



Overview of disability cases gathered by Early Warning System (EWS) between October 2014 and January 2015 relating to disabled households

- [DWP communications with clients](#)
- [DLA/PIP transfer](#)
- [Implications of delay on devolved areas](#)
- [Mandatory reconsideration of ESA](#)
- [Conditionality and sanctions](#)
- [Work capability assessments](#)
- [Scottish welfare fund](#)
- [The bedroom tax](#)

DWP communication with claimants

Cases gathered through the EWS suggest that poor communication on the part of the DWP is causing problems, particularly for clients with learning disabilities.

- The two clients are friends, one male and one female, and both have mental health issues and learning disabilities. The man was evicted from his rented accommodation and the woman, who is a home owner, invited him to stay with her temporarily. They were invited to an interview by the DWP on at which they were told they should make a joint claim for their benefits (despite the fact they were not a couple and the arrangement was temporary). Their situation was not investigated and they were not asked any questions about their relationship. They were, however, convinced to make a joint claim and have been left worse off and more dependent on each other as a result. **(3196)**
- Communication with the DWP over the phone is creating particular difficulties for claimants with learning disabilities. In one case, a client with learning disability was unable to access an urgent short term benefits advance because he could not clear security questions without support. He had to phone back once he had accessed advice and support, substantially delaying his access to the funds **(Mii14)**
- The mother of an 18 year old girl with learning difficulties and epilepsy decided to make a claim for PIP as her daughter's needs had increased significantly. She sought assistance from support provider as she finds phone calls and the benefits system stressful. After waiting on the line for 40 minutes with an advisor and answering numerous questions, the appointee was asked what mobile network she was calling from. She couldn't answer this question as she was using a work mobile. The DWP terminated the call at this point. **(Mii 30)**

DLA/PIP transfer

The EWS has highlighted problems with various aspects of claiming DLA and PIP. Several advisors have told us that claimants are not being sent renewal forms or reminders relating to their DLA claim. This is causing their claim to lapse and forcing them to apply for PIP as a new claimant instead of continuing on DLA.

- In one case a woman's DLA has been stopped as she did not complete a renewal form. It transpired that the DWP had not send out a renewal form or even a letter advising that DLA was to be stopped. The DLA responded to the complaint by noting that is a courtesy to send this correspondence it is not a requirement. (3002) Older cases suggest that failing to send out renewal forms is becoming common practice.
- In another case a DWP vesting officer completed and submitted a PIP2 form on behalf of an appointee without her knowledge or permission. The visit had been arranged to set up a mother's appointeeship for her adult son. The mother repeatedly asked if the visiting officer was completing the PIP2 form as he was taking a lot of notes, but he said he wasn't. She was only able to check what had been submitted and include additional evidence because she had phoned to ask why the PIP 2 had not been sent out. **Mii 28**
- One client who applied for PIP turned up for her assessment only to be told that it couldn't go ahead because the assessor couldn't get on to the DWP website. Another client was told by her assessor that she shouldn't get PIP because she had worked in the past, more than 10 years ago. **(3202)**

Cases also indicate that some people making applications for PIP are facing long waits for assessments, although waiting times do appear to have reduced in the past six months

- One advisor reported a client waiting 8 months for PIP decision and then dying just after getting lump sum of backdated entitlement **(T27)**. In another case the client told he would have to wait at least one year for PIP assessment. **(Mii11)**

When assessments are finally scheduled they are often difficult or impossible for vulnerable individuals to get to.

- In one case a client with anxiety and paranoia living in Maryhill, Glasgow was allocated an appointment between Christmas and New Year at 9.00am in Edinburgh. Regulations state that individuals can be asked to travel up to 90 minutes to an appointment but in this case the journey would have taken significantly more than 90 minutes as the client could not afford to take a train. **3094**
- Another client lives in Glasgow and has been allocated an appointment at 9:05 in Kilmarnock. He experiences anxiety at going to new places and keeping the appointment would require a friend to visit client at 6.00am to encourage her to get out of bed and then a journey to an unfamiliar town. The client's advisor has phoned ATOS and asked for an appointment in Glasgow. He was told there were none available. **2316**

Processing times for DLA DLA claims are also slow as is the process of getting a mandatory reconsideration of DLA decisions. Claimants cannot appeal against a DWP decision until they have been through the process of mandatory reconsideration.

