



30 Micawber Street  
London N1 7TB  
United Kingdom

T 020 7837 7979  
F 020 7253 0599  
[www.cpag.org.uk](http://www.cpag.org.uk)

Reg No. 1993854  
Charity No. 294841  
VAT No. 690808117

## SLIDO QUESTIONS AND ANSWERS

### BENEFITS IN A TIME OF CORONAVIRUS WEBINAR – 8 JULY 2020

**Q - HA increases mean benefit cap is being applied to living costs on UC with no recourse to DHP...any update on how vulnerable families can cover the gap?**

A – There is nothing to prevent a DHP being made in a case where a person is benefit capped but whose housing element is sufficient to cover the whole rent. The benefit cap is applied to UC generally not a specific element of it so one cannot say that one bit is capped and not the other.

See JR Template letter- <https://cpag.org.uk/file/4825/download?token=CnXj10fT>

**Q - Are there any signs from the DWP that the benefit cap will increase (to reflect slight increase in benefit amounts)?**

A - Sadly, we're seeing the opposite, despite significant campaigning efforts by us and many other charities.

On 27th May Neil Couling told a Resolution Foundation event that pre covid claimants benefited from a “windfall” when standard allowance and LHA uplifts took effect and therefore they don’t perceive the benefit cap as a problem. New covid claimants are coming from work and will therefore all be exempt from the cap due to the grace period. [<https://www.resolutionfoundation.org/events/the-safety-net-in-action/>]

On 1st June Baroness Stedman-Scott responded to parliamentary question and confirmed there are currently no plans to change the current benefit cap levels.



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[<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-05-14/HL4516/>]

**Q - Any indication that the availability of part time jobs, which help relieve the Benefit cap (£604) on UC are a possible consequence of COVID?**

A - No certainty but probably declining for some months to come; the policy made some big assumptions about the employment market.

**Q - Are people getting WCAs on UC right now?**

A - WCAs are taking place over the phone for people who already had a scheduled assessment when lockdown started.

According to Rightsnet post from liaison meeting with assessors [<https://www.rightsnet.org.uk/forums/viewthread/16118/#76880>]: For people waiting for a WCA to be scheduled, their UC50s are being sent to the assessors. Assessors are then either returning them to decision makers with recommendations for LCWRA/support group status or putting them in the queue for face-to-face assessment.

This contradicts Justin Tomlinson MP (Minister of State, DWP) statement on 14th May that "Assessments haven't stopped... As always, wherever possible we will do a paper-based assessment. If further information is needed, the assessment provider may arrange a telephone assessment."



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**Q - Are you seeing a big increase in workers who are furloughed being affected by benefit cap because of drop of 20% earnings?**

A - We have seen this happen to some people- remember to always check whether claimant can take advantage of "grace period".

**Q - Can students claim UC or job seekers during summer period? Also for those who lost their jobs or on 0 hour contract**

A – Some students are eligible for UC or JSA (e.g. disabled or parent) and you can check their eligibility conditions in the CPAG's Welfare Benefits and Tax Credits Handbook 2019/20 > Part 6: Special benefit rules > Chapter 41: Benefits for students (p879 onwards or here on AskCPAG <https://askcpag.org.uk/?id=-213774>).

Full-time students who are not eligible for UC (as e.g. they are not disabled or a parent) remain ineligible - the rules haven't changed. In Scotland, the government has increased their Access to Learning/Hardship funds but no such measures have yet been taken in the rest of the UK.

Students may nonetheless contact their student support services for about additional financial support (administration of their hardship funds must prioritise supporting students who would otherwise be forced to stop their studies) and check for charitable grants which may assist.

Do keep raising example cases with the EWS: <https://cpag.org.uk/policy-campaigns/early-warning-system>

We've already raised this issue in our first Mind the Gaps briefing: <https://cpag.org.uk/policy-and-campaigns/briefing/mind-gaps-briefing-1> and we need to keep the evidence coming in to put pressure on policy makers for more support for students.



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**Q - Can you give examples of Corollary effect cases?**

A – these are the corollary effects which are listed in the slide that I skipped over:

- \*Less access to support services
- \*Couples with partner stranded abroad
- \*Lack of childcare preventing parents from working
- \*Work stopped suddenly due to coronavirus/ lockdown
- \*Problems obtaining medical certificate or shielding letter
- \*Loss of DHP awards due to temporary uplifts in UC and WTC
- \*Home Office delays having knock-on effect on benefit claims
- \*Delays in DWP decision making e.g. habitual residence decisions
- \*Social sector house moves limited to “most vulnerable” leaving some stuck with bedroom tax
- \*People moving onto UC to take advantage of temporary uplifts may be worse off in the long term

**Q - Do we know what the timeline is for ‘forced migration’ onto UC now, given it was already deferred to 2021 pre-Covid?**

A – Update from Neil Couling today confirmed "As many of you will already know, we have temporarily suspended the pilot to move claimants to Universal Credit (“Move to UC”) and I do not yet know when we will restart work on this."



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**Q - Do you think as PIP and ESA move to telephone assessments some claimants will be disadvantaged as they are seen to cope better than they could face to face**

A – EWS cases indicate that claimants are better able to "attend" telephone assessments so won't see their claims closed for this reason (and even if they did, there's an argument that there is no FTA an appointment that doesn't require physical attendance). However, we have already heard that telephone appointments disadvantage non-English speakers because assessor staff refuse to admit more than 3 people on the call (so if an adviser is also required for remote support they exceed the max), and some especially vulnerable claimants (one lady with dementia was interviewed without her carer and assured the assessor she has no mobility problems - her carer moves her everywhere in a wheelchair).

