



Benefits Newsletter January 2017

1. Personal Independence Payment

Case Law Planning and Following a Journey-[CPIP/1347/2015](#)

On 28th November 2016 a panel of three Upper Tribunal Judges met to consider three UT appeals relating to the activity 'Planning and following a journey' and whether descriptors 1d and 1f can be applied if some needs to be accompanied to undertake a familiar (1f)/unfamiliar journey(1d) because they suffer overwhelming psychological distress when they undertake a journey. The three cases were as follows

- In MH the claimant suffered from severe depression, anxiety and agoraphobia and a tribunal awarded 10 points for mobility descriptor 1e (inability to undertake any journey due to overwhelming psychological distress). The claimant appealed to the Upper Tribunal arguing firstly that the conclusion he could not undertake any journey meant he also satisfied descriptor 1f and secondly that he satisfied descriptors under mobility activity 2 because anxiety as a result of being outside caused retching which in turn limited his walking ability to below 50 metres.
- In the second case the claimant suffered from anxiety and panic attacks which caused problems engaging with others and managing unfamiliar routes. A tribunal did not accept that mobility descriptor 1d applied to those who need someone with them in an unfamiliar place because of the effects of anxiety unless there was also evidence of cognitive or sensory impairment which affected their ability to navigate. The claimant appealed to the Upper Tribunal.
- In the third case the claimant suffered from depression. She would become confused and anxious when outside, had not been out unaccompanied for some 4 years, and her husband always accompanied her when she ventured out. Initially scoring no points for mobility activity 1, a tribunal decided that descriptor 1f was satisfied, accepting that the claimant experienced overwhelming psychological distress which led her to lose the ability to navigate without someone present to help her. The Secretary of State appealed to the Upper Tribunal

Decisions

- In MH the three-judge panel dismissed the claimant's appeal finding the tribunal had made no errors of law when it concluded that descriptor 1f was not relevant because the claimant could not undertake any journey due to overwhelming psychological distress, and secondly that he could not score points under mobility activity 2 when his physical symptoms resulted from the mental health problem.
- In the second case the panel allowed the claimant's appeal and referred the case for rehearing as the tribunal had failed to consider if she needed someone with her to help avoid overwhelming psychological distress when following the route of an unfamiliar journey.
- In the third case the Secretary of State's appeal was dismissed, with the panel finding the tribunal made no error of law when it accepted that overwhelming psychological distress meant the claimant could not follow the route of a familiar journey if unaccompanied.

PIP Renewal Forms

The DWP is now using a shortened version of the PIP application form for claimants who applying for a renewal of PIP, which asks basic questions on whether or not their condition has changed, or is the same.. The Citizens Advice website contains [advice to claimants who are completing the PIP AR1 renewal form](#) – click on the link for more information.

2. Universal Credit

Latest UC Stats

The latest statistics published by the DWP show that 430,000 people were on the Universal Credit caseload across the UK, as of 8th December 2016. Of these 190,000 (43%) were in employment.

In North Staffordshire there are currently 2040 UC claimants on the UC caseload whose claim for UC has been awarded; this is an increase of just 2.1% since November 2016. The numbers in employment are higher than the national average.

Local Authority	New Claims 17 th Nov – 8 th Dec 2016	Caseload 8 th December 2016		
	Total	Not in empl	In empl	Total*
Stoke-on-Trent	179	607	635 (51.1 %)	1,242
Newcastle	50	287	306 (51.7 %)	592
Staffs Moorlands	25	92	113 (54.3%)	208
Total	254	987 (48.3%)	1,055 (51.7%)	2,040

45.14% of claimants on the UC caseload in North Staffordshire are under 25; this is a slight increase from 45.06% in November 2016. The number of under 25s in employment has increased from 428 in November to 481 (47.5%) in December.

Under 25s	Not in employment	In employment	Total*
Stoke	276	279	559
Newcastle	128	149	272
Staffs Moorlands	33	60	96
Total	441	481	921

In December 2016 180 claimants (8.81%) had in-work conditionality and were expected to be looking for better paid work; a 9.75% increase from November.

Conditionality Regime	Search ing for work	Working – with require-ments	No work require-ments	Working – no require-ments	Planning for work	Prep for work	Total *
Stoke-on-Trent	762	109	17	349	8	5	1242
Newcastle	345	48	19	175		6	592
Staffs Moorlands	114	25	8	53			208
Total*	1226	180	41	581	6	8	2042

*Figures in these tables have had statistical disclosure control applied to avoid the release of confidential data. Totals may not sum due to the adjustments.

Universal Credit and Rent Arrears

The National Federation of ALMOs (Arms-Length Management Organisations) has published a report '[Universal Credit – Universal Debt](#)' which shows that on 30th September 2016

- 86% of Council Tenants on Universal Credit were in rent arrears and the average arrears are £615 per household compared to £321 in March 2016.
- 59% of universal credit claimants living in council owned homes had arrears that equate to more than one month's rent; and
- 63% of tenants receiving universal credit who were in arrears had pre-existing arrears before their universal credit claim, only 44% of them were on alternative payment arrangements with direct payment from the DWP to their landlord.

Universal Support Evaluation

The DWP has published a report called '[Wave 32 of the Local Authority Insight](#)' which evaluates support given to Universal Credit claimants in the form of discretionary housing payments (DHPs), universal support and the shortened backdating period for housing benefit claims. This report found that claimants accessing 'universal support' would benefit from more 'in-depth, longer-term support'.

3. Bereavement Benefits

From April 2017 Bereavement Allowance, Bereavement Payment and Widowed Parent's Allowance is to be replaced by Bereavement Support Payments. Works and Pensions Minister Caroline Noakes has announced that they are going to extend the length of time that Bereavement Support is to be paid from 12 months to 18 months and reduce the rate of Bereavement Support when this change is introduced in April 2017.

In a [written statement to Parliament](#) she said -

'Having considered representations from the Social Security Advisory Committee, the Work and Pensions Select Committee and groups supporting bereaved people, we have decided to extend the duration of the benefit from 12 months to 18 months.'

However, whilst it had been intended that the new payment would comprise a lump-sum of £5,000 and regular monthly payments of £400 for those people with dependent children, and a lump sum of £2,500 and monthly payments of £150 for those without, the Minister said that under the new proposals -

'Recipients with children can receive an initial ... payment of £3,500 and up to 18 subsequent monthly payments of £350, and those without children can receive an initial payment of £2,500 and up to 18 monthly instalments of £100.'

See [The Bereavement Support Payment Regulations 2017](#)

Bereavement Support Payments will be contributions based; the deceased person will need to have actually paid either Class 1 or Class 2 National Insurance Contributions in at least one tax year which have an earnings factor which is equal to or more than 25 times the lower earnings limit for that tax year. For example, the lower earnings limit for National Insurance in 2016/17 is £112 per week, so the earnings on which NI contribution were paid would need to be 25 x £112 which is £2,800. The contribution conditions do not apply if the deceased died as a result of an industrial accident or disease. See Part 5 Regulation 31 of the [Pensions Act 2014](#)

NB. Widows, widowers and surviving partners who are over pension age on or after 6th April 2016 may be entitled to a [survivor's inherited state pension](#) based on the pension of their late spouse or civil partner so will not be entitled to the Bereavement Support Payments as well.

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