



### Challenging or appealing a benefit decision - changes

The rules for challenging or appealing a benefit decision for most benefits paid by the Department for Work and Pensions (DWP) changed from 28 October. The new rules already apply to Universal Credit (UC) and Personal Independence Payment (PIP) claims.

Clients who disagree with a decision about their DWP benefit dated now have to ask the DWP to look at the decision again before they can appeal. This is known as **mandatory reconsideration**.

If they disagree with the outcome of the reconsideration and want to appeal, they must send their appeal directly to the appeal tribunal, not to the DWP. This is known as **direct lodgement**. The DWP decision letter will say whether mandatory reconsideration applies.

If the client's decision is dated before 28 October and it's not about UC or PIP, they still have a choice about whether to ask the DWP to look at their decision again or to appeal straight to a tribunal.

For most DWP benefits, if they're asking for a reconsideration or appealing a claim that's been refused, they won't be paid any benefit until the outcome has been decided.

Clients whose claim is refused as a result of the Work Capability Assessment will no longer be entitled to payment of ESA while their decision is being reconsidered.

If they don't agree with the outcome of mandatory reconsideration and decide to appeal, ESA will start to be paid at the assessment rate while they wait for the appeal hearing. While the client is waiting for the outcome of mandatory reconsideration, they won't be entitled to:

- hardship payments, unless they've been sanctioned
- an advance payment of benefit.

Clients may have to consider claiming Jobseeker's Allowance while waiting for a decision on their ESA. However, they'll need to be willing to look for work and meet the usual Jobcentre requirements.

### Changes to appeals forms

If a client is appealing a DWP benefit decision dated on or after 28 October 2013, they should use the [SSCS1 appeal form](#). This form should also be used for all UC and PIP appeals.

The old GL24 forms should only be used for benefit decisions other than UC and PIP where the decision is dated earlier than 28 October 2013.

## **Benefits which aren't affected by the changes**

The following benefits are not affected by these changes:

- Tax Credits
- Housing Benefit
- Council Tax Reduction
- Child Benefit.

## **Further information**

Information for the public about benefit appeals is available on Adviceguide at [www.adviceguide.org.uk](http://www.adviceguide.org.uk) and on the GOV.UK website at [www.gov.uk](http://www.gov.uk).

You can find more information about changes to the appeals process on the GOV.UK website at [www.gov.uk](http://www.gov.uk).

## **Help for advisers of low-income migrants**

The Low Incomes Tax Reform Group (LITRG), in partnership with Advice NI, has launched an email help service offering free guidance on tax, national insurance, self employment, tax credits and child benefit to voluntary sector organisations that support low-income migrants across the UK. This service is a pilot which will run until 21 July 2014.

The email address is [migrantstax@adviceni.net](mailto:migrantstax@adviceni.net).

The service covers anyone coming from another country to live or work in the UK if they have an annual income of less than £15,000.

The email help service complements the telephone helpline for low income migrants launched in July in partnership with Migrants Resource Centre. Migrants in need of basic guidance can contact the telephone helpline on 033 33355 333.

Both help services are supported by a range of recently published materials, including fact sheets, aimed at migrants and their advisers on the LITRG website at [www.litr.org.uk/Migrant](http://www.litr.org.uk/Migrant).

## **Industrial injuries benefits for trainees**

From 31 October, the Industrial Injuries Scheme is extended to cover trainees on certain government training schemes and courses. This means that if you are a trainee on one of these schemes and you are injured as a result of an accident at work or an industrial disease, you will be able to make a claim for Disablement Benefit and other industrial injuries benefits.

The training schemes covered by this change are for people who are registered as unemployed and who undertake government-approved training or courses to help them into work. The training could be mandatory or voluntary. It doesn't cover people in full time education.

Before 31 October, you had to be an employee in order to claim Disablement Benefit. This excluded most trainees taking part in government training schemes. However, trainees who were injured at work could claim similar payments under a scheme called the Analogous Industrial Injuries Scheme. If you are already receiving payments under the Analogous Scheme, or have made a claim under that scheme, you will be able to receive payments under the main scheme instead from 31 October.