We continue to gather evidence to ascertain how widespread these issues are.

**Q - Have heard that HMRC have told people that if they claim new style JSA their tax credits will stop.**

A – Oh dear - although irESA and ibJSA are generally abolished by a claim for new style JSA (or ESA) there is nothing that stops TCs in this situation - only a claim for UC does that.



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**Q - Have there has been many cases where UC are refusing a grace period by stating that they are not entitled due to the month they claimed they want less?**

A – Our Early Warning System hasn't picked up any cases where this is happening. However, as Carla noted, the grace period starts from when the earnings dropped below the threshold.

**Q - Have you seen an increase in UC fraud as there seems to be a large number of identity theft style fraud at the moment?**

A – Yes, it's unclear whether the increase is due to fraudsters passing the ID verification online/ by telephone interview or both.

On 30th June, the National Audit Office notes stark increase in fraud and error following DWP response to virus: <https://www.nao.org.uk/press-release/department-for-work-and-pensions-annual-report-and-accounts-2019-20/>

For Universal Credit, the estimated rate of overpayments increased from 8.7% to 9.4%. EWS cases concerning fraud continue to steadily increase.

**Q - Is there any movement to request extra £20 a week on ESA due to Covid 19 as there has been on UC?**

A – Not from CPAG at present. Other organisations considering.



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**Q - I've come across several clients who have been unable to get a NINO due to the office being closed. What would you suggest to allow them to claim Council Tax reduction?**

A – Council Tax reduction does not have a "NINO requirement" - so those decisions are just wrong.

More generally the application for benefit should usually be regarded as satisfying the NINO requirement- see our pre-action letters on NINOs.

<https://cpag.org.uk/welfare-rights/judicial-review/judicial-review-pre-action-letters/national-insurance-numbers>

On 30th June, the National Audit Office notes stark increase in fraud and error following DWP response to virus: <https://www.nao.org.uk/press-release/department-for-work-and-pensions-annual-report-and-accounts-2019-20/>

**Q - If working tax credit claim needs renewal why are advisors encouraging people to go in UC?**

A – Poor training, misunderstanding when a new claim is needed? It's hard to say why in an individual case. Send examples to Kelly-Marie on the Early Warning System

<https://cpag.org.uk/policy-campaigns/early-warning-system>



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**Q - Is there currently a no hour time limit on work for WTC or if they go under 16 or 24 hours must they claim UC?**

A – WTC claimants can continue to be treated as working the same number of hours if work has been reduced or stopped due to COVID.

This is covered in our AskCPAG article on Tax Credits and coronavirus

[https://askcpag.org.uk/content/201050/coronavirus---the-impact-on-tax-credits#A201050\\_2](https://askcpag.org.uk/content/201050/coronavirus---the-impact-on-tax-credits#A201050_2)

**Q - Currently on 2 month delay with getting MR decision on R2R (couple claim, but paid as single) Could send in PAP for delay?**

A – Ask Jess for advice, details at <https://cpag.org.uk/welfare-rights/judicial-review>

**Q - Possibly more of an immigration issue but, is there any indication that the EUSS application deadline will be extended?**

A – Not that I can find apart from this which is speculative and I can't vouch for <https://smartmove2uk.com/eu-settled-status-scheme-extend-covid-19/>

It's not a look HMG would want to be associated with given that they are getting Brexit done?



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**Q - Pre action letters re delays could this be applied to UC fraud where the victim is left with no income and can't make a new claim or go back on legacy benefit?**

A – CPAG has template pre action letters for failure to reinstate benefits following fraudulent UC claim here:

<https://cpag.org.uk/welfare-rights/judicial-review/judicial-review-pre-action-letters/fraud-uc-claimed-fraudulently-3rd-party>

**Q - Scope for the development of a scheme / compensation for those who claimed UC rather than remaining on TCs, as a result of simplified advice from Government?**

A – The EWS has a large number of cases concerning claimants who are worse off on UC (or nothing at all) having followed government advice.

We continue to gather examples of people affected prior to the change in the UC claim process (so up to the start of June). Unfortunately, we haven't been able to identify a legal argument for reinstating their Tax Credit claims (unless you can argue that the UC claim was invalid), and are looking to push for a resolution on the policy front.

We're hopeful that the government will be amenable to helping this group as they tend to be workers and it should be a closed number of identifiable cases. In the meantime, individuals should raise official complaints (both with HMRC and DWP) requesting compensation and contact their MP. If you have one of these cases, please submit as much detail as possible to the EWS: <https://cpag.org.uk/policy-campaigns/early-warning-system>



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**Q - What do you think of assigning earnings to an assessed income period based on the 'pay period' on rather than 'payment date' via RTI?**

A – There are various ways the whole mess with assessment periods and attribution of earnings to a period could be sorted out and not cause the injustices we see.

I don't think CPAG has a position on a particular method that we would like to see used. We just think people should not suffer loss of work allowances or massively see sawing income simply because of attribution of earnings to assessment periods that causes this and does not reflect the reality of how they work and earn.

**Q - What should we advise clients who are penalized for having two payments in one UC assessment period following the court case?**

A – At present the SSWP needs to come up with legislation to fix this. There may be some sort of HR interpretation argument that could be relied upon- keep an eye on the CPAG website as we hope to have a sample MR letter on this shortly.

**Q - Where do we send examples of UC fraud to please?**

A – Please click "submit your case here" on the Early Warning System page of the CPAG website <https://cpag.org.uk/policy-campaigns/early-warning-system>