



A Winter's Tale

Battling for **benefits** at Christmas



**Christmas is here, and according to some,
it's the most wonderful time of the year!
Here at Grand Union Housing Group, we've
been busy decking the halls with boughs of
holly, but we've also been busy supporting
our tenants to claim the disability benefits
they're entitled to.**

This publication aims to highlight some of the issues encountered by our tenants who suffer from poor health, along with the work we're doing to help. Our dedicated welfare benefits advice team is seeing a sustained increase in those accessing the service with specific disability-related benefit queries, and spending a disproportionate amount of time supporting those who have been turned down for assistance.

In these times of unprecedented change and challenge within the housing sector, registered providers are being forced to make efficiency savings

across the board. Some will therefore undoubtedly ask why we offer this level of support.

The answer is simple:

- We're committed to supporting our tenants in improving their quality of life
- We know that claiming disability benefits can facilitate independence and therefore reduce pressure on statutory services
- We recognise that if our tenants have more money in their pockets, it will benefit the wider local economy

- It makes good business sense! It costs the Group £180,000 annually to fund its welfare benefit advice service, consisting of five highly trained, highly skilled individuals but, as this publication demonstrates, the monetary gains are not limited to the customer – successful disability benefit claims, in most cases, create additional entitlements to other benefits, most notably Housing Benefit, a key income stream for any housing provider.



KEY FACTS

Total amount of **benefits claimed for our tenants** in 2016:

£1.8m

Total amount of **disability benefit claimed** in 2016:

£737,400

Total number of **people helped** in 2016:

880



Increase in disability referrals since 2012:

274%



Total amount of **Housing Benefit claimed** in 2016:

£729,206



Percentage of those referred who have **an identified disability**:

55%



Percentage of those **referred for help** with specific disability benefits:

32%



Total amount of Housing Benefit claimed as a direct result of the disability claims:

£234,414



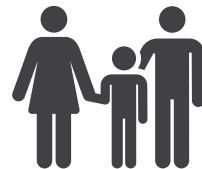
THE KEY BENEFITS WE DEAL WITH ARE:

Jobseeker's Allowance (JSA)



- The claimant is deemed to be able to work, and is expected to undertake a wide range of activities, for 35 hours a week, to find employment.

Average award £73.10 p/w



Income Support

- The claimant may be fit for work but is unable to due to caring responsibilities.

Average award £73.10 p/w



Employment and Support Allowance (ESA)



- Claimant has a health problem that stops them from working. The health condition needs to be both chronic and severe for the claimant not to have to undertake any form of work or training whatsoever.

Basic award £73.10 p/w but rises if claimant qualifies for the Support Group or Work Related Activity Group and various disability premiums.

Disability Living Allowance (DLA) / Personal Independence Payment (PIP)



- Claimant needs to demonstrate that they need additional support to go about their daily living activities, be it from a care perspective, help with mobility, or both.
- PIP replaced DLA in April 2013, with those remaining on DLA invited to claim for PIP in its place.

Award ranges from £21.80 to £139.75 p/w depending on level of need.

We **know** that the **benefits system** is highly complex and can seem impossible to understand. Some of the following case studies highlight this fact, and show the real difference **professional support** can make.

Names have been changed for anonymity reasons.



LAST CHRISTMAS

Mrs Holly, a 42 year old lady suffering with severe epilepsy, was initially referred to the welfare benefits advice service to investigate potential eligibility for disability benefits. At the time she was claiming Jobseeker's Allowance and understandably struggling with the demands of 'signing on'. We helped her make a claim for PIP and meanwhile Mrs Holly was signed off work and eventually moved onto Employment and Support Allowance (ESA).

Unfortunately, Mrs Holly's health condition was so severe that she was unable to attend the PIP assessment arranged for her, despite it being a necessary step for her to claim the benefits she so desperately needed. To make matters worse, her health deteriorated further and she missed the rearranged assessment too. Her PIP claim was then cancelled by the DWP.