- In one case a mother claimed DLA for her 12 year old child and submitted a mandatory reconsideration (MR) on 7th July when claim was refused. This was not registered by the DWP until 4th August. Sixteen weeks after the MR was submitted, the adviser called and was told that the process of MR was taking around 26 weeks on average. The delay is causing stress and anxiety for the mother who has her own health and mobility issues on top of caring for 2 disabled children. **Mii 31**

The transition between DLA and PIP is also causing some families difficulties, with gaps between one benefiting stopping and the next beginning.

- One client's DLA award was stopped before PIP had been put into payment. As DLA stopped without warning, the client was forced to cancel her child's birthday celebrations (**Mii10**)

Implications of delay for devolved services/entitlements

The delays involved in claims for PIP and DLA are having knock on consequences, both for claimants' families and for local and devolved services.

- One client was in receipt of DLA (middle rate care/higher rate mobility) and her award date was coming to an end so she was invited to apply for PIP. The PIP form has been completed but no decision has been made as yet regarding the award. The client has a Blue Badge but the expiry date is coming up. Because 'on paper' her award for DLA has expired, her award letter cannot be used to renew her badge. Equally she has no PIP award in place so this cannot be used to meet the eligibility criteria either. (**2336**)
- Another client suffered from Post-Traumatic Stress Disorder and severe anxiety to the point that she was unable to leave her house. She applied for PIP three days after her DLA claim had expired and had to wait 12 months for the claim to be processed and an award to be made. The council continued to invoice the client for care throughout this 12 month period on the assumption that she would receive PIP shortly after her DLA stopped. The client's mental health deteriorated substantially during this time and she had to be referred to the food bank and to access hardship payments to cover costs. **Mii 27**

Mandatory Reconsideration of ESA decisions

Those who are found to be ineligible for employment and support allowance must ask for mandatory reconsideration of the decision before they can appeal it. They are not entitled to ESA while the mandatory reconsideration process is ongoing and are advised to claim Job Seekers Allowance during this time. This seems to be causing a great deal of confusion.

- One client was advised by the Jobcentre Plus not to claim JSA while s/he was waiting for the outcome of an ESA mandatory reconsideration which took 3 months. The client had to pawn most of her possessions in the interim. **Mii**
- Clients are receiving conflicting information about how their ESA should be reinstated after a successful mandatory reconsideration. Some front line Jobcentre Plus staff are telling clients

they have to make a 'new claim' for ESA but that this will be difficult due to the fact they are also claiming JSA. **3081**

Conditionality and sanctions

- One client uses a hoist to get in and out of bed, can't hold a pen, and has unstable angina making work-related activity a risk. In advisor's opinion he should clearly be in the support group for ESA. He was, however, put into work related activity group without a medical and asked to go to work focused interviews. The client had not challenged this decision because he had been so relieved to get access to ESA without a medical. **2974**
- One disabled individual has been told to attend a work focussed interview with Ingeus, despite the fact he is still waiting for a work capability assessment. There is currently nothing in regulations to prevent conditions being placed on access to ESA – even before their needs and capabilities have been assessed, although it is unusual. **2938**
- Another client claimed JSA while her mandatory reconsideration was being processed. She had to ask her work coach to mark her down as absent because her poor health meant she was unable to meet aspects of the claimant commitment. She then missed an appointment as her mental health issues became so severe that she was taken to hospital. She described her experiences at Jobcentre Plus during this time as upsetting and became frightened of attending appointments alone. A welfare rights advisor therefore accompanied the client to the jobcentre and found the work coach to be rude and dismissive to her and the client. **Mii33**
- An illiterate client was sanctioned for four weeks for applying for a job which required him to drive when he didn't have a driver's license. The client was unaware this was a condition of the job. **D12**
- One client has an anxiety disorder and had his JSA stopped unexpectedly for 2 weeks due to an office worker writing the wrong date on a form. The mistake was not easily rectified and the experience exacerbated the client's condition. **D28**
- One client was given five sanctions and had all five overturned at mandatory reconsideration due to having had "good cause". **T32**
- Another client's ESA was sanctioned and it took 3 months for welfare rights officers to restore his income. During this time the client considered leaving his partner and child as he perceived the problems with the family's income to be his fault. He felt they would be better off claiming without him. **Mii 17**