### **Language requirements for settlement and naturalisation**

From 28 October anyone wishing to apply for settled status or for naturalisation is required to hold an English language speaking and listening qualification as well as passing the Life in the UK Test. This replaces the previous system which required applicants either to sit the test or to show sufficient language ability, but not both.

To satisfy the English language speaking and listening requirement an applicant must show that they have reached level B1 of the Common European Framework of Reference for Languages (CEFR). A range of qualifications will be accepted as evidence that an applicant has reached this level, including an ESOL qualification awarded in any part of the UK.

There are a number of exemptions from the new rules, for example, applicants under 18 or over 65 and applicants with physical or mental disabilities.

### **Mortgage rescue scheme soon to close in England**

The government-backed mortgage rescue scheme will close in London from 31 December.

For the rest of England, no more applications will be taken from 31 March 2014.

While the scheme is nearing an end, until then, funding is still very much available, so where mortgage rescue is the right option for a client, please help them to avail of it.

Contact [vincent.lawal@southwark.gov.uk](mailto:vincent.lawal@southwark.gov.uk)

### **Personal Independence Payment: a further change in the reassessment timetable for people getting DLA**

At the beginning of October we told you that some Disability Living Allowance (DLA) claimants would be invited to claim Personal Independence Payment (PIP) from 28 October, not from 7 October as originally planned.

The Department for Work and Pensions (DWP) has now announced that the reassessment of existing DLA claimants for PIP will happen more gradually than previously planned. At first, it will be limited to certain geographical areas only.

This means that from 28 October, if you are getting DLA and you were under 65 on 8 April 2013, the DWP will invite you to claim PIP instead only if you live in **Wales, East Midlands, West Midlands or East Anglia**

You can find a postcode map of the areas affected on the GOV.UK website at [www.gov.uk](http://www.gov.uk).

If you don't live in one of these areas and your fixed term award of DLA is coming to an end, or you report a change in your care or mobility needs while getting DLA, the DWP will ask you to make a renewal claim for DLA instead.

Most DLA claimants will not be affected by the introduction of PIP until October 2015 or later.

New claims for PIP will continue as they are now across England, Scotland and Wales.

The government has also decided **not** to change the criteria for getting the mobility component of PIP following its consultation about this.

### **Scottish Power - extra Warm Home Discount and compensation**

Following the outcome of Ofgem's investigation into Scottish Power's breach of rules about sales practices, Scottish Power have agreed a settlement with Ofgem. They will issue customers who were eligible for a Warm Home Discount (WHD) in the winter of 2012-13 with a cheque or credit for £52.

There will also be a compensation fund for any customers financially impacted. Eligible customers are those who signed up via a face-to-face sale between October 2009 and September 2011 or who signed up via a telesale between October 2009 and January 2012. Customers who signed up online or through other channels are not affected or eligible.

Customers most likely to be affected will receive a letter or email advising them, with a Unique Reference Number and details of how to submit a claim. Having the unique reference number is not essential to make a claim.

Customers who received a payment under the Warm Home Discount in the winter of 2012-13 will get a letter telling them that they will receive a one off payment. This will be with a cheque for £52, or for existing customers, a £52 credit to their account (this will be for £52 less VAT, as VAT will be added as part of their next bill, taking the total amount to £52).

WHD customers who signed up to a Scottish Power supply contract between October 2009 and January 2012 may also be eligible for compensation and can make a claim over and above the payment of £52.

Customers can claim at [www.scottishpower.co.uk](http://www.scottishpower.co.uk) or contact Scottish Power on one of these dedicated telephone numbers: 0800 074 0362 and 0845 030 3048. Where possible encourage customers to complete the application online.

To ensure compensation claims are accurate and processed as quickly as possible, Scottish Power will need to know who the customer's old supplier was and the name of their old tariff. They will calculate compensation by comparing the tariff the customer was on with their old supplier and the one they signed up to with Scottish Power. They aim to process all applications within 28 days.

Scottish Power stopped doorstep sales in November 2011 and have fully reviewed their telesales process to ensure it is fair and not misleading.