We had to start the PIP claim all over again and, at the same time, Mrs Holly's consultants were discussing brain surgery with her as an option to improve the epilepsy, a condition that was uncontrolled and reducing her quality of life to practically nothing. This time, the complexity of Mrs Holly's condition was recognised by the DWP and a PIP award made at the standard rate of daily living and enhanced rate of mobility.

Mrs Holly's ESA was also increased in recognition of her disability and, overall, her income increased by £203.45 per week, or £10,579.40 per year. Unfortunately Mrs Holly is still battling her condition, but is now able to meet her daily care needs and continues to be able to live independently.





MARY'S BOY CHILD

Mr Joseph and his family were referred for welfare benefits advice by their housing officer, who was concerned about escalating arrears on their rent account. They were at the point of being served with a notice advising them of our intention to seek possession of the property, but we were keen to investigate whether or not we could identify any entitlement to benefits before taking more punitive action.

Mr Joseph was working on a self-employed basis and their eldest child, seven year old Nicholas, had severe, evolving and debilitating health problems. He was suffering from significant language delay and was exhibiting a range of neurodevelopmental behavioural difficulties.

Nicholas was going to a specialist school for children with learning disabilities, but no-one had identified that the family may qualify for disability benefits. Their situation was causing a huge amount of stress to both Mr and Mrs Joseph. Mrs Joseph was struggling to care for Nicholas, as well as meeting the everyday needs of her two other children. Mr Joseph

was trying to balance the need to support his wife with the need to go out to work and earn a living. Generally he was trying to stay at home with the family during the day and going out to work at night, which left him exhausted and placed a huge emotional strain on the entire family.

Our advisor helped the family by making a claim for DLA. We worked closely with Nicholas' school and medical team to ensure the award was made quickly.

The family were awarded DLA at £104.10 per week. With this in place, they were also entitled to additional Tax Credits.

Overall, with our assistance, the family were better off by £314.10 every week, which covers the high cost of Nicholas' care. This has made a huge difference to the family and Mr Joseph continues to work on a self employed basis, but with the assurance that they are now able to meet their outgoings.

Crucially for us as a business, this has resulted in a rent account which has been consistently in credit since the disability benefits were awarded.



I'LL BE HOME FOR CHRISTMAS

Mr Shepherd is a young man suffering with Cerebral Palsy and had been claiming DLA from a very young age. He still lives with his family and is very reliant on their support and assistance for almost all aspects of daily life. He is unable to get around, cook, wash, dress or take his own medication independently.

Mr Shepherd was in receipt of the high rate care element of DLA and, as a consequence, his mum was able to claim Carer's Allowance, topped up with Income Support, allowing her to give him the constant care he requires without the added stress of job seeking.

Mr Shepherd's DLA was ending and he was invited to claim PIP but following an assessment of his needs by the DWP, his claim, unexpectedly, was denied. The impact of not having an ongoing entitlement to a disability benefit was that his mum was unable to claim Carer's Allowance or Income Support. The combined financial loss of £146.75 per week, or £7,631 per year, was crippling, and left Mum with one of three options:

- To live with no income at all but continue to provide care for her son

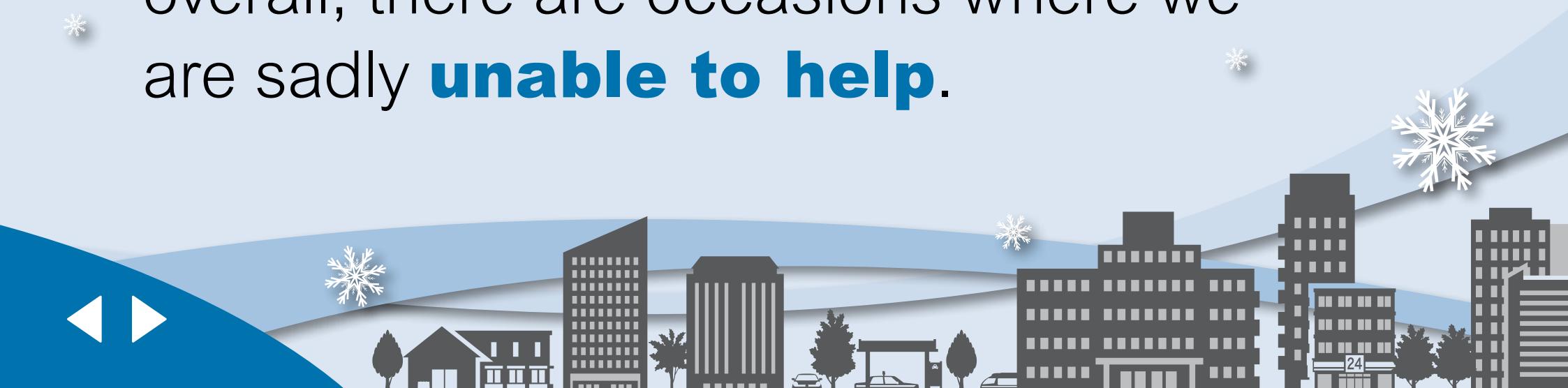
- To claim Jobseeker's Allowance, which would require her to seek and be available for work, making her full time carer's role unviable
- Face the very real possibility of having to move her son into residential care in order to meet his long-term care needs, at a huge cost to the public purse

At this point, the family referred themselves for our welfare benefits advice and, after a long, stressful and hard-fought appeal, Mr Shepherd was awarded the enhanced rate of both the care and mobility elements of PIP, the highest possible award. As a result, he is able to continue living at home with his family, with his care needs met by his mum who had her Carer's Allowance and Income Support reinstated.

Additionally, our advisor was able to identify that Mr Shepherd's property did not suit his or his family's needs and highlighted the issue to our in-house Occupational Therapy team who were able to identify a more suitable property, to which they made a series of adaptations. This enabled Mr Shepherd to live in an environment which afforded him a greater degree of dignity and independence, significantly improving the quality of life of the entire household.



Other **case studies** demonstrate the impact felt when a **disability benefit is taken away**, both on the customer, their families, statutory services and the Group. Despite our best efforts and the amount of **benefits claimed** for our tenants overall, there are occasions where we are sadly **unable to help**.



IN THE BLEAK MIDWINTER

Mrs Manger had suffered from a debilitating and enduring mental health condition for many years, and was in receipt of DLA which amounted to a mobility car and an income of £55.10 per week.

Mrs Manger's mum helped her to complete the new PIP forms, as her DLA was ending, and they both attended the assessment. The PIP assessor did not feel that her needs were sufficient to qualify for PIP and no award was made.

As a result, Mrs Manger lost her mobility vehicle along with the £55.10. Unfortunately, she did not feel mentally strong enough to appeal the decision.

We got involved when a Housing Officer noticed that Mrs Manger was in arrears due to a reduction in her Housing Benefit. We made contact with Mrs Manger who was unaware that losing her disability benefits would reduce the help she received with her rent. She was also unaware that she would lose her working tax credits, as the minimum number of hours to be worked without a disability benefit in place, increases from 16 to 30. Despite the seriousness of her condition, Mrs Manger was able to manage 16 hours of work every week but she, along with her GP and Mental Health Nurse, felt that any more was beyond her capability.

The overall change to Mrs Manger's household income:

Benefit	Old weekly award	New weekly award	Loss
DLA	£55.10	£0	£55.10
Housing Benefit	£84.94	£8.51	£76.43
Working Tax Credit	£53.00	£0	£53.00

- PLUS the loss of her car



Mrs Manger is also deemed to have a spare bedroom and therefore subject to the removal of the spare room subsidy, commonly known as the 'bedroom tax'. She has registered on our transfer list for a move to a smaller property, but no suitable moves have yet been identified.