ESA assessment

- One disabled client has been on income related ESA assessment phase rate since April (now November) and there are no signs of a medical being arranged. **2741**
- One advisor has two clients who applied for ESA just under a year ago and there is still no sign of an assessment. Neither of the two will qualify for income based ESA (because their income is considered too high). This means that if they do not receive an assessment before 52 weeks have passed their current 'assessment rate' ESA will be stopped. This is because non-contributory ESA is only paid for 1 year unless the individual is assessed and placed in the support group. **2564**

- One advisor has noted that he is finding that assessment times for ESA are as bad as PIP in his area. Three of his clients first applied in February and there was still no sign of their assessment in October. **2497**

Scottish Welfare Fund

- One disabled client's son, 14, has learning disabilities and is being cared for by client's sister in England. The client has applied for travel costs from SWF to go and collect him and bring him home for Christmas but has been refused. The local authority has said that the fund doesn't cover travel costs. **3090**
- **2921** One disabled individual had a crisis grant refused on the grounds that she is not on a qualifying benefit. The local authority has stuck to this decision and advised that because the tenant is in dispute about his ESA he does not qualify, even though there is no requirement to be in receipt of a qualifying benefit to access the SWF.
- Another client has had ESA suspended following failure to attend medical. Had failed to attend once and offered second appointment but did not receive letter. Has had no payment since July. The DWP have advised that the client has no entitlement to hardship payments or a short term benefit advance. The claimant was told he should go to Scottish Welfare Fund and ask for crisis grant but the council told him that it was the DWP's responsibility to pay benefit and they refused to take the application. **2088**

The Bedroom Tax

- One advisor is supporting a disabled woman affected by the bedroom tax, which she has been paying since April 2013. Due to her disability, she hoards post, only opening some of it. The advisor assisted the woman to put in an application for backdated discretionary housing payment but it has been refused on the basis that they sent her two letters last year about DHP and she didn't respond. **2424**
- A single male with learning disabilities and complex mental health issues was discharged from hospital in 2002 having spent most of his life in institutions. At the time he required 24 hour care and was allocated a three bedroom property which included one bedroom for him, one room for staff sleeping over and another for therapeutic reasons. Having developed independent living skills he now only requires 48 hours support a week and no sleepovers. He gets a discretionary housing payment (DHP) for a percentage of the shortfall in his rent arising from the bedroom tax but he still has to pay £22.64 (in addition to the £87.90 he contributes to his care package). It would be highly detrimental to his mental health if he was to move to a smaller property. **Training B**

Severe / Enhanced Disability Premium and ESA

There are also several cases which suggest that the DWP isn't always paying enhanced disability premium(EDP) and severe disability premium(SDP) properly, leaving severely disabled individuals out of pocket. For example,

- I have a client who I feel should be in receipt of the EDP because she is in the support group of ESA. The EDP should be applied and she should be receiving an extra £15.55 per week of income-related ESA. The DWP have wrongly stated that the client should not be awarded the EDP because she receives contribution based ESA. **2680**

For more information contact Hanna McCulloch, Policy and Parliamentary Officer, Child Poverty Action Group in Scotland (0141 611 7090).