

Advice Bulletin: October 2020

ESA Mandatory Reconsiderations

A recent ruling has led the DWP to issue new [guidance for decision makers](#) with regard certain Employment Support Allowance (ESA) claimants looking to challenge an ESA Work Capability Assessment (WCA) decision. Specifically, those eligible for payment pending appeal without a mandatory reconsideration being needed. Some claimants can proceed straight to submitting an appeal and then have ESA reinstated at the assessment phase rate pending a decision on their appeal.

This applies to claimants who have 'failed' the WCA not those who did not complete the WCA or who did not return a form. A Mandatory Reconsideration is still required for claimants who were refused ESA when they did not complete the WCA or did not return a form.

Claimants will still need to provide medical certificates pending appeal.

Clients in receipt of Contributory or New Style ESA and Universal Credit (UC) top up can appeal the ESA WCA decision but could also ask for a MR of the UC decision. They may be OK with only appealing the ESA decision but appealing both may be best. As always, get advice if there is any uncertainty.



There could also be issues for repeat ESA claimants. If they have had one WCA disallowed previously and claim again then refused for a second time, they can't be paid pending appeal (unless they claimed under a new or worsening condition). These cases will be very rare.

Benefit issues for people with health problems and disabilities

During the Covid lockdown claims for Personal Independence Payment (PIP) have fallen by around 50% which means that many people are missing out on vital financial support to help with the costs associated with ill-health or a disability.

The DWP has made the claim process easier by enabling application forms to be sent and received back by email, and by undertaking assessments over the phone rather than in person. By the end of 2020, online applications should be possible.

If you know someone who could be claiming PIP, then please support them to make a claim – call 0800 917 2222. PIP payments range from £23.60 per week for a person with 'mild' mobility issues to £151.40 per week for a person with multiple difficulties with care and mobility issues.

Mental health is often overlooked when considering PIP. There are many ways in which a person with mental health issues can be eligible for PIP, so it is always worth considering a claim.

Severe Disability Premium (SDP)

Severe Disability Premium (SDP) can be paid to a person in receipt of Income Support, income-related ESA, income-based Job Seekers Allowance, Pension Credit Guarantee Credit or Housing Benefit (HB). For SDP to be awarded the claimant must be in receipt of



Disability Living Allowance (middle or high care), PIP (standard daily living component or enhanced daily living) or Attendance Allowance.

You usually have to live alone and for nobody to claim Carer's Allowance for looking after you to qualify. However, there are exceptions so seek help before taking any action. The existence of SDP in a HB claim can mean the person is eligible to claim a 'legacy benefit' such as ESA or Income Support rather than have to claim UC which may lead to them being worse off financially.

If SDP exists, then at present a claim for UC can't be made but this will end in early 2021 so it is important that people get advice.

Scottish Welfare Fund

The Poverty & Inequality Commission has highlighted that the Scottish Welfare Fund (SWF) has been underspent during the pandemic and that councils could do more to distribute emergency financial support for people in need. The [Commission's report](#) focuses on March to June 2020 and notes that less money has been paid out through SWF than in the same period of 2019 and proportionately only 15% of

the budget has been spent during 25% of the year. If a reminder is needed, this report emphasises that there is money available for people in need. Edinburgh has paid out far more Crisis Grants than in previous times and awards have been higher on average so it is worth making an application – it's best to phone 0131 529 5299 though you can make [online applications](#) too.

Tackling Child Poverty

There are far too many children living in poverty in Edinburgh and many are in households where the full welfare benefit entitlement is not being claimed. This information is aimed at raising awareness of what benefits can be claimed.

Housing Benefit

If a household has a low income and is renting their home, then a HB claim may be possible. Often, people will be missing out on a few pounds a week of HB support which can make a significant difference to a household budget. Use the [Turn2Us benefit calculator](#) to see if a person is eligible.

Universal Credit

There are several elements that can make up a Universal Credit (UC) award and having children, a child with a disability or having childcare costs could result in additional income through UC. Use the [entitled to benefit calculator](#) to see if a person is eligible.