Mrs Manger continues to work, but is no longer able to afford all her outgoings, and is in arrears with her rent. We continue to work with her in an attempt to sustain her tenancy and quality of life.

DO YOU HEAR WHAT I HEAR?



Mrs Eve has a range of debilitating, life-limiting physical health conditions, including Meniere's disease causing extreme vertigo. She cannot walk unaided and even then only a couple of paces at a time. Sadly, she is unable to carry out even the most basic of daily living tasks independently and relies entirely on her daughter to meet her care needs. Without this assistance she would almost certainly have to move to a nursing home.

Mrs Eve was in receipt of DLA at £55.10 per week and accessed a car through the Motability scheme, enabling her husband or daughter to take her to her various appointments. Her DLA was coming to an end and she was invited to apply for PIP, which she did with the help of her daughter.

Mrs Eve was shocked when she received a letter from DWP advising her that she was not eligible for PIP. Motability quickly removed her vehicle, leaving her housebound. Again with the help of her daughter, Mrs Eve asked the DWP to reconsider their decision, which they did, but their decision was to uphold the original judgement – no PIP award.

Mrs Eve was referred to us by the Council because they were concerned that Mrs Eve was set to lose a considerable amount of her Housing Benefit. We assisted Mrs Eve in appealing to the Tribunal Service, collating very compelling evidence from our Occupational Therapist and her GP. The judge had no hesitation in awarding the PIP – high rate mobility, and the standard rate of care, giving her a weekly income of £55.10 and the option of accessing the Motability scheme again. This should have been quickly paid along with a backdated payment for the six months it took to get to Court.

We were therefore astounded to hear from the DWP, stating that they would be appealing the decision to the Upper Tribunal, which can only consider a case if there has been a mistake in law made by the original judge. As a result, Mrs Eve's PIP payments have still not been made and she remains without a vehicle.

To add insult to injury, whilst this process was ongoing, Mr Eve, who also has significant health problems, was denied a PIP award when his DLA finished. We assisted him in his appeal, again having to take the case to Tribunal, where he was awarded the enhanced rate of both the care and mobility element. We are keeping our fingers crossed that the DWP do not also decide to appeal this decision.



KEY FACT

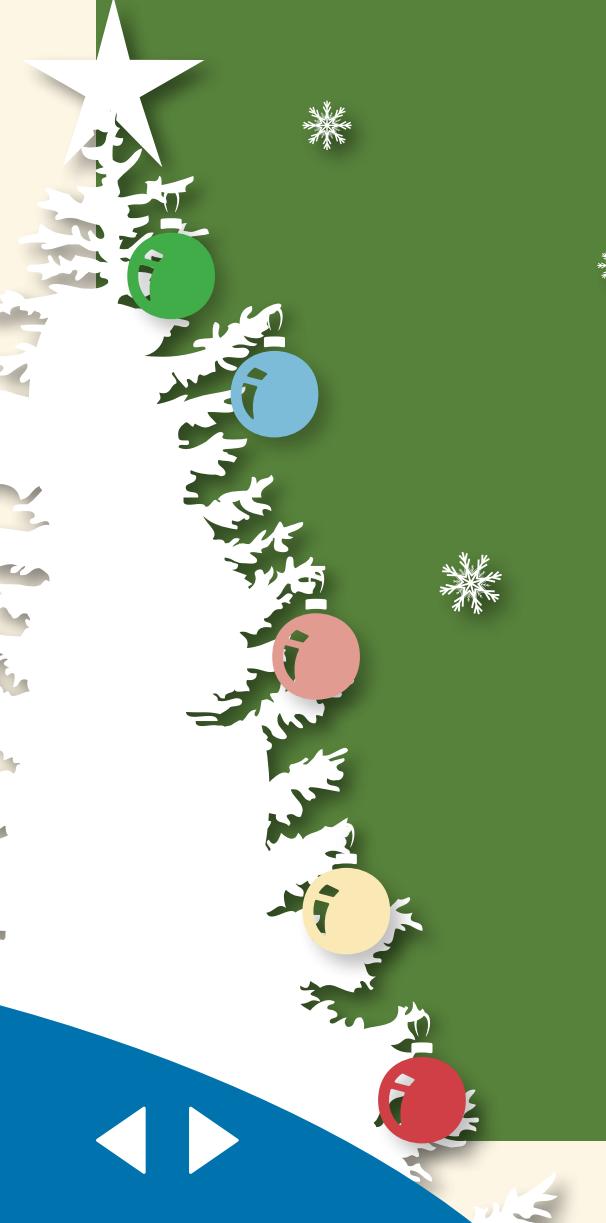
The DWP's appeals process for disability benefits

