



Benefits Newsletter May 2018

1. Universal Credit

Universal Credit Roll out on 13th June 2018

Full Service Universal Credit will be introduced for new claimants (on 13th June 2018 for claimants living in the following postcode areas: -

Stoke on Trent : ST1 1, ST1 2, ST1 3, ST1 4, ST1 5, ST1 6, ST2 0, ST2 7, ST2 8, ST2 9, ST3 1, ST3 2, ST3 3, ST3 4, ST3 5, ST3 6, ST3 7, ST3 9, ST4 1, ST4 2, ST4 3, ST4 4, ST6 1, ST6 2, ST6 3, ST6 4, ST6 6, ST6 8, ST6 9, ST7 7, ST9 0, ST9 9, ST11 9, ST12 9

Staffordshire Moorlands: ST2 7, ST2 8, ST2 9, ST3 1, ST3 5, ST3 6, ST6 8, ST9 0, ST9 9, ST10 1, ST10 2, ST10 3, ST10 4, ST10 9, ST11 9, ST12 9, ST13 5, ST13 6, ST13 7, ST13 8, ST13 9,

East Staffordshire: ST10 3, ST10 4

Newcastle under Lyme: ST6 4,

Stafford: ST11 9, ST12 9, ST3 3, ST3 4, ST3 7

Claimants living in the following postcode areas will not have to claim UC until 12th December when UC full service starts in Newcastle and Kidsgrove Jobcentres

ST4 5, ST4 6 and ST4 7, Hanford. Trentvale, Penkhull, Oakhill, London Rd Stoke, Hartshill; ST6 5 Goldenhill; ST6 7 High Lane Burslem, Haywood and Mill Hill; ST7 4 Packmoor

Natural Migration to UC from 13th June 2018

Legacy benefit claimants who have a change of circumstances which requires a new benefit claim on or after 13th June 2018 who are living in one of the above postcode will have to make a claim for Universal Credit instead.

Change in Employment Status

- claimants receiving income-based JSA/Income Support or income-related ESA who start working more than 16 hours a week;
- claimants who are no longer working enough hours to qualify for WTC;
- claimants receiving ESA who are found fit for work following a work capability assessment;
- claimants who were working but are now unable to work due to ill-health;

Change in Family Circumstances

- couples who separate;
- single claimant becomes part of a couple
- claimant on IBJSA/IS/IRESA/HB/WTC becomes responsible for a child for the first time;
- claimant within 11 weeks of giving birth;
- lone parents claiming Income Support because they have a child under 5 will have to claim UC when their youngest child is 5;
- claimants who take on full-time caring responsibilities;
- carers who receives Carer's Allowance and Income Support who are no longer a carer;
- HB claimant moves into a UC full service area will have to claim UC;

Other Changes

- Claimants on income-based JSA who have to attend Jury Service (not available for work);
- Claimants remanded in custody;
- Claimant decides to claim UC even though they are receiving a legacy benefit.

Who can stay on Legacy Benefits?

- HB claimant who changes address within the same local authority will stay on HB even if it is a full-service area;
- Child Tax Credit claimant who has another child;
- Child Tax Credit claimants who have 3 or more children (until January 2019)

Judicial Review

[Leigh Day Solicitors](#) have applied to the High Court for a Judicial Review of Universal Credit, on behalf of two clients who lost their entitlement to the severe disability premium and the enhanced disability premium after 'naturally migrating' from ESA to UC; a loss of £178 a month. One client 'TP' is terminally ill and moved from a 'live' UC area to a full-service UC area for specialist treatment, so he had to end his ESA claim and claim UC. The other client 'AR' has severe mental health problems and naturally migrated from ESA to UC following a change of circumstances. The case was heard over 4 days starting on 1st May; we are still waiting to hear the outcome.

Free School Meals for UC claimants

The Dept for Education has published a [guidance for schools](#) about the new rules for free school meals. It makes it clear there transitional protection is available up to 31st March 2022 for those who were existing free school meal claimants on 1st April 2018 and for those who become entitled to free school meals between 1st April 2018 and 31st March 2022, There is also protection beyond 31st March 2022 for children receiving free school meals on that date for children who are part way through their primary or secondary education; they will continue to receive them until they have finished their current stage of education. We are working with Ruth Smeeth MP on a campaign to encourage families to take up free school meals if they are entitled to them now, to ensure they continue to receive free school meals until at least 31st March 2022. If you would like to get involved with this campaign or to request leaflets or a talk to parents please email potteries.gold@snsCab.org.uk .

Universal Credit for Self-Employed Claimants

The Works and Pensions Select Committee has published a report '[Universal Credit: supporting self-employment](#)' in which it looks at the difficulties that claimants who are self-employed are having with Universal Credit. They recommend that reporting periods for self-employed people should be longer than monthly in cases where income is variable to ensure it takes into account situations where self-employed people are not paid until the end of a contract or in the case of farmers when they have a sale of livestock. The DWP has not yet responded to this.

2. Case law

Employment and Support Allowance

[AG v Secretary of State for Work and Pensions \(ESA\): \[2018\] UKUT 137 \(AAC\)](#)

UT Judge Mitchell ruled that a person's back condition is to be taken into account in determining whether the person is able to pick up and move a light, bulky object by using one arm and the upper body.

Personal Independence Payment

[MB v Secretary of State for Work and Pensions \(PIP\): \[2018\] UKUT 139 \(AAC\)](#)

UT Judge Mitchell ruled that the First-tier Tribunal was wrong to decide that, since most people are unable to reach the upper spinal area, no one can be awarded PIP assessment points for an inability to wash the upper back. Assessing an ability to wash the upper back must focus on washing rather than an ability to reach the area.

[JC v Secretary of State for Work and Pensions \(PIP\): \[2018\] UKUT 110 \(AAC\)](#)

In this case the claimant's representative had requested a postponement because he had been triple-booked for hearings at the same time, but the registrar refused to postpone the hearing as it had already been listed so the First-Tier tribunal went ahead without a representative. The Upper Tribunal decided that the registrar's reasons were inadequate and the hearing should have been postponed.

[JM v Secretary of State for Work and Pensions \(PIP\): \[2018\] UKUT 108 \(AAC\)](#)

UT Judge Rowland ruled that a claimant unable to attend a First-Tier Tribunal hearing in person because of ill-health should have been offered a telephone hearing instead.

[PM v Secretary of State for Work and Pensions \(PIP\): \[2018\] UKUT 138 \(AAC\)](#)

"Medication" versus "therapy". UT Judge Perez ruled that non-medicated compression bandage is therapy not medication and that the pain and the need for assistance in applying the bandage should have been taken into account.

3. Refugees wrongly sanctioned and refused benefits

A [report](#) from the Independent Chief Inspector of Borders and Immigration has found that Syrian refugees resettled under the vulnerable persons resettlement scheme have been sanctioned for attending English language courses instead of carrying out work-related activities and that refugees have also been wrongly refused entitlement to PIP and ESA.

4. New Opening Hours for the Citizens Advice Office in Hanley

From 3rd April 2018 our offices in Cheapside Hanley will no longer be open for drop-in on Wednesdays, but will be open on Thursday afternoons instead.

Monday	9.30—13.30
Tuesday	9.30—13.30
Wednesday	Limited service
Thursday	2.30pm—6.30pm
Friday	9.30—13.30