Child Benefit

This should be made known to every parent at the point a child is born or a carer assumes responsibility for a child but it can be missed. Eligibility is universal though earning more than £50,000pa will have an impact. Our Registrars' Service can provide [information on claiming Child Benefit](#) and you can [read the full details](#) are on the UK Government's website

Discretionary Housing Payment

As the [Poverty Commission Report](#) has noted, high housing costs are driving many into poverty. It is possible that Discretionary Housing payment (DHP) can help people struggling to pay their rent – it's a generous package of support that is easy to [apply for on our website](#) In advance of claiming, it is advisable to prepare a detailed list of all outgoings a household has and to show that the amount exceeds income.

Universal Credit updates

A two week 'run on' is in place for people moving from some 'legacy benefits' to Universal Credit (UC). This means if someone's existing claim of income-based Jobseeker's Allowance (JSA), income-related Employment and Support Allowance (ESA) or Income Support ends due to them applying for UC they will now receive a new, additional payment, worth up to two weeks of their legacy award.

Conditionality for UC has re-started though it appears to be fairly 'light touch' at present. Work coaches are phoning claimants to update on their situations and provide information on employability options. If you

Best Start Grant

Scottish Government Best Start Grants can provide one off payments for households expecting a child or with young children. Payments range from £250 to £600 to help cover the costs of such significant life events and directly tackle child poverty. There is also support to help purchase healthy foods for families with a child under three. You can [read more about the grant](#) on the MyGovScot website.



Scottish Child Payment

This new benefit will be a £10 per child per week payment for families with a child aged 5 or under. There is no limit on the number of children per family for whom this payment can be made. A child must be aged under 6 on the date in February 2021 when the Payment is set to be made. Applications can be made in advance from November 2020. See the [EVOC website](#) for information on roadshows about this new payment.

Winter Heating Assistance

This new Scottish payment will go to households where a child is in receipt of the highest rate of DLA. An automatic payment of £200 will be made in winter 2020/21.

know of claimants who are being sanctioned, best get advice on whether this can be challenged.

Child Poverty Action Group has flagged up problems for **disabled students** who have not been through a Work Capability Assessment (WCA) for UC. Despite being in receipt of relevant PIP or DLA award, if no WCA has been undertaken then a student will be refused UC. The CPAG news article gives [more information and possible ways around this](#).

For people on UC who are reaching state pension age, there is a **four week 'run on'** assist the transition to being in receipt of the State Pension.

Moving into a new home

Any change in circumstances can mean a change to benefit entitlement but moving home – especially when this is from temporary accommodation into a permanent tenancy – is a crucial point at which things can change.

Some people have lost benefit entitlement as they have wrongly claimed Universal Credit when they move home instead of updating their Housing Benefit claim.

Getting a benefit check done when considering or planning to move is a great way to clarify how rent can be paid and whether entitlements will change. It's also a good point to check about how other essential household costs will be managed – heating a home,

affording food, travel and clothing can all be considered when making a move.



Covid-19 updates

'Furlough' or Job Support Scheme

The UK Government has announced an extension of support for businesses impacted by Covid-19 that should see some workers supported beyond the end of the current 'Furlough' scheme. Read the [Chancellor's announcement](#) for details.

Mortgage Payments

A package of support is available to people who are struggling to afford their mortgage due to Covid-19. Check the Money Advice Service website for details on [how mortgage payment breaks work](#). The last date to apply for a mortgage payment break is 31 October 2020 which will take the break to 31 January 2021.

Self-isolation grants

Individuals who must self-isolate and cannot work may be eligible for a £500 grant. This applies to those who have tested positive for Covid-19 or who have been told by Test and protect to self-isolate due to having been in contact with a someone with a positive test.

[Information about the grant](#) is on the Scottish Government website. Applications are made through the Scottish Welfare Fund within each local authority; you can [apply online](#) in Edinburgh.

For [detailed and up to date information on Covid-19](#) is on the Scottish Government Coronavirus information webpages.

Support for Employment

The Scottish [Job Start Payment](#) launched in August 2020 to provide a grant of £250 to individuals - or £400 for parents – aged under 25 who have been on certain benefits (JSA, ESA, UC or IS) and have secured a job

Contact us

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