No award/reduced award > clock starts ticking to start the appeal process within one month of the decision being made > **claimant (with or without support) must submit a mandatory reconsideration request asking for the case to be looked at again, with reasons** > DWP will either uphold their original decision or amend in line with the reconsideration request > **If original decision is upheld, claimant is free to appeal to the Tribunal Service** > A paper submission is made to the Tribunal Service identifying why the claimant believes the DWP's decision is incorrect > **The Tribunal Service will decide, based on the paper submission and/or a hearing, whether or not to revise the DWP's decision** > The unsuccessful party can further appeal to the Upper Tribunal, but only if the original Judge's decision was wrong in law

We are finding that as a general rule, very few appeals succeed at the Mandatory Reconsideration stage. In our case, this figure is less than 10%. However, with our advisor's vigour and expert knowledge, **our success at Tribunal is around 90%** – well above the national average of 60%.



KEY FACTS



Number of **people assisted** in 2016 with disability benefit **appeals**:

48



Average **time taken** from initial claim to tribunal:

24 weeks

(no interim payments available)



Average **staff time spent** to support tenants to appeal:

20 hours



Average **cost of each Tribunal** to the public purse:

£592



Amount spent annually by DWP on appeals:

£60m



Whilst some may query why **we invest** so much **time** in individual appeals, the following **case studies** highlight why we think this is a **good use** of our time.



BABY, IT'S COLD OUTSIDE

Mr Comet, a 19 year old man living with his mum, our tenant, suffers from life-threatening renal failure and needs regular dialysis at his local hospital. In order to receive his treatment, Mr Comet makes the 18 mile round trip on his bicycle, three times every week, whilst waiting for a kidney transplant that will hopefully save his life.

Mr Comet's mum cares for him and, having completed a home visit, our advisor assisted in making a PIP claim for him. Despite sending the PIP application to the DWP via recorded delivery, the form was lost. Consequently our advisor had to visit again to complete a second form.

We also supported Mum to claim Income Support, rather than JSA, allowing her to focus on caring for her son without the added stress of having to find work. It took five months for the DWP to make a decision, eventually turning his PIP claim down on the basis that he was well enough to attend hospital for dialysis. Mum lost her Income Support, forcing her to look for work rather than care for her son.

With our help, Mr Comet requested a Mandatory Reconsideration of the DWP's original decision – the outcome was that they upheld it. After many stressful months, we eventually received a Tribunal hearing date, only for the Court to call us an hour before it was scheduled to take place, informing us that they agreed that Mr Comet was entitled to PIP.

Mr Comet is now receiving £55.10 per week which he uses to help him live with his condition whilst he waits for a new kidney. Mum is now receiving Carer's Allowance and was moved back onto Income Support, giving her the ability to concentrate on looking after her son.



DRIVING HOME FOR CHRISTMAS

Mrs Carol suffers from various debilitating disabilities which significantly limit her ability to undertake the day-to-day activities most take for granted, including the ability to get about independently. She had been in receipt of DLA for many years, entitled to the higher rate of both care and mobility elements. She used the mobility payment to fund a car through the Motability scheme as she was unable to use public transport - she was unable to walk the short distance to the bus stop, had weeping, open sores on her legs and suffered from double incontinence.

Mrs Carol needed to transfer from DLA to PIP and completed the form herself. She was asked to attend an assessment centre but her husband struggled to find a parking space close enough for Mrs Carol to walk from the car to the building. The only available space was normally way beyond her physical ability. Somehow, she managed it, relying heavily on her increasing adrenaline levels produced by her building anxiety and her fundamental

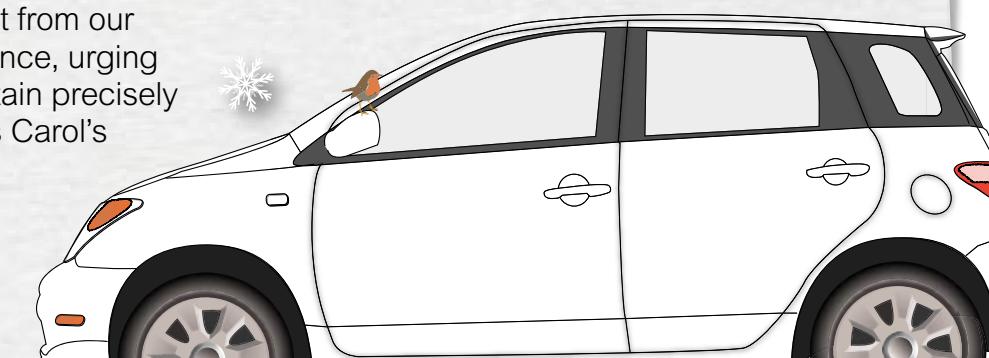
reliance on a continued entitlement to her disability benefits, and from constant physical support and encouragement from her husband. This exertion left her bedbound for the next four days as she was in severe pain and suffering from exhaustion.

The outcome of the assessment was that Mrs Carol was only entitled to standard rate care and mobility, which meant a financial loss of £27.20 per week, but more importantly, the loss of her lifeline – her car. The decision was based on the fact that Mrs Carol had managed to walk to the assessment.

It was at this point that Mrs Carol came to be referred for welfare benefits advice, having been involved with our Occupational Therapy service for the installation of a stair lift. We helped ask for a Mandatory Reconsideration, using a letter from her GP, who had expressed deep concerns over the DWP's decision, and a report from our Occupational Therapist as evidence, urging DWP to contact the GP to ascertain precisely the full nature and impact of Mrs Carol's health issues.

Unfortunately the DWP upheld the original decision without contacting the GP. The Motability car was taken away as she was no longer eligible, leaving her housebound and unable to function independently. As a result of this, Mrs Carol suffered a significant deterioration in her mental health.

We appealed to the Tribunal Service. No new evidence was provided – the Tribunal was given the same submission as the one produced for the DWP. After waiting three months for the hearing date, we were contacted an hour before it was scheduled to take place and informed that the Tribunal had considered the facts of the case and would be overturning the DWP's decision, awarding Mrs Carol with enhanced levels of both the care and mobility element of PIP. This meant the return of Mrs Carol's car and as such, her dignity and her independence.



SUMMARY AND CONCLUSION

We hope that this publication has highlighted how difficult it can be for disabled people to access the benefits to which they are entitled. The system is complex, often unforgiving and can prove too much for some people to do battle with, yet can make the difference between being able to live independently and having to access more expensive, specialist facilities.

Despite the fact that we've been able to help a significant number of people improve their quality of life, we worry about the thousands struggling to live with their conditions without access to such specialist services. We hope that other organisations recognise the importance of providing welfare advice, and that it is quickly becoming a core activity.

We are steadfast in our belief that maintaining the Group's specialist services is a priority and supports our corporate aims - to deliver more homes, stronger communities and better lives.



